Public Notice

U S Army Corps of Engineers
Huntington District

In reply refer to Public Notice No.	Issuance Date:
2007-157-GMR	**May 4, 2007**
Stream:	Closing Date:
Dick's Creek	**June 4, 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: Middletown Regional Health Systems
105 McKnight Drive
Middletown, Ohio 45044

LOCATION: The proposed project would be located northeast of the intersection of Union Road and State Route 122 in Middletown, Franklin Township, Warren County, Ohio.

DESCRIPTION OF PROPOSED WORK: The Middletown Region Health Systems is requesting authorization to develop the 200 acre north campus of the Middletown Region Hospital complex. Construction of multiple facility buildings and support infrastructure will impact a total of 748 linear feet of six unnamed ephemeral and intermittent tributaries to Dick's Creek and four wetland areas for a total of 0.50 acre of wetland impacts.

Approximately 8,125 cubic yards of clean fill material and 45 cubic yards of rip rap will be installed. Plans of the proposal are attached to this notice.

Mitigation: As mitigation for the proposed impacts to 748 linear feet of streams and 0.50 acre of wetlands, the applicant proposes on-site wetland creation, on-site stream and stream corridor preservation and off-site stream restoration and stream bank stabilization.

The applicant also proposes to create 0.75 acre of emergent wetland (using a 1:5 to 1 mitigation ratio) within two on-site storm water detention basins. The basins will be graded to provide shallow marsh or saturation during non-storm events. The wetlands will be created by using hydric topsoil from the existing wetlands.

The applicant proposes to preserve approximately 6,847 linear feet of on-site stream channels and their associated riparian buffers within a conservation easement. The total area of this stream corridor preservation is 42.35 acres.

The applicant proposes to restore and stabilize approximately 200 linear feet of stream bank along Dry Fork Creek within the Governor Bebb Nature Preserve, in Butler County, Ohio. The portion of stream bank proposed for restoration and stabilization is located directly adjacent to the park road. Erosion of the stream bank is threatening the stability of the park road. The restoration site is located within the Great Miami River watershed which is the same watershed as the proposed hospital campus development project.

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 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
Running Buffalo Clover
Eastern massasauga
Rayed bean mussel

To determine if the proposed project would have any affect on threatened or endangered species, the applicant has consulted the United States Fish and Wildlife Service (USFWS). Through a letter dated March 8, 2007, the USFWS responded that the project, as proposed, is not likely to adversely affect the above mentioned species or result in the destruction or adverse modification of critical habitat. Based on this information this office has determined that the project may affect, but is not likely to adversely affect, the species listed above due to the lack of suitable habit on-site and the proposed avoidance and minimization measures outlined in the March 8, 2007 letter. 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:

