

## Isolated Wetland Permits and 401 Water Quality Certifications in Ohio



**State Fiscal Year 2012**

Prepared by:  
Division of Surface Water  
401/Wetland Section

## Introduction

This report describes isolated wetland permitting and 401 water quality certification activities and resulting mitigation for projects acted upon by Ohio EPA during the period beginning on July 1, 2011 and ending June 30, 2012 (end of the State Fiscal Year). This report is intended to satisfy the reporting requirements specified in Ohio Revised Code (ORC) 6111.025(C), which applies to the isolated wetlands only. In order to provide a more complete picture of the impacts generated by permitting activities in the state, information regarding individual 401 water quality certifications which address impacts to non-isolated waters, has been included.

## Program Background

The Ohio EPA isolated wetland permitting program was legislatively created in response to a U.S. Supreme Court Decision in the case of Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers (Corps) 531 U.S. 159 (January 9, 2001). In its decision, the U.S. Supreme Court ruled that the Corps did not have authority to regulate isolated wetlands under Section 404 of the Clean Water Act (CWA). Prior to that ruling, the Corps regulated activities in all streams and wetlands through the issuance of 404 permits.

Section 401 of the CWA requires applicants to obtain a 401 water quality certification from the State having jurisdiction over the water body in order to obtain a 404 permit. As a result of the SWANCC decision, activities in isolated wetlands could not be permitted in the state of Ohio because there would be no 404 permit to trigger a 401 water quality certification, and because there was no independent State permitting program to take its place. Emergency rules adopted in April 2001 established a State permitting mechanism; however, these rules were effective for only 90 days.

On July 17, 2001, House Bill 231 was signed into law by Governor Bob Taft. The bill establishes a permanent permitting process for isolated wetlands. The provisions of this bill were incorporated in ORC 6111, more specifically, Sections 6111.02 through 6111.029.

The Corps retained all of its original authority to issue 404 permits for wetlands that are not considered isolated (jurisdictional wetlands), as well as other waters of the U.S.

When the Corps requires an individual 404 permit be issued, an individual 401 water quality certification is also required. The Corps can also utilize Nationwide Permits (NWP) to authorize impacts to waters of the U.S. The NWP issued by the Corps address 52 types of activities that range from boat ramp construction to surface coal mining activities. Ohio EPA certified, with conditions, 45 of those activities on March 30 and April 19, 2012. These NWP expire on March 19, 2017. Nationwide permit data from the Corps was not available for inclusion in this year's report.

## Permitting Program Description

Reviewers in the Division of Surface Water are responsible for the 401 water quality certifications that are required by the CWA and for the isolated wetland permits that are required by State law.

### **Program Staffing**

The 401 Program in SFY 12 saw a reduction of 3.5 positions over the course of the SFY. Total staffing, expressed as Full Time Equivalent (FTE) went from 15.5 FTEs at the start of SFY 12 to 12 FTEs at the end of SFY 12. One manager position was permanently eliminated. Two staff positions remained in the Table of Organization but were vacant at the end of the SFY. See Table 1 below for a summary of staffing by location and purpose. Summer interns are not included.

**Table 1: Number of Full Time Equivalent (FTE) Positions at the Start and End of State Fiscal Year 2012**

Location	Purpose	Number FTEs Start of SFY 12 (July 1, 2011)	Number FTEs End of SFY 12 (June 30, 2012)
Central Office	401 Project Reviews	4	4
Central Office	Coal 401 Project Reviews	2	2
Central Office	ODOT 401 Project Review	1	1
Central Office	Supervisor	1	0
Central Office	Manager	2	1
Central Office	Mitigation Compliance	1	1
Central Office	Wetland Ecology Group	2	1
NE District	401 Project Review	1.5	2
NW District	401 Project Review	1	0
<b>Total FTEs</b>		<b>15.5</b>	<b>12</b>

### **Program Fees (Isolated Wetlands)**

Fees for the isolated wetland permitting program are contained in ORC 3745.113. These fees include an application fee of \$200 per application as well as a review fee of \$500 per acre of wetland impacted. The maximum review fee allowed by the code is \$5,000 per application. If the application is for activities that have previously taken place without first obtaining an isolated wetland permit, the review fee is doubled (up to \$10,000). These fees became a statutory requirement in 2001, and have not been adjusted since that time.

**Program Fees (Jurisdictional Wetlands, Streams, and Lakes)**

A complete description of the 401 Water Quality Certification (WQC) fees is contained in Ohio Revised Code Section (ORC) 3745.114. Three key provisions of the 401 Water Quality Certification fees are:

- 1) A person that applies for a Section 401 Water Quality Certification must pay an application fee of \$200 at the time of application.
- 2) In addition to the application fee, that person must pay the review fees in the table below, and
- 3) One half of the applicable review fees are due at the time of application. The remainder of the fee shall be paid at the time the Director takes an action on the application.

**Table 2: Fees**

<b>RESOURCE IMPACTED</b>	<b>REVIEW FEE</b>
Wetland	\$500 per acre
Ephemeral Stream	\$5 per linear foot or \$200, whichever is greater
Intermittent Stream	\$10 per linear foot or \$200, whichever is greater
Perennial Stream	\$15 per linear foot or \$200, whichever is greater
Lake	\$3 per cubic yard of dredged or fill material

The total fee paid shall not exceed \$25,000 per application. If the applicant is a county, township, or municipal corporation in the state, the total fee paid shall not exceed \$5,000 per application. State government and the United States Army Corps of Engineers are not subject to the fees.

