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# Public Notice

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Applicant: **The Nature Conservancy** Published: March 28, 2019  
Expires: April 29, 2019

U.S. Army Corps  
of Engineers  
Buffalo District  
CELRB-TD-R

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Application No: LRB-2018-01446 & LRB-2012-01404  
Section: OH

All written comments should reference the above Application No. and be addressed to:  
Buffalo District U.S. Army Corps of Engineers  
Buffalo District Office (Attn: Susan Baker)  
1776 Niagara Street  
Buffalo, NY 14207

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**INTERESTED PARTIES ARE HEREBY NOTIFIED THAT THE NATURE CONSERVANCY HAS PROPOSED A MITIGATION SITE TO BE INCORPORATED INTO THEIR IN-LIEU FEE MITIGATION PROGRAM (ILFP). A MITIGATION PLAN HAS BEEN RECEIVED FOR THIS SITE PURSUANT TO 33 CFR 332 AND 40 CFR 230. THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE ESTABLISHMENT OF THE PROPOSED MITIGATION SITE AND THE MITIGATION PLAN. THERE IS NOT AT PRESENT AN APPLICATION FOR WORK IN WATERS OF THE UNITED STATES AT THIS SITE. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT THIS MITIGATION SITE WILL BE APPROVED.**

APPLICANT: The Nature Conservancy, Ohio Mitigation In-Lieu Fee Program, 6375 Riverside Drive, Suite 100, Dublin, Ohio 43017-5045

LOCATION: The 23.1-acre proposed Fowler Woods ILFP mitigation site (Site) is located south of Noble Road and east of Olivesburg-Fitchville Road, Butler Township, Richland County, Ohio (40.974424° N, -82.468368° W).

BACKGROUND: Under Section 404 of the Clean Water Act (CWA), applicants requesting Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands and streams, are often required to mitigate for permitted wetland and stream losses by creating, restoring, enhancing, or in exceptional circumstances, preserving wetlands and streams. One method of fulfilling this obligation can be to purchase advanced credits from an approved ILFP. The establishment and use of an ILFP mitigation site must be in accordance with the ILFP instrument signed by the Interagency Review Team (IRT). The IRT is comprised of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service (USFWS), the United States Department of Agricultural Natural

Resources Conservation Service, the Ohio Environmental Protection Agency, and the Ohio Department of Natural Resources. The Nature Conservancy ILFP was approved in December of 2014 and is authorized to provide wetland mitigation via sale of advanced credits in forty-four service areas within the State of Ohio, including the Huron-Vermilion 8-digit Hydrologic Unit Service Area.

The Site is proposed to be used to fulfill mitigation obligations assumed by The Nature Conservancy through sale of advanced credits in the Huron-Vermilion (04100012), Sandusky (04100011), Cedar Portage (04100010), Blanchard (04100008), and Lower Maumee (04100009) 8-digit Hydrologic Unit Service Areas.

PROJECT DESCRIPTION: The 23.1-acre Site consists of old field. One intermittent tributary, Clear Creek (846 linear feet), persists on the site though segments are captured below ground in field tiles. Three emergent wetlands comprising a total of 0.068 acre and two scrub-shrub wetlands comprising a total of 0.089 acre persist on the site. The Site was historically altered via tiling and topsoil modifications to allow for grazing and row crop farming practices. The on-site tributary (Clear Creek) was captured with the use of tiles. The Site topography is relatively flat and drains towards Clear Creek.

