



Public Notice

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

Applicant:
The Nature Conservancy
Grand River Step Pools

Published: April 23, 2020
Expires: May 25, 2020

Application No: LRB-2019-01424 & LRB-2012-01404
Section: OH

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

INTERESTED PARTIES ARE HEREBY NOTIFIED THAT THE NATURE CONSERVANCY HAS PROPOSED THE GRAND RIVER STEP POOLS 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; DEPARTMENT OF ARMY AUTHORIZATION WOULD BE REQUIRED FOR THE PROPOSED ACTIVITIES. 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 5.2-acre proposed Grand River Step Pools Mitigation Site (Site) is located immediately south of Footville-Richmond Road, and southeast of the intersection of Footville-Richmond Road and Rice Road, Morgan Township, Ashtabula County, Ohio (41.662559° N, -80.893845° 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 compensatory wetland mitigation via sale of advanced credits in forty-four service areas within the State of Ohio, including the Grand River 8-digit Hydrologic Unit Service Area (04110004).

The Site is proposed to be used to fulfill mitigation obligations assumed by The Nature Conservancy through sale of advanced credits in the Grand River 8-digit Hydrologic Unit Service Area (04110004).

PROJECT DESCRIPTION: The Site is approximately 5.2 acres in size. One intermittent tributary (unnamed Tributary 1 to the Grand River, 757 linear feet) and one ephemeral tributary (Unnamed Tributary 2 to the Grand River, 464 linear feet) persist on the Site. Three mixed habitat wetlands (emergent, scrub-shrub, and forested) totaling 1.91 acres are present on the Site. The remainder of the Site consists of old field and deciduous forest habitat. No structures have existed on the Site since approximately 2004.

The Site was historically altered by row crop farming practices and residential use. The Site topography is relatively flat with minor undulations and decreases in slope towards the southern portion of the Site where the two unnamed tributaries to the Grand River flow off-site. Unnamed Tributary 1 to the Grand River is located on the western edge of the Site and has been straightened and deepened to improve agricultural drainage.

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

- Restore 757 linear feet (LF) of an intermittent stream (Unnamed Tributary 1 to Grand River) through full-extent channel restoration involving dimension, pattern, profile, and re-establishment of a new floodplain to improve water quality and stream ecology;
- Re-establish 0.4 acres of forested and scrub-shrub wetlands in areas that have existing hydric soils;
- Rehabilitate 0.7 acres of forested, scrub-shrub, and emergent wetlands; and
- Re-establish 2.1 acres of upland buffer for wetlands.

In accordance with the credit generation ratios portrayed in the table below, The Nature Conservancy proposes to generate a total of 1,514 stream credits and 1.3 wetland credits to offset stream and wetland activities permitted by the Corps of Engineers or other agencies. The credits generated would be used to fulfill the mitigation obligations assumed by The Nature Conservancy through the sale of stream and wetland credits anywhere within the Grand 8-digit Hydrologic Unit Service Area (04110004) as previously described.

Stream or Wetland Type	Method of Compensation	Linear Feet	Estimated Credit	Estimated Credits
Unnamed Tributary 1 to the Grand River (Intermittent)	Type 1, Level 1 (Restoration)	757	2:1	1,514 Stream
Forested/ Scrub-Shrub Wetland	Re-establishment	0.4	1:1	0.4 Wetland
Forested/ Scrub-Shrub Wetland	Rehabilitation	0.7	1:2	0.4 Wetland
Wetland Buffer (within 50 Meter)	Rehabilitation	2.1	1:4	0.5 Wetland
TOTAL:				1,514 Stream

The entire Grand River Step Pools 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, 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 1 of 3. 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 eligible or listed federal historic properties or cultural resources were identified within or adjacent to the Site as per the Viewer. Additionally, the Archeological Atlas of Ohio (Mills,

1914) does not depict any resources within or immediately adjacent to the Site. This notice constitutes initiation of consultation with the OHPO per Section 106 of the National Historic Preservation Act. The Corps has determined that no historic properties will be affected by the proposed Site establishment and requests concurrence with this determination. Should any additional information concerning historic properties or cultural resources 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, piping plover, clubshell, snuffbox, rufa red knot, 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.

