



Isolated Wetland Permits and 401 Water Quality Certifications in Ohio



State Fiscal Year 2013

Division of Surface Water
401/IWP/Mitigation Compliance Section
February 11, 2014

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, 2012 and ending June 30, 2013 (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

Ohio EPA's isolated wetland permitting program was 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 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 (WQC), 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 NWPs issued by the Corps address 52 types of activities that range from boat ramp construction to surface coal mining activities. These NWPs expire on March 19, 2017. Ohio EPA certified, with conditions, 45 of those activities on March 30 and April 19, 2012. In these certifications, the Agency added one new general condition that gives the Director authority to authorize projects under the 401 WQC for the Nationwides even if that project exceeded the specific limitations set in the 401 WQC. An applicant must demonstrate that even though the project exceeds the specific limitations in the 401 WQC for that activity, it will have such a minimal impact on water quality that coverage under the 401 WQC for the NWPs is appropriate. This authorization is known as a Directors Authorization.

Permitting Program Description

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

Program Staffing

Over the course of SFY13, the 401 program saw a reduction of one position. Total staffing, expressed as full time equivalent (FTE) went from 12 FTEs at the start of SFY12 to 11 FTEs at the end of SFY13. 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 2013

| Location | Purpose | Number FTEs Start of SFY13 (July 1, 2013) | Number FTEs End of SFY13 (June 30, 2013) |
|--------------------|--------------------------|---|--|
| Central Office | 401 Project Reviews | 4 | 2 |
| Central Office | Coal 401 Project Reviews | 2 | 2 |
| Central Office | ODOT 401 Project Review | 1 | 1 |
| Central Office | Supervisor | 0 | 1 |
| Central Office | Manager | 1 | 1 |
| Central Office | Mitigation Compliance | 1 | 0 |
| Central Office | Wetland Ecology Group | 1 | 1 |
| Northeast District | 401 Project Review | 2 | 2 |
| Northwest District | 401 Project Review | 0 | 1 |
| Total FTEs | | 12 | 11 |

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 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 WQC fees is contained in Ohio Revised Code Section (ORC) 3745.114. Three key provisions of the fees are:

- 1) a person who applies for a Section 401 WQC 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 when the Director takes an action on the application.

Table 2: Fees

| Resource Impacted | Review Fee |
|---------------------|---|
| 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 SFY13, total expenditures for 401 water quality certifications, isolated wetland permits and the wetland ecology group were \$1,661,831. Table 3 summarizes the sources of funding for the total expenditures. The majority of funding came from tipping fees from solid waste facilities that are directed to Ohio EPA. Fees from 401 certifications and isolated wetland permit fees funded 24 percent of the total expenditures.

Table 3: Sources of Funding

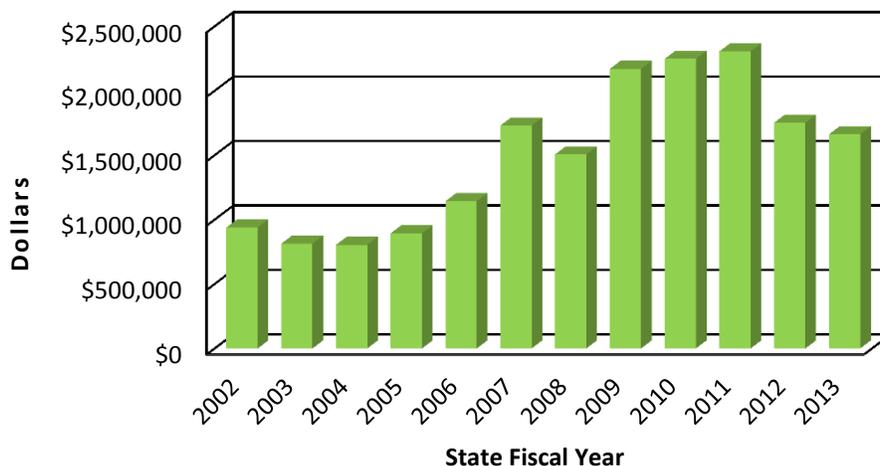
| Source of Funding | Amount | Percent of Total |
|------------------------------|-------------|------------------|
| 401 Certification Fees | \$368,569 | 22% |
| ODOT | \$96,385 | 6% |
| Isolated Wetland Permit Fees | \$29,135 | 2% |
| Penalties | \$4,695 | <1% |
| Ohio EPA Tipping Fees | \$831,239 | 50% |
| U.S. EPA Wetland Grants | \$331,838 | 20% |
| Total Expenditures | \$1,661,861 | 100% |

The Total Expenditures funding level represents a 5 percent decrease over that observed in SFY12 (\$1,751,775).

Please note that the costs in the above table include all of the costs used to support the isolated wetland permit, 401 WQC 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 SFY02 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 2013

Isolated Wetland Permits

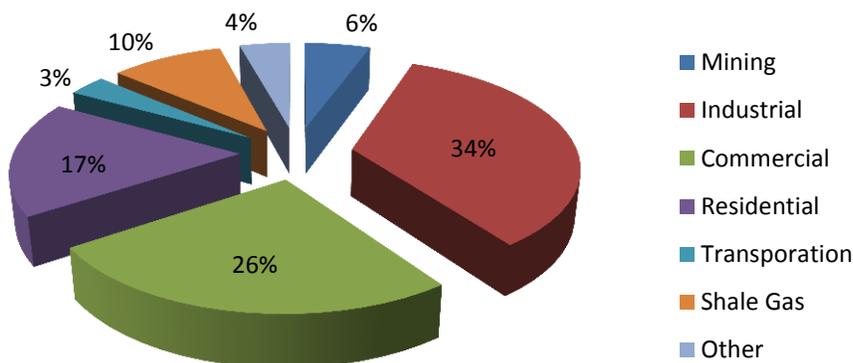
Five isolated wetland permit applications were withdrawn and 46 permits issued in SFY13, bringing the total number of applications processed to 51.

