

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

Public Notice

In reply refer to Public Notice No. 200401282

Issuance Date:

July 12, 2005

Stream: Un Trib of West Branch Nimishillen Creek

Closing Date:

August 11, 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 would 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 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 (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Akron-Canton Airport
5400 Lauby Road NW #9
North Canton, Ohio 44720-1598

LOCATION: The proposed project is located northwest of the terminal at Akron Canton Airport and east of I-77 in North Canton, Summit County, Ohio.

DESCRIPTION OF THE PROPOSED WORK: The project consists of clearing and grading an approximately 33-acre wooded area within the security fence of the Akron-Canton Airport in Green Township, Summit County, Ohio. The clearing has been ordered by the Federal Aviation Authority (FAA) as a safety measure due to recent wildlife strikes at the airport. The clearing was also

recommended by the United States Department of Agriculture (USDA) Department of Wildlife Services in a letter dated February 9, 2004 to eliminate habitat and allow for easy visual and physical access by wildlife control personnel. The International Civil Aviation Organization (ICAO) recommends clearing trees and shrubs a minimum of 590 feet from the runway.

The preferred alternative would result in impacts to 4.128 acres of Category 3 wetland and a 0.036-acre Category 2 isolated wetland through clearing activities. The wetlands would not be dredged or filled, but some re-grading would occur. Approximately 4,000 cubic yards of soil material would be placed in the wetland areas due to site clearing and grading operations. Swales would be excavated to drain the areas to the stream. The stumps would be removed and the area would be re-seeded and mowed and maintained by the airport. The culvert at the north end of the site would be extended 40 feet to the south and a headwall and rock channel protection would be installed. The remainder of the stream would be left in place, but all the wetland areas along the stream would be cleared resulting in an indirect impact to the stream by removal of the canopy. The water quality benefits that the wetlands currently provide to the stream would also be lost through the clearing project. Impacts to wetlands delineated in two other habitat areas would be avoided by fencing the areas off from the runways.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. No permit would be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

MITIGATION PLAN: The applicant has submitted a conceptual compensatory mitigation plan (CMP) to compensate for permanent impacts to waters of the United States regulated by the United States Army Corps of Engineers. To mitigate for wetland impacts associated with the proposal, the applicant proposes to create and restore a diverse Category 3 wetland that would be part of a larger wetland in a city park near Singer Lake Bog west of the airport. The wetland would be open to the public for passive recreation and education purposes. The mitigation site would include creation/restoration of approximately 4.676 acres of wetland, enhancement of a 4.44-acre upland buffer, enhancement of a 1.134-acre existing wetland area and 12.147 acres of wetland preservation at Boettler Park and the adjoining Belden property.

The total impacts and mitigation required for this project are described in Table 1.

A total of 4.564 acres of jurisdictional wetland would be impacted as a result of the proposal. The project does not require access to or siting within the wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis and it is currently being reviewed.

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: In a letter to the Federal Aviation Administration, dated January 24, 2005, the Ohio Historic Preservation Office concurred that no historic properties would be affected by the proposed work.

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

Indiana Bat
Bald Eagle
Northern Monkshood

The Huntington District has consulted the most recently available information and based on the proposed avoidance and minimization measures, the project is not likely to adversely affect the Indiana bat or Northern Monkshood and would have no effect on the Bald eagle or designated Critical Habitat for these Federally listed species. A Mist Net Survey for Indiana Bats was performed by Mr. Merrill Tawse on August 12th and 13th, 2004. No Indiana Bats were collected during the survey. A copy of the report was submitted by the FAA to the USFWS. 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 COMMENT: 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. This application would be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation would also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit would be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision would 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 that may be relevant to the proposal would be considered including the cumulative effects thereof; of 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. Written statements on these factors received in this office on or before the expiration date of this public notice would become a part of the record and would be considered in the final determination. A permit would be granted unless its issuance is found to be contrary to the public interest.

