



**US Army Corps  
of Engineers**  
Huntington District

# Public Notice

In reply refer to:	Issuance Date:
<b>Public Notice No. 200100388-3</b>	June 15, 2004
Stream:	Expiration Date:
UT Tudor Ditch	July 15, 2004
Address comments to:	US Army Corps of Engineers, Huntington District 602 Eighth Street ATTN: CELRH-F 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.

**APPLICANT:** Central Park, LTD.  
Mr. Don Kendall  
3841 Green Hills Village Drive, Suite 400  
Nashville, Tennessee 37215

**LOCATION:** The project is located in an unnamed tributary of Tudor Ditch in the Scioto River watershed and northeast of the I-270 and Hilliard-Cemetery Road intersection in the City of Hilliard, Franklin County, Ohio.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to place approximately 315 cubic yards of fill material into 804 linear feet of an unnamed tributary to Tudor Ditch (approximately 400' of stream is designated as intermittent and 400' is designated as ephemeral) in association with stream relocation activities. According to the applicant, the purpose of the project is to construct a commercial retail development.

Work currently proposed would be located within an existing development accessed by Trueman Boulevard. The first phase of this development, which consisted of the construction of a Home Depot, required the placement of fill material into 0.05-acre of wetlands in association with the construction of Trueman Boulevard. This placement of fill material into jurisdictional waters was authorized by this office under Nationwide Permit Number 39 on April 23, 2003. On May 5, 2004, a modification to this original authorization was issued that permitted the placement of fill material into 80 linear feet of stream in association with the construction of an additional road crossing needed to access the Home Depot. The next phase of this development, which consisted of the construction of a Target retail store, required the placement of fill material into 0.44-acre of jurisdictional wetlands on-site. This placement of fill material was authorized by this office under Nationwide Permit Number 39 on May 13, 2004. The applicant proposed to compensate for the loss of waters associated with this phase of construction by establishing 0.10-acre of wetlands on-site and purchasing 0.70-acre of wetland credit at the Slate Run Wetland Mitigation Bank.

The current proposal would include the placement of fill material into 804 linear feet of stream in order to facilitate stream relocation. To compensate for this loss of stream, the applicant has proposed to provide a relocated stream segment of 927 linear feet, thus increasing the linear

distance of stream on-site. The applicant indicates this relocated stream segment would be constructed and stabilized prior to placement of fill material into the existing channel and diversion of stream flow. The applicant has proposed to incorporate natural stream channel design techniques into the relocated segment, including the establishment of sinuosity, woody debris and the placement of substrate including cobble, gravel and gravel bars. Native shrub vegetation would be established along both stream banks and adjacent upland areas. In addition, the applicant has proposed to create 0.21-acre of emergent wetlands within the relocated stream corridor. The applicant has proposed to protect the relocated stream segment, wetland and associated upland buffer by a deed restriction. This restriction would require the stream and upland buffer be protected in their natural state in perpetuity. While the applicant has not yet submitted detailed information in regards to proposed methods to monitor the relocated stream segment and wetland corridor, they indicate the relocated stream must achieve a minimum Headwater Habitat Evaluation Index (HHEI) score of 75. As a condition of the previously issued Nationwide Permit 39 for Phase 1 construction activities, the remaining length of perennial stream on-site, including approximately 1,900 linear feet, must be protected in perpetuity in its natural state by a deed restriction. A minimum 25' wide vegetated corridor, where practicable, must be maintained with native vegetation on each stream side.

Plans of the proposed work are attached to this notice.

A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain that 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 there are no properties currently listed on the register in the area proposed to be impacted by the project. A copy of this public notice will be sent to the State Historic Preservation Office (SHPO) for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

**THREATENED AND ENDANGERED SPECIES:** This project is located within the known or historic range of the following endangered and threatened species: Indiana bat (E); Scioto madtom (E); clubshell mussel (E); and northern riffleshell mussel (E). In May 2003, the applicant completed a mist net survey within the boundaries of the Home Depot site, which is located immediately adjacent to the current proposal, to determine the presence or absence of Indiana bats. This survey resulted in no Indiana bat captures and concluded that this species is unlikely to occur within the project area. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have whether any listed or proposed to be listed endangered or threatened species may be present in the area that would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

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.

