



# Public Notice

**Applicant:**  
David L. Davis

**Date:**  
Published: March 3, 2004  
Expires: April 1, 2004

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-TD-R RE: 2000-01813(4) Section: OH 404**

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Dr. David Davis, 22488 Conant Road, Spencerville, Ohio 45887 has applied for a Department of the Army permit to place fill in waters of the United States to construct a 28.7 acre lake impoundment to be named Lake Montaignia. The proposed project is located at 22488 Conant Road in Logan Township, Auglaize County, Ohio.

Department of the Army authorization is required to place fill in 400 linear feet of an unnamed intermittent tributary of the Auglaize River. In addition, secondary impacts due to flooding of 70 linear feet of intermittent stream and 3,835 linear feet of ephemeral streams are proposed. The 28.7 acre impoundment will result in a loss of a total of 4,305 linear feet of intermittent and ephemeral streams.

The applicant proposes to mitigate for the lost functions of waters of the United States by creating 3 acres of lacustrine fringe wetland in the newly created lake impoundment and protecting 7 acres of floodplain forest as natural area and green space. The wetland fringe will be created by excavation to allow a water depth between 0 and 12 inches with a horizontal width varying from 10 feet to 120 feet along approximately 2,800 feet of shoreline of the northwestern basin of the lake. The wetland fringe will be seeded with 6-8 species of native wetland plants and will be placed into a conservation easement to be held by Land Conservancy of Ohio. The total footprint of the lake including the wetland fringe will encompass an area of 31.9 acres. In addition to the wetland fringe creation, the applicant has proposed to take measures to protect a 7 acre floodplain forest from all terrain vehicle disturbance and to place permanent deed restrictions on the forested area protecting it from cutting, clearing or other development.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Paul F. Wetzel, who can be contacted by calling (419) 898-3812, or by e-mail at: paul.f.wetzel@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 240 Lake Street, Unit D, Oak Harbor, Ohio 43449, and should be marked to the attention of Paul F. Wetzel, or by e-mail at: paul.f.wetzel@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

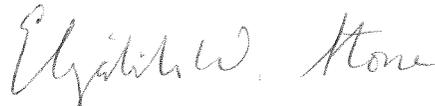
Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request 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 benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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.

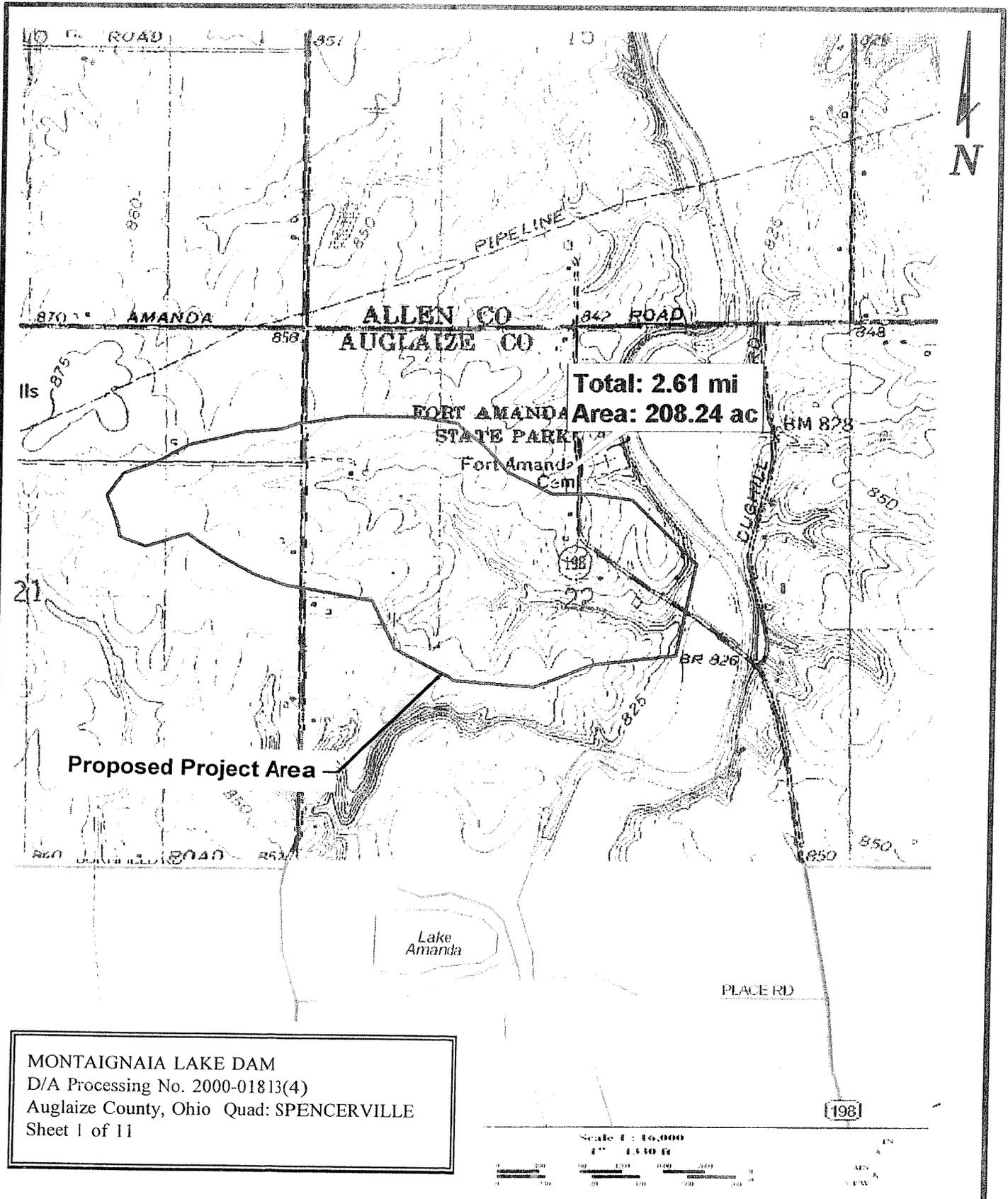
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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



