



# Public Notice

**U S Army Corps  
of Engineers**  
Huntington District  
Buffalo District  
Pittsburgh District

In reply refer to Public Notice No.

Issuance Date: June 14, 2016

**LRH-2016-00006**

Stream:

Closing Date: July 29, 2016

**N/A**

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-RD-N Public Notice No. (*reference above*)

502 8<sup>th</sup> Street

Huntington, WV 25701-2070

Phone: (304) 399-5210

## INITIAL PUBLIC NOTICE

### NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS

On June 1, 2016, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the 50 existing nationwide permits (NWP) and issue two new NWPs.

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

National Issues Concerning the Proposed NWPs: The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2015-0017 at [www.regulations.gov](http://www.regulations.gov), or by email to [NWP2017@usace.army.mil](mailto:NWP2017@usace.army.mil) or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000. Instructions for submitting comments are provided in the June 1, 2016 Federal Register notice. Comments on the proposed NWPs are due by August 1, 2016.

Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning: Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that the adverse environmental effects of activities authorized by the NWPs are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWPs may be more than minimal. An enclosure for this public notice (**Enclosure 1**) lists the proposed regional conditions currently under consideration by the Huntington, Pittsburgh and Buffalo Districts for Ohio. The Huntington, Pittsburgh and Buffalo Districts are seeking

comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWP are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities in Ohio. Comments on regional issues relating to the proposed NWP and proposed regional conditions should be sent to **Teresa Spagna by mail at above address or by email at [teresa.d.spagna@usace.army.mil](mailto:teresa.d.spagna@usace.army.mil)**. Comments relating to regional conditions are due by July 29, 2016. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices. If you desire to submit your comments on the proposed regional conditions by email, you must comply with the following:

- a) In the subject line of your email, type in ONLY the Public Notice ID No.;
- b) Provide your physical mailing address and telephone number;
- c) Send your email to: [teresa.d.spagna@usace.armymil](mailto:teresa.d.spagna@usace.armymil)
- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

After the final NWP are issued, the final regional conditions will be issued after they are approved by the Division Commander. After the final NWP are issued, States and Tribes will make their Clean Water Act Section 401 (401) water quality certification and States will make their Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 90 days of the Federal Register notice announcing the issuance of the NWP. The final NWP will go into effect on March 19, 2017.

Draft decision documents for each of the proposed NWP, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP with the requirements for issuance under the Corps general permit authority. These documents, as well as the proposed NWP, are available for viewing at [www.regulations.gov](http://www.regulations.gov), docket number COE-2015-0017. Final decision documents will be prepared for the NWP that are issued. In addition, the final national NWP decision documents will be supplemented by division engineers to address their decisions concerning regional conditions for the NWP.

Enclosed is an index of the proposed NWP and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP through the Corps Home Page at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>, at [www.regulations.gov](http://www.regulations.gov) in docket number COE-2015-0017, or at the Federal Register at <https://www.gpo.gov/fdsys/pkg/FR-2016-06-01/pdf/2016-12083.pdf>.

**Index of Proposed Nationwide Permits, Conditions, and Definitions**

***Nationwide Permits***

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities

41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects
  - A. Removal of Low-Head Dams
  - B. Living Shorelines

***Nationwide Permit General Conditions***

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Bird and Bald and Golden Eagle Permits
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple Nationwide Permits
29. Transfer of Nationwide Permit Verifications
30. Compliance Certification

31. Activities Affecting Structures or Works Built by the United States

32. Pre-Construction Notification

***District Engineer's Decision***

***Further Information***

***Definitions***

Best management practices (BMPs)

Compensatory mitigation

Currently serviceable

Direct effects

Discharge

Enhancement

Ephemeral stream

Establishment (creation)