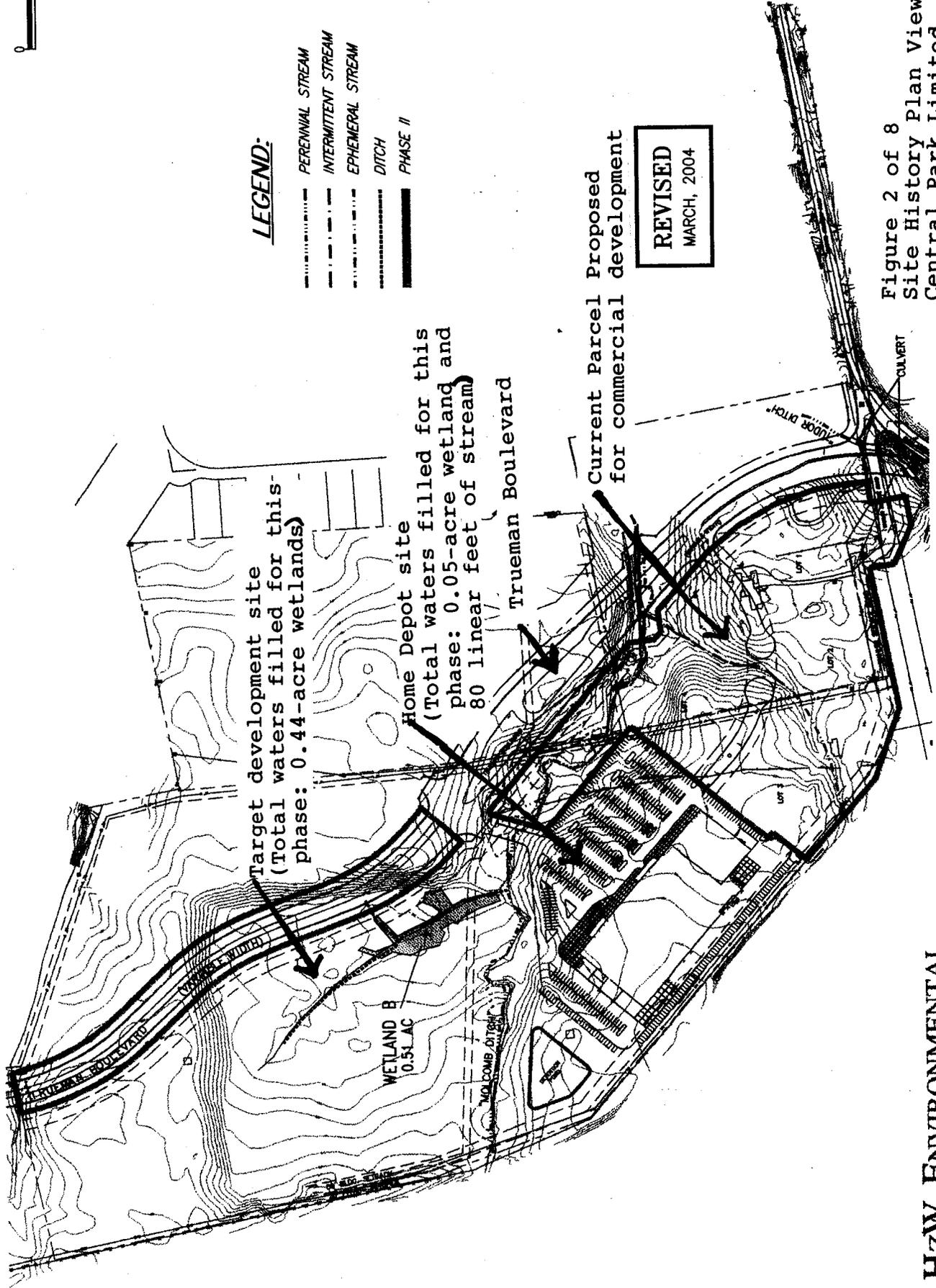
If you have any questions concerning this public notice, please contact Desiree Hann of the North Regulatory Section at (304) 399-5210.



