



# Public Notice

**Applicant:**  
John Baumgartner

**Date:**  
Published: April 28, 2004  
Expires: May 27, 2004

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

**In Reply Refer To:**

Buffalo District **CELRB-TD-R RE:** 98-387-0028(1) **Section:** OH 404

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

Mr. John Baumgartner, 758 Creekside Drive, Rossford, Ohio, 43460, has requested a Department of the Army permit to fill an approximately 10-acre pond located at 750 Glenwood Road, in the Town of Rossford, Wood County, Ohio. This pond has been determined to be subject to Federal jurisdiction due to its hydrological connection and proximity to an existing ditch that eventually drains into Grassy Creek, then into the Maumee River, and eventually into Lake Erie.

Previous permits for work within this water of the United States include the placement of approximately 500 linear feet of riprap along the shoreline of this pond under Nationwide Permit No. 13 processed in action (0) of this permit, and the filling of approximately 0.73 acre of the north edge of the pond under Nationwide Permit No. 26, processed in D.A. No. 92-387-12.

The approximately 35-foot deep pond will be partially filled with crushed and broken concrete, riprap and stone. The balance of the fill will consist of sand, clay, and soil to meet the surrounding grade. The exposed soil on the site will then be stabilized with a seed mix.

The stated purpose of the project is to create a developable commercial building site.

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 Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: [elizabeth.w.stone@usace.army.mil](mailto:elizabeth.w.stone@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 4 of 5. 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, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: [elizabeth.w.stone@usace.army.mil](mailto:elizabeth.w.stone@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.

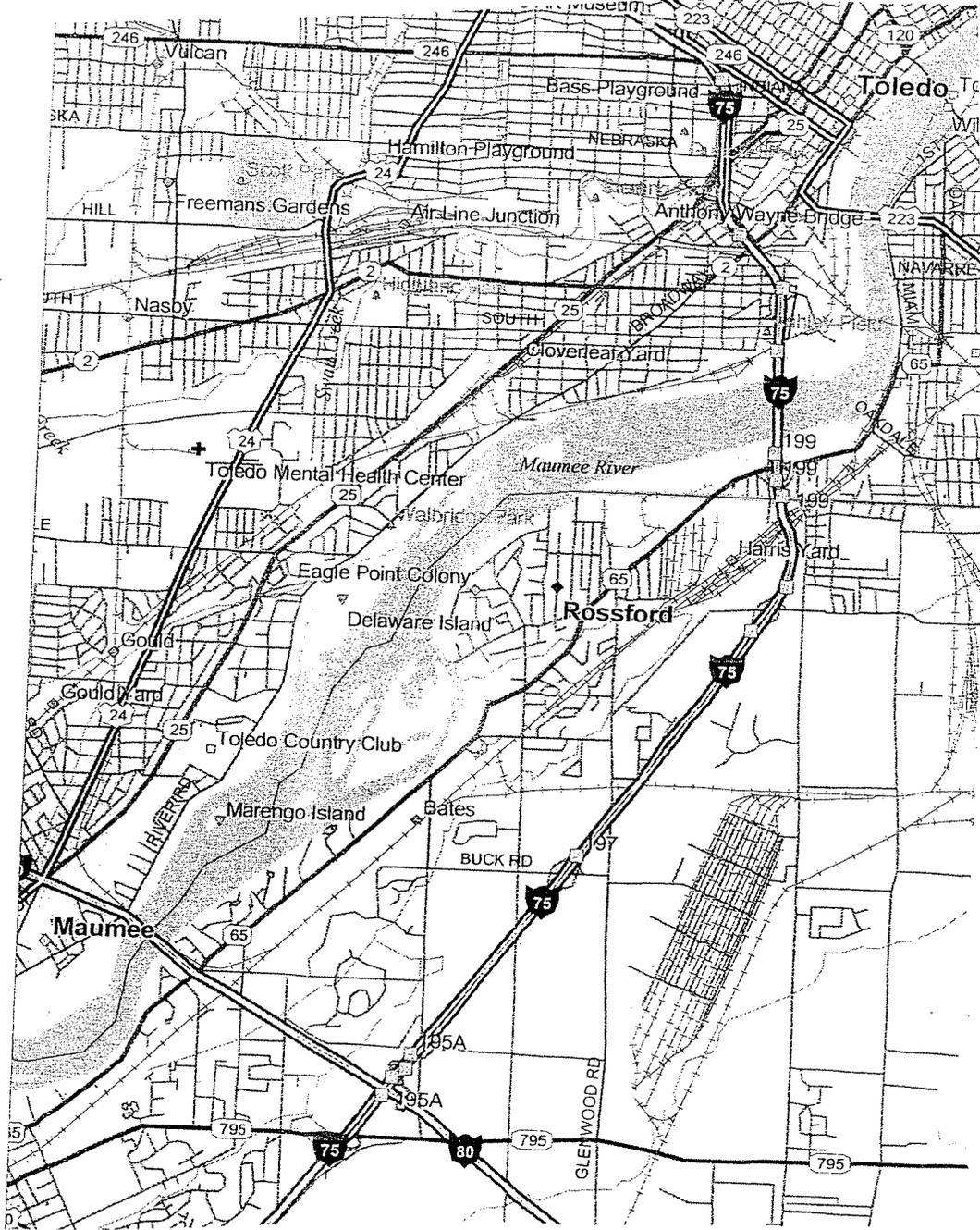
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

