



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

Public Notice

In reply refer to Public Notice No.

200501228

Issuance Date:

March 30, 2006

Stream:

UNTriB Scioto Big Run

Closing Date:

April 30, 2006

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: Mr. Val Boehm
2555 Onandanga Drive
Columbus, Ohio 43221

LOCATION: The project area is located in a jurisdictional water of the United States in the Scioto Big Run watershed. The site, which totals approximately 4.3 acres, is located at the southeast corner of the US Route 40 and Galloway Road intersection in Columbus, Franklin County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place approximately 770 cubic yards of fill material into 650 linear feet of an unnamed perennial tributary of Scioto Big Run. The applicant has provided information that the purpose of the project is to increase the marketability of the property.

MITIGATION: To compensate for proposed impacts to jurisdictional waters of the United States, the applicant proposes to construct an approximate 750' channel along the eastern edge of the property boundaries. The floodplain of this channel is proposed to be 40' wide. An upland buffer of approximately 25' in width on each stream side is proposed to be established with 600 native tree species. This channel has been constructed on-site already; however, hydrology from the existing stream on-site has not been directed to this channel. The applicant proposes to place the constructed stream and its upland buffer in a conservation easement to be protected in its natural state in perpetuity. The applicant proposes to monitor the constructed channel and to recognize success of the channel relocation if the Headwater Habitat Evaluation Index (HHEI) score (as determined by the Ohio Environmental Protection Agency's protocol) is 77. The baseline HHEI score of the existing stream on-site was documented as 44.

ALTERNATIVE ANALYSIS: A total of 650 linear feet of stream, which is characterized by riffle and pool complexes, would be filled as a result of the proposal. The project does not require access to or siting within special aquatic sites 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.

ATTACHMENTS: Plans of the proposed work are attached to this notice.

WATER QUALITY CERTIFICATION: 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 completed and submitted a Pre-Phase I Archaeological Literature Review. Based on information provided in this report, it has been determined one eligible historic property, FRA-1343-28, is located within the project limits. This property is a stone/concrete culvert constructed in association with the construction of State Route 40. Direct and indirect impacts to this site are expected to be avoided during the project and therefore it has been determined this proposal would have no effect on this property.

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); Scioto madtom (E), clubshell mussel (E), northern riffleshell mussel (E) and rayed bean mussel (candidate).

The applicant has provided information that approximately 2.5 acres of the site was characterized by shrub and young tree species, including red maple, box elder and cottonwood. This area was cleared prior to the applicant's submittal of an application to this office. Based on habitat availability and location, it has been determined the proposal would have no effect on the Indiana bat.

Based on project location, it has been determined this proposal would not affect the Scioto madtom or the northern riffleshell mussels. Based on project location, it has been determined the proposal is not likely to adversely affect the clubshell or the rayed bean mussels, provided best management construction practices are implemented before, during and after construction.

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. 200501228
502 8th Street
Huntington, West Virginia 25701-2070