Ginger Mullins, Chief  
Regulatory Branch

(O)





**LEGEND:**

- PERENNIAL STREAM
- INTERMITTENT STREAM
- EPHEMERAL STREAM
- DITCH
- PHASE II

target development site  
(Total waters filled for this phase: 0.44-acre wetlands)

Home Depot site  
(Total waters filled for this phase: 0.05-acre wetland and 80 linear feet of stream)

Trueman Boulevard

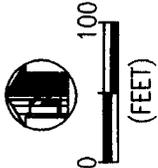
Current Parcel Proposed for commercial development

REVISIED  
MARCH, 2004

Figure 2 of 8  
Site History Plan View  
Central Park Limited  
UNTrib Tudor Ditch - 200100388-3

**HZW ENVIRONMENTAL**  
CONSULTANTS, INC.

6105 Heisley Rd. • Mentor, OH 44060  
440-357-1260 • Fax 440-357-1510



**LEGEND:**

- STREAM
- IMPACTED STREAM
- PHASE II
- ▨ CREATED WETLAND
- RESTORED STREAM

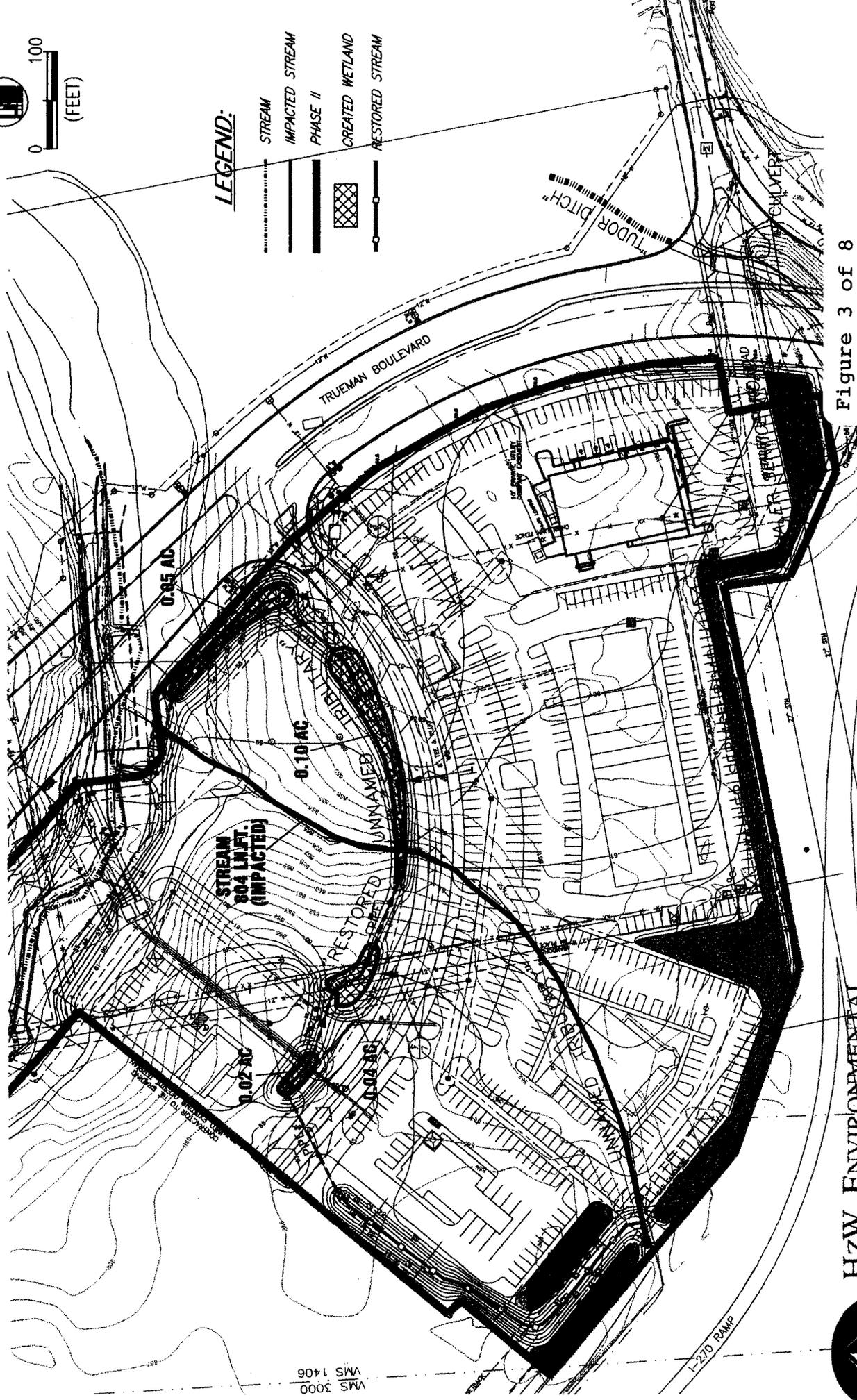
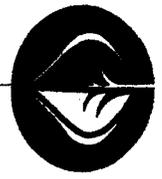