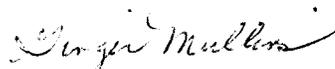
SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be

submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received would 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 would be considered that there are no objections. Comments and requests for additional information should be submitted to:

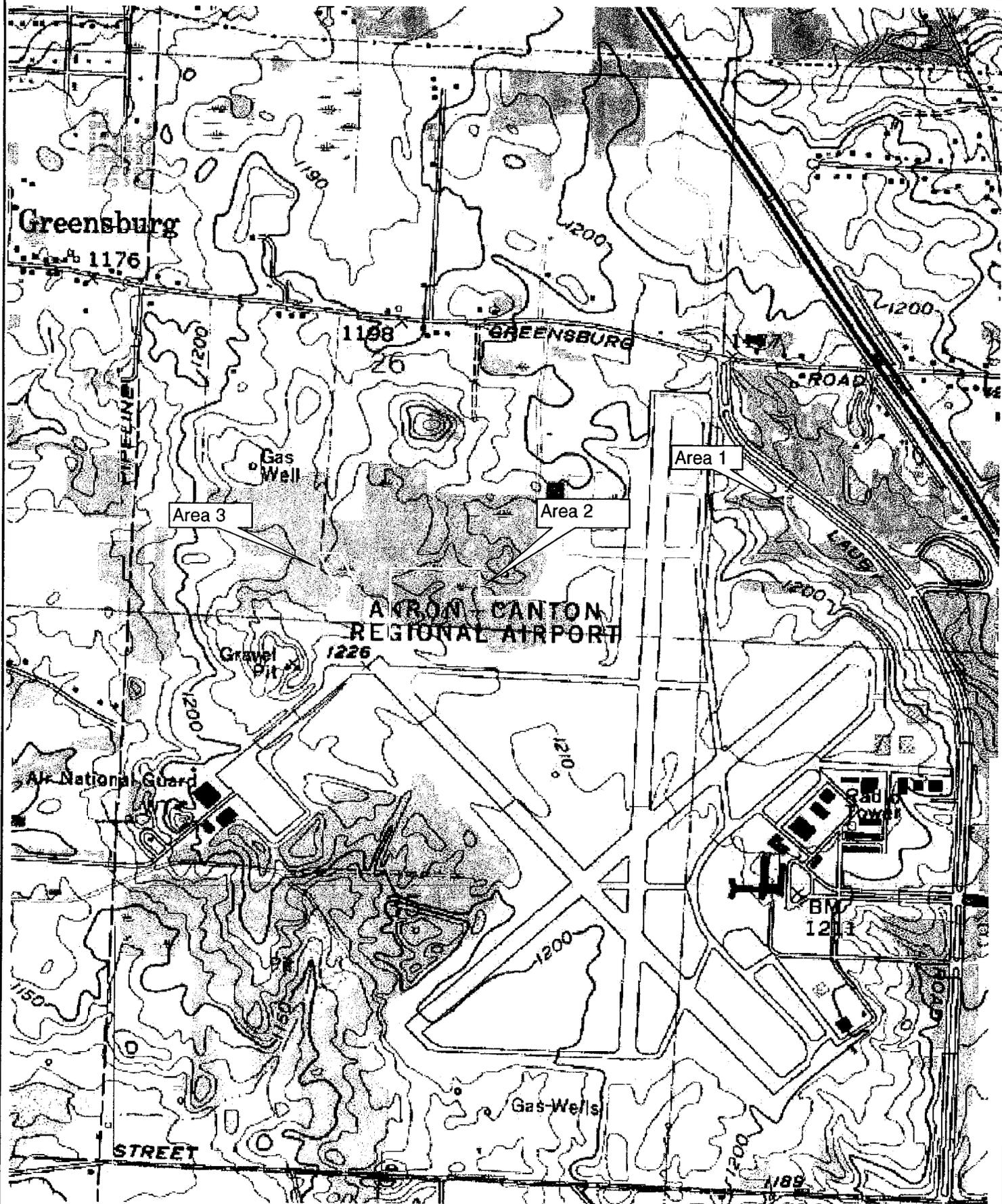
Mr. Stan Walker, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