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.



BAUMGARTNER, JOHN  
D/A Processing No. 98-387-0028(1)  
Wood County, Ohio Quad: ROSSFORD  
Sheet 1 of 5 GENERAL LOCATION MAP

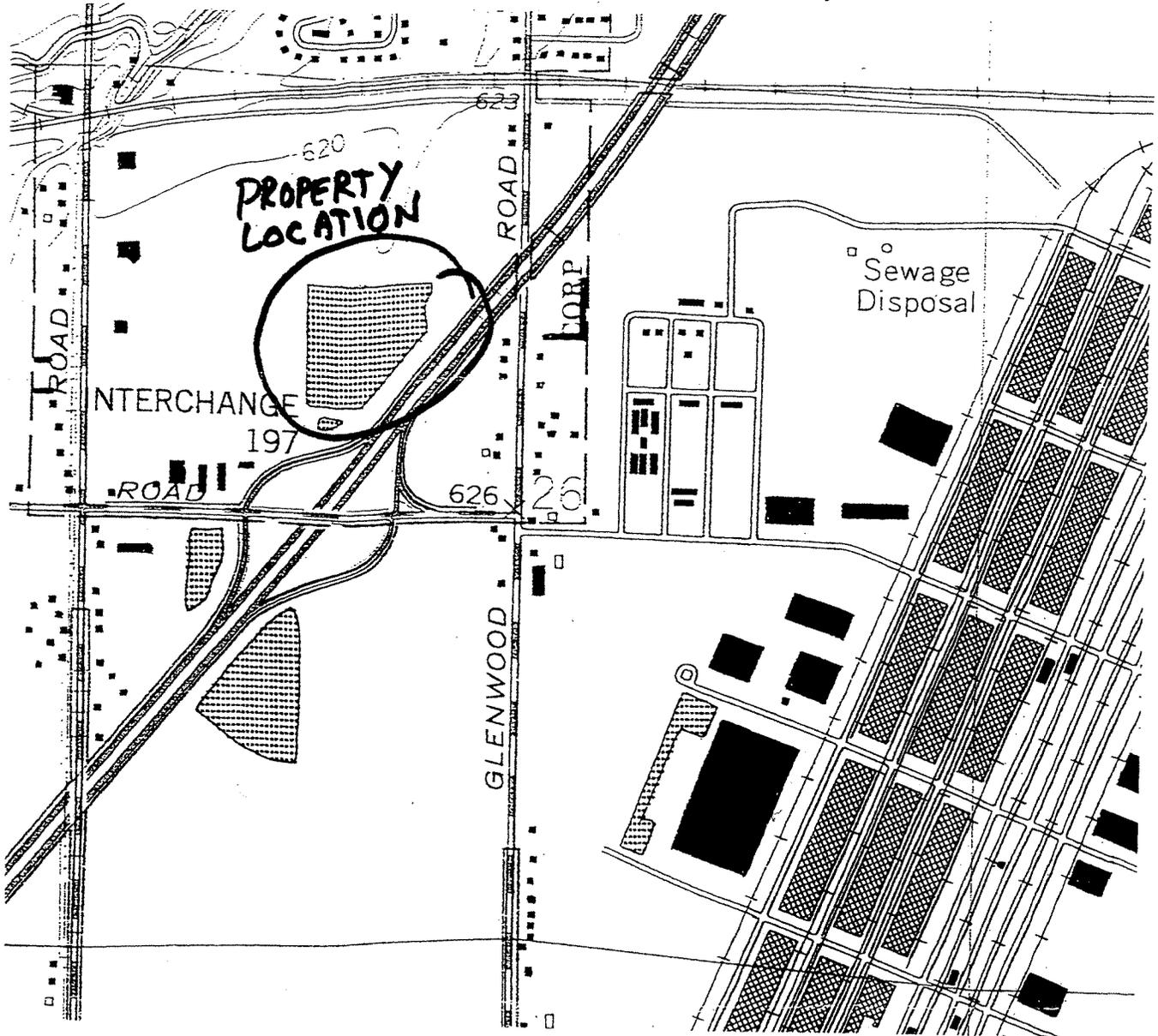
SYLVESTER MATERIAL CO.  
CUSTOMER: **BAUMGARTNER, J.**  
DATE: **3/11/04** DRN. BY: **CHIP** JOB NO.:  
SCALE: FILE NO. **TKM** REL. DATE:

