



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

MAR 19 2014

Regulatory Division
North Branch
LRH-2013-102-GMR-Unnamed Tributary Medway Creek

PRELIMINARY JURISDICTIONAL DETERMINATION AND
NATIONWIDE PERMIT NO. 14 VERIFICATION

Mr. Johnathan A. Burr
Clark County Engineer's Department
4075 Laybourne Road
Springfield, Ohio 45505

Dear Mr. Burr:

I refer to your Pre-Construction Notification (PCN) received in this office on March 11, 2014 regarding improvements to County Road 316 (Lower Valley Pike). The information provided pertains to a proposal to discharge dredged and/or fill material into waters of the United States in conjunction with the proposed road improvements. The proposed project is located in Jackson Creek, Donnels Creek and Minich Ditch along County Road 316 (Lower Valley Pike) from Osborn Road to State Route 369 in Bethel Township, Clark County, Ohio. Your PCN has been assigned the following file number: LRH-2013-102-GMR-Unnamed Tributary Medway Creek. Please reference this number on all future correspondence related to this project.

The United States Army Corps of Engineers' (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to discharging dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

You have chosen to accept a preliminary jurisdictional determination (PJD) regarding portions of Jackson Creek, Donnels Creek and Minich Ditch located within the proposed project site in accordance with the Regulatory Guidance Letter for Jurisdictional Determinations (JDs) issued by the Corps on June 26, 2008 (Regulatory Guidance Letter No. 08-02). Based upon a review of the provided PCN submittal, approximately 185 linear feet of perennial Jackson Creek, 215 linear feet of perennial Donnels Creek and 220 linear feet of Minich Ditch are located within the proposed project area.

This PJD is non-binding and cannot be appealed (33 C.F.R. 331.2), and only provides a written indication that waters of the United States, including wetlands, may be present on-site. For the purposes of the determination of impacts, compensatory mitigation, and other resource protection measures for activities that require authorization from this office, the aquatic resources identified above will be evaluated as if they are waters of the United States.

Enclosed please find two copies of the PJD form. If you agree with the findings of this PJD and understand your options regarding the same, please sign and date one copy of the PJD form and return it to this office within 30 days of receipt of this letter. You should submit the signed copy to the following address:

United States Army Corps of Engineers
Huntington District
Attn: North Branch
502 Eighth Street
Huntington, West Virginia 25701.

Via a letter dated February 26 2013, this office issued an approved jurisdictional determination for the on-site Stream 2 and an open vegetated ditch. This office determined Stream 2 (approximately 1,500 linear feet) is an intermittent flowing, relatively permanent water (RPW) and an indirect tributary to the Mad River, a traditional navigable water (TNW) of the United States. Further, this office determined the approximate 3,700 linear feet of open vegetated ditch located along the north side of Lower Valley Pike was constructed through uplands as part of a previous roadway project and is not a water of the United States.

The proposed project, as described in the submitted information, has been reviewed in accordance with Section 404 and Section 10. Based on your description of the proposed work, and other information available to us, it has been determined that this project will not involve activities subject to the requirements of Section 10. However, this project will include the discharge of dredged or fill material into waters of the United States subject to the requirements of Section 404.

In the submitted PCN materials received in this office on March 11, 2014, you have requested DA authorization for the proposed discharge of dredged and/or fill material into 919 linear feet (0.16 acre) of streams as described on the enclosed Table 1 in conjunction with improvements to County Road 316 (Lower Valley Pike). The entire project will occur along 7.2 miles of Lower Valley Pike. The proposed project will provide paved shoulders and improved shoulder widths from Osborn Road to the west Medway corporate limits and from the east Medway corporate limits to Enon Road. The proposed project will involve full replacement of three bridges within the project limits. Replacement of these bridges will result in the discharge of approximately 241 cubic yards of fill material into 639 linear feet of four streams (Stream 2, Jackson Creek, Donnels Creek, and Minich Creek).

