



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:

Issuance Date:

Public Notice No. 200400875

August 9, 2004

Stream:

Expiration Date:

UT Poplar Creek

September 8, 2004

Address comments to:

US Army Corps of Engineers, Huntington District

602 Eighth Street

ATTN: CELBHE

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: David W. Kirkbride
3185 Blacklick Eastern Road
Baltimore, Ohio 43105

LOCATION: The project is located in unnamed tributaries of Poplar Creek between Snyder Church Road and Heimberger Road in Liberty Township, Fairfield County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material into waters of the United States in conjunction with the construction of Liberty Estates, a twenty-eight lot low density residential development.

The applicant proposes to place approximately 107 cubic yards of clean fill into 497' of intermittent and perennial stream channel in conjunction with four road crossings. Work in Stream 1 (perennial) would consist of the relocation of approximately 108' of stream channel to facilitate installation of a four-sided concrete box culvert measuring 8' x 7' x 55' into the stream channel. Riprap bank protection would be placed along 20' of the culvert inlet and outlet. A total of 184' of Stream 1 would be impacted by this road crossing. Work in Stream 2 (intermittent) would consist of the placement of a corrugated metal pipe measuring 30" x 60' into the stream channel. Riprap bank protection would be placed along 25' of the culvert outlet. A total of 85' of Stream 2 would be impacted by this road crossing. Work in Stream 3 (intermittent) would consist of the relocation of approximately 151' of stream channel to facilitate roadway construction. After stream relocation activities, a corrugated metal arch culvert measuring 49" x 33" x 68' would be placed into the relocated stream channel to construct a private driveway crossing. A total of 189' of Stream 3 would be impacted by the roadway embankment and driveway. Work in Stream 4 (intermittent) would consist of the placement of corrugated metal arch culvert measuring 49" x 33" x 30' into the stream channel. Riprap bank protection would be placed along 10' of the culvert outlet.

To compensate for impacts to 497' of perennial and intermittent stream channel, the applicant proposes to preserve the remaining 4,398' of perennial and intermittent stream channel and 0.048 acre of wetland on-site. Approximately 2,129' of Stream 1, 644' of Stream 2, 823' of Stream 3, and 802' of Stream 4 would be preserved within their existing riparian buffer via a deed restriction. Approximately 0.048 acre of Wetland A would also be preserved on-site via a deed restriction.

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 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 no properties within the project area that are eligible for listing in the register. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

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

Indiana bat
Clubshell mussel
Eastern massasauga
Bald eagle

The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species 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 REVIEW AND COMMENTS: 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.

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 which 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 Kimberly Courts-Brown at (304) 399-5210.


Ginger Mullins, Chief
Regulatory Branch

(O)

TABLE 1

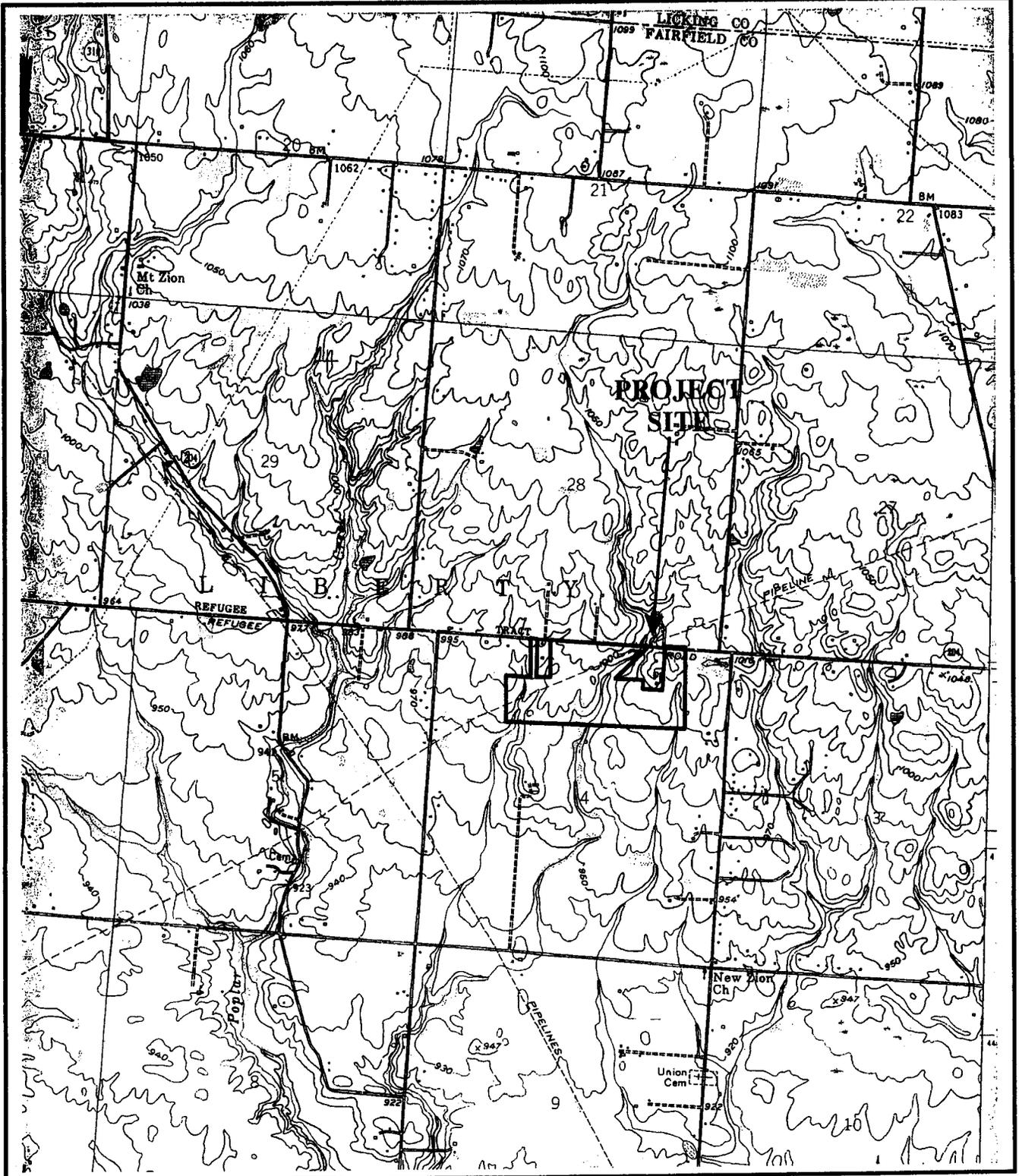
| Stream Name | Length of Stream On-Site | Length of Stream to be Impacted | Type of Impact | Length of Stream to be Preserved |
|----------------------------------|--------------------------|---------------------------------|---|----------------------------------|
| Stream 1 UN Trib Poplar Cr | 2,312' perennial | 183' | Road Crossing 108' relocation with 55' in culvert 20' rcp* | 2,129' |
| Stream 2 UN Trib Poplar Cr | 762' intermittent | 85' | Road Crossing 60' culvert 25' rcp | 644' |
| Stream 3 UN Trib Poplar Cr | 1,012' intermittent | 189' | Road Crossing Embankment 151' relocation 68' of relocated channel will be culvert (38' of orig. channel lost) | 823' |
| Stream 4 UN Trib Poplar Cr | 842' intermittent | 40' | Road Crossing 30' culvert 10' rcp | 802' |
| TOTAL | 4,928' | 497' | | 4,398' |

