

Public Notice

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

In reply refer to Public Notice No.
200301258-2

Issuance Date:
March 7, 2005

Stream:
U/T Jerome Fork

Closing Date:
April 6, 2005

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: City of Ashland
206 Claremont Avenue
Ashland, Ohio 44805

LOCATION: Within unnamed tributaries of Jerome Fork, at State Route 42 and Township Road 753, Ashland, Ashland County, Ohio. Longitude 82° 16', Latitude 40° 53'

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material in waters of the United States in order to reconstruct Ashland Reservoir. Ashland Reservoir would be used as an alternate water source for the City of Ashland's Water Treatment Plant. This project is required as a specific work item under Paragraph VIII (Item 14) of Modified Consent Order, effective August 13, 2004 between the Attorney General of Ohio and the City of Ashland (Case No. 33912). Ancillary to the Order, the reservoir may be used in the future to ease current groundwater supply issues the City of Ashland is currently experiencing.

Ashland Reservoir was constructed in the early 1900's and was present at this location until 1969, when a large storm resulted in overtopping and eventual failure of the dam. The reservoir was never reconstructed after this event. Two streams, unnamed tributaries of Jerome Fork, traverse and eventually converge within the existing basin. The resulting stream flows for approximately 100 linear feet before it outlets the basin. Implementation of the proposal would include the placement of fill material within these unnamed streams for reconstruction of the dam, spillway, and reservoir floor. Implementation of the proposal would result in direct impacts to 400 linear feet (3,250 square feet) of stream. Inundation of the area would impact an additional 2,500 linear feet (20,000 square feet) of stream.

Much of the original embankment for the reservoir is intact and would be reused. The proposed project would include rebuilding the embankment with milder interior and exterior slopes. Embankment construction would include the placement of approximately 1000 cubic yards of material below the ordinary high water mark of the stream, impacting approximately 250 linear feet. A portion of the reservoir floor would be filled to create a sealed, flat reservoir bottom. This component of the project is referred to as the "upstream blanket" and would include the placement of fill material into an additional 130 linear feet of the stream. Borrow material for construction of the upstream blanket and the embankment would be obtained from onsite materials in the central and northeast central portions of the basin.

The primary spillway facilities for the proposed reconstruction project would include a concrete overflow structured with twin, 48-inch diameter ductile iron pipes leading to a reinforced concrete energy dissipation outfall structure. A reinforced concrete emergency outflow structure would outlet to a rip-rap lined channel with a discharge downstream of the primary outfall structure. The reservoir sites will be armored with dumped rock fill on top of a layer of filter aggregate. A toe drain and additional intake pipes (for draw-off as a water supply source for the water plant) are included in the design. All overflow from the reservoir would discharge into the existing stream immediately downstream of the proposed reservoir.

No wetlands would be impacted by this proposal. Plans of the proposed work are attached to this notice.

Mitigation: As mitigation for the proposed direct and indirect stream impacts, the applicant proposes to preserve approximately 6,264 linear feet of the South Branch of Lang Creek. The proposed preservation area would include a 25-foot buffer zone on each bank of the existing channel. The applicant has indicated, due to the existing quality of the habitat in this mitigation area, no restoration or enhancement measures are warranted prior to preservation. The proposed mitigation site is located east of US250/SR60 and north of Township Road 1104 as shown in the attached plan. The mitigation proposal includes annual monitoring of this mitigation site.

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, a Federally listed endangered 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, provided the vegetation removal is completed during the time of year that will not result in potential impacts to Indiana bat habitat.

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.