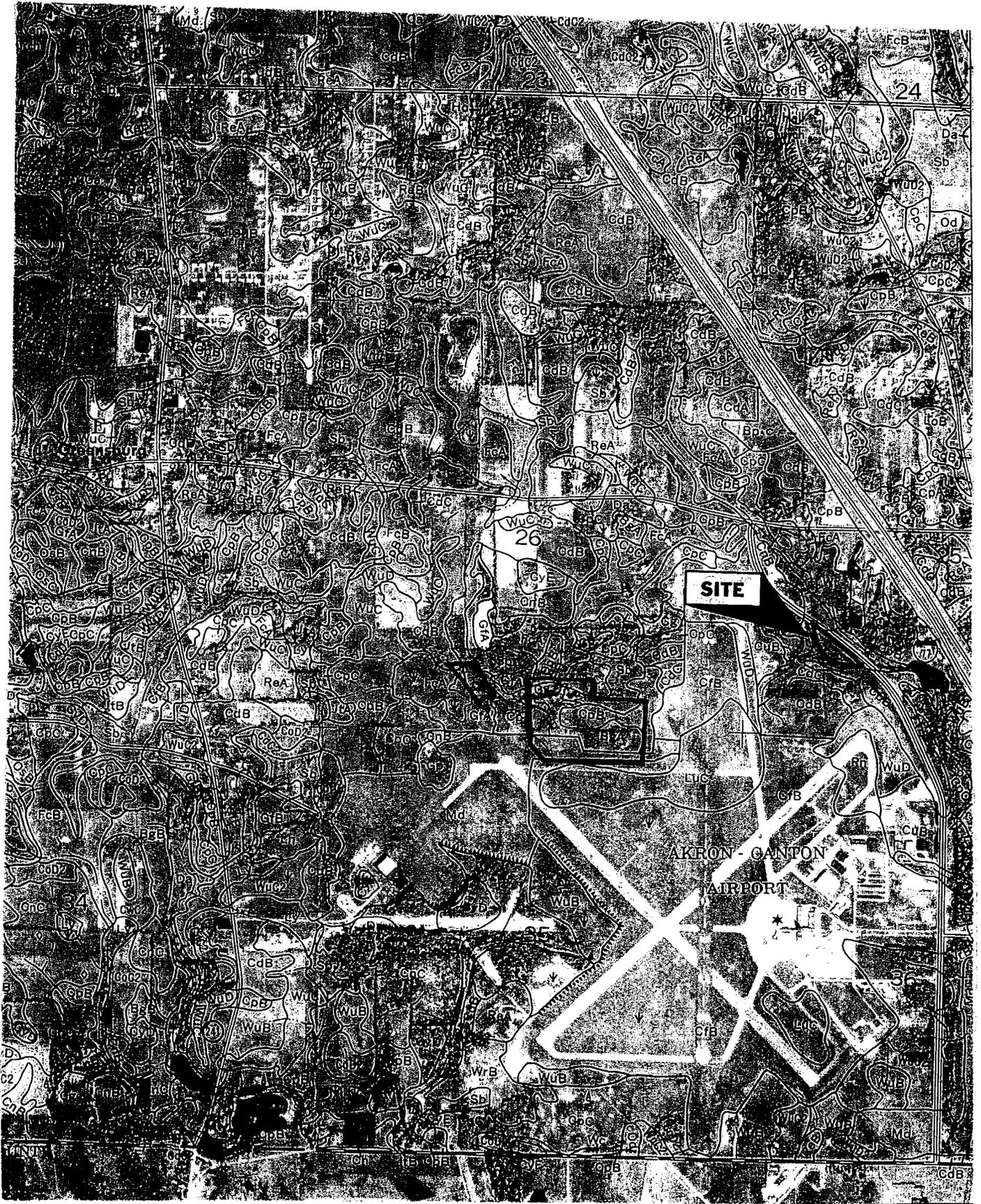
Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Stan Walker of the North Regulatory Section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

