



State of Ohio Environmental Protection Agency

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

### **State Fiscal Year 2004**



Prepared by:  
Division of Surface Water  
401/Wetland Section

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

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prepared by

Ohio Environmental Protection Agency  
October 2004

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, 2003 and ending June 30, 2004 (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 as well as projects that are covered by Ohio EPA certification of the US Army Corps of Engineers' Nationwide Permits (NWP) and 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 6111.021 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 43 types of activities that range from boat ramp construction to surface coal mining activities. Ohio EPA certified, with conditions, 40 of those activities on May 22, 2002. Information has been provided by the four Corps districts which operate in Ohio (Huntington, Buffalo, Pittsburgh, and Louisville), regarding which of the NWP have been utilized, and how much of an impact has been authorized, in Ohio during SFY 2004.

## **Program Description**

Reviewers in the 401 Water Quality Certification Section 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. The creation of the isolated wetland permitting system did not substantially alter the staffing needs of the Agency to implement both programs because isolated wetlands had been regulated under the 401 water quality certification program prior to January 9, 2001. A slight increase in resource needs was experienced since a number of applications required both a 401 certification and an isolated wetland permit.

### Program Staffing

During State Fiscal Year (SFY) 2004, the Division of Surface Water's 401 Water Quality Certification Section table of organization contained six full time equivalents (FTEs), classified as Environmental Specialists 2. The positions included five general 401 project reviewers and one reviewer funded by the Ohio Department of Transportation (ODOT) whose duties were limited to ODOT highway projects. This staffing level represents no change from the previous SFY. Currently, all staff positions in the 401 Water Quality Certification Section are filled.

### Program Fees

Fees for 401 water quality certifications are established in Ohio Administrative Code (OAC) 3745-45-02. Fees range from a minimum of \$15 to a maximum of \$200 per 401 certification. Some of the fees are fixed amounts based on the type of project, while others are on a sliding scale based on the magnitude of the potential impact.

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).

Program Budget

Funds for issuing 401 water quality certifications and isolated wetland permits in SFY 2004 came from a number of different sources. Funding information is summarized in the following table:

<b>SOURCE OF FUNDING</b>	<b>AMOUNT</b>	<b>% of Total</b>
401 Certification Fees	\$5,754.00	0.7%
Isolated Wetland Permit Fees	\$24,504.00	3.1%
Surface Water Fee Fund	\$9,621.00	1.2%
ODOT	\$73,047.00	9.1%
U.S. EPA Grant (106 funds)	\$29,102.00	3.6%
General Revenue Fund	\$660,300.00	82.3%
<b>TOTAL</b>	<b>\$802,329.00</b>	<b>100%</b>

This expenditure level represents a 1.1% reduction than that observed in SFY 2003 (\$810,811).

Please note that the costs in the above table include all of the costs involved in the isolated wetland permit and 401 water quality certification processes. Other ancillary program costs included in this analysis of the total program budget include support from legal staff, enforcement staff, administrative staff and data management staff.

This analysis highlights that current permitting fees continue to cover only a small portion of the cost associated with this program.

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.

### Illegal Fills

The program received 63 illegal fill complaints during SFY 2004, twenty-three more complaints than it received in SFY 2003 (157% of SFY 2003 levels). Staffing levels, budget constraints and statutory review time requirements make it difficult for the program to follow-up on the majority of these complaints in a timely manner. Complaints regarding isolated wetlands are given top priority for investigation since these wetlands are regulated only through State statute. Jurisdictional wetland complaints are investigated by Ohio EPA staff only as circumstances dictate, and are most often referred to the appropriate Corps district for follow-up.

## Summary of Outputs

### Isolated Wetland Permits

	Number permits issued	Acres of isolated wetlands filled	Acres of mitigation provided
General Permits	56	11.67	30.48
Individual Permits	16	33.39	108.90
<b>Total</b>	<b>72</b>	<b>45.06</b>	<b>139.38</b>

The information presented above represents a 47% increase in the number of Isolated Wetland Permits issued in SFY 2004 over that issued in SFY 2003 and a 51% increase in the acres of impacts authorized during that time period.

**Figure 1** contains a map of Ohio showing the spacial distribution of the isolated wetland permits issued during SFY 2004. Due to the map scale, multiple projects may show as a single marker on the map.

**Table A** lists each project acted upon with columns indicating the corresponding applicant name, date action was taken, acres filled, acres mitigated, permit type (general or individual), and the number of days to process each application. This table also provides the 8 digit hydrologic unit code (HUC) for the impacts and the mitigation associated with that impact.

### Individual 401 Water Quality Certifications

401s issued	Acres of Jurisdictional Wetlands		Stream Impacts (linear feet)	Lake Impacts (cubic yards)
	filled	mitigation		
114	122	622.33	459,795.6	6,140,780

The information presented above shows a 10% increase in the number of 401 Water Quality Certifications issued in SFY 2004 as compared to SFY 2003. However, the increases observed in the amounts of impacts certified is dramatic. Wetland impacts showed a 275% increase in the acres of impacts authorized during that same time period. Linear feet of stream impacted increased approximately 480% and the amount of dredge and fill material impacting Ohio lakes increased 525%.

The impacts observed on the streams and lakes are due in part to certifications issued to the U.S. Army Corps of Engineers for shipping channel maintenance dredging. In previous years, Ohio EPA had certified Corps maintenance dredging projects on an annual basis. In SFY 2004, Ohio EPA granted 5 year certifications on the Conneaut Harbor and Toledo Harbor dredging projects. Because of those certifications, the values reported include a significant amount of impact which was authorized in SFY 2004 but which will not take place this year. However, these certifications do not account for all of the increased impacts observed. As with the isolated wetland and jurisdictional wetland impacts, stream and lake impacts showed marked increases in SFY 2004 when compared to SFY 2003.

**Figure 2** contains a map of Ohio showing the spacial distribution of the 401 Water Quality Certifications issued during SFY 2004. Due to the map scale, multiple projects may show as a single marker on the map.

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.

**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 8 digit HUC for the impacts and the mitigation associated with that impact.

