

Public Notice

**U S Army Corps
of Engineers**
Huntington District

In reply refer to Public Notice No.	Issuance Date:
200101082-1	October 04, 2004
Stream:	Closing Date:
U/T Big Walnut Creek	November 3, 2004

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: Hamilton Road Retail LLC
150 East Broad Street
8th Floor
Columbus, Ohio 43215

LOCATION: The proposed project is located within an unnamed tributary of Big Walnut Creek within a 10- acre site at the intersection of Morse and Hamilton Roads in Gahanna, Franklin County, Ohio.

DESCRIPTION OF PROPOSED WORK: Under Individual Permit 200101082, Southeast Shore Properties, Inc. was authorized to place fill material into approximately 617 linear feet of an unnamed tributary of Big Walnut Creek in association with the construction of a 10-acre commercial facility at this location. The site has not been developed by the Southeast Shore Properties and no fill activities were performed under this previous authorization. Since issuance of this permit, the property has been purchased by Hamilton Road Retail, LLC, who also propose to develop this site for commercial use. Since the previously issued permit has not been transferred to Hamilton Road Retail and since their preferred design would exceed the fill authorized by the existing permit, new authorization is required for the current proposal.

The applicant proposes to place fill material into waters of the United States to facilitate the construction of a commercial development at the above location. This commercial development would include the construction of a retail center with three retail stores containing approximately 70,000 square feet of commercial space and associated parking. The proposed development would impact 717 linear feet of an unnamed intermittent tributary to Big Walnut Creek, locally known as Beem Ditch.

This tributary would be intercepted at the existing culvert beneath Morse Road and redirected through a 400 linear foot culvert to a proposed reserve area on the eastern portion of the site. The existing 617 linear foot channel within the site boundary would then be filled to facilitate development of the site. To achieve the necessary grade for construction of the site, the applicant has indicated they have obtained permission from the adjacent property owner to place fill material into 100 linear feet of this tributary on the adjacent southern property.

Mitigation: Within the above mentioned reserve area, the applicant proposes to reconstruct 850 linear feet of the tributary. This reconstructed stream length would discharge into the existing stream channel immediately south of the proposed 100-linear feet of impact on the adjacent property. The relocated stream channel would be reconstructed to include stable riffle and pool complexes, a functional floodplain, and a vegetated buffer zone consisting of native grasses and herbaceous and woody vegetation. The relocated portion of the unnamed tributary and the surrounding 100-foot buffer zone (50-feet from each bank) would be preserved in perpetuity. The mitigation plan includes a 5-year monitoring plan to ensure success of the mitigation.

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)
- Scioto madtom (endangered)
- northern riffleshell mussel (endangered)
- clubshell mussel (endangered)
- Eastern massasauga (proposed candidate species)
- rayed bean mussel (currently under evaluation for 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. 200101082-1
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.


