



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No. 200301063	Issuance Date: January 5, 2007
Stream: U/T Scioto River	Closing Date: February 5, 2007

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Huntington District
ATTN: CELRH-OR-F Public Notice No. (*reference above*)
502 Eighth Street
Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Wedgewood Limited Partnership
209 East State Street
Columbus, Ohio 43210

LOCATION: The proposed project is located within wetlands adjacent to an unnamed tributary of the Scioto River within a 32-acre site located west of Sawmill Parkway, south of North Hampton Drive, and north of Bradford Court in Liberty Township, Delaware County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material into waters of the United States to facilitate the construction of a commercial development consisting of a 220,598 square foot Wal-Mart store, four retail outlots, and associated parking. The 32-acre project location contains seven wetlands totaling 2.85 acres (ac). To facilitate the construction of this development, the applicant proposes to place approximately 4,464 cubic yards of clean fill from on-site grading into 2.77 ac of wetland within the site, as summarized in Table 1 below. Plans of the proposal are attached to this notice.

Table 1
Existing Wetland Information and Proposed Wetland Impacts

Wetland	Acreage (ac)	Proposed Impact (ac)
Wetland A	0.51	0.49
Wetland B	0.39	0.37
Wetland C	1.00	1.00
Wetland D	0.07	0.07
Wetland E	0.72	0.72
Wetland F	0.11	0.07
Wetland G	0.05	0.05
Totals	2.85	2.77

Mitigation: Implementation of the proposal would impact 2.77 ac of jurisdictional wetland. The remaining 0.08 ac of wetland within the site would be preserved. As mitigation for the permanent impacts to 2.77 ac of wetland, the applicant proposes to purchase 5.6 acres of wetland mitigation credit from the Little Scioto Wetland Mitigation Bank.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. The applicant has prepared a Phase I Cultural Resources Management (CRM) Investigation for the site. Based on review of this report, this office has determined the proposed project will have no effect on historic properties. A copy of this public notice and a copy of the Phase I CRM report will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of Indiana bat (endangered), clubshell mussel (endangered), bald eagle (T) and rayed bean mussel (proposed candidate species). Based on the location of the site and the nature of the proposal, this office has determined the proposed project will have no effect on the clubshell mussel, bald eagle, or the rayed bean mussel.

Based on information from United States Fish and Wildlife Service (USFWS), a bat survey was conducted within this site in July 2004. Based on the results of this survey, it was determined the site did not contain a maternity colony of Indiana bats at the time of the survey. Prior to their submission of a permit application to this office, the applicant consulted with the USFWS. Through letter dated November 1, 2006, to avoid any adverse effect to the Indiana bat, the USFWS recommended that suitable roost trees for this species only be cleared between September 15 and April 15. Provided these recommendations are implemented, this office has determined the proposed project may effect but would not adversely affect the Indiana bat.

This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal.