Figure 3 of 8  
 Plan View  
 Central Park Limited  
 UNtrib Tudor Ditch - 200100388-3  
 Proposed stream relocation

**HW ENVIRONMENTAL**  
 CONSULTANTS, LLC

6105 Heisley Rd. • Mentor, OH 44060  
 440-357-1260 • Fax 440-357-1510



VMS 3000  
 VMS 1406

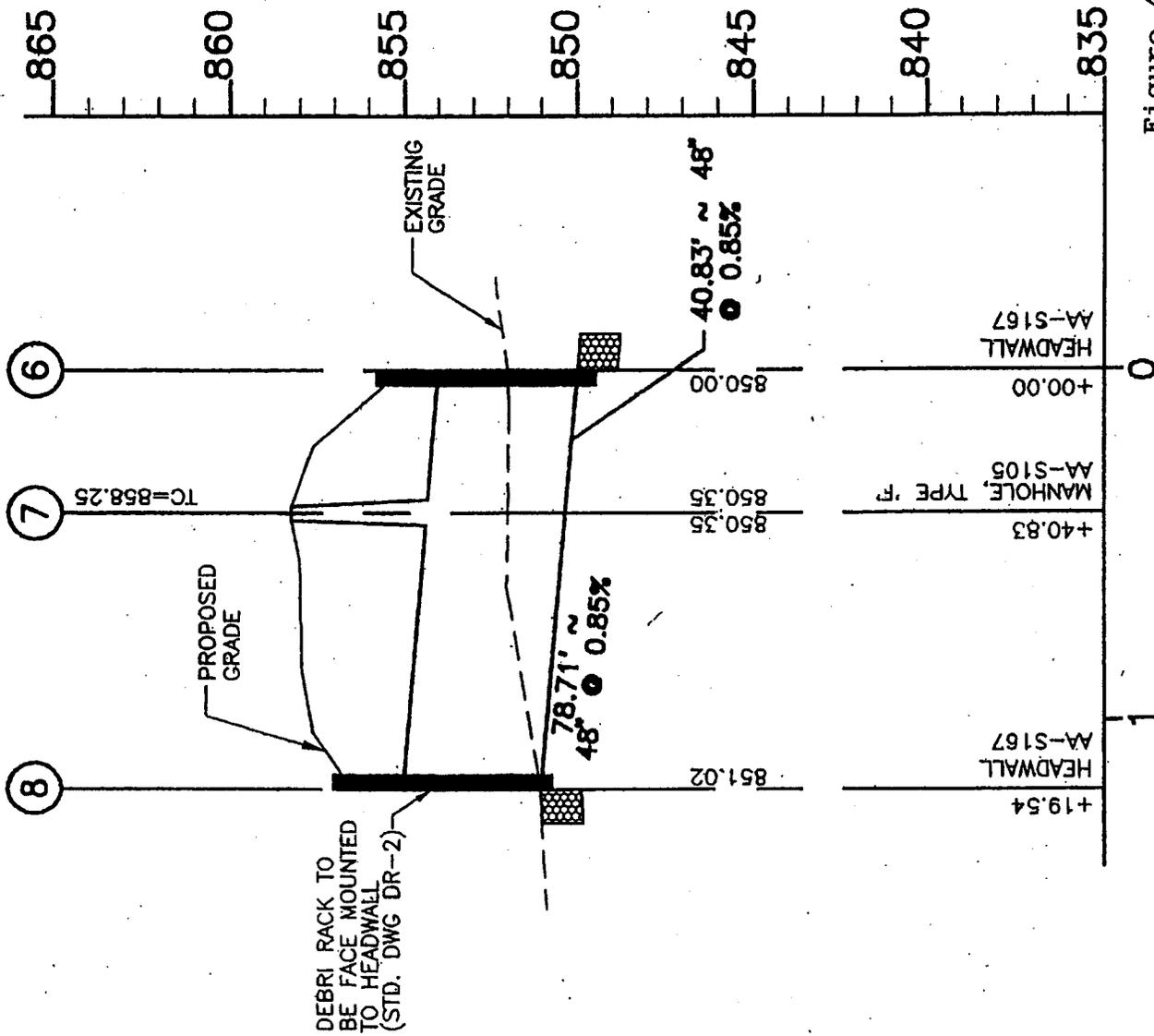


Figure 4 of 8

Cross-Section View  
 Central Park Limited  
 UNTRIB Tudor Ditch - 200100388-3  
 Proposed culvert construction

