



Public Notice

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

Applicant:
The Nature Conservancy
Black River Preserve

Published: August 2, 2021
Expires: September 1, 2021

Application No: LRB-2020-01592 & 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 BLACK RIVER PRESERVE 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 55-acre proposed Black River Preserve ILFP Mitigation Site (Site) is located just south of U.S. Route 42, east of Richman Road, and north of the Wheeling and Lake Erie Railroad; in the Village of Lodi; Medina County; Ohio (41.038417, -82.029185).

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 advance 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 and stream mitigation via sale of advance credits in forty-four service areas within the State of Ohio, including the Black-Rocky River Service Area (8-digit Hydrologic Unit Code (HUC) 04110001).

The Site is proposed to be used to fulfill mitigation obligations assumed by The Nature Conservancy through sale of advance credits in the Black-Rocky River Service Area (HUC 04110001). To date, 20 advance wetland credits and 1,101 advance stream credits have been sold in the Black-Rocky River Service Area.

SITE DESCRIPTION: The 55-acre Site is part of a 76.2-acre parcel which would be owned by West Creek Conservancy. The Site was altered historically to allow for row crop farming practices. The Site and the surrounding area currently consist of row crops and deciduous forest. The Site contains 5.52-acres of emergent, scrub-shrub, and forested wetlands; 1,207 linear feet of perennial stream; and 729 linear feet of intermittent stream.

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

- Restore 2,129 linear feet of intermittent stream by increasing instream channel habitat, reducing sedimentation from current agricultural land use, improving floodplain connectivity, re-establishing and rehabilitating the riparian area through invasive species treatment, and planting a robust and diverse riparian plant community.
- Re-establish 14.6 acres of forested wetlands in areas that have existing hydric soils.
- Rehabilitate 4.9 acres of forested wetlands by disrupting tile drains, removing invasive plants, and planting native hydrophytes as replacements.
- Re-establish 19.5 acres of upland forest buffer for wetlands.
- Re-establish 10.7 acres of extra upland forest buffer.

In accordance with the credit generation ratios portrayed in Table 3 of the Black River Preserve In-Lieu Fee Mitigation Plan, The Nature Conservancy proposes to generate a total of 22.2 wetland credits and 3,726 stream 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 and stream credits anywhere within the service areas as previously described.

| Resource Type | Method of Compensation | Acres (ac)/ Linear Feet (LF) | Estimated Credit Ratio | Estimated Wetland Credits | Estimated Stream Credits |
|---|-------------------------------|---|---------------------------------------|--|---|
| Unnamed Intermittent Tributary to East Fork Black River | Type 1, Level 2 | 2,129 LF | 1.75:1 | -- | 3,726 |
| Forested Wetlands | Re-establishment | 13.9 ac | 1:1 | 13.9 | -- |

| | | | | | |
|--------------------------|---|---------|---------------|-------------|--------------|
| Forested Wetlands | Re-establishment (Within the 100ft property buffer) | 0.7 ac | 1:2 | 0.4 | -- |
| Forested Wetlands | Rehabilitation | 3.5 ac | 1:2 | 1.7 | -- |
| Forested Wetlands | Rehabilitation (Within the 100ft property buffer) | 1.4 ac | 1:6 | 0.2 | -- |
| Upland Buffer (100ft) | Re-establishment | 19.5 ac | 1:4 | 4.9 | -- |
| Extra Upland Buffer | Re-establishment | 10.7 ac | 1:10 | 1.1 | -- |
| | | | TOTAL: | 22.2 | 3,726 |

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

<https://www.lrb.usace.army.mil/Missions/Regulatory/Public-Notices/>

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 at present contain any structures and has historically been subject to agricultural 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 and northern long-eared bat 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.

