



Public Notice

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

In reply refer to Public Notice No.
200201409

Issuance Date:
February 8, 2007

Stream:
U/T Buckeye Lake

Closing Date:
March 12, 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: Winding Road Ventures
101 West Big Beaver, Suite 910
Troy, Michigan 48084

LOCATION: The project area is in an unnamed ephemeral tributary to Buckeye Lake and associated wetlands in the Village of Buckeye Lake, Licking County, Ohio. The proposed project is located to the south, west and east of Hunts Landing Road on the north side of Buckeye Lake. The site coordinates are Longitude 82° 27' 46" W, Latitude 39° 56' 19" N.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place approximately 1200 cubic yards of dredged or fill material into approximately 398 linear feet (lf) of an unnamed ephemeral tributary to Buckeye Lake and 1.59 acres of five forested wetlands for the purpose of constructing a residential community and marina. The Landings at Maple Bay development would consist of 52 buildings with a total of 176 individual condominium units surrounding a lake marina with individual docking facilities and associated infrastructure to support the development. The marina would comprise approximately 225,600 square feet (5.18 acres) of area in the center of the development with direct access to Buckeye Lake. The entire proposed community would include 393,386 square feet of residential development. Plans of the proposal are attached to this notice.

Mitigation: The applicant has provided a conceptual mitigation plan to compensate for temporary and permanent impacts to waters of the United States. The proposed mitigation plan would include the creation of 3.0 acres of forested wetland through the enlargement and enhancement of two existing wetlands located on property adjacent to the proposed development. In addition, a vegetated upland buffer would be established around the wetland complex. The entire mitigation area would be approximately 4.0 acres of vegetated area that would be preserved through a deed restriction.

As mitigation for the proposed impacts to 398 lf of stream, the applicant proposes to construct small on-site ponds as part of the stormwater retention system. These ponds would give pollutants and sediment an opportunity to settle out of the water before it flows into Buckeye Lake.

Alternatives Analysis: A total of 1.59 acres of jurisdictional wetlands would be impacted as a result of the proposal. Construction of the proposal does not require access to or sitting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. All practicable alternatives not involving such discharges into special aquatic sites are presumed to have less adverse impacts to the aquatic system. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant is currently preparing the required alternative analysis.

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 in the area affected by the project. A Phase I Cultural Resources Investigation has been performed by the applicant and the results of these investigations are currently being analyzed by the applicant or his agent. A copy of the Phase I Cultural Resources Investigation Report will be furnished to the State Historic Preservation Office for their review upon receipt of the report by this office.

A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of the project area should be based upon collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the following species:

Indiana bat
Bald eagle
Eastern massasauga

The Huntington District has consulted the most recently available information and based on this information, the proposed project is not likely to affect the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. 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 that 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. This application will be reviewed in accordance with 33 CFR 320.331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. 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 that 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; of 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. 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.

SOLICITATION OF COMMENTS: 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. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. 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. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

North Regulatory Permit Section - CELRH-OR FN-200201409
U. S. Army Corps of Engineers Huntington District
502 Eighth 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 contact Mr. David A. Frantz of the North Regulatory Section at 304-399-5210.