Table 4: Isolated Wetland Permits

| | Number of permits issued | Acres of isolated wetlands filled | Acres of mitigation provided |
|--------------------|--------------------------|-----------------------------------|------------------------------|
| General Permits | 35 | 14.63 | 40.98 |
| Individual Permits | 11 | 13.52 | 32.14 |
| Total | 46 | 28.15 | 73.12 |

Nearly half of the isolated wetland impacts that occurred in the state of Ohio occurred as a result of commercial and industrial development. Commercial development produced approximately a quarter of the isolated wetland impacts in the state (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 SFY13 was 90, and is broken down into the following categories:

Table 4: 401 WQC Actions

| | |
|-----------------------------------|-----------|
| 401 Applications Processed | 90 |
| 401 Certifications Granted | 64 |
| Applications Withdrawn | 7 |
| Applications Resulting in D5s/NWP | 15 |
| Applications Denied | 4 |
| Applications Waived | 0 |

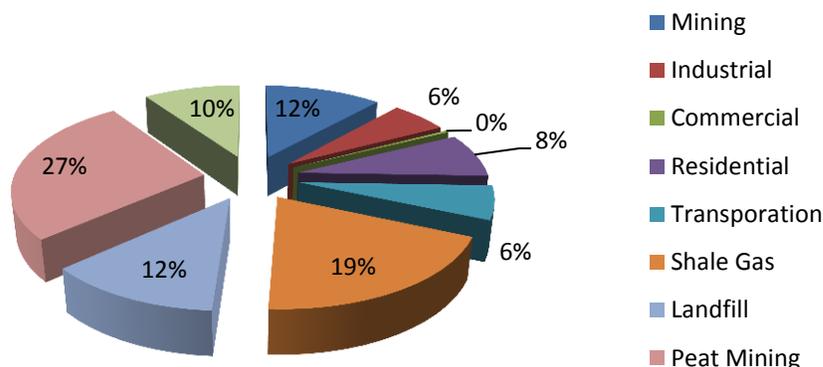
Total impacts for jurisdictional wetlands, streams and lake impacts for the 64 issued 401 water quality certifications are broken down below in Table 5.

Table 5: Individual 401 Water Quality Certifications

| 401s issued | Acres of Jurisdictional Wetlands | | Linear Feet of Streams | | Lake Impacts (cubic yards) |
|-------------|----------------------------------|------------|------------------------|------------|----------------------------|
| | filled | mitigation | filled | mitigation | |
| 64 | 96.17 | 562.00 | 175,658 | 246,079 | 5,427,057 |

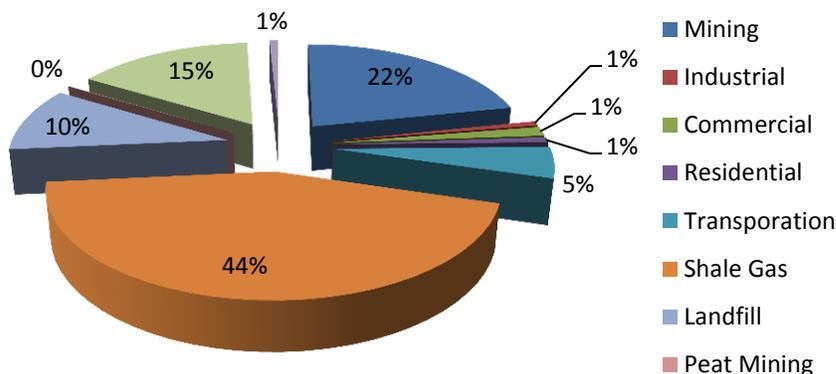
As shown in Graph 3, the majority of jurisdictional wetland impacts occurred as a result of peat mining, followed by the natural gas liquids pipelines or facilities.

Graph 3: Jurisdictional Wetland Impacts by Industry Type



The shale gas industry claimed just less than half of the all of the authorized stream impacts in the entire state in SFY13 (Graph 4).