Mr. David Frantz
North Regulatory Permit Section - CELRH-OR FN-2007-157-GMR
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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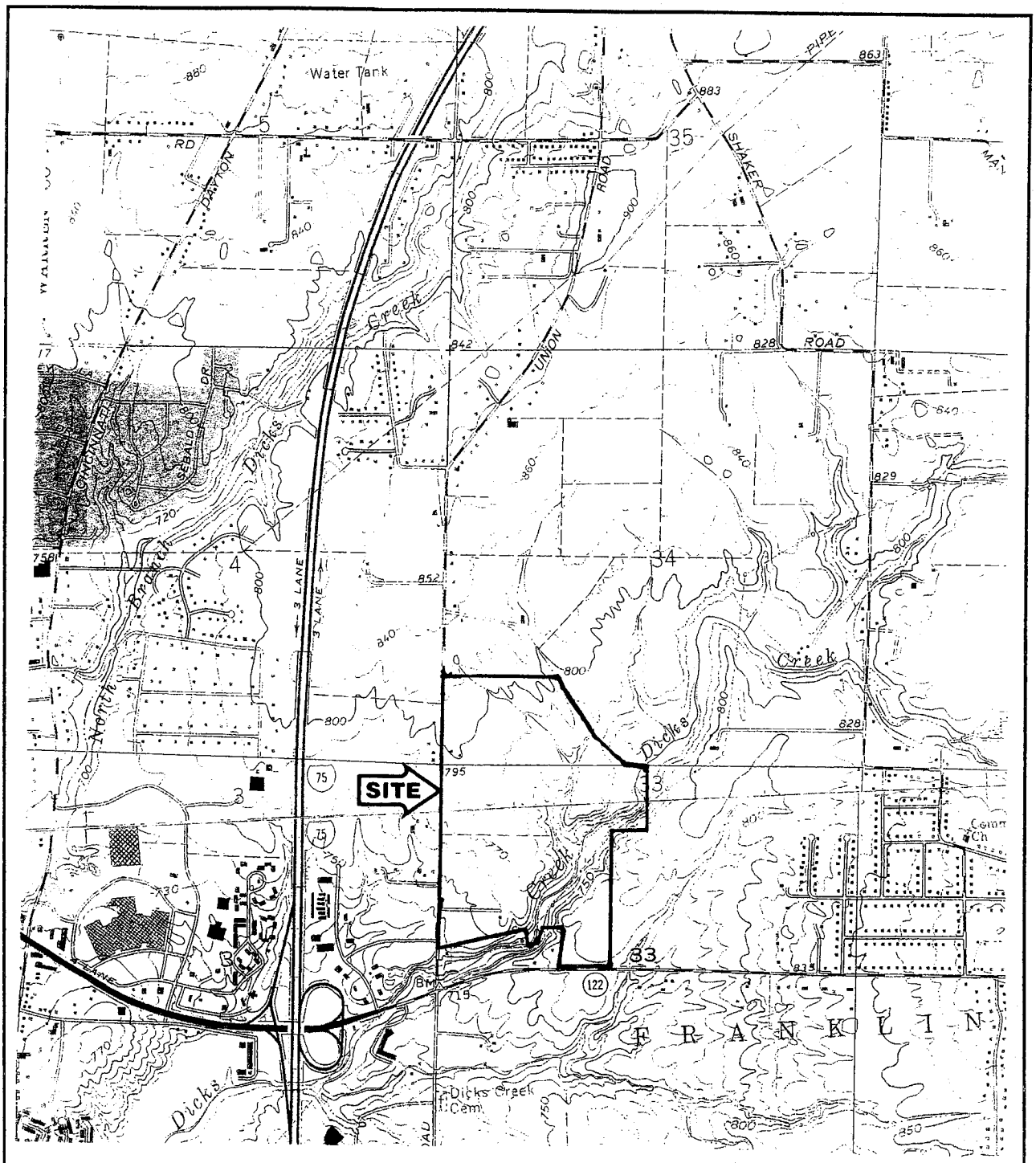

LJB Inc. • 3100 Research Blvd. • PO Box 20246 Dayton, OH 45420-0246 (937) 259-5000 tel • (937) 259-5100 fax • ljbinc.com	**FIGURE 1**: Location Map	Scale: 1"=2000'
	Proposed Middletown Regional Hospital Franklin Township, Warren Co., Ohio	
EN-21560A.01	7/2/04	By: HDL

