Public Notice

U S Army Corps of Engineers
Huntington District

In reply refer to Public Notice No.	Issuance Date:
2000-01059-TUS	September 19, 2007
Stream:	Closing Date:
Lake O'Springs	October 19, 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 provision of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANTS: Ohio Vedic Homes, LLC
612 Market Avenue South
Canton, Ohio 44702-2113

LOCATION: The proposed Lake O'Springs Village would be located in Lake O'Springs and wetlands abutting Lake O'Springs east of Lake O'Springs Avenue north of Canton, Stark County, Ohio.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place approximately 7,367 cubic yards of dredged or fill material into 1.84 acres of Lake O'Springs for the purpose of constructing a yoga retreat community with ideal residential green housing. The proposed development encompasses approximately 55.14 acres. Of the 55.14 acres, Lake O'Springs, a man-made impoundment constructed in 1913, consists of 26.9 acres of open water with approximately 28.24 acres of shore lands. The development has been designed according to the Maharishi Sthapatya Veda design principles. The applicant has indicated these principles require a gentle land slope and body of the water to the north or east of the proposed homes approximately 15 acres of land on the southwest side of the lake would be used to construct the 26 single family, energy efficient green homes and yoga center. According to the applicant, this proposal would be the third only such Vedic architecture community in North America.

Plans of the proposal are attached to this notice.

MITIGATION PLAN: To mitigate for the impacts to 1.84 acres of open water, the applicant proposes to simultaneously create 0.78 acre of open water through grading and realignment of the lake shoreline.

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

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there are currently no historic properties listed in the National 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.

ENDANGERED/THREATENED SPECIES REVIEW: The project is located within the known or historic range of the following endangered species:

Indiana Bat
Eastern Massasauga

The applicant has not provided information regarding potential impacts to these species resulting from the proposed activities. The Huntington District has determined that the project may affect these species or designated Critical Habitat. This public notice serves as a request to the USFWS for any additional information they may have on whether any federally listed or proposed species may be present in the area which would be affected by the activity. This information will be used to assist the Huntington District in making final effect-determinations pursuant to Section 7(a)(2) of the Federal Endangered Species Act of 1973 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: 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-2000-01059-TUS
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 Ms. Lee A. Pittman of the North Regulatory Section at 304-399-5210.

Ginger Mullins

Ginger Mullins, Chief
Regulatory Branch

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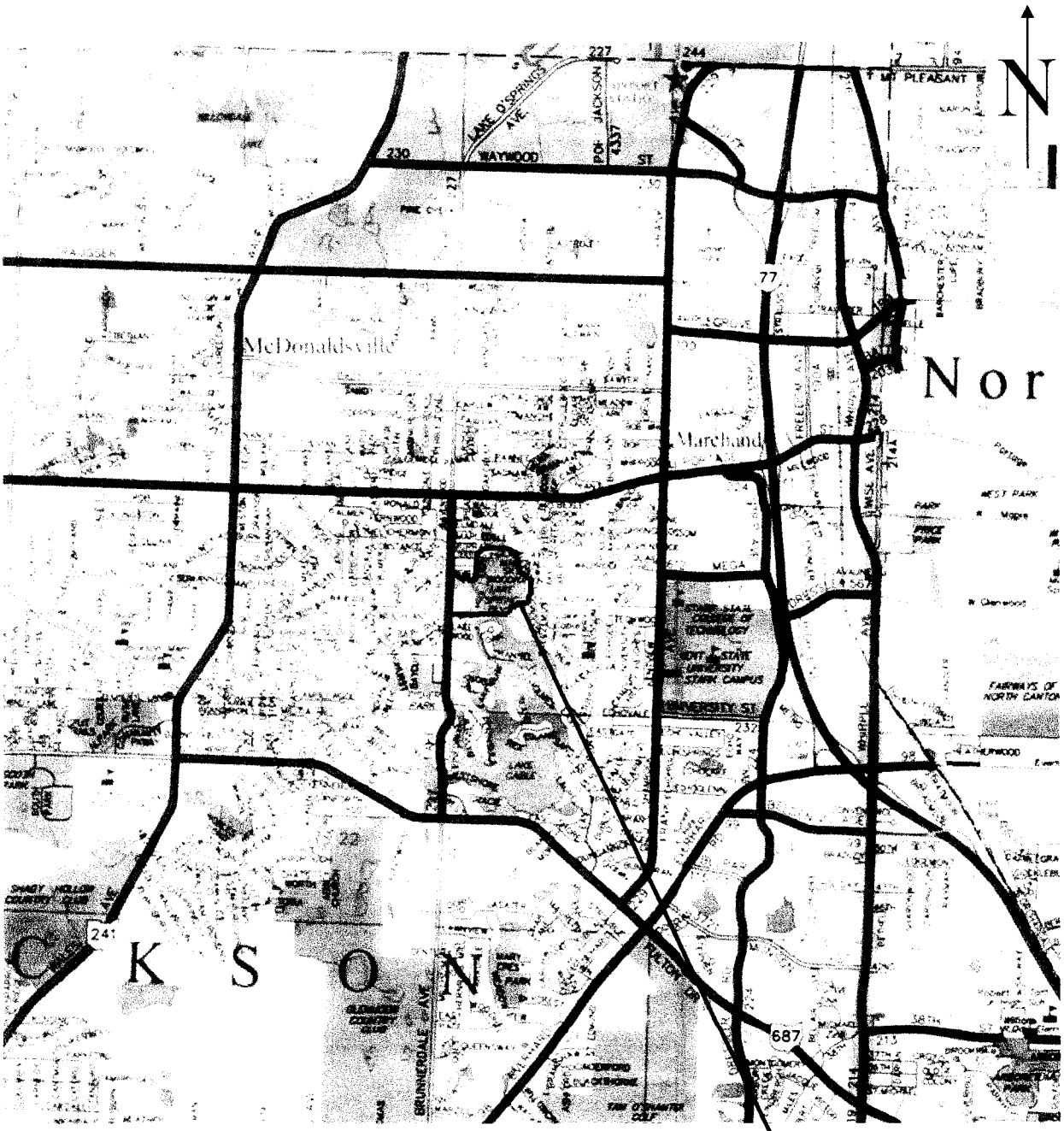


