

Public Notice

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

Applicant: **The Nature Conservancy** Published: June 27, 2019
Expires: July 26, 2019

Application No: LRB-2019-00225 & 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

INTERESTED PARTIES ARE HEREBY NOTIFIED THAT THE NATURE CONSERVANCY HAS PROPOSED THE PITTINGER DAM REMOVAL 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 24.7-acre proposed Pittenger Dam Removal Mitigation Site (Site) is located west of Quick Road and north of Bellaire Lane in Boston Township, Summit County, Ohio (41.204441° N, -81.520767° 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 Cuyahoga 8-digit Hydrologic Unit Service Area (04110002).

The Site is proposed to be used to fulfill mitigation obligations assumed by The Nature Conservancy through sale of advanced credits in the Cuyahoga 8-digit Hydrologic Unit Service Area (04110002).

PROJECT DESCRIPTION: The 24.7-acre Site consists largely of forested and old field habitat. Two ephemeral streams comprising 186 linear feet and three intermittent streams comprising 2,802 linear feet persist on site. Two emergent wetlands comprising a total of 1.65 acres persist on the site. The Site has been historically altered via the creation of an earthen dam and access road, historic cattle grazing, surrounding row cropping, and past timber harvesting.

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

- Re-establish and restore 1,933 linear feet of intermittent streams, Stream 1 and Stream 2, through full-extent channel restoration involving dimension, pattern, profile, and reconnecting the streams to their original floodplain thereby improving water quality and stream ecology (Mitigation Type 1 – Activity Level 1); and
- Enhance 468 linear feet of an intermittent stream, Stream 1, by raising the stream bed and reconnecting the stream to its original floodplain thereby improving water quality and stream ecology (Mitigation Type 1 – Activity Level 4).

In accordance with the credit generation ratios portrayed in Table 3 of the Pittenger Dam Removal In-Lieu Fee Mitigation Plan, The Nature Conservancy proposes to generate a total of 4,296 stream credits to offset 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 stream credits anywhere within the Cuyahoga 8-digit Hydrologic Unit Service Area (04110002) as previously described.

Stream or Wetland Type	Method of Compensation	Linear Feet	Estimated Credit Ratio	Estimated Stream Credits
Stream 1 Intermittent	Type 1, Level 1 (Restoration)	1,319	2:1	2,638
	Type 1, Level 4 (Enhancement)	468	1:1	468
Stream 2 Intermittent	Type 1, Level 1 (Restoration)	595	2:1	1,190
TOTAL:				4,296

The entire Pittenger Dam Removal 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. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Based on preliminary findings and discussions with the National Park Service, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the area of potential effects as shown on Sheet 4 of 4. Consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act will be completed by the National Park Service. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward any information received to the SHPO and the National Park Service 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 (E), northern long-eared bat (T), northern monkshood (T), and eastern massasauga (T), 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.

TNC- Pittenger Dam Removal ILF Site
 D/A Processing No. LRB-2019-00225
 Summit County, Ohio
 Quad: Peninsula
 Sheet 1 of 4