13 CENTRAL PARK, HILLIARD, OHIO • PROPOSED CULVERT

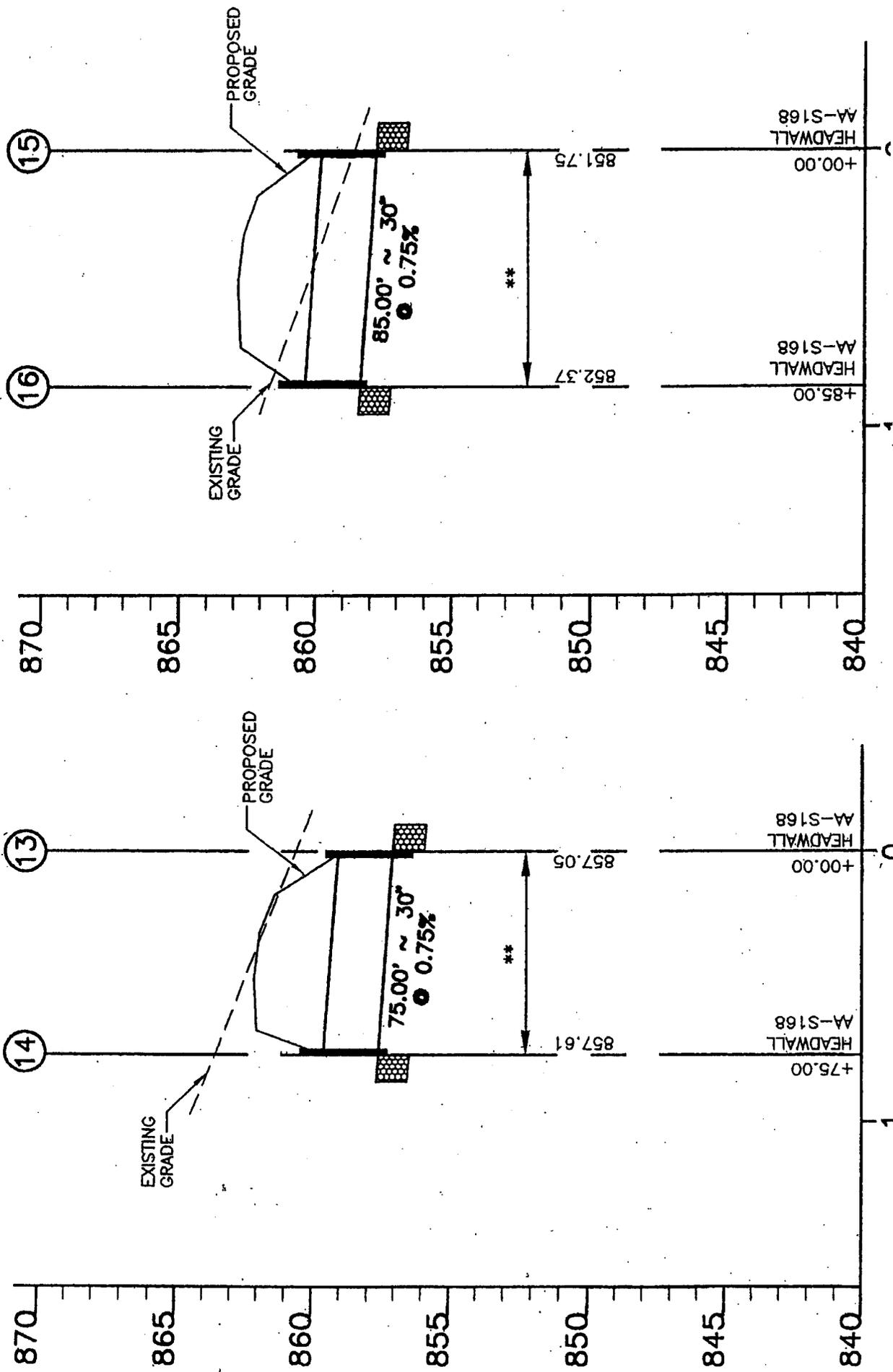


Figure 5 of 8  
 Cross-Section View  
 Central Park Limited  
 UNtrib Tudor Ditch - 200100388-3  
 Proposed culvert construction