**Program Budget**

In SFY 12, total expenditures for 401 water quality certifications, isolated wetland permits and the wetland ecology group were \$1,751,775. Table # 3 below summarizes the sources of funding for the Total Expenditures. The majority of funding came from Tipping Fees at Solid Waste Facilities that are directed to Ohio EPA. Fees from 401 Certifications and Isolated Wetland Permit fees funded 21% of the Total Expenditures.

**Table 3: Sources of Funding**

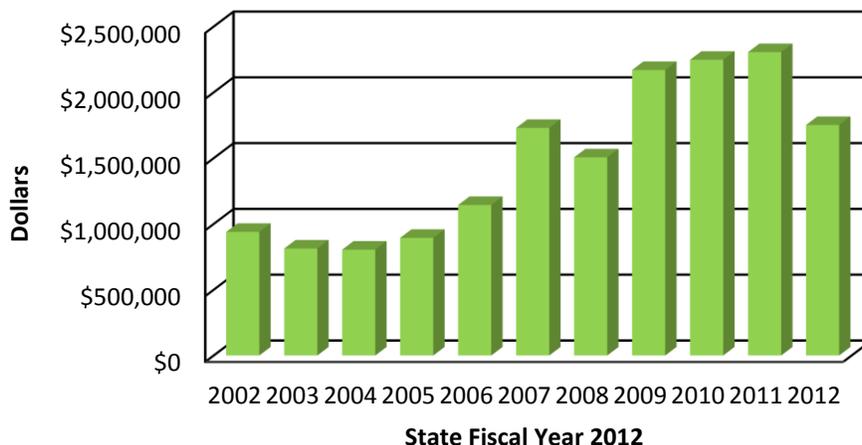
SOURCE OF FUNDING	AMOUNT	% of Total
401 Certification Fees	\$346,008	20%
ODOT	\$89,224	5%
Isolated Wetland Permit Fees	\$12,042	1%
Other Surface Water Fees	\$204,571	12%
Ohio EPA Tipping Fees	\$969,627	55%
U.S. EPA Wetland Grants	\$130,303	7%
<b>TOTAL EXPENDITURES</b>	<b>\$1,751,775</b>	<b>100%</b>

The Total Expenditures funding level represents a 24% decrease over that observed in SFY 2011 (\$2,303,480).

Please note that the costs in the above table include all of the costs used to support the isolated wetland permit, 401 water quality certification and wetland ecology group. In addition to direct program staff and equipment costs, other program costs in this analysis include support from legal, enforcement, administrative and data management staff.

A summary of program costs since SFY 2002 is presented in the following graph:

**Graph 1 - Program Cost Trends**



**Applicants and Stakeholders**

Applicants seeking 401 certifications and/or isolated wetland permits from Ohio EPA include, but are not limited to: residential, commercial and industrial developers; mining companies; county, state and federal agencies; utility companies; marina owners; and individual citizens. Stakeholders include the above applicants, as well as local, statewide and national citizen groups and environmental organizations.

**Summary of Outputs – State Fiscal Year 2012**

**Isolated Wetland Permits**

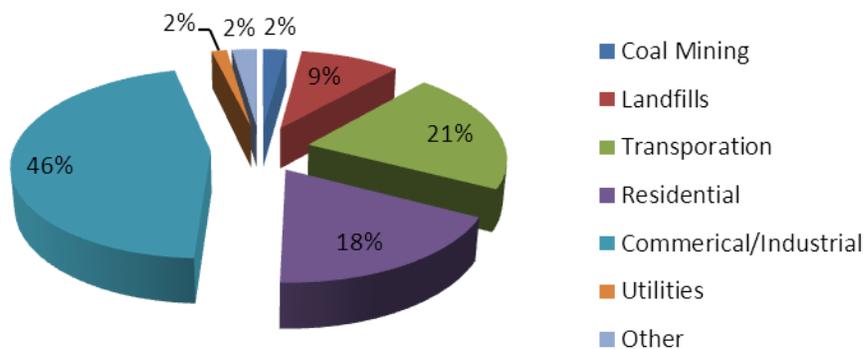
Twenty one Isolated Wetland Permit applications were withdrawn and thirty six permits issued in SFY 2012, bringing the total number of applications processed to 57.

**Table 4: Isolated Wetland Permits**

	Number permits issued	Acres of isolated wetlands filled	Acres of mitigation provided
General Permits	33	5.59	13.21
Individual Permits	3	2.05	3.87
<b>Total</b>	<b>36</b>	<b>7.64</b>	<b>17.08</b>

Nearly half of the isolated wetland impacts that occurred in the state of Ohio occurred as a result of commercial and industrial development. Transportation and residential development each produced approximately a fifth of the isolated wetland impacts in the state as illustrated in Graph #2.