**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, 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 8 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. For example, all but three of the projects with wetland impacts also had impacts in either streams or lakes. The tables were generated to show the various types of impacts certified by Ohio EPA via individual 401 water quality certifications.
2. Tables C and D do not contain a summary of mitigation resulting from the certifications issued. Current tracking of stream and lake mitigation does not allow electronic manipulation of that data. Rules to address stream mitigation requirements and to provide more structure to that aspect of 401 water quality certification program are under development to be proposed this fiscal year.

### **Withdrawals, Waivers, and Denials**

During SFY 2004, 8 permit applications were withdrawn. In these circumstances, the applicant elected not to pursue the application process due to a variety of factors. These factors include financial considerations and the restrictive nature of Ohio EPA conditions contained in the 401 water quality certification. During this same time period, no 401 water quality certification applications were denied. All of the applications were able to be issued with appropriate conditions, modifications to the application were negotiated, or the application was withdrawn.

The Clean Water Act provides the states a “reasonable” period of time in which to act upon a request for 401 water quality certification by the Corps. That period of time is considered one year. During SFY 2004, five projects exceeded that review time and were considered to be waived by the Corps.

### Nationwide Permit Certifications

Corps District	Number of permits issued	Acres of wetlands impacted	Linear feet of impacts to streams and lakes
Huntington	307	34.85	88,236.5
Buffalo	330	26.56	45,750.4
Pittsburgh	91	10.85	11,200.5
Louisville	196	1.47	24,010.0
<b>Total</b>	<b>924</b>	<b>73.72</b>	<b>169,197.4</b>

As discussed earlier, The Corps can utilize NWP's to authorize projects within the state of Ohio. In most cases, this authorization will not require the issuance of an individual 401 water quality certification. However, because Ohio EPA issued its certification of the NWP's with certain restrictions and conditions, there are some circumstances in which the Corps will utilize an NWP but an individual 401 water quality certification is still required. In reviewing the information presented above and in Table F, please note that some of the data may also be included in the tables summarizing the individual 401 water quality certification actions.

**Table F** provides a detailed breakdown, by Corps District, of the type and number of nationwide permits issued during SFY 2004 and the amount of impacts authorized, by permit type

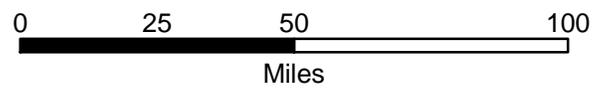
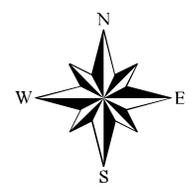
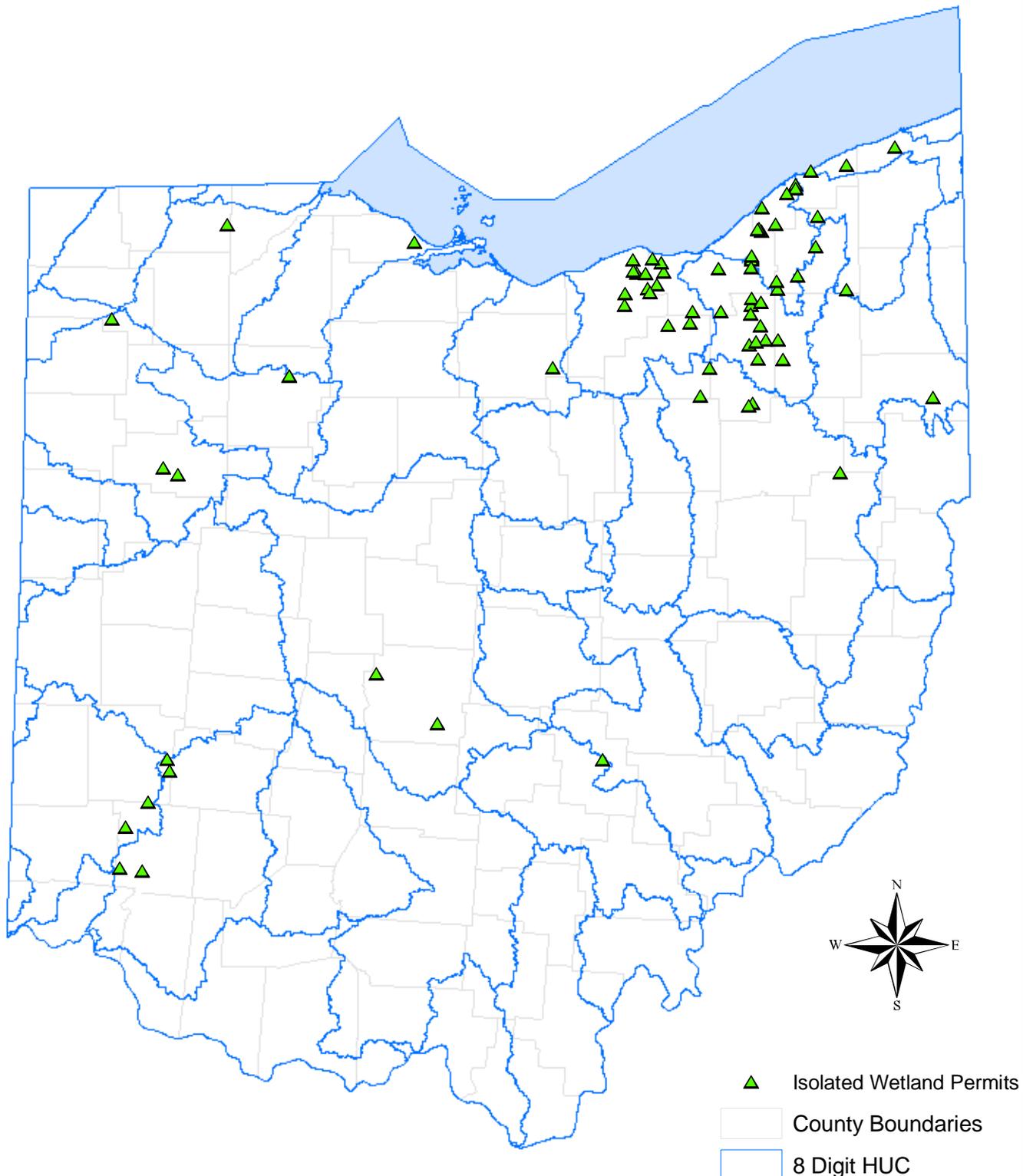
**Table G** provides a brief description of each of the NWP types referenced in table F. Detailed information regarding the various NWP's can be obtained at:

<http://www.lrb.usace.army.mil/orgs/reg/index.htm>

Questions regarding this report should be directed to Randy Bournique, Manager of the 401 Water Quality Certification Section, at (614) 644-2013 or via e-mail at:

[randy.bournique@epa.state.oh.us](mailto:randy.bournique@epa.state.oh.us).

