



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

JUL 27 2015

Regulatory Division  
North Branch  
LRH-2013-257-MUS-Buckeye Lake

Mr. James Zehring, Director  
Ohio Department of Natural Resources  
2045 Morse Road  
Columbus, Ohio 43229-6693

Dear Mr. Zehring:

I refer to your request received in this office on July 21, 2015. You have requested a Department of the Army (DA) emergency authorization to discharge fill material in Buckeye Lake in conjunction with the construction of a structural "Interim Risk Reduction Measure" (IRRM). The IRRM will consist of an embankment stabilization berm and seepage barrier within the lake bed and against the upstream face of the entire 4.1 mile long earthen dam as shown on the enclosed Figure 1 entitled "Buckeye Lake Dam Plan View..." The project site is located within Buckeye Lake at the existing dam in Fairfield County, Ohio.

The United States Army Corps of Engineers authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a DA permit be obtained prior to discharging dredged and/or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water. Buckeye Lake is a traditional navigable water of the United States and is subject to regulation under Section 404. It has been determined the proposed activities are subject to the requirements of Section 404.

According to the information provided, the Ohio Department of Natural Resources authorized a *Declaration of Public Exigency* in accordance with the emergency provisions of Section 1501.011 of the Ohio Revised Code in order to implement the structural IRRM in an expedited manner. Approximately 325,000 cubic yards of commercially-available earthen fill will be discharged below the ordinary high water mark or normal pool elevation of 891.75' of Buckeye Lake to construct the temporary embankment stability berm that is expected to improve the structural integrity of the existing dam by buttressing it near the vertical upstream face. It will increase the cross-sectional width to reduce the risk of a breach failure in the event a flood-induced embankment overtopping event occurs prior to the completion of the new replacement dam. In addition, the temporary stability berm will provide a work platform to facilitate the installation of a permanent seepage barrier to mitigate seepage that occurs within and under the existing dam embankment. The permanent seepage barrier will be constructed of soilcrete or steel sheetpile.

We have evaluated the proposed project under the emergency procedures at 33 CFR 325.2(e)(4). The proposed project, as indicated in the provided information dated July 20, 2015, is hereby authorized under the provisions of Section 404, subject to general and special conditions titled *GENERAL AND SPECIAL CONDITIONS FOR THE LETTER OF PERMISSION # LRH-2013-257-MUS-BUCKEYE LAKE ISSUED TO THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE CONSTRUCTION OF A STRUCTURAL IRRM WITHIN BUCKEYE LAKE, IN FAIRFIELD COUNTY, OHIO.*

You may accept this permit or object to this permit and request the permit be modified in accordance with the enclosed Notification of Administrative Appeal Options and Process and Request for Appeal. If you elect to object to this permit, you must complete Section II (Request for Appeal or Objections to an Initial Proffered Permit) of the enclosure and return it to the District Engineer, ATTN: Ginger Mullins, Chief, Regulatory Division (CELRH-RD). If we do not receive an objection from you within 60 days of the date of this letter, or if work is conducted under the terms and conditions of this permit, we will consider that you accept this permit in its entirety and you will conduct the work in accordance with the plans, description and all terms and conditions of the permit, and you will forfeit all rights to appeal this permit or its terms and conditions.

In view of the above, your project is permitted subject to the terms and conditions of the enclosed material. This letter does not excuse you from the obligation to obtain any other Federal, state and/or local authorization, if required. If you contemplate any changes or additional activities from those described in your DA Permit application, please submit them to this office for authorization review prior to any activity.

Upon completion of the work, the enclosed certification must be signed and returned to this office. If you have any questions concerning the above information, please contact Ms. Lee Robinette or Ms. Teresa Spagna of the North Branch at (304) 399-5210 or me at the above address or at (304) 399-5610.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
for Philip M. Secrist III  
Colonel, Corps of Engineers  
District Engineer

Enclosures

Copy Furnished: (next page)

Copy Furnished:

CELRD-DE

Ms. Rachel Taulbee  
OEPA, Division of Surface Water  
Post Office Box 1049  
Columbus, Ohio 43216-1049

Mr. Dan Everson  
United States Fish and Wildlife Service  
4625 Morse Road Suite 104  
Columbus, Ohio 43230

Mr. John Kessler, P.E.  
Ohio Department of Natural Resources  
Office of Real Estate  
2045 Morse Road  
Columbus, Ohio 43229

Ms. Wendy Melgin  
US EPA, Region V, WW-16-J  
77 West Jackson St.  
Chicago, Illinois 60604-3590

Mr. Mark Epstein  
Ohio History Connection  
800 East 17<sup>th</sup> Avenue  
Columbus, Ohio 43211

Permit Number: LRH-2013-257-MUS-Buckeye Lake

Name of Permittee: Mr. James Zehringer, Director, Ohio Department of Natural Resources

Date of Issuance: July 27, 2015

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Huntington District  
U. S. Army Corps of Engineers  
502 8th Street  
Huntington, West Virginia 25701-2070  
Attn: RD-N

Please note that your permitted activity is subject to a compliance inspection by an U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

PM: Teresa Spagna