2/3 CENTRAL PARK, HILLIARD OHIO - PROPOSED CHA

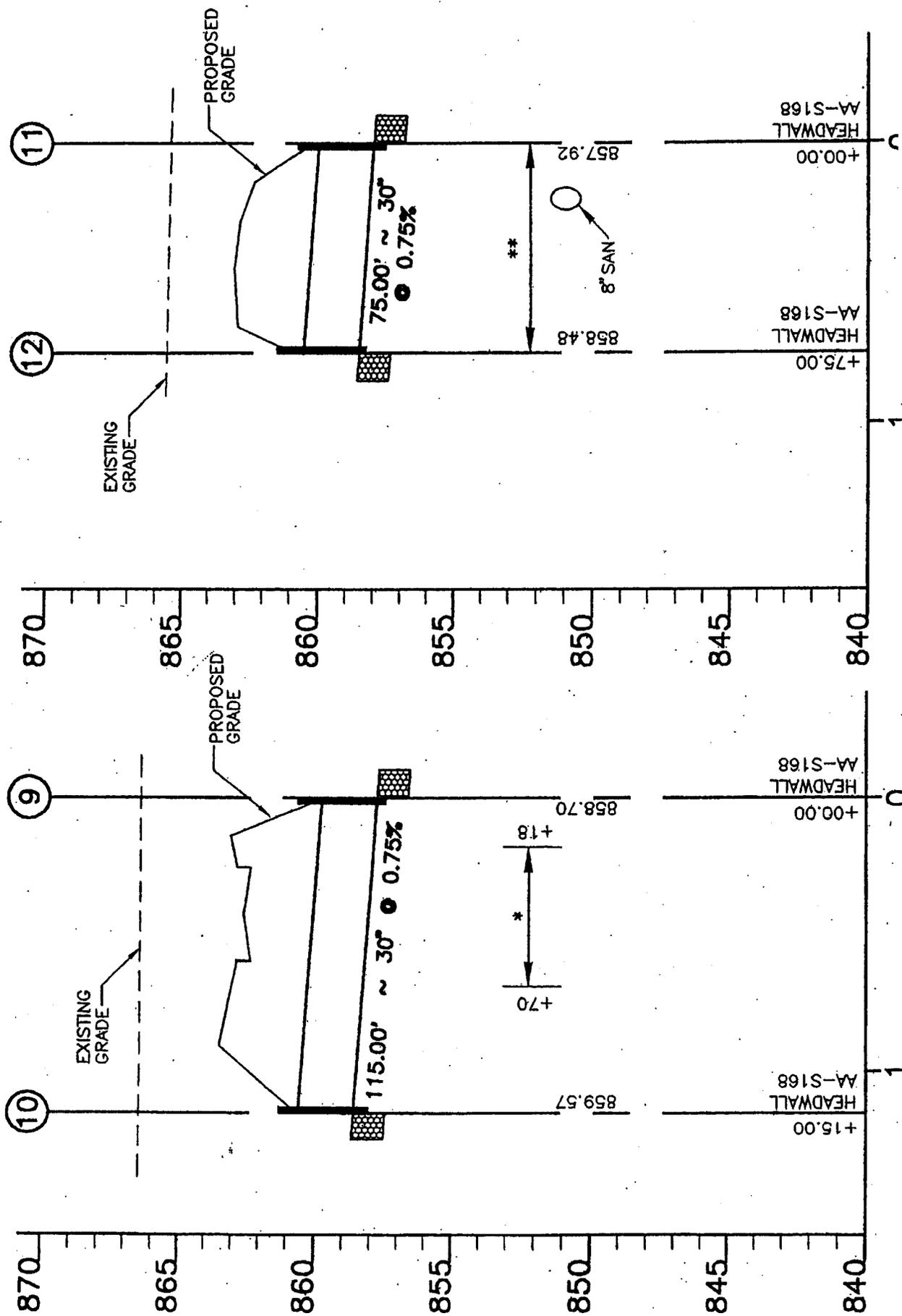


Figure 6 of 8  
 Cross-Section View  
 Central Park Limited  
 UNtrib Tudor Ditch - 200100388-3  
 Proposed culvert construction

*3/3 CENTRAL PARK, HILLIARD, OHIO - PROPOSED C/A*

# BRH Group, Inc.

705-M Lakeview Plaza Blvd.  
Worthington, Ohio 43085  
Phone: 614-841-9500  
Fax: (614) 841-0170

