

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

# Public Notice

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In reply refer to Public Notice No.	Issuance Date:
<b>200400740</b>	<b>September 8, 2006</b>
Stream:	Closing Date:
-UNTrib Olentangy River	<b>October 8, 2006</b>

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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

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**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:** Delaware County Fairgrounds  
236 Pennsylvania Avenue  
Delaware, Ohio 43015

**LOCATION:** The project area is located in jurisdictional waters of the United States in the Olentangy River watershed. The site is located west of State Route 23 and within the existing Delaware County Fairgrounds in Delaware County, Ohio.

**DESCRIPTION OF PROPOSED WORK:** The applicant has requested an After-The-Fact Permit to authorize completed and proposed activities in association with culvert construction activities. According to the applicant, the purpose of the project is to increase available parking spaces.

The applicant has placed fill material into approximately 600 linear feet of an unnamed perennial tributary to the Olentangy River in association with culvert construction activities. Fill material has been placed to facilitate the construction of an approximate 3.5 acre parking area. According to the applicant, this area provides an additional 525 parking spaces within the limits of the existing Delaware County Fairgrounds. The applicant requests authorization to place fill material into an additional 200 linear feet of stream on-site in association with constructing additional parking areas.

As previously described, the work was completed without prior authorization. As required by the rules and regulations governing the Department of the Army permit program, it was determined that since this work does not present an immediate threat to life or property, an after-the-fact application would be accepted and processed. All investigations and legal proceedings will be suspended pending the outcome of the permit review process. This application will be evaluated on its own merits and no consideration will be given to the applicant's unauthorized work activities or prior expenditures.

**MITIGATION:** In order to compensate for proposed impacts to waters of the United States, the applicant has submitted a conceptual mitigation plan that proposes the construction of a park area that would include a constructed stream, wetlands, a pond, gardens and wooded areas. Educational opportunities regarding topics including conservation would be offered to the public at no cost. A final mitigation plan prepared in accordance with Regulatory Guidance Letter 02-2 has been requested and would be required for this office to evaluate whether proposed mitigation is sufficient to compensate for the loss of jurisdictional waters of the United States in association with this proposal.

**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); Bald eagle (Threatened) and rayed bean mussel (Candidate).

Based on a review of the project area, location and habitat availability, it has been determined this proposal would have no affect on the species listed above. 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. 200400740  
502 8<sup>th</sup> Street  
Huntington, West Virginia 25701-2070