*rock channel protection

SITE: Proposed Liberty Estates
JOB: 7293
MAP: Pataskala, Ohio USGS 7.5 Minute Topo (1992)

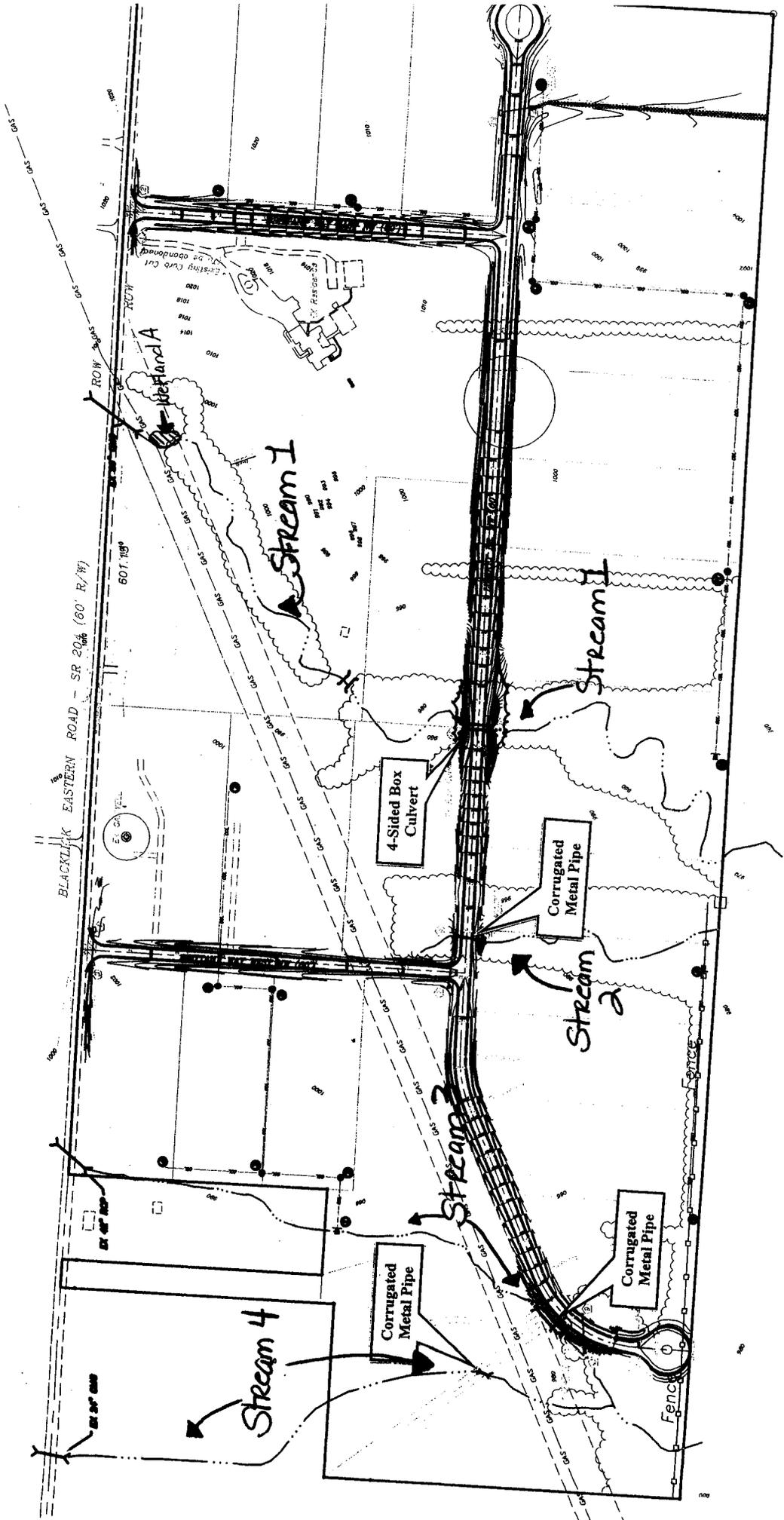
DATE: May 2004

SCALE: 1:24,000



LOCATION MAP
LIBERTY ESTATES
PATASKALA OHIO

R.D. Zande 
& Associates

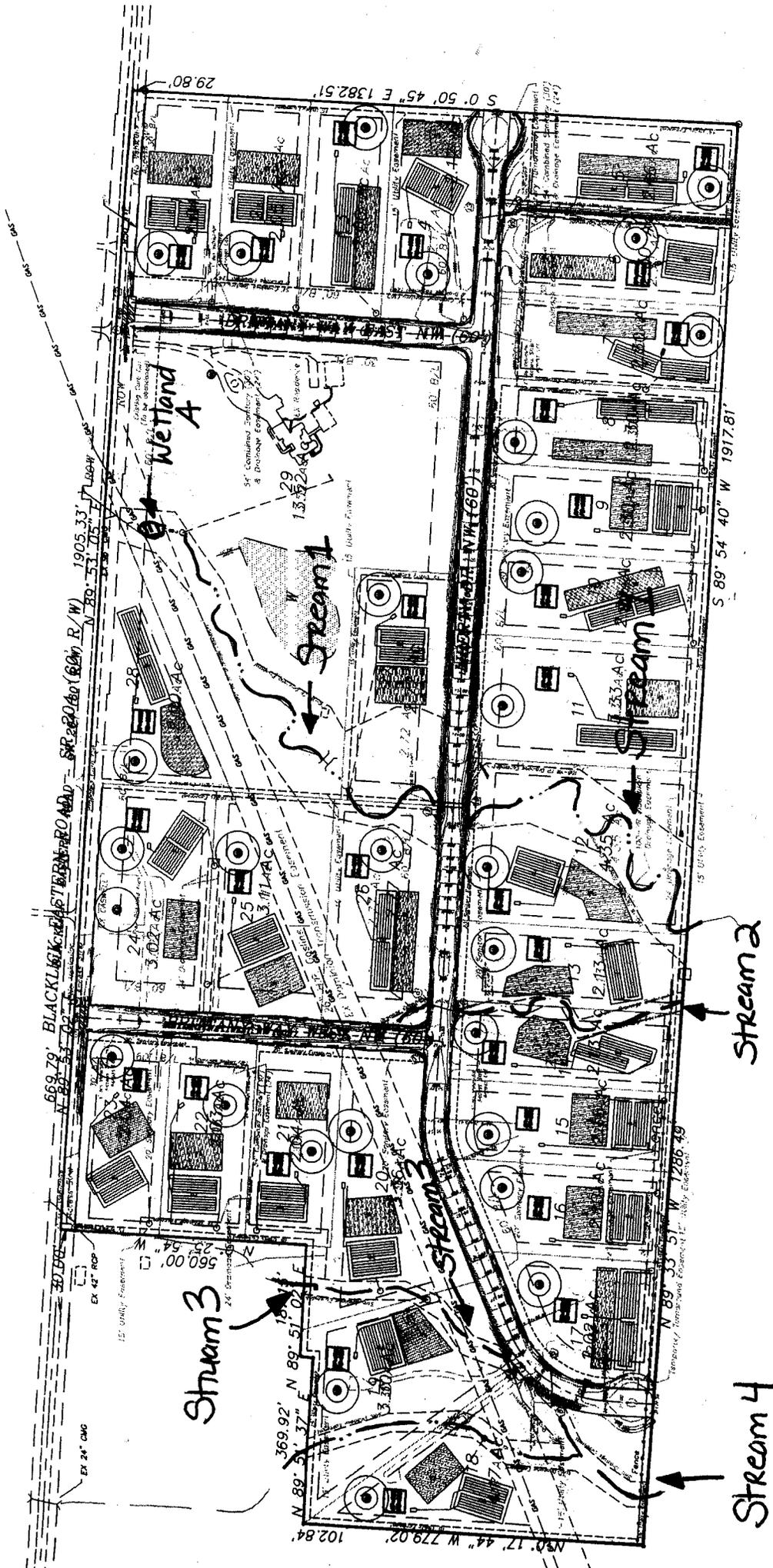


