



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

Public Notice

In reply refer to Public Notice No. 200401206	Issuance Date: June 13, 2004
Stream: UN TRIB OLENTANGY RIVER	Closing Date: July 13, 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: Planned Communities LLC
110 Northwood Boulevard
Suite B
Columbus, Ohio 43235

LOCATION: The project is located on a 42-acre parcel southwest of the U.S. 23 and Lewis Center Road intersection in Orange Township, Delaware County, Ohio. The work would take place within unnamed tributaries of the Olentangy River and its adjacent wetlands.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material into waters of the United States in conjunction with the construction of Olentangy Crossings South, a commercial/residential development. The development would consist of commercial retail/office space and single-family residential homes. The development is a component of Olentangy Crossings, which is located immediately north of the proposal. Impacts to 0.85 acre of jurisdictional wetlands and 1,475' of jurisdictional stream channel were authorized by this office on December 23, 2004. To compensate for impacts to waters of the United States associated with the Olentangy Crossing development, the applicant purchased 0.85 acre of wetland mitigation credit at the Little Scioto Mitigation Bank in Marion County, Ohio and purchased a conservation easement along 1,140' of Shaw Creek and 500' of an unnamed tributary of Shaw Creek near Mt. Gilead, Morrow County, Ohio. The applicant also preserved 1.13 acres of wetlands and 6,738' of stream channel on-site within preservation zones.

The applicant proposes to place approximately 5,400 cubic yards of clean fill into 0.17 acre of five jurisdictional wetlands, 0.14 acre of one jurisdictional pond, and 410' of two jurisdictional stream channels in conjunction with the construction of two road crossings and two out-lots at the site. The remaining 870' of seven stream channels, 1.99 acres of three ponds, and 0.11 acre of five wetlands would be preserved at the site via deed restriction and conservation easement. A portion of the preserved waters of the United States at the site would be located within a 5.1 acre open space as required by local zoning. The remaining waters of the United States would be preserved within 25' to 50' vegetated riparian buffers. To compensate for the loss of 0.17 acre of wetland, the applicant proposes to purchase 0.30 acre of wetland mitigation credit at the Little Scioto Mitigation Bank in Marion County, Ohio. The applicant also proposes to purchase a conservation/preservation easement along a stream located within the Olentangy River Watershed. The easement would consist of the stream channel and a minimum 50' vegetated buffer. 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

listed on the register. The applicant conducted a Phase I archeological survey of the site and found no properties eligible for the Register at the site. The Ohio State Historic Preservation Office (OSHPO) concurred with this finding. 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
Scioto madtom
Rayed bean mussel

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

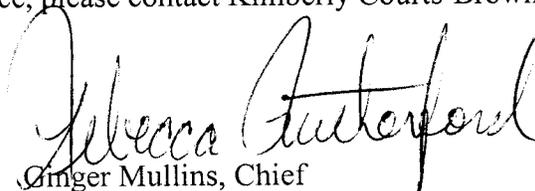
people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act. Written statements on these factors received 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.