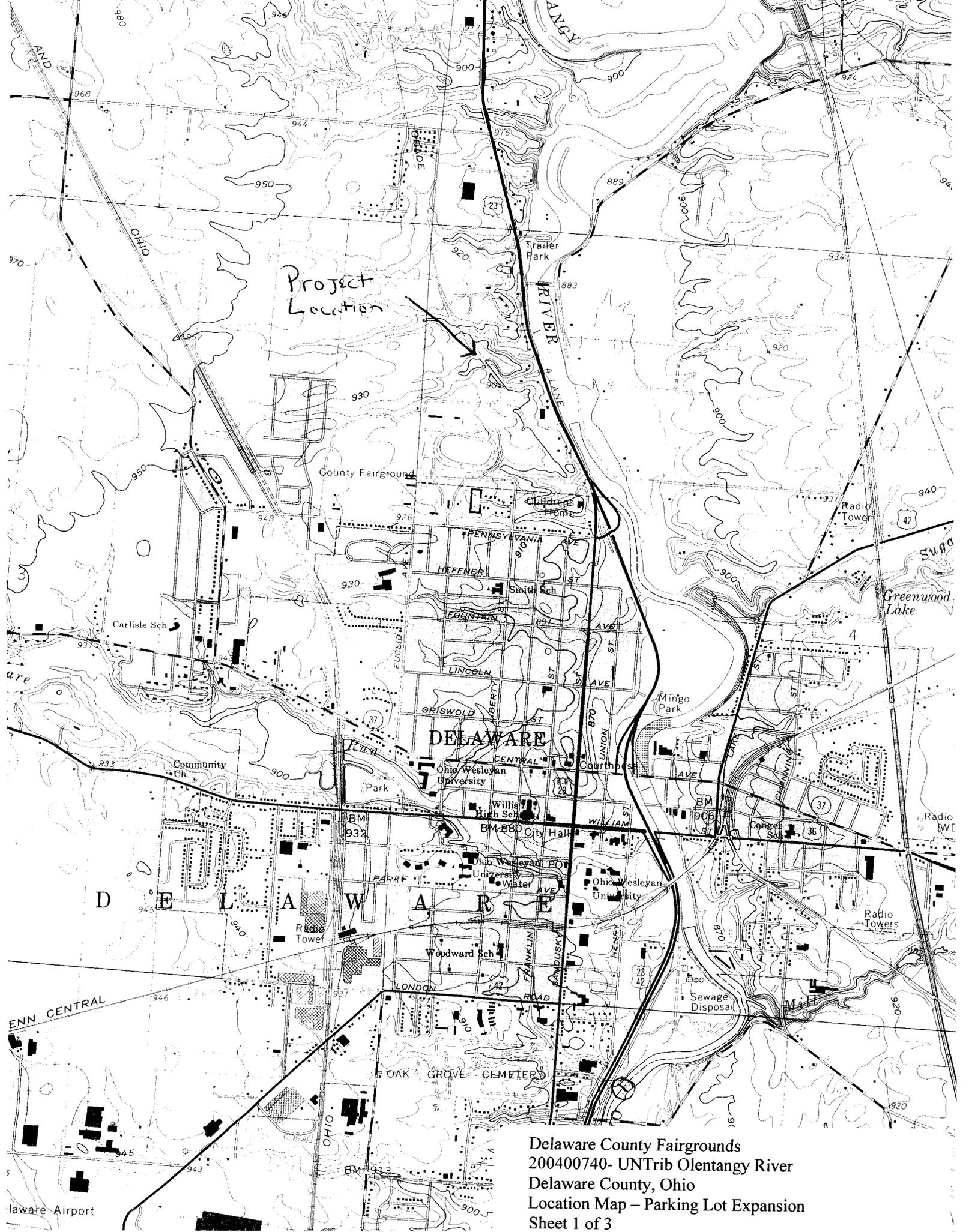
Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you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