JOB \_\_\_\_\_  
LOCATION \_\_\_\_\_  
DONE BY \_\_\_\_\_  
DATE \_\_\_\_\_  
SHEET \_\_\_\_\_ OF \_\_\_\_\_

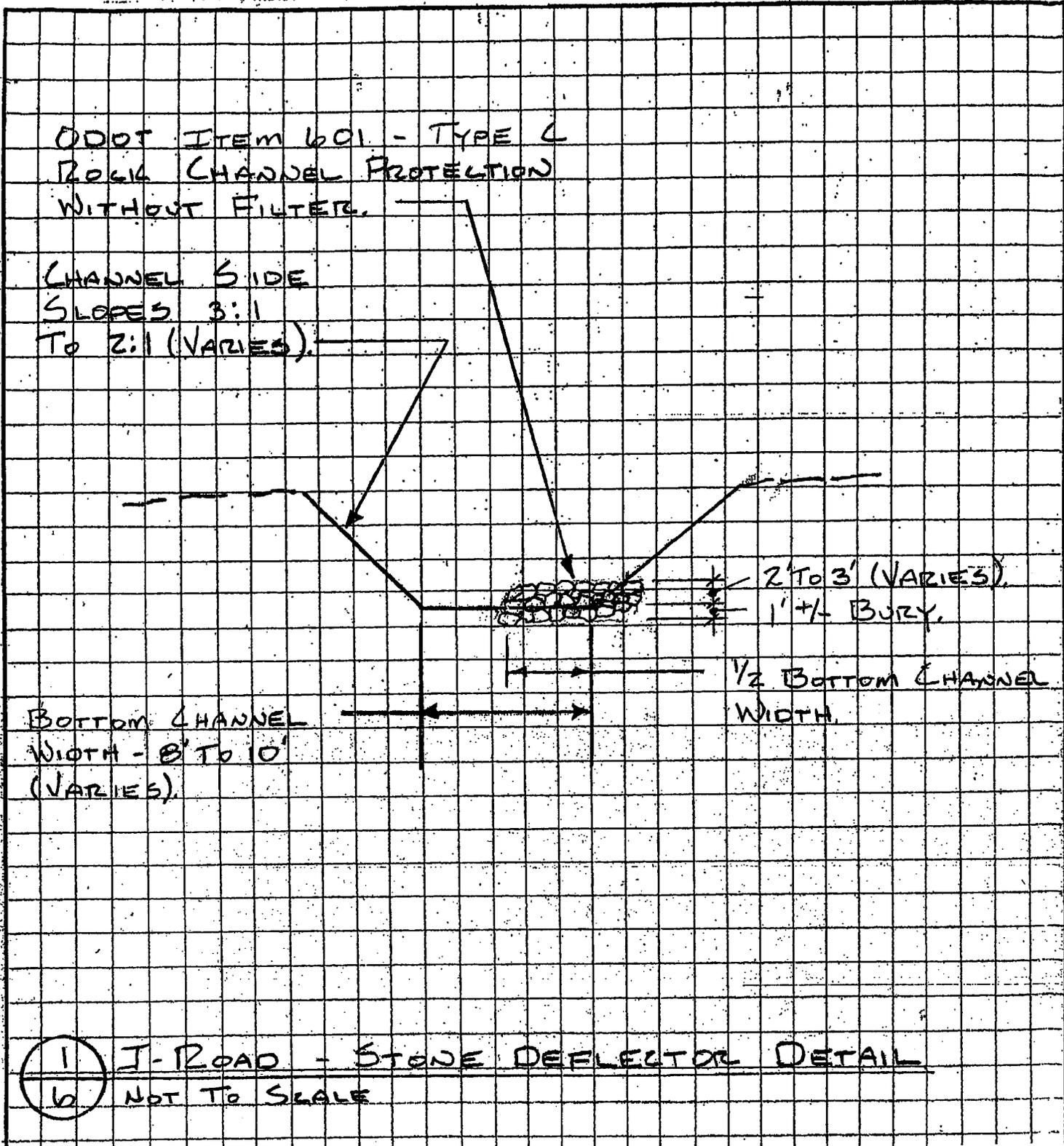


Figure 7 of 8  
Cross-Section View  
Central Park Limited  
UNtrib Tudor Ditch - 200100388-3  
Proposed stream relocation

# BRH Group, Inc.

705-M Lakeview Plaza Blvd.

