



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

Public Notice

In reply refer to Public Notice No.
200500134

Issuance Date: May 1, 2006

Stream:
-UNTriB Standingstone Fork

Closing Date: May 31, 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: First Baptist Church
Mr. Fred Housley
518 North Street
Caldwell, Ohio 43747

LOCATION: The project area is located in jurisdictional waters of the United States in the West Fork Duck Creek watershed. The site is located along County Road 40 in Olive Township, Noble 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 pond. According to the applicant, the purpose of the project is to provide a recreational lake at an existing church.

The project area encompasses approximately 5 acres. Waters of the United States within the project area total 1,765 linear feet of intermittent stream and 0.15 acre of jurisdictional wetlands. On-site waters were determined to exhibit a hydrologic connection to an unnamed tributary of West Fork Duck Creek, which is a tributary in the Ohio River watershed.

The applicant proposes to place fill material into 65 linear feet of stream and 0.15 acre of jurisdictional wetlands in association with the construction of an impoundment structure. An additional 600 linear feet of stream would be lost upstream of this structure in association with impoundment to create an approximate 2.3 acre pond. Fill material would be placed into approximately 50 linear feet of channel downstream of the emergency spillway in association with bank stabilization.

MITIGATION: In order to compensate for proposed impacts to waters of the United States, the applicant proposes to enhance 1,100 linear feet of stream located upstream and downstream of the project area. Proposed enhancement would include the creation of a 20-25' wide floodplain along the stream banks and the establishment of native trees within the riparian zones. A 0.43 acre wetland is proposed to be established within the riparian zone of 750 linear feet of stream located downstream of the proposed pond. This wetland is proposed to be established through the use of hydric soil excavated from wetlands proposed to be filled in association with the construction of the impoundment structure.

ALTERNATIVE ANALYSIS: A total of 0.15 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.

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 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 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); and Bald eagle (threatened).

Based on a review of the project area, it has been determined no suitable habitat for the Indiana bat would be impacted in association with this project. Therefore, it has been determined this project would have no affect on the Indiana bat. Based on habitat availability and location, it has also been determined the proposal would have no affect on the bald eagle.

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.

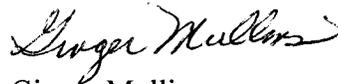
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of

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. 200500134
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.