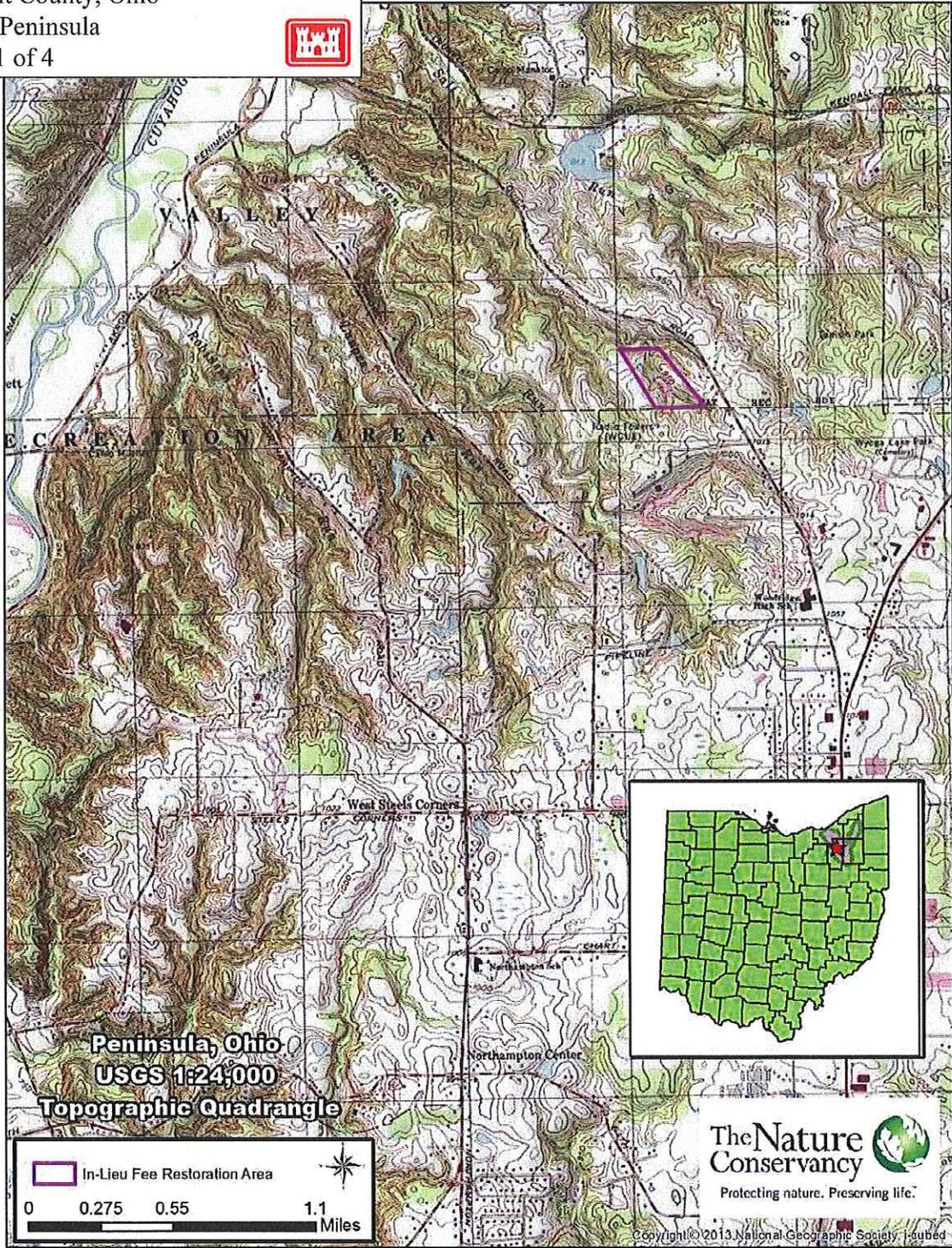


Figure 1. Cuyahoga Valley National Park Pittenger Dam Removal In-Lieu Fee Project Location Map.

TNC- Pittenger Dam Removal ILF Site
 D/A Processing No. LRB-2019-00225
 Summit County, Ohio
 Quad: Peninsula
 Sheet 2 of 4