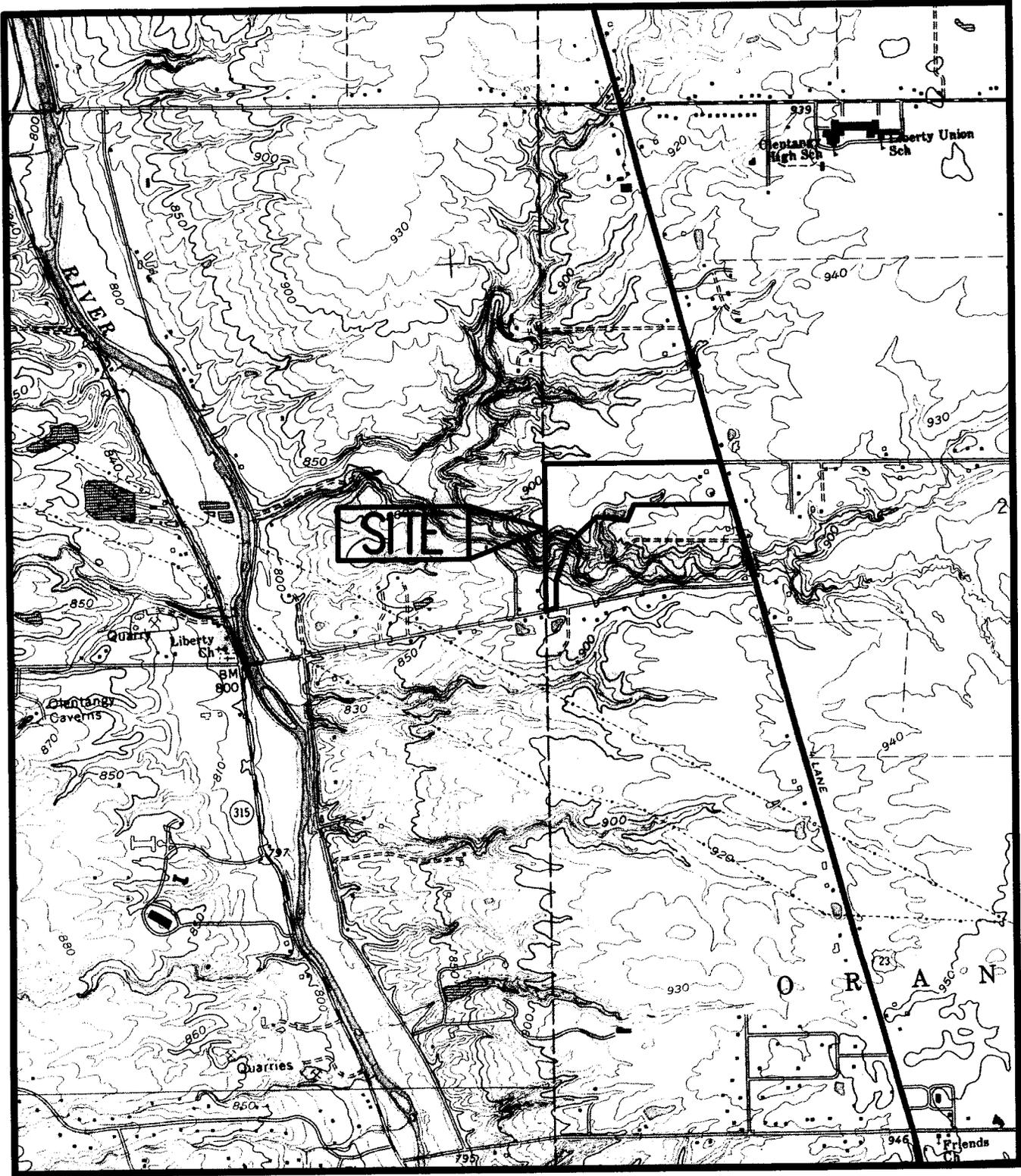
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Kimberly Courts-Brown, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Kimberly Courts-Brown of the North Regulatory Section at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

(O)



CONTOUR INTERVAL = 10 FEET

0' 2000' 4000' 6000'



GRAPHIC SCALE 1" = 2000'