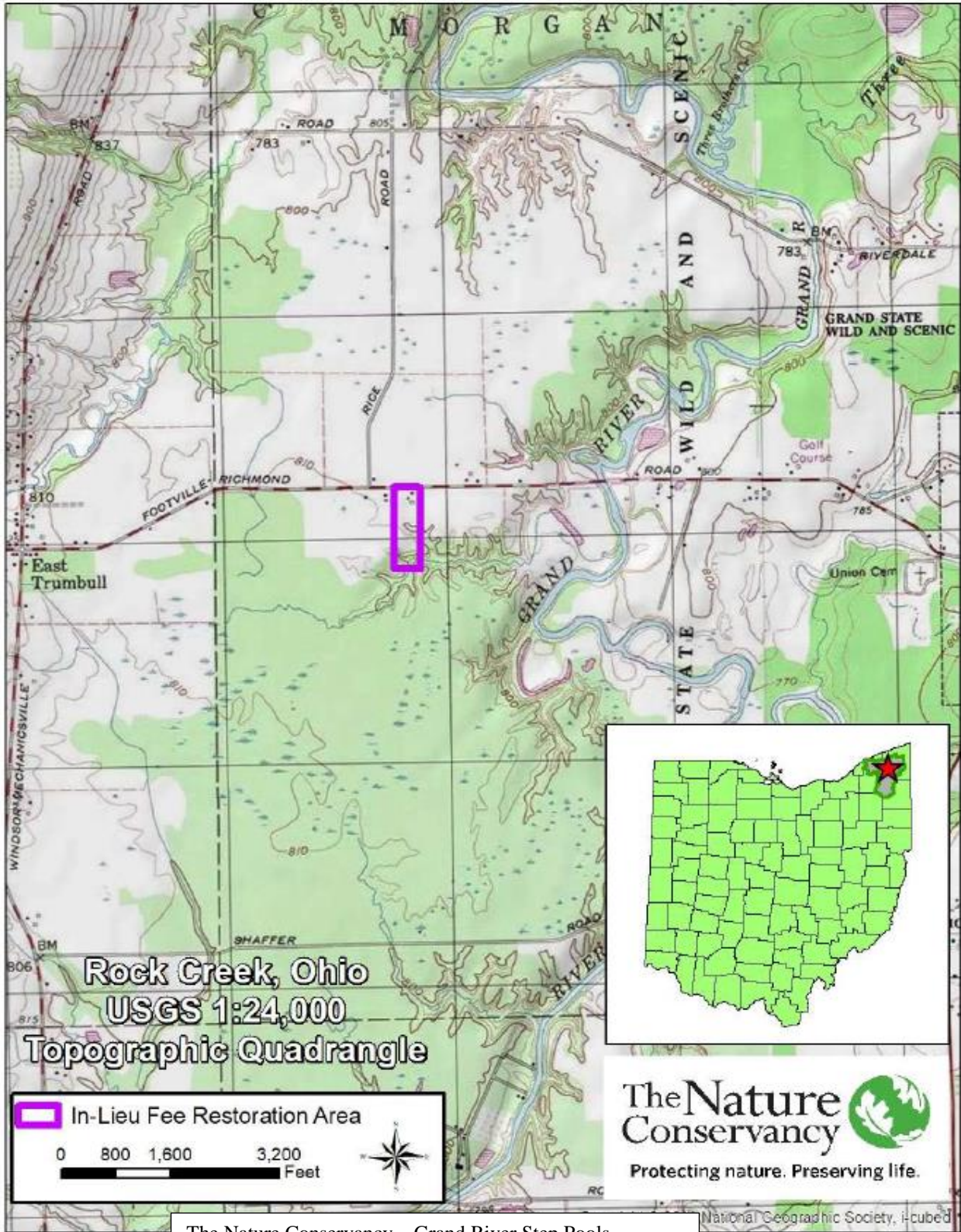
This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-332. Any interested party desiring to comment on the work described herein may do so by submitting their comments in writing, so they are received no later than 4:30pm on the expiration date of this notice.