SUBJECT PROPERTY

SITE VICINITY MAP

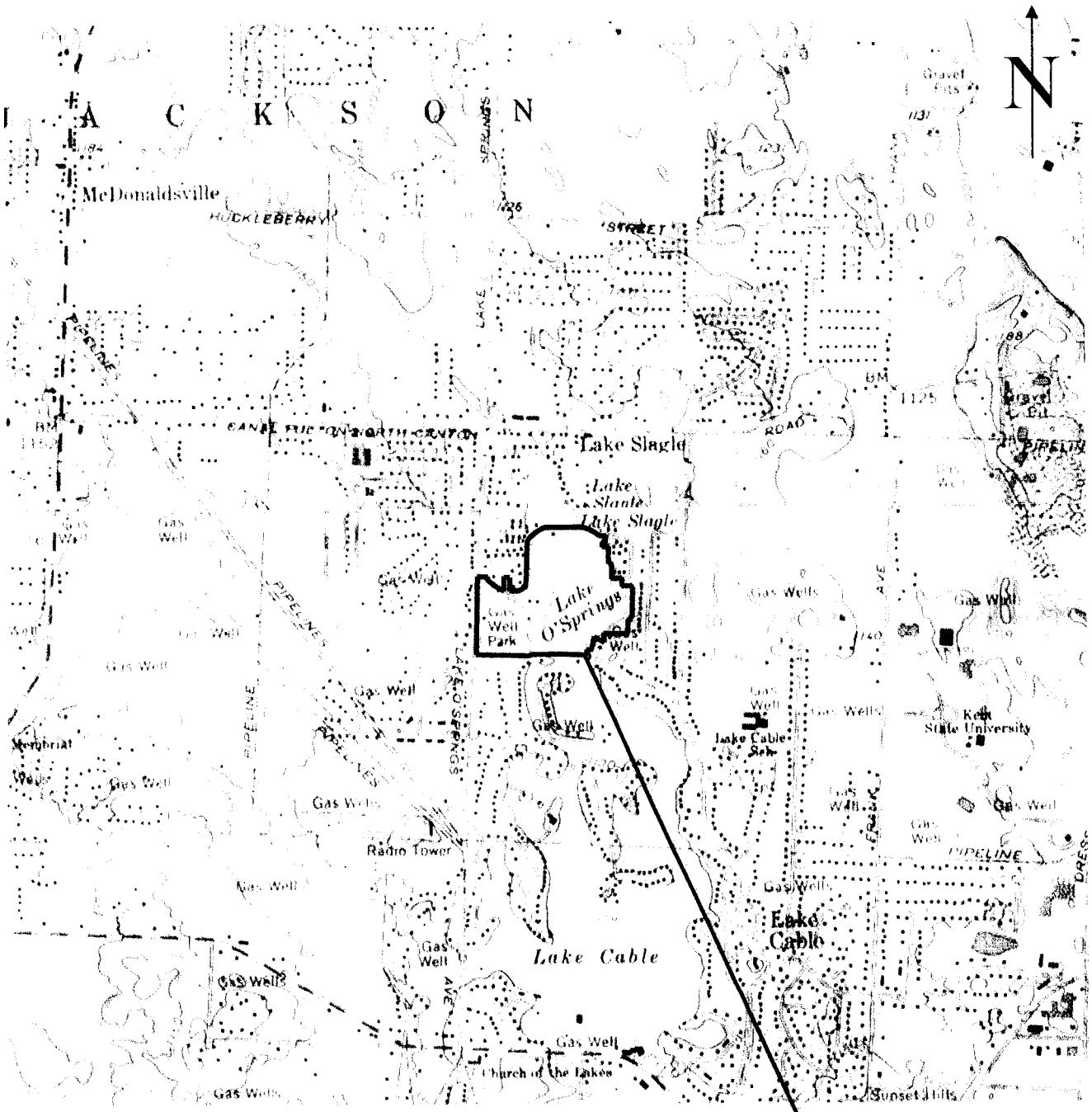
2006 Stark County Official Highway Map

VADOSE ENVIRONMENTAL CONSULTANTS
104 6TH STREET S.W.
CANTON, OHIO 44702
888-454-6706 www.vadose.com

VADOSE Project #2007002
Proposed Lake O'Springs Development
55.140 Acres, More or Less