FIGURE 2 - USGS TOPOGRAPHIC MAP OF PROPOSED
OLENTANGY CROSSINGS SOUTH DEVELOPMENT

POWELL QUADRANGLE

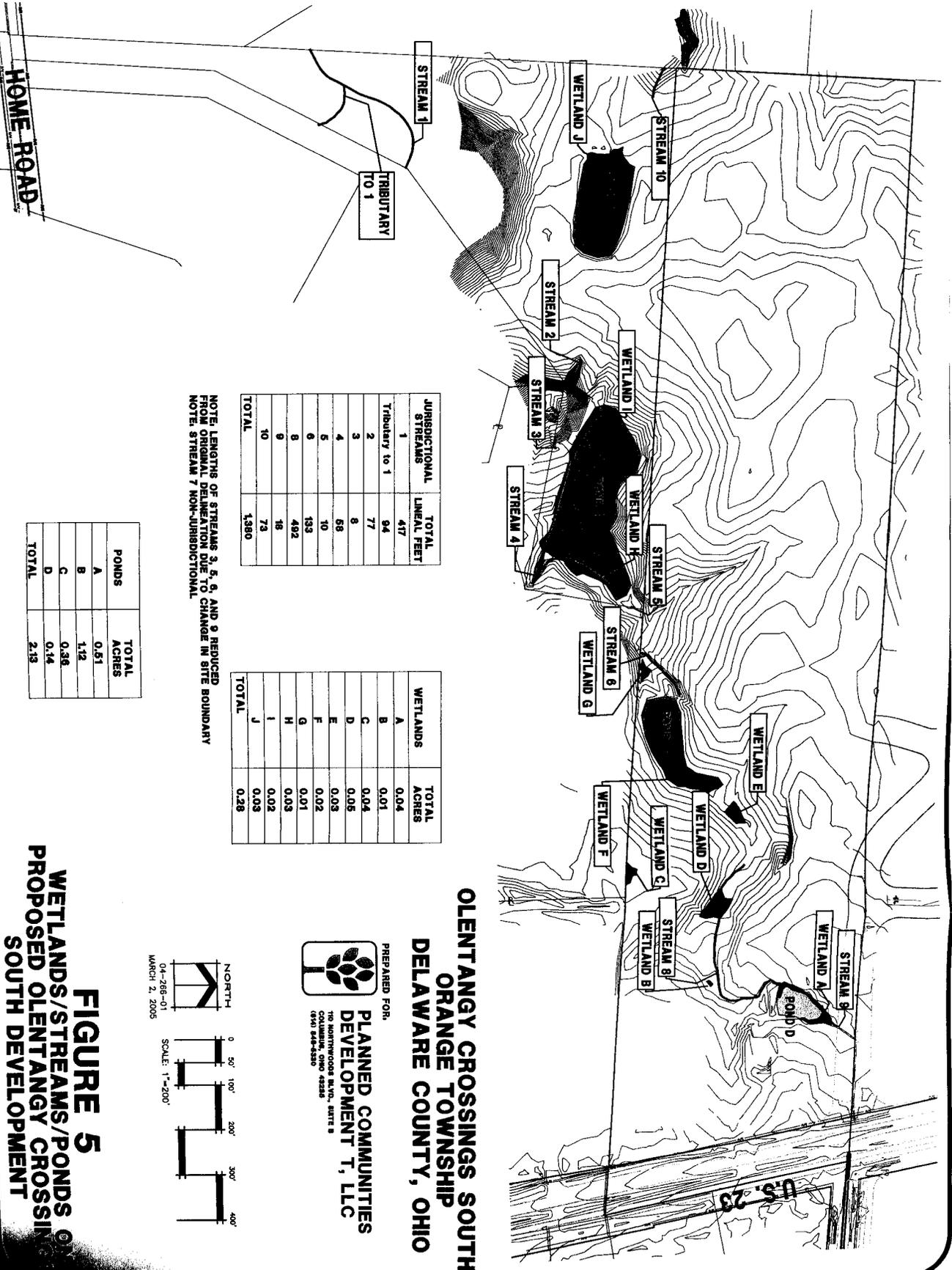
SOURCE: UNITED STATES GEOLOGICAL SURVEY (1988)



Central Ohio
740.363.6792
740.363.6536 fax
www.floydbrowne.com

Offices Throughout Ohio & West Virginia

PREPARED BY:
Flow
Group
 Central Ohio
 740.363.6795
 740.363.6795 FAX
 www.flowgroup.com
 Office: Thompsons Dale, 5 Years Virginia