Graph 4: Stream Impacts by Industry Type

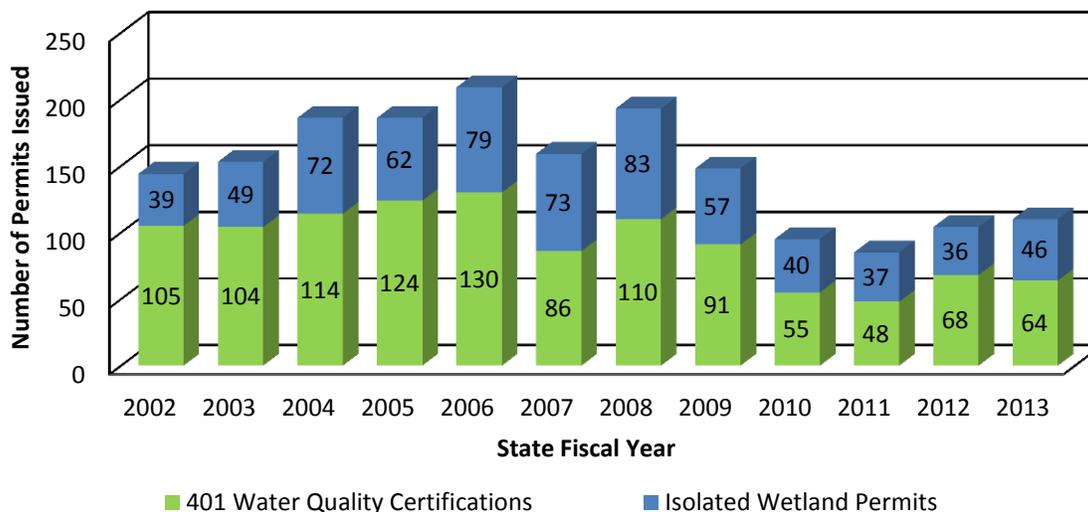


Permitting Trends

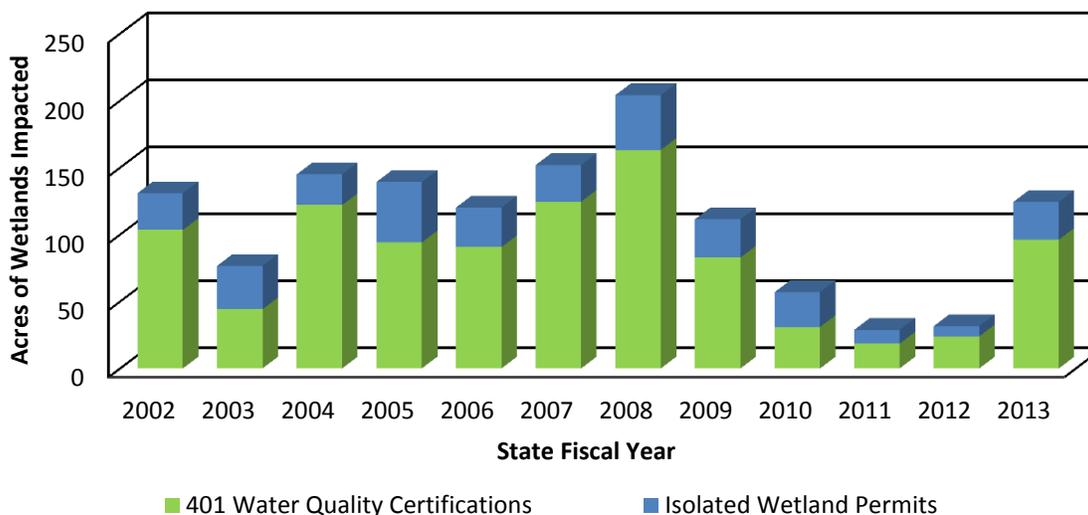
The information presented in this section shows the trends in permit activity since the isolated wetland permit program was created. The number of 401 water quality certifications and isolated wetland permits issued during each fiscal year is shown below in Graph 5. There was a noticeable increase in the number of isolated wetland permits issued in SFY13 (46) compared to SFY12 (36). Meanwhile, the data shows a slight decrease in the number of 401 water quality certifications issued in SFY13 (64 compared to 68 in SFY12).

Graph 6 shows 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. Jurisdictional wetland impacts authorized under a 401 water quality certification and isolated wetland impacts authorized under an isolated wetland permit totaled 124.32 acres in SFY13. This is a significant increase compared to the last three fiscal years.