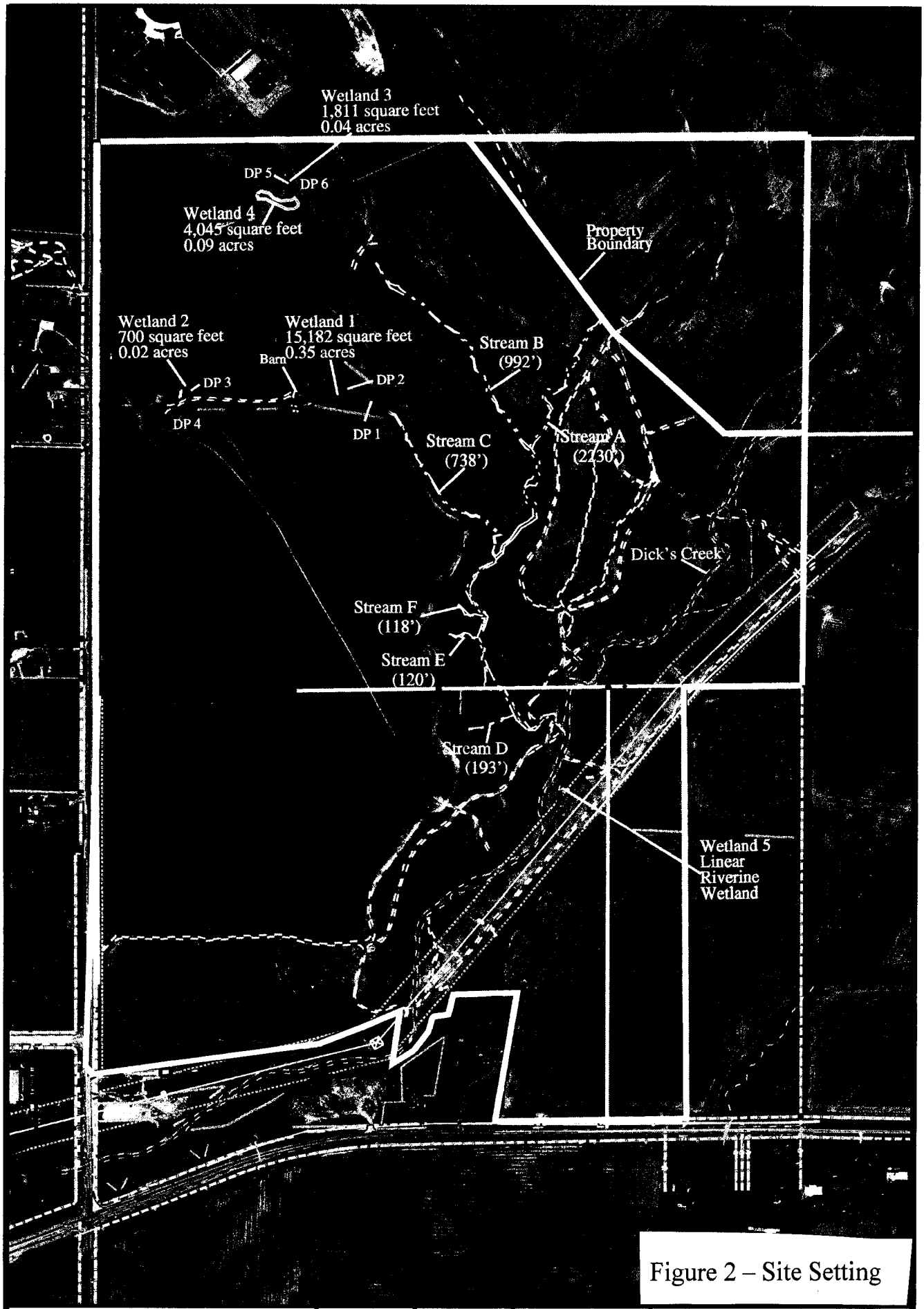

Figure 2 – Site Setting

Project: MIDDLETOWN REGIONAL HOSPITAL	Designed By: HDL	Checked By: JPB	Job No. SV-21560.A00	LJB Inc. · 3100 Research Blvd. P.O. Box 20246 · Dayton, OH 45420-0246 (937) 259-5000 tel · (937) 259-5100 fax ljbinc.com
Subject: [redacted] SITE MAP	Drawn By: JrM	Date: 7-16-04	Scale: 1" = 350'	