High Tide Line

Historic property

Independent utility

Indirect effects

Intermittent stream

Loss of waters of the United States

Non-tidal wetland

Open water

Ordinary high water mark

Perennial stream

Practicable

Pre-construction notification

Preservation

Re-establishment

Rehabilitation

Restoration

Riffle and pool complex

Riparian areas

Shellfish seeding

Single and complete linear project

Single and complete non-linear project

Stormwater management

Stormwater management facilities

Stream bed

Stream channelization

Structure

Tidal wetland

Vegetated shallows

Waterbody

**Enclosure 1**  
**2017 Proposed Regional Specific and General Conditions for Ohio**

**NWP Specific Regional Conditions**

**1. *Aids to Navigation.*** No proposed regional conditions.

**2. *Structures in Artificial Canals.***

a. Notification in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for any proposed structure exceeding 25% of the width of the existing canal.

**3. *Maintenance.***

a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for the following activities:

- The use of any permanent vertical bulkhead. A vertical bulkhead is defined as any structure, or fill, with a vertical face. It may be constructed of timber, steel, concrete, etc.;
- Activities in Section 10 waters that involve the discharge of greater than 10 cubic yards of dredged and/or fill material below the ordinary high water mark;
- For temporary structures, work, and discharges (including cofferdams) necessary for access fills or dewatering of construction sites occurring in Section 10 waters when the primary activity is otherwise authorized by the Corps of Engineers. The PCN must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions;
- All activities in the Ohio River and the Muskingum River; and
- Any stream channel modification that exceeds a distance of 50 feet upstream and 50 feet downstream of the structure.

b. The placement of any new rip-rap when associated with an existing bridge or similar structure is limited to a total of 200 feet extending in either direction from the structure.

c. For projects located along the shorelines of Lake Erie, Sandusky Bay, and Maumee Bay, all sand and gravel located below the proposed project, both below and above ordinary high water mark (573.4 feet IGLD 1985), will likely be required to be excavated down to clay or bedrock, and side cast into the nearshore area either immediately waterward or downdrift of the project area. It will be at the discretion of the district engineer to determine whether the material located below the authorized structure needs to be relocated, where it should be relocated to, and the appropriate authorization, if needed, for the relocation.

**4. *Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities.*** No proposed regional conditions.

**5. *Scientific Measurement Devices.***

- a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for regulated activities associated with weirs and flumes.

**6. *Survey Activities.***

- a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for “exploratory trenching.”
- b. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for the discharge of greater than 25 cubic yards of dredged and/or fill material into streams.

**7. *Outfall Structures and Associated Intake Structures.*** No proposed regional conditions.

**8. *Oil and Gas Structures on the Outer Continental Shelf.*** No proposed regional conditions.

**9. *Structures in Fleeting and Anchorage Areas.*** No proposed regional conditions.

**10. *Mooring Buoys.*** No proposed regional conditions.

**11. *Temporary Recreational Structures.*** No proposed regional conditions.

**12. *Utility Line Activities.***

- a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for all discharges of dredged and/or fill material into greater than 0.1 acre of scrub/shrub and forested wetlands.
- b. The PCN must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.
- c. Anti-seep collars or clay plugs must be utilized for trenching activities conducted in a wetland.
- d. This nationwide permit does not authorize the placement of manholes in wetlands.
- e. Excess material must be removed to upland areas immediately upon completion of construction.

### **13. *Bank Stabilization.***

a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for the following activities:

- All activities in Section 10 waters that involve the discharge of greater than 10 cubic yards of dredged and/or fill material below the ordinary high water mark;
- All activities in the Ohio River and the Muskingum River; and
- The use of any vertical bulkhead. A vertical bulkhead is defined as any structure, or fill, with a vertical face. It may be constructed of timber, steel, concrete, etc.

b. For projects located along the shorelines of Lake Erie, Sandusky Bay, and Maumee Bay, all sand and gravel located below the proposed project, both below and above ordinary high water mark (573.4 feet IGLD 1985), shall be excavated down to clay or bedrock, and side cast into the nearshore area either immediately waterward or downdrift of the project area in less than three feet of water. Verification of the placement of the excavated material within the nearshore area shall be documented through the submittal of dated photographs and an accompanying photo location map to the district engineer.

