



Public Notice

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

In reply refer to Public Notice No.

200600524

Issuance Date:

July 17, 2006

Stream:

Unnamed Tributary to Muddy Creek

Closing Date:

August 16, 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. 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: Glimcher Development Corporation
150 East Gay Street
Columbus, Ohio 43215

LOCATION: The proposed project is located on unnamed tributaries to Muddy Creek within a 90-acre site just north of Kings Mill Road/State Route 741 and south of Cox-Smith Road in Mason, Warren County, Ohio. Approximately 1.5 miles northeast of the site, Muddy Creek flows into the Little Miami River, a Section 10 navigable water of the U.S.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place fill material in waters of the United States to facilitate the construction of a commercial development consisting of a large department store, related retail establishments, and associated parking. To facilitate the construction of this development, the applicant proposes to impact 2,240 linear feet of unnamed intermittent tributaries to Muddy Creek. The existing stream channels would be filled with roughly 2,000 cubic yards of native soil fill material from onsite earthwork.

MITIGATION PLAN: To offset intermittent stream impacts associated with the project, the applicant proposes onsite mitigation. Approximately 2,350 linear feet of new stream channel would be constructed onsite incorporating a naturalized stream channel design with floodways, meanders, and riffles and pools. A portion of the material used to create the new channel would be substrate excavated from the unnamed tributary to Muddy Creek. The applicant proposes to create approximately 1 acre of palustrine emergent wetlands and a 1-acre riparian buffer along the new stream channel. The stream, wetlands, and riparian buffer would be protected in perpetuity through a Conservation Easement. It is noted that this proposed mitigation is open to comment and subject to change. The Corps will make a determination of appropriate mitigation upon review of all submitted information.

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 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 there are no properties currently listed on the register that are in the area affected by the project. A Phase I Cultural Resources Survey has been performed by the applicant for the property and adjacent parcels totaling an additional 135 acres. A Phase II Survey was also conducted. Our office is currently reviewing these surveys. A copy

of this public notice and a copy of the Phase I Cultural Resources Survey Report will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

THREATENED AND ENDANGERED SPECIES: The project is located within the known or historic range of the following candidate, threatened, or endangered species:

Indiana bat (E)
Running buffalo clover (E)
Eastern massasauga (C)
Rayed bean (C)

To determine if the proposed project would have any affect on threatened or endangered species, the applicant has consulted the United States Fish and Wildlife Service (USFWS). The USFWS provided information regarding suitable habitat for these species and recommended habitat surveys for the Indiana bat, running buffalo clover and eastern massasauga. The applicant has provided copies of the survey reports to this office. The Huntington District has reviewed the survey results and consulted the most recently available information and has determined that the project is not likely to affect these species. Due to the nature and location of the project, this office has further determined there would be no affect on the rayed bean mussel. This public notice serves as a request to the USFWS 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 will 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 will 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 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 that may be relevant to the proposal will 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 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.

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 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.