# Isolated Wetland Permits Issued in State Fiscal Year 2004



**Table A**  
**Isolated Wetland Permits**  
**Issued Between July 1, 2003 and June 30, 2004**

401 ID	Applicant	Issue Date	Permit Type	Impacts			Mitigation		Issue Time
				Acres	Watershed	Total	Acres	Watershed	Days
042006	MV Communities	06/10/04	Level 1	0.34	04100007		0.70	04100011	2
049530	The Kroger Company	06/02/04	Level 2	1.24	04100007		2.41	04100007	92
034403	Defiance County	03/02/04	Level 3	7.60	04100007	9.18	20.00	04100006	159
048770	Timberstone Construction, Inc.	03/24/04	Level 1	0.18	04100008		0.40	04100011	29
048929	Build Covington Greens, LLC	03/24/04	Level 1	0.29	04100008	0.47	0.60	04100011	36
049814	PCI Design Group, Inc.	06/22/04	Level 1	0.17	04100009	0.17	0.36	04100009	25
033854	BFI Ottawa County Landfill	06/23/04	Level 2	2.83	04100010	2.83	16.08	04100010	440
049129	ODOT	02/05/04	Level 1	0.17	04100012	0.17	0.26	04100011	2
034122	Cuyahoga Community College	07/17/03	Level 1	0.50	04110001		1.30	04100010	2
035045	City of Avon	08/15/03	Level 1	0.08	04110001		0.16	04110001	25
036044	Olmsted Industrial Park LLC	09/24/03	Level 1	0.50	04110001		1.20	04100011	30
034362	Forest City Land Group	09/25/03	Level 1	0.31	04110001		0.70	04100011	23
037077	Timberlane Estates Limited	10/14/03	Level 1	0.11	04110001		0.30	04110001	22
037057	Gary Smitek	10/15/03	Level 1	0.19	04110001		0.50	04100010	23
037401	Pulte Homes of Ohio	11/10/03	Level 1	0.35	04110001		0.70	04100011	27
033450	Pulte Homes	11/26/03	Level 1	0.02	04110001		0.10	04110001	27
048949	Robson Village, Ltd.	02/25/04	Level 1	0.22	04110001		0.60	04100011	19
049490	Landsong, Ltd.	03/18/04	Level 1	0.21	04110001		0.50	04110004	23
049670	Brady Homes, Inc.	04/09/04	Level 1	0.22	04110001		0.50	04100011	29
049750	Case Management Services	04/13/04	Level 1	0.22	04110001		0.50	04110004	27
042024	Pulte Homes	06/29/04	Level 1	0.32	04110001		0.70	04110004	5
033304	Greystone Realty Group	07/10/03	Level 2	1.09	04110001		4.20	04110004, 05040001	42
036002	Pulte Homes	12/09/03	Level 2	2.42	04110001		5.90	04100011, 04110001	90
049029	Brady Homes, Inc.	06/01/04	Level 2	2.85	04110001	9.61	6.70	04100011	78

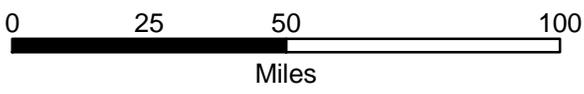
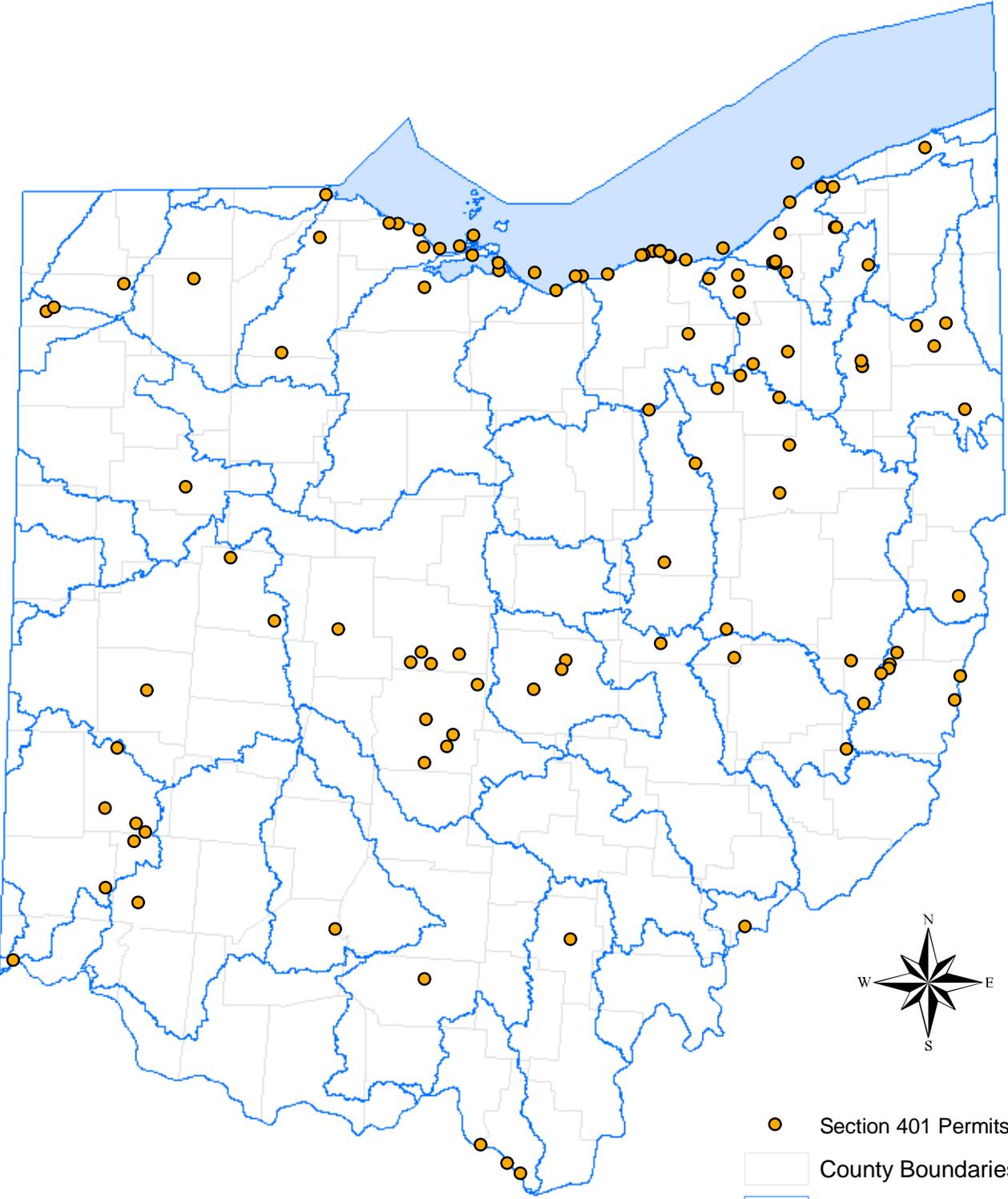
**Table A**  
**Isolated Wetland Permits**  
**Issued Between July 1, 2003 and June 30, 2004**

