

# Public Notice

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

In reply refer to Public Notice No.

**200500183**

Issuance Date:

**January 4, 2005**

Stream:

**UNTriB Alum Creek Lake**

Closing Date:

**February 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.

**APPLICANT:** Village Communities  
Mr. Joe Thomas  
470 Olde Worthington Road, Suite 100  
Westerville, Ohio 43082

**LOCATION:** The project area is located in unnamed tributaries in the Alum Creek watershed and adjacent wetlands. The site is located east of Africa Road and south of State Route 36/37 in Berlin Township, Delaware County, Ohio.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to place fill material into waters of the United States in association with the construction of a residential development. According to the applicant, the purpose of the project is to construct a subdivision of multifamily structures. In addition, the construction of 'Wild Meadow Lane' would serve the purpose of providing a portion of a proposed collector road that would connect Africa Road and 3 B's and K Road in the future.

The proposal would include work in streams located in the Alum Creek watershed and one adjacent wetland. Jurisdictional waters of the United States on-site total 4,873 linear feet of stream and 0.259-acre of wetlands. The applicant proposes to place fill material into and permanently impact 1,285 linear feet of stream and 0.02 acre of wetland in association with the construction of road crossings and stormwater detention retention/basins. A total of 680 linear feet of stream would be secondarily and temporarily impacted by the detention of water for up to 72 hours following rain events. The applicant states this stream length would not be impacted by excavation in association with the construction of impoundments. An additional 80 linear feet of stream would be temporarily impacted in association with the construction of sanitary sewer line construction activities. Additional details concerning proposed impacts to waters of the United States are provided in Tables 1 and 2 (attached).

To compensate for proposed impacts to waters of the United States, the applicant proposes on-site preservation, on-site restoration and off-site preservation of waters. Each of these three components of the applicant's mitigation plan would include:

- Preservation of remaining waters of the United States on-site, including a total of 3,588 linear feet of stream, and protection of these waters with a minimum 25' wide buffer on each stream side. Of this total, 2,828 linear feet of stream would not be impacted either primarily or secondarily during proposed activities. The remaining 760 linear feet, while not impacted permanently by a placement of fill material, would be secondarily and/or temporarily impacted as described above in association with the detention of stormwater and sewer line construction activities. Perennial stream 4, totaling 883 linear feet, would be protected within a 2.87 acre wooded buffer. Intermittent stream 2, totaling 1,162 linear feet, and wetland 1, totaling 0.17-acre, would be protected within a 4.48 acre wooded buffer. Protection of waters and their upland buffers would occur through the use of a deed restriction.
- Restoration of approximately 200 linear feet of stream on-site. The applicant has provided information that an approximate 200' stream segment has been adversely impacted in association with previous sewer line construction activities (e.g. a road has been constructed, the stream has been cleared of vegetation). The applicant proposes to restore this stream segment by providing a 15-foot wide floodplain, stabilizing stream banks and re-establishing native vegetation; and

- Preservation of off-site stream length located east of Bale-Kenyon Road NE (State Route 37) and south of East Orange in Orange Township, Delaware County, Ohio. A total of 652.5 linear feet of the east bank and 1,209 linear feet of the west bank of Alum Creek would be preserved and protected in perpetuity by a 100' buffer on each stream side. An additional 150 linear feet of an unnamed tributary to Alum Creek would be protected with a 50' buffer on each stream side. The uplands adjacent to these streams are currently fallow agricultural fields. The applicant proposes to manage the buffer as a fallow field.

A total of 0.02 acre of jurisdictional wetlands would be filled 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 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. A preliminary alternative analysis has been submitted to this office for review.

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 that certification from the Ohio Environmental Protection Agency.

**HISTORIC & CULTURAL RESOURCES:** The applicant has conducted a Phase I Archaeological Survey within the boundaries of the approximate 56 acre site. The results of this survey have been reviewed by this office and coordinated with the Ohio Historic Preservation Office. Based on this review and information provided by the OHPO, it has been determined no historic properties would be affected by the proposal. A copy of this public notice will be sent to the Ohio Historic Preservation Office (OHPO) for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

**THREATENED & ENDANGERED SPECIES:** This project is located within the known or historic range of the Indiana bat (endangered); clubshell mussel (E); Bald eagle (threatened); and rayed bean mussel (currently under evaluation for Federal Candidate species).

The applicant has coordinated the proposed project with the United States Fish and Wildlife Service. Based on this coordination, it has been determined the proposal would have no affect on the clubshell mussel, the bald eagle or the rayed bean mussel.

Based on habitat availability and proposed impacts to forested areas on-site, it has been determined this proposal may adversely affect the Indiana bat. The USFWS has recommended surveys be conducted to detect the presence or probable absence of Indiana bats on-site or measures be taken to avoid adverse effects to this species. Based on these recommendations, the applicant has proposed to preserve high quality habitat on-site. In areas that cannot be practicable preserved, the applicant has proposed to clear suitable habitat trees before the designated summer roosting period of April 15<sup>th</sup> to September 15<sup>th</sup>. This office will coordinate

with the USFWS to determine if these proposed methods would ensure the proposal is not likely to adversely affect the Indiana bat. If proposed methods are determined to be insufficient, further coordination will take place to assess the potential effects of this proposal on the Indiana bat.

This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have whether any listed or proposed to be listed endangered or threatened species may be present in the area that 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.

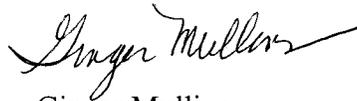
Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national 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.

**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. 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. 200401588  
502 8<sup>th</sup> Street  
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Desiree L. Hann of the North Regulatory Section at 304-399-5210.



Ginger Mullins  
Chief, Regulatory Branch

(O)

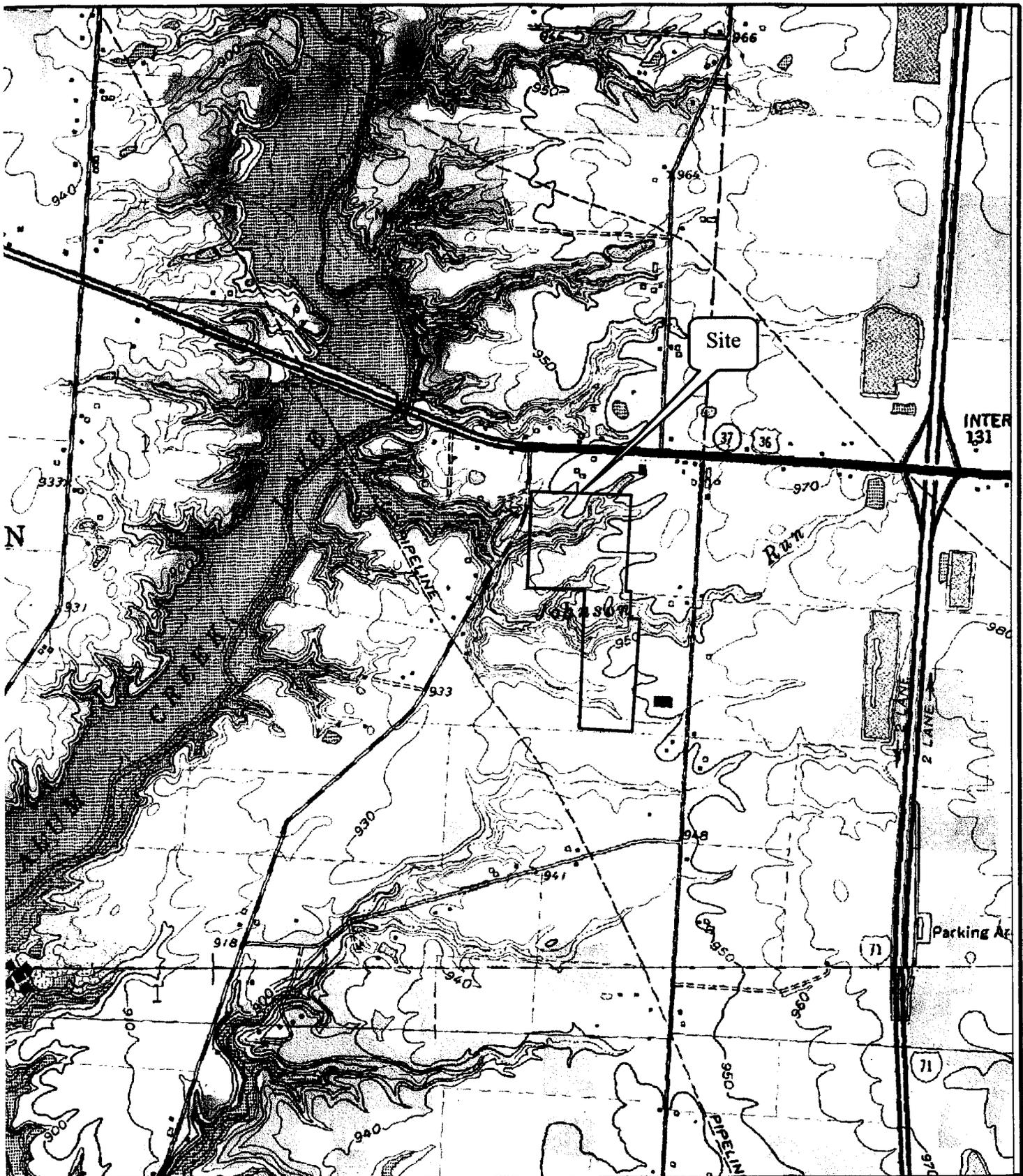
**Table 1.** Proposed impacts to waters of the United States at the Ravines at Meadow Ridge development located east of Africa Road and south of State Route 36/37 in Delaware County, Ohio.

