



Public Notice

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

Applicant: **The Nature Conservancy**
(Oak Openings Metropark)

Published: October 28, 2019
Expires: November 27, 2019

Application No: LRB-2019-00047 & 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 OAK OPENINGS METROPARK 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 HOWEVER DEPARTMENT OF ARMY AUTHORIZATION WOULD BE REQUIRED TO IMPLEMENT THE MITIGATION PLAN. 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 16.1-acre proposed Oak Openings Metropark ILFP Mitigation Site (Site) is comprised of two parcels. The North Parcel is located west of the intersection of Sager Road and Girdham Road, Swanton Township, Lucas County, Ohio (41.574359, -83.855094). The South Parcel is located east of Girdham Road and approximately 1400 feet south of Sager Road, Swanton Township, Lucas County, Ohio (41.570385, -83.852859).

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 U.S. 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 Lower Maumee River Service Area (8-digit Hydrologic Unit 04100009).

The Site is located in the Lower Maumee River Service Area but is proposed to be used to fulfill mitigation obligations assumed by The Nature Conservancy through sale of advanced credits in both the Lower Maumee River Service Area and the Tiffin River Service Areas (8-digit Hydrologic Unit 04100006). To date, 1 wetland credit and 328 stream credits have been sold in the Lower Maumee River Service Area, and 3.9 wetland credits have been sold in the Tiffin River Service Area.

SITE DESCRIPTION: The Site is part of a 5,000-acre Oak Openings preserve currently owned by Metroparks Toledo. The Site was historically altered for agricultural and silvicultural activities. The North parcel currently consists of old field, an old homestead site, a trail, Wetland C (emergent, 0.003 acre), and Bushnell Creek (intermittent, 260 linear feet). The South Parcel was altered via the establishment of a white pine plantation and currently consists of a white pine stand, a trail, Wetland A (forested, 0.752 acre), Wetland B (forested 0.118 acre), and an unnamed tributary to Swan Creek (395 linear feet).

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

- Re-establish 3.6 acres of forested vernal pool wetlands and 2.2 acres of emergent sand prairie wetlands in areas that have existing hydric soils.
- Rehabilitate 0.8 acres of forested vernal pool wetlands by removing invasive plants and planting native hydrophytes as replacements.
- Re-establish 7.5 acres of upland buffer for wetlands.
- Re-establish 2.0 acres of extra upland forest buffer for wetlands.

Existing wetlands would be rehabilitated through the treatment of invasive species, planting of high-quality native species, and re-establishment of forested upland buffers. Re-establishment of wetlands on the Site would focus on areas with historically buried hydric soils. Non-hydric soil fill material would be removed from both parcels followed by grading to develop appropriate vernal pool and wet sand prairie microtopography. Both parcels would be planted and seeded with natural Oak Openings plant communities. White pines on the South Parcel would be removed to facilitate these efforts.

In accordance with the credit generation ratios portrayed in Table 3 of the Oak Openings Metropark In-Lieu Fee Mitigation Plan, The Nature Conservancy proposes to generate a total of 8.3 wetland credits to offset wetland 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 credits anywhere within the service area as previously described.

Wetland Type	Method of Compensation	Acres	Estimated Credit Ratio	Estimated Wetland Credits
Forested Vernal Pool Wetlands	Re-establishment	3.6	1:1	3.6
	Rehabilitation	0.8	1:2	0.4
Emergent Oak Openings Sand Prairie Wetlands	Re-establishment	2.2	1:1	2.2
Wetland Buffer 100 feet	Re-establishment	7.5	1:4	1.9
Extra Wetland Buffer >100 feet	Re-establishment	2.0	1:10	0.2
TOTAL:				8.3

The entire Oak Openings Metropark 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.

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 previously subject to and filled for agricultural and silvicultural activities. 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.