Philip D. Frapwell  
Acting Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



MONTAIGNAIA LAKE DAM  
 D/A Processing No. 2000-01813(4)  
 Auglaize County, Ohio Quad: SPENCERVILLE  
 Sheet 1 of 11

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ALTERNATIVES ANALYSTS FOR PROPOSED LAKE MONTAIGNAIA

**FIGURE 8**  
**WATERSHED MAP FOR PROPERTY**

LOGAN TOWNSHIP, AUGLAIZE COUNTY, OHIO

PROJECT NO. : DDD002	SUBMITTAL DATE: APRIL 2003
GAD DWG FILE: DDD002.100.0010 GAC	PLOT DATE: 4/14/03



Total: 2.79 mi  
Area: 211.87 ac

Active Farm Fields  
Second Growth Upland Forest

Active Farm Fields  
Second Growth Upland Forest

MONTAIGNAIA LAKE DAM  
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ALTERNATIVES ANALYSTS FOR PROPOSED LAKE MONTAIGNAIA

FIGURE 1  
CURRENT VEGETATIVE COVER

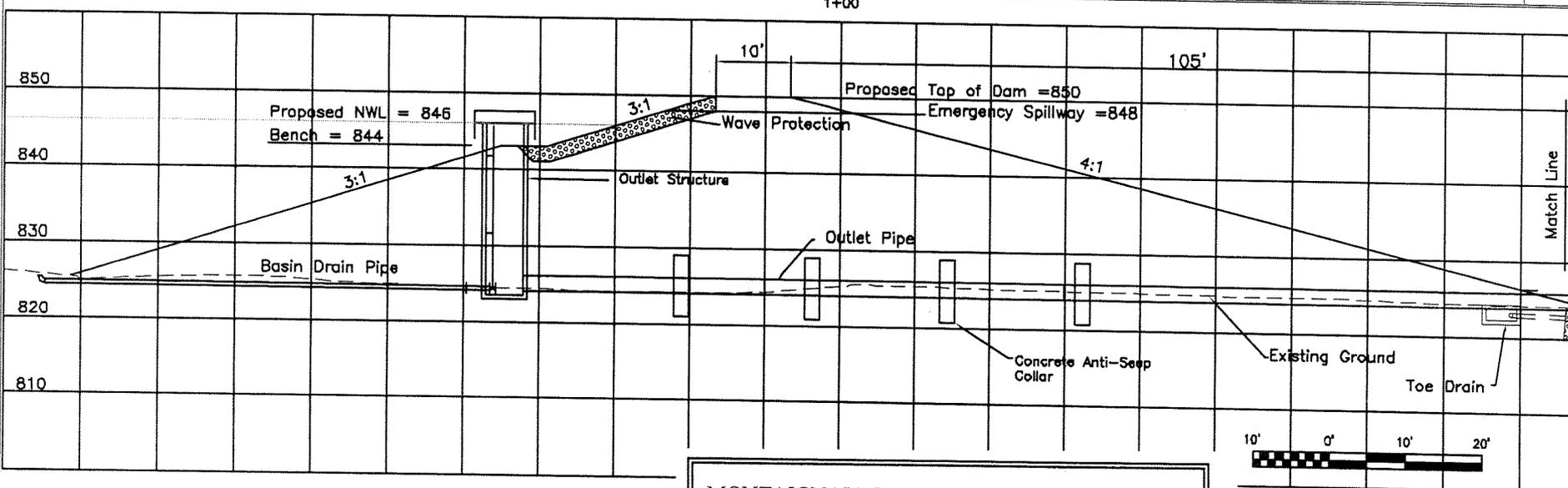
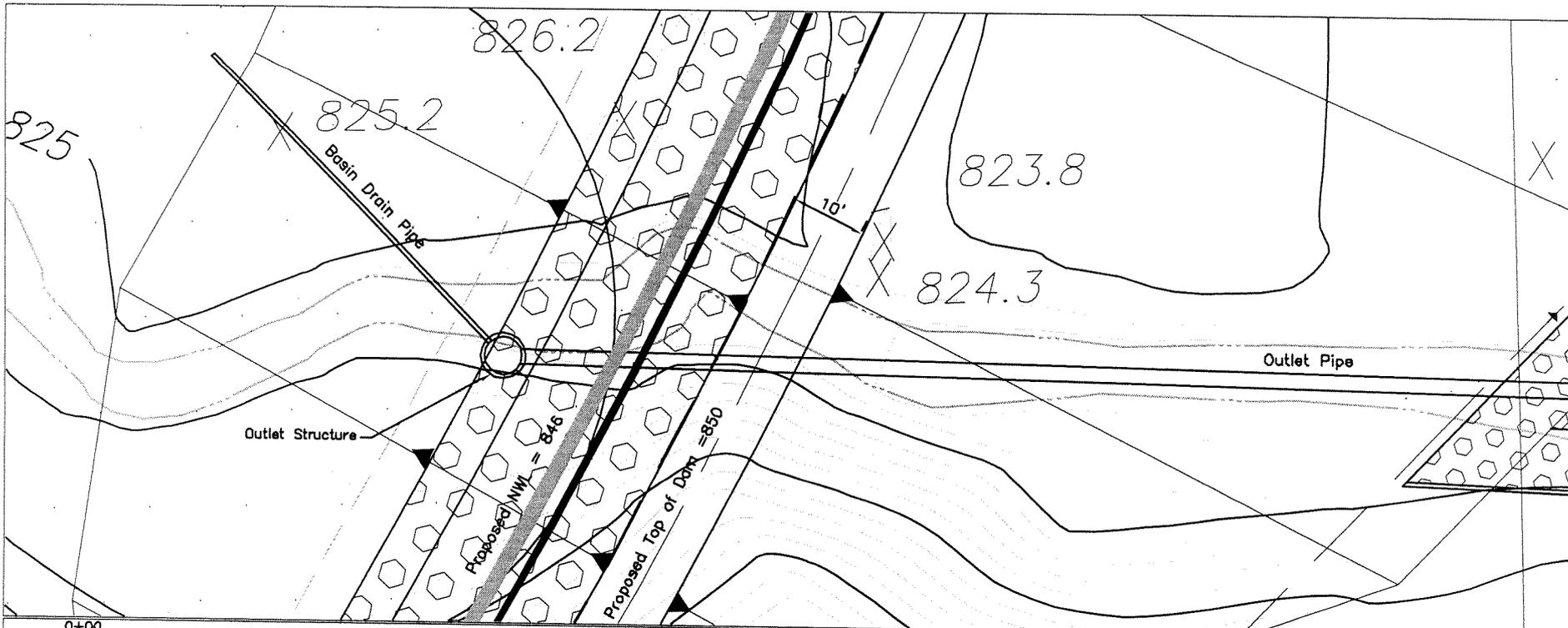
LOGAN TOWNSHIP, AUGLAIZE COUNTY, OHIO