**Graph 2: Isolated Wetland Impacts by Industry Type**



**401 Water Quality Certifications**

401 water quality certifications can be issued to address impacts to streams and lakes as well as those jurisdictional wetlands that fall under the authority of the CWA. The total number of 401 Water Quality Certification applications processed during SFY 2012 was 104, and is broken down into the following categories:

**Table 4: 401 WQC Actions**

<b>401 Applications Processed</b>	104
<b>401 Certifications Granted</b>	68
<b>Applications Withdrawn</b>	26
<b>Applications Resulting in NWP</b>	7
<b>Applications Denied</b>	1
<b>Applications Waived</b>	2

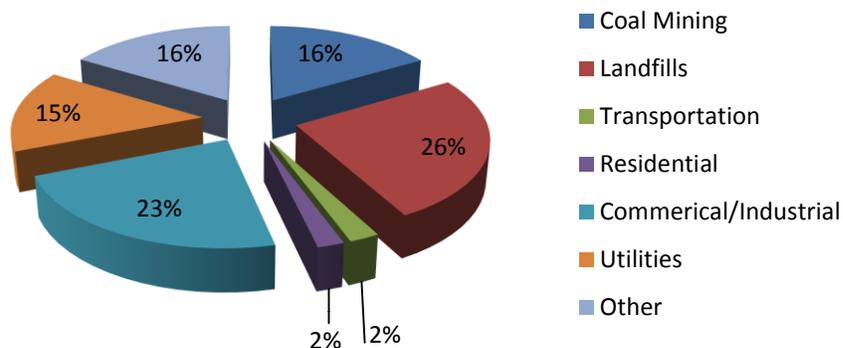
Of the 68 401 Water Quality Certifications granted to applicants, total impacts for jurisdictional wetlands, streams and lake impacts are broken down below in Table #5:

**Table 5: Individual 401 Water Quality Certifications**

401s issued	Acres of Jur. Wetlands		Linear Feet of Streams		Lake Impacts (cubic yards)
	filled	mitigation	filled	mitigation	
68	23.96	78.82	124,948	158,161	3,305,433.50

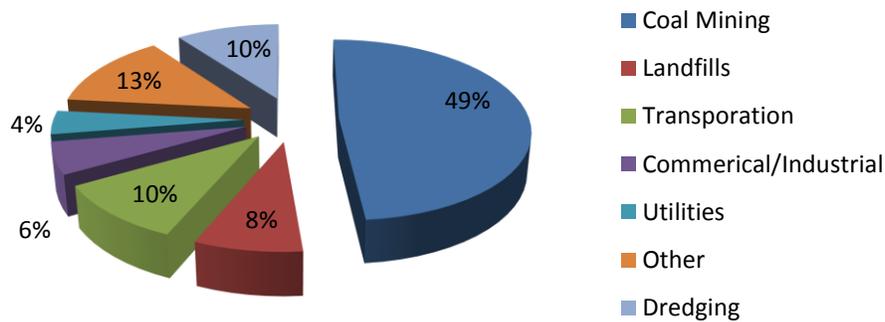
The majority of jurisdictional wetland impacts occurred as a result of landfill development or expansion, followed closely by commercial and industrial development as illustrated in Graph #3.

**Graph 3: Jurisdictional Wetland Impacts by Industry Type**



The coal mining industry claimed just under half of the all of the authorized stream impacts in the entire state in SFY 2012 as illustrated in Graph #4.

**Graph 4: Stream Impacts by Industry Type**



### **Permitting Trends**

The information presented in this section shows the trends in permit activity that has taken place since the Isolated Wetland Permit program was created.

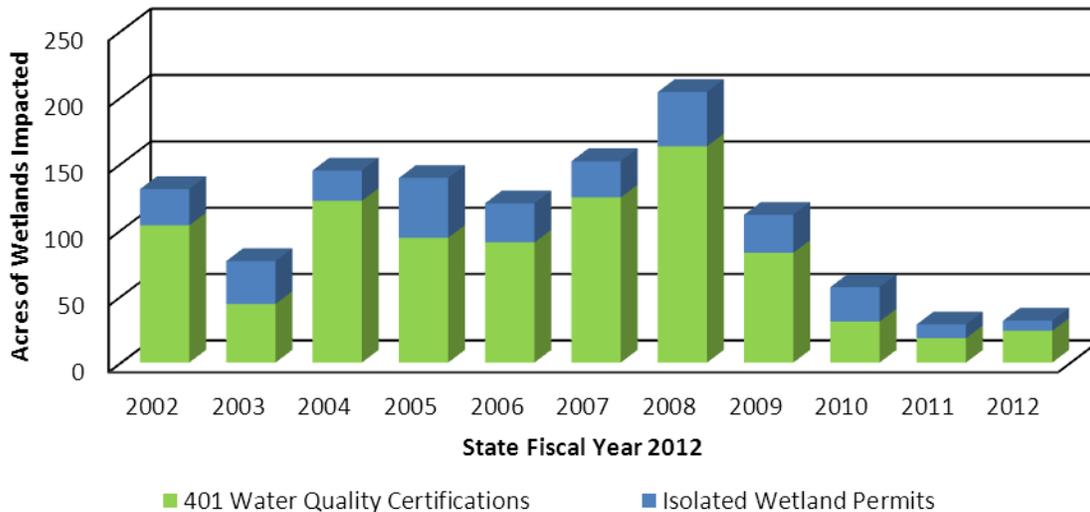
The number of 401 Water Quality Certifications and Isolated Wetland permits issued during each fiscal year is shown below in Graph #5. Approximately the same number of Isolated Wetland Permits were issued in SFY 2012 (37) as in SFY 2011 (36). Meanwhile, the data shows a 42% increase in the number of 401 Water Quality Certifications issued in SFY 2012 (68) compared to SFY 2011 (48).

The total number of acres of wetland impacts authorized by the two programs (401 Water Quality Certification and Isolated Wetland Permitting) by State Fiscal Year is shown below in Graph #6. Jurisdictional wetland impacts authorized under a 401 Water Quality Certification and isolated wetland impacts authorized under an Isolated Wetland Permit totaled 31.6 acres in SFY 12. This is a significant decrease compared to the 200 acres authorized to be impacted in 2006.