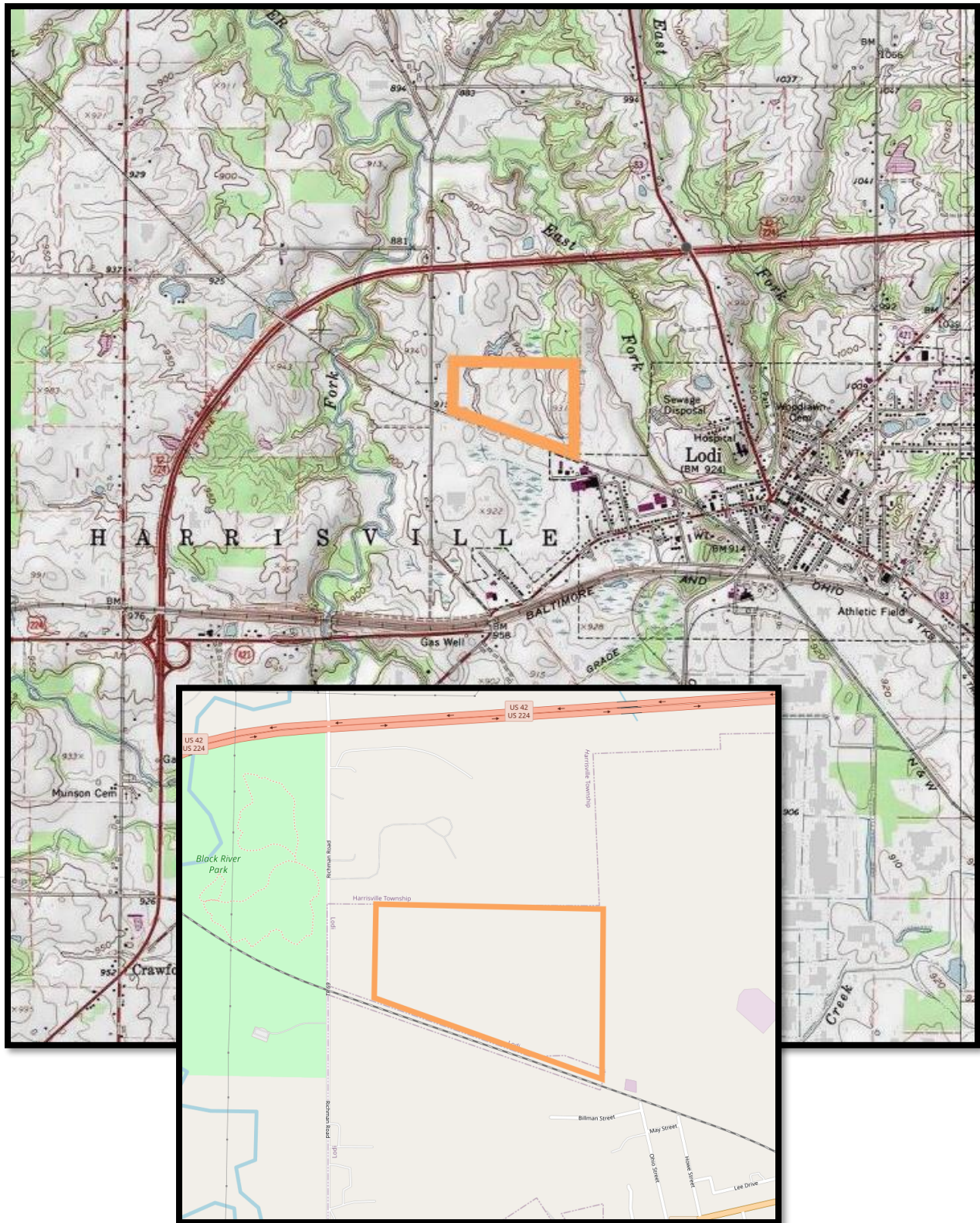
Comments submitted in response to this notice will be fully considered during the review for this proposal. All written comments will be made part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record or portions thereof may also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