401 ID	Applicant	Issue Date	Permit Type	Impacts			Mitigation		Issue Time
				Acres	Watershed	Total	Acres	Watershed	Days
022368	PFR Land Company	7/8/2003	Level 1	0.44	04110002		1.05	04110002	27
033223	Estate Properties Inc	08/28/03	Level 1	0.04	04110002		0.07	04110002	1
034382	Renaissance Construction	09/02/03	Level 1	0.07	04110002		0.20	04100011	0
037037	Jasamine Development LLC	11/03/03	Level 1	0.44	04110002		1.50	05040001	24
037541	Portage County Park District	11/04/03	Level 1	0.19	04110002		0.40	04100010	12
037942	Hudson, City of	12/18/03	Level 1	0.12	04110002		0.45	04110002	25
037982	Gottschalk Industrial Ltd	12/19/03	Level 1	0.02	04110002		0.10	04100010	25
048264	W and W Development	01/06/04	Level 1	0.29	04110002		0.70	04100011	6
048769	House of LaRose	01/27/04	Level 1	0.07	04110002		0.20	04100010	0
048789	Beirne Enterprises	01/27/04	Level 1	0.03	04110002		0.10	04110004	0
048344	Cornerstone Community School	02/05/04	Level 1	0.21	04110002		0.40	04100011	1
049570	Wake Forest Homes	03/15/04	Level 1	0.04	04110002		0.10	04110004	7
049690	Heid Family	03/17/04	Level 1	0.03	04110002		0.04	04100009	0
041003	ODOT	04/19/04	Level 1	0.15	04110002		0.22	04110004	4
041009	Geauga County Commissioners	04/30/04	Level 1	0.20	04110002		0.40	04110002	0
033732	Amistad Development Corp	11/05/03	Level 2	1.00	04110002	3.34	2.50	04110004	62
034341	Pepper Pike, City of	07/11/03	Level 1	0.25	04110003		1.40	04110003	4
035333	City of Mayfield	08/14/03	Level 1	0.08	04110003		0.17	04110003	6
037562	Ashtabula Area City Schools	09/19/03	Level 1	0.34	04110003		2.98	04110003	30
035738	Park Synagogue	10/09/03	Level 1	0.21	04110003		0.50	04110003, 04110004	30
037642	Maypine Farms, LLC	12/12/03	Level 1	0.10	04110003		0.50	04110004	1
037622	Bainbridge Township Trustees	01/30/04	Level 1	0.01	04110003		0.10	04110004	4
048284	Sam's Real Estate Business Trust	01/30/04	Level 1	0.35	04110003		0.70	04110004	10
041011	Canyon Woods, Inc.	05/06/04	Level 1	0.30	04110003		0.60	04110004, 04100011	17
049470	B.R. Knez Construction Co.	05/18/04	Level 1	0.04	04110003		0.10	04110004	5
042020	Hollis, John H.	06/07/04	Level 1	0.20	04110003		0.40	04110004	25
033389	Eastlake, City of	11/17/03	Level 2	0.87	04110003		2.00	04110004	14
032533	YMCA	01/07/04	Level 2	2.32	04110003		5.80	04110004	97
034016	Forest City Land Development	02/20/04	Level 2	1.99	04110003	7.06	4.00	04110003, 04110004	277

**Table A**  
**Isolated Wetland Permits**  
**Issued Between July 1, 2003 and June 30, 2004**

401 ID	Applicant	Issue Date	Permit Type	Impacts			Mitigation		Issue Time
				Acres	Watershed	Total	Acres	Watershed	Days
037763	Big Creek Development	7/21/2003	Level 1	0.16	04110004		0.40	4100010	21
022304	Forest City Land Group, LLC	09/23/03	Level 1	0.28	04110004		0.60	04110004	302
033916	Mortell & Associates, LP	10/31/03	Level 1	0.44	04110004		0.92	04110004	2
041025	Johnson and Kilroy, LLC	05/12/04	Level 1	0.40	04110004	1.28	1.00	04110004	2
034845	Hospice of the Valley - Isolated	08/12/03	Level 1	0.02	05030103	0.02	0.04	05030103	7
042016	Oxford Mining Company, Inc.	06/24/04	Level 1	0.09	05030204	0.09	0.19	05030204	0
037481	Wojno Development	10/01/03	Level 1	0.09	05040001		0.60	05040001	36
048548	Schalmo Builders, Inc.	01/30/04	Level 1	0.37	05040001		1.00	05040001	22
032799	Green Land Trust Ltd	12/08/03	Level 2	0.92	05040001		6.93	05040001	51
032798	Green Land Trust Ltd	04/13/04	Level 2	0.98	05040001		5.00	05040001	11
048526	Minerva Local Schools	06/25/04	Level 2	1.12	05040001	3.48	13.44	05040001	200
042002	Franklin County Engineers	06/21/04	Level 1	0.24	05060001		0.60	05060001	38
034801	Maronda Homes	01/07/04	Level 2	2.10	05060001	2.34	4.20	05060001	107
037421	Great Midwest Development	10/15/03	Level 1	0.31	05080001	0.31	0.62	05090202	35
033390	Cristo, Adam	08/06/03	Level 2	0.76	05080002		1.34	05080002	128
021554	Coffman Development Company	08/12/03	Level 1	0.22	05080002	0.98	0.33	05080002	15
042113	T Mobile	11/30/03	Level 1	0.02	05090202		0.10	05060001	30
035413	McNK Properties	03/09/04	Level 1	0.41	05090202		0.62	05090202	83
037199	Steiner and Associates	03/25/04	Level 3	3.30	05090202	3.73	8.40	05090202	171

