



Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. LRP 2012-572

Date: June 2, 2021

Notice No. 21-29

Closing Date: July 2, 2021

1. TO ALL WHOM IT MAY CONCERN:

The Nature Conservancy in Ohio has proposed the Grassy Creek mitigation site instrument modification request for the site to be incorporated into their In-Lieu Fee Mitigation Program (ILFP). A Prospectus has been submitted to the Pittsburgh District Corps of Engineers for this site pursuant to 33 CFR 332.8 and 40 CFR 230.98.

This does not constitute an application for regulated work in Waters of the United States. The 2008 Mitigation Rule defines in-lieu fee projects and mitigation banks as a site, or suite of sites, where resources (e.g. wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by DA permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. In general, units of restored, established, enhanced, or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a project development site(s). The Corps, in conjunction with input from the Interagency Review Team, is responsible for authorizing the use of a particular In Lieu Fee site on a project specific basis and determining the number and availability of credits required to compensate for proposed impacts. The purpose of this Public Notice is to inform you of the proposed In Lieu Fee site and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

2. INTERAGENCY REVIEW TEAM: As indicated in the Corps regulations (33 CFR 332.8(b)), the district engineer will establish an Interagency Review Team (IRT) to review documentation for the establishment and management of mitigation banks and in-lieu fee (ILF) programs. The primary role of the IRT is to facilitate the establishment of mitigation banks and/or ILF programs through the development of mitigation banking or ILF program instruments. The IRT reviews draft prospectuses, prospectuses, instruments, and other documents and provides comments to the Corps.

3. SPONSOR: The Nature Conservancy in Ohio
6375 Riverside Drive, Suite 100
Dublin, Ohio 43017-5045

4. LOCATION: The Grassy Creek In-Lieu Fee Mitigation Project is within the Little Muskingum – Little Island Watershed (Hydrologic Unit Code (HUC) 05030201) located in Malaga Township along Moore Ridge Road, south of Jerusalem, within the Monroe Lake

Wildlife Area, Monroe County, Ohio (See Map Below). The 23.9 acre mitigation site is part of the Monroe Wildlife Area, Ohio Division of Wildlife (DOW) property. The mitigation site is centered on the following coordinates: 39.833787°, -81.110231° (See map at end of notice for location).

5. **PURPOSE AND DESCRIPTION OF WORK:** The primary objective of the Grassy Creek In-Lieu Fee Mitigation Project is the restoration of streams, wetlands, and associated buffers in order to generate in-kind mitigation credits to replace advanced mitigation credits that have been sold in the Little Muskingum- Middle Island Watershed (HUC 05030201) as compensation for activities authorized by the United States Army Corps of Engineers (USACE) and the Ohio Environmental Protection Agency (Ohio EPA) through the issuance of permits. The project will be designed, implemented, and managed to attain the following basic objectives:

- Restore 3,294 linear feet (LF) of perennial stream (Mitigation Type 1, Level 1);
- Restore 1,054 LF of intermittent stream (Mitigation Type 1, Level 1);
- Re-establish and rehabilitate 8.5 ac of riparian buffer;
- Re-establish 1.1 ac of forested (PFO) and scrub-shrub (PSS) wetlands in areas that have existing hydric soils;
- Rehabilitate 4.4 ac of emergent (PEM) riverine adjacent wetlands;
- Re-establish 4.2 ac of buffer within 50 meters of wetlands;
- Re-establish 4.2 ac of extra upland buffer.

Stream or Wetland (Type)	Method of Compensation	Acres /LF	Estimated Credit Ratio	Estimated Stream Credits	Estimated Wetland Credits
Grassy Creek (perennial)	Type 1, Level 1	2,775 (lf)	2:1	5,550	--
Grassy Creek East Tributary (intermittent)	Type 1, Level 1	1,054 (lf)	2:1	2,108	--
Grassy Creek West Tributary (intermittent)	Type 1, Level 1	519 (lf)	2:1	1,038	--
Riparian Non-Forested Wetland (PEM/PSS)	Re-establishment	1.1 (ac)	1:1	--	1.1
Riparian Non-Forested Wetland (PEM/PSS)	Rehabilitation	2.9 (ac)	1:2	--	1.5
Riparian Non-Forested Wetland (PEM/PSS) within 100 ft of property boundary	Rehabilitation	0.9 (ac)	1:4	--	0.5
Upland Buffer (100 ft)	Enhancement	4.2 (ac)	1:8	--	0.5
TOTAL:				8,696	3.6

(See plans at end of notice for detail)

6. **WATER QUALITY CERTIFICATION:** For any potential work in Waters of the United

States a permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
PO Box 1049
Columbus, Ohio 43266-0149
Telephone Number: 614-644-2001

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.
8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which are in the vicinity of the proposed work. The project, as proposed, will have no adverse effect on Historic or Cultural properties. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).
9. PUBLIC INVOLVEMENT: Issuance of a public notice regarding proposed mitigation banks is required pursuant to the "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule," (Rule) as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 332). The United States (U.S.) Army Corps of Engineers' (Corps) is soliciting comments from the public, Federal, state, and local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate this proposed mitigation bank.
10. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are

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conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny approval for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

11. RESPONSES: Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to approve or deny the request. All responses to this notice should be directed to the Regulatory Division, attn Matthew Gilbert by telephoning (412) 395-7189, or by e-mail at:

matthew.c.gilbert@usace.army.mil

Please refer to CELRP-RG 2012-572 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Tyler J. Bintrim
Chief, North Branch
Regulatory Division