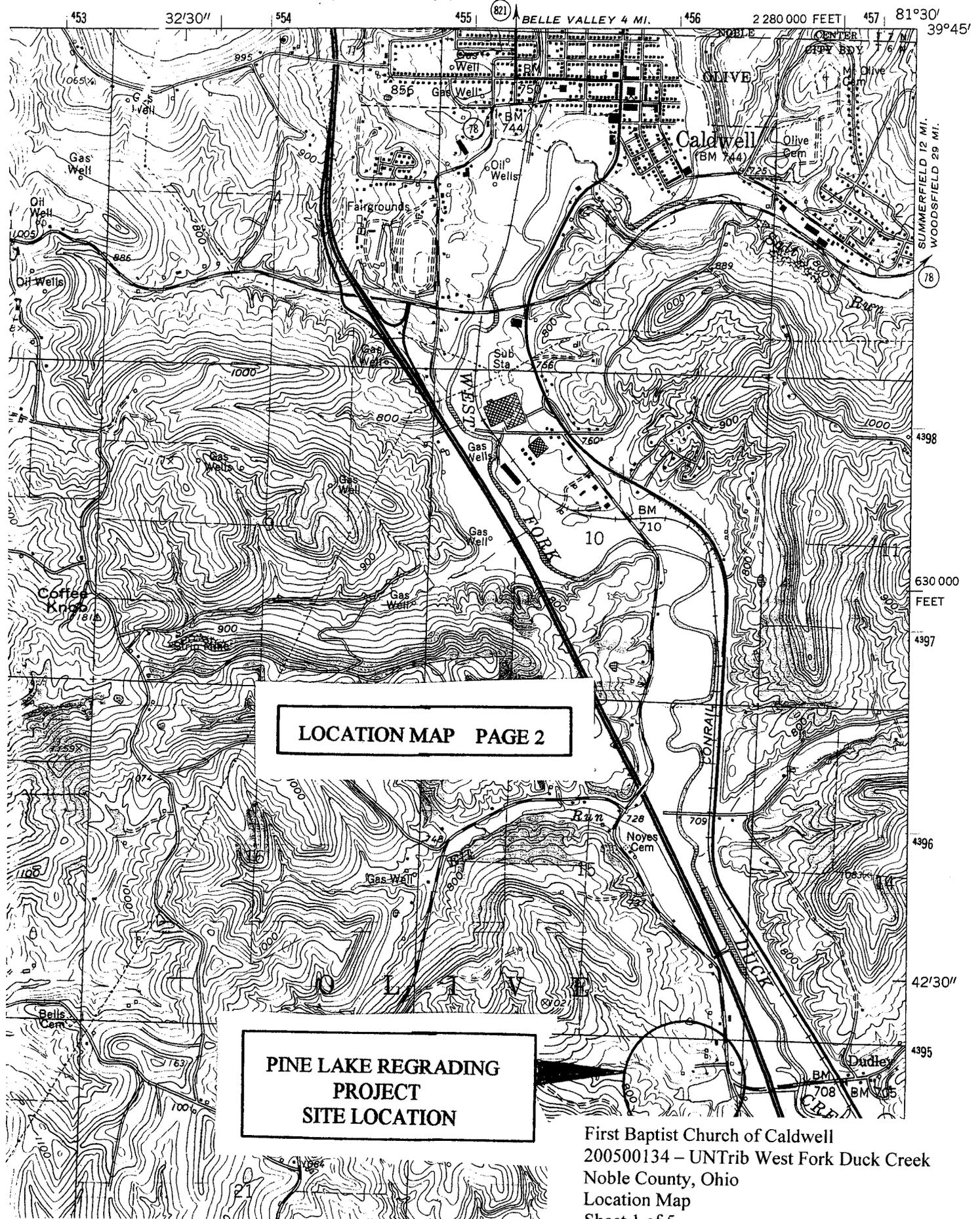
Ginger Mullins
Chief, Regulatory Branch

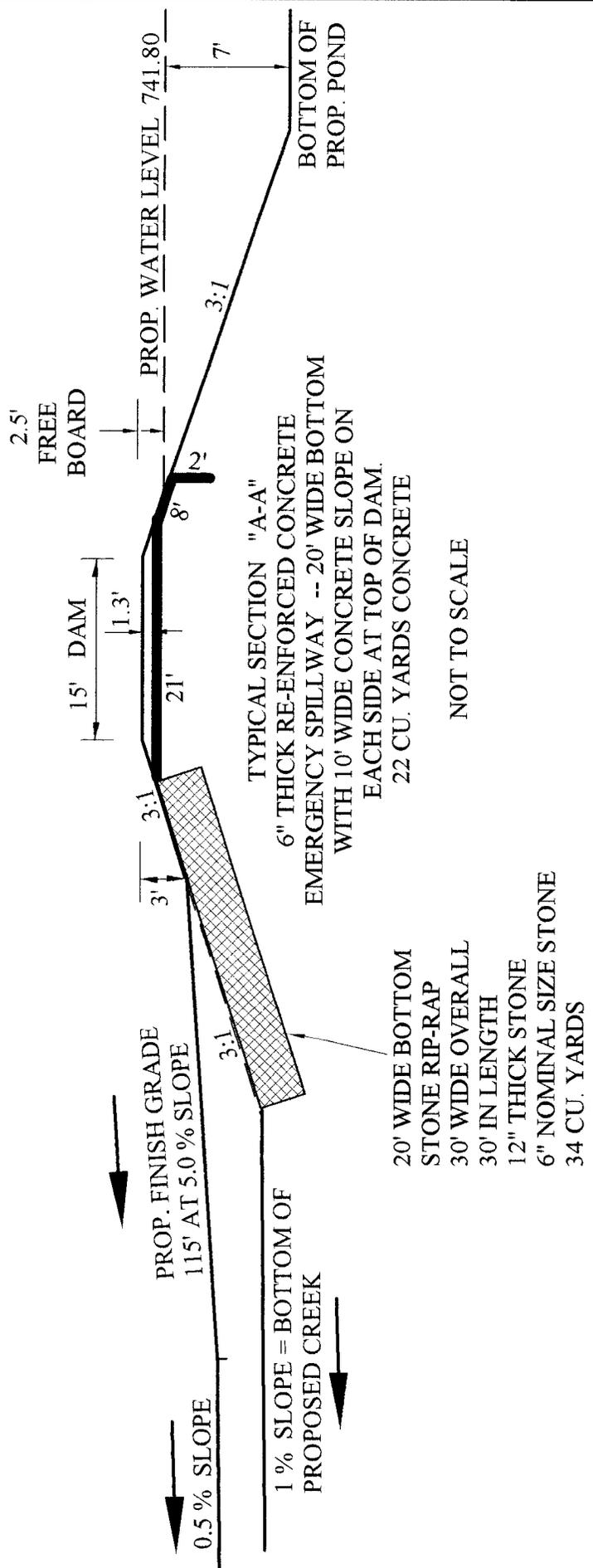
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CLAUS SURVEYING
ROGER W. CLAUS, P.S.
33310 TH 2065
Lewisville, Ohio 43754

