



Public Notice

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

In reply refer to Public Notice No.
200600581

Issuance Date:
September 8, 2006

Stream:
UNTribe Turkey Run

Closing Date:
October 8, 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. James Jeffrey Bly
1572 Burlington Avenue
Columbus, Ohio 43227

LOCATION: The project area is located in an unnamed tributary in the Scioto River watershed. The site is located north of Marburger Road and west of Fosnaugh School Road in Amanda Township, Fairfield 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 recreational pond.

The applicant proposes to place fill material into 190 linear feet of an unnamed intermittent tributary of Turkey Run in association with the construction of an impoundment structure 27' in height. Approximately 9,200 cubic yards of material would be used to construct this structure to an elevation of 996'. The construction of a 1.3 acre pond behind the impoundment structure would result in the loss of additional approximate 750 linear feet of stream.

MITIGATION: In order to provide information concerning avoidance, minimization and compensation for proposed impacts to waters of the United States, the applicant will be required to prepare and submit a final mitigation plan prepared in accordance with Regulatory Guidance Letter 02-2. This plan has not been received in this office to date.

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); clubshell mussel (E); and eastern massasauga (currently under evaluation for Federal Candidate species).

Based on habitat availability and project location, it has been determined this proposal would have no affect on the clubshell mussel or eastern massasauga.

Based on location and habitat availability, this proposal has the potential to affect the Indiana bat. Approximately 3 acre of forested habitat would be cleared in association with construction activities. This area may contain trees with suitable Indiana bat habitat. Provided the applicant not clear any suitable habitat trees during the designated summer roosting period of April 15th to September 15th, it has been determined this proposal is not likely to adversely affect 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 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.



