



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:	Issuance Date:
Public Notice No. 200400203	March 3, 2004
Stream:	Expiration Date:
<u>JUN Trib Olentangy River</u>	April 3, 2004

Address comments to: US Army Corps of Engineers, Huntington District
602 Eighth Street
ATTN: CELRHE
Huntington, West Virginia 25701-2070

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.

APPLICANTS: Tanglewood Development Company, LLC &
Tanglewood Golf Course Company
207 North Fourth Street
Columbus, Ohio 43215

LOCATION: The proposed project is located on the north and south sides of Cheshire Road, east of Braumiller Road, and west of Gregory Road, in the City of Delaware, Delaware County, Ohio. The proposed project area includes three residential lots, an existing 18-hole golf course, and agricultural fields.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to construct a residential development and 18-hole golf course. The residential component of the project includes 249 single family residential lots, 309 condominiums, and 60 patio homes. The existing golf course would be significantly redesigned to include rolling topography, lakes, wetlands, green, fairways, and landscaping. The development would also include a clubhouse, pool, and community center. Plans of the proposed work are attached to this notice.

As outlined in the attached Table 1 and Table 2, the proposed project area contains the following jurisdictional areas: eight open water areas (existing ponds), two wetlands, and two streams. Four of the existing ponds contain jurisdictional wetland fringes. Construction of the proposed project would include the placement of fill material into 0.72 acres of wetlands, 1.48 acres of open water ponds, 340 linear feet of an intermittent stream (designated as Stream 1), and 458 linear feet of an ephemeral stream (designated as Stream 2). Impacts to open waters and wetland fringe areas would be the result of either expanding the existing ponds or filling the ponds and wetland fringes and relocating them elsewhere on the property. The proposed impact to 340 feet of Stream 1 consists of the extension of an existing culvert. The remaining length of this stream will be preserved. Approximately 458 feet of Stream 2 would be entirely filled for the development of a golf course fairway.

The proposed development would have two access roads north from Cheshire Road and one access road south from Cheshire Road. Approximately 7 acres of dedicated park land would be located at the northwestern portion of the site.

Storm water on the proposed site would be managed through the construction of approximately eight detention ponds. Three of the ponds will contain wetland shelves and one pond will be entirely wetland. All fill material will be generated from site grading and culvert materials.

Mitigation: As mitigation for the proposed impacts, the application has reserved 1.3 acres of wetland bank credits at the Wetlands Resource Center's Little Scioto Mitigation bank site. The applicant also proposes to construct wetland shelves within three of the proposed ponds and construct one pond as a wetland. The applicant proposes to mitigate for stream impacts by preserving the remaining 726 feet of Stream 1 within the property boundary. The applicant further proposes to enhance this preserved section with tree plantings and no mow zones.

Additional mitigation includes the construction of approximately 10 acres of storm water treatment ponds and approximately 2.5 acres of wetland. The constructed wetlands would contain approximately 2.5 acres of planted surface area.

Alternatives Analysis: 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 has submitted the required alternative analysis, which is currently under review by this office.

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. A copy of this public notice 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 the Indiana bat (endangered) and clubshell mussel (endangered), bald eagle (threatened), and the rayed bean mussel (under evaluation for official listing as a Federal Candidate species).

The Huntington District has consulted the most recently available information and has determined the 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, 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.

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. 200400203
502 8th Street
Huntington, West Virginia 25701-2070

If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.


for Ginger Mullins
Chief, Regulatory Branch

(O)

**Table 1
Proposed Open Water and Wetland Impacts**

Area	Existing Open Water (acres)	Existing Wetland (acres)	Area of Open Water to be Filled	Area of Excavation within Open Water ¹	Proposed Amount of Wetland Fill (acres)	Proposed amount of wetland Excavation ¹
Area A	0.41	-	-	0.41	-	-
Area B	0.29	0.07	-	0.29	-	0.07
Area C	0.50	0.15	0.50	-	0.15	-
Area D	0.22	-	0.22	-	-	-
Area E	0.50	0.46	0.50	-	0.46	-
Area F	0.89	-	-	0.89	-	-
Area H	0.09	0.07	0.09	-	0.07	-
Area I	0.17	-	0.17	-	-	-
Area J	-	0.04	-	-	0.04	-
Area K ³	-	0.05	-	-	-	-
Total	3.07	0.84	1.48	1.59	0.72	0.07

- 1) Excavation activities in waters of the US do not require authorization under Section 404 of the Clean Water Act, provided the excavation is conducted in a manner that does not result in a discharge of fill material.
- 2) Area G is a 0.03 acre pond located on the southern half of the property. Due to its manmade construction within nonhydric soils, this pond is not a jurisdictional water of the US.
- 3) No impacts are proposed for Area K.