c. For projects located along the shorelines of Lake Erie, Sandusky Bay, and Maumee Bay, a one-time sand prefill of two (2) cubic yards of sand per linear foot of shoreline stabilized shall be placed in the nearshore area in less than three feet of water unless the district engineer waives this requirement by making a written determination. Verification of the placement of the sand prefill material within the nearshore area shall be documented through the submittal of contractor's receipts, dated photographs, and accompanying photo location map to the district engineer. The sand shall be from an upland source or other approved source.

d. For bank stabilization projects located in Lake Erie, Sandusky Bay, and Maumee Bay, broken concrete shall not be used as suitable material, unless it is contained within a structure.

e. Proper installation is required for the use of this NWP. This nationwide permit does not authorize material that is dumped from the top of bank resulting in uncontrolled spilling of material over the bank into the waterway.

### **14. *Linear Transportation Projects.***

a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for the following activities:

- All activities in Section 10 waters; and

- Discharge of dredged and/or fill material into greater than 200 linear feet of stream.

b. Interior roadways for recreational facilities and residential, commercial, and institutional developments are not authorized by this nationwide permit.

**15. *U.S. Coast Guard Approved Bridges.***

a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for all activities in Section 10 waters.

**16. *Return Water From Upland Contained Disposal Areas.*** No proposed regional conditions.

**17. *Hydropower Projects.*** No proposed regional conditions.

**18. *Minor Discharges.***

a. This nationwide permit does not authorize stream relocations.

b. This nationwide permit does not authorize valley fills in streams or the complete elimination of a stream.

c. This nationwide permit does not authorize impoundments or well pads for commercial or industrial use.

d. For shore structure or bank stabilization projects located along the shorelines of Lake Erie, Sandusky Bay, and Maumee Bay, that will result in the permanent hardening or filling of the existing shoreline all sand and gravel located below the proposed project, both below and above ordinary high water mark (573.4 feet IGLD 1985), shall be excavated down to clay or bedrock, and side cast into the nearshore area either immediately waterward or downdrift of the project area. Verification of the placement of the excavated material within the nearshore area shall be documented through the submittal of dated photographs and an accompanying photo location map to the district engineer.

**19. *Minor Dredging.***

a. Dredging operations in Lake Erie, Sandusky Bay, and Maumee Bay, that recover material consisting of greater than 60% sand and/or gravel, shall be disposed of in the nearshore area in less than three (3) feet of water and downdrift from the dredging location.

**20. *Response Operations for Oil and Hazardous Substances.*** No proposed regional conditions.

**21. *Surface Coal Mining Activities.*** No proposed regional conditions.

**22. *Removal of Vessels.*** No proposed regional conditions.

**23. *Approved Categorical Exclusions.***

- a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for use of this nationwide permit.
- b. The PCN must include a copy of the Categorical Exclusion determination.

**24. *Indian Tribe or State Administered Section 404 Programs.*** No proposed regional conditions.

**25. *Structural Discharges.*** No proposed regional conditions.

**26. [Reserved]**

**27. *Aquatic Habitat Restoration, Establishment, and Enhancement Activities.***

- a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for direct and/or indirect impacts to greater than 300 linear feet of stream or river and all discharges of dredged and/or fill material into special aquatic sites (i.e. wetlands, riffle and pool complexes, vegetated shallows, mud flats, sanctuaries and refuges).

**28. *Modifications of Existing Marinas.*** No proposed regional conditions.

**29. *Residential Developments.***

- a. Whenever a multiple-lot subdivision is submitted to the Corps of Engineers for review, it must be designed such that preserved, restored or established wetlands are not located on the resulting individual lots.