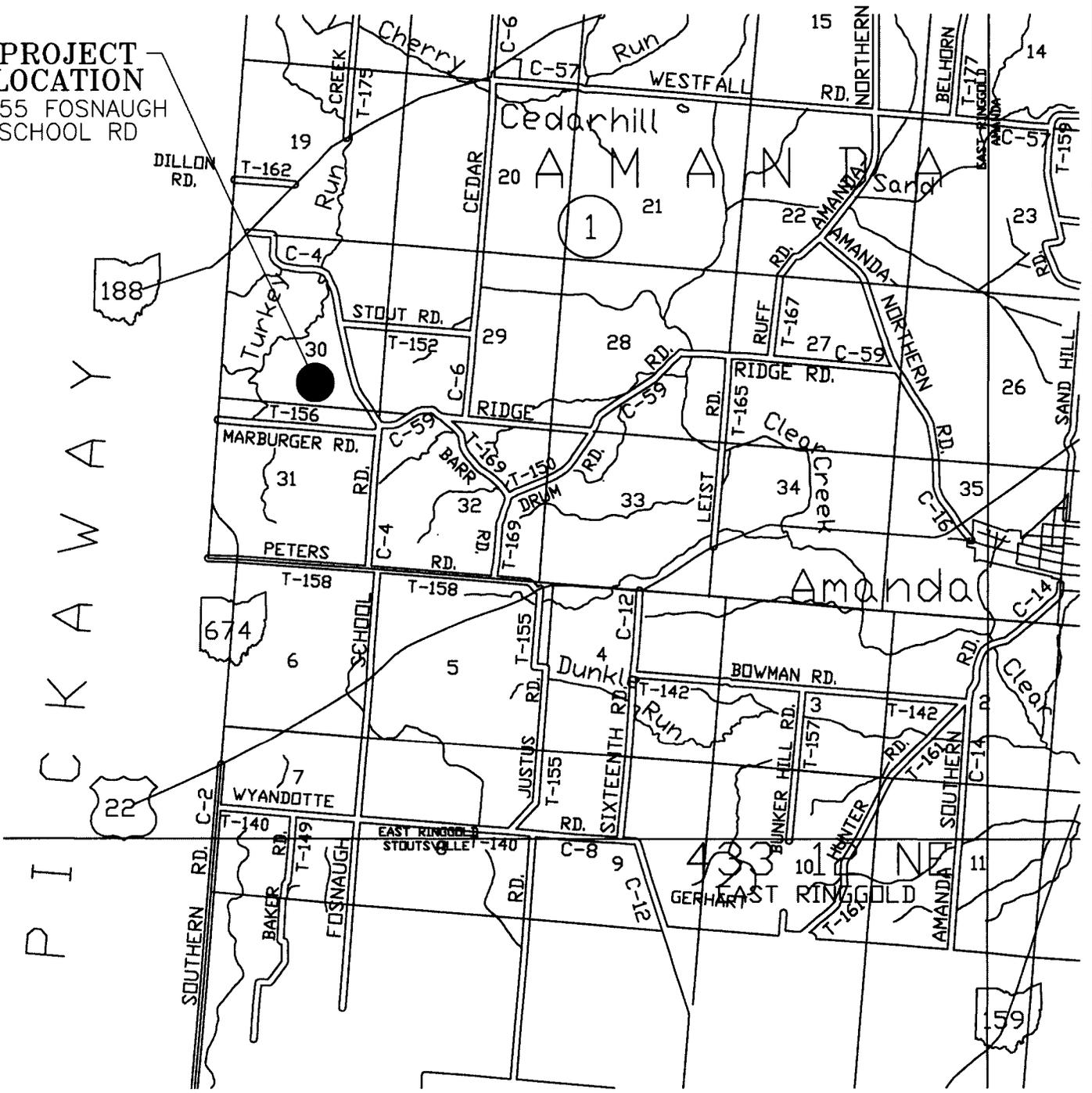
Ginger Mullins
Chief, Regulatory Branch

(O)