<b>Impact Letter *</b>	<b>Type of impact</b>	<b>Purpose of impact</b>	<b>Impact <sup>†</sup></b>	<b>Impact <sup>‡</sup></b>
A (Area #1)	Retention/detention basin	Stormwater retention	420'	
B (Crossing #1)	Road crossing	Wild Meadow Lane construction	165'	
B1 (Detention #1)	Detention basin	Detain water for up to 72 hrs		475'
C (Crossing #2)	Road crossing	Twinflower Drive construction	165'	
C1 (Detention #2)	Detention basin	Detain water for up to 72 hrs		85'
D (Crossing #3)	Road crossing	Twinflower Drive construction	165'	
D1 (Detention #3)	Retention/detention basin	Stormwater retention	115'	
E (Crossing #4)	Road crossing	Twinflower Drive construction	100'	
F (Crossing #5)	Road crossing	Twinflower Drive construction	115'	
F1 (Detention #5)	Detention basin	Detain water for up to 72 hrs	40'	100'
F2 (Detention #5)	Detention basin	Detain water for up to 72 hrs		20'
F3 (Wetland impact)	Road crossing	Twinflower Drive construction	0.02-acre	
G (Utility)	Utility crossing	Sanitary sewer line construction		30'
H (Utility)	Utility crossing	Sanitary sewer line construction		20'
I (Utility)	Utility crossing	Sanitary sewer line construction		30'
<b>Total</b>			<b>1285'</b>	<b>760'</b>

\*, Location of proposed impact is identified by designated letter on Figure 2 of the Public Notice; <sup>†</sup> Proposed permanent impacts; <sup>‡</sup> Proposed temporary impacts

**Table 2.** Additional information concerning stream flow designations and impacts to streams, including temporary and permanent impacts.

<b>Stream identification</b>	<b>Stream Flow</b>	<b>Total Permanent</b>	<b>Total Temporary</b>
Stream 1	Ephemeral	420'	
Stream 2	Intermittent	165'	525'
Stream 2A	Ephemeral		
Stream 2B	Ephemeral		
Stream 3	Intermittent	165'	115'
Stream 3A	Ephemeral		
Stream 4	Perennial	280'	
Stream 5	Ephemeral	255'	120'



**Civil & Environmental Consultants, Inc.**

Columbus, OH 43240

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Cincinnati, OH Columbus, OH Indianapolis, IN Nashville, TN Chicago, IL St. Louis, MO

**USGS Topographic Map  
The Ravines at Meadow Ridge  
Delaware, Ohio**

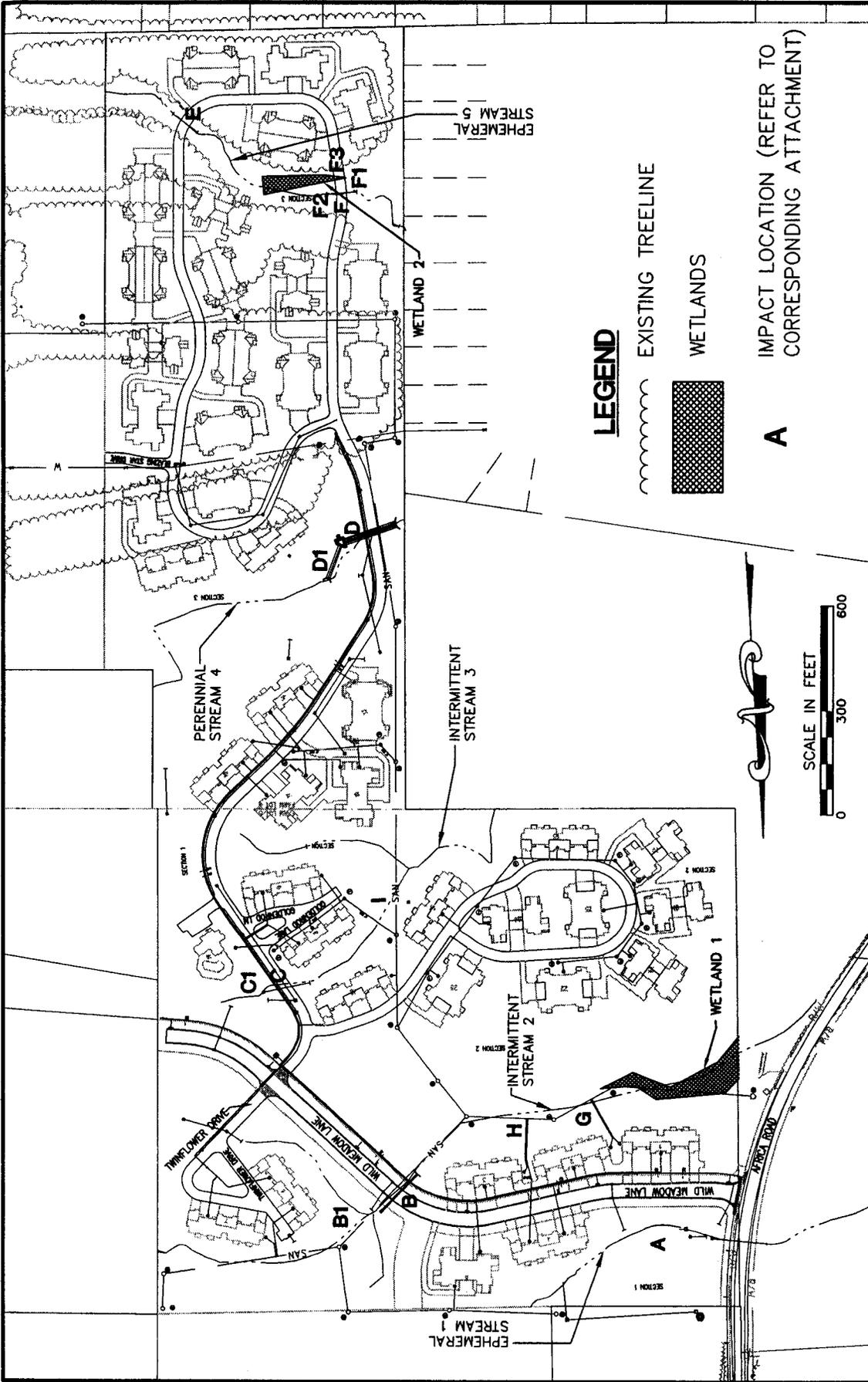
Village Communities  
200500183 – UNTribe Alum Creek Lake  
Delaware County, Ohio  
Location Map  
Sheet 1 of 14