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

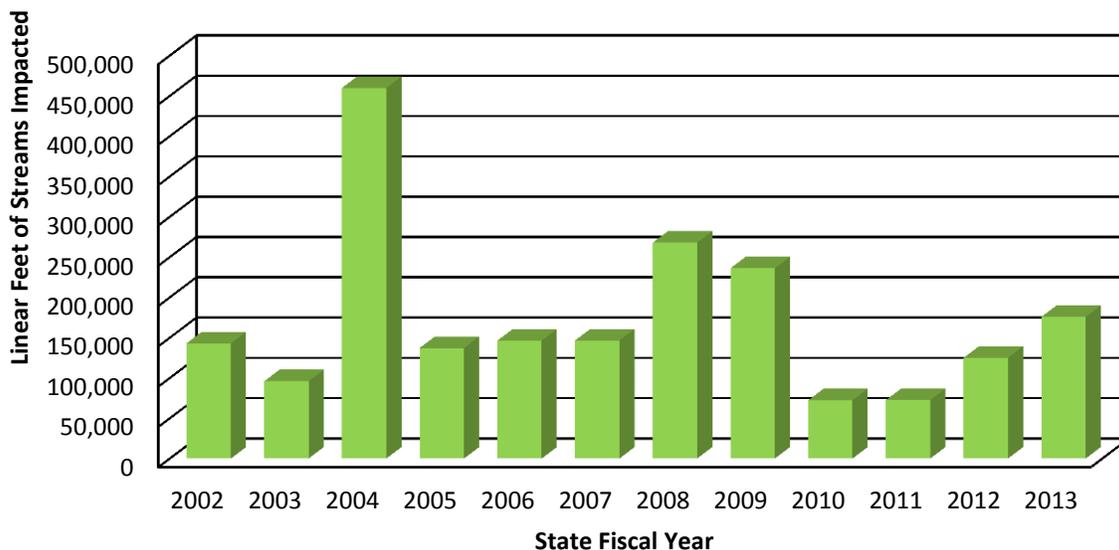


**Graph 6: 401 WQC and Isolated Wetland Permits
- Wetland Acres Impacted-**

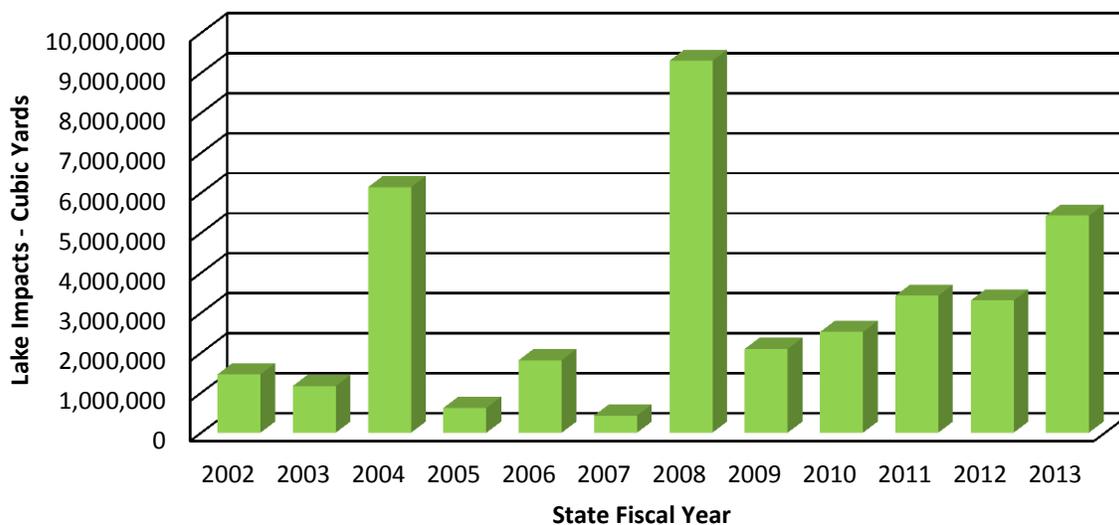


Graph 7 shows the linear feet of Ohio stream with some type of authorized impacts and Graph 8 shows the cubic yards of material placed in Ohio lakes, mainly Lake Erie. The amount of authorized stream impacts increased by 25 percent when compared to the previous year while the amount of dredge and fill material impacting Ohio lakes increased by 39 percent.

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



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



Customer Feedback Survey

During SFY10, the Division of Surface Water undertook a Kaizen review 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 online customer service survey. The survey can be found at the following website: <http://www.surveymonkey.com/wqc-iwpfeedbackform>

This link is 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, with only three responses received through the survey website since implementation. A meaningful statistical analysis of the responses is not possible with the limited number of participants; however the results were mixed with both praise and criticism 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 continues 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.

Appendices

Table A lists each isolated wetland 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.

Table B lists each jurisdictional 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. 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, 2012 and June 30, 2013

| SWIMS ID | Applicant | Issue Date | Permit Type | Issue Time (Days) | Wetlands Impacted | | | Wetland Mitigation | |
|----------|--------------------------------------|------------|-------------|----------------------|-------------------|----------|-------|--------------------|----------|
| | | | | | Acres | HUC | Total | Acres | HUC |
| 134086 | Cardinal Aggregate, Inc. | 4/1/2013 | Level 2 | 44 | 1.51 | 04100010 | 1.51 | 3.80 | 04100010 |
| 123943 | American Greetings | 8/30/2012 | Level 1 | 2 | 0.07 | 04110001 | | 0.20 | 04110001 |
| 124001 | ECHO Strongsville, LLC | 10/25/2012 | Level 2 | 31 | 2.01 | 04110001 | | 4.00 | 04110004 |
| 124036 | Knowlton Development | 11/1/2012 | Level 1 | 0 | 0.46 | 04110001 | | 1.40 | 04100012 |
| 124038 | Richard E. Jacobs Group | 11/19/2012 | Level 1 | 0 | 0.13 | 04110001 | 5.70 | 0.30 | 04110001 |
| 123906 | Bailey Development | 11/20/2012 | Level 3 | 88 | 2.15 | 04110001 | | 5.40 | 4100012 |
| 124054 | Westlake, City of | 11/29/2012 | Level 1 | 9 | 0.28 | 04110001 | | 0.32 | 04110001 |
| 134113 | Giant Eagle, Inc. | 4/11/2013 | Level 1 | 20 | 0.10 | 04110001 | | 0.20 | 04110001 |
| 134153 | Riley Hotel Group | 5/20/2013 | Level 1 | 0 | 0.50 | 04110001 | | 1.00 | 04110004 |
| 123981 | Glazer-Marotta Realty Co. | 11/27/2012 | Level 2 | 91 | 1.88 | 04110002 | | 4.30 | 04110001 |
| 124061 | Drees Company | 1/16/2013 | Level 1 | 0 | 0.33 | 04110002 | | 0.80 | 04110002 |
| 124043 | Neighborhood Development Services | 2/26/2013 | Level 2 | 51 | 0.82 | 04110002 | 3.64 | 2.10 | 04110004 |
| 134149 | Crowland, Ltd. | 5/9/2013 | Level 1 | 0 | 0.20 | 04110002 | | 0.70 | 04110002 |
| 134099 | Twinsburg Industrial Properties, LLC | 4/15/2013 | Level 1 | 32 | 0.41 | 04110002 | | 0.90 | 04100010 |
| 134124 | Cleveland Airport System | 4/29/2013 | Level 1 | 0 | 0.34 | 04110003 | 0.53 | 0.68 | 04110001 |
| 134080 | Village of Mayfield | 6/7/2013 | Level 1 | 0 | 0.19 | 04110003 | | 0.40 | 04110004 |
| 103600 | Route 46 Land Partners, Ltd. | 9/5/2012 | Level 1 | 0 | 0.40 | 05030103 | | 12.81 | 05030102 |
| 124041 | Menards, Inc | 12/3/2012 | Level 1 | 28 | 0.12 | 05030103 | 4.70 | 0.24 | IN LIEU* |
| 123989 | Republic Services Inc | 2/7/2013 | Level 2 | 49 | 3.80 | 05030103 | | 6.90 | 05030103 |
| 134106 | NiSource Midstream Services, LLC | 4/9/2013 | Level 1 | 0 | 0.38 | 05030103 | | 0.76 | IN LIEU* |
| 124024 | Triad Hunter, LLC | 11/19/2012 | Level 1 | 14 | 0.05 | 05030201 | 0.05 | 0.10 | IN LIEU* |
| 123977 | Barberton Community Development Co. | 8/22/2012 | Level 1 | 0 | 0.03 | 05040001 | | 0.06 | 05060001 |
| 124015 | Utica East Ohio Midstream, LLC | 9/13/2012 | Level 1 | 0 | 0.18 | 05040001 | | 0.40 | 05060001 |
| 124037 | First Energy | 11/6/2012 | Level 1 | 0 | 0.02 | 05040001 | 2.30 | 0.10 | 05060002 |
| 123979 | Chesapeake Energy | 11/29/2012 | Level 2 | 81 | 1.63 | 05040001 | | 2.44 | 05040001 |
| 124053 | City of Green | 1/15/2013 | Level 1 | 30 | 0.07 | 05040001 | | 0.20 | 05060001 |
| 134070 | RE Gas Development | 2/1/2013 | Level 1 | 0 | 0.37 | 05040001 | | 0.80 | 05040003 |