JURISDICTIONAL STREAMS	TOTAL LINEAL FEET
1	417
Tributary to 1	94
2	77
3	8
4	68
5	10
6	133
8	492
9	18
10	73
TOTAL	1,390

WETLANDS	TOTAL ACRES
A	0.04
B	0.01
C	0.04
D	0.05
E	0.03
F	0.02
G	0.01
H	0.03
I	0.02
J	0.03
TOTAL	0.28

NOTE: LENGTHS OF STREAMS 3, 5, 6, AND 9 REDUCED FROM ORIGINAL DELINEATION DUE TO CHANGE IN SITE BOUNDARY
 NOTE: STREAM 7 NON-JURISDICTIONAL

PONDS	TOTAL ACRES
A	0.51
B	1.12
C	0.36
D	0.14
TOTAL	2.13

OLENTANGY CROSSINGS SOUTH
ORANGE TOWNSHIP
DELAWARE COUNTY, OHIO

PREPARED FOR:
PLANNED COMMUNITIES
DEVELOPMENT T, LLC
 110 NORTHWOODS BLVD., SUITE B
 COLUMBUS, OHIO 43238
 (614) 542-4330

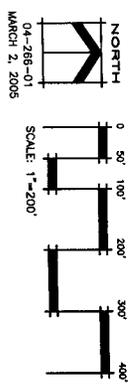
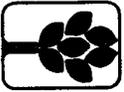


FIGURE 5
WETLANDS/STREAMS/PONDS
PROPOSED OLENTANGY CROSSINGS
SOUTH DEVELOPMENT

OLENTANGY CROSSINGS SOUTH ORANGE TOWNSHIPS DELAWARE COUNTY, OHIO



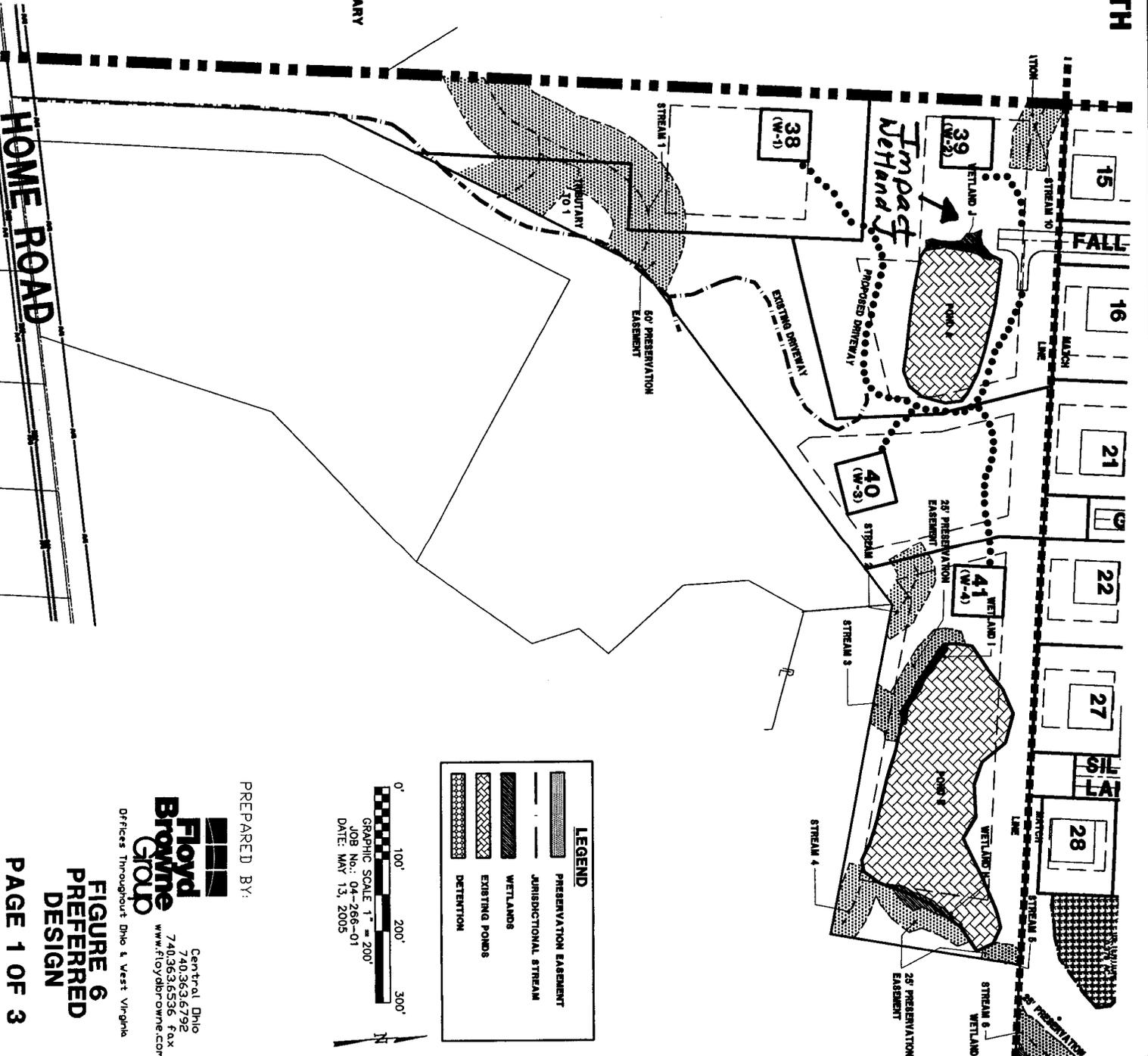
PREPARED FOR:
**PLANNED COMMUNITIES
DEVELOPMENT T, LLC**
710 MONTWOODS BLVD., SUITE B
COLUMBUS, OHIO 43236
(614) 848-6330