 Ginger Mullins
Chief, Regulatory Branch

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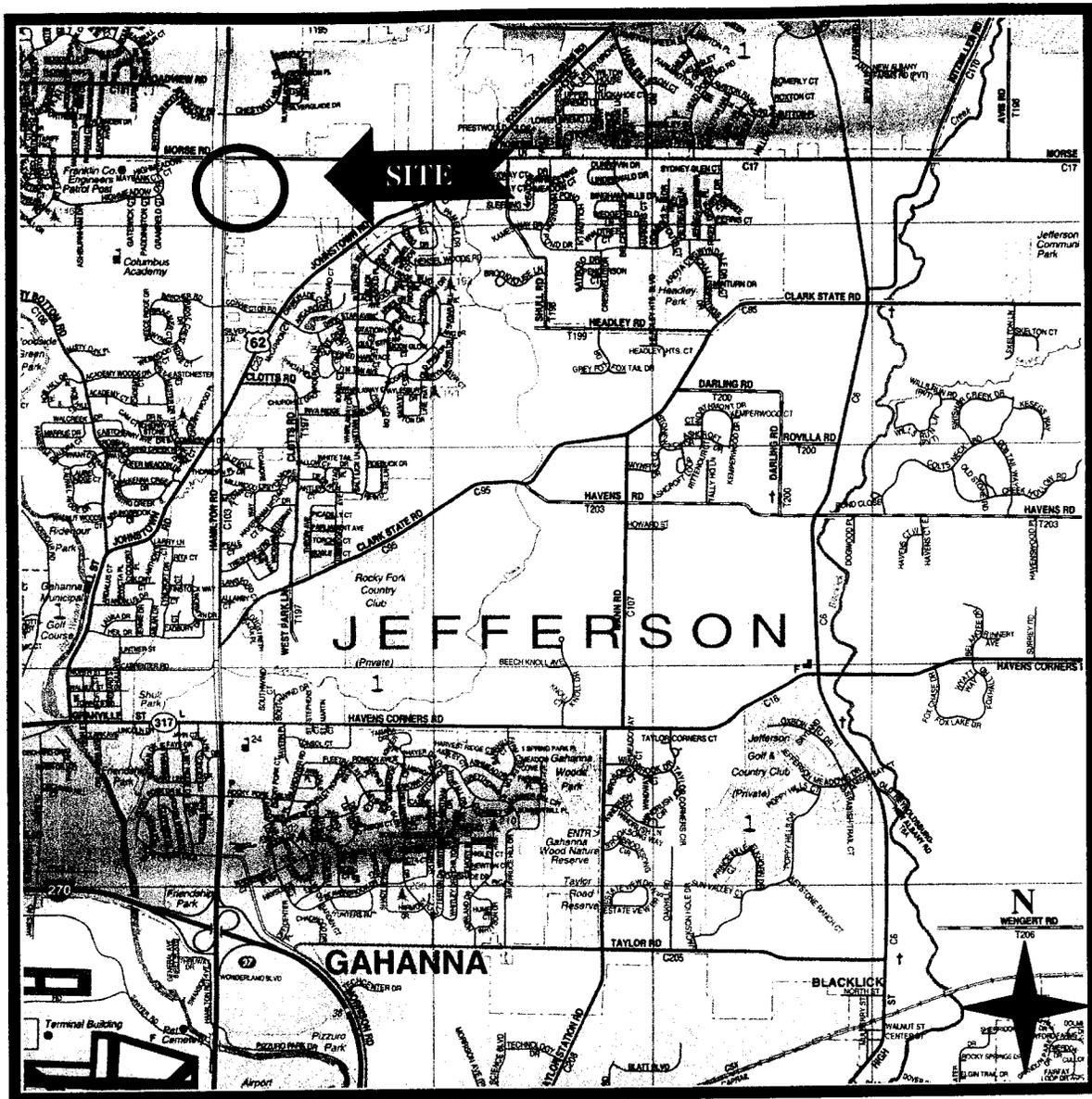
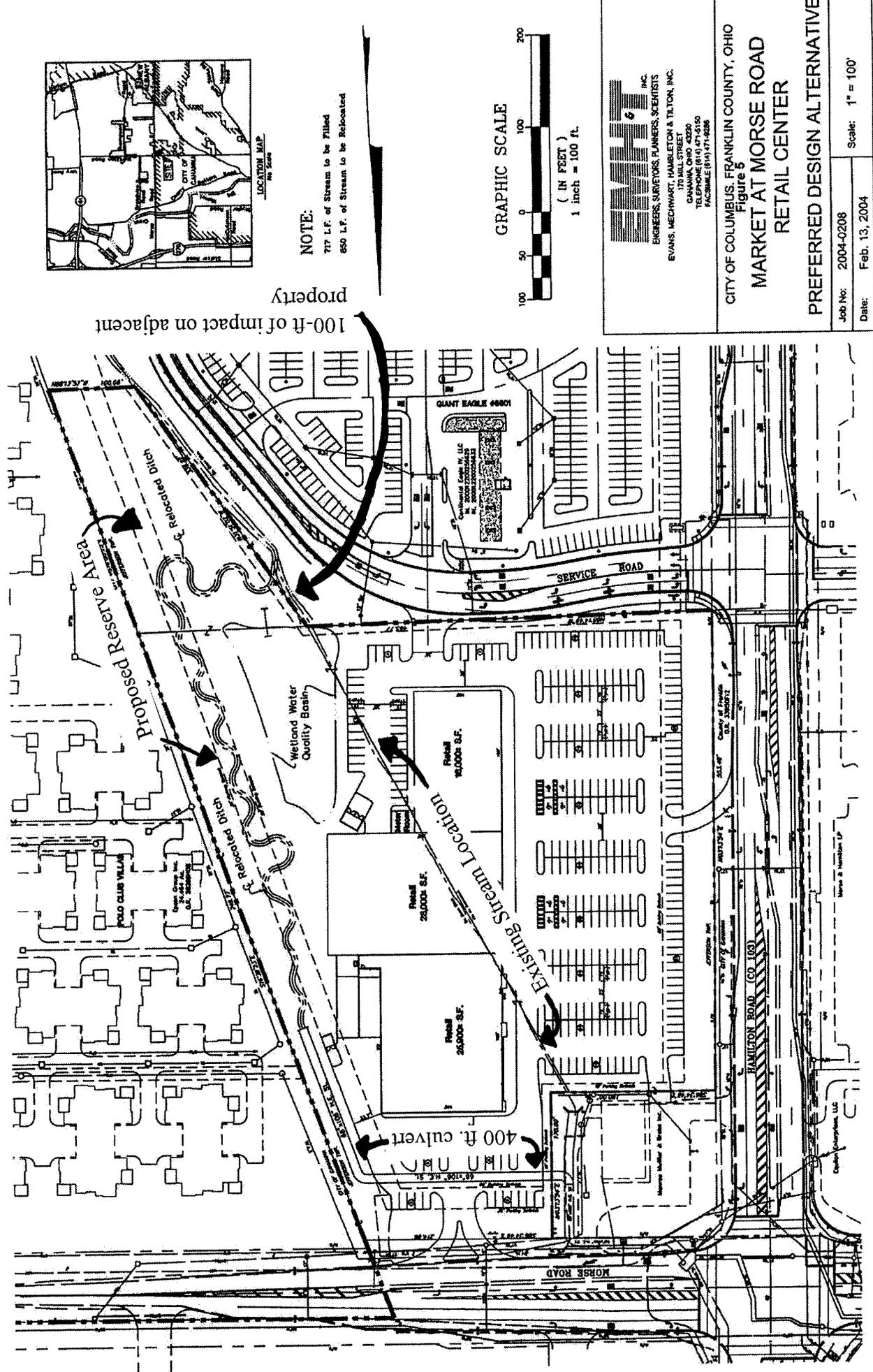


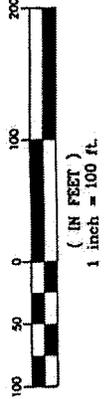
FIGURE 1
 Area Location Map
 1"=0.7 mile
 (Franklin County Engineering Department, 2000)



NOTE:

717 L.F. of Stream to be Filled
 850 L.F. of Stream to be Relocated

GRAPHIC SCALE



EVANS & HAMILTON, INC.
 ENGINEERS, SURVEYORS, PLANNERS, SCIENTISTS
 EVANS, MECHWART, HAMILTON & TILTON, INC.
 170 HILL STREET
 COLUMBUS, OHIO 43260-1510
 TELEPHONE (614) 471-6150
 FACSIMILE (614) 471-9298

CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO
Figure 5
MARKET AT MORSE ROAD
RETAIL CENTER
PREFERRED DESIGN ALTERNATIVE

Job No: 2004-0208

Date: Feb. 13, 2004

Scale: 1" = 100'

Hamilton Road Retail
 U/T Big Walnut Creek
 Franklin County, Ohio
 Plan View, Sheet 2 of 2