**30. *Moist Soil Management for Wildlife.***

- a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for use of this nationwide permit unless the applicant is working under the leadership of a governmental wildlife resource agency such as the Natural Resource Conservation Service (NRCS), the United States Fish & Wildlife Service (USFWS), or the Ohio Department of Natural Resources.

**31. *Maintenance of Existing Flood Control Facilities.*** No proposed regional conditions.

**32. *Completed Enforcement Actions.*** No proposed regional conditions.

**33. *Temporary Construction, Access and Dewatering.*** No proposed regional conditions.

**34. *Cranberry Production Activities.*** No proposed regional conditions.

**35. *Maintenance Dredging of Existing Basins.***

a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for use of this nationwide permit.

**36. *Boat Ramps.***

a. This nationwide permit does not authorize discharges of dredged or fill material at the confluence of one stream with another.

b. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for any boat ramp proposed to be located within the area between the upstream and downstream arrival points of any Corps of Engineers lock and dam, or within 1,500 feet of any emergency-mooring cell at any lock.

**37. *Emergency Watershed Protection and Rehabilitation.*** No proposed regional conditions.

**38. *Cleanup of Hazardous and Toxic Waste.*** No proposed regional conditions.

**39. *Commercial and Institutional Developments.***

a. Whenever a multiple-lot subdivision is submitted to the Corps of Engineers for review, it must be designed such that preserved, restored or established wetlands are not located on the resulting individual lots.

**40. *Agricultural Activities.*** No proposed regional conditions.

**41. *Reshaping Existing Drainage Ditches.*** No proposed regional conditions.

**42. *Recreational Facilities.*** No proposed regional conditions.

**43. *Stormwater Management Facilities.***

a. Notification in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for use of this nationwide permit.

**44. *Mining Activities.*** No proposed regional conditions.

**45. *Repair of Uplands Damaged by Discrete Events.*** No proposed regional conditions.

**46. *Discharges in Ditches.*** Proposing to revoke for use in Ohio.

**47. [Reserved]**

**48. Existing Commercial Shellfish Aquaculture Activities.** No proposed regional conditions.

**49. Coal Remining Activities.**

a. The PCN shall include the information required in the Ohio Department of Natural Resources Division of Mineral Resource Management Policy Procedure Directive Regulatory 99-1 entitled Lands Eligible for Remining and dated November 18, 1999 or subsequent document.

**50. Underground Coal Mining Activities.** No proposed regional conditions.

**51. Land-Based Renewable Energy Generation Facilities.** No proposed regional conditions.

**52. Water-Based Renewable Energy Generation Pilot Projects.** Proposing to revoke for use in Ohio.

**A. Removal of Low-Head Dams.**

- a. The PCN shall include the amount of sediments within the pool upstream of the dam that are to be released downstream and discussion of the steps taken to minimizing the potential adverse effects on the downstream aquatic environment.
- b. Sediments to be released from the pool upstream of the dam shall be consistent with Nationwide Permit General Condition 6.

**B. Living Shorelines.**

a. PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for projects located on waters of the U.S.

**NWPs Regional General Conditions**

**1.** Nationwide Permits shall not authorize any activity which negatively impacts bogs and/or fens.

**2.** No nationwide permit may be used in Lake Erie for purposes of diverting water from the Great Lakes.

**3.** Nationwide Permits shall not authorize any activity which has an adverse impact on littoral transport within Lake Erie.

**4. In-Water Work Exclusion Dates:** Any regulated work associated with a nationwide permit cannot take place during the restricted period of the following Ohio Department of Natural Resources (ODNR) In-Water Work Restrictions, unless the applicant receives advanced written approval from the ODNR and notifies the district engineer in accordance with Nationwide Permit Regional Condition 32 and receives written approval from the Corps:

<b>Location</b>	<b>Restricted Period</b>
Salmonid streams <sup>1</sup>	9/15 – 6/30
Percid streams <sup>2</sup>	3/15 – 6/30
Other streams <sup>3</sup>	4/15 – 6/30