CALDWELL SOUTH QUADRANGLE
OHIO
7.5 MINUTE SERIES (TOPOGRAPHIC)

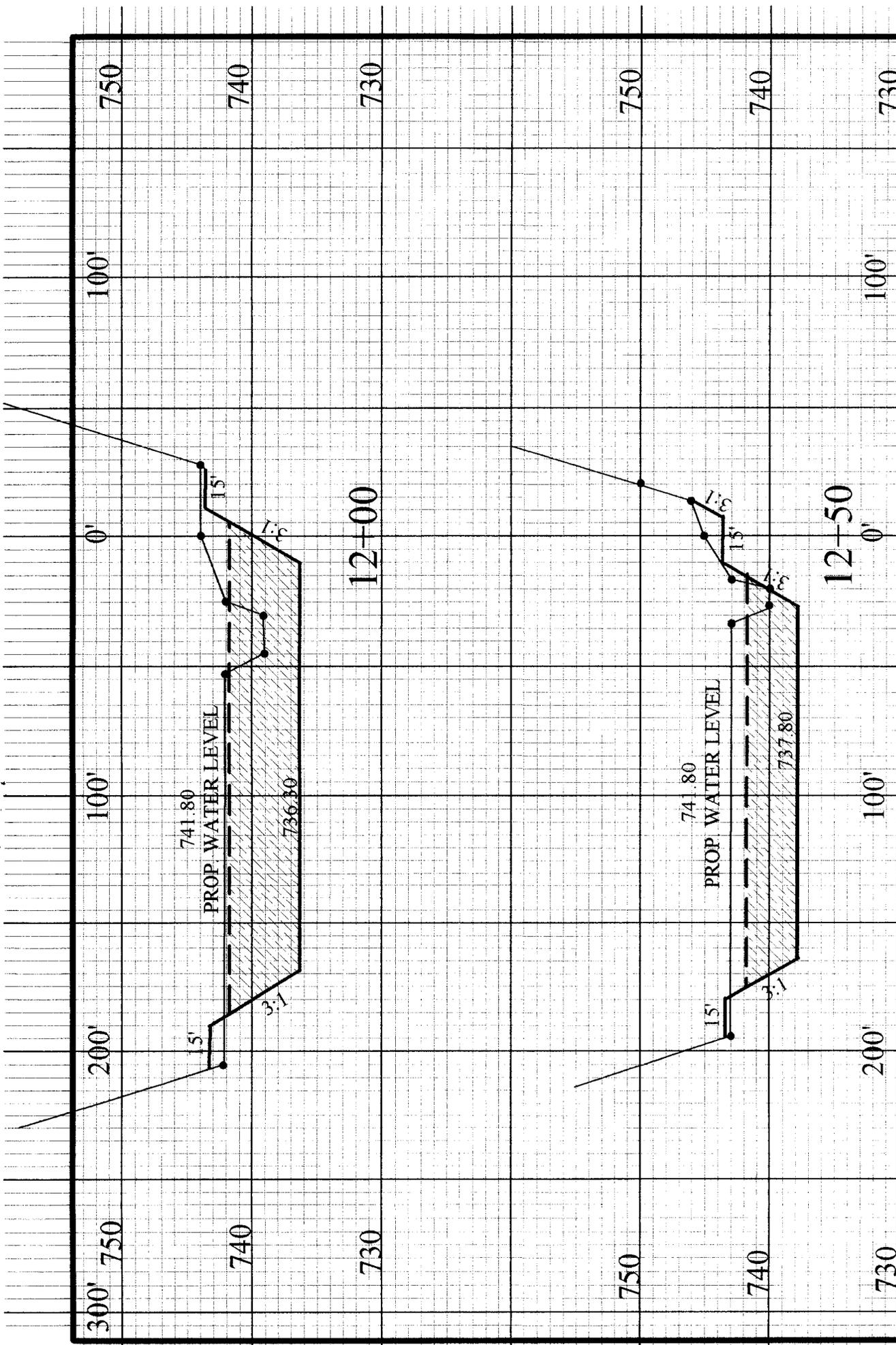
4763 IV SW
(SARASVILLE)