**Table 2
Proposed Stream Impacts**

	Existing Stream Length (feet)	Linear Feet of Impact Proposed	Linear Feet of Preservation Proposed
Stream 1	1066	340	726
Stream 2	458	458	0
Total	1524	798	726

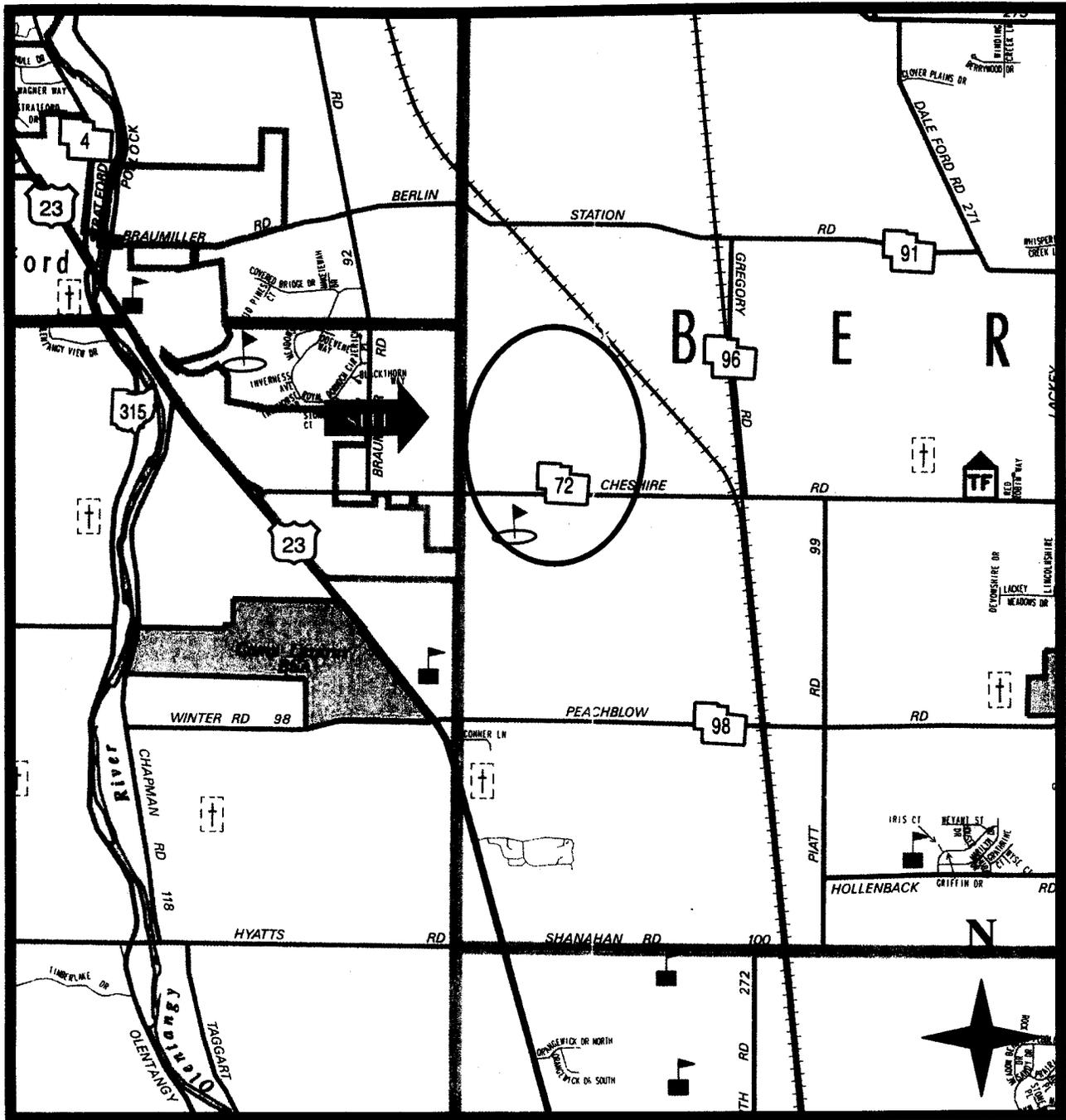


FIGURE 1
 Area Location Map
 1"=3500'
 (Delaware County Highway Map, 2002)

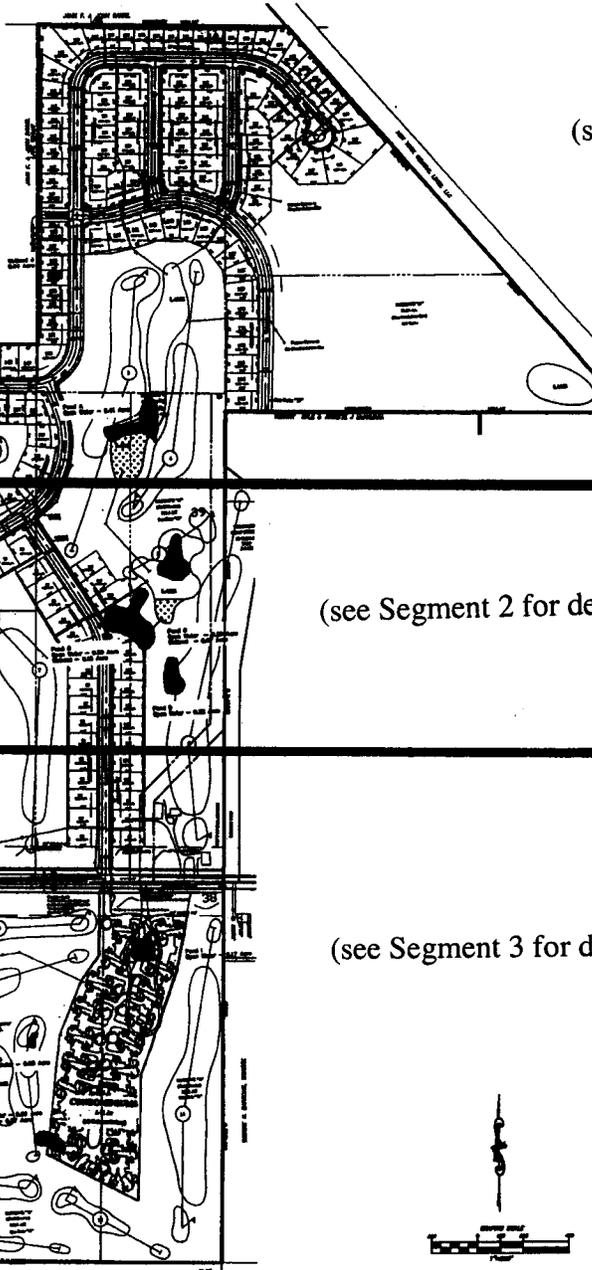
Tanglewood Golf Course
 U/T Olentangy River – 200300572
 Delaware County, Ohio
 Location Map, Sheet 1 of 5

WETLAND SURVEY FOR:

TANGLEWOOD

LOCATED IN:
FROM LOTS 25, 26, 27, 28, SECTION 5, TOWNSHIP 4, RANGE 18
UNITED STATES MILITARY LANDS
CITY OF DELAWARE, COUNTY OF DELAWARE, STATE OF OHIO

PREFERRED DESIGN



(see Segment 1 for detail)

MATCH 2

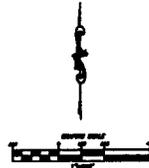
2

(see Segment 2 for detail)