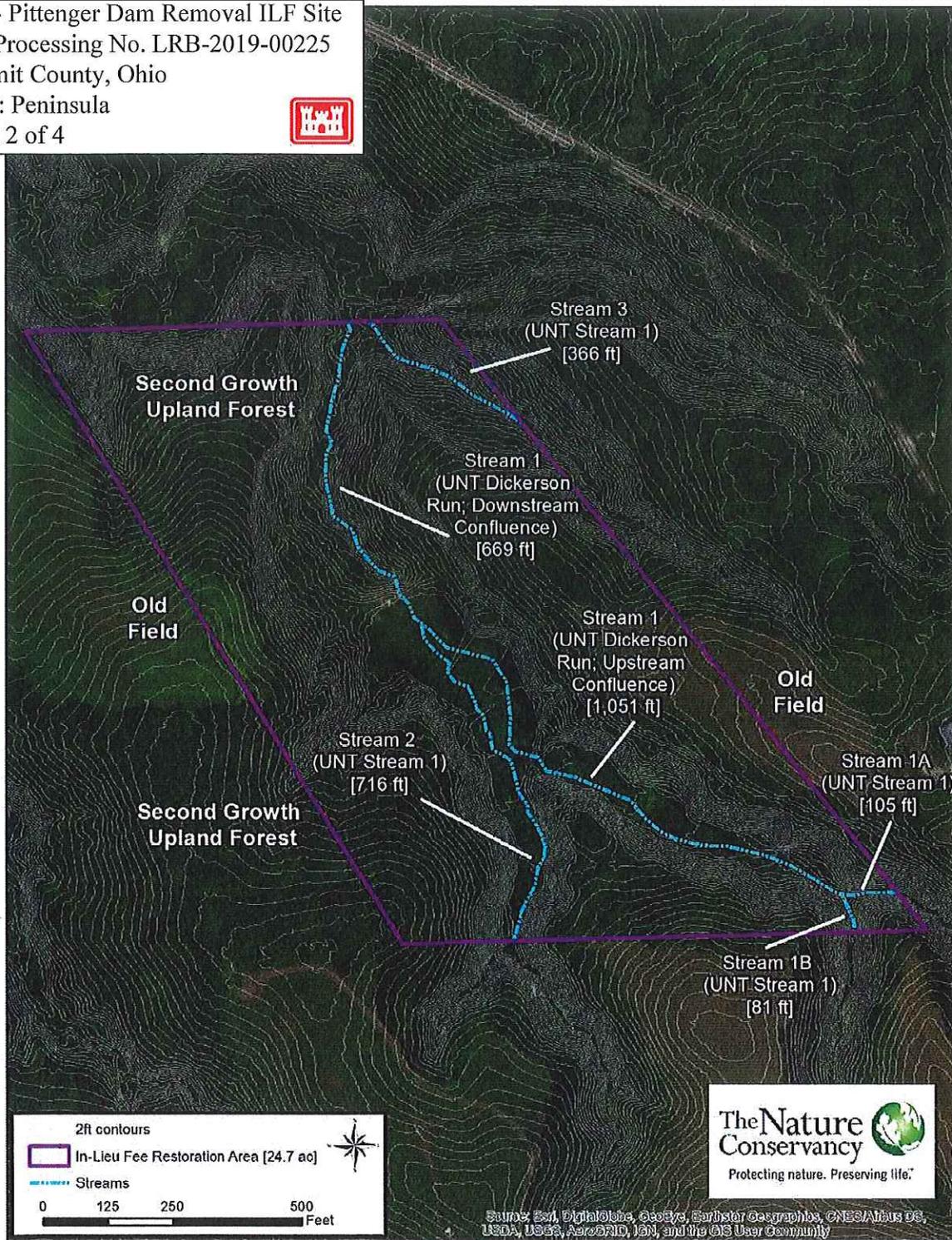


Figure 5. Cuyahoga Valley National Park Pittenger Dam Removal In-Lieu Fee Project Riverine and Terrestrial Resources Map.