PREFERRED DESIGN AND MITIGATION TECHNIQUES FOR PINE LAKE REGRADING

First Baptist Church of Caldwell
 200500134 - UNTri West Fork Duck Creek
 Noble County, Ohio
 Cross-Section - Impoundment Structure
 Sheet 3 of 5

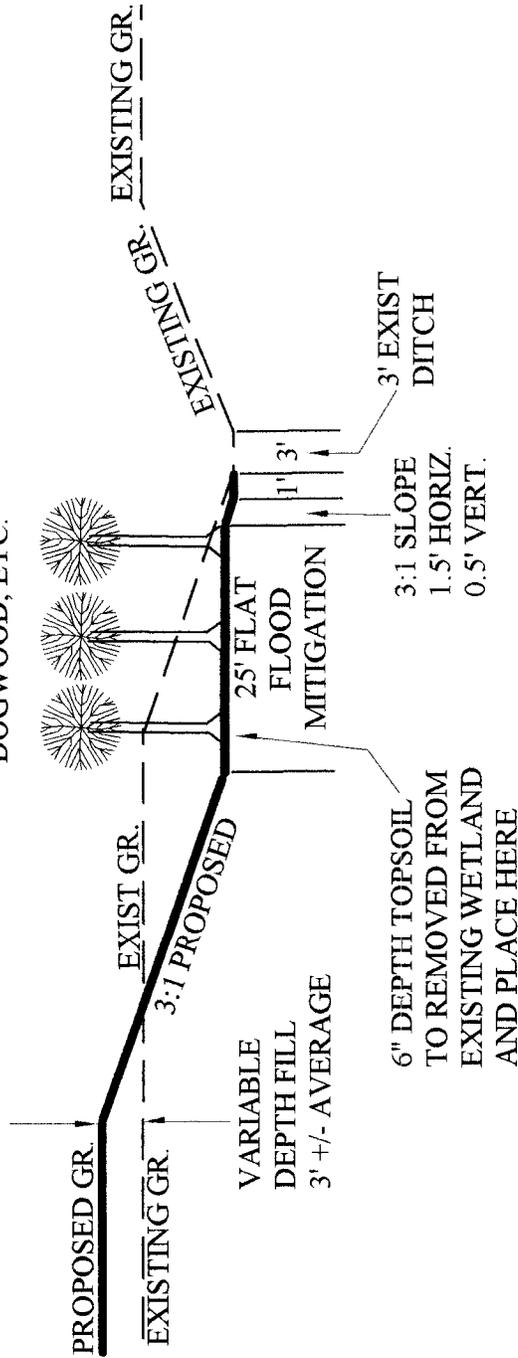


PREFERRED DESIGN AND MITIGATION TECHNIQUES FOR PINE LAKE REGRADING
 First Baptist Church of Caldwell
 200500134 – UN Trib West Fork Duck Creek
 Noble County, Ohio
 Selected Cross-Section – Impoundment
 Sheet 4 of 5

X-SEC 5

PROPOSED TREE PLANTING
 400 TREES PER ACRE
 1/2 ACRE TOTAL AREA
 ABOVE AND BELOW LAKE
 200 TREES REQUIRED
 4 MIXED VARIETY OF TREES
 EXAMPLE: ALDER, GREEN ASH,
 SYCAMORE, PIN OAK,
 DOGWOOD, ETC.

NOTE: TEMPORARY GRASS
 AND RYE SEEDING REQUIRED
 ON ALL MITIGATION AREAS,
 SLOPES, AND DITCHES



TYPICAL SECTION "B-B"
 PROPOSED MITIGATION DITCH
 AND

PROPOSED FLOOD MITIGATION AREA
 STATION 2+00 TO 9+50
 NOT TO SCALE

PREFERRED DESIGN AND MITIGATION TECHNIQUES FOR PINE LAKE REGRADING