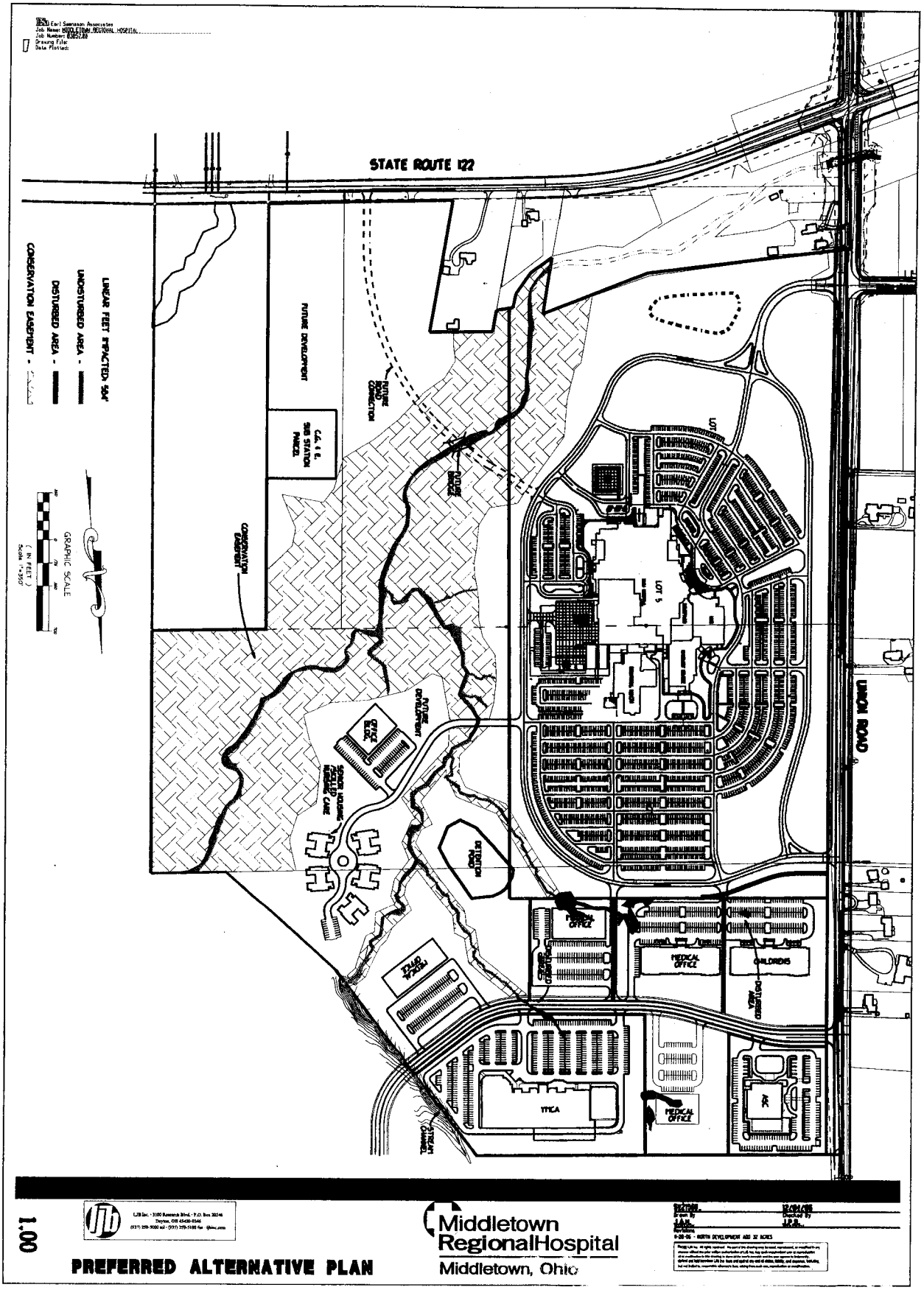

Figure 3 – Overview Site Development Plan

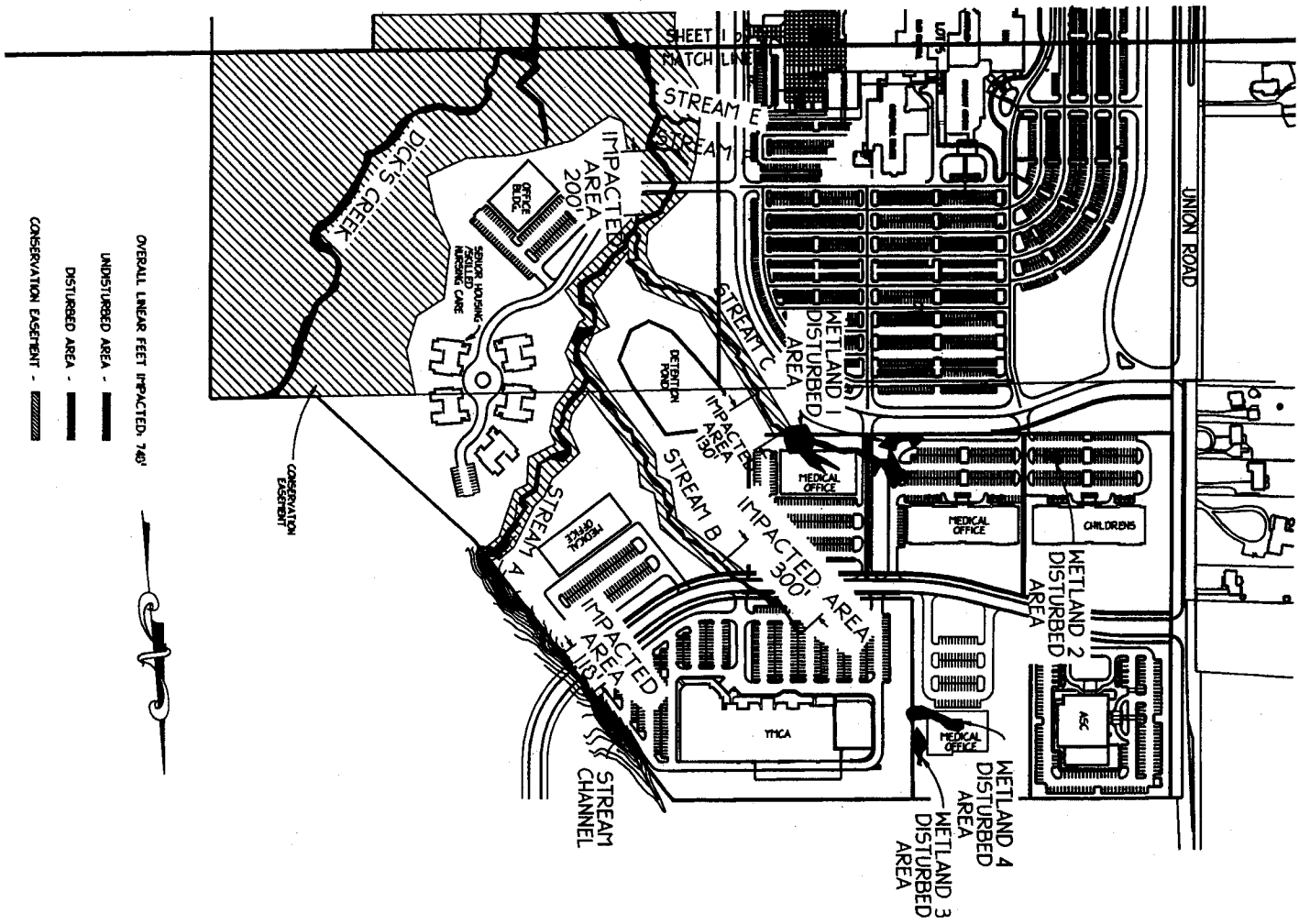

Figure 4 – Site Development Plan – 1 of 2