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

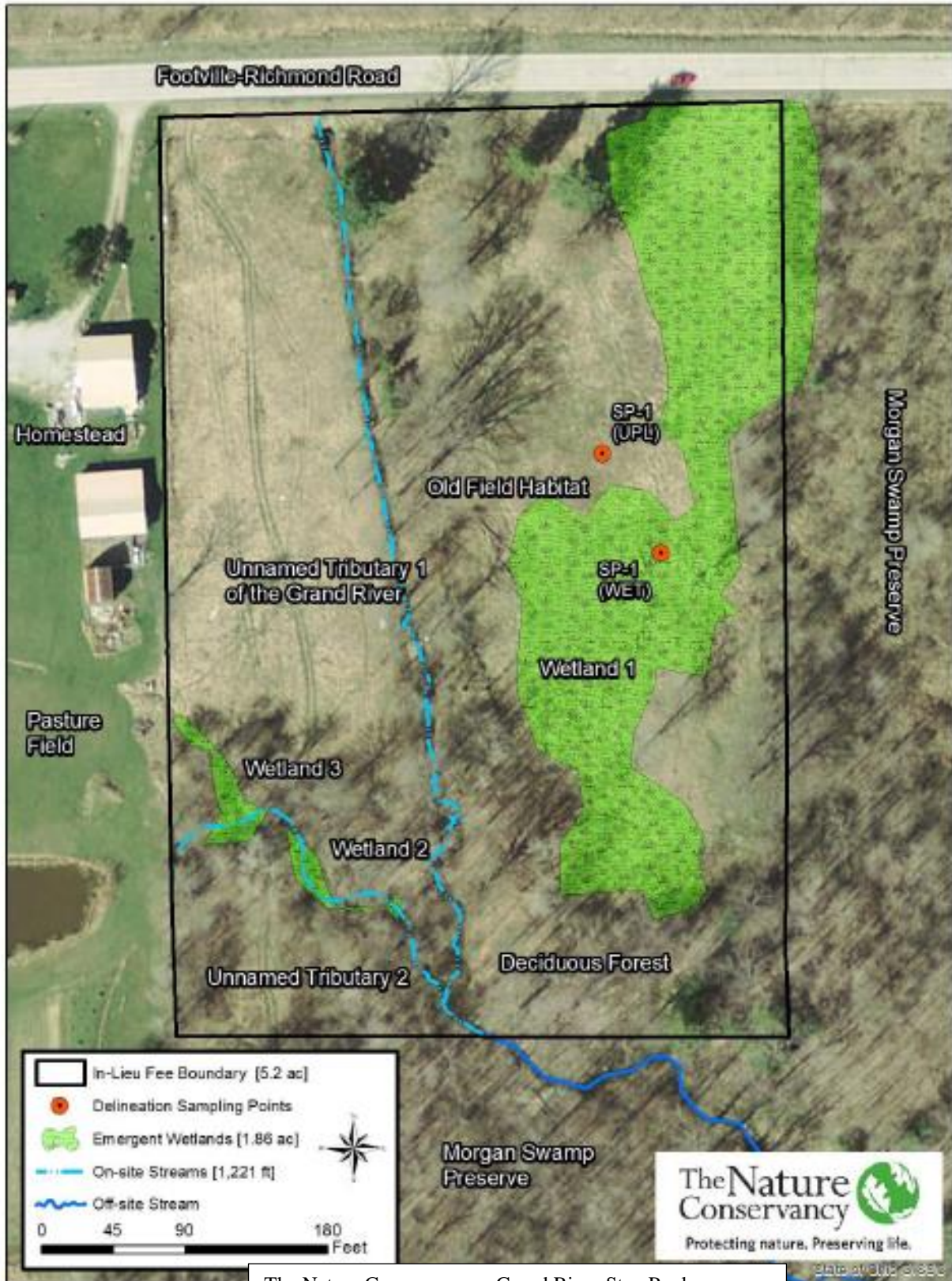
Diane Kozlowski
Chief, Regulatory Branch