**Graph 5 - 401 WQC and Isolated Wetland Permits  
 - Number of Permits -**



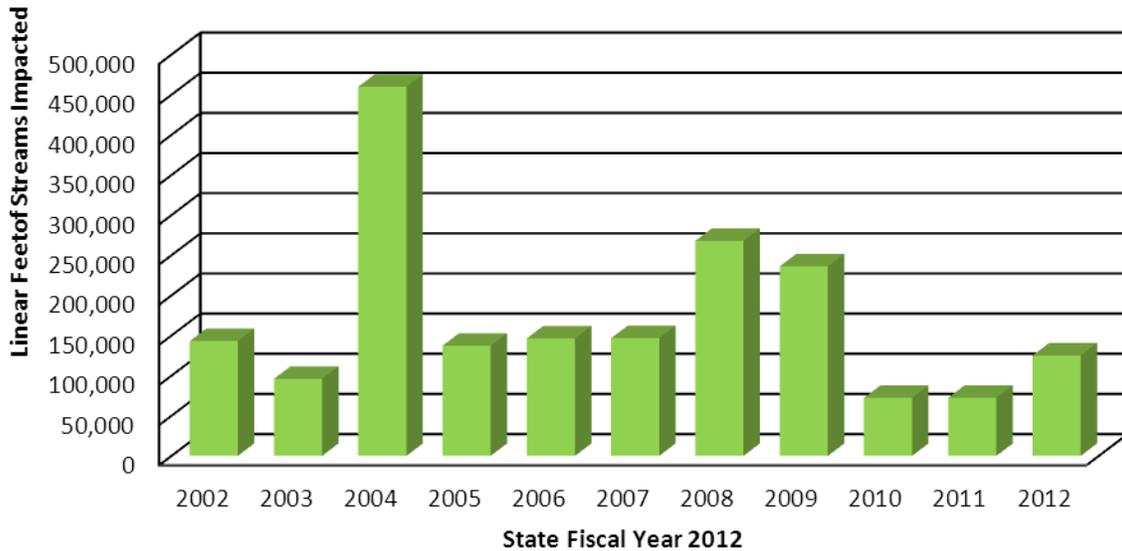
**Graph 6 - 401 WQC and Isolated Wetland Permits  
 - Wetland Acres Impacted-**



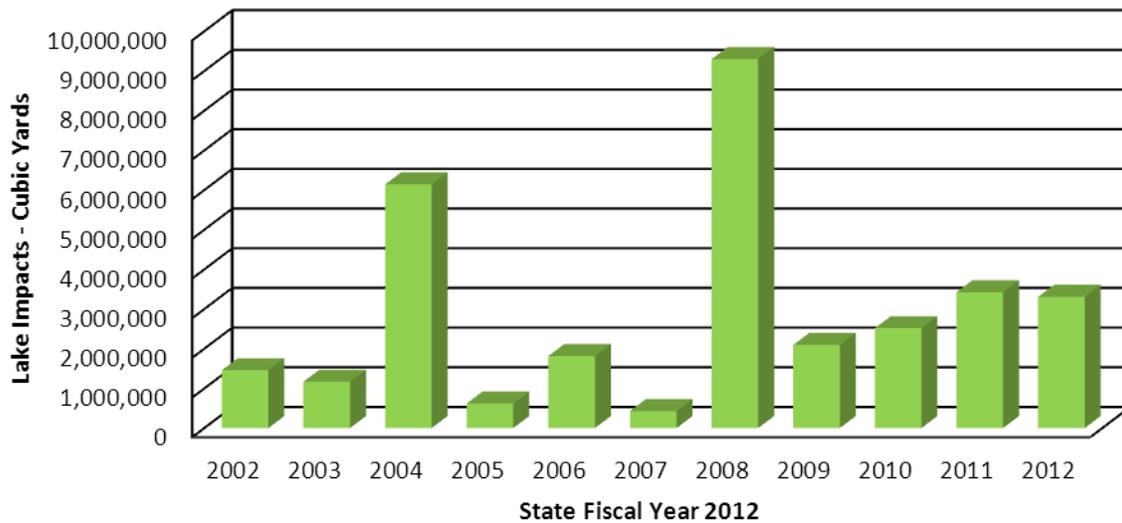
The linear feet of Ohio stream that had some type of authorized impacts is shown below in Graph #7 while and Graph #8 shows the cubic yards of material that was placed in Ohio lakes, mainly Lake Erie. The amount of authorized stream impacts increased by

73% when compared to the previous year while the amount of dredge and fill material impacting Ohio lakes remained nearly the same as the previous year.

**Graph 7 - 401 WQC  
Stream Impacts - Linear Feet**



**Graph 8 - 401 WQC  
Lake Impacts - Cubic Yards**



### **Customer Feedback Survey**

During SFY 2010, the Division of Surface Water undertook a Kaizen review in order to improve the timeliness and efficiency of the 401 water quality certification process. One of the outcomes of the Kaizen review was the implementation of an electronic based customer service survey. The survey can be found at the following website:

<http://www.surveymonkey.com/wqc-iwpfeedbackform>

This link is also included in each certification issued by Ohio EPA. The survey was activated on June 1, 2010, near the end of the state fiscal year. Although the survey has been active for this entire report period, participation has been low. Since implementation three responses have been received through the survey website. A meaningful statistically analysis of the responses is not possible with the limited number of participants; however the results were mixed with both praise and criticism received as it relates to the permitting process. Some of the suggestions received include providing better guidance for completing the applications and improving permit response times. The Division of Surface Water has been and is continuing to work on improvements in these areas as the outcomes of the Kaizen process are implemented.