**Drawn By: JLF**

**No Scale**

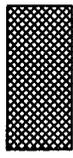
**Date: 6/8/05**

**Project**



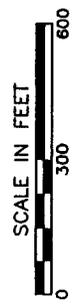
**LEGEND**

EXISTING TREELINE



WETLANDS

**A** IMPACT LOCATION (REFER TO CORRESPONDING ATTACHMENT)

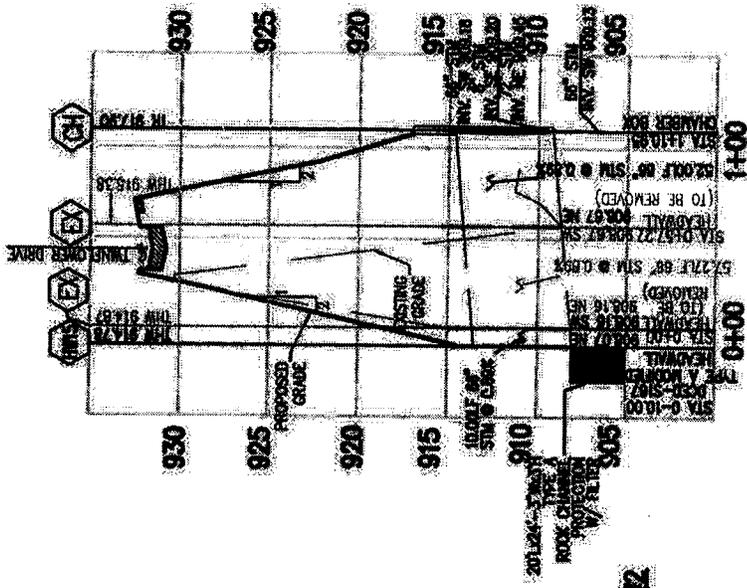


**THE RAVINES AT MEADOW RIDGE  
PREFERRED ALTERNATIVE  
IMPACT LOCATIONS**

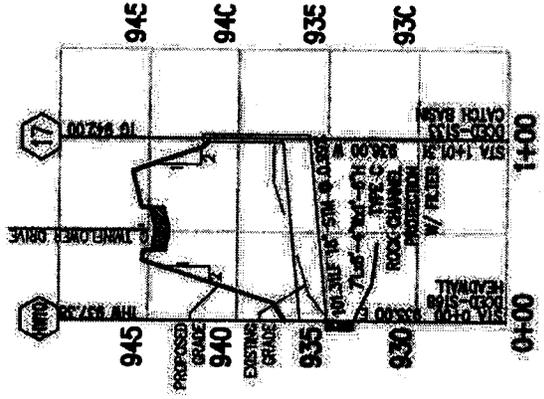
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Cincinnati, OH • Pittsburgh, PA • Indianapolis, IN • Nashville, TN

**DWN BY: BTW** **SCALE** AS NOTED  
**CHKD BY: JLF**

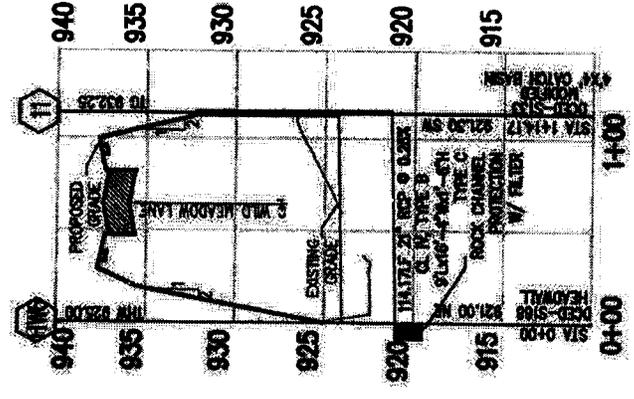
Village Communities  
200500183 – UNTriB Alum Creek Lake  
Delaware County, Ohio  
Plan View / Proposed impact locations  
Sheet 2 of 14



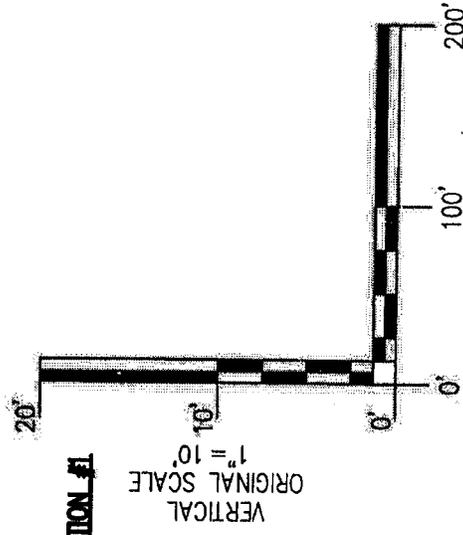
CROSS SECTION FOR CROSSING #3/RETENTION #3



CROSS SECTION FOR CROSSING #2/RETENTION #2



CROSS SECTION FOR CROSSING #1/RETENTION #1

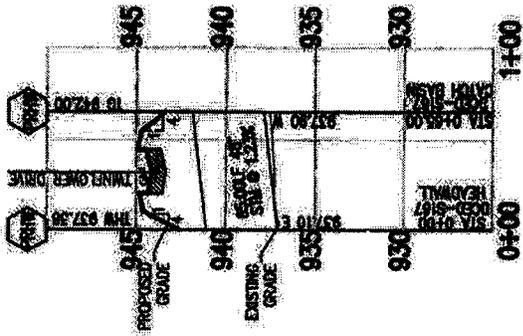


**TRIANGLE  
THE  
DISTURBANCE**

**Floyd  
Browne  
Group**  
Offices Throughout Ohio & West Virginia

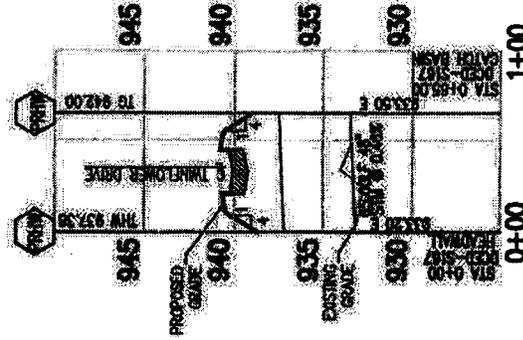
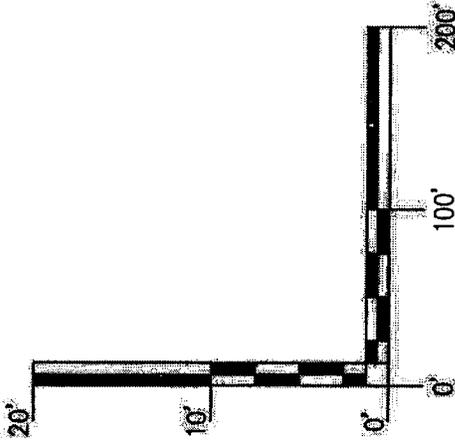
3769 Columbus Pike  
Delaware, Ohio 43015  
(800) 325-7647  
(740) 363-6792  
fax (740) 363-6536  
www.floydbrowne.com

Village Communities  
200500183 - UN Trib Alum Creek Lake  
Delaware County, Ohio  
Cross-sections of proposed work  
Sheet 3 of 14

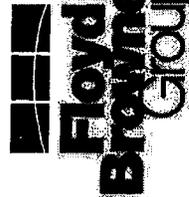


**CROSS SECTION FOR CROSSING #5/DEFINITION #5**

VERTICAL  
ORIGINAL SCALE  
1" = 10'