PROJECT NO. : DDD002	SUBMITTAL DATE: APRIL 2003
CAD DWG FILE: DDD002.100.0009 GAC	PLOT DATE: 4/14/03

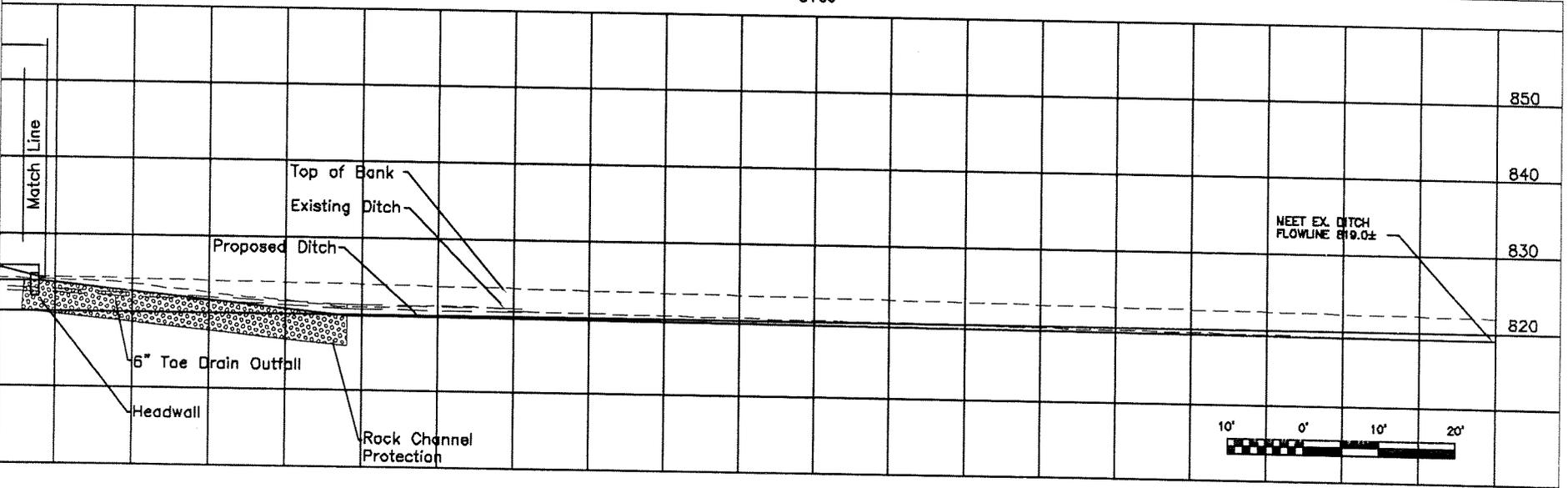
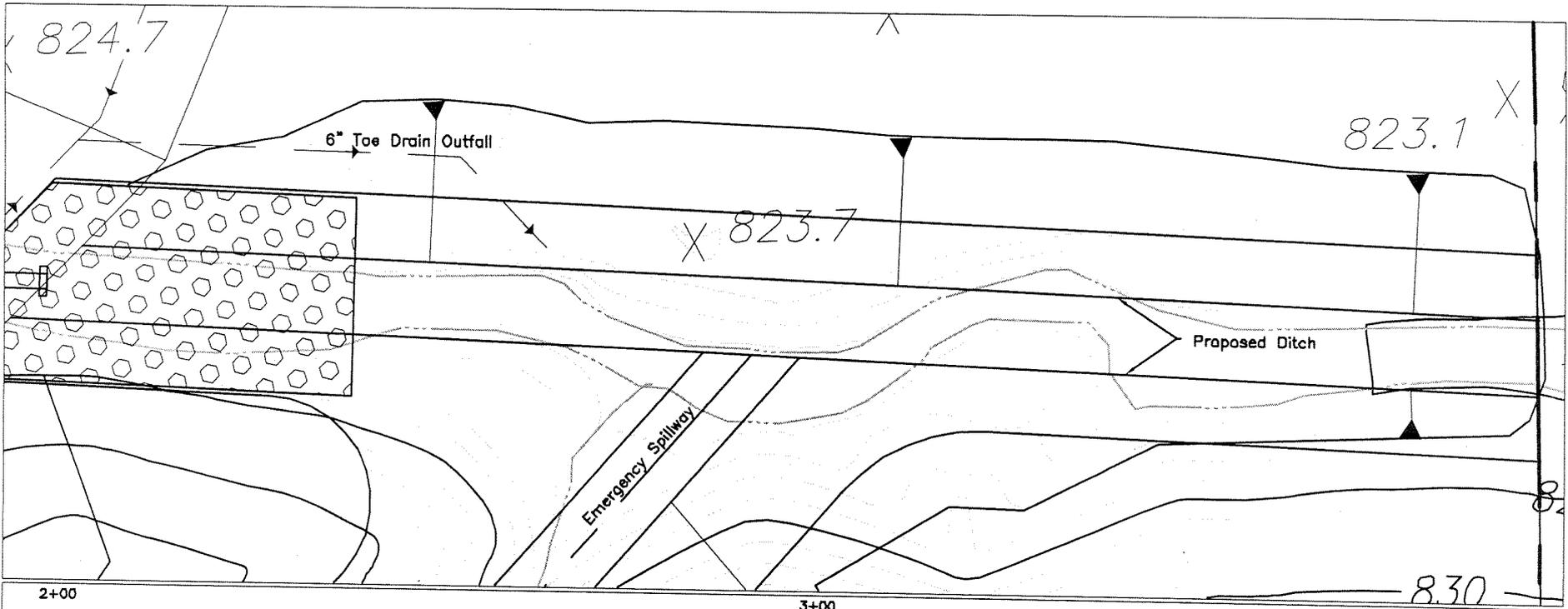