Jackson Township, Stark County, Ohio

Map Scale: 1"= 4,000'

Figure 1 of 6



SUBJECT PROPERTY

SITE LOCATION MAP

North Canton and Canton West, Ohio Quadrangles

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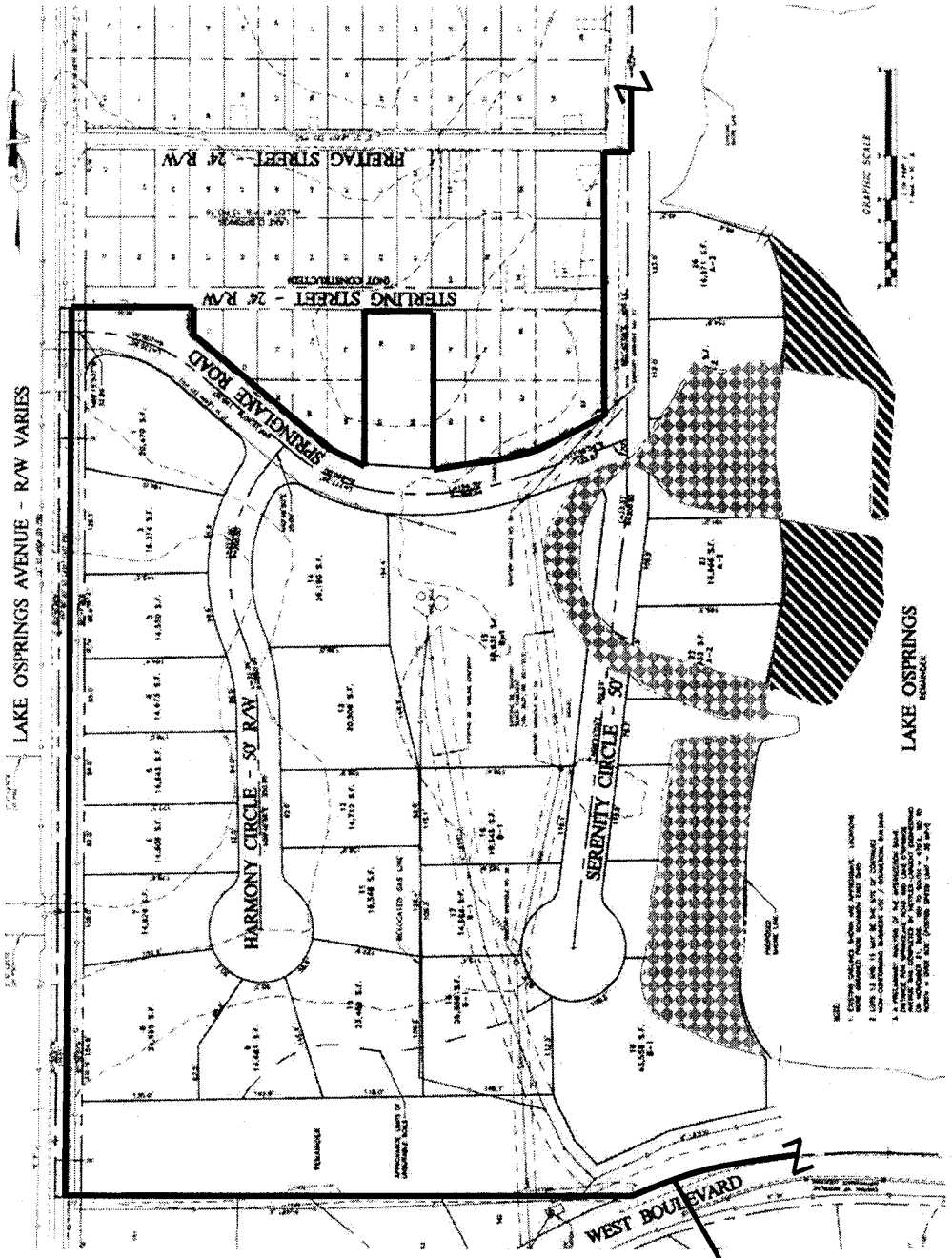
Map Scale: 1"= 2,000'