ROSSFORD, OHIO  
41083-E5-TF-024

80

1965  
PHOTOREVISED 1980  
DMA 4267 II SE—SERIES V852

Approximate  
Sale  
1" = 4000'



BAUMGARTNER, JOHN  
D/A Processing No. 98-387-0028(1)  
Wood County, Ohio Quad: ROSSFORD  
Sheet 2 of 5 LOCATION MAP

SYLVESTER MATERIAL CO.		
CUSTOMER: <b>BAUMGARTNER, J.</b>		
DATE: <b>3/11/04</b>	DRN. BY: <b>CHIP</b>	JOB NO.:
SCALE:	FILE NO. <b>TOMAR</b>	REL. DATE:

I-75 SOUTH →

R/W

DITCH

FENCE  
357.01

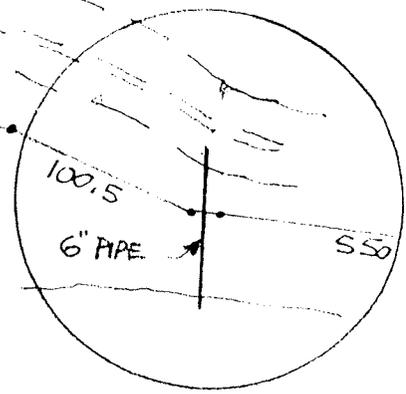
SHORE LINE

SCALE  
1" =  
100'

1093.07

GLENWOOD POND 15 AC.  
MR BAUMGARTNER  
(OLD CITY OF ROSSFORD)

W. I-75 BETWEEN TERMINAL RR. & BUCK RD.



PROPERTY LINE  
WORK TO BE DONE BETWEEN  
TWO FENCE POST 9' APART

4" STONE RIFRAE

R/W.