Questions regarding this report should be directed to Rachel Taulbee, Supervisor of the 401 Permitting Unit, at (614) 644-2494 or via email at:

[Rachel.taulbee@epa.ohio.gov](mailto:Rachel.taulbee@epa.ohio.gov)

### **Appendices:**

**Table A** lists each project acted upon with columns indicating the corresponding applicant name, date action was taken, acres filled, acres mitigated, permit type (level one, two, or three review), and the number of days to process each application. This table also provides the eight digit hydrologic unit code (HUC) for the impacts and the mitigation associated with that impact. The total number of acres impacted in each of the HUCs by the isolated wetland permitting program is also provided in this table.

**Table B** lists each project with wetland impacts and includes columns indicating the corresponding applicant name, date action was taken, acres filled, acres mitigated, and the number of days required to process each application. This table also provides the eight digit HUC for the impacts and the mitigation associated with that impact. The total number of acres impacted in each of the HUCs by the 401 water quality certification program is also provided in this table. Please note that if a project is listed

in this table more than once, it is due to the fact that mitigation for the project occurred in more than one watershed

**Table C** lists each project with stream impacts and includes columns indicating the corresponding applicant name, date action was taken, linear feet of stream impacts certified, linear feet of stream mitigation and the number of days required to process each application.

**Table D** lists each project with lake impacts and includes columns indicating the corresponding applicant name, date action was taken, cubic yards of dredge materials allowed under the certification, and the number of days required to process each application.

**Table E** lists each of the eight digit HUC codes and its corresponding basin name in the state of Ohio. This table also summarizes, by HUC, the impacts and mitigation acreage on both jurisdictional and isolated wetlands.

In reviewing the information contained in the tables, please note the following:

1. Adding the projects listed in Tables A, B, C and D will over-estimate the number of actions taken by Ohio EPA, since a single application may have impacts in more than one type of water body. The tables were generated to show the various types of impacts certified by Ohio EPA via individual 401 water quality certifications.
2. Table D does not contain a summary of mitigation resulting from the certifications issued for lake impacts. Current tracking of lake mitigation is limited.

**Table A****Isolated Permits Granted between July 1, 2011 and June 30, 2012**

SWIMS ID	Applicant	Issue Date	Permit Type	Issue Time (Days)	Wetlands Impacted			Wetland Mitigation	
					Acres	Watershed	Total	Acres	Watershed
113769	Kinder Morgan Cochin Pipeline	8/23/2011	Level 1	0	0.01	04100006	0.01	0.2	04100011
113796	Johnson Controls, Inc.	9/14/2011	Level 1	0	0.35	04100009	1.24	0.9	04100011
103641	Toledo Lucas County Port Authority	7/6/2011	Level 2	57	0.89	04100009		1.47	04100009
123914	Cuyahoga Community College	5/30/2012	Level 1	1	0.10	04110001	0.79	0.3	04100011
113826	Co-Part of Connecticut, Inc.	11/22/2011	Level 1	16	0.02	04110001		0.1	04110001
103713	Gamellia, Jim	11/21/2011	Level 1	25	0.23	04110001		0.5	04100011
123916	MetroHealth System	4/12/2012	Level 1	0	0.41	04110001		1.1	04100012
113761	CSX Transportation	7/27/2011	Level 1	30	0.03	04110001		0.1	04110001
113794	Bennett Supply Company	9/7/2011	Level 1	8	0.01	04110002	0.84	0.1	04110004
083428	CarMax Auto Superstores	9/12/2011	Level 1	17	0.15	04110002		0.4	04100011
123936	Redwood Management Company	6/4/2012	Level 1	18	0.14	04110002		0.4	04110002
123959	Kertes Enterprises, Inc.	6/28/2012	Level 1	0	0.13	04110002		0.3	04110004
123903	In Site Real Estate Properties LLC	5/4/2012	Level 1	0	0.32	04110002		0.7	04100010
123898	Streetsboro Family Homes LLC	3/21/2012	Level 1	0	0.09	04110002		0.3	04100010
123870	Classic Auto Group	3/7/2012	Level 1	27	0.09	04110003	0.27	0.18	04110004
123869	Enterprise Welding & Fabricating	1/22/2012	Level 1	30	0.18	04110003		0.4	04110004
113837	Proximity Marketing	11/8/2011	Level 1	0	0.24	04120200	0.24	0.5	04100001
113821	ODOT	8/30/2011	Level 1	12	0.07	05030101	0.07	0.14	05030103
113774	Rien Construction, Inc.	1/4/2012	Level 1	0	0.02	05030102	0.02	0.04	In-Lieu Fee*
113793	Austintown Local School District	8/8/2011	Level 1	12	0.05	05030103	0.14	0.10	In-Lieu Fee*
113857	Zaremba Group	1/4/2012	Level 1	14	0.09	05030103		0.14	In-Lieu Fee*
123908	East Ohio Gas	3/26/2012	Level 1	4	0.10	05030106	0.10	0.2	05030106
113856	Dollar General	1/5/2012	Level 1	0	0.03	05040001	0.44	0.1	05060001
123915	Oxford Mining Company, LLC	4/9/2012	Level 1	0	0.05	05040001		1.2	05040001
113785	Rosebud Mining Company	8/14/2011	Level 1	30	0.12	05040001		0.6	05040001
123923	Akron, City of	6/5/2012	Level 1	0	0.24	05040001		0.48	05040001
113844	Holmes County Airport Authorities	4/5/2012	Level 2	92	0.67	05040003	0.67	1.4	05040006
123876	Buckeye Community Hope Foundation	5/7/2012	Level 1	0	0.23	05040004	0.46	0.5	05060001
113789	Suburban Landfill, Inc.	8/10/2011	Level 1	28	0.23	05040004		0.35	05040004