Table A — Isolated Permits Granted between July 1, 2012 and June 30, 2013

| SWIMS ID | Applicant | Issue Date | Permit Type | Issue Time (Days) | Wetlands Impacted | | | Wetland Mitigation | |
|---|-----------------------------------|------------|-------------|----------------------|-------------------|----------|-------|--------------------|----------|
| | | | | | Acres | HUC | Total | Acres | HUC |
| 124023 | Oxford Mining Company, LLC | 9/28/2012 | Level 1 | 0 | 0.06 | 05040004 | 0.06 | 0.09 | 05040004 |
| 123975 | Turning Point Solar, LLC | 11/28/2012 | Level 2 | 89 | 4.85 | 05040005 | 4.93 | 10.00 | 05060001 |
| 124035 | East Commons Ltd | 11/29/2012 | Level 1 | 21 | 0.04 | 05040005 | | 0.10 | 05060001 |
| 134112 | R.E. Gas Development, LLC | 4/6/2013 | Level 1 | 18 | 0.04 | 05040005 | 4.49 | 0.20 | 05040006 |
| 123963 | Otterbein University | 7/30/2012 | Level 1 | 0 | 0.23 | 05060001 | | 0.50 | 05060001 |
| 123996 | Grace Fellowship Church | 12/3/2012 | Level 2 | 88 | 1.20 | 05060001 | | 3.00 | 05060001 |
| 124010 | Meijer, Inc. | 12/27/2012 | Level 2 | 72 | 0.56 | 05060001 | | 1.40 | 05060001 |
| 123978 | ECHO Continental Hilliard, LLC | 1/22/2013 | Level 2 | 91 | 1.23 | 05060001 | | 2.60 | 05060001 |
| 134077 | Fairfield County Engineer | 1/30/2013 | Level 1 | 0 | 0.03 | 05060001 | | 0.10 | 05040001 |
| 134116 | Morso Holding Company | 3/11/2013 | Level 1 | 0 | 0.15 | 05060001 | | 0.40 | 05060001 |
| 134105 | Romanelli and Hughes Building Co. | 3/19/2013 | Level 1 | 0 | 0.05 | 05060001 | | 0.10 | 05080001 |
| 124063 | Olympus Homes, Inc | 4/10/2013 | Level 1 | 0 | 0.16 | 05060001 | | 0.30 | 5040006 |
| 124056 | Redwood Management Company | 4/30/2013 | Level 1 | 2 | 0.16 | 05060001 | | 0.80 | 05060001 |
| 134131 | City of Dublin | 5/7/2013 | Level 1 | 9 | 0.07 | 05060001 | 0.20 | 05060001 | |
| 134074 | Redwood Acquisitions LLC | 5/10/2013 | Level 1 | 0 | 0.38 | 05060001 | 0.80 | 05060001 | |
| 123942 | Mount Carmel Health System | 7/6/2012 | Level 1 | 0 | 0.27 | 05060001 | 0.70 | 05060001 | |
| 134111 | ODOT | 3/18/2013 | Level 1 | 0 | 0.02 | 05080002 | 0.20 | 0.04 | 05080002 |
| 134079 | Fischer Development | 4/18/2013 | Level 1 | 10 | 0.18 | 05080002 | | 0.40 | 05080002 |
| 134114 | ODOT | 3/14/2013 | Level 1 | 0 | 0.04 | 05090202 | 0.04 | 0.08 | 05080002 |
| *Impacts were mitigated through the Pilot In-Lieu Fee Program | | | | | | | | | |
| Total Acres Impacted | | | | 28.15 | | | | | |
| Total Acres Mitigated | | | | 73.12 | | | | | |
| Average Issue Time | | | | 27 | | | | | |

Table B — Jurisdictional Wetland Impacts Granted between July 1, 2012 and June 30, 2013