VICINITY MAP

NTS

PROJECT LOCATION
4955 FOSNAUGH SCHOOL RD



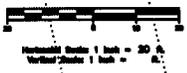
P I C K A W A Y

188

674

22

159



EMERGENCY SPILLWAY
LEVEL SECTION
SEE DETAIL SHEET 4

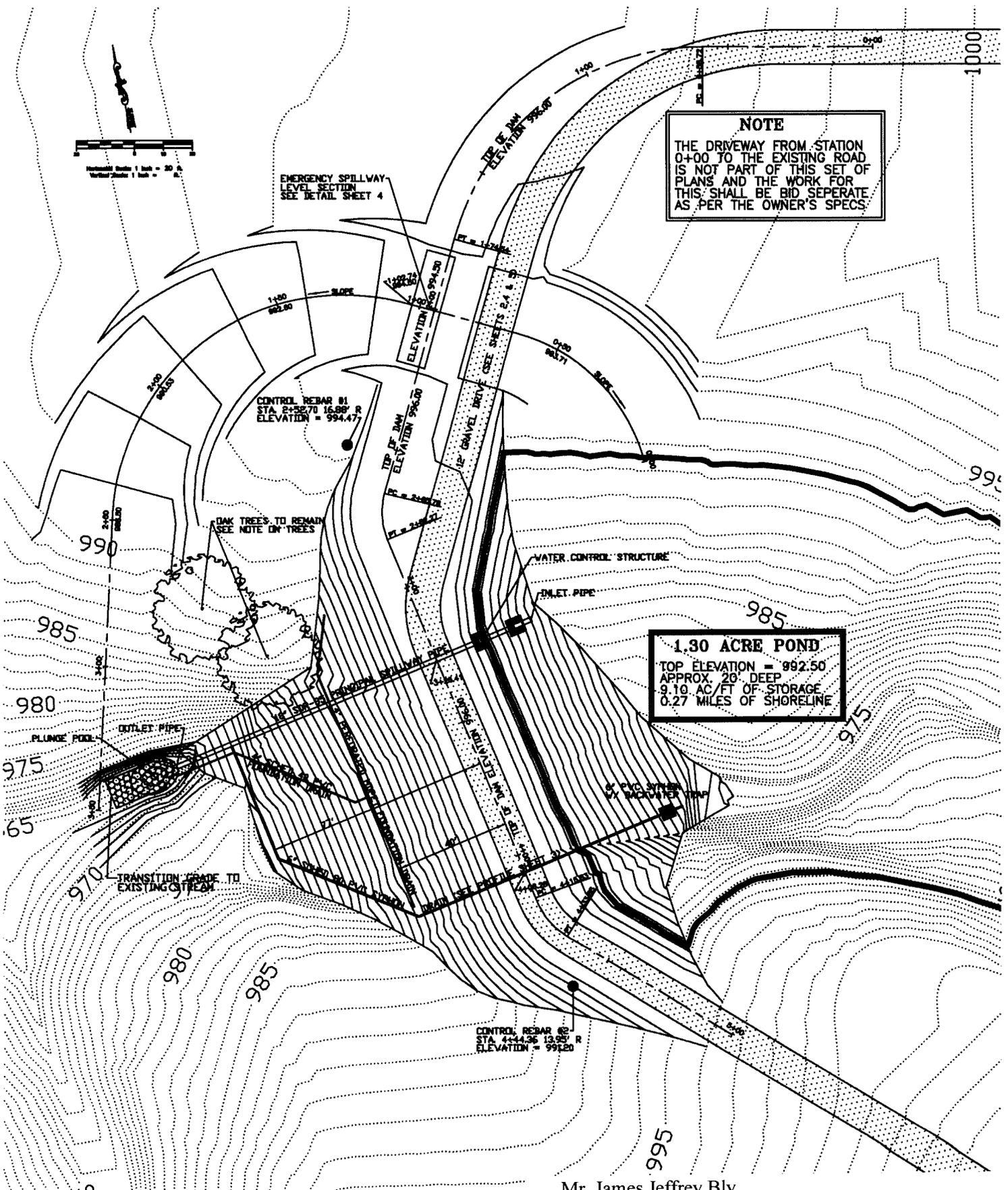
NOTE
THE DRIVEWAY FROM STATION
0+00 TO THE EXISTING ROAD
IS NOT PART OF THIS SET OF
PLANS AND THE WORK FOR
THIS SHALL BE BID SEPARATE
AS PER THE OWNER'S SPECS.

CONTROL REBAR #1
STA. 2+55.70 15.00' R
ELEVATION = 994.47'