PREFERED ALTERNATIVE PLAN

Middletown Regional Hospital
Middletown, Ohio

1. CHANGED SCOPE AND FINAL UPDATE 3-30-07

1 of 2

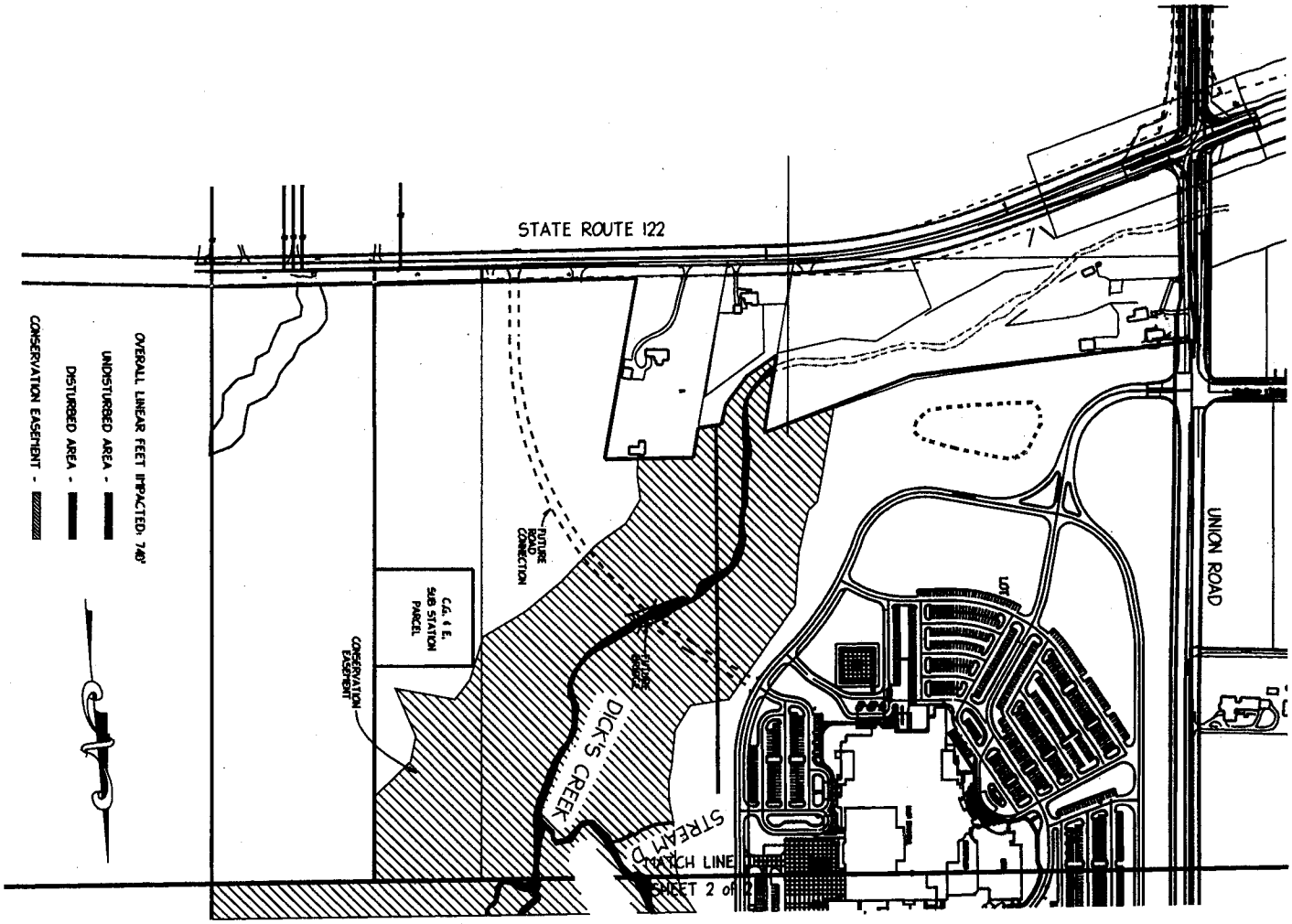