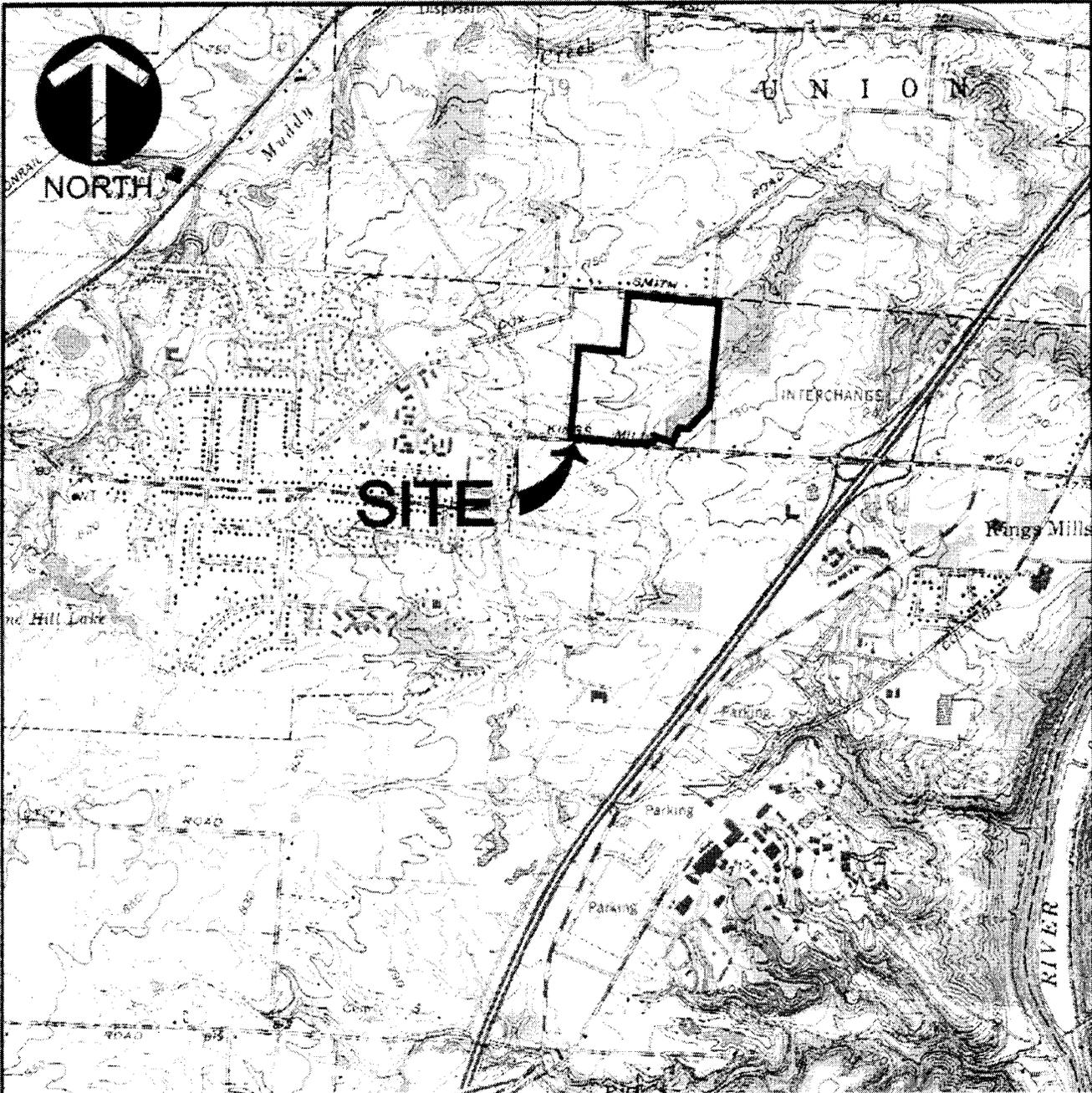
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for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

Ms. Denise Marmer, Project Manager
U. S. Army Corps of Engineers, Huntington District
ATTN: CELRH-OR-FN Public Notice No. 200600524
502 Eighth 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 contact Ms. Denise Marmer of the North Regulatory Section, Cincinnati Regulatory Field Office at 513-825-4518.

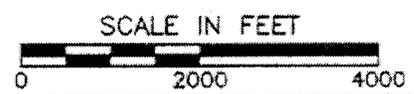

Ginger Mullins
Regulatory Branch

(L)



G:\PROJECTS\2002\221156\DWG\WETLAND ALTERNATIVES\221156 SITE LOCATION PLAN.DWG (KPATRICKUS) - MAY 1, 2006 - 15:30:28

REFERENCE:
 U.S.G.S. 7.5 MINUTE SERIES TOPOGRAPHIC
 QUADRANGLE MASON, OHIO DATED 1965.
 PHOTOREVISED 1981.



C&E
Civil & Environmental Consultants, Inc.
 Pittsburgh, PA 15205
 (412) 429-2324 • (800) 365-2324
 Cincinnati, OH • Columbus, OH • Indianapolis, IN • Nashville, TN