PREFERRED
ALTERNATIVE

LIBERTY ESTATES

FIGURE 1

SITE PLAN



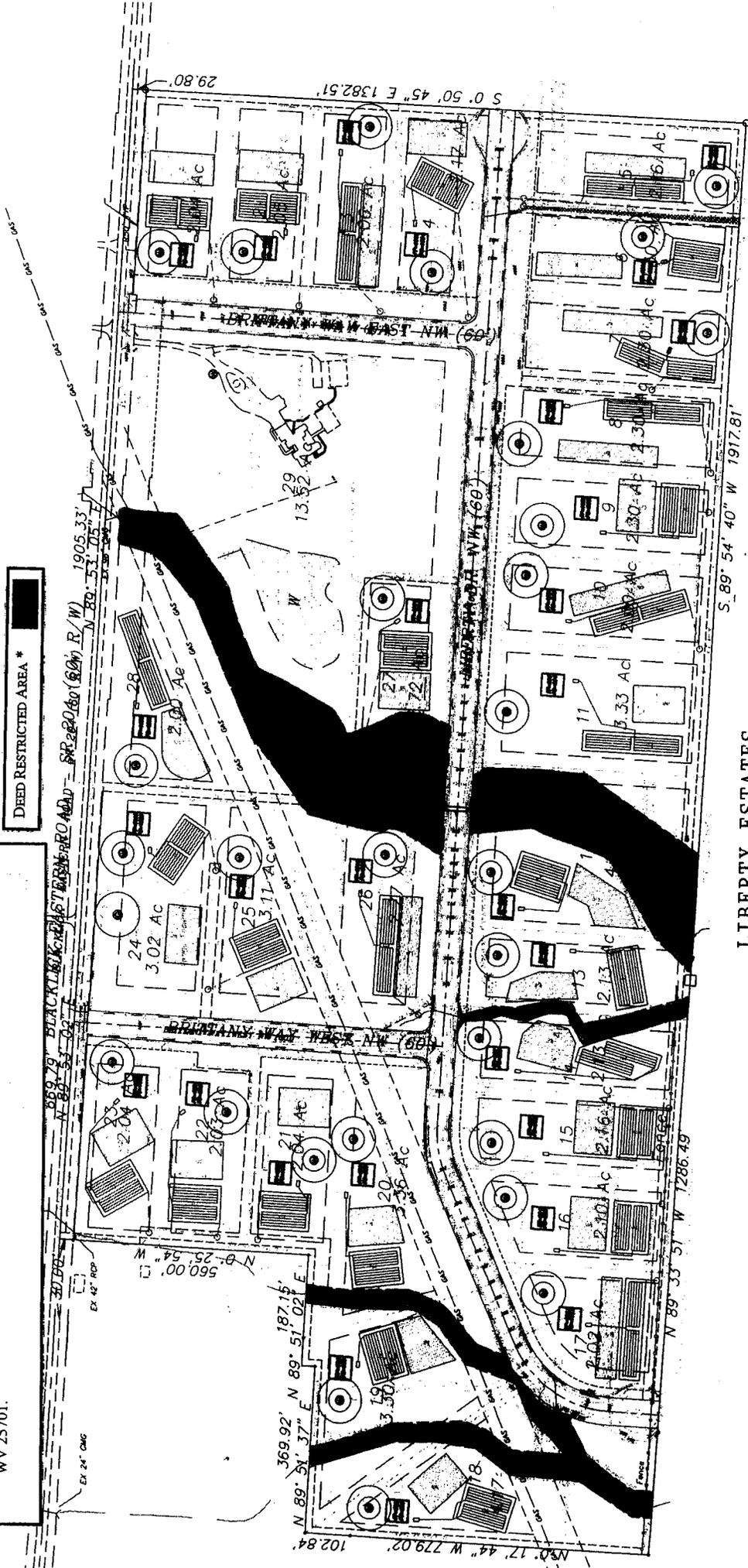
LIBERTY ESTATES

FIGURE 2

DEVELOPMENT PLAN

*A COPY OF THIS MAP, WHICH DESIGNATES PROTECTED STREAM AND WETLAND AREAS, WILL BE ATTACHED AS AN ADDENDUM TO THE PROPERTY DEED. THE FOLLOWING LANGUAGE WILL APPEAR ON THE MAP: THE AREAS SHOWN ARE JURISDICTIONAL WATERS OF THE UNITED STATES AND ARE RESTRICTED FROM ACTIVITIES WHICH WOULD IMPACT THE STREAM OR WETLAND FUNCTIONS OF THESE AREAS. ANY IMPACTS TO THESE AREAS WILL REQUIRE A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT, 502 EIGHTH STREET, HUNTINGTON, WV 25701.