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



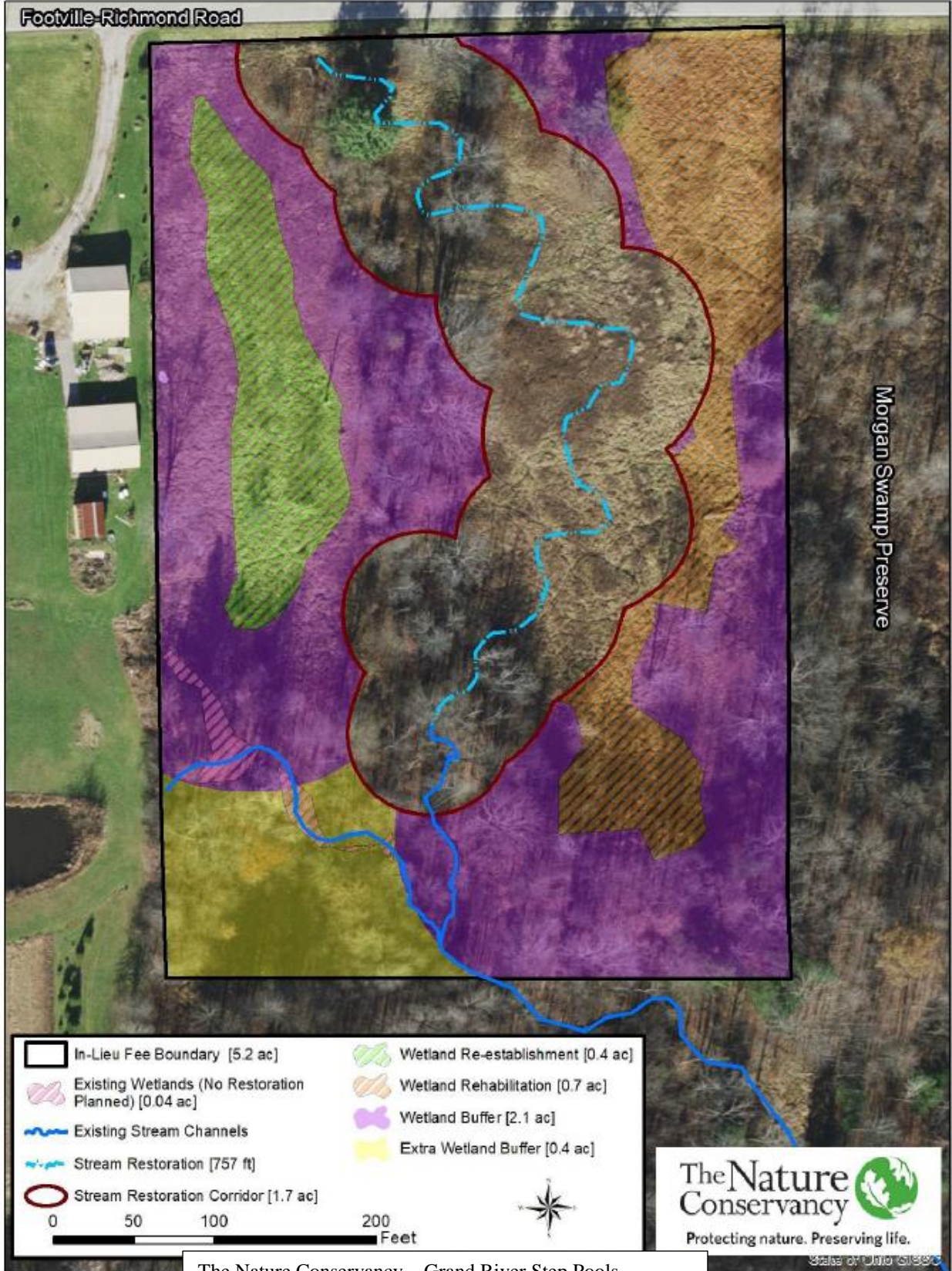
The Nature Conservancy – Grand River Step Pools
 D/A Processing No. LRB-2019-04124 & LRB-2012-01404
 Quad: Rock Creek, OH





The Nature Conservancy – Grand River Step Pools
 D/A Processing No. LRB-2019-01424 & LRB-2012-01404
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