Figure 5 – Site Development Plan – 2 of 2

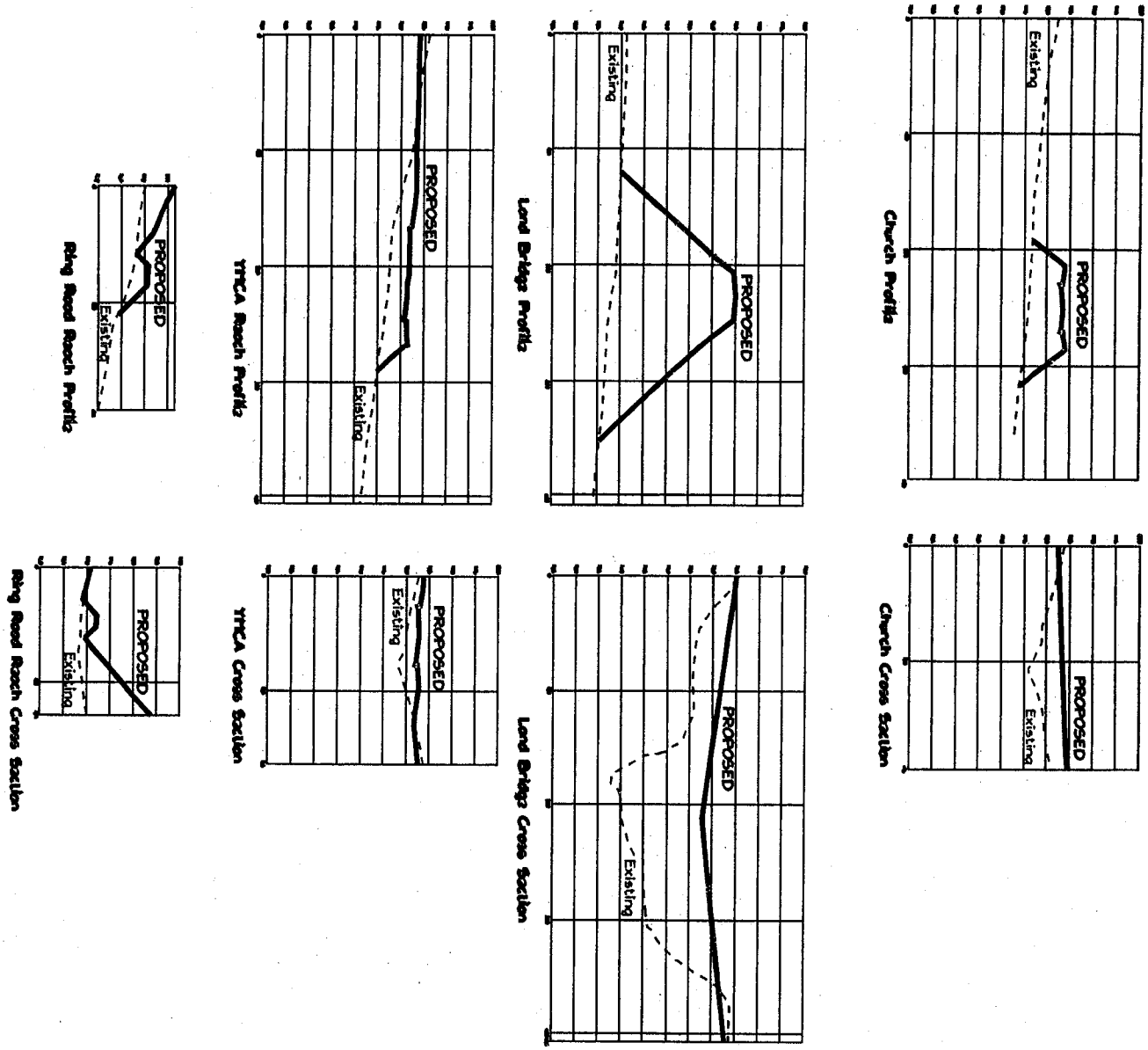

Figure 6 – Cross Sections and Profiles

Sheet Number

2 of 2

CROSS SECTIONS AND PROFILES

Middletown Regional Hospital
Middletown, Ohio

Project Number
Date
Drawn By
Checked By
J.A.R.
J.P.S.
Revisions
3. CHANGED SCOPE AND FINAL UPDATE 3-30-