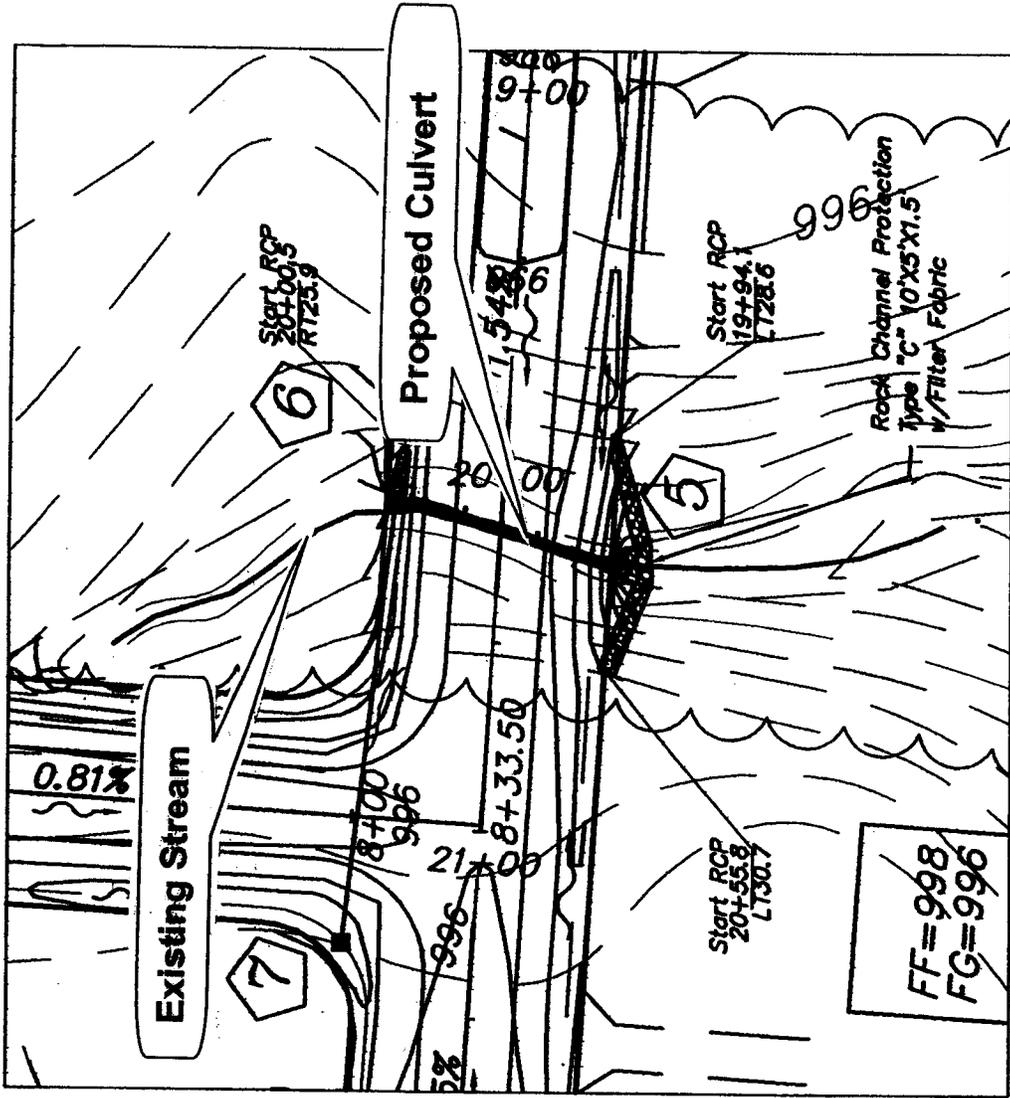
DEED RESTRICTED AREA *



LIBERTY ESTATES

FIGURE 3

STREAM RESTORATION PLAN



PLAN

Scale: 1"=50'

Prepared For: **Liberty Estates**

Contact: David Kihiride 740/504-1703

Prepared By:

W-H & Associates, Ltd.
 Engineering, Planning and Site Design
 4434 Raccoon Valley Road
 Alexandria, Ohio 43001

