



REPLY TO  
ATTENTION OF

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

March 31, 2020

Regulatory Division  
North Branch  
LRH-2019-973-SCR-Big Darby Creek

**NATIONWIDE PERMIT 3 VERIFICATION**

Matthew Rotar  
Union County Engineer  
233 West Sixth Street  
Marysville, Ohio 43040

Dear Mr. Rotar:

I refer to your Pre-Construction Notification (PCN) received in this office on November 29, 2019, concerning the proposal to permanently discharge 50 cubic yards of dredged and/or fill material into approximately 30 linear feet (0.01 acre) of one (1) perennial stream (Big Darby Creek) in association with the Union County Bridge Maintenance Project (UNI-CR78A-0.01). The proposed project is located where Collins Road (Route 78) is carried over the Big Darby River in Milford Center, Union County, Ohio at approximately 40.194043 latitude, -83.473678 longitude. Big Darby Creek is a direct tributary to the Scioto River, a navigable water of the United States. Your PCN has been assigned the following file number: LRH-2019-973-SCR-Big Darby 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.

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 and/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 November 29, 2019, you have requested a DA authorization for the permanent discharge of approximately 50 cubic yards of dredged and/or fill material into approximately 30 linear feet (0.01 acre) of one (1) perennial stream (Big Darby Creek) in association with the Union County Bridge Maintenance Project

(UNI-CR78A-0.01). The proposal will involve the replacement of the existing superstructure and repair of the existing abutments and piers. Additionally, the proposal will involve the filling of an existing scour hole next to one (1) of the existing abutments to protect from the future undermining of the existing infrastructure. All work would be conducted in accordance with the drawings titled *Site Plan – Bridge No. UNI-CR78A-0010 Over Big Darby Creek* and submitted with the PCN materials.

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 associated with the Union County Bridge Maintenance Project (UNI-CR78A-0.01) meets the criteria for Nationwide Permit Number (NWP) No. 3 (enclosed) under the January 6, 2017 Federal Register, Issuance and Reissuance of NWPs (82 FR 1860) provided you comply with all terms and conditions of the enclosed material and the enclosed special conditions.

This verification is valid until the expiration date of the NWPs, 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 NWPs are scheduled to be modified, reissued, or revoked on March 18, 2022. 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, 2022, 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.

A copy of the NWP and this verification letter must be kept at the site during construction. Upon completion of the activities authorized by this NWP verification, the enclosed certification must be signed and returned to this office. If you have any questions concerning the above, please contact Andrew Wendt at 513-825-4518, by mail at the above address, or by email at [andrew.j.wendt@usace.army.mil](mailto:andrew.j.wendt@usace.army.mil).

Sincerely,

*Laurie Moore*

Laurie A. Moore  
Regulatory Project Manager  
North Branch

Enclosures

**SPECIAL CONDITIONS FOR THE NATIONWIDE PERMIT NO. 3 VERIFICATION  
UNION COUNTY BRIDGE MAINTENANCE PROJECT (UNI-CR78A-0.01)  
MILFORD CENTER, UNION COUNTY, OHIO  
LRH-2019-973-SCR-BIG DARBY CREEK**

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1. All authorized work will occur in accordance with pre-construction notification (PCN) information submitted to this office and the drawings titled *Site Plan – Bridge No. UNI-CR78A-0010 Over Big Darby Creek* and submitted with the PCN materials.
2. It has been determined the proposed project may affect, but will not likely adversely affect federally protected clubshell mussel, the rayed bean mussel, the northern riffleshell mussel, the rabbitsfoot mussel, and the snuffbox mussel. Prior to any in-water work, a professional malacologist must conduct a mussel survey and collect and relocate any identified mussels to suitable and similar habitat as approved by the ODNR and the USFWS. Should any federal listed species be encountered, the work must cease and the Corps District and the USFWS must be contacted for consultation. If mussels are located and relocated, the permittee must monitor the recipient site to determine survivorship as required by the ODNR and the USFWS. Monitoring must follow the same survey protocol used during the relocation effort, and all marked individuals must be tallied. A monitoring report, documenting the results of relocation efforts, shall be provided to the Corps, USFWS and ODNR within 30 days of the monitoring event.
3. Enclosed is a copy of Nationwide Permit 3, which will be kept at the site during construction. A copy of the nationwide permit verification, special conditions, and the submitted construction plans must be kept at the site during construction. The permittee will supply a copy of these documents to their project engineer responsible for construction activities.
4. 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.
5. 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 must submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.
6. Construction activities will be performed during low flow conditions to the greatest extent practicable. Additionally, appropriate site specific best management practices for sediment and erosion control will be fully implemented during construction activities at the site.

**SPECIAL CONDITIONS FOR THE NATIONWIDE PERMIT NO. 3 VERIFICATION  
UNION COUNTY BRIDGE MAINTENANCE PROJECT (UNI-CR78A-0.01)  
MILFORD CENTER, UNION COUNTY, OHIO  
LRH-2019-973-SCR-BIG DARBY CREEK**

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7. Section 7 obligations under Endangered Species Act must be reconsidered if new information reveals impacts of the project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the United States Fish and Wildlife Service, or new species are listed or critical habitat designated that might be affected by the subject project.
  8. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the activity authorized by this nationwide permit authorization, the permittee must cease all work in waters of the United States immediately and contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at 304-399-5210 and Ohio State Historic Preservation Office at 614-298-2000. The Corps will initiate the Federal, state and tribal coordination required to comply with the National Historic Preservation Act and applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultation is required under Executive Order 13175 and 36 CFR Part 800.
  9. 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.
  10. The work associated with the Union County Bridge Maintenance Project (UNI-CR78A-0.01) is within a section of the Big Darby Creek, a National Wild and Scenic River. No work in association with the aforementioned work may commence until the permittee receives the required final Section 7(a) approval from the National Park Service.
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