Figure 2 of 6



SUBJECT PROPERTY

PREFERRED DEVELOPMENT MAP

Lake to Be Filled = Lake to Be Created

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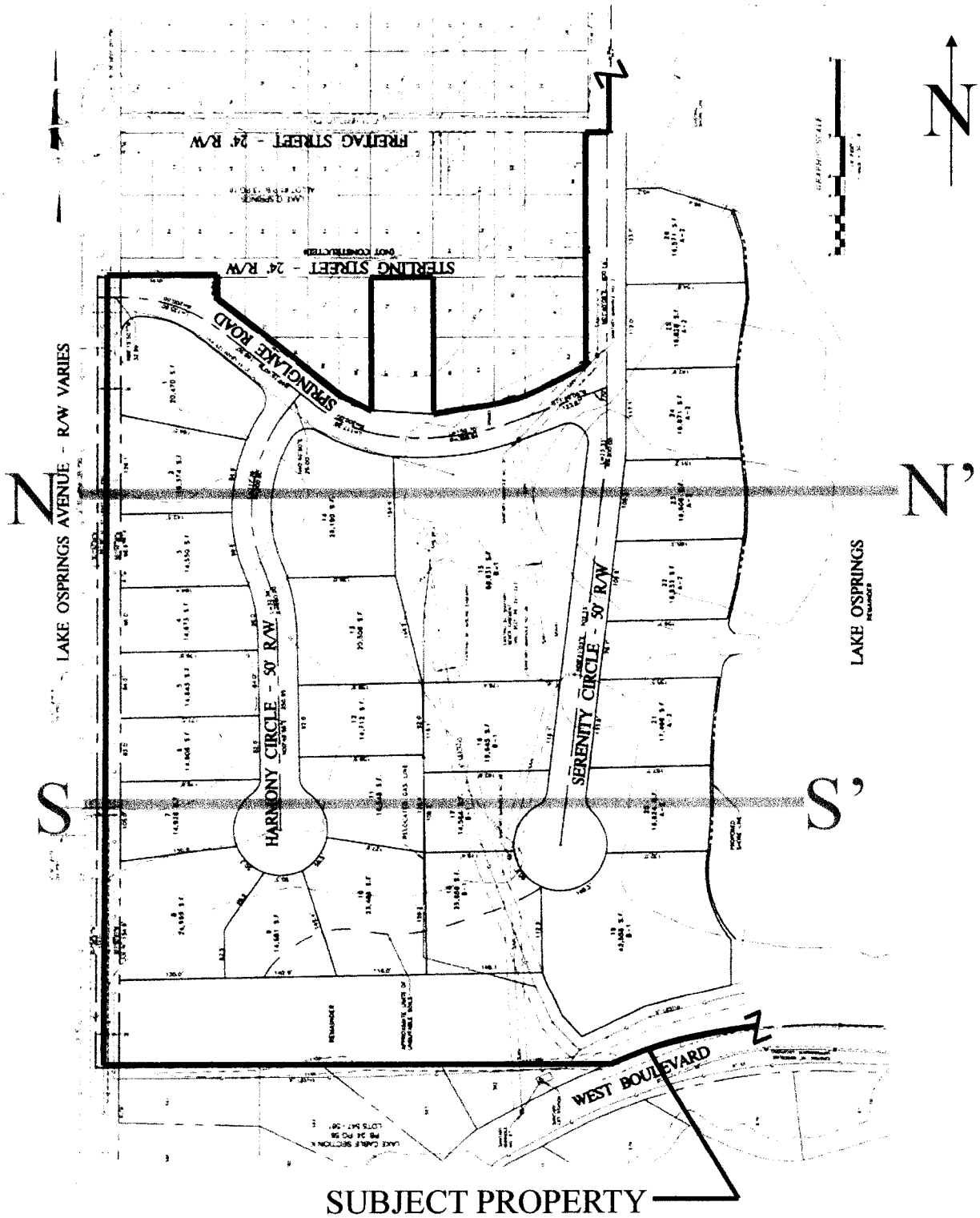
Map Scale: 1"= 200'