The proposed goals and work plan for the Site are described below:

- Re-establish and restore 846 linear feet of an intermittent tributary, Clear Creek, through full-extent channel restoration involving dimension, pattern, profile, and re-establishment of a new floodplain to improve water quality and stream ecology. Clear Creek would be daylighted by reestablishing its channel above ground, reconnected it to its floodplain, and in-stream habitat features would be constructed.
- Re-establish 2.1 acres/522 linear feet of extra riparian buffer via planting of high quality, native woody species.
- Re-establish 4.2 acres of forested and scrub-shrub vernal pool wetlands in areas of existing hydric soils. Re-establishment of wetlands would focus on the former row crop agricultural areas where the topography is flat, in areas where seeps are present on slight slopes, and where hydric soils are present. Hydrology for the re-established wetlands would come from precipitation and groundwater. Minimal grading would be required and excavation would likely be shallow (0.25-0.5 feet in depth). Existing field tiles would be disrupted. The re-established wetland areas would be planted with diverse species similar to the existing high quality vernal pools within the surrounding Preserve.
- Re-establish 8.6 acres of vital forest buffer for wetlands and 5.4 acres of extra upland forest buffer for wetlands via planting of high quality, native woody species.
- Existing wetlands would be rehabilitated through minor soil grading to restore pre-settlement vernal pool topography, control of invasive plant species, planting of high quality native species, and improvements to the hydrological regime.

In accordance with the credit generation ratios portrayed in Table 3 of the Fowler Woods In-Lieu

Fee Mitigation Plan, The Nature Conservancy proposes to generate a total of 6.1 wetland credits and 1,612 stream credits to offset wetland and stream impacts permitted by the Corps of Engineers or other agencies (see table below). The credits generated would be used to fulfill the mitigation obligations assumed by The Nature Conservancy through the sale of wetland and stream credits anywhere within the service area as previously described.

Stream or Wetland Type	Method of Compensation	Acres/Linear Feet	Estimated Credit Ratio	Estimated Stream Credits	Estimated Wetland Credits
Clear Creek	Type 1: Level 2 Steam Restoration	846	1.75:1	1,481	--
	Type 4: Extra Buffer Re-establishment	522	1:4	131	--
Forested Wetland	Re-establishment	4.2	1:1	--	4.2
Wetland Buffer (50 Meter)	Re-establishment	6.7	1:5*	--	1.3*
	Re-establishment (Within the 100ft property buffer)	1.9	1:10	--	0.2
Extra Wetland Buffer	Re-establishment	3.2	1:10	--	0.3
	Re-establishment (Within the 100ft property buffer)	2.2	1:15	--	0.1
<b>TOTAL:</b>				<b>1,612</b>	<b>6.1</b>

\* Buffer credit proportion of total wetland credit would yield more than 30% therefore the ratio is reduced to 1:5 to reduce the amount of credit given for wetland buffer.

The entire Fowler Woods In-Lieu Fee Mitigation Plan, including site photographs, may be found on the Buffalo District's website along with this Public Notice:

<http://www/lrb.usace.army.mil/Missions/Regulatory/ActionsandNotices/PublicNotices.aspx>

The plan includes the mitigation work plan as well as other required mitigation plan elements. All portions of the plan are subject to review and approval by the IRT and Corps of Engineers.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Susan Baker, who can be contacted at the above address, by calling (716) 879-4474, or by email at [Susan.L.Baker@usace.army.mil](mailto:Susan.L.Baker@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The Ohio Historic Preservation Office (OHPO) Geocortex Viewer (Viewer) was reviewed for eligible or listed historic federal properties at or near the proposed Site. No known listed or eligible federal historic properties were identified within the Site as per the Viewer. The Site does not contain any structures and was historically row cropped. Three cultural resource surveys were conducted on parcels to the west of the Site (RI20068, RI19363, and RI15581); the surveyors all concluded that the identified resources were not eligible for listing in the National Register of Historic Places. The Corps has determined that no historic properties will be affected by the proposed Site establishment. Additional information concerning historic properties or cultural resources should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward the submitted information to the OHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers will consult at the appropriate time with the USFWS to evaluate any potential impacts to Indiana bat, northern long-eared bat, and eastern massasauga to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat. This notice requests early input from USFWS concerning potential impacts to these species and recommendations for minimization of impacts.