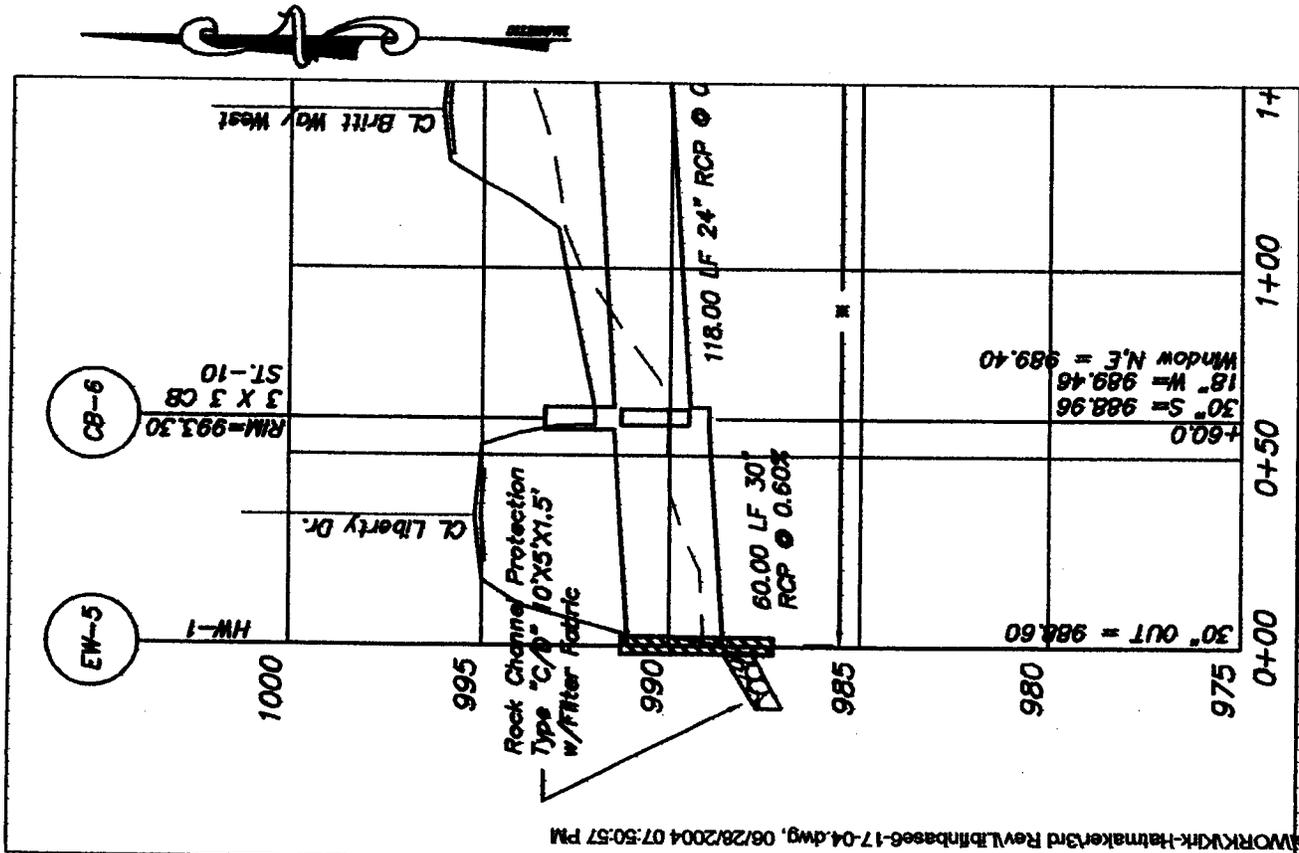
Contact: Greg Williams 740/524-20

Stream "2"