PONDS	TOTAL ACRES	DISTURBED	PRESERVED
A	0.51	0	0.51
B	1.12	0	1.12
C	0.36	0	0.36
D	0.14	0.14	0
TOTAL	2.13	0.14	1.99

JURISDICTIONAL STREAMS	TOTAL LINEAL FEET	DISTURBED	PRESERVED
1	417	0	417
Tributary to 1	94	0	94
2	77	0	77
3	8	0	8
4	58	0	58
5	10	0	10
6	133	0	133
8	492	492	0
9	18	18	0
10	73	0	73
TOTAL	1,380	510	870

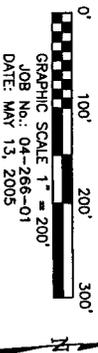
NOTE: LENGTHS OF STREAMS 3, 5, 6, AND 9 REDUCED FROM ORIGINAL DELINEATION DUE TO CHANGE IN SITE BOUNDARY
NOTE: STREAM 7 NON-JURISDICTIONAL

WETLANDS	TOTAL ACRES	DISTURBED	PRESERVED
A	0.04	0.04	0
B	0.01	0.01	0
C	0.04	0.04	0
D	0.05	0.05	0
E	0.03	0	0.03
F	0.02	0	0.02
G	0.01	0	0.01
H	0.03	0	0.03
I	0.02	0	0.02
J	0.03	0.03	0
TOTAL	0.28	0.17	0.11



LEGEND

- PRESERVATION EASEMENT
- JURISDICTIONAL STREAM
- WETLANDS
- EXISTING PONDS
- DETENTION



PREPARED BY:

Floyd Brynne Group

Central Ohio
740.363.6792
740.363.6536 fax
www.floydbrynne.com

Offices Throughout Ohio & West Virginia

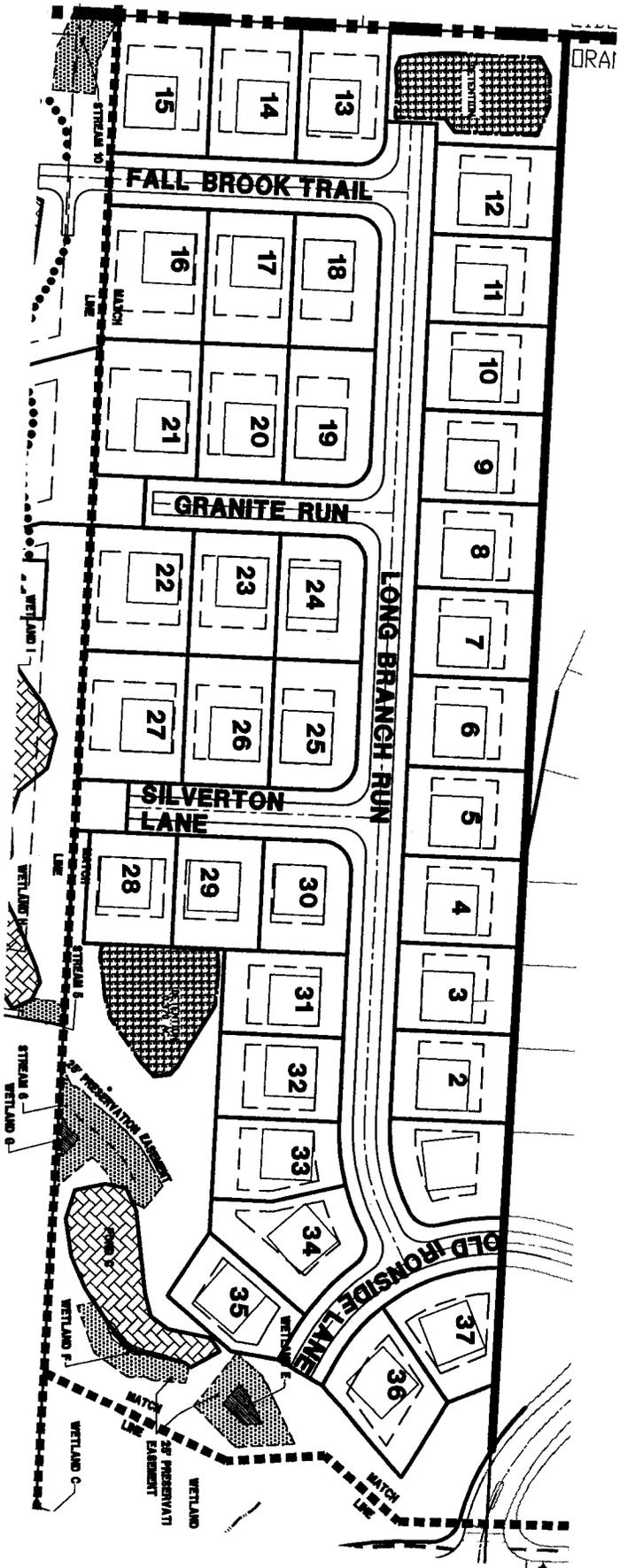
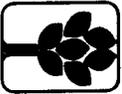
**FIGURE 6
PREFERRED
DESIGN**

OLENTANGY CROSSINGS SOUTH ORANGE TOWNSHIPS DELAWARE COUNTY, OHIO

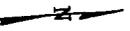
PREPARED FOR:

PLANNED COMMUNITIES
DEVELOPMENT T, LLC

70 NORTHWOOD BLVD., SUITE 2
COLUMBUS, OHIO 43228
(614) 546-8350



GRAPHIC SCALE 1" = 200'
JOB No.: 04-266-01
DATE: MAY 13, 2005



LEGEND	
	PRESERVATION EASEMENT
	JURISDICTIONAL STREAM
	WETLANDS
	EXISTING PONDS
	DETENTION

PREPARED BY:

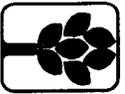


Central Ohio
Floyd Browne Group
740.363.6792
740.363.6536 Fax
www.floydbrowne.com

Offices Throughout Ohio & West Virginia

FIGURE 6
PREFERRED
DESIGN

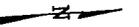
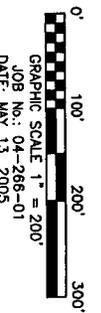
**OLENTANGY CROSSINGS SOUTH
ORANGE TOWNSHIPS
DELAWARE COUNTY, OHIO**