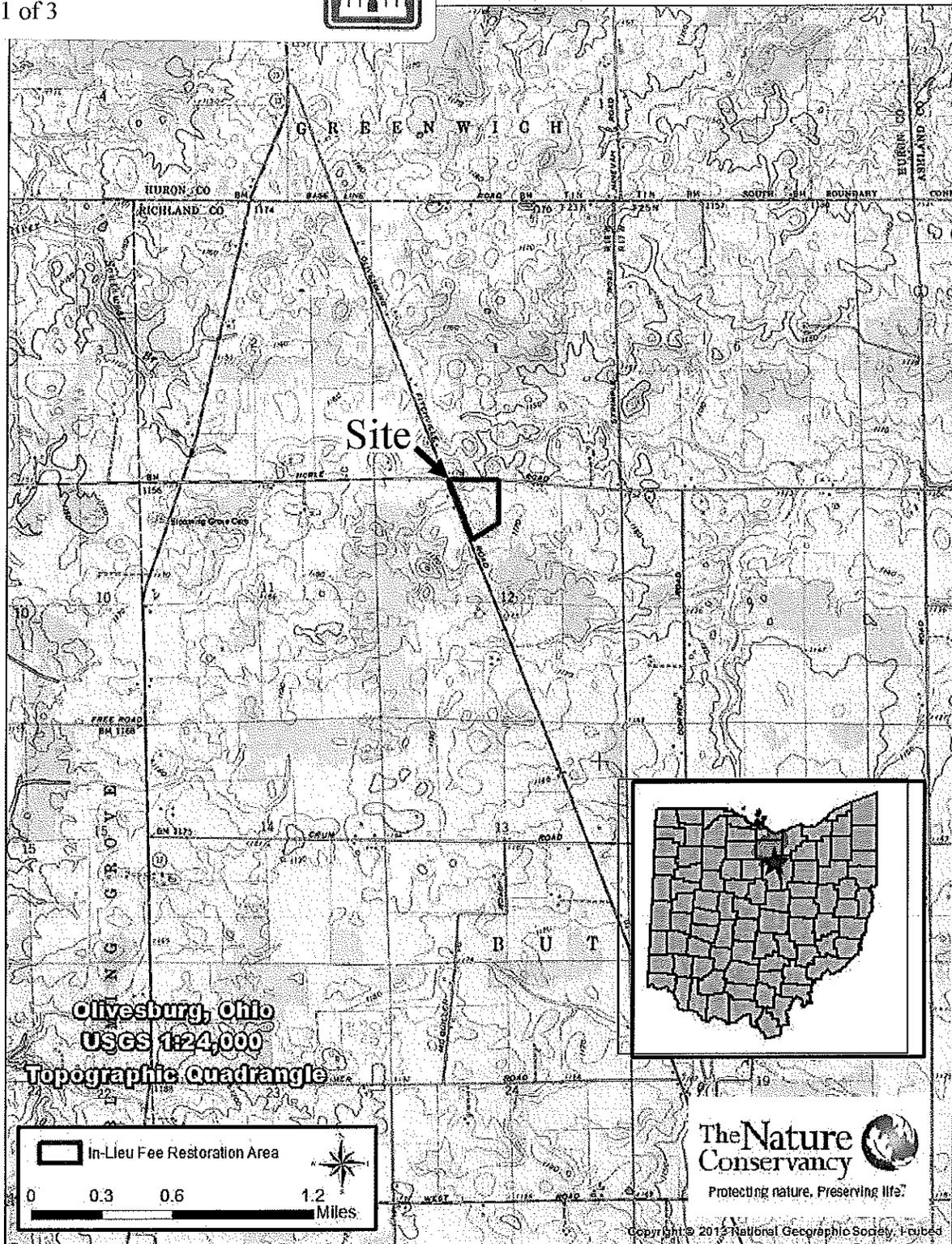
This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-332. Any interested party desiring to comment on the work described herein may do so by submitting their comments in writing, so they are received no later than 4:30pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the review for this proposal. All written comments will be made part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record or portions thereof may also be posted on a Corps internet website. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment. Copies of comments received will be forwarded to the sponsor and to the members of the Interagency Review Team.