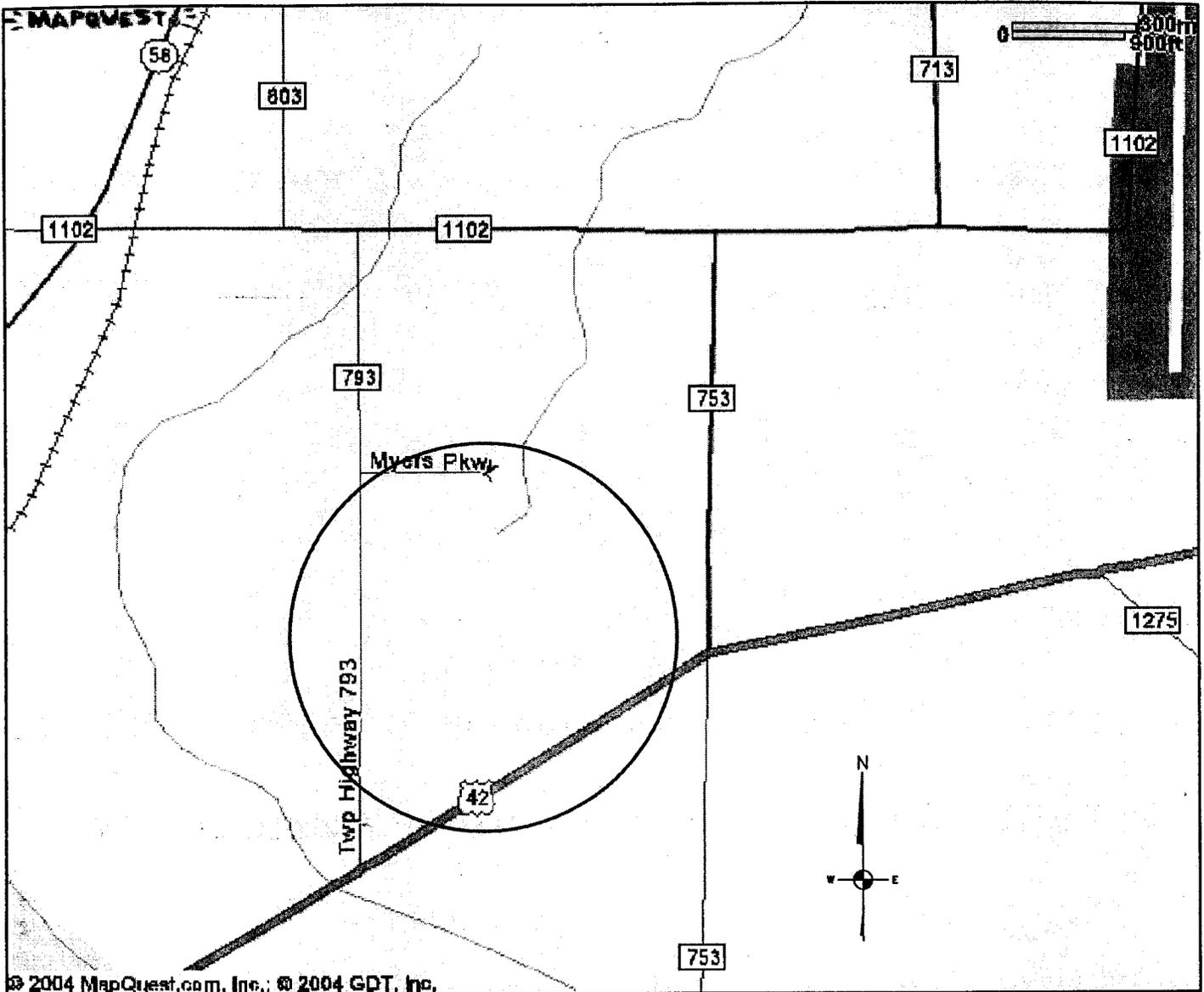
Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200200976-2
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.