Worthington, Ohio 43085

Phone: 614-841-9500

Fax: (614) 841-0170

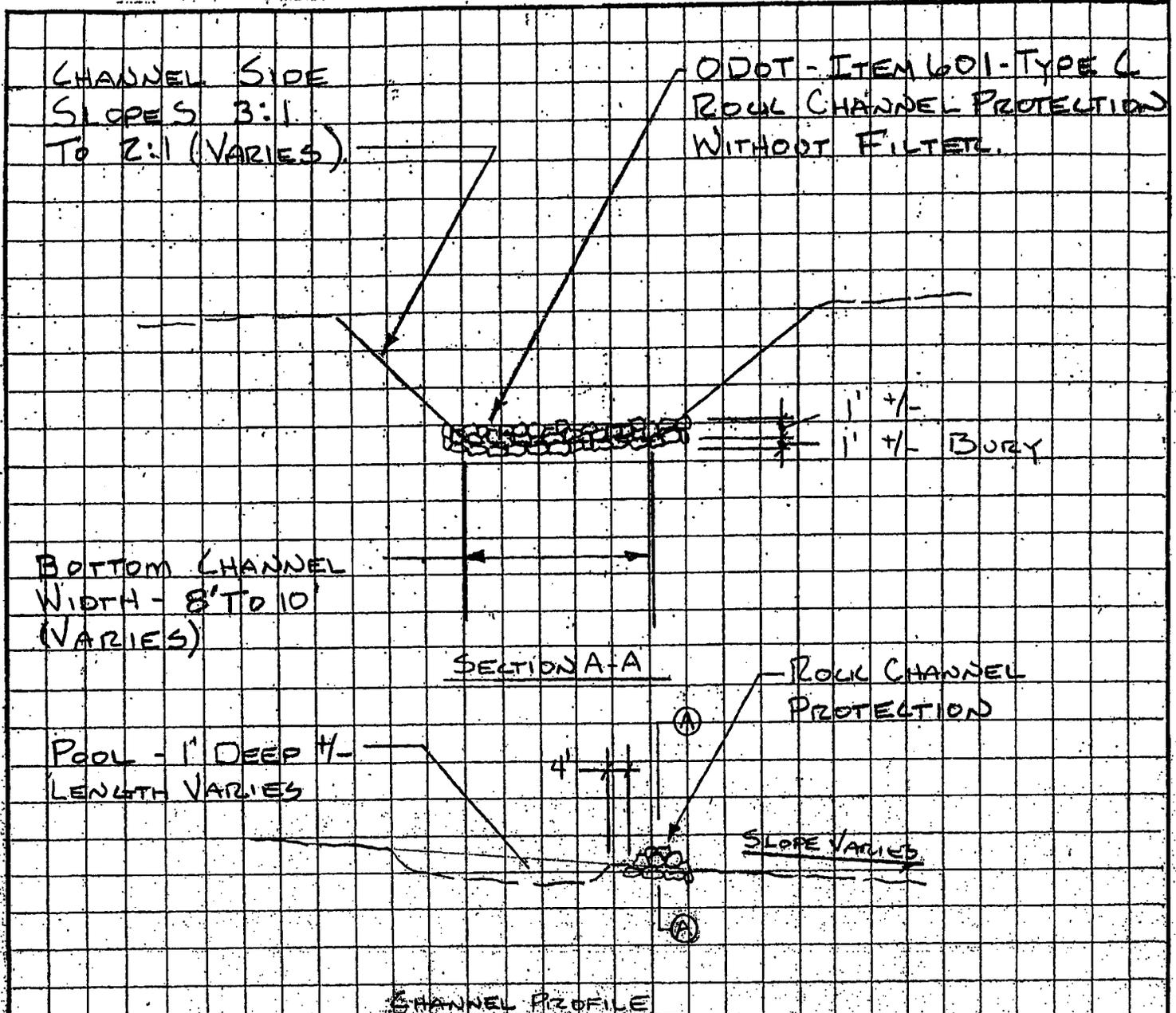
JOB \_\_\_\_\_

LOCATION \_\_\_\_\_

DONE BY \_\_\_\_\_

DATE \_\_\_\_\_

SHEET \_\_\_\_\_ OF \_\_\_\_\_



2 I-ROAD - STEP POOL DETAIL  
 6 NOT TO SCALE

Figure 8 of 8  
 Cross-Section View  
 Central Park Limited  
 UNtrib Tudor Ditch - 200100388-3  
 Proposed stream relocation