Approximately 280 linear feet (0.01 acre) of Stream 2 will be realigned outside of the project's construction limits. The existing channel will be permanently graded and filled to facilitate the shoulder widening. Rock channel protection will also be discharged below the ordinary high water mark of 19 linear feet of Stream 2 at a location south of Lower Valley Pike, approximately 1,400 linear feet northeast of Union Road. A total of 22 cubic yards of clean fill material will be discharged below the ordinary high water mark of Stream 2. Approximately 125 cubic yards of fill material will be discharged into 85 linear feet (0.04 acre) of Jackson Creek. Rock channel protection will be discharged along 10 feet of each bank of Jackson Creek in order to protect the newly installed bridge abutments.

Approximately 42 cubic yards of fill material will be discharged into 115 linear feet (0.05 acre) of Donnels Creek. Approximately 35 cubic yards of rock channel protection will also be discharged below the ordinary high water mark of five linear feet of the left descending bank of Donnels Creek to protect the newly installed bridge abutment. Approximately seven cubic yards of rock channel protection would be discharged below the ordinary high water mark of five linear feet of Donnels Creek for construction of a roadside ditch outfall on the south side of Lower Valley Pike, approximately 140 linear feet west of the proposed bridge replacement over Donnels Creek. Approximately five cubic yards of precast concrete three side box culvert and approximately 47 cubic yards of rock channel protection will be discharged into 140 linear feet (0.03 acre) of Minich Ditch.

Approximately 280 linear feet (0.15 acre) of Jackson Creek, Donnels Creek and Minich Ditch will be temporarily impacted by the discharge of dredged and/or fill material associated with the construction of temporary cofferdams, temporary work pads, and/or temporary diversion ditch or pump. Upon bridge construction, the temporarily affected waters of the United States will be restored to their pre-disturbance contours and elevations.

Based on the information provided and additional data available to us, it has been determined the proposed discharge of dredged and/or fill material into waters of the United States in conjunction with each proposed linear transportation project, as described on Table 1 enclosed with this letter, in conjunction with the improvements to County Road 316 (Lower Valley Pike) meets the criteria for Nationwide Permit Number (NWP) No. 14 under the February 21, 2012, Federal Register, Issuance of NWPs (77 FR 10184) provided you comply with all terms and conditions of the enclosed material, the enclosed special conditions, and the 401 Water Quality Certification (WQC) issued by the Ohio Environmental Protection Agency (Ohio EPA) on March 30, 2012.

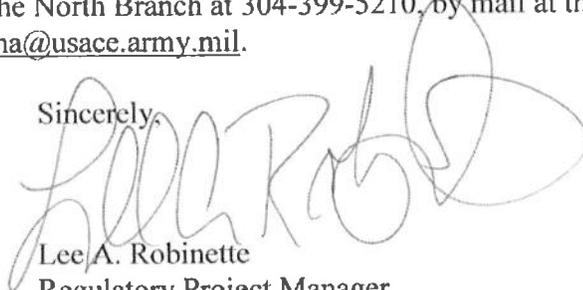
In view of the above, your project is authorized subject to the terms and conditions of the enclosed material and the enclosed special conditions. It is your responsibility to ensure that your work conforms to all of the environmental management conditions listed within the enclosed material. Please be aware this NWP verification does not obviate the requirement to obtain any state or local assent required by law for the activities.

This verification is valid until the expiration date of the NWP, unless the NWP authorization is modified, suspended, or revoked. The verification will remain valid if the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. All of the existing NWP's are scheduled to be modified, reissued, or revoked on March 18, 2017. Prior to this date, it is not necessary to contact this office for re-verification of your project unless the plans for the proposed activity are modified. Furthermore, if you commence or under contract to commence this activity before March 18, 2017, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

As indicated above, OEPA issued 401 WQC for this NWP on March 30, 2012. Enclosed is a copy of the NWP's and 401 WQC to be kept at the project site during construction. You shall supply a copy of these documents to your project engineer responsible for construction activities. Upon completion of the work, the enclosed certification must be signed and returned to this office.

A copy of this letter is being provided to your agent, Eric Nagy with EMH&T at 5500 New Albany Road, Columbus, Ohio 43504. If you have any questions concerning the above, please contact Teresa Spagna of the North Branch at 304-399-5210, by mail at the above address, or by email at: teresa.d.spagna@usace.army.mil.