U.S.G.S. SITE LOCATION MAP
 GLIMCHER DEVELOPMENT CORP.
 PROPOSED PARK CENTER DEVELOPMENT
 MASON, WARREN COUNTY, OHIO

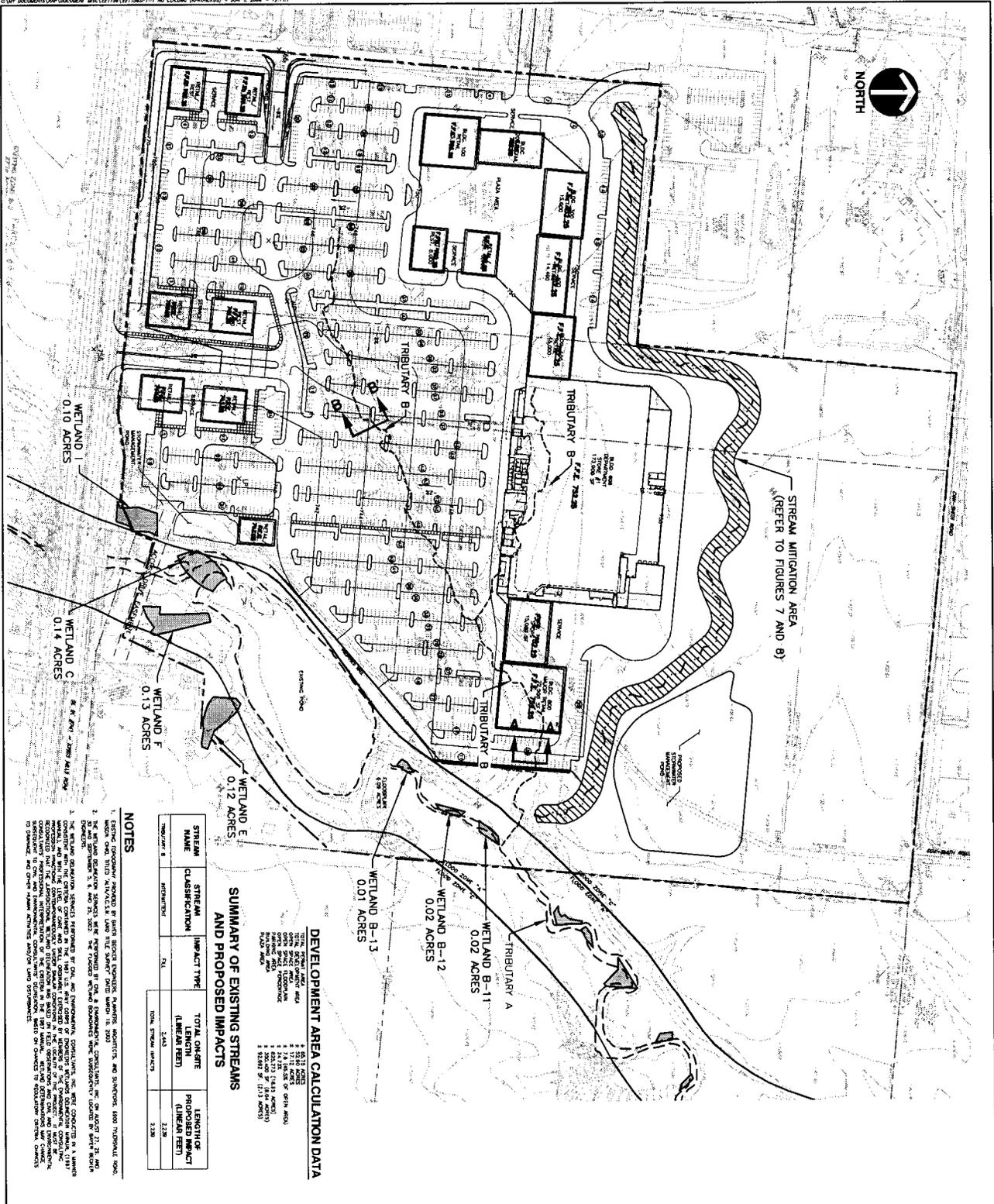
DWN BY: KAP
CHKD BY: DAM

SCALE:
 1"=2000'

DATE:
 08/09/04

PROJECT NO.:
 221156

FIGURE 1



STREAM MITIGATION AREA
(REFER TO FIGURES 7 AND 8)