# Section 401 Permits Issued in State Fiscal Year 2004



**Table B**  
**Jurisdictional Wetland Impacts**  
**Issued Between July 1, 2003 and June 30, 2004**

OEPA ID	Applicant	Issue Date	Impacts			Mitigation		Issue Time
			Acres	Watershed	Total	Acres	Watershed	Days
022326	Allen County Agricultural Society	12/29/2003	0.1	04100007	0.1	0.20	04110004	143
034731	ODOT	3/15/2004	0.37	04100010		0.85	04100011	129
034752	ODOT	3/15/2004	0.20	04100010		0.38	04100011	129
048445	CSX Transportation	4/13/2004	2.55	04100010		3.90	04100010	116
033854	BFI Ottawa County Landfill Expansion	6/23/2004	6.58	04100010	9.70	16.08	04100010	275
048608	ODOT	6/18/2004	0.09	04100011	0.09	0.22	05060001	101
033450	Pulte Homes	1/8/2004	0.71	04110001		1.50	04110001	266
034443	Forest City Land Group	2/27/2004	9.60	04110001	10.31	66.60	04110001	262
020802	Laich Industries	7/18/2003	1.88	04110002		3.80	04110001	331
033384	Independence Local School District	7/22/2003	1.58	04110002		3.20	04110001	139
033712	Sand Run Road	8/6/2003	0.02	04110002		0.10	04110004	97
032920	Akron General	9/9/2003	0.29	04110002		2.23	04110002	221
048324	North East Ohio Regional Sewer District	3/25/2004	3.98	04110002		11.91	04110002	78
036265	Visconsi Companies Ltd	5/25/2004	0.75	04110002		6.10	04110004	148
049350	HOLAR Properties	6/8/2004	1.06	04110002	9.56	2.70	04110002	97
034016	Forest City Land Development	2/20/2004	2.30	04110003		6.36	04110003	241
033470	Bracebridge Corporation	2/27/2004	0.77	04110003		2.40	04110003	280
035738	Park Synagogue	3/18/2004	2.67	04110003		5.35	04110003	316
037562	Ashtabula Area City Schools	5/19/2004	4.76	04110003	10.50	34.58	04110003	215
033896	ODOT	9/3/2003	0.14	04110004		3.00	04110004	93
022304	Forest City Land Group, LLC	9/23/2003	0.77	04110004		7.28	04110004	365
022305	Painesville	9/23/2003	3.41	04110004		*	04110004	365
033874	ODOT	11/17/2003	4.51	04110004		11.30	05040001	140
048444	Debartolo Property Group, LLC	6/8/2004	0.25	04110004	9.08	0.61	04110004	186
021453	Jefferson County Airpark	8/20/2003	0.20	05030101	0.20	0.40	05030101	162

**Table B**  
**Jurisdictional Wetland Impacts**  
**Issued Between July 1, 2003 and June 30, 2004**

OEPA ID	Applicant	Issue Date	Impacts			Mitigation		Issue Time
			Acres	Watershed	Total	Acres	Watershed	Days
033324	LaBrae Schools	10/27/2003	1.73	05030103		3.53	05030103	279
033814	WCI Steel	1/5/2004	0.01	05030103		0.10	05030103	221
035352	Hospice of the Valley - Jurisdictional	2/19/2004	0.09	05030103		2.86	05030103	178
048628	ODOT	3/25/2004	0.56	05030103	2.39	0.90	04110004	63
021966	Valley Mining	8/20/2003	10.70	05030106		16.00	05030106	345
020978	Cravat Coal Company	9/22/2003	4.38	05030106		6.57	05030106	301
020977	Cravat Coal aka Michael Puskarich	10/3/2003	3.45	05030106		9.55	05030106	317
037983	Oxford Mining Company	4/8/2004	4.70	05030106	23.23	7.10	05030106	129
032633	ODNR, Division of Wildlife	7/10/2003	26.44	05040001		262.20	05040001	139
010527	Wadsworth LLC	8/6/2003	1.34	05040001		5.14	05040001	379
021716	Marietta Coal Company	8/12/2003	0.08	05040001		0.16	05040001	438
033774	ODOT	10/3/2003	0.74	05040001		1.63	05060001	70
020830	American Landfill Inc	2/18/2004	9.74	05040001		68.71	05040001	369
036650	Kent State University	6/1/2004	1.72	05040001	40.06	4.70	05040001	141
033490	Wayne Co. Board of Commissioners	8/29/2003	0.35	05040003		5.35	05040003	85
033754	ODOT	9/25/2003	0.30	05040003		0.76	05060001	141
034181	Peabody II Mine - Holmes Limestone	12/29/2003	1.04	05040005		1.56	05040005	207
036065	Marathon Ashland Pipe Line LLC	11/17/2003	0.02	05040006	1.71	0.12	05040006	46
021614	New Albany Company, LP	7/18/2003	0.78	05060001		8.02	05060001	359
022298	Dominion Homes, Inc.	11/13/2003	3.50	05060001		10.20	05060001	370
033753	Columbus, City of	12/24/2003	1.93	05060001		4.80	05060001	236
034221	NP Limited Partnership	12/29/2003	0.02	05060001		0.10	05060001	162
033041	Planned Communities Inc	2/17/2004	1.35	05060001		6.45	05060001	320
035822	Feibel Realty	4/20/2004	0.24	05060001	7.82	0.39	05060001	144
036084	Paint Creek State Park - Boat Ramp	2/24/2004	0.62	05060003	0.62	1.40	05060003	158
021554	Coffman Development Company	8/12/2003	0.52	05080002		0.78	05080002	224
037662	Sydney's Bend, LLC	5/11/2004	0.92	05080002	1.44	1.41	05080002	92
010142	Waterloo Coal Company	8/12/2003	0.10	05090101	0.10	0.16	05090101	846