| SWIMS # | Applicant | Issue Date | Issue Time | Wetlands Impacted | | | Wetland Mitigation | |
|---------|----------------------------------|------------|------------|-------------------|----------|-------|--------------------|----------|
| | | | | Acres | HUC | Total | Acres | HUC |
| 103651 | Seneca Builders, LLC | 7/13/2012 | 162 | 2.62 | 04100001 | | 5.40 | 04100001 |
| 113779 | Oregon, City of | 9/21/2012 | 120 | 2.04 | 04100001 | | 11.63 | 04100001 |
| 123918 | Jenne Family Limited Partnership | 11/27/2012 | 54 | 2.59 | 04110001 | 14.16 | 6.50 | 04100012 |
| 113845 | Sheffield Village Schools | 11/27/2012 | 141 | 5.60 | 04110001 | | 39.00 | 04100012 |
| 113795 | Cuyahoga Community College | 2/14/2013 | 97 | 0.95 | 04110001 | | 2.40 | 04110001 |
| 124032 | Richard E. Jacobs Group LLC | 5/20/2013 | 105 | 0.36 | 04110001 | | 0.60 | 04110001 |
| 123953 | Nestle R&D Center, Inc. | 3/26/2013 | 116 | 2.66 | 04110002 | 5.67 | 8.00 | 04110001 |
| 123924 | Crowland, Ltd. | 4/22/2013 | 168 | 3.01 | 04110002 | | 8.90 | 04110002 |
| 113841 | US Waste Geneva Landfill, Inc. | 7/20/2012 | 178 | 9.69 | 04110003 | 9.83 | 299.00 | 04110003 |
| 124002 | ODOT | 12/3/2012 | 118 | 0.14 | 04110003 | | 0.55 | 04110004 |
| 124058 | ODOT | 2/4/2013 | 64 | 1.87 | 04110004 | 2.35 | 4.63 | 04110004 |
| 134081 | ODOT | 4/23/2013 | 89 | 0.48 | 04110004 | | 2.60 | 04110004 |
| 123987 | Republic Services Inc | 2/7/2013 | 49 | 3.80 | 05030103 | 3.80 | 6.90 | 05030103 |
| 123925 | Oxford Mining Company, LLC | 11/5/2012 | 178 | 0.63 | 05030106 | 8.04 | 1.00 | 05030106 |
| 123910 | Oxford Mining Company, LLC | 11/26/2012 | 180 | 0.04 | 05030106 | | 0.06 | 05030106 |
| 123941 | Ohio American Energy, Inc. | 4/19/2013 | 133 | 7.37 | 05030106 | | 13.11 | 05030106 |
| 113853 | Tuscarawas County Engineer | 7/5/2012 | 99 | 0.02 | 05040001 | | 0.20 | 05040001 |
| 123866 | Kimble Clay and Limestone | 7/24/2012 | 162 | 1.89 | 05040001 | | 2.84 | 05040001 |
| 123921 | Oxford Mining Company, LLC | 8/21/2012 | 104 | 0.72 | 05040001 | 4.77 | 1.20 | 05040001 |
| 123894 | East Ohio Gas | 9/4/2012 | 179 | 0.04 | 05040001 | | 0.20 | 05040001 |
| 123994 | USACE | 12/3/2012 | 112 | 0.32 | 05040001 | | 0.50 | 05060001 |
| 124018 | ODOT | 2/1/2013 | 147 | 0.35 | 05040001 | | 1.09 | 04110002 |
| 123956 | Rosebud Mining Company | 5/22/2013 | 159 | 0.02 | 05040001 | | 0.01 | 05040001 |

Table B — Jurisdictional Wetland Impacts Granted between July 1, 2012 and June 30, 2013

| SWIMS # | Applicant | Issue Date | Issue Time | Wetlands Impacted | | | Wetland Mitigation | |
|------------------------------|--|------------|------------|-------------------|----------|-------|--------------------|----------|
| | | | | Acres | HUC | Total | Acres | HUC |
| 113835 | Carroll County Land Company | 6/13/2013 | 115 | 1.41 | 05040001 | | 2.11 | 05060001 |
| 103673 | Scotts Miracle-Gro Company | 2/27/2013 | 99 | 24.90 | 05040002 | 24.90 | 93.13 | 05040002 |
| 124047 | B&N Coal, Inc. | 3/26/2013 | 116 | 0.09 | 05040005 | 0.09 | 0.13 | 05040005 |
| 123998 | ODOT | 11/5/2012 | 95 | 1.24 | 05060001 | 2.83 | 2.78 | 05080001 |
| 123999 | The New Albany Company, LLC (NACO) | 5/20/2013 | 174 | 1.59 | 05060001 | | 3.69 | 05060001 |
| 113781 | Duke Energy | 7/9/2012 | 167 | 1.81 | 05090201 | 1.81 | 4.10 | 05090201 |
| 124019 | Enterprise Liquids Pipeline Company, LLC | 5/8/2013 | 101 | 17.92 | Multiple | 17.92 | 39.74 | Multiple |
| Total Acres Impacted | | | | 96.17 | | | | |
| Total Acres Mitigated | | | | 562 | | | | |
| Average Issue Time | | | | 127 | | | | |

Table C — Jurisdictional Stream Impacts Granted between July 1, 2012 and June 30, 2013