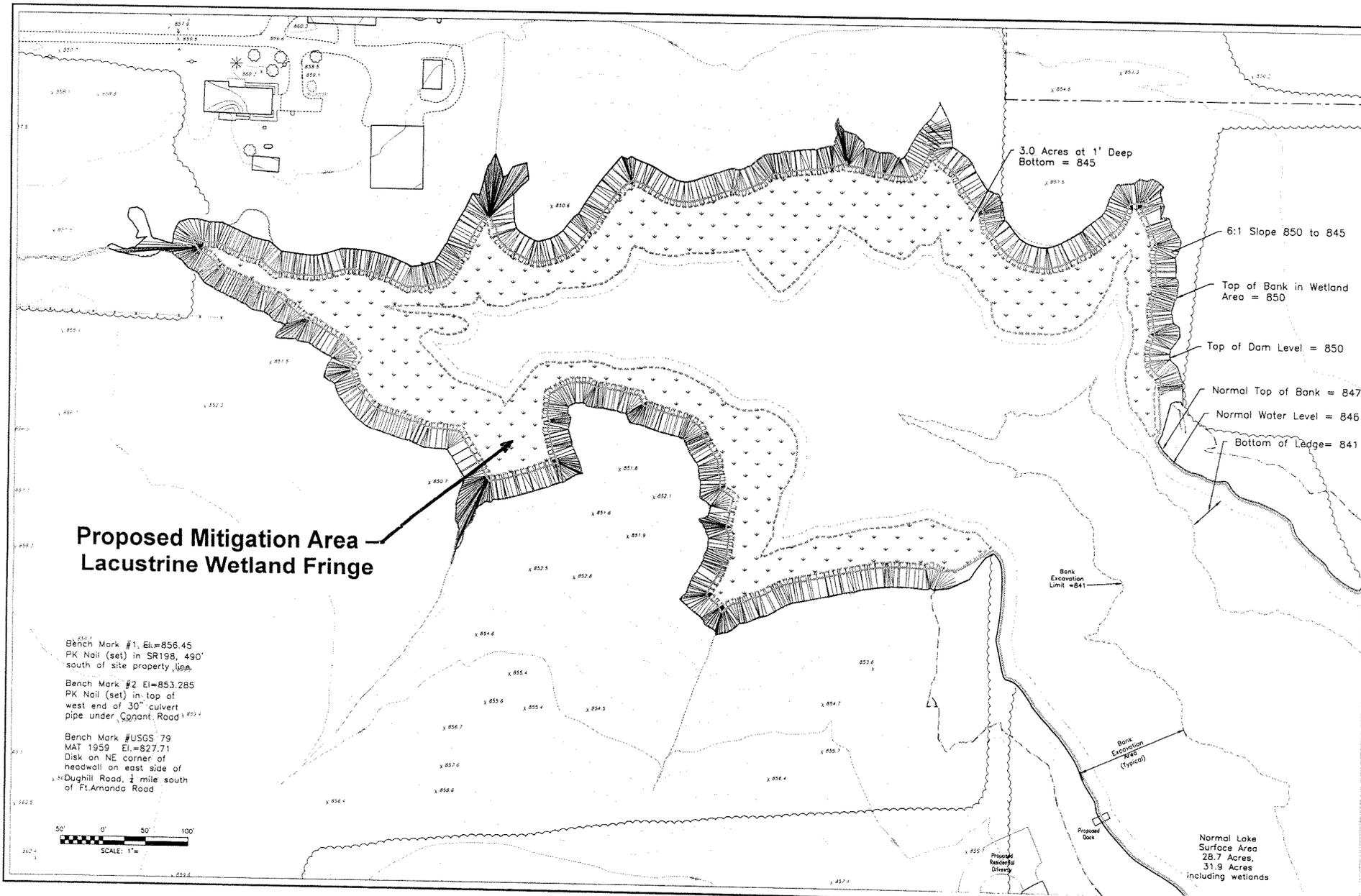




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**Proposed Mitigation Area  
Lacustrine Wetland Fringe**

Bench Mark #1, El.=856.45  
PK Nail (set) in SR198, 490'  
south of site property line.

