Public Notice

Applicant: The Cottage Gardens, Inc.

Date:
Published: June 23, 2004
Expires: July 22, 2004

U.S. Army Corps of Engineers
Buffalo District **CELRB-TD-R** **RE:** 2004-00966(1) **Section:** OH 404

In Reply Refer To:

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

The Cottage Gardens, Inc., 4992 Middle Ridge Road, Perry, Ohio 44081, has requested Department of the Army authorization to relocate a stream on property located at 5335 Middle Ridge Road in Madison, Lake County, Ohio.

Approximately 1700 linear feet of existing stream will be filled, amounting to approximately 0.4 acres of fill in waters of the United States. The relocated stream will include creation of a pond to be used for irrigation.

The applicant's stated purpose for the proposed activity is to expand a nursery.

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 Mark E. Gronceski, who can be contacted by calling (440) 437-5847, or by e-mail at: Mark.E.Gronceski@lrb01.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.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 2 of 4. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

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, 33 Grand Valley Avenue, Orwell, Ohio 44076, and should be marked to the attention of Mark E. Gronceski, or by e-mail at: Mark.E.Gronceski@lrb01.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.

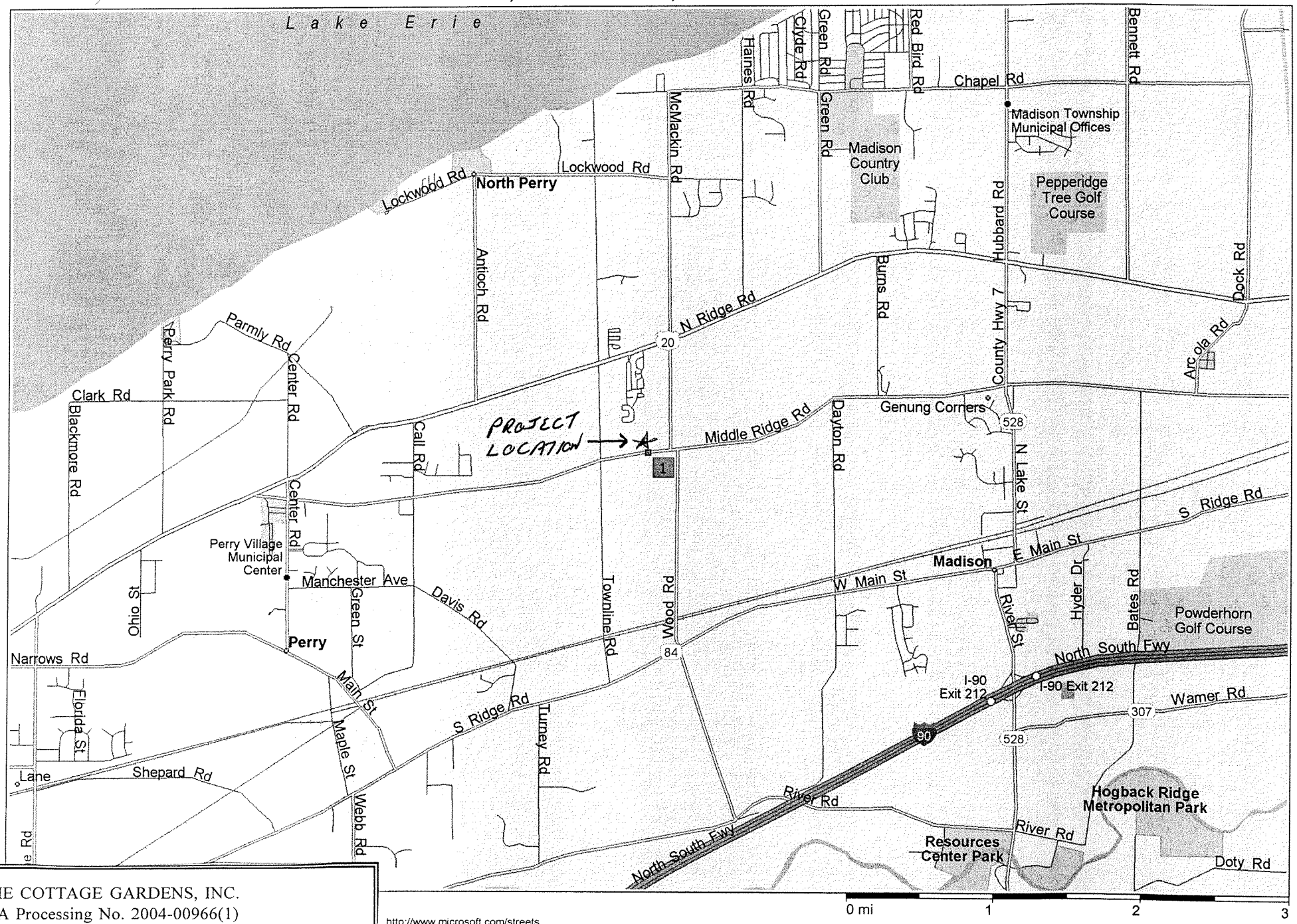
SIGNED

Thomas C. Switala
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.

5335 MIDDLERIDGE RD
MADISON, OH 44057

Ohio, United States, North America



THE COTTAGE GARDENS, INC.
D/A Processing No. 2004-00966(1)
Lake County, Ohio Quad: MADISON
Sheet 1 of 4 - Location Map

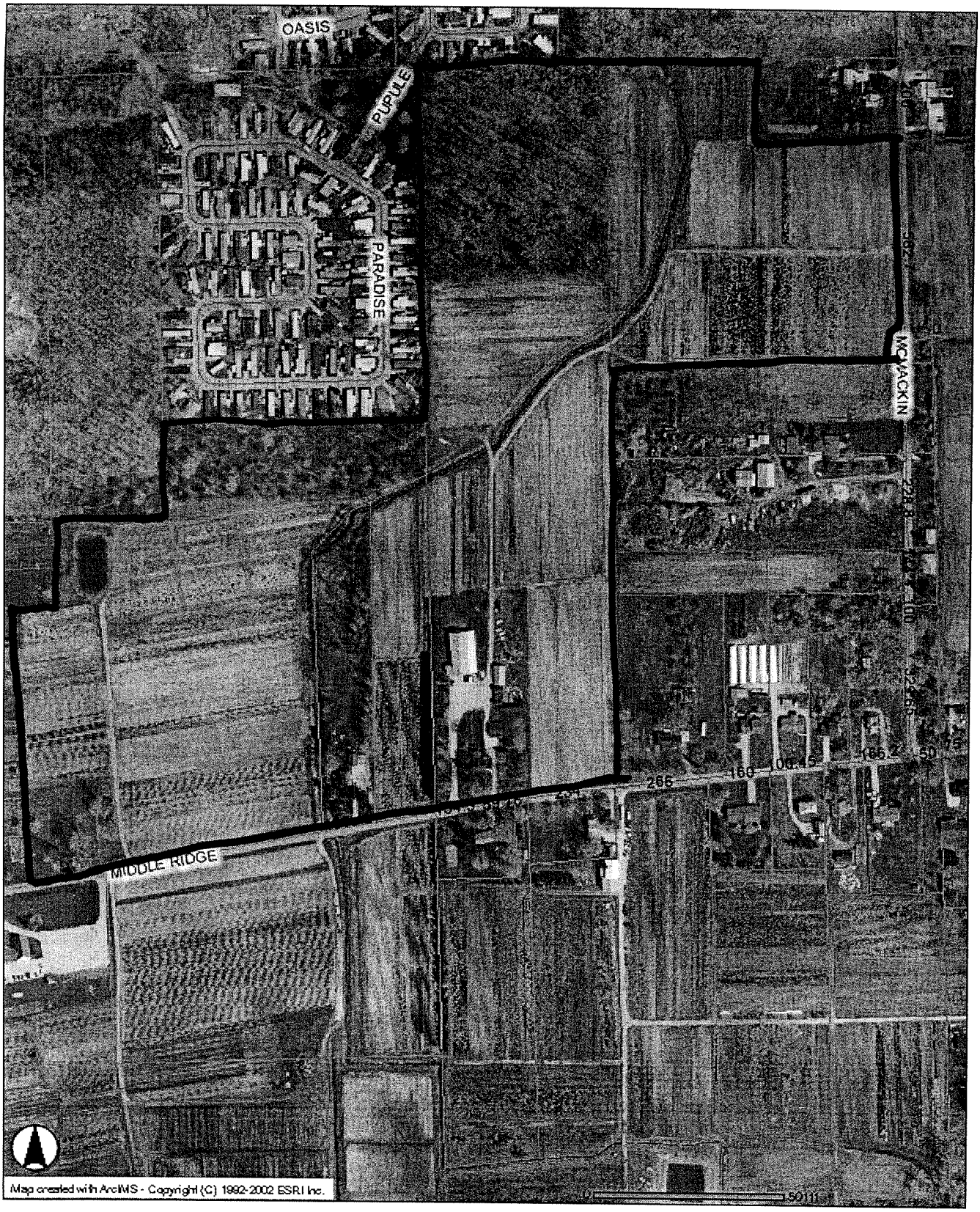
http://www.microsoft.com/streets
2001 Navigation Technologies. All rights reserved. This data includes information taken with permission from Canadian authorities © Her Majesty the Queen in Right of Canada.