To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

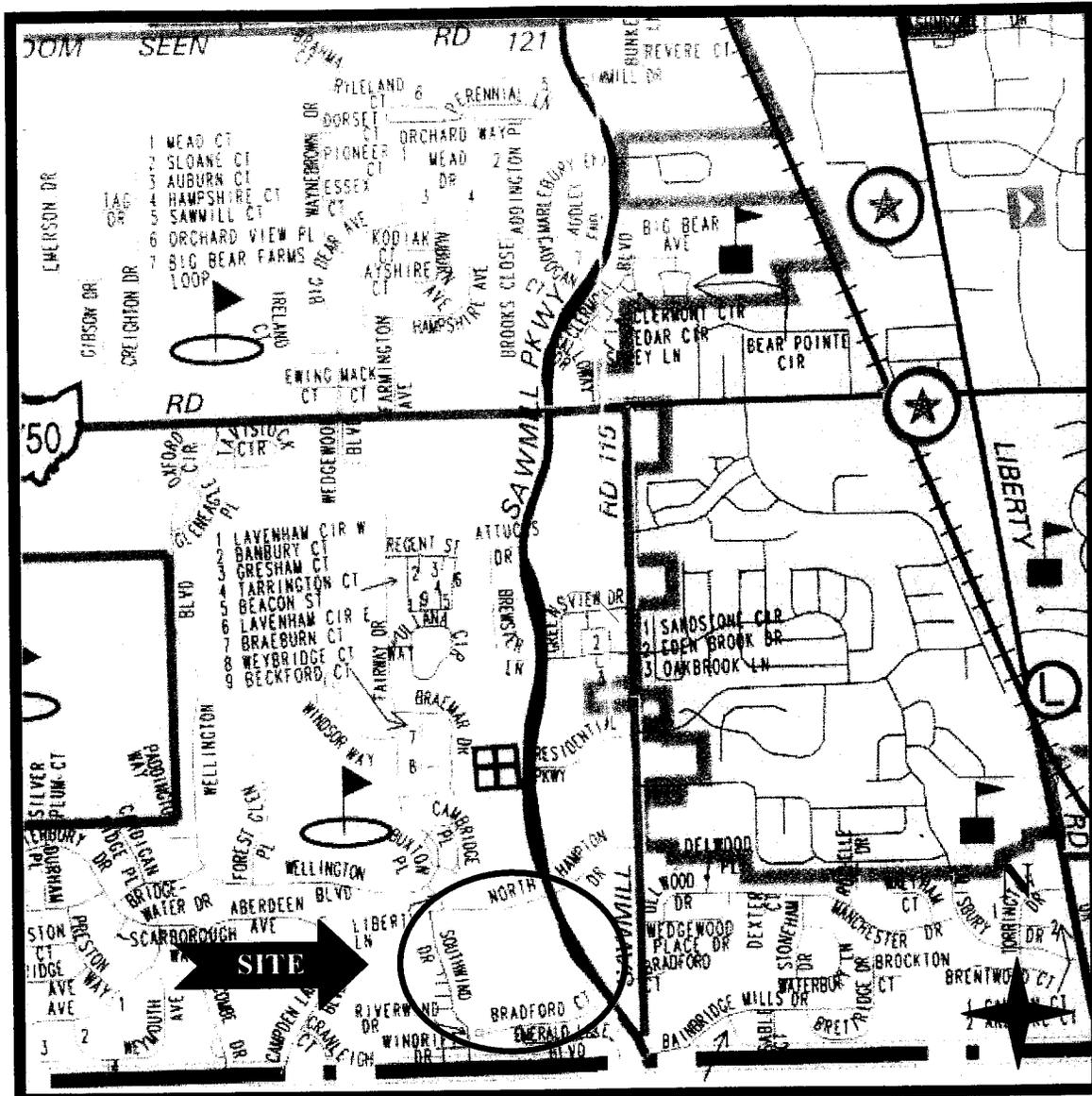
U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200301063
502 8th Street
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act.

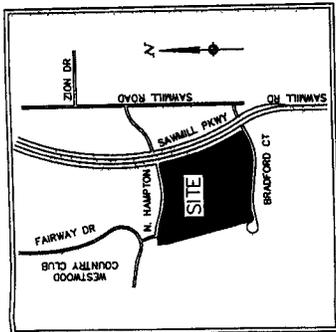
Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.

(O)


for Ginger Mullins
Chief, Regulatory Branch



Area Location Map
 1"=600 feet
 Delaware, Ohio 2004



VICINITY MAP
NO SCALE

WETLANDS 2.848 ± ACRES



NOTE:

Based upon data obtained from Lawhon & Associates, Inc. and Horizon Surveying, Inc.



Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
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Phone: 614.775.4500 Fax: 614.775.4800