Ginger Mullins
Chief, Regulatory Branch

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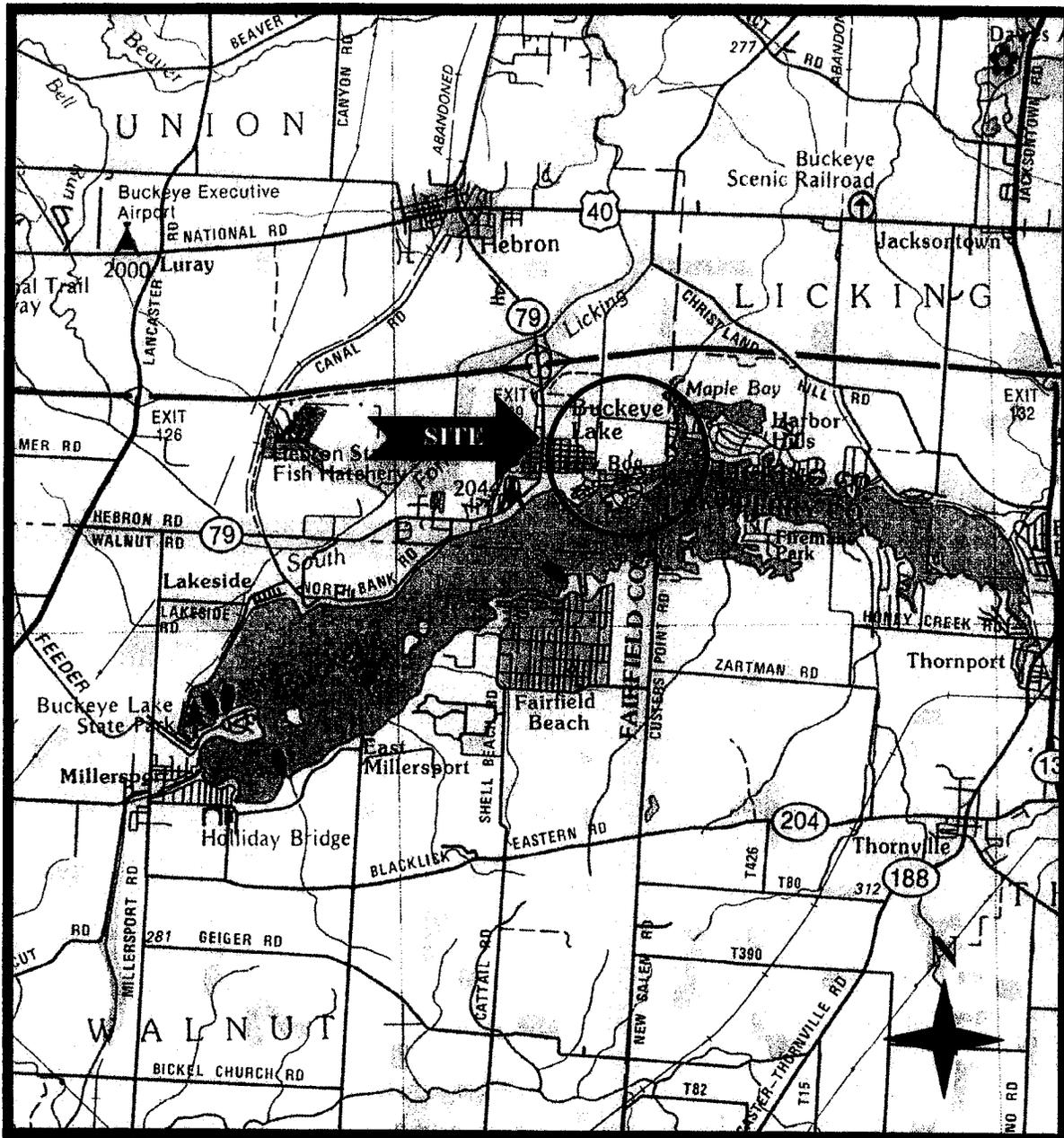


FIGURE 1
 Area Location Map
 1"=1/2 mile
 (DeLorme, 2004)