| SWIMS # | Applicant | Issue Date | Issue Time | Streams Impacted | | Totals | Streams LF Mitigation |
|---------|--------------------------------|------------|------------|------------------|----------|--------|--------------------------|
| | | | | LF Impacted | HUC | | |
| 113779 | Oregon, City of | 9/21/2012 | 120 | 18,926 | 04100001 | 20,119 | 12,180 |
| 113795 | Cuyahoga Community College | 2/14/2013 | 97 | 1,193 | 04110001 | | 1,747 |
| 123924 | Crowland, Ltd. | 4/22/2013 | 168 | 350 | 04110002 | 350 | 2,508 |
| 113841 | US Waste Geneva Landfill, Inc. | 7/20/2012 | 178 | 4,784 | 04110003 | 5,102 | 14,309 |
| 123950 | Lake County Metroparks | 8/9/2012 | 54 | 318 | 04110003 | | 500 |
| 124058 | ODOT | 2/4/2013 | 64 | 70 | 04110004 | 1,662 | 105 |
| 123904 | Jefferson, Village of | 5/2/2013 | 177 | 667 | 04110004 | | 430 |
| 134081 | ODOT | 4/23/2013 | 89 | 925 | 04110004 | | 1,388 |
| 123997 | Steubenville, City of | 12/12/2012 | 123 | 1,156 | 05030101 | 1,156 | 1,014 |
| 123900 | Mahoning Hydropower, LLC | 9/12/2012 | 128 | 30 | 05030103 | 1,408 | 0 |
| 123987 | Republic Services Inc | 2/7/2013 | 49 | 1,378 | 05030103 | | 2,070 |
| 123925 | Oxford Mining Company, LLC | 11/5/2012 | 178 | 4,487 | 05030106 | 21,092 | 4,487 |
| 123910 | Oxford Mining Company, LLC | 11/26/2012 | 180 | 3,490 | 05030106 | | 3,490 |
| 124016 | ODOT | 12/11/2012 | 61 | 2,387 | 05030106 | | 3,392 |
| 124006 | Ohio Coatings Company | 1/23/2013 | 118 | 360 | 05030106 | | 20 |
| 123941 | Ohio American Energy, Inc. | 4/19/2013 | 133 | 2,534 | 05030106 | | 2,534 |
| 124027 | Oxford Mining Company, LLC. | 6/28/2013 | 219 | 7,834 | 05030106 | | 7,834 |
| 124047 | B&N Coal, Inc. | 3/26/2013 | 116 | 12,436 | 05030201 | | 12,436 |
| 123866 | Kimble Clay and Limestone | 7/24/2012 | 162 | 1,844 | 05040001 | 8,347 | 1,844 |
| 123921 | Oxford Mining Company, LLC | 8/21/2012 | 104 | 4,495 | 05040001 | | 4,495 |
| 124018 | ODOT | 2/1/2013 | 147 | 564 | 05040001 | | 564 |
| 123956 | Rosebud Mining Company | 5/22/2013 | 159 | 1,018 | 05040001 | | 1,207 |
| 113853 | Tuscarawas County Engineer | 7/5/2012 | 99 | 60 | 05040001 | | 0 |

Table C — Jurisdictional Stream Impacts Granted between July 1, 2012 and June 30, 2013

| SWIMS # | Applicant | Issue Date | Issue Time | Streams Impacted | | | Streams |
|---------------------------|---|------------|------------|------------------|----------|--------|---------------|
| | | | | LF Impacted | HUC | Totals | LF Mitigation |
| 123939 | East Ohio Gas Company | 10/11/2012 | 129 | 351 | 05040001 | | 351 |
| 134065 | East Ohio Gas | 6/28/2013 | 2 | 15 | 05040001 | | 358 |
| 103673 | Scotts Miracle-Gro Company | 2/27/2013 | 99 | 160 | 05040002 | 160 | 160 |
| 123998 | ODOT | 11/5/2012 | 95 | 2,163 | 05060001 | | 2,163 |
| 123917 | Mount Carmel Health System | 11/27/2012 | 125 | 1,206 | 05060001 | 4,455 | 4,431 |
| 123999 | The New Albany Company, LLC (NACO) | 5/20/2013 | 174 | 1,086 | 05060001 | | 3,100 |
| 123862 | Clark County Engineer | 8/29/2012 | 145 | 470 | 05080001 | | 990 |
| 123891 | City of Dayton Department of Aviation | 5/31/2013 | 108 | 1,575 | 05080001 | 2,161 | 2,430 |
| 134107 | ODOT | 6/5/2013 | 78 | 116 | 05080001 | | 174 |
| 123944 | Libertytown, LLC | 11/2/2012 | 119 | 2,505 | 05080002 | 6,465 | 10,880 |
| 134066 | Five Rivers Metro Park | 6/10/2013 | 101 | 3,960 | 05080002 | | 3,960 |
| 113838 | B.F. Iron & Metal Inc. | 3/6/2013 | 154 | 890 | 05090103 | 890 | 3,993 |
| 113781 | Duke Energy | 7/9/2012 | 167 | 11,486 | 05090201 | 11,656 | 37,753 |
| 124011 | DP&L | 7/1/2013 | 165 | 170 | 05090201 | | 3,000 |
| 123885 | Warren County Water and Sewer | 4/10/2013 | 128 | 265 | 05090202 | 265 | 800 |
| 123877 | Metropolitan Sewer District of Greater Cincinnati | 8/31/2012 | 101 | 1,092 | 05090203 | 1,092 | 936 |
| 124019 | Enterprise Liquids Pipeline Company, LLC | 5/8/2013 | 101 | 76,842 | Multiple | 76,842 | 93,168 |
| Total LF Impacted | | | | 175,658 | | | |
| Total LF Mitigated | | | | 246,079 | | | |
| Average Issue Time | | | | 123 | | | |

Table D — Lake Impacts Granted between July 1, 2012 and June 30, 2013

| SWIMS # | Applicant | Issue Date | Issue Time | Lakes Dredge/Fill (Cubic Yards) | Lakes HUC |
|------------------------------|--|------------|------------|------------------------------------|-----------|
| 123991 | Bossu, Francis and Uridil, Nancy | 12/27/2012 | 148 | 904 | 04110001 |
| 124050 | Zubizarreta, Miguel and Denise | 1/28/2013 | 64 | 1,225 | 04110001 |
| 134096 | Jeffrey L. & Pamela A. Barker | 5/6/2013 | 67 | 90 | 04110001 |
| 124040 | U.S. Army Corps of Engineers, Buffalo District | 2/27/2013 | 118 | 4,500,000 | 04110002 |
| 123984 | Klar, Jason and Amber | 10/30/2012 | 95 | 163 | 04110003 |
| 123983 | Newyear, Constance | 11/1/2012 | 97 | 62 | 04110003 |
| 123865 | Amy Murphy | 7/6/2012 | 71 | 290 | 04120200 |
| 123909 | Jeffrey Lee Stewart | 7/13/2012 | 66 | 96 | 04120200 |
| 123864 | Miller Boat Line, Inc | 7/16/2012 | 98 | 979 | 04120200 |
| 123919 | Defilippo, Robert | 8/27/2012 | 77 | 524 | 04120200 |
| 123954 | GEN 2 LLC | 9/12/2012 | 71 | 2,724 | 04120200 |
| 124048 | U.S. Army Corps of Engineers, Buffalo District | 4/23/2013 | 155 | 220,000 | 04120200 |
| 134072 | U.S. Army Corps of Engineers, Buffalo District | 5/10/2013 | 102 | 300,000 | 04120200 |
| 124064 | U.S. Army Corps of Engineers, Buffalo District | 5/13/2013 | 102 | 400,000 | 04120200 |
| Cubic Yards/Fill | | | | 5,427,057.00 | |
| Average Issuance Time | | | | 14 | |