Figure 3 of 6



CROSS-SECTION LOCATION MAP

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Figure 4 of 6

VADOSE Project #2007002
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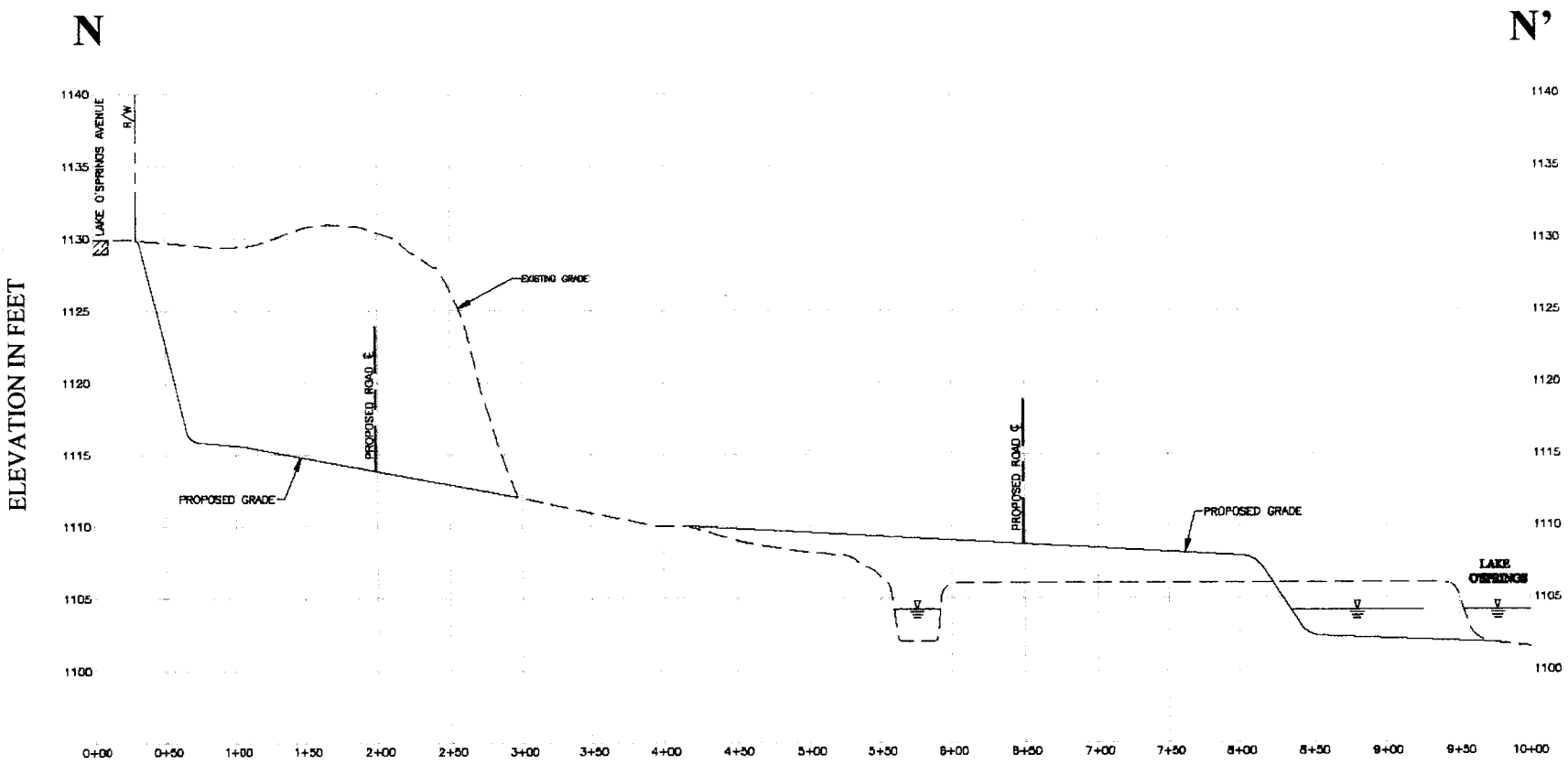