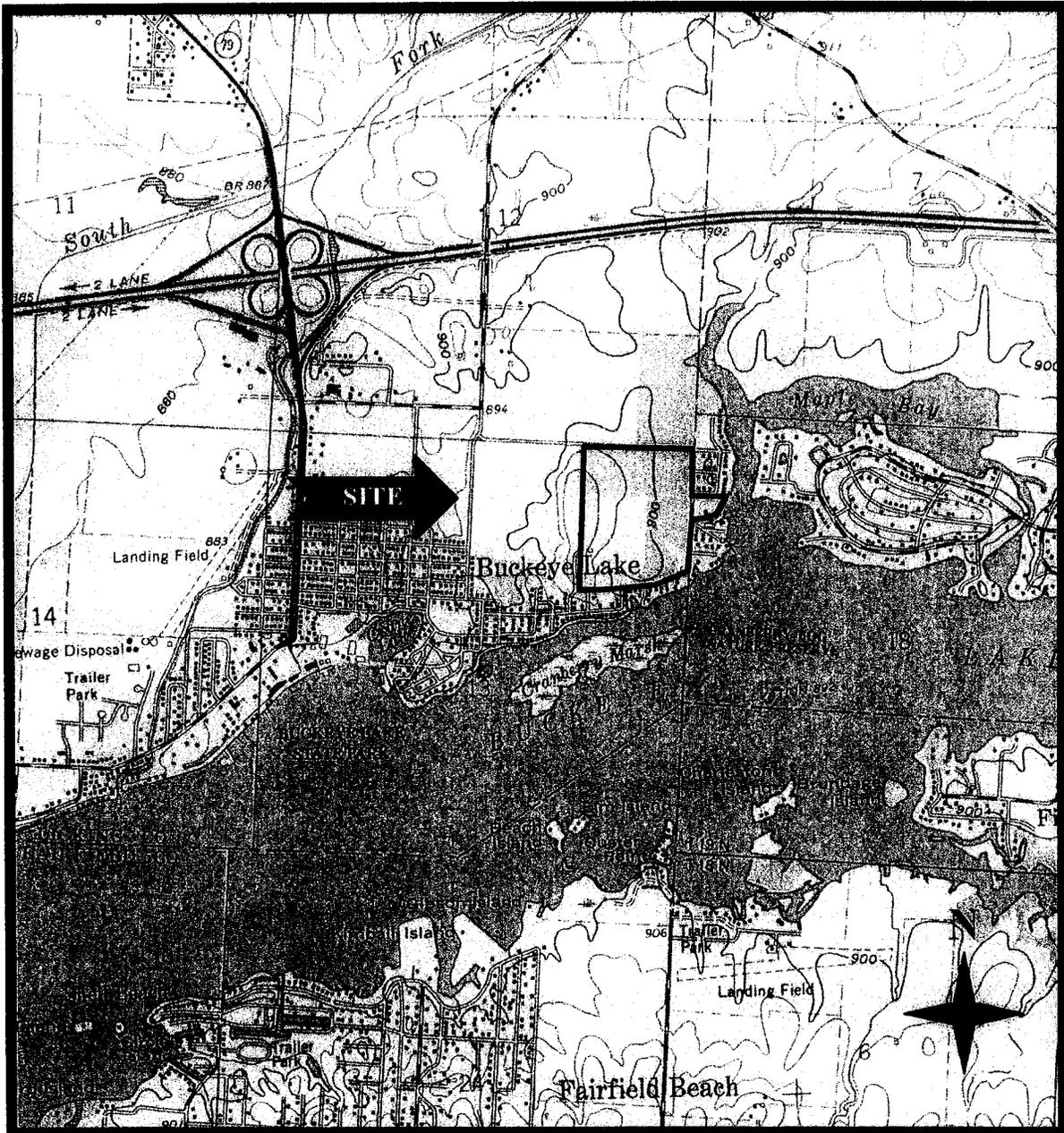


FIGURE 2
USGS Topographical Map
1"=2000'
Thornville, Ohio (1992)

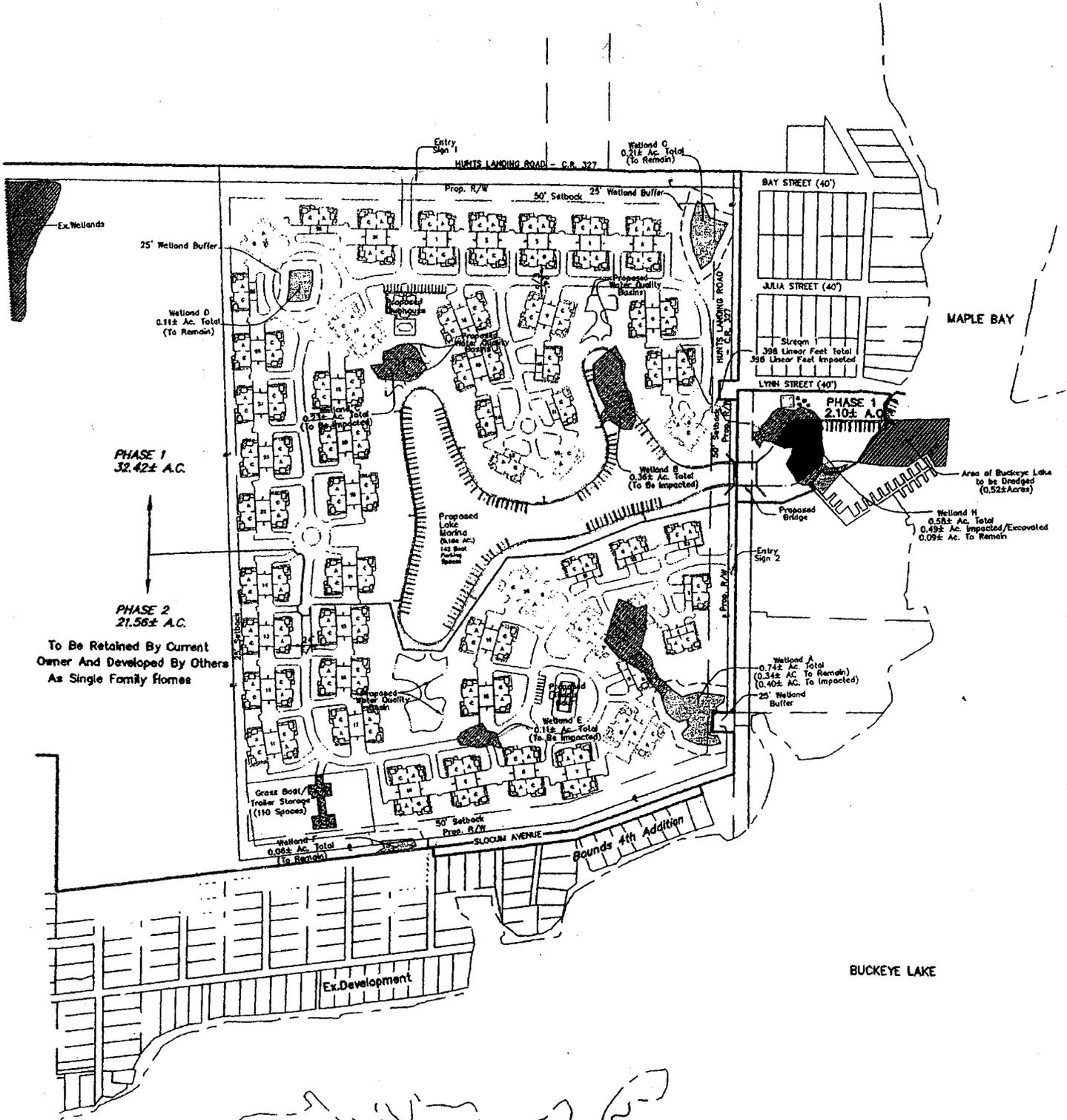


Figure 3 part A