HE COTTAGE GARDENS, INC.
A Processing No. 2004-00966(1)
ke County, Ohio Quad: MADISON
eet 2 of 4 - Project Area

5335 Middle Ridge Rd.
Madison, OH 44057

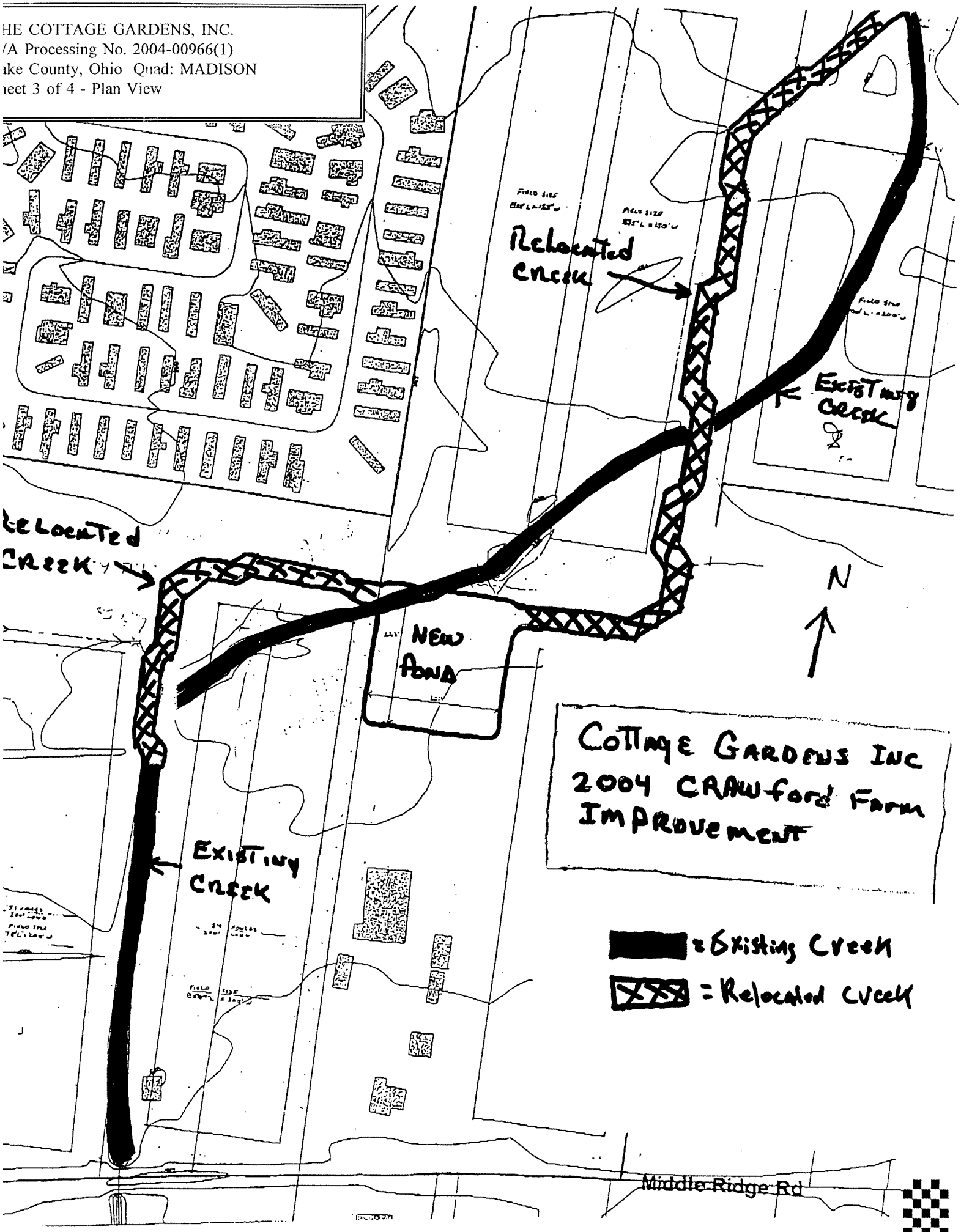
vigator

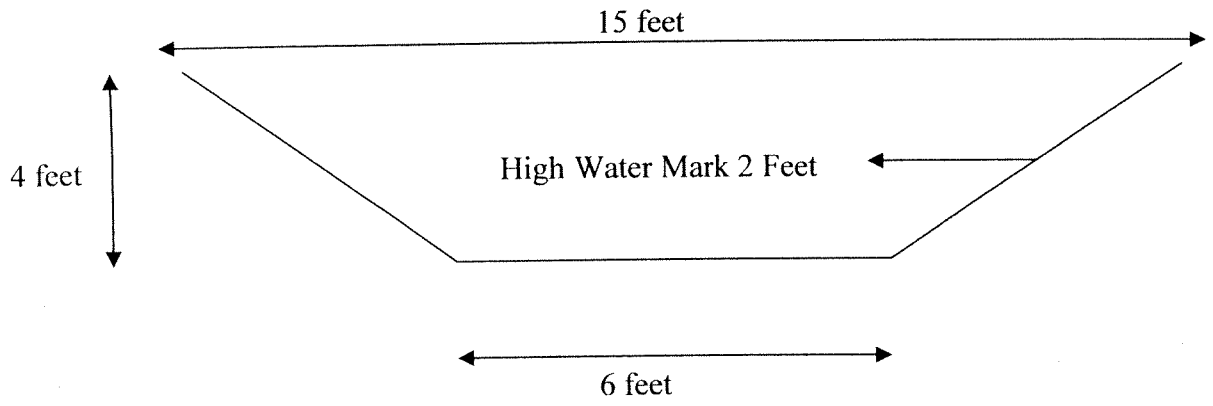
Scale: No scale specified.



Property lines are graphic representations and are not survey accurate. Lake County assumes no responsibility for the information contained on this page. Questions may be directed to the Tax Map Office (440) 350-2501.

HE COTTAGE GARDENS, INC.
/A Processing No. 2004-00966(1)
ake County, Ohio Quad: MADISON
heet 3 of 4 - Plan View





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Lake County, Ohio Quad: MADISON
Sheet 4 of 4 - Typical X-Section (Existing)