Steven V. Metivier
Chief, Regulatory Branch

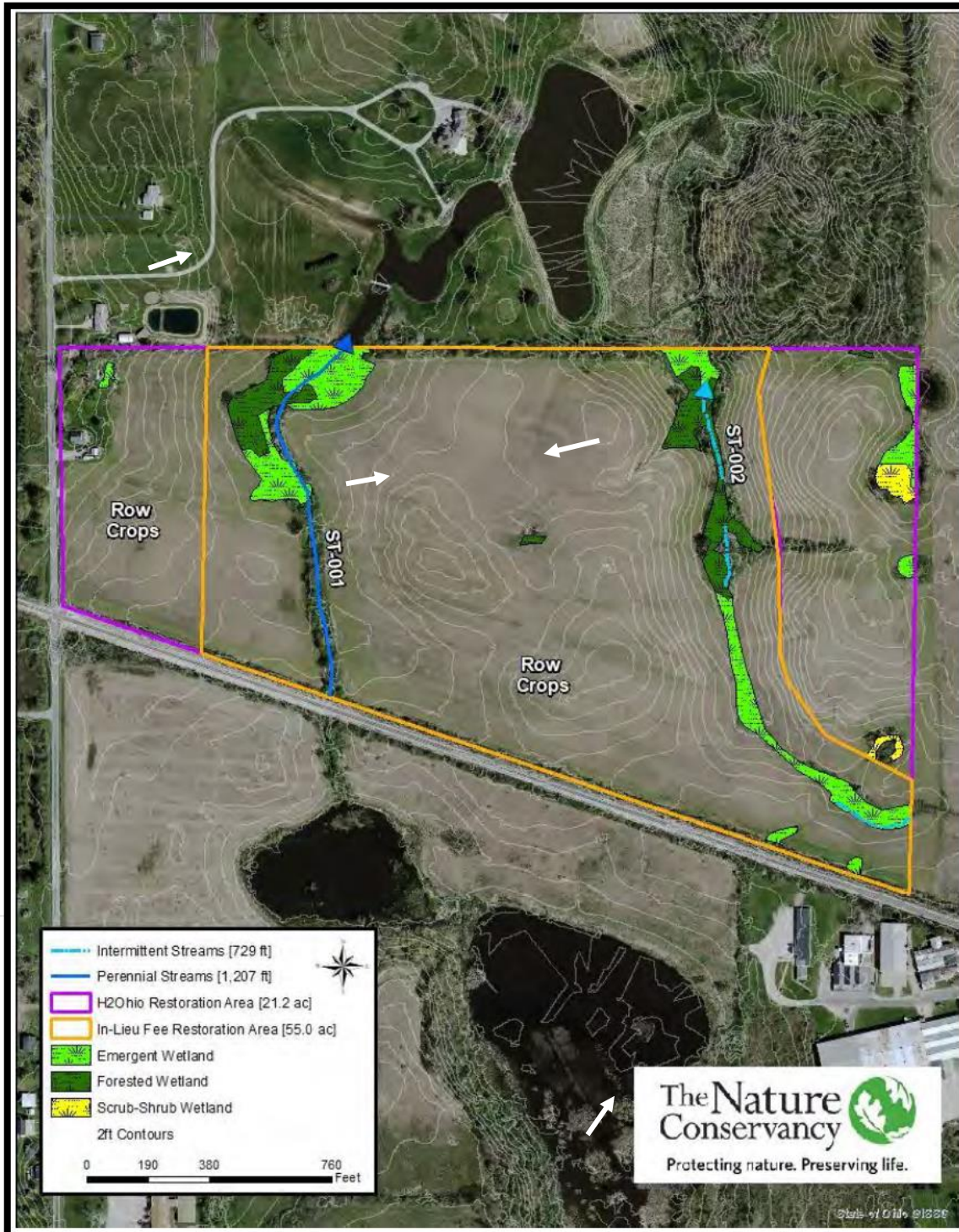
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

Black River Preserve In-Lieu Fee Mitigation Site Location Map.