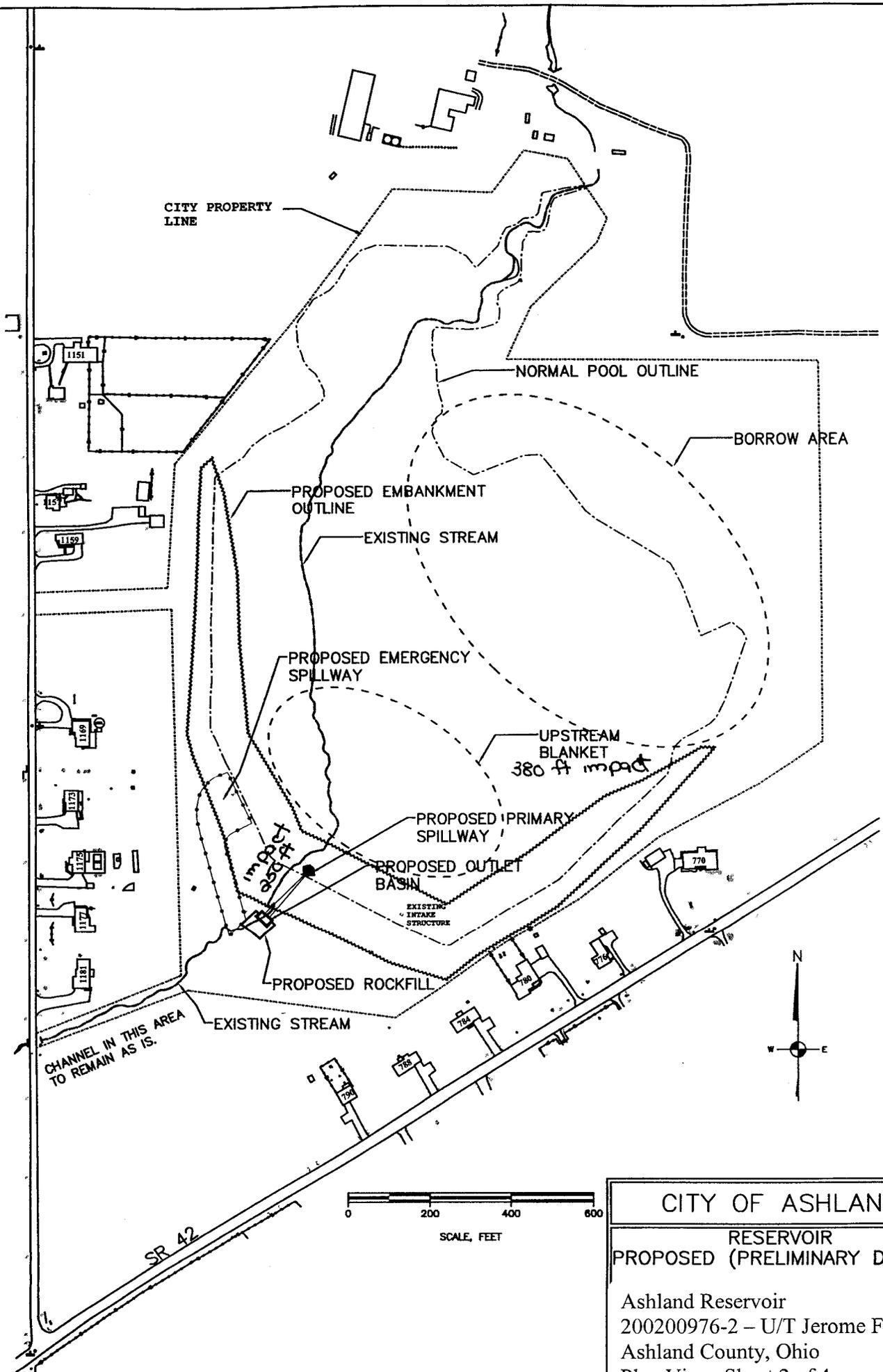

Ginger Mullins
Chief, Regulatory Branch

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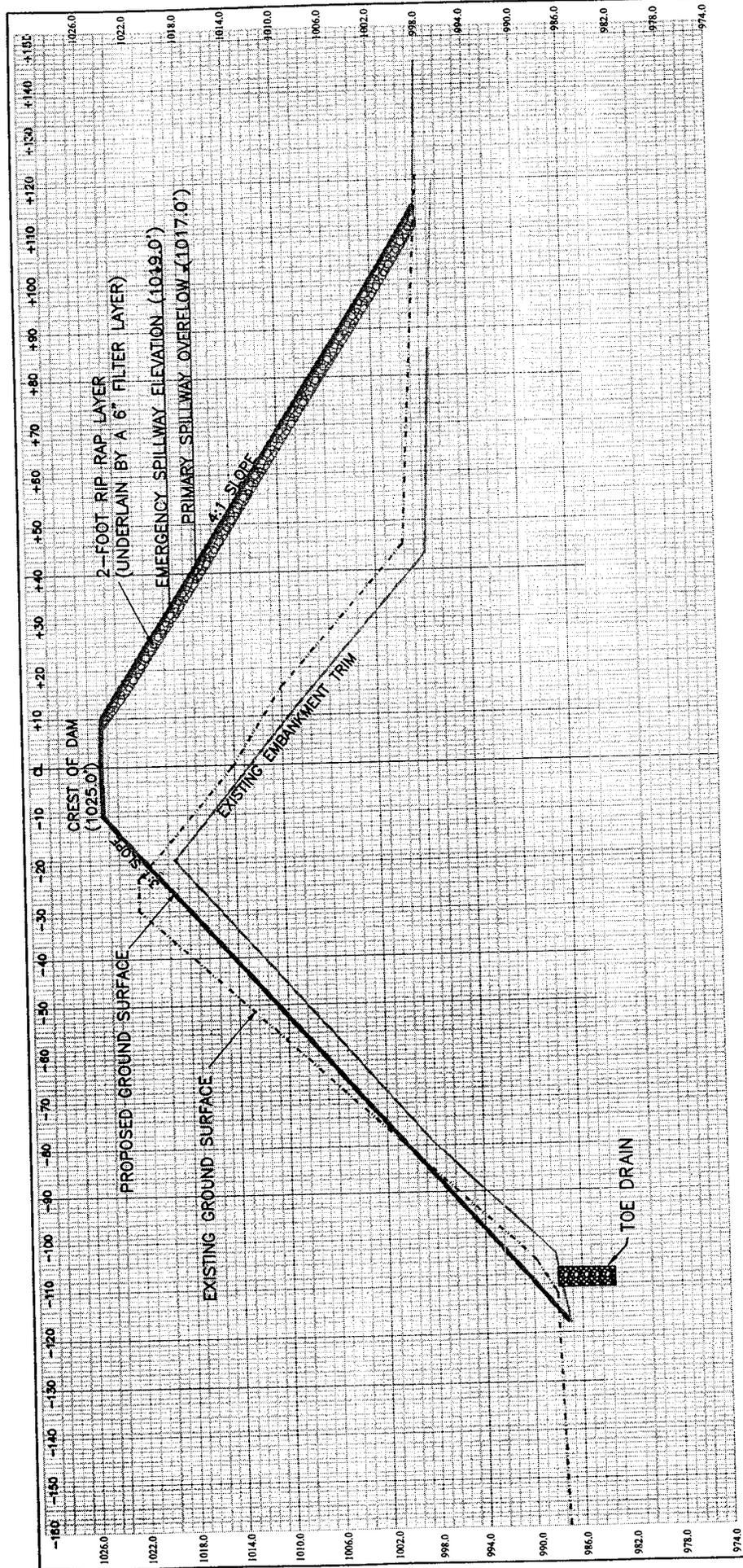
CITY OF ASHLAND
 APPROX. 2 MILES

CITY OF ASHLAND	
PROPOSED RESERVOIR SITE LOCATION	
Ashland Reservoir	
200200976-2 – U/T Jerome Fork	
Ashland County, Ohio	
Location Map, Sheet 1 of 4	