**Table A, continued**

SWIMS ID	Applicant	Issue Date	Permit Type	Issue Time (Days)	Wetlands Impacted			Wetlands Mitigation	
					Acres	Watershed	Total	Acres	Watershed
123907	ODOT	3/22/2012	Level 1	0	0.02	05060001	1.40	0.04	05060001
113831	City of Upper Arlington	10/6/011	Level 1	0	0.29	05060001		0.06	05060001
123873	Menard, Inc.	2/24/2012	Level 1	0	0.33	05060001		0.7	05060001
123966	ODOT	6/22/2012	Level 1	8	0.75	05060001		0.42	05060001
123897	ODOT	2/29/2012	Level 1	7	0.01	05060001		0.02	05060001
123889	City of Springfield	4/24/2012	Level 1	1	0.46	05080001	0.46	1.10	05060001
113736	Duke Energy Ohio, Inc.	5/8/2012	Level 2	105	0.49	05090201	0.49	1.00	05090201

\*Impacts were mitigated through the Pilot In-Lieu Fee Program

Total Acres Impacted	7.64
Total Acres Mitigated	17.08
Average Issue Time	15

**Table B****Jurisdictional Wetland Impacts Granted between July 1, 2011 and June 30, 2012**

SWIMS ID	Applicant	Issue Date	Issue Time (Days)	Wetlands Impacted			Wetland Mitigation	
				Acres	Watershed	Total	Acres	Watershed
113811	Williams County Landfill	12/8/2011	41	4.9	04100006	4.9	12.25	04100003
113846	City of Toledo	4/30/2012	167	3.03	04100009	3.03	6.03	04100009
113766	Sunny Farm Landfill, LLC	1/26/2012	176	0.66	04100011	0.66	7.66	04100011
103712	CSX Transportation	02/10/12	183	0.37	04110001	0.37	12.5	04110001
113778	Perrico Property Systems	6/26/2012	203	0.47	04110002	0.71	1.2	04110002
113753	ODOT	7/29/2011	119	0.24	04110002		0.6	04110002
103709	Geauga County Engineer	8/26/2011	184	0.29	04110003	0.29	0.3	04110004
093580	Cleveland Electric Illuminating Company	8/4/2011	182	0.02	04110004	0.02	13.11	04110004
113818	Buckeye Partners L.P.	2/23/2012	143	0.2	05030103	3.5	1	05030103
113746	East Ohio Gas Company	1/27/2012	182	3.3	05030103		4.06	05030103
103646	Ohio American Energy, Inc.	12/20/2011	162	1.38	05030106	1.38	2.08	05030106
113784	Huntington COE	6/28/2012	111	1.53	05030204	1.53	1.53*	05030204
113750	US ACOE, Huntington District	9/13/2011	126	1.92	05040001	5.22	5.6	05040001
113749	Huntington ACOE	9/13/2011	113	0.02	05040001		0.22	05040001
103698	J. M. Smucker Company	7/15/2011	157	1.93	05040001		4.42	05040001
113807	Rosebud Mining Company	4/30/2012	168	0.35	05040001		0.53	05040001
103696	Rosebud Mining Company	9/21/2011	177	0.23	05040001		0.35	05040001
093593	Penn Ohio Coal Company	8/9/2011	172	0.03	05040001		0.05	05040001
103617	Rosebud Mining Company	2/3/2012	137	0.74	05040001		0.89	05040001
113788	Suburban Landfill, Inc.	3/12/2012	181	0.58	05040004		0.58	1.3
103714	Oxford Mining Company, LLC	7/22/2011	171	0.22	05040005	1.21	0.33	05040005
113738	Oxford Mining Company, LLC	2/7/2012	76	0.99	05040005		1.49	05040005
103632	Synergy-Ashford Center	7/15/2011	158	0.01	05080001	0.01	0.1	05060001
113752	Sands Hill Mining, LLC	10/20/2011	176	0.02	05090101	0.02	0.04	05090101
113816	Lawrence Economic Dev. Corporation	4/17/2012	173	0.07	05090103	0.07	0.12	05030202
113804	Everybody's Farm, Inc.	11/16/2011	107	0.46	05090202	0.46	1.06	05090202