1. **Arcola Creek** (entire reach), **Ashtabula River** (Hadlock Rd. to mouth), **Ashtabula Harbor**, **Aurora** Branch of the Chagrin River (RM 0.38 to mouth), **Big Creek** ([Grand River drainage basin] Girdled Road to mouth), **Black River** (from the East Branch/West Branch confluence to Lake Erie), **Chagrin River** (Chagrin Falls to mouth), **Cold Creek** (entire reach), **Conneaut Creek** (entire reach), **Conneaut Harbor**, **Corporation Creek** ([Chagrin River RM 0.27] entire reach), **Cowles Creek** (entire reach), **Ellison Creek** ((Grand River drainage basis) entire reach), **Euclid Creek** (entire reach), **Grand River** (to dam at Harpersfield Covered Bridge Park just upstream of the S.R. 534 bridge to mouth)/**Fairport Harbor**, **Gulley Brook** ([Chagrin River RM 5.54] entire reach), **French Creek** (from Gulf Road to the confluence with the Black River), **Huron River** (from the East Branch/West Branch confluence to Lake Erie), **Indian Creek** (entire reach), **Kellogg Creek** (Grand River drainage basin) entire reach), **Mill Creek** ([[Grand River drainage basin] entire reach), **Paine Creek** ([Grand River drainage basin] from Paine Falls to mouth), **Rocky River** (Cedar Point Rd. (East Branch/West Branch confluence to mouth), **Smokey Run** ([Conneaut Creek RM 3.5] entire reach), **Turkey Creek** (entire reach), **Vermilion River** (dam at Wakeman upstream of the S.R. 20/60 bridge to mouth), **Ward Creek** ([[Chagrin River RM 1.0] entire reach), **Wheeler Creek** (entire reach), **Whitman Creek** (entire reach)

2. **Cuyahoga River** (to dam below the S.R. 82 bridge east of Brecksville (Chippewa Rd.)), **Great Miami River** (to dam south of New Baltimore), Hocking River (lower section), **Huron River** (from the East Branch/West Branch confluence to Lake Erie), **Little Miami River** (lower section), **Maumee River** (to split dam at Mary Jane Thurston State Park and Providence Park in Grand Rapids), **Maumee Bay**, **Muskingum River** (to Devola Dam No. 2 off S.R. 60 north of Marietta), **Ohio River** (entire reach), **Portage River** (entire reach), **Sandusky River** (to Ballville Dam off River Road in Fremont), **Sandusky Bay**, **Scioto River** (lower section), **Toussaint River** (entire reach).

3. **Exceptional Warmwater Habitat, Cold Water Habitat, Warmwater Habitat**, or streams **with** known occurrences of **threatened and endangered (T&E) species**. Includes **Lake Erie & bays**. Special conditions (such as occurrence of T&E species) may mandate local variation of restrictions.

**Note:** This condition does not apply to Ohio Department of Transportation projects that are covered under the “Memorandum of Agreement between Ohio Department of Transportation, Federal Highway Administration, Ohio Department of Natural Resources, and United States Fish and Wildlife Service For Interagency Coordination For Highway Projects Which Involve Stream Crossings, Bank Stabilization, and/or Minor Wetland Fills.”

**5. Waters of Special Concern:** PCN in accordance with Nationwide Permit General Condition 32 and Regional General Condition 6 is required for regulated activities in the following resources:

- a. **Endangered Species:** Due to the potential presence of federally threatened or endangered species or their habitats, PCN in accordance with Nationwide Permit General Condition 32, Regional General Condition 6 and General Condition 18 is required for any regulated activity in jurisdictional waters in Ohio that includes tree clearing or work in the waterway or township of the corresponding counties listed in Appendix 1.

**\*Note 1:** Applicants should ensure they are referencing the latest version of Appendix A by contacting their nearest Corps district office and visiting the online resources identified in General Condition 18(f) of these NWP, since federally-listed species are continuously listed, proposed for listing, and/or de-listed.