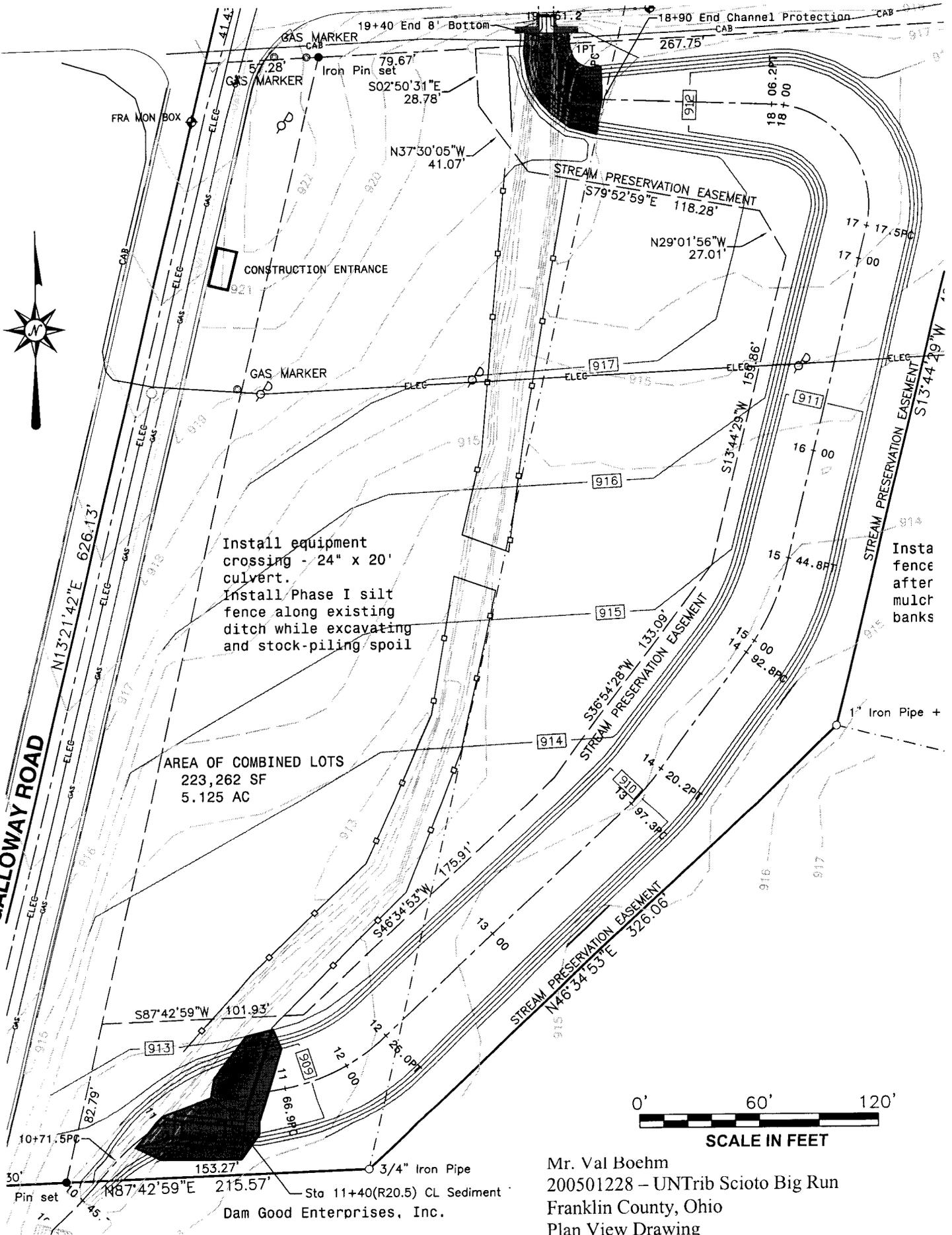
Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you 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