**CROSS SECTION FOR CROSSING #4**

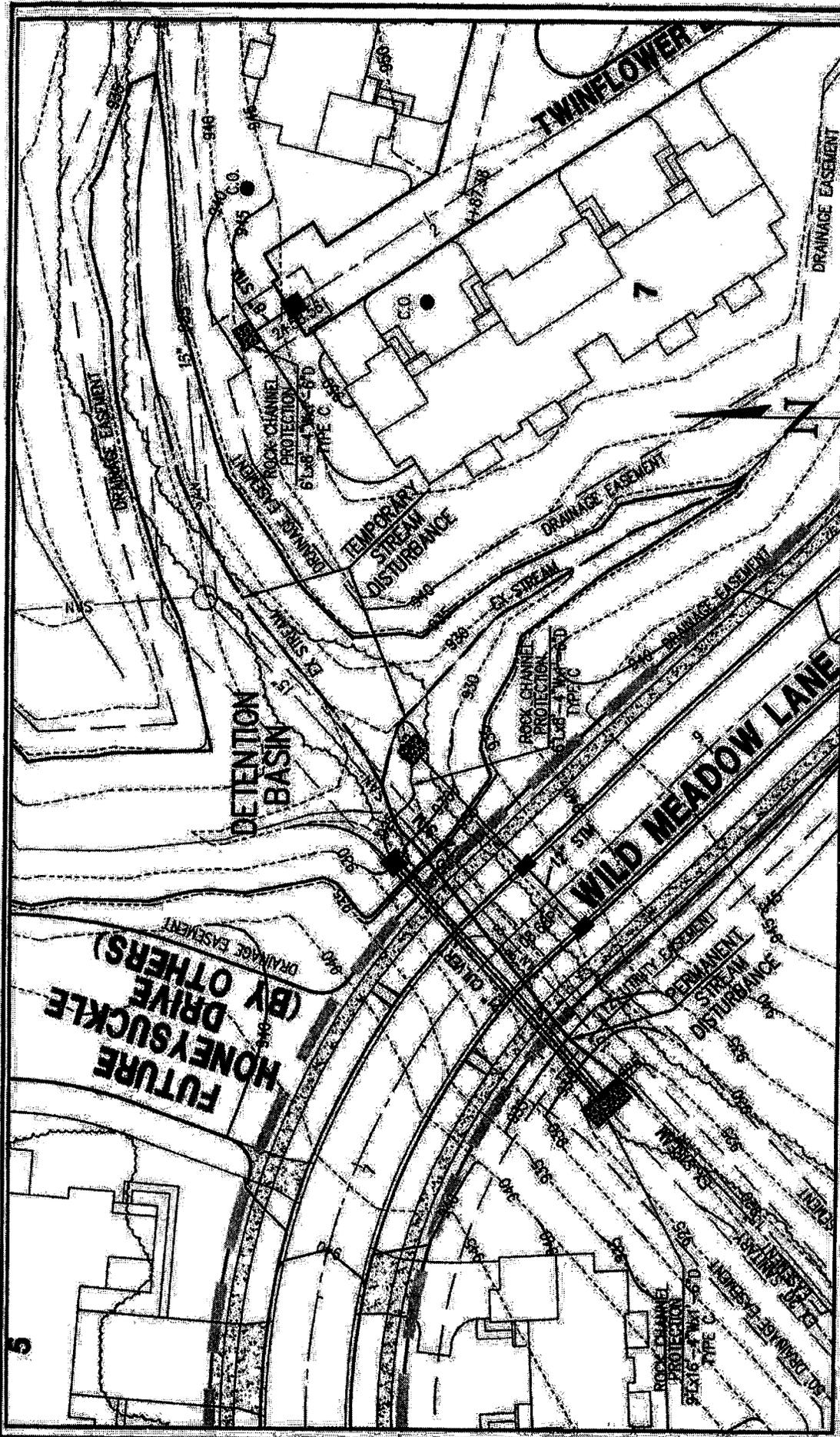


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**TRIANGLE  
THE  
DISTURANCE**

Village Communities  
200500183 - UNTrib Alum Creek Lake  
Delaware County, Ohio  
Cross-sections of proposed work  
Sheet 4 of 14



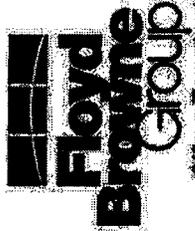
**CROSSING #1 & DETENTION #1**

SCALE: 1"=50'

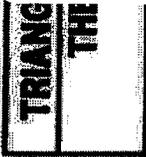
LENGTH OF PERMANENT STREAM DISTURBANCE = 165 LF

LENGTH OF TEMPORARY STREAM DISTURBANCE = 475 LF

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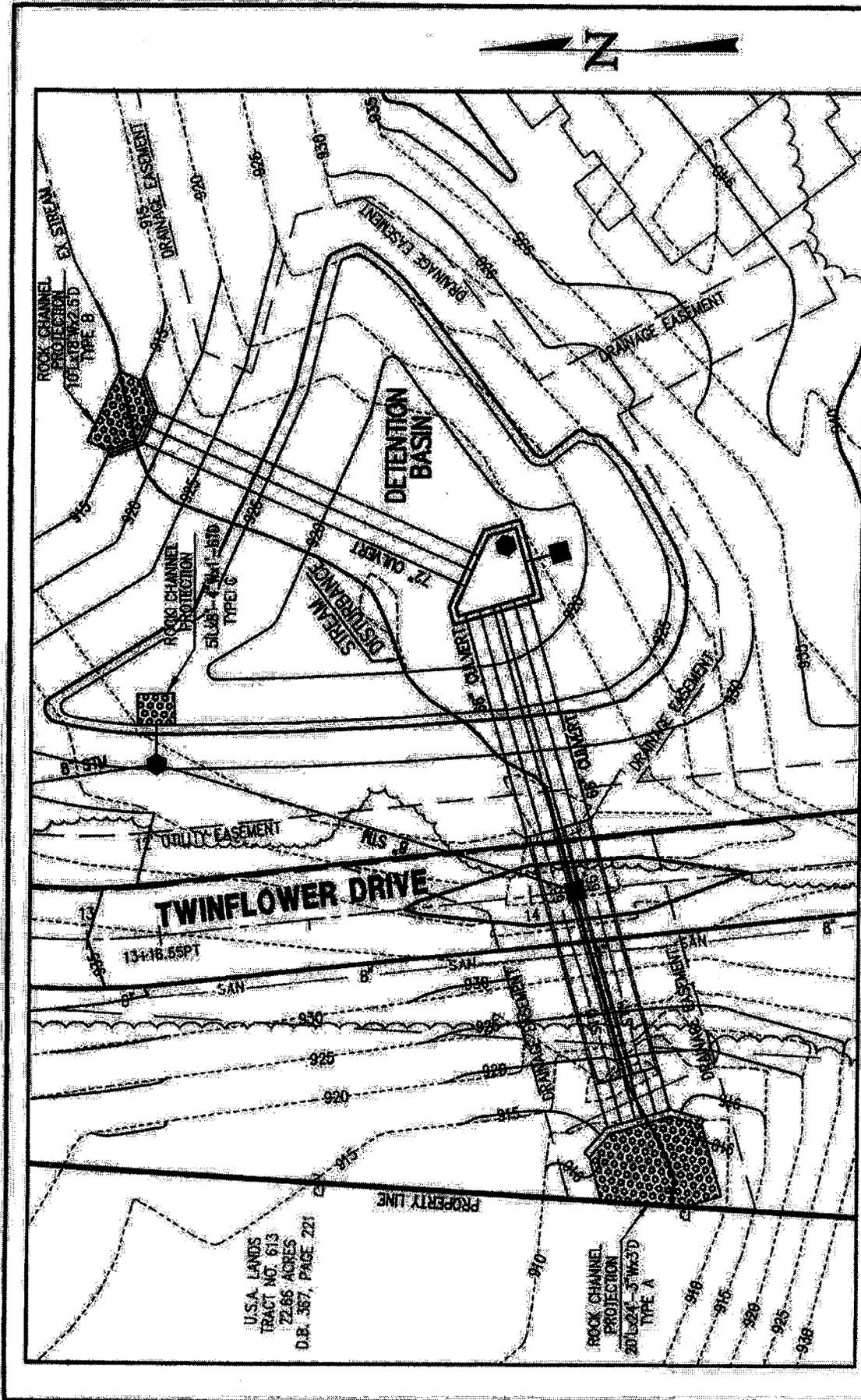