**\*Note 2:** As mentioned in General Condition 18-Endangered Species, Federal Agencies should follow their own procedures for complying with the requirements of the ESA. Federal applicants must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

- b. **Critical Resource Waters:**

- In Ohio, two areas have been designated critical habitat for the piping plover (*Charadrius melodus*) and are defined as lands 0.62 mile inland from normal high water line. Unit OH-1 extends from the mouth of Sawmill Creek to the western property boundary of Sheldon Marsh State Natural Area, Erie County, encompassing approximately 2.0 miles. Unit OH-2 extends from the eastern boundary line of Headland Dunes Nature Preserve to the western boundary of the Nature Preserve and Headland Dunes State Park, Lake County, encompassing approximately 0.5 mile.
- In Ohio three areas have been designated critical habitat for the rabbitsfoot mussel (*Quadrula cylindrica cylindrica*). Unit RF26 includes 17.5 rkm (10.9 rmi) of the Walhonding River from the convergence of the Kokosing and Mohican Rivers downstream to Ohio Highway 60 near Warsaw, Coshocton County, Ohio. Unit RF27 includes 33.3 rkm (20.7 rmi) of Little Darby Creek from Ohio Highway 161 near Chuckery, Union County, Ohio, downstream to U.S. Highway 40 near West Jefferson, Madison County, Ohio. Unit RF29 includes 7.7 rkm (4.8 rmi) of Fish

Creek from the Indiana and Ohio State line northwest of Edgerton, Ohio, downstream to its confluence with the St. Joseph's River north of Edgerton, Williams County, Ohio.

- Old Woman Creek National Estuarine Research Preserve.
- c. **Oak Openings:** Wetland activities conducted in the Oak Openings Region of Northwest Ohio located in Lucas, Henry, and Fulton counties. For a map of the Oak Openings Region, visit <http://www.oakopen.org/maps/>.

**6. PCN Submittals:** In addition to the information required under Nationwide Permit General Condition 32, the following information must be provided with the PCN:

a. **Illustrations/Drawings:** The illustrations/drawings must clearly depict the project boundaries and include all elements and phases of the proposed work, latitude and longitude of the project site, and the county where the proposed work would occur. Three types of illustrations or drawings are required to properly depict the work proposed to be undertaken. These illustrations or drawings are identified as a Vicinity Map (i.e. a location map such as a USGS topographical map), a Plan View and a Typical Cross-Section. Each illustration or drawing should identify the project, the applicant, and the type of illustration (vicinity map, plan view or cross-section). In addition, each illustration or drawing should be identified with a figure or attachment number.

b. **United States Fish & Wildlife Service (USFWS):** Prior to submitting PCN, it is recommended that the applicant contact the USFWS, Ohio Ecological Services Field Office by phone at (614) 416-8993, by e-mail at [ohio@fws.gov](mailto:ohio@fws.gov), or by writing to 4625 Morse Road, Suite 104, Columbus, Ohio 43230. The USFWS can provide information to assist in complying with Nationwide Permit General Condition 18 pertaining to endangered species and Nationwide Permit General Condition 19 pertaining to migratory birds and bald and golden eagles. The USFWS can also provide project recommendations specific to Federal Candidate species. Federal Candidate species are those for which the USFWS has sufficient information to propose them as endangered or threatened under the Endangered Species Act, but for which a listing proposal is precluded by other higher priority listing activities. All relevant information obtained from the USFWS should be submitted with the Notification.

c. **Cultural Resources:** The PCN should provide justified conclusions concerning whether or not the proposed activity could affect any historic properties listed, determined to be eligible, or which you have reason to believe may be eligible, for listing on the National Register of Historic Places. This data will be used by the Corps to determine if the proposed activity has the potential to affect historic properties. Be advised that further effort may be required to take into account the effects the proposed activity may have on historic properties, as required by the National Historic Preservation Act of 1966. To ensure compliance with Nationwide Permit General Condition 20, the following basic project information is needed:

- A detailed description of the project site in its current condition (i.e. prior to construction activities) including information on the terrain and topography of the project site, the acreage of the project site, the proximity of the project site to major waterways, and any known disturbances within the project site. Photographs, keyed to mapping, are also needed which show the site conditions and all buildings or structures both within the project site and on adjacent parcels;
- A detailed description of past land uses in the project site. Particular attention should be given to past activities pertinent to the potential for historic properties to exist in the project area. Photographs and maps supporting past land uses should be provided as available;
- A detailed description of the construction activities proposed to take place on the project site and a comparison of how the site will look after completion of the project compared to how it looked before the project;
- Information regarding any past cultural resource studies or coordination pertinent to the project area, if available; and
- Any other data the applicant deems pertinent.

The applicant is encouraged to consult with the Ohio Historic Preservation Office staff and professionals meeting the Professional Qualification Standards as set forth in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716) during this data gathering process. These professionals can assist with compiling the basic project information discussed above and should provide recommendations as to whether or not the proposed project has the potential to affect historic properties and if further effort is required or not required to identify historic properties or assess potential effects to historic properties. These professionals can also compile basic preliminary review information to submit to the district engineer. A preliminary resource review encompasses a search radius of two (2) miles, centered on the project area, and consists of the following resources:

- OHPO United States Geological Survey (USGS) 7.5' series topographic maps;
- Ohio Archaeological Inventory (OAI) files;
- Ohio Historic Inventory files (OHI);
- OHPO Cultural Resources Management (CRM)/contract archaeology files;

- National Register of Historic Places (NRHP) files including Historic Districts; and
- County atlases, histories and historic USGS 15' series topographic map(s).

As an alternative to submitting the information described above, the applicant may choose to complete the Ohio Historic Preservation Office Section 106 Review Project Summary Form or request comments from the Ohio Historic Preservation Office and District Engineer on specific requirements appropriate to the particular circumstances of the project. Similarly, the applicant may choose to hire someone meeting the Professional Qualification Standards as set forth in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716) to conduct what they recommend to be appropriate historic property identification efforts (e.g. archeological survey and/or historic structure inventories) to expedite the review process. Be advised, undertaking identification efforts prior to consideration of the potential of the proposed activity to affect historic properties by the Corps is not without risk. It is possible that previous efforts could be determined insufficient or even potentially unnecessary once reviewed by the Corps and other consulting parties.

Upon receipt and review of the information listed above, the Corps will evaluate the submittal. If Corps determines the proposed activity has the potential to cause effects to a historic property, the Corps will seek consulting parties. In consultation with those parties, the Corps will scope appropriate historic property identification efforts and take into account the effect of the proposed activity on historic properties.

**d. National Wild and Scenic Rivers:** Prior to submitting a PCN for work in a National Wild and Scenic River System, it is recommended that the applicant contact the National Park Service Regional Wild and Scenic Rivers Specialist, at the Midwest Regional Office, 601 Riverfront Drive, Omaha, Nebraska 68102, for assistance in complying with Nationwide Permit General Condition 17. Any determination provided by the National Park Service should be submitted with the PCN.

**e. Agency Coordination:** To assist in agency coordination, a complete compact disc (CD) copy shall be submitted for any PCN Package greater than 15 pages and/or includes maps, drawings, spreadsheets or other similar materials which are larger than 8.5 inches by 11 inches. All files saved on the CD shall be in .pdf format. A hard copy of any oversized maps, drawings, spreadsheets etc. in the PCN package shall be submitted and accompany the complete CD. An index or table of contents shall be provided and correspond with each file saved on the CD and/or within the PCN hard copy.