\*Impacts were mitigated through the treatment of AMD draining into the wetlands

Total Acres Impacted	23.96
Total Acres Mitigated	78.82
Average Issue Time	152

**Table C**

Jurisdictional Stream Impacts Granted between July 1, 2011 and June 30, 2012

SWIMS ID	Applicant	Issue Date	Permit Type	Issue Time (Days)	Streams Impacted			Streams
					LF Impacted	Watershed	Total	Linear Feet Mitigation
103624	Sylvania, City of	7/6/2011	401	139	825	04100001	825	1774
113820	Toledo, City of	4/30/2012	401	165	1794	04100009	6390	135
113846	City of Toledo	4/30/2012	401	167	4596	04100009		6894
113766	Sunny Farm Landfill, LLC	1/26/2012	401	176	3814	04100011	3814	5371
103712	CSX Transportation	02/10/12	401	183	627	04110001	627	306
113737	Buffalo COE	9/13/2011	401	180	750	04110002	840	750
113753	ODOT	7/29/2011	401	119	90	04110002		140
103709	Geauga County Engineer	8/26/2011	401	184	214	04110003	214	214
093580	Cleveland Electric Illuminating Company	8/4/2011	401	182	60	04110004	60	5627
113746	East Ohio Gas Company	1/27/2012	401	182	250	05030103	250	795
123872	MPR Supply Chain Solutions	3/26/2012	401	49	335	05030106	5569	190
113832	American Energy Corporation	2/3/2012	401	72	40	05030106		100
103646	Ohio American Energy, Inc.	12/20/2011	401	162	5194	05030106		5220
113802	US ACE Huntington District	3/12/2012	401	207	12310	05030202	12310	12310*
113829	Athens City Schools	3/26/2012	401	153	426	05030204	9439	639
113756	ODOT	9/13/2011	401	160	85	05030204		160
113784	Huntington COE	6/28/2012	401	111	8928	05030204		8928
113749	Huntington COE	9/13/2011	401	113	827	05040001	18759	365
103717	Oxford Mining Company, LLC	3/26/2012	401	181	5620	05040001		4382
103698	J. M. Smucker Company	7/15/2011	401	157	120	05040001		0
113807	Rosebud Mining Company	4/30/2012	401	168	1213	05040001		1213
103696	Rosebud Mining Company	9/21/2011	401	177	4893	05040001		4893
113772	Rosebud Mining Company	2/10/2012	401	172	3031	05040001		5104
093593	Penn Ohio Coal Company	8/9/2011	401	172	2183	05040001		2183
103617	Rosebud Mining Company	2/3/2012	401	137	872	05040001		951
113788	Suburban Landfill, Inc.	3/12/2012	401	181	2177	05040004	2177	6941
103714	Oxford Mining Company, LLC	7/22/2011	401	171	6801	05040005	19475	6801
113738	Oxford Mining Company, LLC	2/7/2012	401	76	12674	05040005		12674
113735	Franklin County Engineer	8/29/2011	401	111	1647	05060001	2647	2450
113764	Columbus, City of	11/4/2011	401	91	1000	05060001		1000

**Table C, continued**

SWIMS ID	Applicant	Issue Date	Permit Type	Issue Time (Days)	Streams Impacted			Streams
					Linear Feet Impacted	Watershed	Total	Linear Feet Mitigation
103632	Synergy-Ashford Center	7/15/2011	401	158	749	05080001	749	834
113799	Western Benchmark, LLC ODOT Butler County Engineers' Office Duke Energy	2/3/2012	401	192	425	05080002	5912	1850
113855		3/5/2012	401	82	317	05080002		475.5
113822		4/9/2012	401	109	400	05080002		400
113827		9/29/2011	401	28	3550	05080002		8097
113725		1/27/2012	401	193	1220	05080002		2605
113752	Sands Hill Mining, LLC	10/20/2011	401	176	16494	05090101	16494	16494
113808	Lawrence Economic Development Corporation Lawrence Economic Development Corporation Scioto County Sanitary Engineer ODOT	3/30/2012	401	218	668	05090103	12063	1149
113816		4/17/2012	401	173	450	05090103		1350
113790		3/26/2012	401	178	1120	05090103		1345
113859		5/18/2012	401	147	9825	05090103		14738
113840	Hamilton, City of	5/30/2012	401	114	200	05090201	200	200
113728	Arch Materials	3/16/2012	401	176	1903	05090202	6134	4050
113804	Everybody's Farm, Inc.	11/16/2011	401	107	1751	05090202		3584
113792	MSD of Greater Cincinnati	5/14/2012	401	168	2480	05090202		2480

\*Impacts were mitigated through mussel surveys, use of GPS to ensure discharge pipes are properly located, evaluation of dredged material for contamination, use of acoustic Doppler sensors to monitor sediment plumes and to modify gate operations on the dams to create a steering current to deflect turbidity plumes from mussel beds and substrate samplers to monitor sediment deposition

Total Linear Feet Impacted	124,948
Total Linear Feet Mitigated	158,161.50
Average Issue Time	149

**Table D**

Lake Impacts Granted between July 1, 2011 and June 30, 2012

SWIMS ID	Applicant	Issue Date	Issue Time (Days)	Lakes	Lakes	CY Per HUC
				Dredge/Fill (Cubic Yards)	HUC	
113775	Hughes Pier	1/12/2012	147	170	04100012	170
113836	Cuyahoga Harbor Maintenance Dredging 2012	3/23/2012	126	600000	04110002	600000
123860	USACE- Ashtabula Harbor 2012	5/30/2012	110	230000	04110003	230125
123896	Zingales armor stone revetment	5/29/2012	61	125	04110003	
103691	Crist Breakwater and Sea Wall	9/13/2011	189	754	04120200	2466924.5
113805	Euclid Marina Phase II (Fishing Pier)	4/17/2012	147	1842	04120200	
113791	Helen Mercer armor stone	11/18/2011	121	115	04120200	
113812	Lee Krendl Dock Reconstruction	11/18/2011	63	55.5	04120200	
113733	Lloyd Seawall and Breakwater	1/24/2012	181	174	04120200	
113803	Marquard Detached Pier, Re-submit	10/6/2011	9	142	04120200	
113740	Platko Shoreline Protection	11/18/2011	106	230	04120200	
113771	Put-in-Bay Dock A and C	11/30/2011	113	2177	04120200	
113849	Quinn, Robert and Heidi	4/17/2012	88	598	04120200	
113858	Toledo Harbor Maintenance Dredging -2012	6/27/2012	169	2200000	04120200	
113851	USACE - Lorain Harbor Dredging 2012	5/2/2012	76	260000	04120200	
103702	Wojtasiewicz Revetment	10/26/2011	190	837	04120200	
093530	Mosquito Lake State Park Boat Ramp	9/13/2011	74	5214	05030103	