CROSS SECTION N - N'

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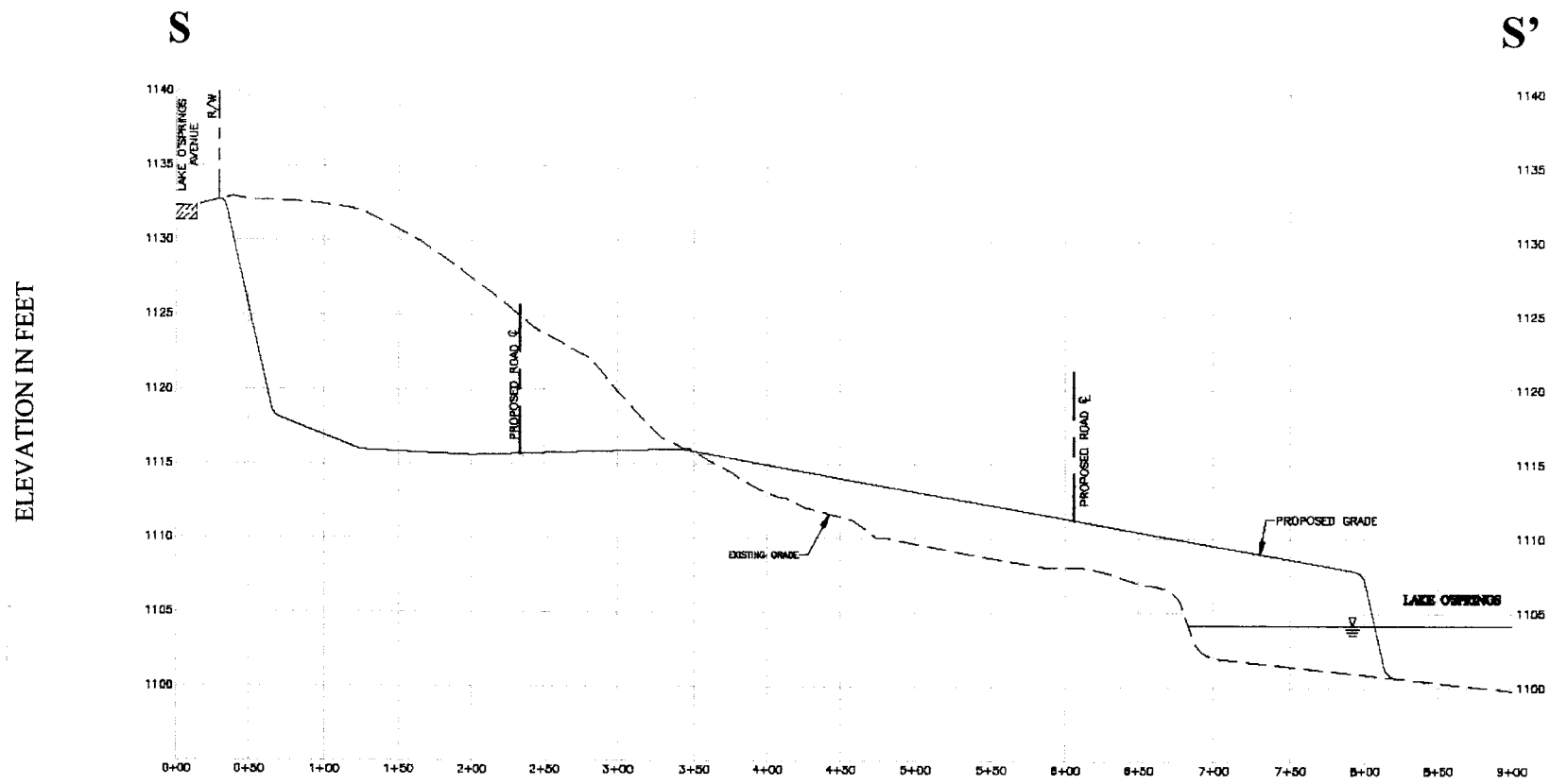
Horizontal Scale 1" = 120', Vertical Scale 1" = 12'



CROSS SECTION S - S'

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