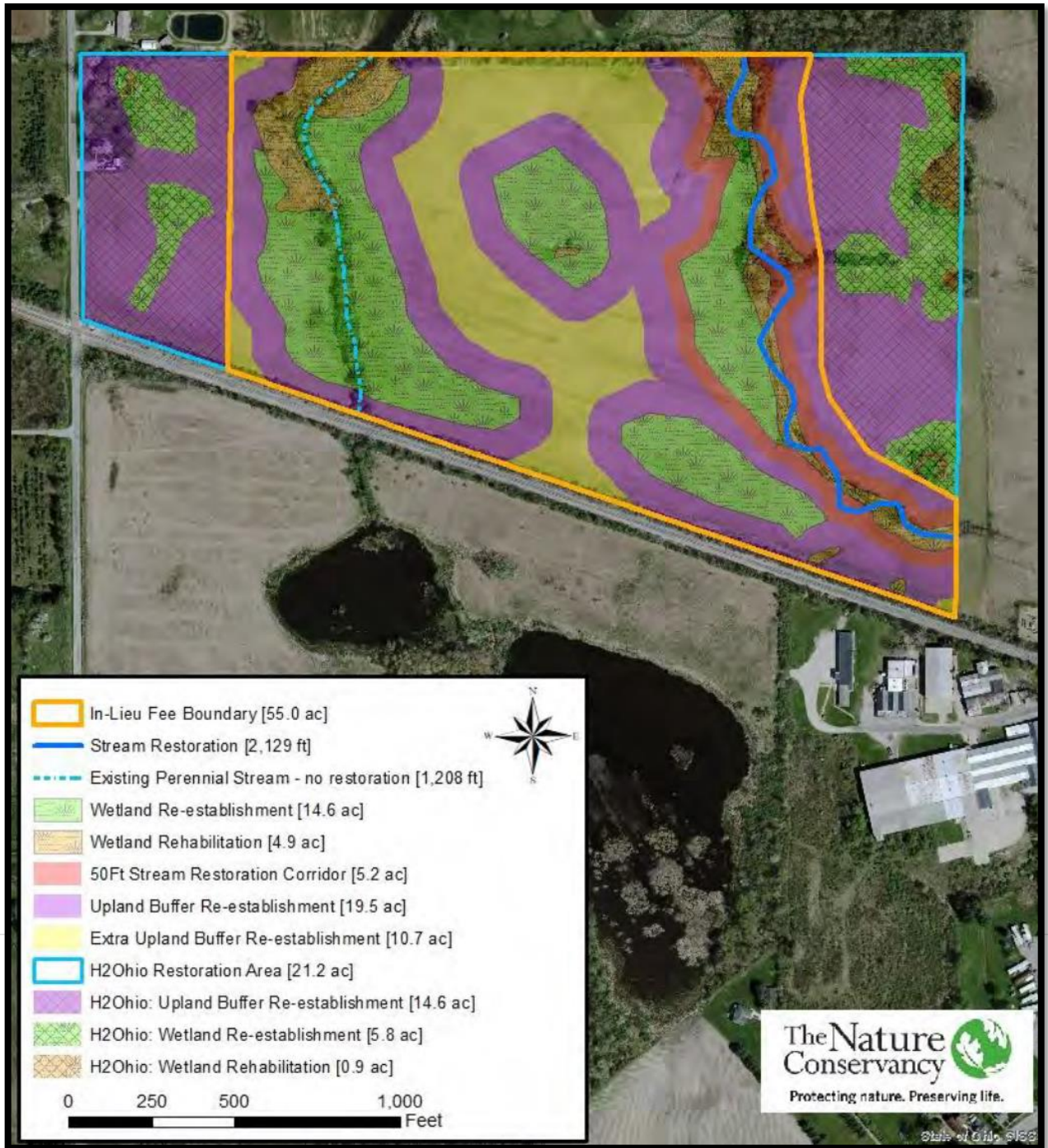
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Black River Preserve In-Lieu Fee Mitigation Site Aquatic Resources and Other Terrestrial Resources Map.



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Black River Preserve In-Lieu Fee Mitigation Site Restoration Map.



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