Offices Throughout Ohio & West Virginia



Village Communities  
 200500183 - UNTri Alum Creek Lake  
 Delaware County, Ohio  
 Plan view of Crossing 1/ Detention 1  
 Sheet 5 of 14





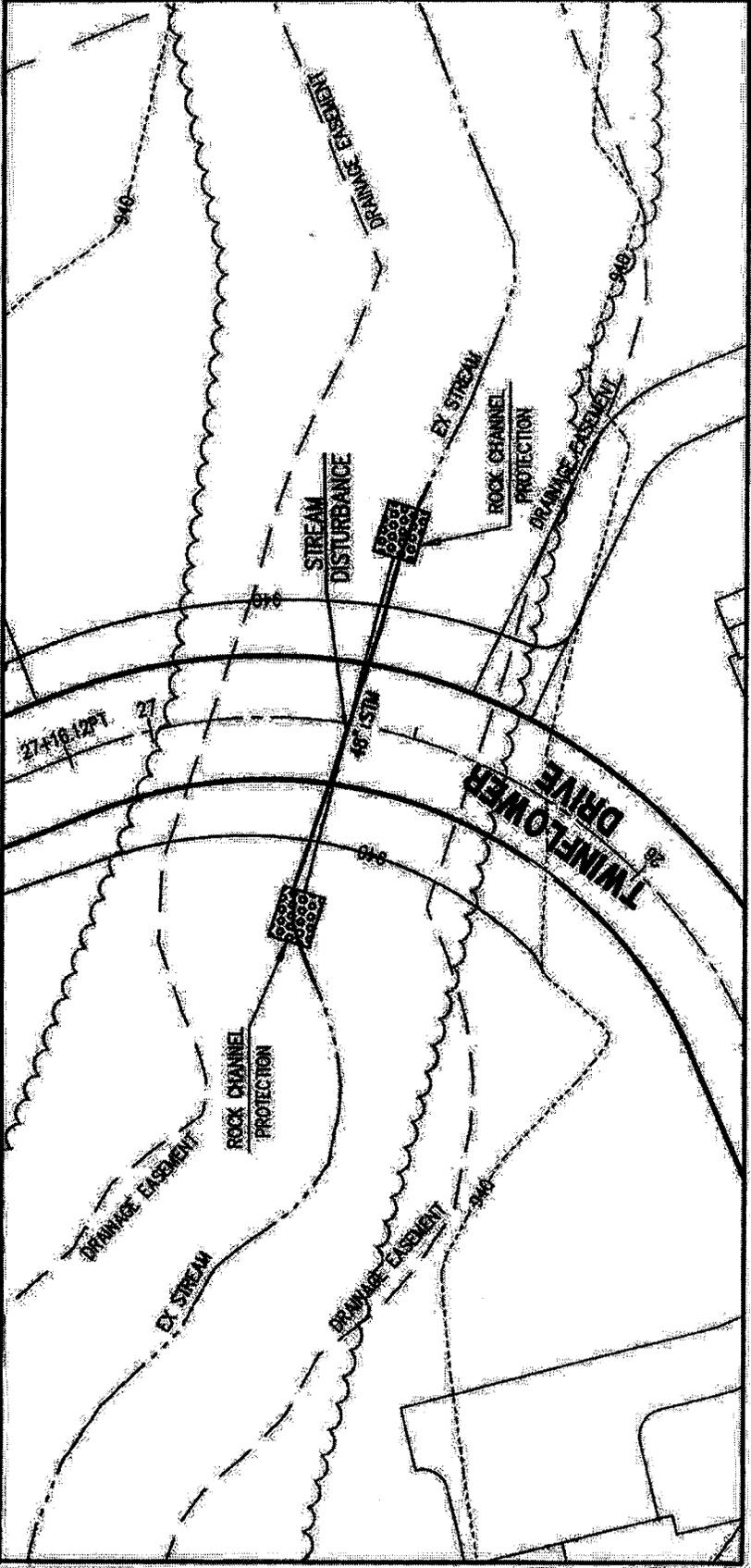
**CROSSING #3 & DETENTION #3**  
 SCALE: 1"=30'  
 LENGTH OF STREAM DISTURBANCE = 280 LF

Village Communities  
 200500183 - UNTribe Alum Creek Lake  
 Delaware County, Ohio  
 Plan view of Crossing 3/ Detention 3  
 Sheet 7 of 14

**TRIANG  
 THE**

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 Offices: Throughout Ohio & West Virginia



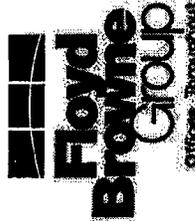
**CROSSING #4**  
SCALE 1"=30'

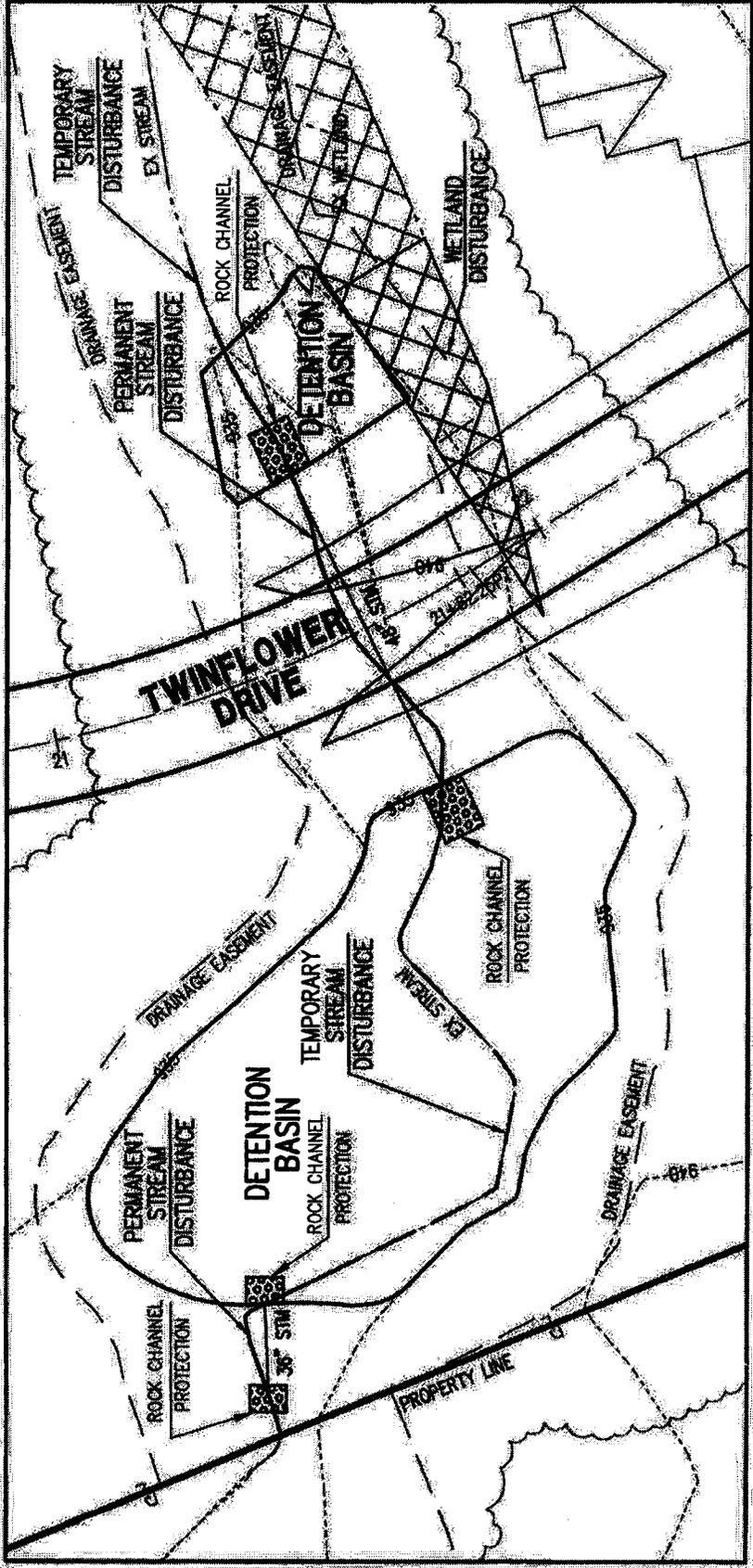
LENGTH OF STREAM DISTURBANCE = 100LF

<b>TRIANGLE</b>
<b>TI</b>

Village Communities  
200500183 - UNtrib Alum Creek Lake  
Delaware County, Ohio  
Plan view of Crossing 4  
Sheet 8 of 14