**APPENDIX 1 TO REGIONAL GENERAL CONDITION 5 (a)**

<b>County</b>	<b>Waterway</b>	<b>Township</b>
Adams	Ohio River, Scioto Brush Creek, South Fork Scioto Brush Creek	Sprigg
Ashtabula	Grand River, Pymatuning Creek	All townships
Athens	Ohio River	Alexander, Ames, Athens, Bern, Dover, Lee, Trimble, Waterloo, York
Brown	East Fork Little Miami River, Ohio River	Huntington
Butler	Great Miami River	
Champaign		Mad River, Salem, Urbana
Clark	Little Miami River	All townships
Clermont	East Fork Little Miami River, Little Miami River, Ohio River	Miami, Pierce, Union
Clinton		Chester
Columbiana		Butler, Hanover
Coshocton	Killbuck Creek, Muskingum River, Walhonding River	
Crawford		Auburn, Bucyrus, Cranberry
Cuyahoga		Within 3 miles of the shore of Lake Erie in Brooklyn, Cleveland, Dover, East Cleveland, Euclid, Newburgh, Rockport, West Park
Darke	Stillwater River	
Defiance	St. Joseph River	Milford
Delaware	Mill Creek, Olentangy River	
Erie		Margaretta; within 3 miles of the shore of Lake Erie in Berlin, Huron, Perkins, Sandusky, and Vermillion
Fairfield		Walnut
Fayette		Concord, Green, Jasper, Jefferson
Franklin	Big Darby Creek, Little Darby Creek, Scioto River	
Fulton	Swan Creek	
Gallia	Ohio River	
Greene	Little Miami River	Bath, Spring Valley

Hamilton	Great Miami River, Little Miami River, Ohio River	Colerain, Columbia, Crosby, Miami, Spencer, Sycamore, Symmes, Whitewater
Hancock	Blanchard River	
Hardin	Blanchard River	Blanchard, Hale, Jackson, Roundhead
Hocking		Benton, Green, Laurel, Marion, Starr, Ward, Washington
Holmes		All townships
Huron		New Haven, Richmond
Jackson		Liberty
Lake	Grand River	Within 3 miles of the shore of Lake Erie in Madison, Mentor, Painesville, Willoughby
Lawrence	Ohio River	Decatur, Rome, Union
Licking		Union
Logan	Great Miami River	Perry, Stokes, Zane
Lorain		Within 3 miles of the shore of Lake Erie in Amherst, Avon, Black River, Brownhelm, and Sheffield
Lucas	Swan Creek	All townships
Madison	Big Darby Creek, Little Darby Creek	
Mahoning		All townships
Marion	Tymochtee Creek	Big Island, Bowling Green, Grand, Montgomery, Salt Rock
Meigs	Ohio River	
Miami	Great Miami River, Stillwater River	
Montgomery	Great Miami River, Stillwater River	Mad River
Morgan	Muskingum River	Deerfield, Homer, Malta, Marion, Penn, Union
Muskingum	Muskingum River	
Ottawa		All townships
Perry		Bearfield, Coal, Monroe, Pike, Pleasant, Salt Lick
Pickaway	Big Darby Creek, Scioto River	
Pike	Scioto River	
Portage		All townships
Preble		Gasper, Somers

Richland		Plymouth
Ross	Salt Creek, Scioto River	Colerain
Sandusky		All townships
Scioto	Ohio River, Scioto Brush Creek, Scioto River, South Fork Scioto Brush Creek	Nile, Rush, Union
Shelby	Great Miami River	
Summit		Tallmadge
Trumbull	Pymatuning Creek	All townships
Union	Big Darby Creek, Little Darby Creek, Mill Creek, Treacle Creek	
Vinton		Brown, Elk, Knox, Madison, Swan
Warren	Great Miami River, Little Miami River	Salem, Turtle Creek, Wayne
Washington	Muskingum River, Ohio River	
Wayne		All townships
Williams	Fish Creek, St. Joseph River	Bridgewater, Center, Florence, Jefferson, Madison, Northwest, St. Joseph, Superior
Wyandot	Tymochtee Creek	Marseilles, Mifflin, Pitt