SUMMARY OF EXISTING STREAMS AND PROPOSED STREAMS

STREAM NAME	STREAM CLASSIFICATION	IMPACT TYPE	TOTAL ON-SITE LENGTH (LINEAR FEET)	LENGTH OF PROPOSED IMPACT (LINEAR FEET)
TRIBUTARY B	WETLAND F	TR	2,440	2,238
TRIBUTARY B	WETLAND E	TR	2,440	2,238
TRIBUTARY B	WETLAND D	TR	2,440	2,238
TRIBUTARY B	WETLAND C	TR	2,440	2,238
TRIBUTARY B	WETLAND B	TR	2,440	2,238
TRIBUTARY B	WETLAND A	TR	2,440	2,238
TRIBUTARY C	WETLAND F	TR	2,440	2,238
TRIBUTARY C	WETLAND E	TR	2,440	2,238
TRIBUTARY C	WETLAND D	TR	2,440	2,238
TRIBUTARY C	WETLAND C	TR	2,440	2,238
TRIBUTARY C	WETLAND B	TR	2,440	2,238
TRIBUTARY C	WETLAND A	TR	2,440	2,238

DEVELOPMENT AREA CALCULATION DATA

TOTAL DEVELOPMENT AREA: 1,115,000 SF
 TOTAL EXISTING WETLANDS: 1,115,000 SF
 TOTAL PROPOSED WETLANDS: 1,115,000 SF
 TOTAL DEVELOPMENT AREA: 1,115,000 SF
 TOTAL EXISTING WETLANDS: 1,115,000 SF
 TOTAL PROPOSED WETLANDS: 1,115,000 SF

- NOTES**
1. EXISTING WETLANDS AND/OR STREAMS SHOWN ON THIS PLAN WERE IDENTIFIED BY THE CONSULTANT IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL REGULATIONS (40 CFR 223.161) AND THE STATE REGULATIONS (600 CMR 1.000) AND THE FEDERAL REGULATIONS (40 CFR 223.161) AND THE STATE REGULATIONS (600 CMR 1.000).
 2. THE CONSULTANT HAS CONDUCTED VISUAL INSPECTIONS OF THE WETLANDS AND STREAMS SHOWN ON THIS PLAN AND HAS FOUND THEM TO BE WETLANDS AND STREAMS AS DEFINED BY THE FEDERAL REGULATIONS (40 CFR 223.161) AND THE STATE REGULATIONS (600 CMR 1.000).
 3. THE CONSULTANT HAS CONDUCTED VISUAL INSPECTIONS OF THE WETLANDS AND STREAMS SHOWN ON THIS PLAN AND HAS FOUND THEM TO BE WETLANDS AND STREAMS AS DEFINED BY THE FEDERAL REGULATIONS (40 CFR 223.161) AND THE STATE REGULATIONS (600 CMR 1.000).
 4. THE CONSULTANT HAS CONDUCTED VISUAL INSPECTIONS OF THE WETLANDS AND STREAMS SHOWN ON THIS PLAN AND HAS FOUND THEM TO BE WETLANDS AND STREAMS AS DEFINED BY THE FEDERAL REGULATIONS (40 CFR 223.161) AND THE STATE REGULATIONS (600 CMR 1.000).
 5. THE CONSULTANT HAS CONDUCTED VISUAL INSPECTIONS OF THE WETLANDS AND STREAMS SHOWN ON THIS PLAN AND HAS FOUND THEM TO BE WETLANDS AND STREAMS AS DEFINED BY THE FEDERAL REGULATIONS (40 CFR 223.161) AND THE STATE REGULATIONS (600 CMR 1.000).

SUMMARY OF EXISTING ON-SITE WETLANDS AND PROPOSED IMPACTS

WETLAND NAME	AREA (ACRES)
B-11	4.02
B-12	4.02
B-13	4.01
C	0.14
E	4.12
F	4.12
TOTAL WETLANDS	22.44
TOTAL PROPOSED IMPACTS	0

ON-SITE POND

TOTAL AREA	PROPOSED IMPACTS
228	0

DEVELOPMENT DATA

TOTAL DEVELOPMENT AREA: 1,115,000 SF
 TOTAL EXISTING WETLANDS: 1,115,000 SF
 TOTAL PROPOSED WETLANDS: 1,115,000 SF
 TOTAL DEVELOPMENT AREA: 1,115,000 SF
 TOTAL EXISTING WETLANDS: 1,115,000 SF
 TOTAL PROPOSED WETLANDS: 1,115,000 SF

LEGEND

- WETLANDS
- EXISTING WETLANDS
- PROPOSED WETLANDS
- EXISTING STREAMS
- PROPOSED STREAMS
- EXISTING POND
- PROPOSED POND
- EXISTING ROAD
- PROPOSED ROAD
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING LOT
- PROPOSED LOT
- EXISTING LOT AREA
- PROPOSED LOT AREA
- EXISTING LOT AREA
- PROPOSED LOT AREA