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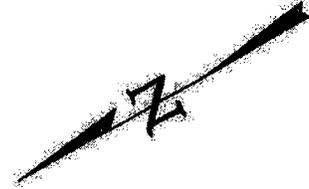
SCALE: 1"=30'

**DETECTION #5**

LENGTH OF PERMANENT STREAM DISTURBANCE = 40LF  
 LENGTH OF TEMPORARY STREAM DISTURBANCE = 100LF

**CROSSING #5**

LENGTH OF PERMANENT STREAM DISTURBANCE = 115LF  
 LENGTH OF TEMPORARY STREAM DISTURBANCE = 20LF  
 WETLAND DISTURBANCE = 0.02 AC.

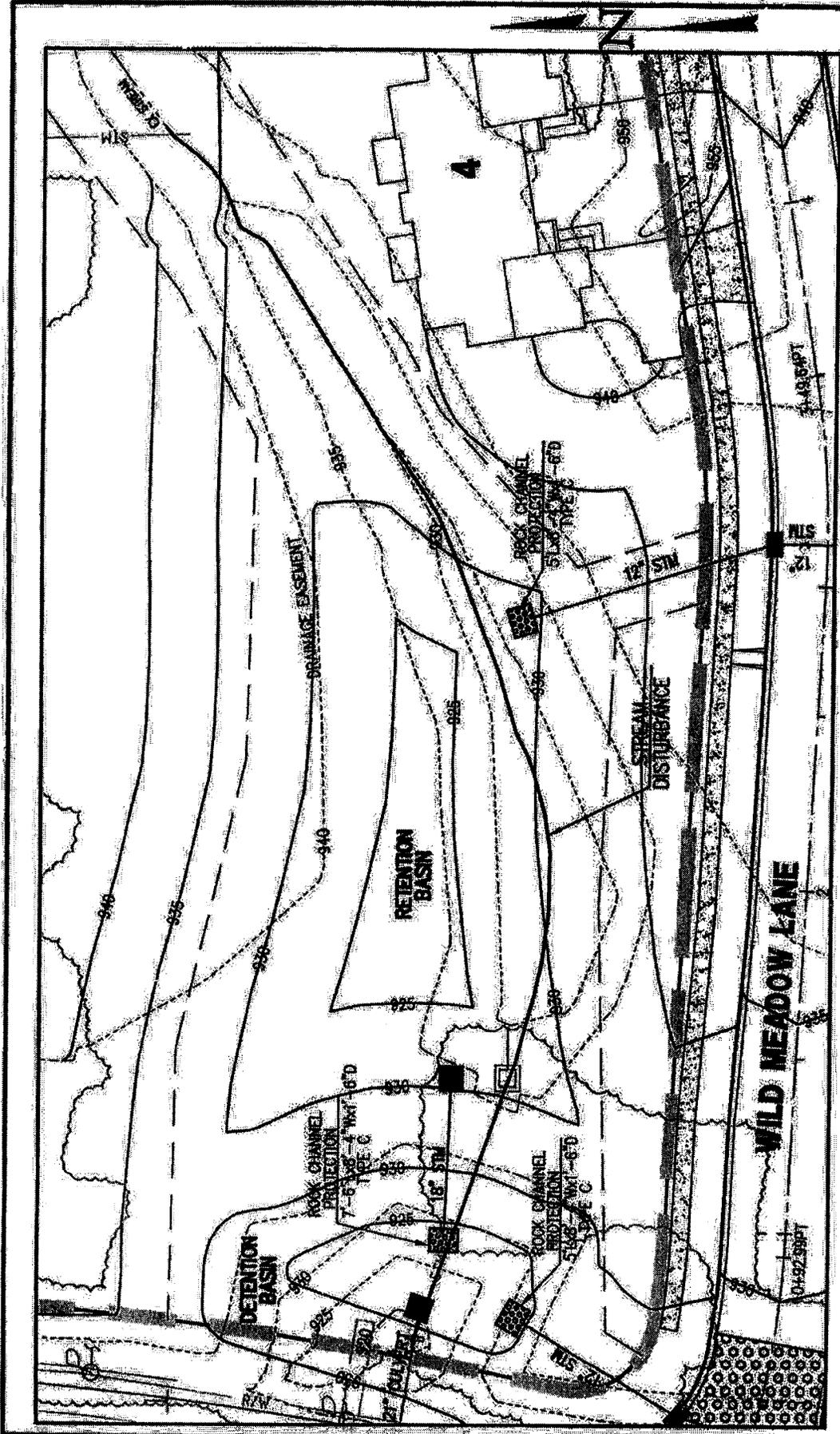


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Village Communities  
 200500183 - UN Trib Alum Creek Lake  
 Delaware County, Ohio  
 Plan view of Crossing 5/ Detention 5  
 Sheet 9 of 14



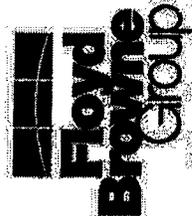
**DETENTION/RETENTION AREA #1**

SCALE: 1"=40'