Average Issue Time = 213

\* mitigation combined with project 022304

**Table C**  
**Stream Impacts**  
**Issued Between July 1, 2003 and June 30, 2004**

OEPA ID	Applicant	Issue Date	Linear Feet Impacted	Watershed	Issue Time (Days)
033630	NWE Development, LLC	12/5/2003	165	04100005	128
037281	Defiance SWCD	1/30/2004	5125	04100005	116
035862	Defiance SWCD	1/30/2004	1799	04100006	186
022326	Allen County Agricultural Society	12/29/2003	1910	04100007	143
020832	Gerken Materials, Inc.	7/22/2003	47520	04100009	494
037301	BCOE	4/28/2004	36960	04100009	209
036245	BCOE	1/22/2004	300	04100010	176
034443	Forest City Land Group	2/27/2004	755	04110001	262
020802	Laich Industries	7/18/2003	360	04110002	331
033384	Independence Local School District	7/22/2003	375	04110002	139
033712	Sand Run Road	8/6/2003	1693	04110002	97
034402	Summit County Environmental Services	10/23/2003	825	04110002	43
049390	BCOE	2/23/2004	29568	04110002	126
036265	Visconsi Companies Ltd	5/25/2004	596	04110002	148
022296	Huffman Equipment Rental & Contracting	1/13/2004	335	04110003	363
034016	Forest City Land Development	2/20/2004	2739	04110003	241
033470	Bracebridge Corporation	2/27/2004	541	04110003	280
035738	Park Synagogue	3/18/2004	389.4	04110003	316
037682	Miner Properties, Inc.	4/28/2004	440	04110003	203
037562	Ashtabula Area City Schools	5/19/2004	700	04110003	215
033896	ODOT	9/3/2003	165	04110004	93
022304	Forest City Land Group, LLC	9/23/2003	1741	04110004	365
048444	Debartolo Property Group, LLC	6/8/2004	1566	04110004	186
048730	First Merit Corporation	6/8/2004	47	04110004	140
021453	Jefferson County Airpark	8/20/2003	360	05030101	162
038024	West Virginia DOT	3/4/2004	55	05030102	78
033814	WCI Steel	1/5/2004	1842	05030103	221
048628	ODOT	3/25/2004	520	05030103	63
036266	BP Pipeline	6/18/2004	500	05030103	303
021966	Valley Mining	8/20/2003	5750	05030106	345
020978	Cravat Coal Company	9/22/2003	360	05030106	301
020977	Cravat Coal aka Michael Puskarich	10/3/2003	3189	05030106	317
033734	Village of Bellaire	1/22/2004	250	05030106	307
037983	Oxford Mining Company	4/8/2004	14191	05030106	129
022249	Martin Marietta Materials Inc	1/30/2004	215952	05030201	463
042001	Washington County, Engineers Office	6/23/2004	220	05030201	51

**Table C**  
**Stream Impacts**  
**Issued Between July 1, 2003 and June 30, 2004**

OEPA ID	Applicant	Issue Date	Linear Feet Impacted	Watershed	Issue Time (Days)
032633	ODNR, Division of Wildlife	7/10/2003	6938	05040001	139
010527	Wadsworth LLC	8/6/2003	2413.2	05040001	379
021716	Marietta Coal Company	8/12/2003	11165	05040001	438
033775	County of Summit Engineer	9/24/2003	255	05040001	224
033774	ODOT	10/3/2003	2325	05040001	70
020830	American Landfill Inc	2/18/2004	1400	05040001	369
037582	City of Akron	3/18/2004	1516	05040001, 04110002	169
033874	ODOT	11/17/2003	1560	05040004	140
034181	Peabody II Mine - Holmes Limestone	12/29/2003	22085	05040005	207
021862	Shelly Materials, Inc.	9/3/2003	1835	05040006	364
032532	Newark, City of	3/15/2004	520	05040006	455
033550	Columbus, City of	12/11/2003	1485	05060001	239
033753	Columbus, City of	12/24/2003	210	05060001	236
034221	NP Limited Partnership	12/29/2003	1232	05060001	162
033041	Planned Communities Inc	2/17/2004	1687	05060001	320
048384	Honda of America Mfg	4/9/2004	1320	05060001	147
035822	Feibel Realty	4/20/2004	600	05060001	144
037382	Marysville, City of	6/1/2004	1050	05060001	207
049915	ODOT	6/18/2004	350	05060001	84
033061	Creative Land Concepts LLC	6/25/2004	1580	05060001	380
036084	Paint Creek State Park - Boat Ramp	2/24/2004	240	05060003	158
032513	Troy, City of	4/9/2004	3000	05080001	375
034261	Montgomery County Engineers Office	7/22/2003	333	05080002	258
021554	Coffman Development Company	8/12/2003	1249	05080002	224
033917	Miller-Valentine	10/17/2003	332	05080002	140
033937	Butler County Engineer's Office	12/11/2003	405	05080002	211
032960	RG Properties, Inc.	1/21/2004	1280	05080002	329
037662	Sydney's Bend, LLC	5/11/2004	670	05080002	92
010142	Waterloo Coal Company	8/12/2003	7231	05090101	846
020975	Bel Docking	8/15/2003	2200	05090103	388
033510	Village of Coal Grove	9/3/2003	81	05090103	183
032656	McGinnis	11/26/2003	300	05090103	342
035413	McNK Properties, LLC	3/9/2004	1025	05090202	187
049351	Rybolt	5/19/2004	175	05090203	99