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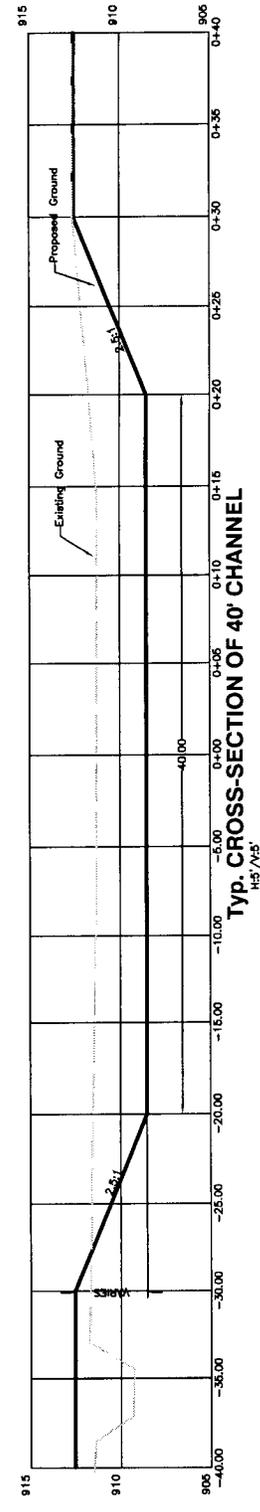
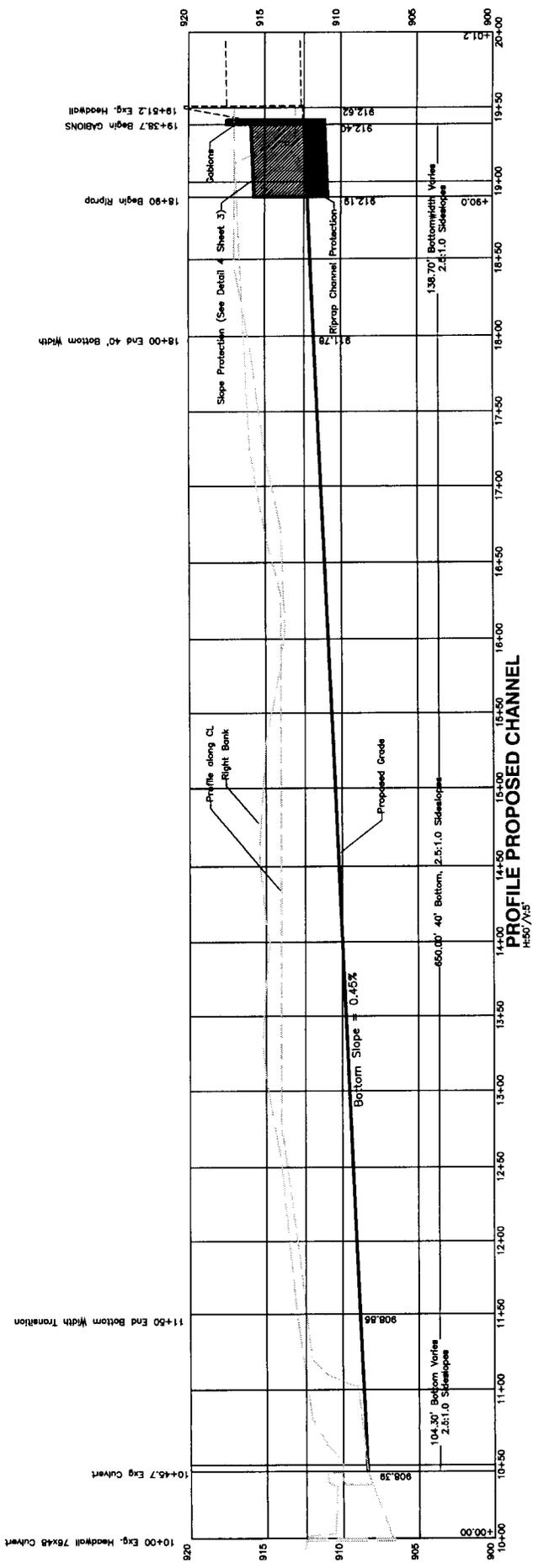
Mr. Val Boehm
 200501228 – UNtrib Scioto Big Run
 Franklin County, Ohio
 Location Map
 Figure 1 of 3



Install equipment crossing - 24" x 20' culvert.
 Install Phase I silt fence along existing ditch while excavating and stock-piling spoil

Insta fence after mulch banks

Mr. Val Boehm
 200501228 - UN Trib Scioto Big Run
 Franklin County, Ohio
 Plan View Drawing
 Figure 2 of 3



Mr. Val Boehm
 200501228 – UNTriScioto Big Run
 Franklin County, Ohio
 Cross-section Drawings
 Figure 3 of 3