LENGTH OF STREAM DISTURBANCE = 420 LF

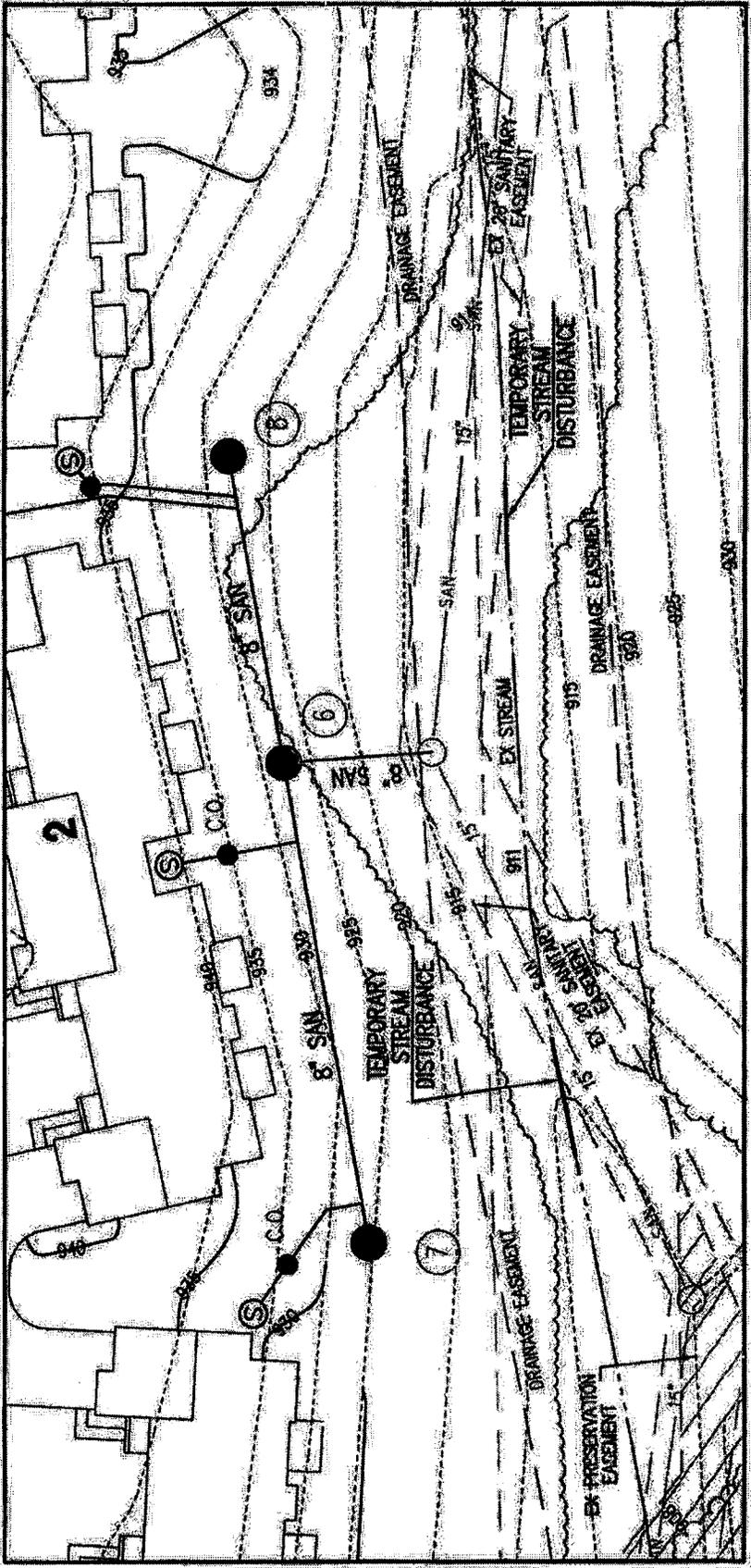


Village Communities  
 200500183 - UNTri Alum Creek Lake  
 Delaware County, Ohio  
 Plan view of Retention/Detention area 1  
 Sheet 10 of 14



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Offices Throughout Ohio & West Virginia



**CROSSING #8**  
 LENGTH OF TEMPORARY STREAM DISTURBANCE = 20LF

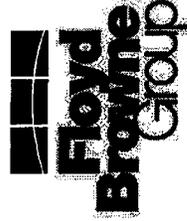
SCALE: 1"=40'



**CROSSING #7**  
 LENGTH OF TEMPORARY STREAM DISTURBANCE = 30LF

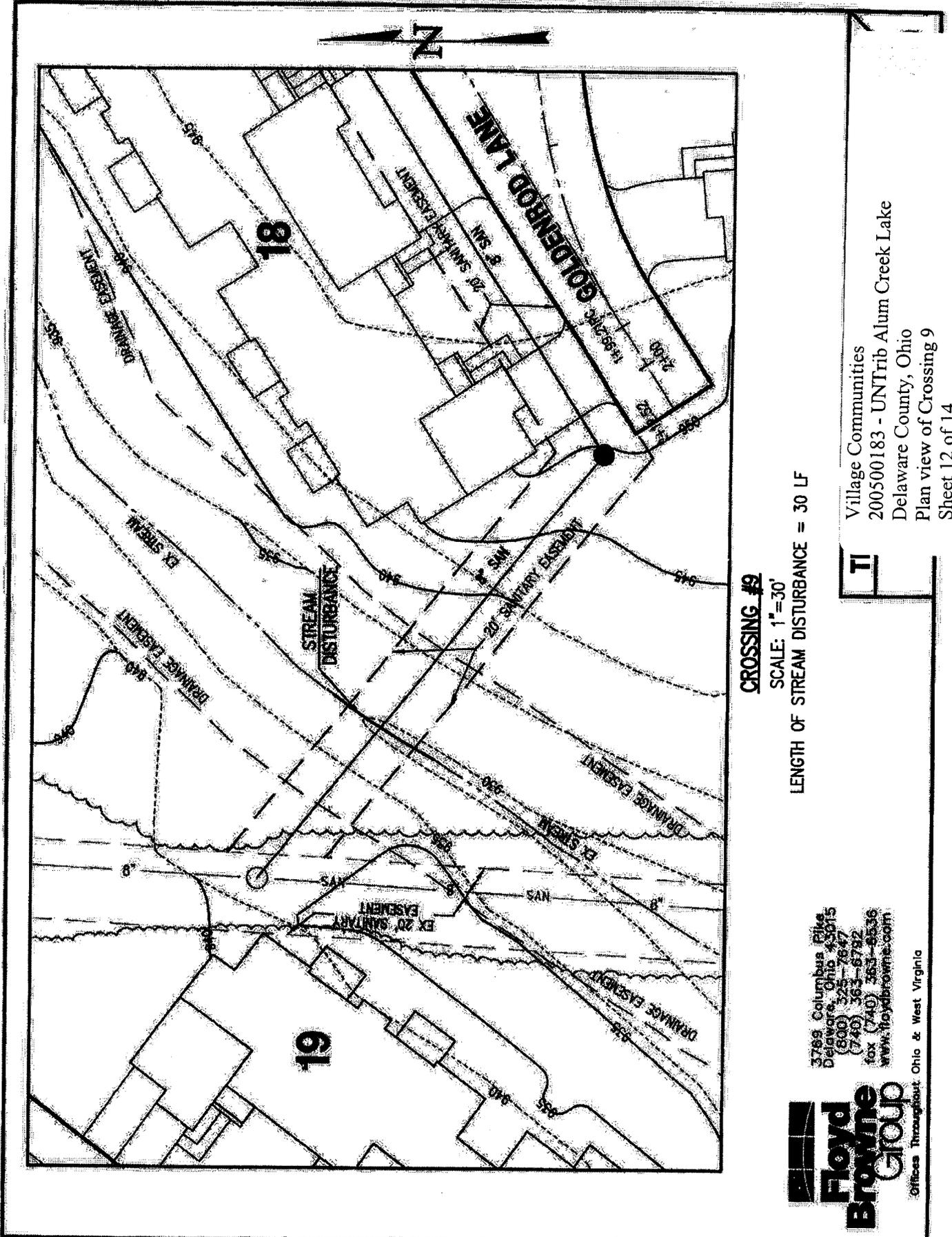


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Offices Throughout Ohio & West Virginia

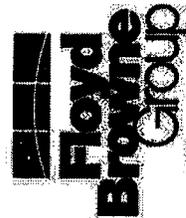
Village Communities  
 200500183 - UNtrib Alum Creek Lake  
 Delaware County, Ohio  
 Plan view of Crossing 7/Crossing 8  
 Sheet 11 of 14



**CROSSING #9**

SCALE: 1"=30'