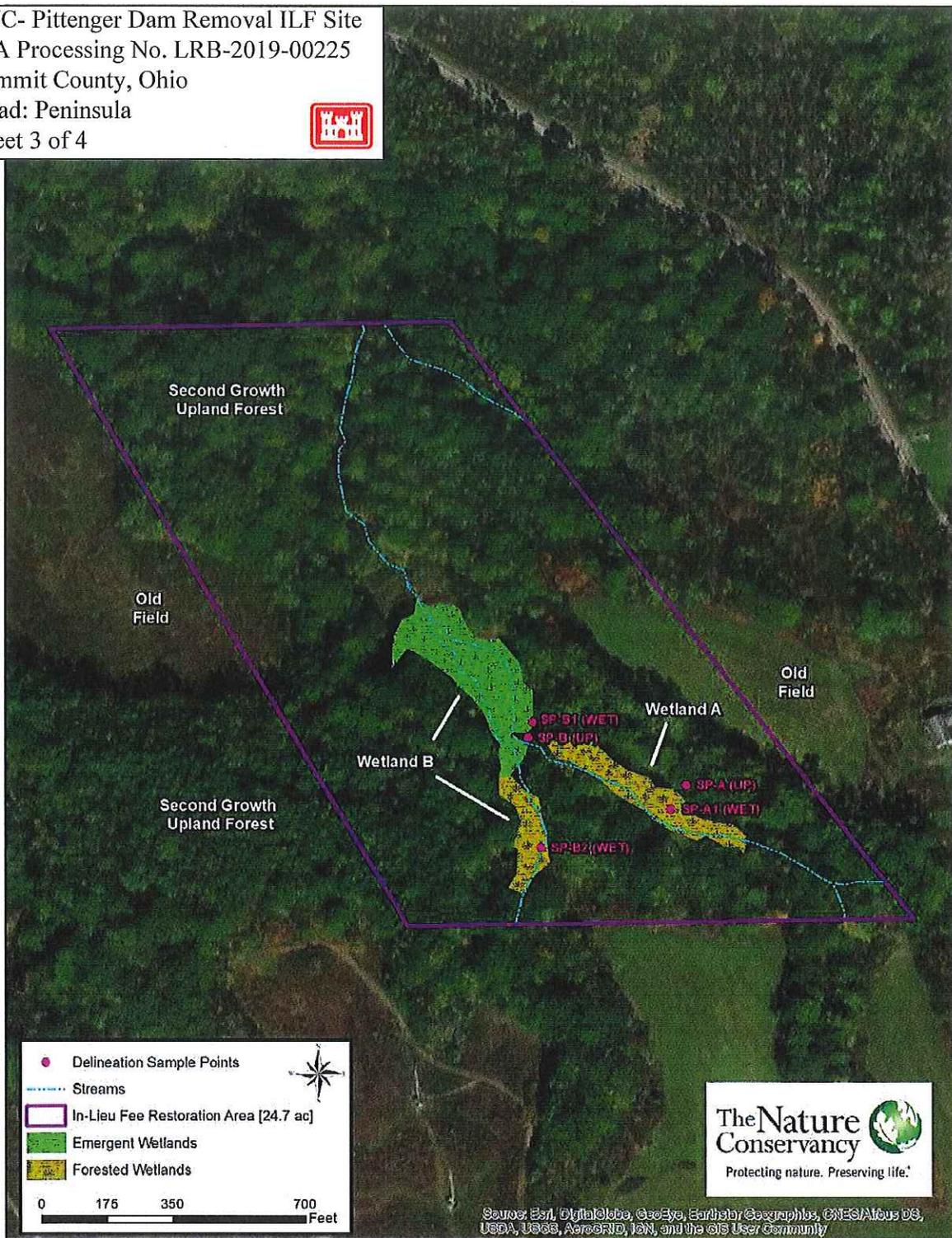


Figure 6. Cuyahoga Valley National Park Pittenger Dam Removal In-Lieu Fee Project Wetland and Terrestrial Resources Map.

