



REPLY TO  
ATTENTION OF

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

August 13, 2014

Regulatory Division  
South/Transportation Branch  
LRH-2011-00444-ELM – UNT to East Fork Little Miami River  
CLE-East Fork Bike Path –Section 1, PID 80467

Mr. Timothy Hill  
Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 4170  
Columbus, Ohio 43223

Dear Mr. Hill:

I refer to the Nationwide Permit (NWP) 14 verification issued to you on December 31, 2012 regarding the discharge of fill material into the waters of the United States (U.S.) to construct a 0.63 mile long, multi-use paved path in East Fork State Park in Clermont County, Ohio.

A compliance inspection was conducted by representatives of this office for this project on May 12, 2014. During the site inspection, it was determined that erosion control measures at the project site are inadequate and not functioning as intended. General and Special Conditions regarding erosion control measures were included in the aforementioned NWP verification. Based on the information obtained during the compliance inspection, this office has determined approximately 11 cubic yards of fill material was discharged into 0.003 acre of a wetland abutting Stream B and 13 cubic yards of fill material was discharged into 0.004 acre (69 linear feet) of Stream B. The aforementioned discharges of fill material were not evaluated and authorized under the previous NWP verification. Therefore, we have determined your project is in non-compliance with NWP 14.

To correct the identified non-compliance issues, you have requested authorization under NWP 14 for the additional 11 cubic yards of fill material discharged into Stream B. This additional fill, and the discharge of fill material previously authorized under the December 31, 2012 NWP verification, would result in a cumulative total of 77 cubic yards of fill discharged into 0.024 acre (219 linear feet) of Stream B.

Based on the submitted information, it has been determined the permanent discharges of fill material into Stream B for this project meet the criteria for authorization under NWP 14 under the February 21, 2012 Federal Register, Notice of Reissuance of Nationwide Permits (77 FR 10184). The Ohio Environmental Protection Agency (EPA) issued an Individual 401 Water Quality Certification (WQC) for this project on March 25, 2013. **You must contact Ohio EPA to determine if new and/or modified 401 WQC is required. The March 25, 2013 401 WQC and any subsequent new and/or modified 401 WQC, and all conditions therein, are hereby**

**incorporated as part of this NWP verification. The Special Conditions of the previous NWP verification remain valid.**

In an email dated July 16, 2014, you indicated ODOT proposes to replant the site in August 2014. ODOT has also stated all fill material would be removed from the wetland and disposed of on-site in an area that does not contain waters of the U.S. **You must submit photographic evidence to this office documenting completion of the revegetation measures and the removal of the wetland fill.**

We appreciate your cooperation and willingness to resolve this issue. Upon completion of the work, the certification attached to the December 31, 2012 verification must be signed and returned to this office. If you have any questions, please contact Mr. Peter Clingan at 614-692-4659 or Mr. Tim Long in the Columbus Field Office at 614-692-4660.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Porter".

Susan A. Porter  
Chief, South/Transportation Branch

Enclosure