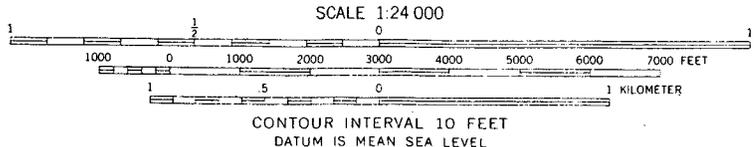
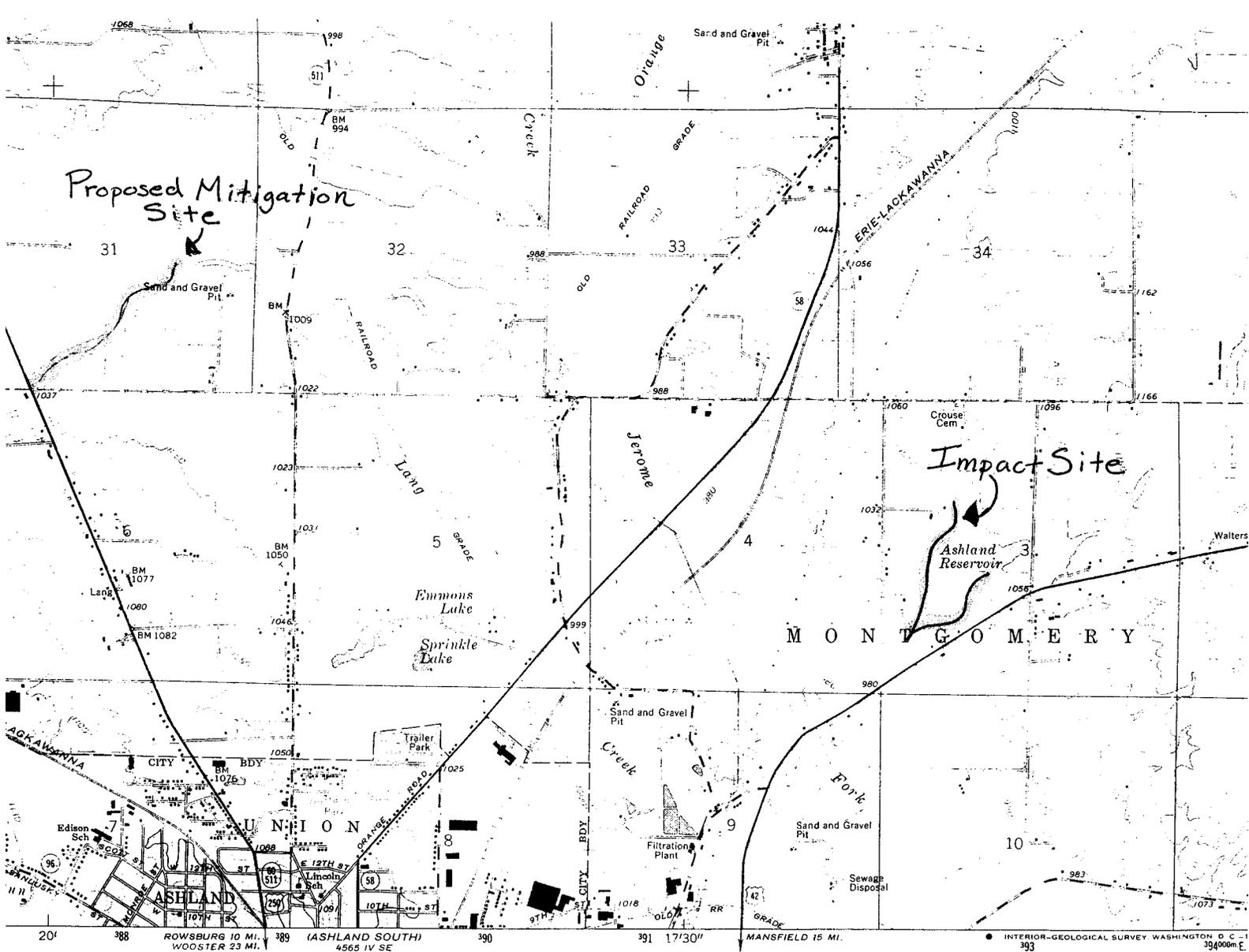


CITY OF ASHLAND
 RESERVOIR
 PROPOSED (PRELIMINARY DESIGN)

Ashland Reservoir
 200200976-2 - U/T Jerome Fork
 Ashland County, Ohio
 Plan View, Sheet 2 of 4



Ashland Reservoir 200200976-2 - U/T Jerome Fork Ashland County, Ohio Embank. Cross Section, Sheet 3 of 4		JOB NUMBER: 00-48 SCALE: AS NOTED DATE: JANUARY 2004 REVISED: NOVEMBER 2004	CITY OF ASHLAND PROPOSED RESERVOIR RENOVATION	FIGURE 3
DESIGNED BY: M.E. DRAWN BY: M.E. FILENAME: 000200976.dwg	PROPOSED CROSS SECTION NEAR STREAM CUT			
YEAR 2004				



ROAD CLASSIFICATION

Heavy-duty	—————	Light-duty	—————
Medium-duty	- - - - -	Unimproved dirt	—————
	⬢ U. S. Route		○ State R

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, WASHINGTON, D. C. 20242
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Regions shown in purple compiled in cooperation with
 State of Ohio agencies from aerial photographs taken
 1972. This information not field checked

ASHLAND NORTH
 N4052.5—W8215,
 1961
 PHOTOREVISED 1
 AMS 4565 IV NE—SERIE

Ashland Reservoir
 200200976-2 – U/T Jerome Fork
 Ashland County, Ohio
 Mitigation Area, Sheet 4 of 4