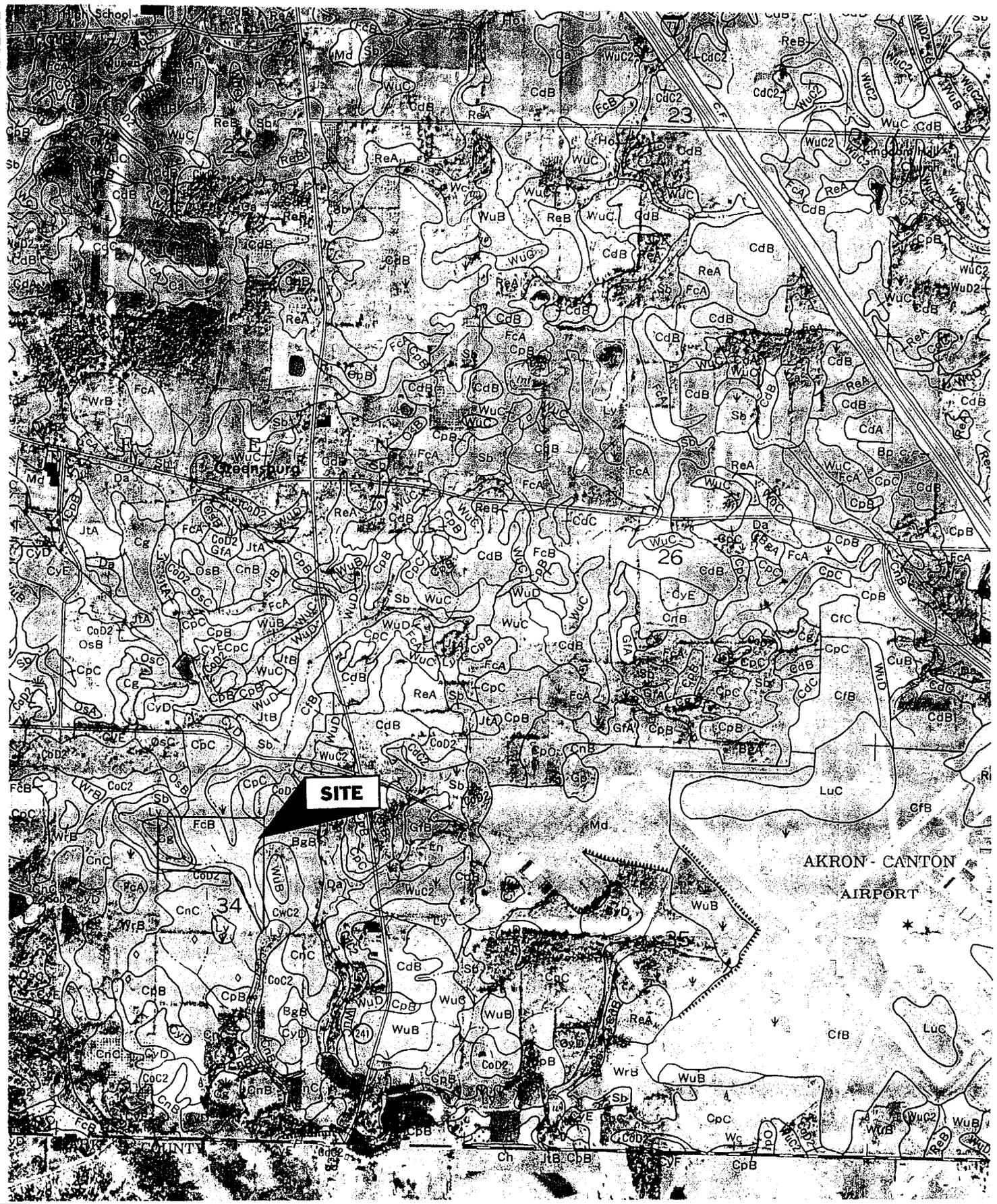

Ginger Mullins, Chief
Regulatory Branch

(O)

TABLE 1: WETLAND IMPACTS AND MITIGATION REQUIRED				
Wetland Type	Category	Wetland Impacts (ac.)	Mitigation Ratio (on-site/ 1-mile)	Mitigation Required (ac.)
Forested/shrub Low Gradient Riverine	3	4.218	2.5:1	10.545
Forested Depressional Isolated	2	0.346	2.0:1	0.692
Total		4.564		11.237