Table E — Wetland Impact and Mitigation Summary by HUC Issued Between July 1, 2012 and June 30, 2013

| 8 Digit HUC | Description | Isolated Wetlands | | Jurisdictional | | Total Acres | |
|-------------|--|-------------------|------------|----------------|------------|-------------|------------|
| | | Impact | Mitigation | Impact | Mitigation | Impact | Mitigation |
| 4100001 | Lake Erie tributaries (below Detroit R. to above Maumee R.) | 0.00 | 0.00 | 14.16 | 17.03 | 14.16 | 17.03 |
| 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 | 0.00 | 0.00 | 0.00 |
| 4100004 | St. Marys 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 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 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 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4100010 | Lake Erie Tributaries and Portage River | 1.51 | 4.70 | 0.00 | 0.00 | 1.51 | 4.70 |
| 4100011 | Sandusky River and Sandusky Bay Tributaries | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4100012 | Huron River and Vermilion River | 0.00 | 6.80 | 0.00 | 45.50 | 0.00 | 52.30 |
| 4110001 | Black River and Rocky River | 5.70 | 6.00 | 0.00 | 11.00 | 5.70 | 17.00 |
| 4110002 | Cuyahoga River | 3.64 | 1.50 | 5.67 | 9.99 | 9.31 | 11.49 |
| 4110003 | Chagrin and Ashtabula Rivers and Lake Erie Tributaries | 0.53 | 0.00 | 9.83 | 299.00 | 10.36 | 299.00 |
| 4110004 | Grand River | 0.00 | 7.50 | 2.35 | 7.78 | 2.35 | 15.28 |
| 4120101 | Conneaut Creek and Lake Erie tributaries | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4120200 | Lake Erie Islands | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5030101 | Little Beaver, Yellow, and Cross Creeks | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5030102 | Shenango River | 0.00 | 12.81 | 0.00 | 0.00 | 0.00 | 12.81 |
| 5030103 | Mahoning River | 4.70 | 20.71 | 3.80 | 6.90 | 8.50 | 27.61 |
| 5030106 | Ohio River tributaries (Short, Wheeling, and McMahan Creeks) | 0.00 | 0.00 | 8.04 | 14.17 | 8.04 | 14.17 |
| 5030201 | Little Muskingum River | 0.05 | 0.00 | 0.00 | 0.00 | 0.05 | 0.00 |
| 5030202 | Shade River and Leading Creek | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Table E — Wetland Impact and Mitigation Summary by HUC Issued Between July 1, 2012 and June 30, 2013

| 8 Digit HUC | Description | Isolated Wetlands | | Jurisdictional | | Total Acres | |
|-------------|--|-------------------|------------|----------------|------------|-------------|------------|
| | | Impact | Mitigation | Impact | Mitigation | Impact | Mitigation |
| 5030204 | Hocking River | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5040001 | Tuscarawas River | 2.30 | 2.54 | 4.77 | 4.45 | 7.07 | 6.99 |
| 5040002 | Mohican River | 0.00 | 0.00 | 24.90 | 93.13 | 24.90 | 93.13 |
| 5040003 | Kokosing River, Walhonding River, and Killbuck Creek | 0.00 | 0.80 | 0.00 | 0.00 | 0.00 | 0.80 |
| 5040004 | Muskingum River | 0.06 | 0.09 | 0.00 | 0.00 | 0.06 | 0.09 |
| 5040005 | Wills Creek | 4.93 | 0.00 | 0.09 | 0.13 | 5.02 | 0.13 |
| 5040006 | Licking River | 0.00 | 0.50 | 0.00 | 0.00 | 0.00 | 0.50 |
| 5060001 | Scioto River (headwaters to below Big Darby Creek) | 4.49 | 21.16 | 2.83 | 6.30 | 7.32 | 27.46 |
| 5060002 | Scioto R. (below Big Darby Cr. to Ohio R., except Paint Cr.) | 0.00 | 0.10 | 0.00 | 0.00 | 0.00 | 0.10 |
| 5060003 | Paint Creek | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5080001 | Great Miami River (headwaters to below Mad River) | 0.00 | 0.10 | 0.00 | 2.78 | 0.00 | 2.88 |
| 5080002 | Great Miami R. (below Mad R. to Ohio R., except Whitewater R.) | 0.20 | 0.52 | 0.00 | 0.00 | 0.20 | 0.52 |
| 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 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5090103 | Little Scioto River and other Ohio River tributaries | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5090201 | Ohio Brush Cr., Whiteoak Cr., and other Ohio R. tributaries | 0.00 | 0.00 | 1.81 | 4.10 | 1.81 | 4.10 |
| 5090202 | Little Miami River | 0.04 | 0.00 | 0.00 | 0.00 | 0.04 | 0.00 |
| 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 | 1.10 | NA | NA | NA | 1.10 |
| NA | Multiple Watersheds | 0.00 | 0.00 | 17.92 | 39.74 | 17.92 | 39.74 |