MATCH 1

1

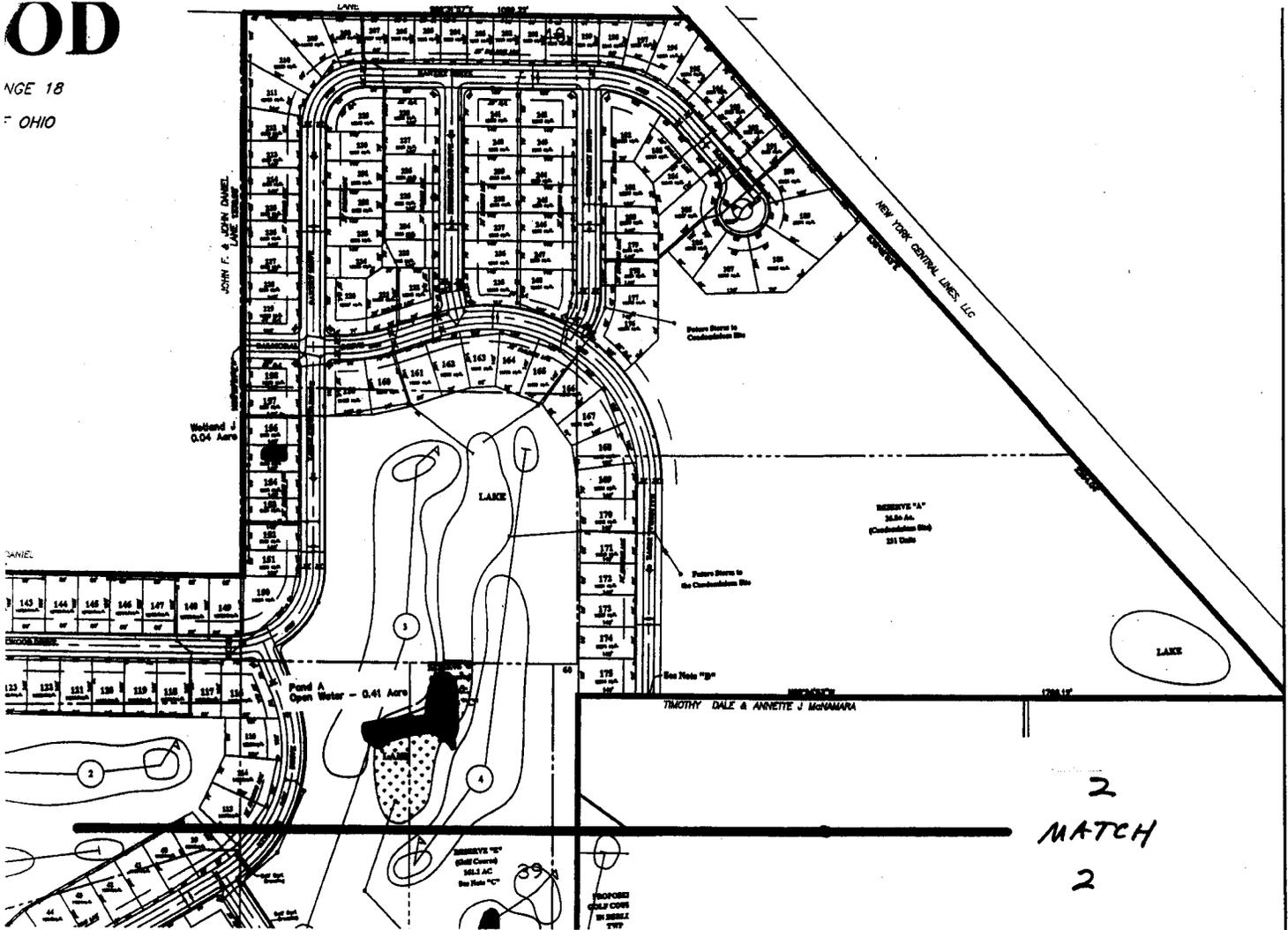
(see Segment 3 for detail)