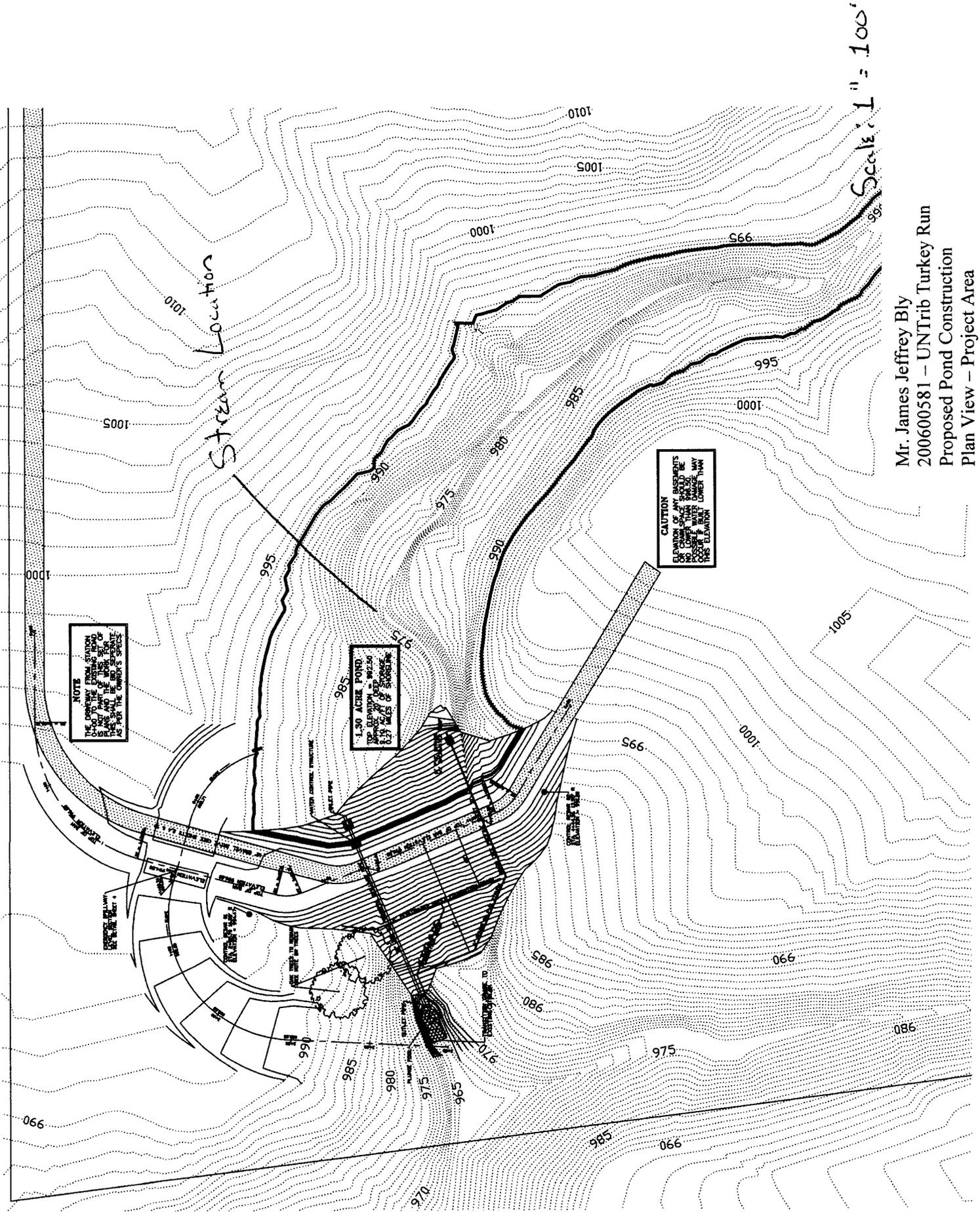
DAK TREES TO REMAIN
SEE NOTE ON TREES

1.30 ACRE POND
TOP ELEVATION = 992.50
APPROX. 20' DEEP
9.10 AC/FT OF STORAGE
0.27 MILES OF SHORELINE

CONTROL REBAR #2
STA. 4+44.36 13.00' R
ELEVATION = 991.20'