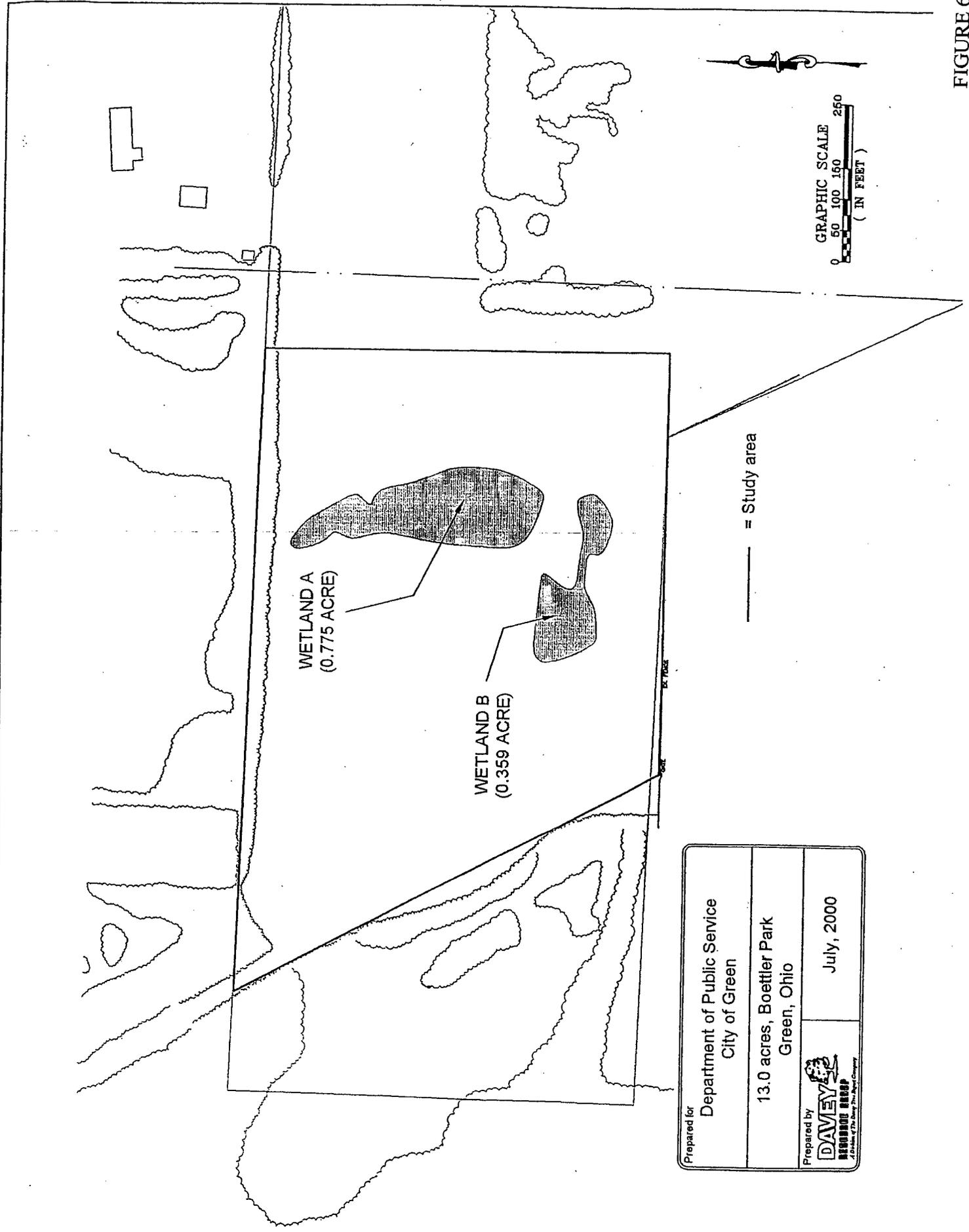


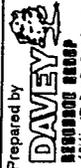


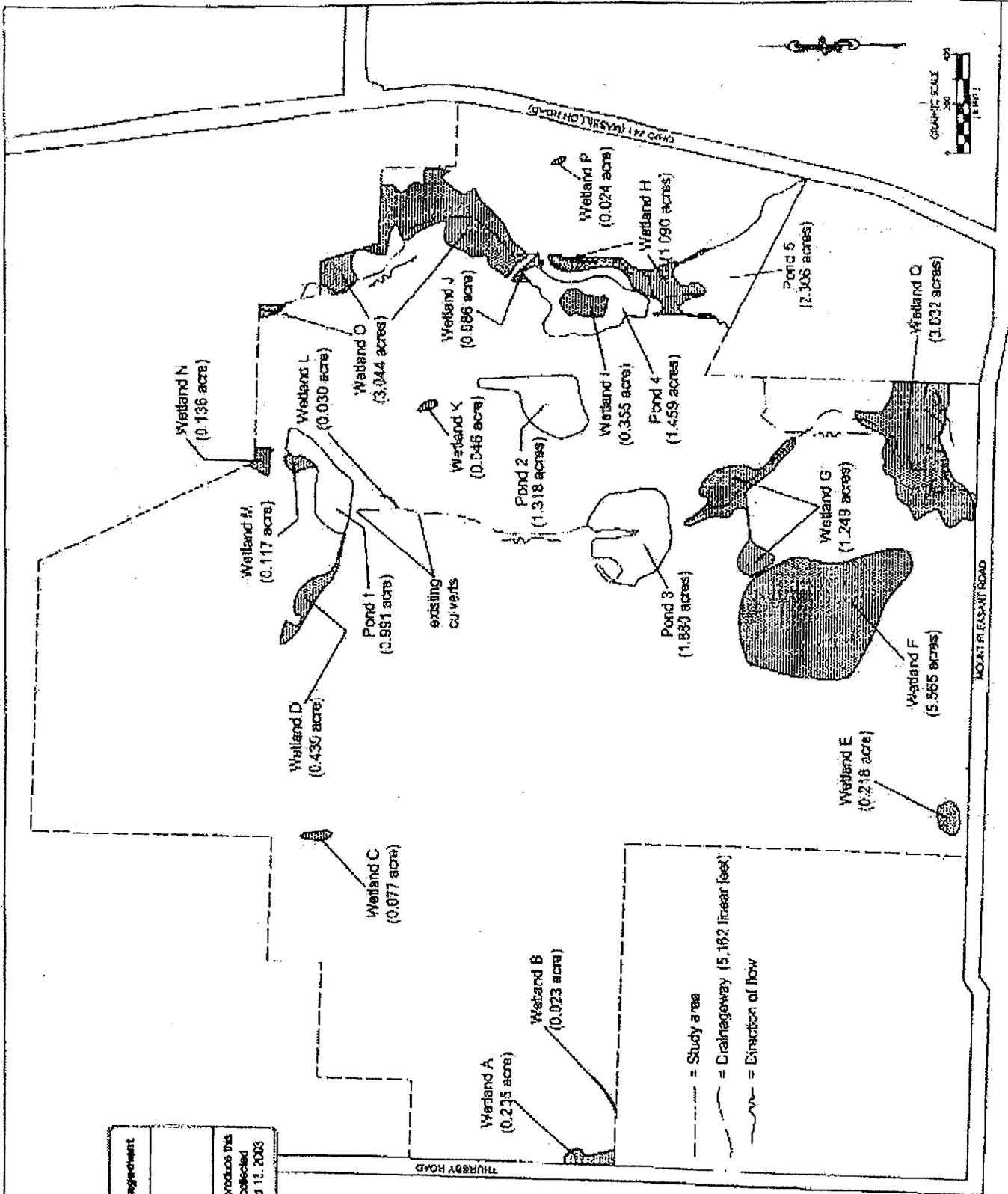


**AKRON CANTON AIRPORT HABITAT CLEARING
MITIGATION SITE
GREEN, OHIO**

**FIGURE 5 of 8
USDA SOIL MAP**



Prepared for	Department of Public Service City of Green	
	13.0 acres, Boettler Park Green, Ohio	
Prepared by	 DAVEY RESOURCE GROUP <small>A Division of The Davey Tree Expert Company</small>	July, 2000



Prepared for
Family Offices & Financial Management
 208 Acres Ohio 241
 and Mount Pleasant Road
 Great, Ohio

Prepared by
DAVEY
 Environmental Services
 a Division of The Davey Group, Inc.

Data used to produce this map was collected on May 8 and 13, 2008

FIGURE 7 of 8

Wetland Mitigation Area



INCHES
GRAPHIC SCALE
(IN FEET)

SITE DATA:

PARCEL SIZE 209.28 ACRES
 NUMBER OF 1/4 AC LOTS 19
 NUMBER OF 1/2 AC LOTS 44
 NUMBER OF LARGE LOTS 11
 LENGTH OF STREETS 7,749 L.F. (8.89 AC)
 OPEN SPACE 7314 AC
 OPEN SPACE % 34.9%
 DENSITY 0.35 UNITS/ACRE

LEGEND:

- EXISTING WETLAND
- EXISTING OPEN WATER
- PROPERTY BOUNDARY
- PROPOSED TRAIL
- EXISTING CORRIDOR

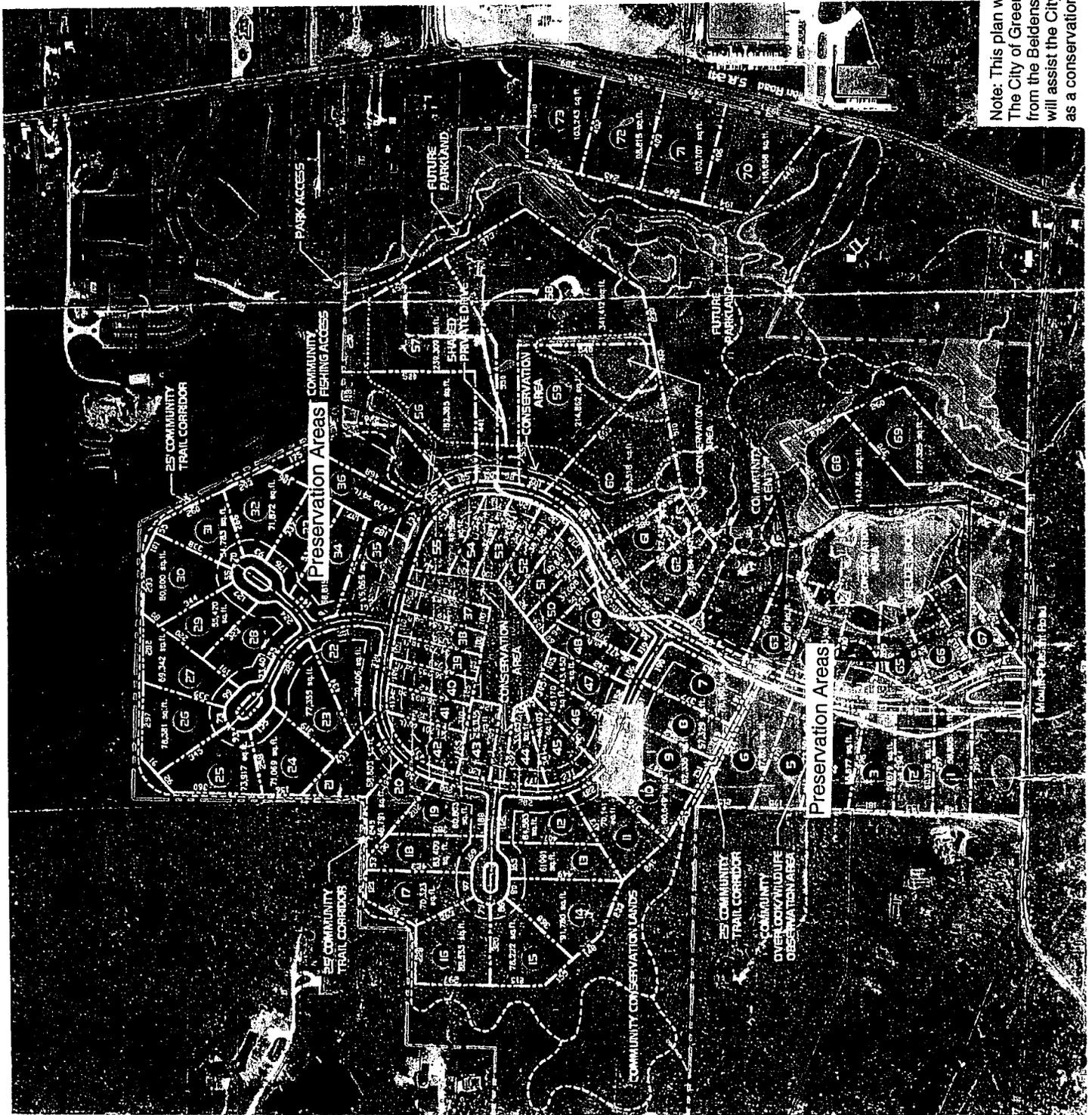


FIGURE 8 of 8

Note: This plan was done by EDG as a concept for potential buyers. The City of Green is in contract to purchase the entire site from the Beidens. The purchase of the conservation easements will assist the City of Green in purchasing the entire property as a conservation and passive recreation use park.