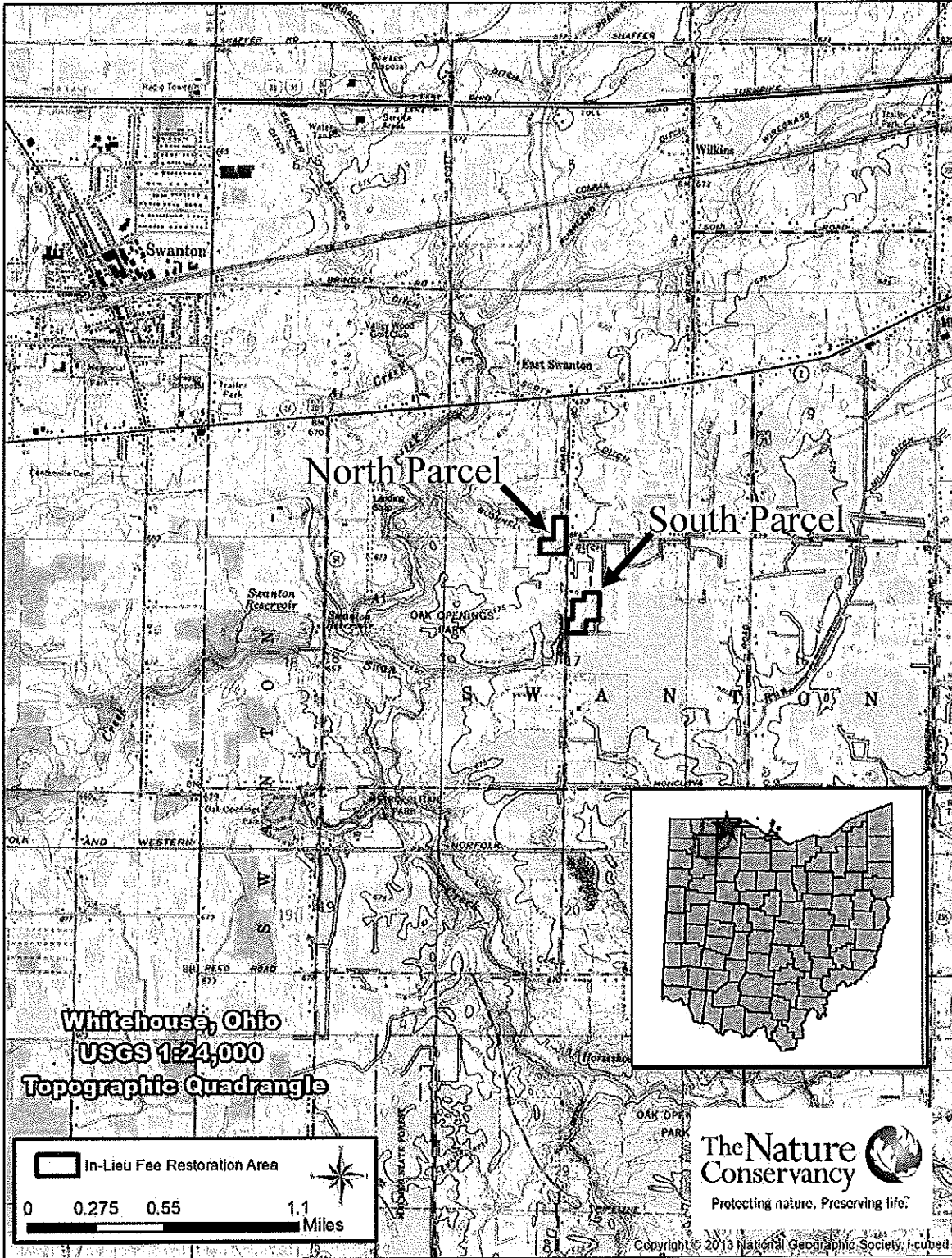
Comments submitted in response to this notice will be fully considered during the review for this proposal. All written comments will be made part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record or portions thereof may also 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.