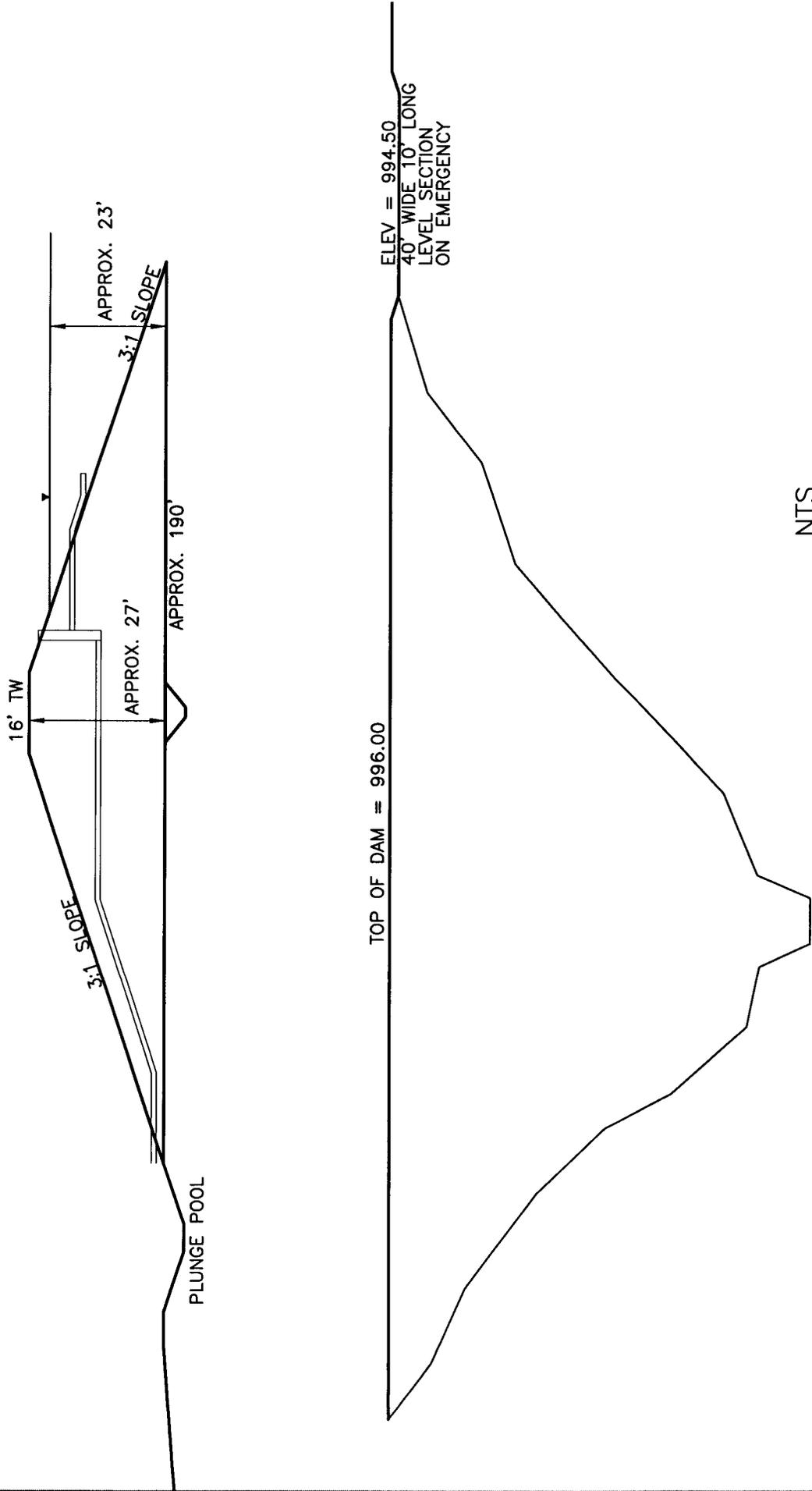


Mr. James Jeffrey Bly
200600581 – UNtrib Turkey Run
Proposed Pond Construction
Plan View – Impoundment Structure
Sheet 2 of 4



Mr. James Jeffrey Bly
 200600581 – UNTri Turkey Run
 Proposed Pond Construction
 Plan View – Project Area
 Sheet 3 of 4

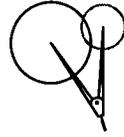
CROSS SECTION VIEW



Lockwood and Associates, Inc.

Civil Engineers - Land Surveyors

2475 SUGAR GROVE ROAD, NE
LANCASTER, OHIO 43130
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PLANS PREPARED FOR:

JEFF BLY

JEFF BLY POND DESIGN

DAM SKETCH
Mr. James Jeffrey Bly
200600581 - UNTribe Turkey Run
Proposed Pond Construction
Cross-Section - Impoundment Structure
Sheet 4 of 4



Horizontal Scale: 1 inch = 30 ft.
Vertical Scale: 1 inch = 30 ft.