Cubic Yards/Fill	3,302,433.50
Average Issuance Time	116

**Table E**  
**Wetland Impact and Mitigation Summary by HUC**  
 Issued Between July 1, 2011 and June 30, 2012

8 Digit HUC	Description	Isolated Wetlands		Jurisdictional Wetlands		Total Acres	
		Impact	Mitigation	Impact	Mitigation	Impact	Mitigation
4100001	Lake Erie tributaries (below Detroit R. to above Maumee R.)	0.00	0.50	0.00	0.00	0.00	0.50
4100002	Raisin River	0.00	0.00	0.00	0.00	0.00	0.00
4100003	St. Joseph River	0.00	0.00	0.00	12.25	0.00	12.25
4100004	St. Mary's River	0.00	0.00	0.00	0.00	0.00	0.00
4100005	Maumee River	0.00	0.00	0.00	0.00	0.00	0.00
4100006	Tiffin River	0.01	0.00	4.90	0.00	4.91	0.00
4100007	Auglaize River	0.00	0.00	0.00	0.00	0.00	0.00
4100008	Blanchard River	0.00	0.00	0.00	0.00	0.00	0.00
4100009	Maumee River	1.24	1.47	3.03	6.03	4.27	7.50
4100010	Lake Erie Tributaries and Portage River	0.00	1.00	0.00	0.00	0.00	1.00
4100011	Sandusky River and Sandusky Bay Tributaries	0.00	2.30	0.66	7.66	0.66	9.96
4100012	Huron River and Vermilion River	0.00	1.10	0.00	0.00	0.00	1.10
4110001	Black River and Rocky River	0.79	0.20	0.37	12.50	1.16	12.70
4110002	Cuyahoga River	0.84	0.40	0.71	1.80	1.55	2.20
4110003	Chagrin and Ashtabula Rivers and Lake Erie Tributaries	0.27	0.00	0.29	0.00	0.56	0.00
4110004	Grand River	0.00	0.98	0.02	13.41	0.02	14.39
4120101	Conneaut Creek and Lake Erie tributaries	0.00	0.00	0.00	0.00	0.00	0.00
4120200	Lake Erie Islands	0.24	0.00	0.00	0.00	0.24	0.00
5030101	Little Beaver, Yellow, and Cross Creeks	0.07	0.00	0.00	0.00	0.07	0.00
5030102	Shenango River	0.02	0.00	0.00	0.00	0.02	0.00
5030103	Mahoning River	0.14	0.14	3.50	5.06	3.64	5.20
5030106	Ohio River tributaries (Short, Wheeling, and McMahon Creeks)	0.10	0.20	1.38	2.08	1.48	2.28
5030201	Little Muskingum River	0.00	0.00	0.00	0.00	0.00	0.00
5030202	Shade River and Leading Creek	0.00	0.00	0.00	0.12	0.00	0.12
5030204	Hocking River	0.00	0.00	1.53	1.53	1.53	1.53
5040001	Tuscarawas River	0.44	2.28	5.22	12.06	5.66	14.34
5040002	Mohican River	0.00	0.00	0.00	0.00	0.00	0.00
5040003	Kokosing River, Walhonding River, and Killbuck Creek	0.67	0.00	0.00	0.00	0.67	0.00
5040004	Muskingum River	0.46	0.35	0.58	1.30	1.04	1.65

**Table E, continued**

8 Digit HUC	Description	Isolated Wetlands		Jurisdictional Wetlands		Total Acres	
		Impact	Mitigation	Impact	Mitigation	Impact	Mitigation
5040005	Wills Creek	0.00	0.00	1.21	1.82	1.21	1.82
5040006	Licking River	0.00	1.40	0.00	0.00	0.00	1.40
5060001	Scioto River (headwaters to below Big Darby Creek)	1.40	3.48	0.00	0.10	1.40	3.58
5060002	Scioto R. (below Big Darby Cr. to Ohio R., except Paint Cr.)	0.00	0.00	0.00	0.00	0.00	0.00
5060003	Paint Creek	0.00	0.00	0.00	0.00	0.00	0.00
5080001	Great Miami River (headwaters to below Mad River)	0.46	0.00	0.01	0.00	0.47	0.00
5080002	Great Miami R.(below Mad R. to Ohio R. except Whitewater R.)	0.00	0.00	0.00	0.00	0.00	0.00
5080003	Whitewater River	0.00	0.00	0.00	0.00	0.00	0.00
5090101	Raccoon Cr., Symmes Cr. and other Ohio R. tributaries	0.00	0.00	0.02	0.04	0.02	0.04
5090103	Little Scioto River and other Ohio River tributaries	0.00	0.00	0.07	0.00	0.07	0.00
5090201	Ohio Brush Cr., Whiteoak Cr., and other Ohio R. tributaries	0.49	1.00	0.00	0.00	0.49	1.00
5090202	Little Miami River	0.00	0.00	0.46	1.06	0.46	1.06
5090203	Mill Creek and Ohio River tributaries	0.00	0.00	0.00	0.00	0.00	0.00
5120101	Wabash River	0.00	0.00	0.00	0.00	0.00	0.00
5120103	Mississinewa River	0.00	0.00	0.00	0.00	0.00	0.00
NA	Pilot In-Lieu Fee	NA	0.28	NA	NA	NA	0.28