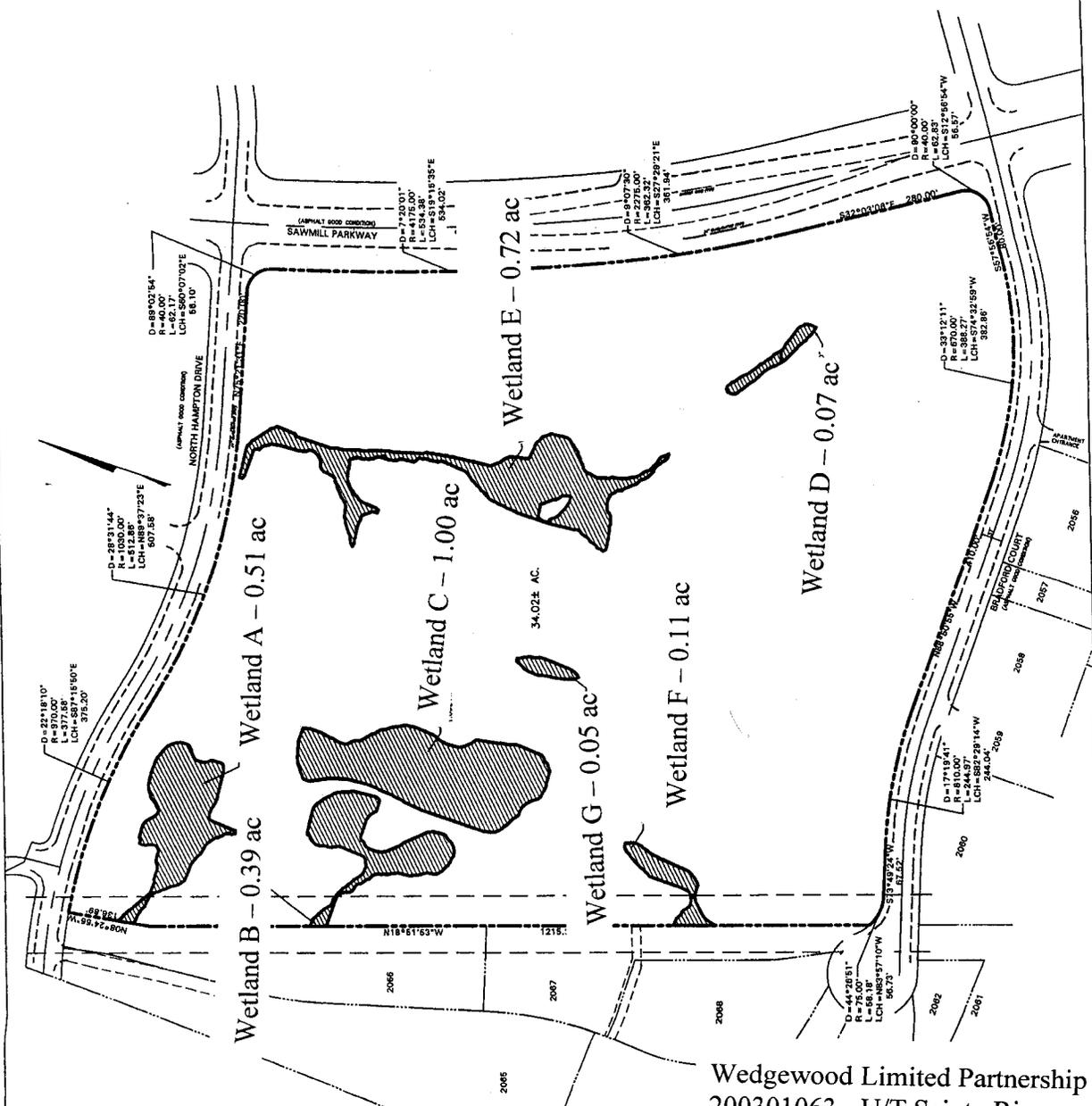
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LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO
ENGINEERING PLAN
FOR
COMMERCIAL DEVELOPMENT
EXISTING CONDITIONS

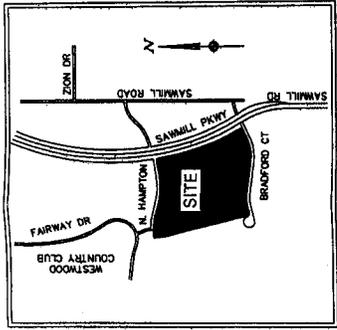
Job No: 2006-1394

Scale: 1" = 180'

Date: October 10, 2006



Wedgewood Limited Partnership
200301063 - U/T Scioto River
Delaware County, Ohio
Wetland Location Map, Sheet 2 of 3



VICINITY MAP
NO SCALE

- IMPACTED WETLANDS 2.768 ± ACRES
- NON-IMPACTED WETLANDS 0.08 ± ACRES

NOTE:
Based upon data obtained from Lawhon & Associates, Inc.
and Horizon Surveying, Inc.