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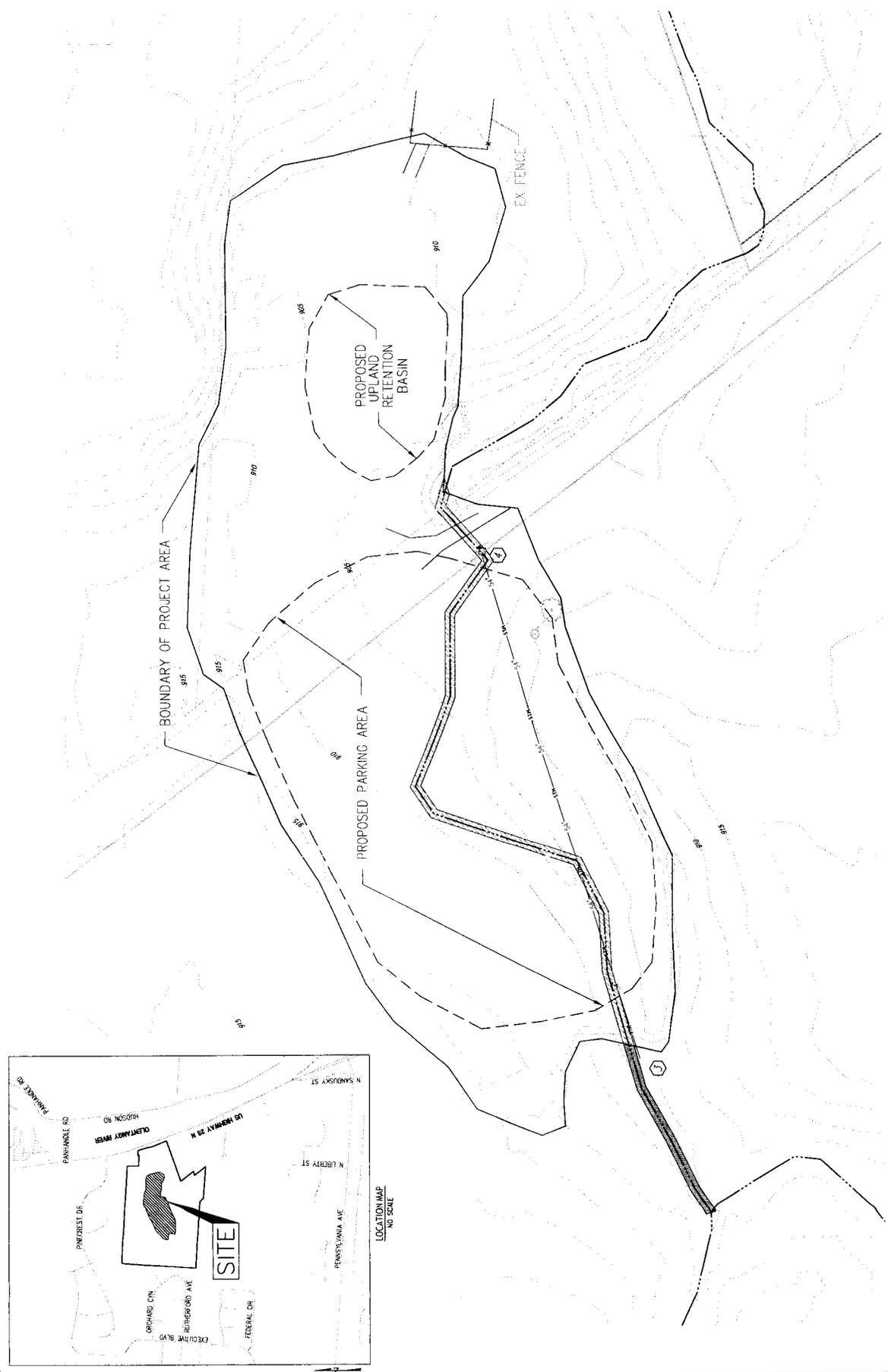


Ginger Mullins  
Chief, Regulatory Branch



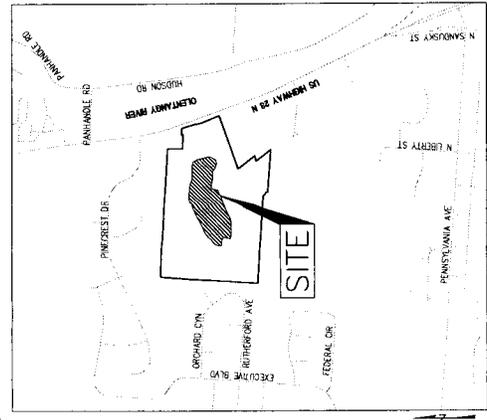


Delaware County Fairgrounds  
 200400740- UN Trib Olentangy River  
 Delaware County, Ohio  
 Location Map - Parking Lot Expansion  
 Sheet 1 of 3



**NOTE**  
 DRAWING SHOWS IS OF THE CURRENT CONDITIONS  
 WITH THE NEAREST PAVED 34" STORM SEWER.

- LEGEND**
- JURISDICTIONAL WATERS
  - EXISTING 34" STORM SEWER
  - PREVIOUSLY IMPACTED STREAM
  - 200' ADDITIONAL IMPACTED STREAM AS PART OF PREFERRED ALTERNATE



Delaware County Fairgrounds  
 200400740- UN Trib Olentangy River  
 Delaware County, Ohio  
 Plan View - Parking Lot Expansion  
 Sheet 2 of 3

DELAWARE COUNTY FAIRGROUNDS

3/3/06

LOOKING EAST