Culvert Crossing Exhibit

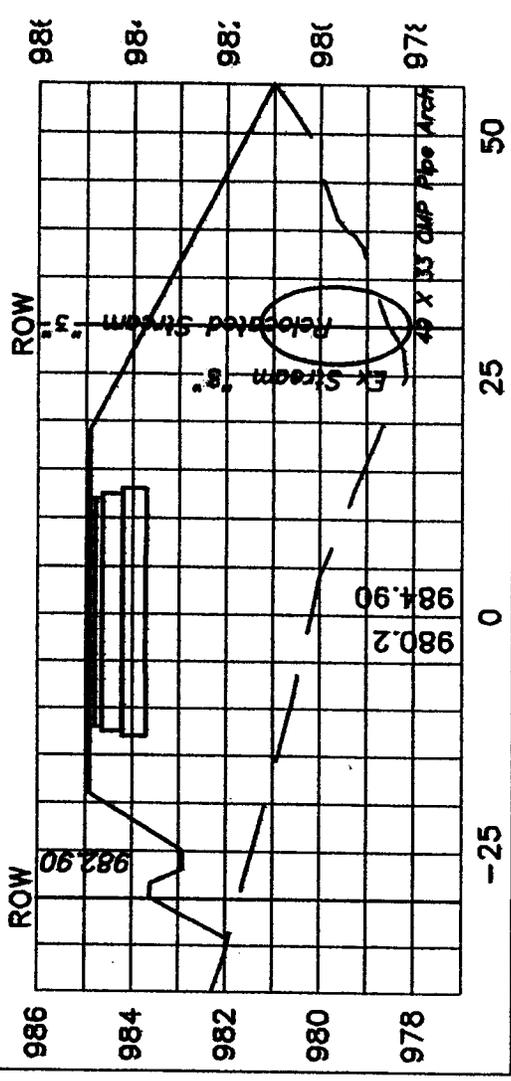
Plan/Profile

Liberty Estates



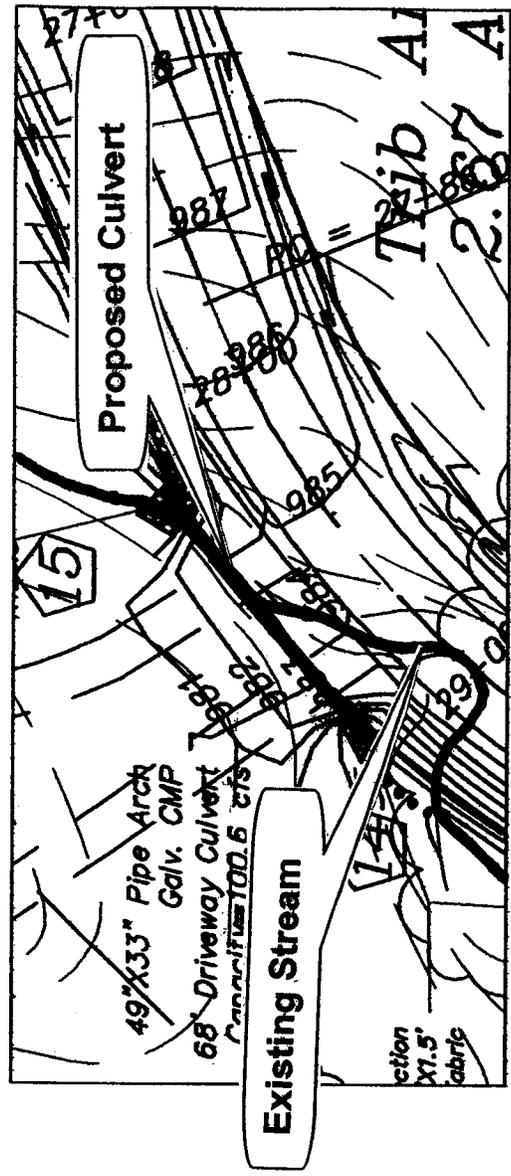
Profile

28+50



Typical Section

Scale: H:1"=20'
V:1"=4'



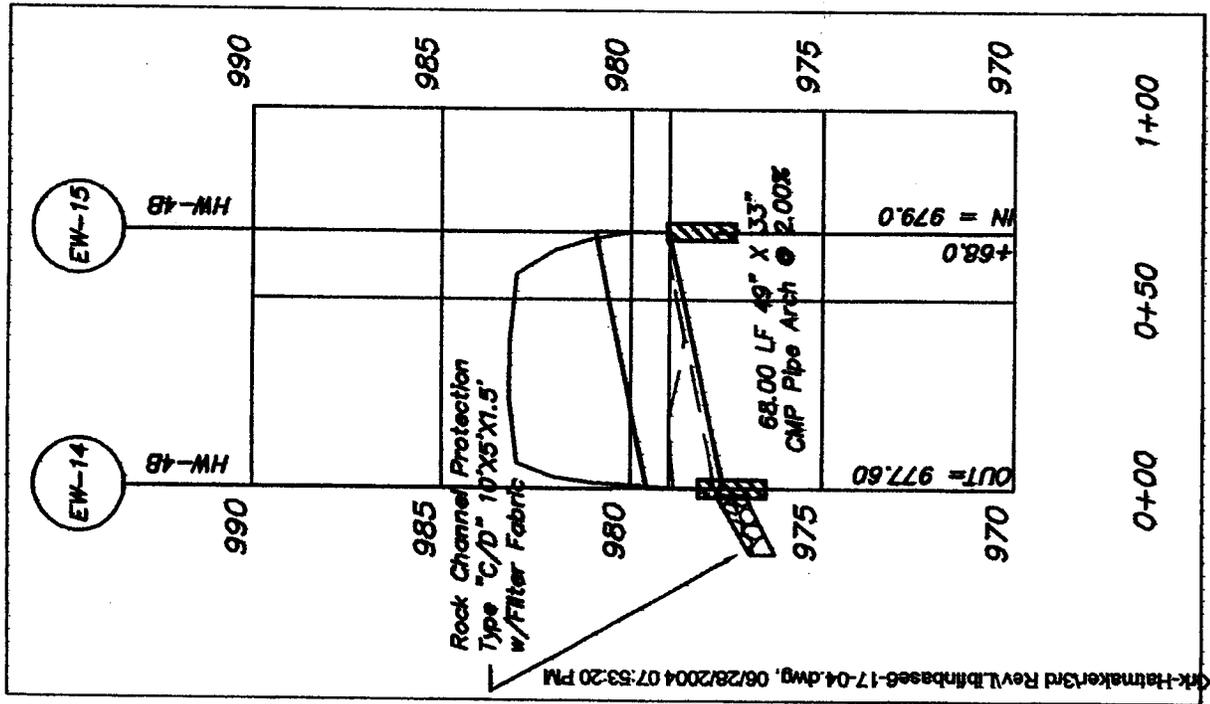
PLAN

Scale: 1"=50'