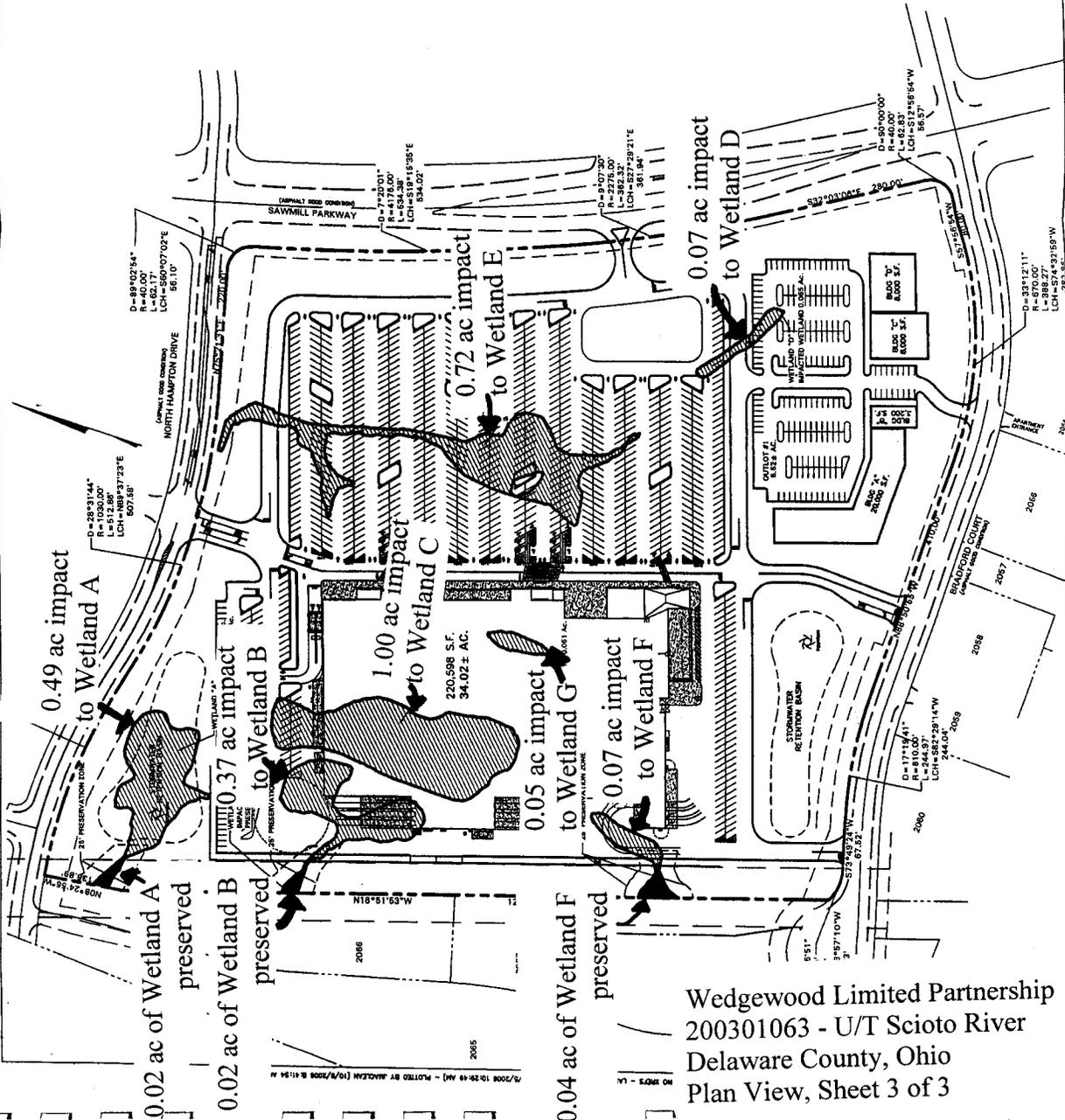


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LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO
ENGINEERING PLAN
FOR
COMMERCIAL DEVELOPMENT
PREFERRED PLAN

Job No: 2006-1394
Date: October 10, 2006
Scale: 1" = 180'



Wedgewood Limited Partnership
200301063 - U/T Scioto River
Delaware County, Ohio
Plan View, Sheet 3 of 3