Bench Mark #2 El.=853.285  
PK Nail (set) in top of  
west end of 30" culvert  
pipe under Cuyahoga Road

Bench Mark #USGS 79  
MAT 1959 El.=827.71  
Disk on NE corner of  
headwall on east side of  
Dughill Road, 1/2 mile south  
of Ft. Amanda Road



3.0 Acres at 1' Deep  
Bottom = 845

6:1 Slope 850 to 845

Top of Bank in Wetland  
Area = 850

Top of Dam Level = 850

Normal Top of Bank = 847

Normal Water Level = 846

Bottom of Ledge = 841

Bank  
Excavation  
Limit = 841

Bank  
Excavation  
Area  
(Typical)

Normal Lake  
Surface Area  
28.7 Acres,  
31.9 Acres  
including wetlands

NORTH

REVISED: 0-27-03 JMB/ED  
PROPOSED WETLANDS

PREPARED BY  
**KOHL & MAJER ASSOCIATES, INC.**  
Consulting Engineers, Surveyors  
415-221-1130

PROJECT  
**MONTAIGNIA LAKE DAM**  
Section 22, Logan Township,  
Auglaize County, Ohio

SUBJECT  
**Mitigation Area Site Plan**

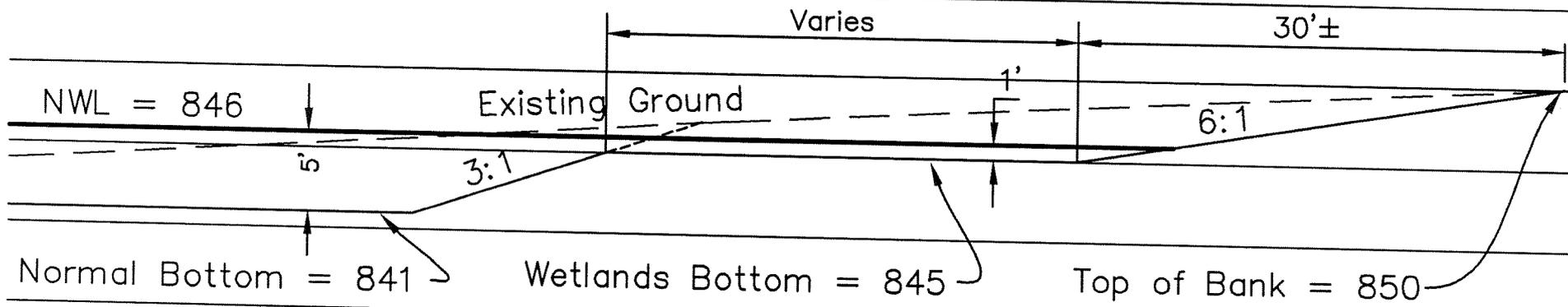
DATE  
03-15-04

DRAWN BY  
EWA

CHECKED BY  
JRM

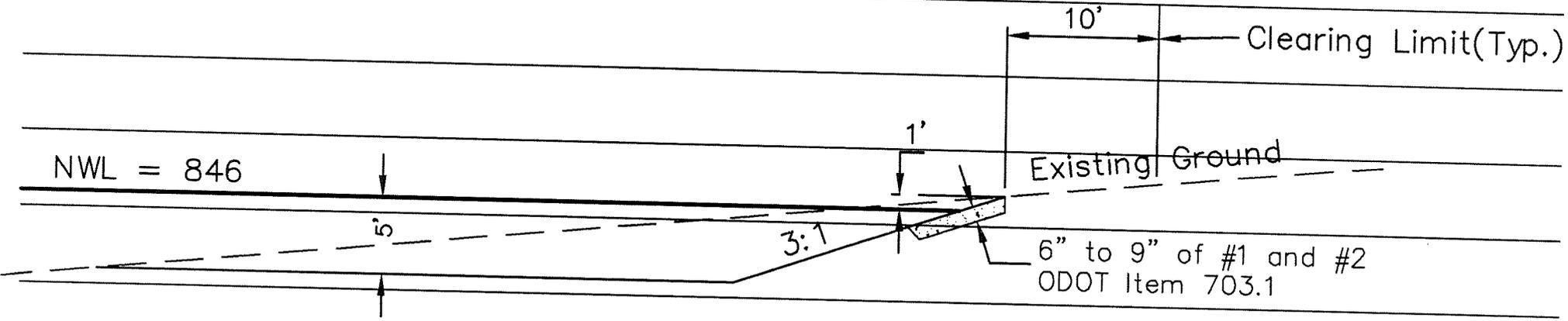
SCALE  
C-761

STATUS  
Shown



TYPICAL WETLANDS LAKE BANK

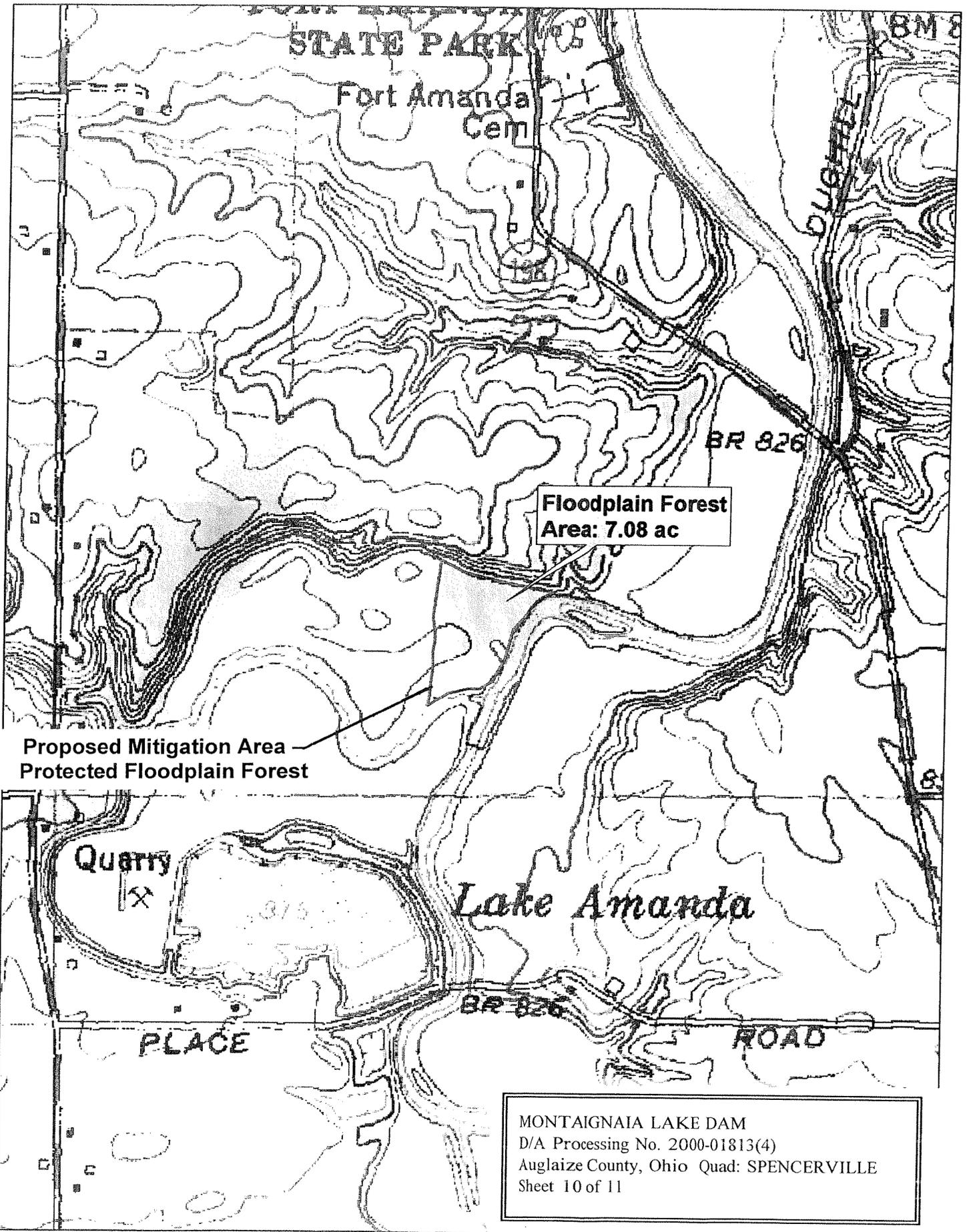