GLIMCHER REALTY TRUST
CITY OF MASSON
WARREN COUNTY, OHIO

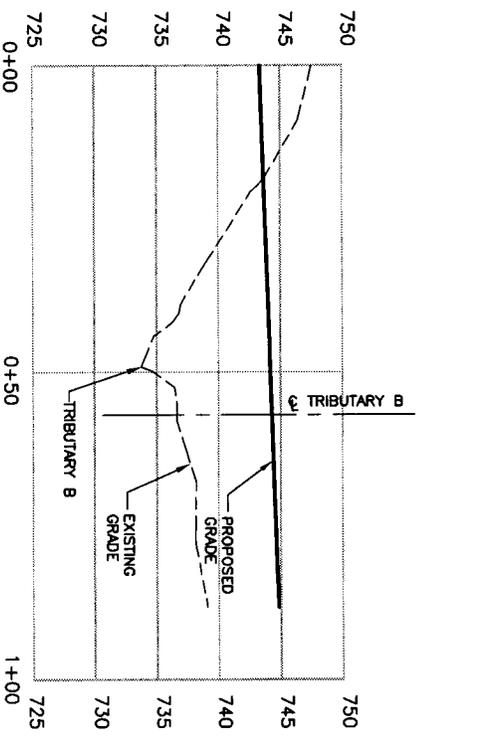
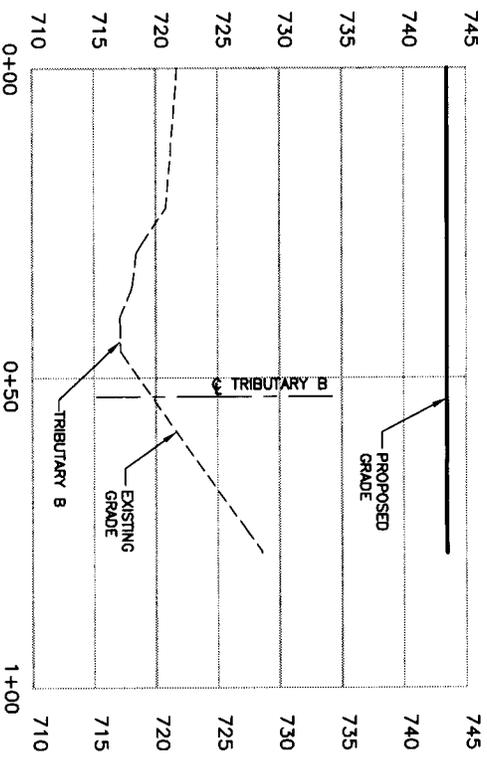
PROPOSED COMMERCIAL DEVELOPMENT SITE

PROPOSED SITE PLAN
MINIMUM DEGRADATION
ALTERNATIVE

FIGURE 2

DATE: 07/24/05
 SCALE: 1"=100'
 APPROVED BY: [Signature]
 DRAWN BY: [Signature]
 CHECK BY: [Signature]

CEE
 Civil & Environmental Consultants, Inc.
 333 Baldwin Road - Pittsburgh, PA 15205
 Phone: 412.781.1100
 Fax: 412.781.1101
 Website: www.cecinc.com



NOTE

SEE PROPOSED SITE PLAN MINIMUM DEGRADATION PLAN, FIGURE 2 FOR SECTION LOCATIONS.

		<p>Civil & Environmental Consultants, Inc. (412) 429-2324 • (800) 365-2324 Pittsburgh, PA 15205 Cincinnati, OH • Columbus, OH • Indianapolis, IN • Nashville, TN</p>	
<p>DRAWN BY: KAP</p>	<p>SCALE: AS SHOWN</p>	<p>DATE: 03/31/06</p>	<p>PROJECT NO.: 221156</p>
<p>CHECKED BY: DAM</p>	<p>CROSS SECTIONS A-A' AND B-B' GLIMCHER REALTY TRUST PROPOSED COMMERCIAL DEVELOPMENT SITE CITY OF MASON WARREN COUNTY, OHIO</p>		<p>FIGURE 3</p>