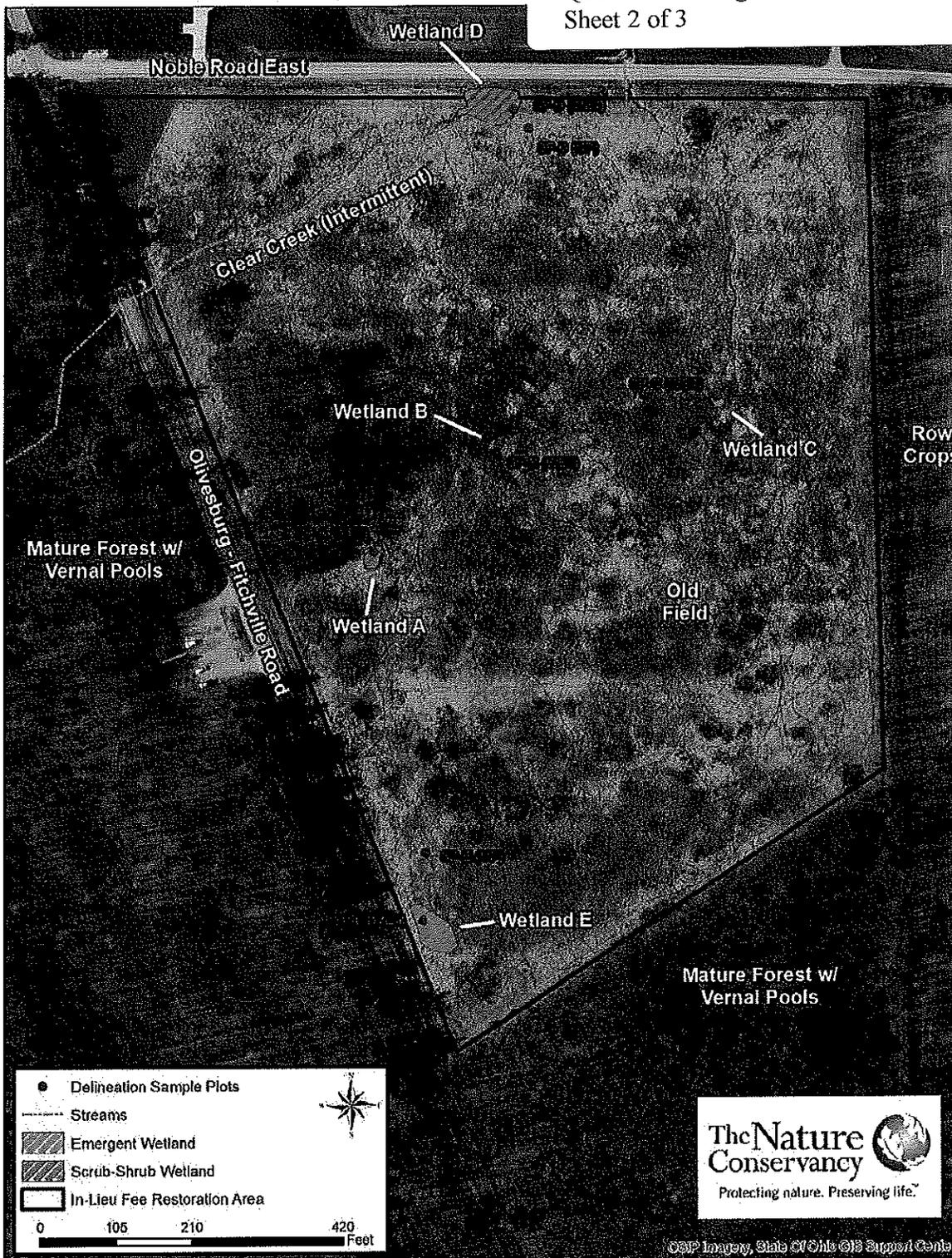
**SIGNED**

Diane Kozlowski  
Chief, Regulatory Branch

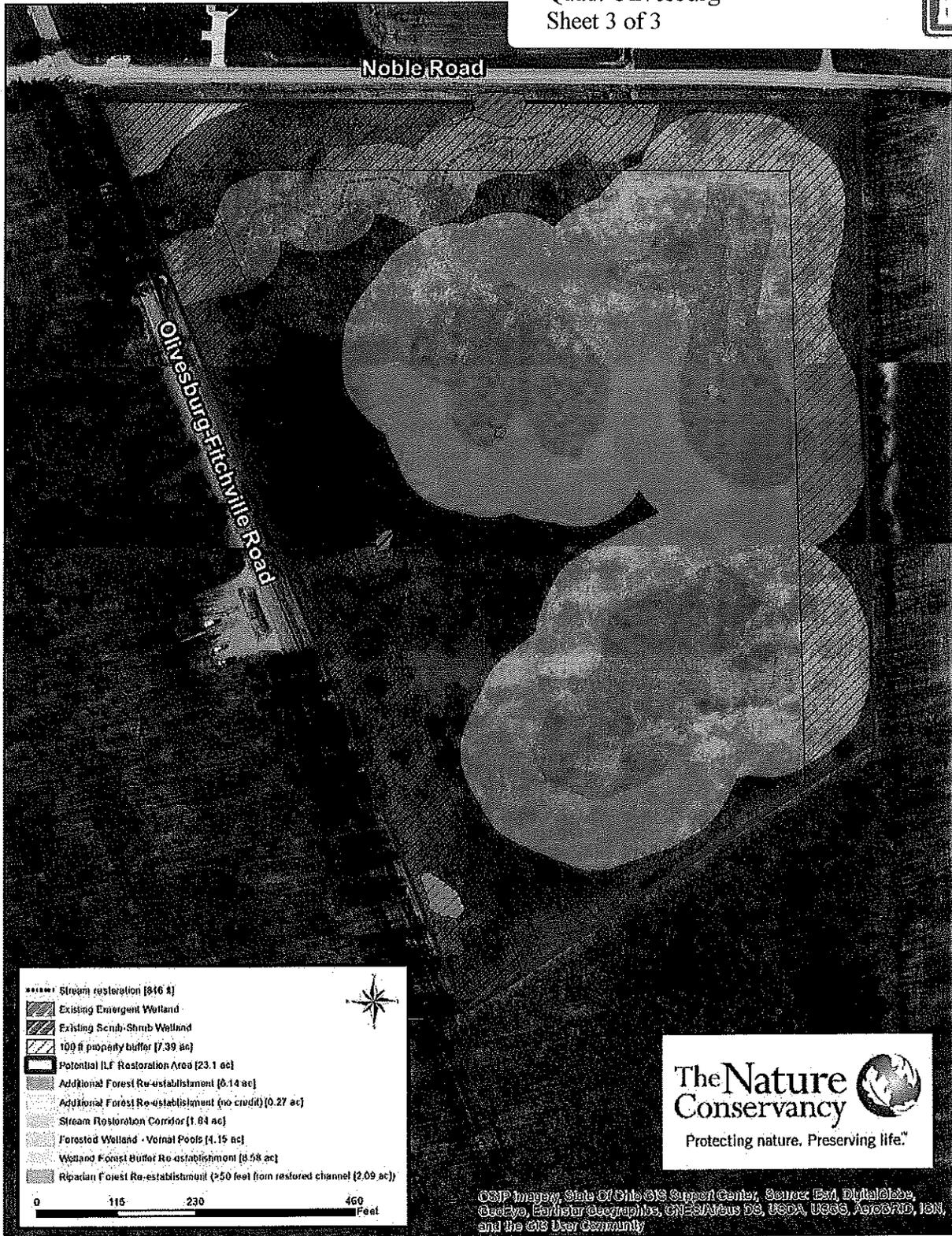
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



Fowler Woods State Nature Preserve In-Lieu Fee Project Location Map.



Fowler Woods State Nature Preserve In-Lieu Fee Project Wetlands and Other Terrestrial Resources Map.



Fowler Woods State Nature Preserve In-Lieu Fee Project Site Restoration Map.