1"=10' H  
1"=10' V



TYPICAL LAKE BANK

1"=10' H  
1"=10' V

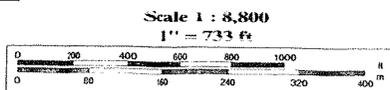
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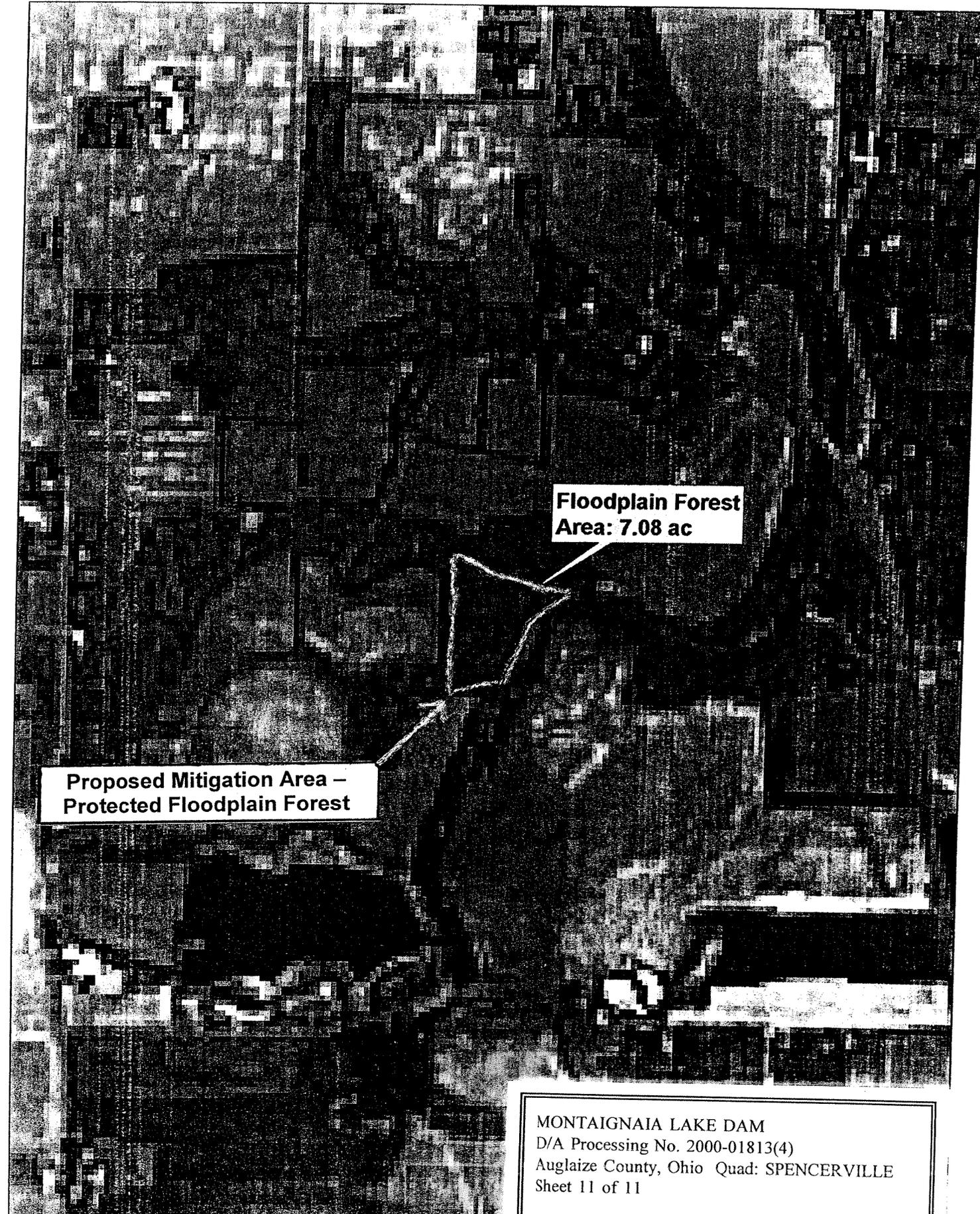


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**Floodplain Forest  
Area: 7.08 ac**

**Proposed Mitigation Area –  
Protected Floodplain Forest**

MONTAGNAIA LAKE DAM  
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Auglaize County, Ohio Quad: SPENCERVILLE  
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Scale: 1" = 2,000'  
1" = 73.3 ft