Total Linear  
Feet of  
Impacts =           459795.6      Average  
Issue Time =           234

**Table D**  
**Lake Impacts**  
**Issued Between July 1, 2003 and June 30, 2004**

OEPA ID	Applicant	Issue Date	Dredge/Fill (Cubic Yards)	HUC	Issue Time (Days)
033794	Huntington Valley Estates	12/12/2003	1020	04100011	228
034161	United States Construction Corporation	12/12/2003	8090	04100011	171
033610	Sandusky Yacht Club	12/29/2003	3195	04100011	322
049410	BCOE	6/1/2004	120000	04100012	109
049550	U.S. Army Corps of Engineers	6/10/2004	300000	04110001	111
032920	Akron General	9/9/2003	7903	04110002	221
048506	BCOE	4/14/2004	875000	04120101	120
022490	Wasserman, Thomas E.	10/27/2003	300	04120200	301
032758	Mason, William and O'Neill, John	10/27/2003	668	04120200	237
033163	Witzigreuter and Smith/Andrassey	10/27/2003	1203	04120200	298
033203	Clark, Larkin Hill and Karen Bryson	11/17/2003	297	04120200	193
033652	Warren, Leonard	11/26/2003	150	04120200	180
036245	BCOE	1/22/2004	42800	04120200	176
037302	Osborne Materials Company	2/4/2004	500000	04120200	138
033590	Hull, Brooks	3/5/2004	362	04120200	358
034056	30336 Lake Rd LLC	4/8/2004	518	04120200	182
037962	Kukucz, John	4/20/2004	45	04120200	148
037301	BCOE	4/28/2004	4000000	04120200	209
037882	Barschow, Albert	4/28/2004	261	04120200	162
037883	Hahn, Alex	4/28/2004	879	04120200	167
037902	Homm, John	4/28/2004	246	04120200	167
049310	Lakeshore Development, LLC	5/11/2004	1290	04120200	158
037602	Kroeger, Lynette	6/8/2004	10	04120200	175
049855	BCOE	6/18/2004	90000	04120200	115
048424	ODNR, Division of Parks and Recreation	5/19/2004	439	05030103	69
033733	Columbus, City of	4/20/2004	3275	05060001	344
033755	ODNR	11/26/2003	176000	05060002	204
022302	ODNR, Division of Parks and Recreation	3/9/2004	6829	05080001	364

Total Cubic Yards of Dredge/Fill Material =	6,140,780	Average Issue Time =	201
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**Table E**  
**8 Digit Hydrologic Unit Codes (HUC) Located in Ohio**

8 Digit HUC	Description	Jurisdictional Wetland Acres		Isolated Wetland Acres		Total Acres	
		Impact	Mitigation	Impact	Mitigation	Impact	Mitigation
04100001	Lake Erie tributaries (below Detroit R. to above Maumee R.)	0	0	0	0	0	0
04100002	Raisin River	0	0	0	0	0	0
04100003	St. Joseph River	0	0	0	0	0	0
04100004	St. Marys River	0	0	0	0	0	0
04100005	Maumee River	0	0	0	0	0	0
04100006	Tiffin River	0	0	0	20.00	0	20.00
04100007	Auglaize River	0.10	0	9.18	2.41	9.28	2.41
04100008	Blanchard River	0	0	0.47	0	0.47	0
04100009	Maumee River	0	0	0.17	0.40	0.17	0.40
04100010	Lake Erie Tributaries and Portage River	9.70	19.98	2.83	18.98	12.53	38.96
04100011	Sandusky River and Sandusky Bay Tributaries	0.09	1.23	0	14.96	0.09	16.19
04100012	Huron River and Vermilion River	0	0	0.17	0	0.17	0
04110001	Black River and Rocky River	10.31	75.10	9.61	5.36	19.92	80.46
04110002	Cuyahoga River	9.56	16.84	3.34	1.97	12.90	18.81
04110003	Chagrin and Ashtabula Rivers and Lake Erie Tributaries	10.50	48.69	7.06	5.05	17.56	53.74
04110004	Grand River	9.08	18.19	1.28	22.23	10.36	40.42
04120101	Conneaut Creek and Lake Erie tributaries	0	0	0	0	0	0
04120200	Lake Erie Islands	0	0	0	0	0	0

**Table E - continued**  
**8 Digit Hydrologic Unit Codes (HUC) Located in Ohio**

8 Digit HUC	Description	Jurisdictional Wetland Acres		Isolated Wetland Acres		Total Acres	
		Impact	Mitigation	Impact	Mitigation	Impact	Mitigation
05030101	Little Beaver, Yellow, and Cross Creeks	0.20	0.40	0	0	0.20	0.40
05030102	Shenango River	0	0	0	0	0	0
05030103	Mahoning River	2.39	6.49	0.02	0.04	2.41	6.53
05030106	Ohio River tributaries (Short, Wheeling, and McMahan Creeks)	23.23	39.22	0	0	23.23	39.22
05030201	Little Muskingum River	0	0	0	0	0	0
05030202	Shade River and Leading Creek	0	0	0	0	0	0
05030204	Hocking River	0	0	0.09	0.19	0.09	0.19
05040001	Tuscarawas River	40.06	352.21	3.48	31.47	43.54	383.68
05040002	Mohican River	0	0	0	0	0	0
05040003	Kokosing River, Walhonding River, and Killbuck Creek	1.71	6.91	0	0	1.71	6.91
05040004	Muskingum River	0	0	0	0	0	0
05040005	Wills Creek	0	0	0	0	0	0
05040006	Licking River	0	0.12	0	0	0	0.12
05060001	Scioto River (headwaters to below Big Darby Creek)	7.82	32.57	2.34	4.90	10.16	37.47
05060002	Scioto R. (below Big Darby Cr. to Ohio R., except Paint Cr.)	0	0	0	0	0	0
05060003	Paint Creek	0.62	1.40	0	0	0.62	1.40