LENGTH OF STREAM DISTURBANCE = 30 LF

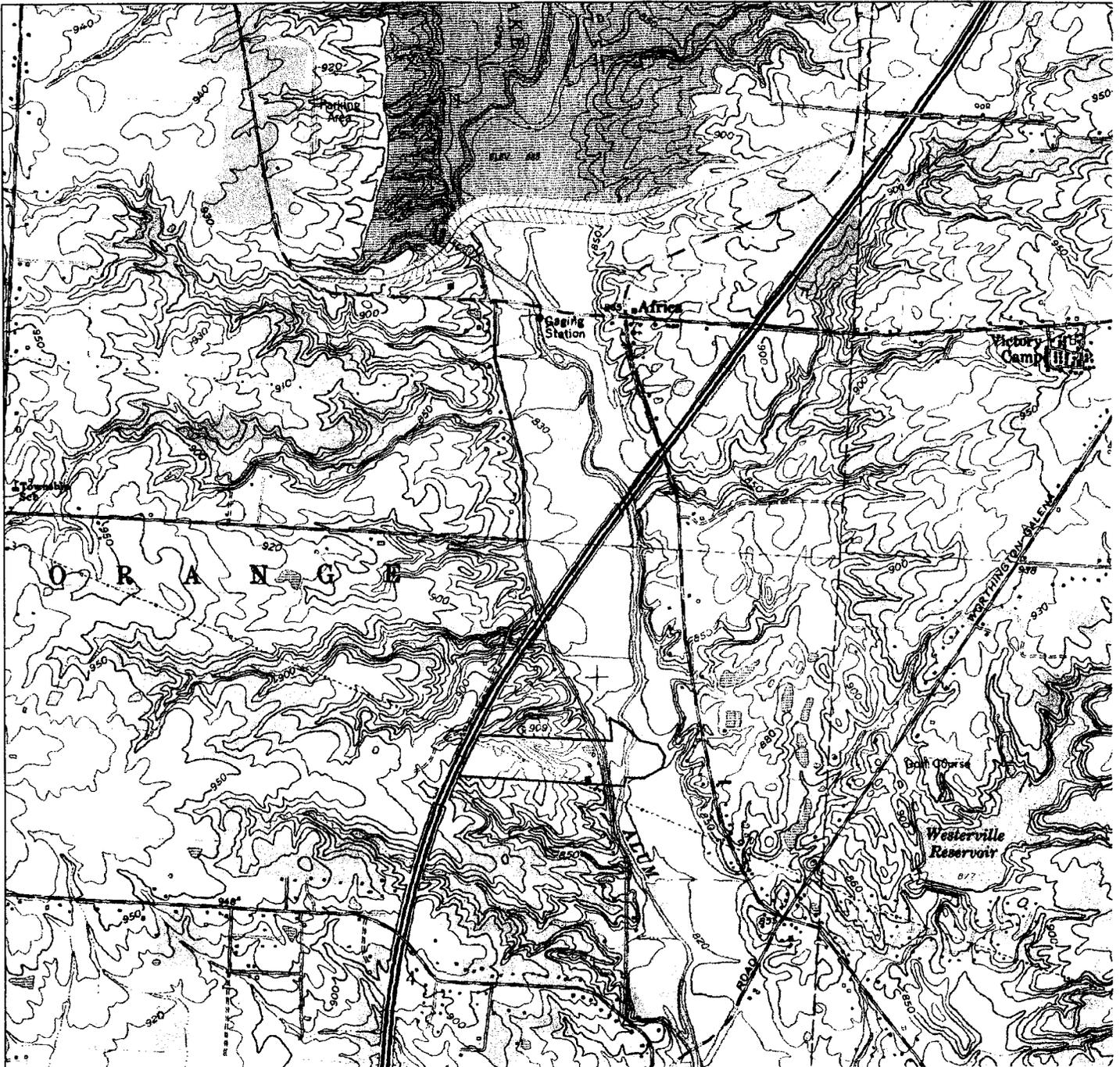


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Offices Throughout Ohio & West Virginia

Village Communities  
 200500183 - UN Trib Alum Creek Lake  
 Delaware County, Ohio  
 Plan view of Crossing 9  
 Sheet 12 of 14





**Civil & Environmental Consultants, Inc.**

Columbus, OH 43240

(614) 540-6633 1-888 598-6808

Cincinnati, OH Columbus, OH Indianapolis, IN Nashville, TN Chicago, IL St. Louis, MO

**USGS Topographic Map  
53.52 Acre Bale Kenyon Road Site**

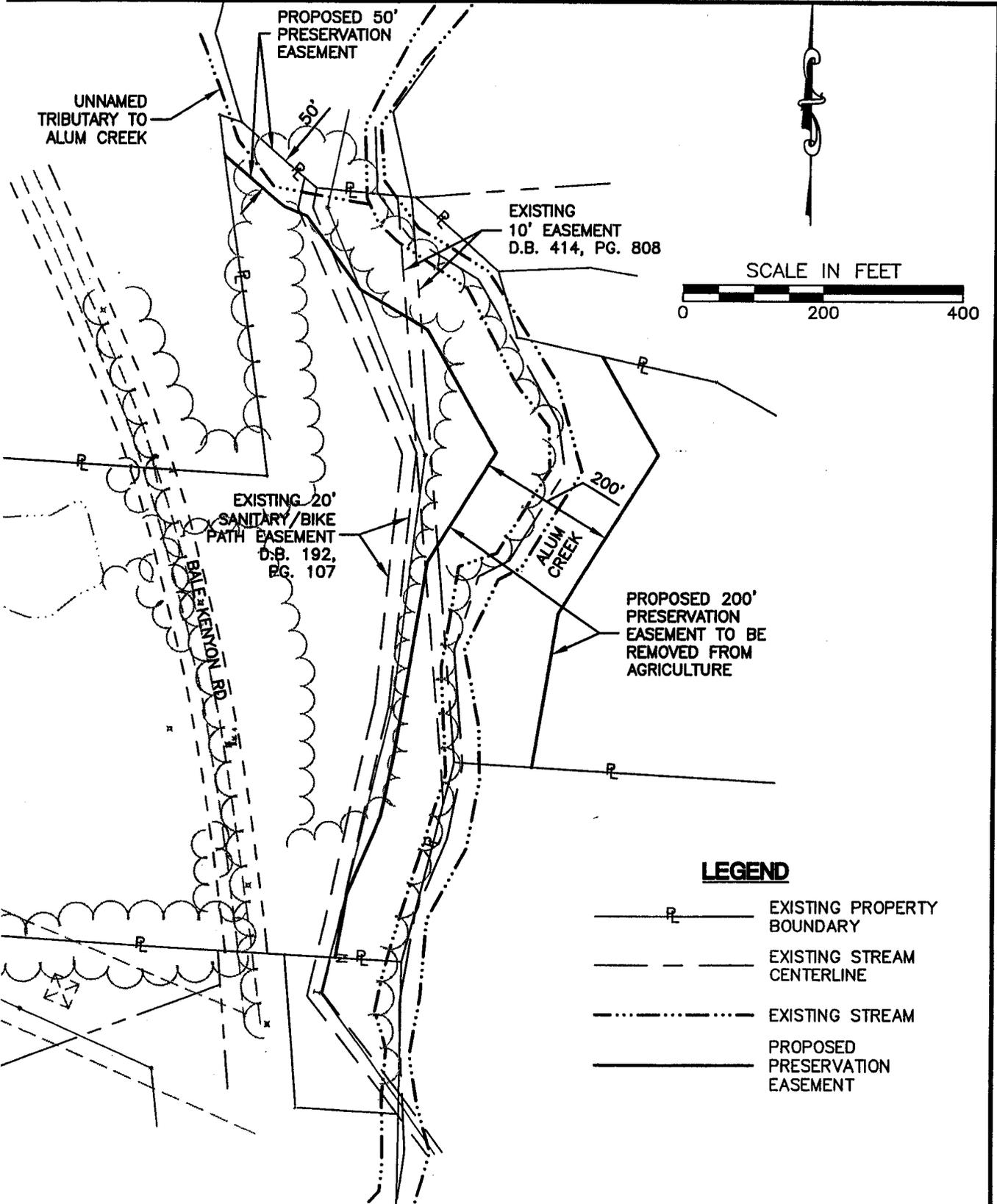
Village Communities  
200500183 - UNtrib Alum Creek Lake  
Delaware County, Ohio

Location Map – Proposed off-site mitigation  
Sheet 13 of 14

**Drawn By: BTA**

**No Scale**

**Date: 10/06/04**



**LEGEND**

- P — EXISTING PROPERTY BOUNDARY
- - - EXISTING STREAM CENTERLINE
- ..... EXISTING STREAM
- PROPOSED PRESERVATION EASEMENT

**Civil & Environmental Consultants, Inc.**  
 Columbus, OH  
 (614) 540-6633 • (888) 598-6808  
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<b>DESIGNED BY:</b> JRS	<b>SCALE:</b> AS NOTED	<b>DATE:</b> NOV 2005
<b>DRAWN BY:</b> KD		

**MITIGATION SITE PLAN  
 DELAWARE COUNTY, OHIO**

Village Communities  
 200500183 - UNtrib Alum Creek Lake  
 Delaware County, Ohio  
 Plan view of proposed off-site mitigation  
 Sheet 14 of 14