TNC- Pittenger Dam Removal ILF Site
 D/A Processing No. LRB-2019-00225
 Summit County, Ohio
 Quad: Peninsula
 Sheet 4 of 4

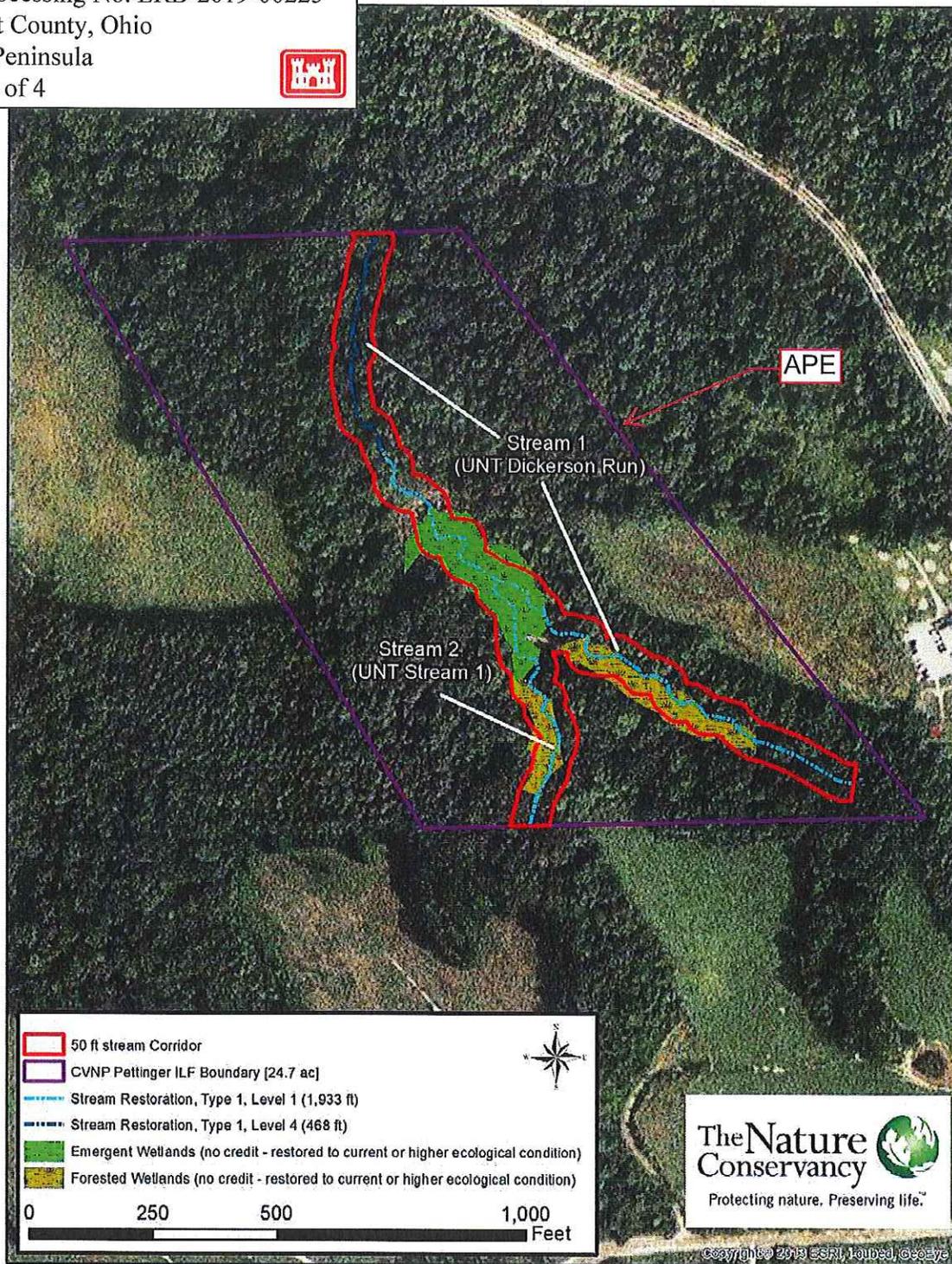


Figure 7. Cuyahoga Valley National Park Pittenger Dam Removal In-Lieu Fee Project Site Restoration Map.