**Table E - continued**  
**8 Digit Hydrologic Unit Codes (HUC) Located in Ohio**

8 Digit HUC	Description	Jurisdictional Wetland Acres		Isolated Wetland Acres		Total Acres	
		Impact	Mitigation	Impact	Mitigation	Impact	Mitigation
05080001	Great Miami River (headwaters to below Mad River)	0	0	0.31	0	0.31	0
05080002	Great Miami R. (below Mad R. to Ohio R., except Whitewater R.)	1.44	2.19	0.98	1.67	2.42	3.86
05080003	Whitewater River	0	0	0	0	0	0
05090101	Raccoon Cr., Symmes Cr. and other Ohio R. tributaries	0.10	0.16	0	0	0.10	0.16
05090103	Little Scioto River and other Ohio River tributaries	0	0	0	0	0	0
05090201	Ohio Brush Cr., Whiteoak Cr., and other Ohio R. tributaries	0	0	0	0	0	0
05090202	Little Miami River	0	0	3.73	9.64	3.73	9.64
05090203	Mill Creek and Ohio River tributaries	0	0	0	0	0	0
05120101	Wabash River	0	0	0	0	0	0
05120103	Mississinewa River	0	0	0	0	0	0

**Table F**  
**Nationwide Permit Cumulative Report**  
**July 1, 2003 through June 30, 2004**

NWP	Huntington District			Buffalo District			Pittsburgh District			Louisville District			Total NWP Impacts		
	Count	Acres	Linear Feet	Count	Acres	Linear Feet	Count	Acres	Linear Feet	Count	Acres	Linear Feet	Count	Acres	Linear Feet
3	50	1.39	5085.00	79	0.74	5193.00	32	1.11	2423.50	18	0.00	2149.00	179	3.24	14850.50
5	0	0.00	0.00	0	0.00	0.00	1	0.00	50.00	0	0.00	0.00	1	0.00	50.00
6	0	0.00	0.00	0	0.00	0.00	1	0.00	50.00	0	0.00	0.00	1	0.00	50.00
7	6	0.12	36.00	3	0.00	35.00	3	0.10	125.00	9	0.00	91.00	21	0.22	287.00
11	0	0.00	0.00	2	0.00	0.00	0	0.00	0.00	0	0.00	0.00	2	0.00	0.00
12	34	4.18	919.00	22	0.13	2771.00	7	0.30	418.00	49	0.10	1510.00	112	4.71	5618.00
13	36	0.16	10466.00	43	0.06	14525.70	8	0.00	1232.00	17	0.00	4748.00	104	0.22	30971.70
14	32	0.71	1879.00	23	1.55	1320.00	11	0.00	1018.00	45	0.17	3614.00	111	2.43	7831.00
16	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	1	0.00	0.00	1	0.00	0.00
18	11	0.00	185.50	8	0.15	0.00	1	0.00	0.00	3	0.10	200.00	23	0.26	385.50
19	0	0.00	0.00	1	0.00	0.00	1	0.00	20.00	0	0.00	0.00	2	0.00	20.00
21	23	9.13	57285.00	0	0.00	0.00	5	5.72	4270.00	0	0.00	0.00	28	14.85	61555.00
23	0	0.00	0.00	2	0.00	597.00	0	0.00	0.00	1	0.00	161.00	3	0.00	758.00
27	9	2.37	5940.00	14	8.70	7661.00	0	0.00	0.00	8	0.08	1920.00	31	11.15	15521.00
28	0	0.00	0.00	2	0.00	0.00	0	0.00	0.00	0	0.00	0.00	2	0.00	0.00
29	0	0.00	0.00	3	0.17	130.00	0	0.00	0.00	0	0.00	0.00	3	0.17	130.00
32	0	0.00	0.00	2	1.00	1004.00	0	0.00	0.00	0	0.00	0.00	2	1.00	1004.00
33	25	1.64	480.00	27	0.06	360.00	7	0.07	580.00	8	0.18	390.00	67	1.94	1810.00
35	0	0.00	0.00	13	0.00	0.00	1	1.54	0.00	0	0.00	0.00	14	1.54	0.00
36	2	0.03	25.00	2	0.00	0.00	1	0.00	20.00	1	0.00	10.00	6	0.03	55.00
38	2	1.40	380.00	1	0.00	0.00	0	0.00	0.00	0	0.00	0.00	3	1.40	380.00
39	74	13.66	5356.00	78	13.55	2883.70	11	2.01	870.00	30	0.75	7272.00	193	29.97	16381.70
40	0	0.00	0.00	1	0.32	0.00	0	0.00	0.00	1	0.00	1040.00	2	0.32	1040.00
41	0	0.00	0.00	1	0.00	9000.00	1	0.00	124.00	0	0.00	0.00	2	0.00	9124.00
42	2	0.05	150.00	3	0.13	270.00	0	0.00	0.00	1	0.00	60.00	6	0.18	480.00
43	1	0.00	50.00	0	0.00	0.00	0	0.00	0.00	4	0.09	845.00	5	0.09	895.00
<b>TOTAL</b>	<b>307</b>	<b>34.85</b>	<b>88236.50</b>	<b>330</b>	<b>26.56</b>	<b>45750.40</b>	<b>91</b>	<b>10.85</b>	<b>11200.50</b>	<b>196</b>	<b>1.47</b>	<b>24010.00</b>	<b>924</b>	<b>73.72</b>	<b>169197.40</b>

**Table G**  
**Nationwide Permits Utilized in Ohio**  
**July 1, 2003 through June 30, 2004**

NWP Number	Description
03	Maintenance
05	Scientific Measurement Devices
06	Survey Activities
07	Outfall Structure & Maintenance
11	Temporary Recreational Structures
12	Utility Line Activities
13	Bank Stabilization
14	Linear Transportation Projects
16	Return Water from Upland Disposal
18	Minor Discharges
19	Minor Dredging
21	Surface Coal Mining Activities
23	Approved Categorical Exclusions
27	Stream & Wetland Restoration
28	Modification of Existing Marinas
29	Single Family Housing
32	Completed Enforcement Actions
33	Temporary Construction, Access, & Dewatering
35	Maintenance Dredging of Existing Basins
36	Boat Ramps
38	Clean Up of Hazardous & Toxic Waste
39	Residential, Commercial, & Institutional Developments
40	Agricultural Activities
41	Reshaping Existing Drainage Ditches
42	Recreational Activities
43	Stormwater Management Facilities