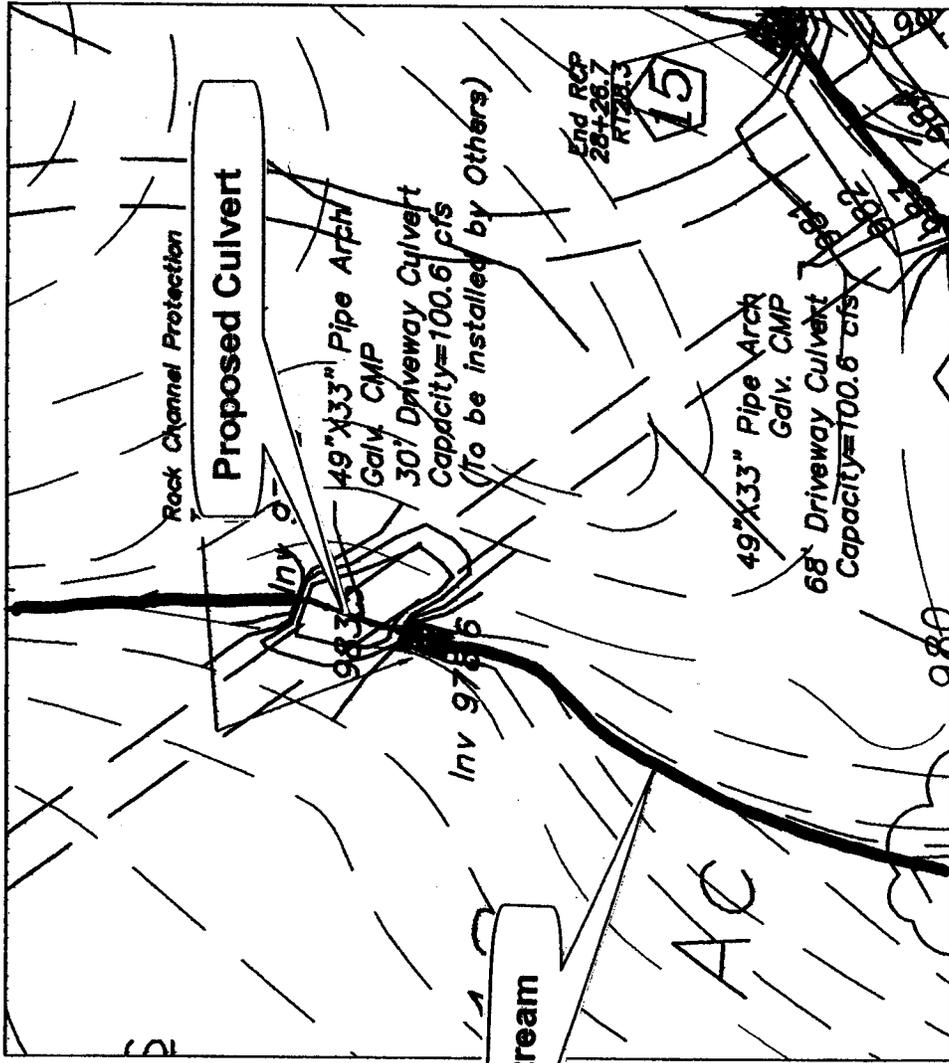
Prepared For: Liberty Estates
Contact: David Kihirich 740/504-1703

Prepared By: W-H & Associates, Ltd.
Engineering, Planning and Site Design
4434 Revereon Valley Road
Akron, Ohio 44307
Contact: Greg Williams 740/924-2004

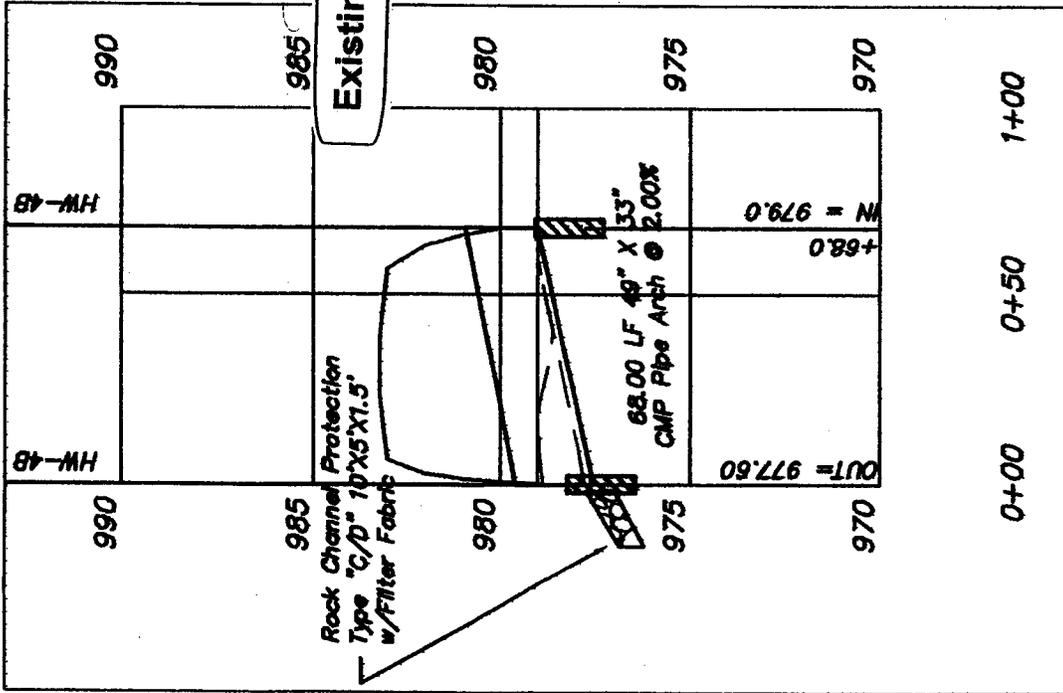
Stream "3" Relocation
Culvert Crossing Exhibit
Plan/Profile
Liberty Estates



Profile



PLAN
Scale: 1"=50'



Profile

Prepared For: **Liberty Estates**
Contact: David Kharitke 740/504-1703

Prepared By: **W-H & Associates, Ltd.**
Engineering, Planning and Site Design
4434 Rescapan Valley Road
Akron, Ohio 44307
Contact: Greg Williams 740/924-2095

**Stream "4" Driveway
Culvert Crossing Exhibit
Plan/Profile
Liberty Estates**