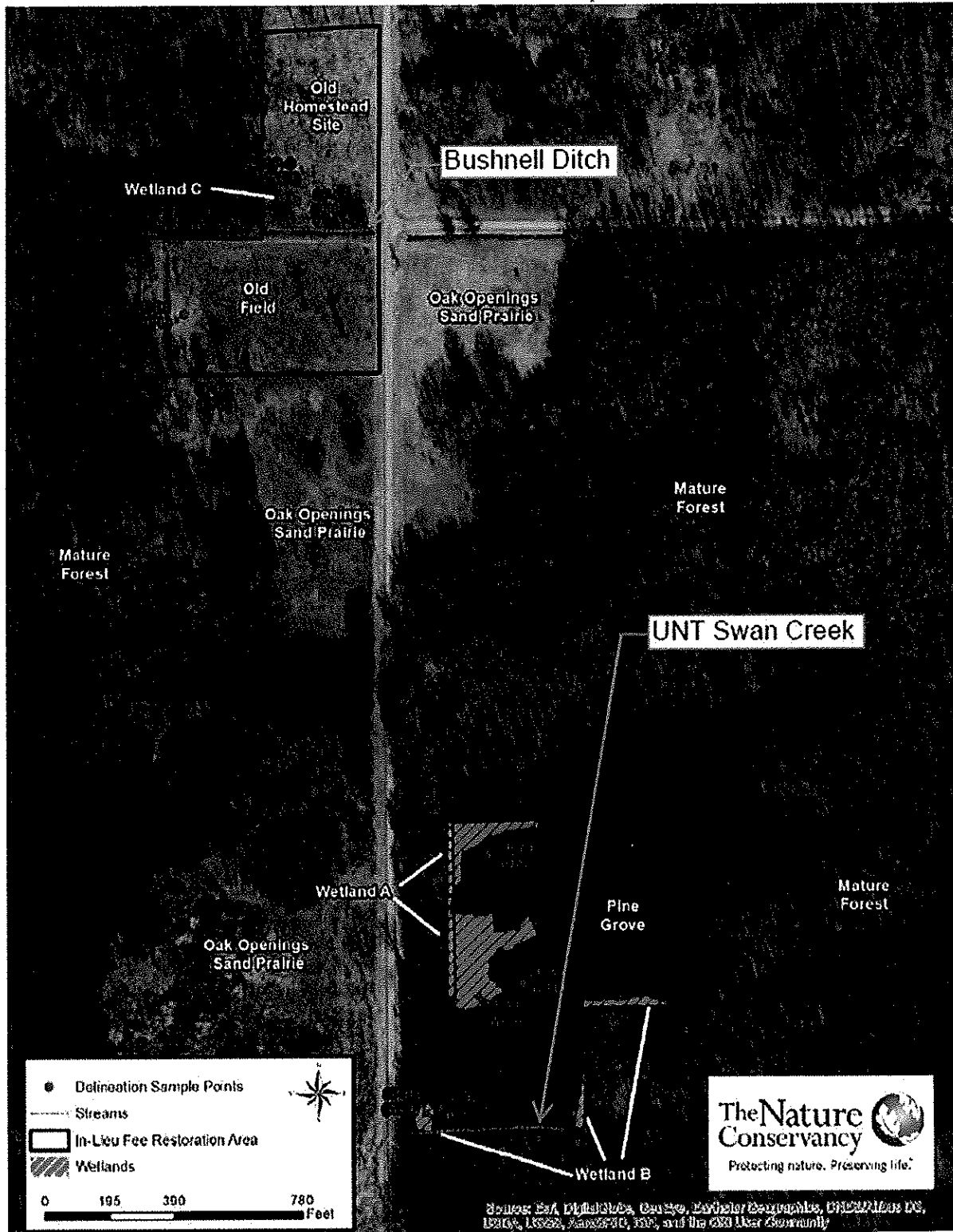
Oak Openings Metropark In-Lieu Fee Mitigation Site Location Map.



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Oak Openings Metropark In-Lieu Fee Mitigation Site Aquatic Resources and Other Terrestrial Resources Map.



Oak Openings Metropark In-Lieu Fee Mitigation Site Restoration Map.



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