Sincerely,

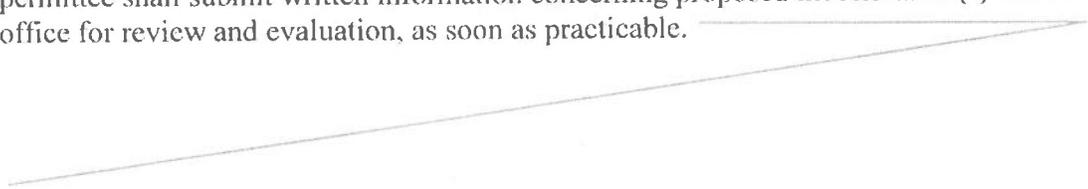
A large, stylized handwritten signature in black ink, appearing to read 'Lee A. Robinette', is written over the typed name and title.

Lee A. Robinette
Regulatory Project Manager
North Branch

Enclosures

**SPECIAL CONDITIONS FOR THE
NATIONWIDE PERMIT NO. 14 VERIFICATION FOR
Clark County Engineer's Department
Improvements to County Road 316 (Lower Valley Pike)
LRH-2013-102-GMR-Unnamed Tributary Medway Creek**

1 of 1

1. This nationwide permit verification authorizes the discharge of dredged or fill material into 919 linear feet (0.16 acre) of streams as described on the enclosed Table 1 and as shown on the drawings in Appendix B of the submitted Pre-Construction Notification. All work shall take place in accordance with the Pre-Construction Notification dated March 7, 2014.
 2. Enclosed is a copy of Nationwide Permit 14, which shall be kept at the site during construction. A copy of the nationwide permit verification, special conditions, and the enclosed construction plans must be kept at the site during construction. The permittee shall supply a copy of these documents to their project engineer responsible for construction activities.
 3. Upon completion of the activity authorized by this nationwide permit verification, the enclosed certification must be signed and returned to this office along with as-built drawings showing the location and configuration, as well as all pertinent dimensions and elevations of the activity authorized under this nationwide permit verification.
 4. Construction activities will be performed during low flow conditions. Additionally, appropriate site specific best management practices for sediment and erosion control will be fully implemented during construction activities at the site.
 5. No area for which grading has been completed will be unseeded or unmulched for longer than 14 days. All disturbed areas will be seeded and/or revegetated with native species and approved seed mixes (where practicable) after completion of construction activities for stabilization and to help preclude the establishment of non-native invasive species.
 6. Should new information regarding the scope and/or impacts of the project become available that was not submitted to this office during our review of the proposal, the permittee shall submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.
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 HUNTINGTON, WEST VIRGINIA 25701-2070

Table 1. Authorized Discharges of Dredged and/or Fill Material into Waters of the United States in Conjunction with Improvements to Lower Valley Pike in Clark County, Ohio

Stream ID	Impact Location	Impact Type	Temporary Impact Length (linear feet)	Permanent Impact Length (linear feet)	Temporary Impact Area (acres)	Permanent Impact Area (acres)	Temporary Volume of Dredged/Fill Material Discharged into Waters of the United States	Permanent Volume of Dredged/Fill Material Discharged into Waters of the United States
Stream 2	STA 157 & STA 192+75- STA 195+50	Rock Channel Protection; Grading for Road Widening	0	299	0	0.01	0	22
Jackson Creek	STA 216+50	Rock Channel Protection for Bridge Replacement	100	85	0.01	0.04	8	125
Donnels Creek	STA 275 & STA 278+75	Rock Channel Protection for Bridge Replacement and Ditch Outlet	100	115	0.01	0.05	8	42
Minich Ditch	STA 324+50	Culvert Replacement; Rock Channel Protection for Culvert	80	140	0.01	0.03	8	52



Certification of Completion

Permit Number: LRH-2013-102-GMR-Unnamed Tributary Medway Creek

Name of Permittee: Clark County Engineer's Department

Date of Issuance: March 19, 2014

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Huntington District
U.S. Army Corps of Engineers
Attn: RD-N
502 8th Street
Huntington, West Virginia 25701-2070

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

RD-N

TDS