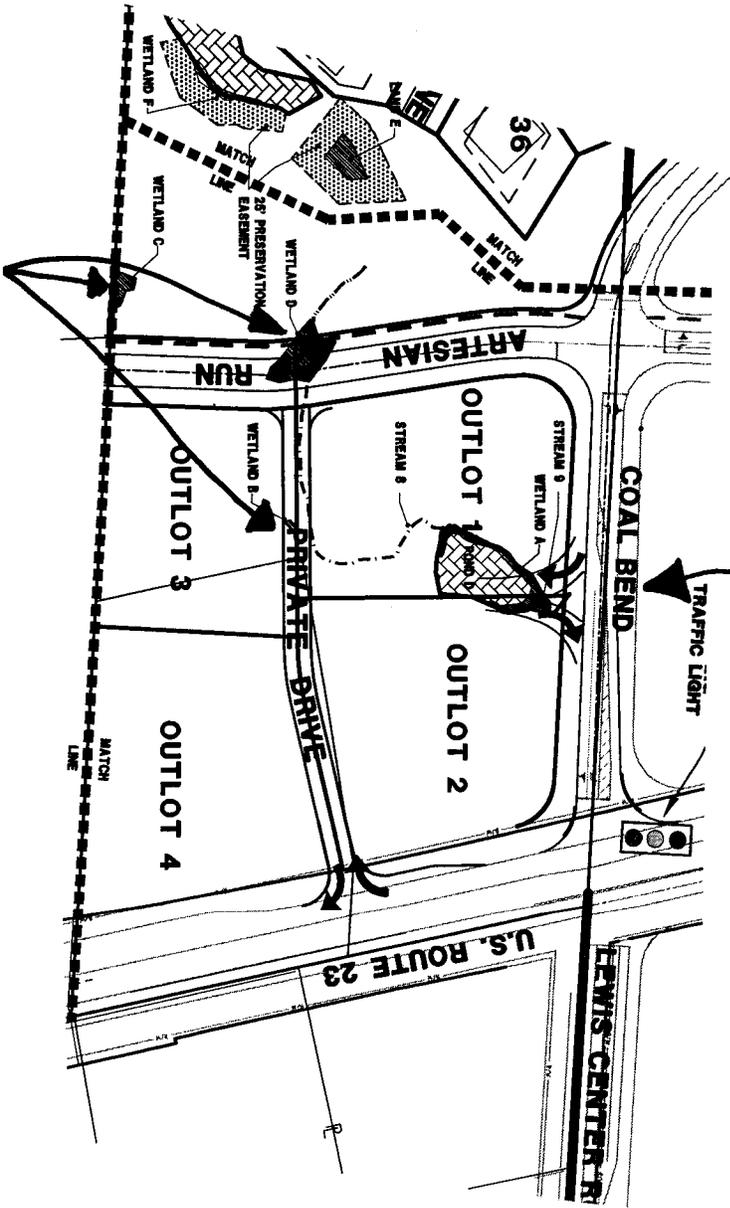
PREPARED FOR:

**PLANNED COMMUNITIES
DEVELOPMENT T, LLC**

110 NORTHWOODS BLVD., SUITE B
COLUMBUS, OHIO 43238
(614) 846-8330



LEGEND	
	PRESERVATION EASEMENT
	JURISDICTIONAL STREAM
	WETLANDS
	EXISTING PONDS
	DETENTION



*Impact to Stream 9, Pond D
& Wetland A*

*Impact to Wetland D & Stream 8
& Wetland B & Wetland C*

PREPARED BY:



**Floyd
Browne
Group**
Central Ohio
740.363.6792
740.363.6536 fax
www.floydbrowne.com

Offices Throughout Ohio & West Virginia

**FIGURE 6
PREFERRED
DESIGN**