OD

NGE 18

OHIO

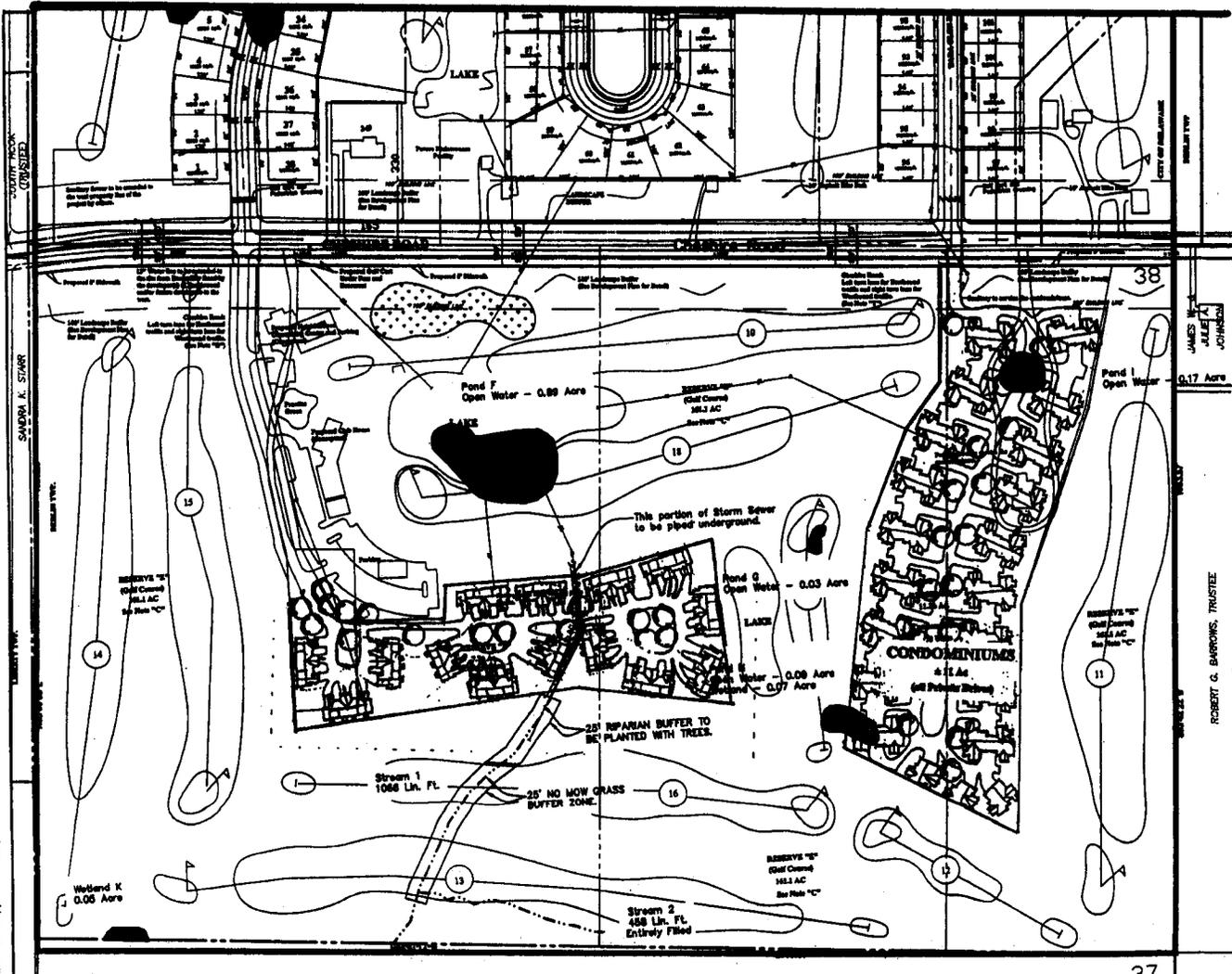


Plan View Segment 1

Tanglewood Golf Course
U/T Olentangy River - 200300572
Delaware County, Ohio
Plan View Segment 1, Sheet 3 of 5

Plan View Segment 3

1
MATCH
1



ETS: 21404pp10 11753pp11 - PLOTTED BY RLONG - January 30, 2004 - 8:25 AM

ROBERT G. BARRONS, TRUSTEE

Tanglewood Golf Course
 U/T Olentangy River - 200300572
 Delaware County, Ohio
 Plan View Segment 3, Sheet 5 of 5