6" ASTM D 3034  
SDR 35

(12" OF FALL FOR)  
(50')

GRADE - 36"

GRADE

GRADE - 24"

POND

50'

SCALE 1/16" = 1"

DRAWN BY: JOHN BAUMGARTNER

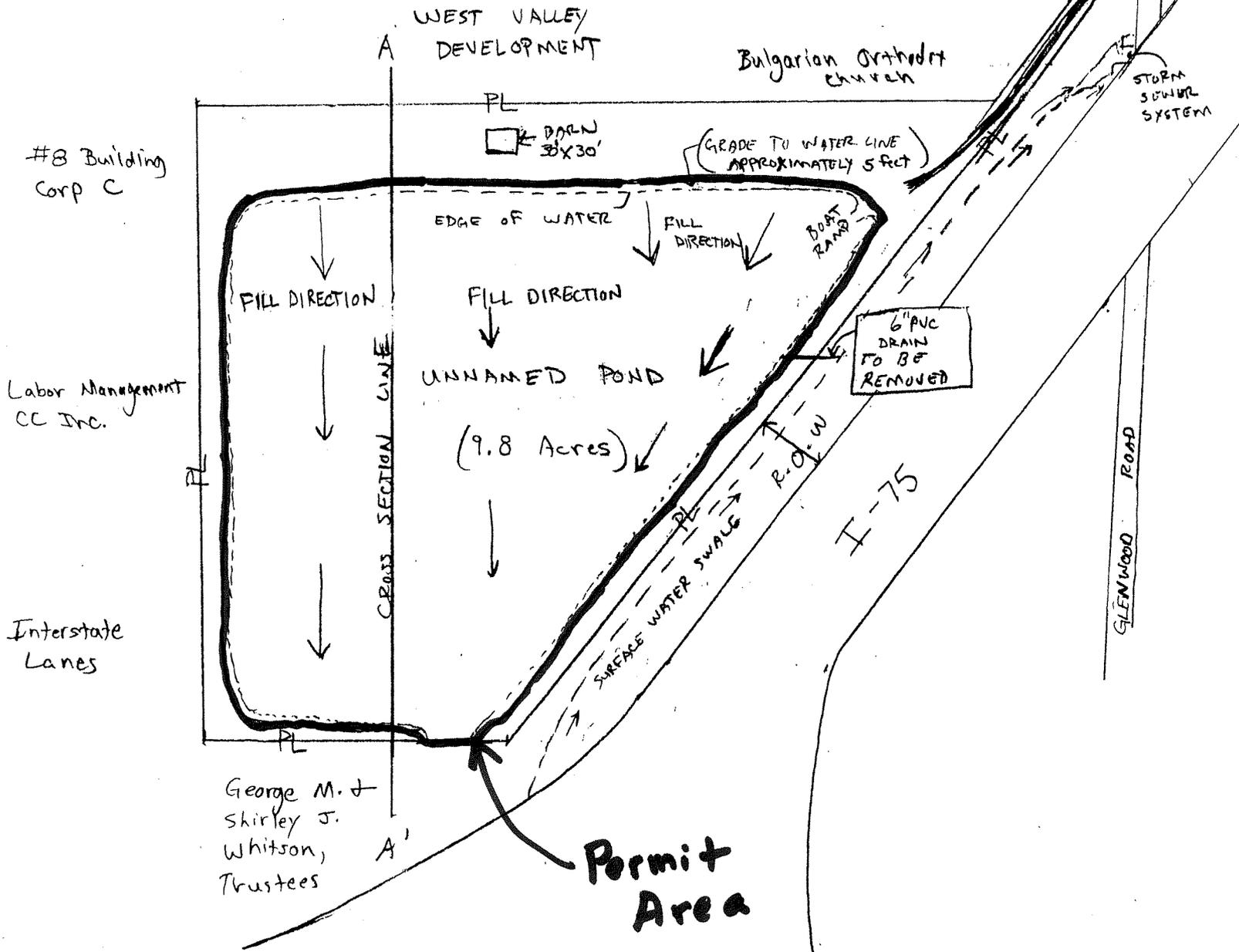
BAUMGARTNER, JOHN  
D/A Processing No. 98-387-0028(1)  
Wood County, Ohio Quad: ROSSFORD  
Sheet 3 of 5 JURISDICTION NEXUSES

BAUMGARTNER, JOHN  
 D/A Processing No. 98-387-0028(1)  
 Wood County, Ohio Quad: ROSSFORD  
 Sheet 4 of 5 PLAN VIEW

PLAN VIEW

LEGEND

- PL = Property Line
- - - = Swale
- · - · - = Water Line
- = Direction of fill
- = Structure



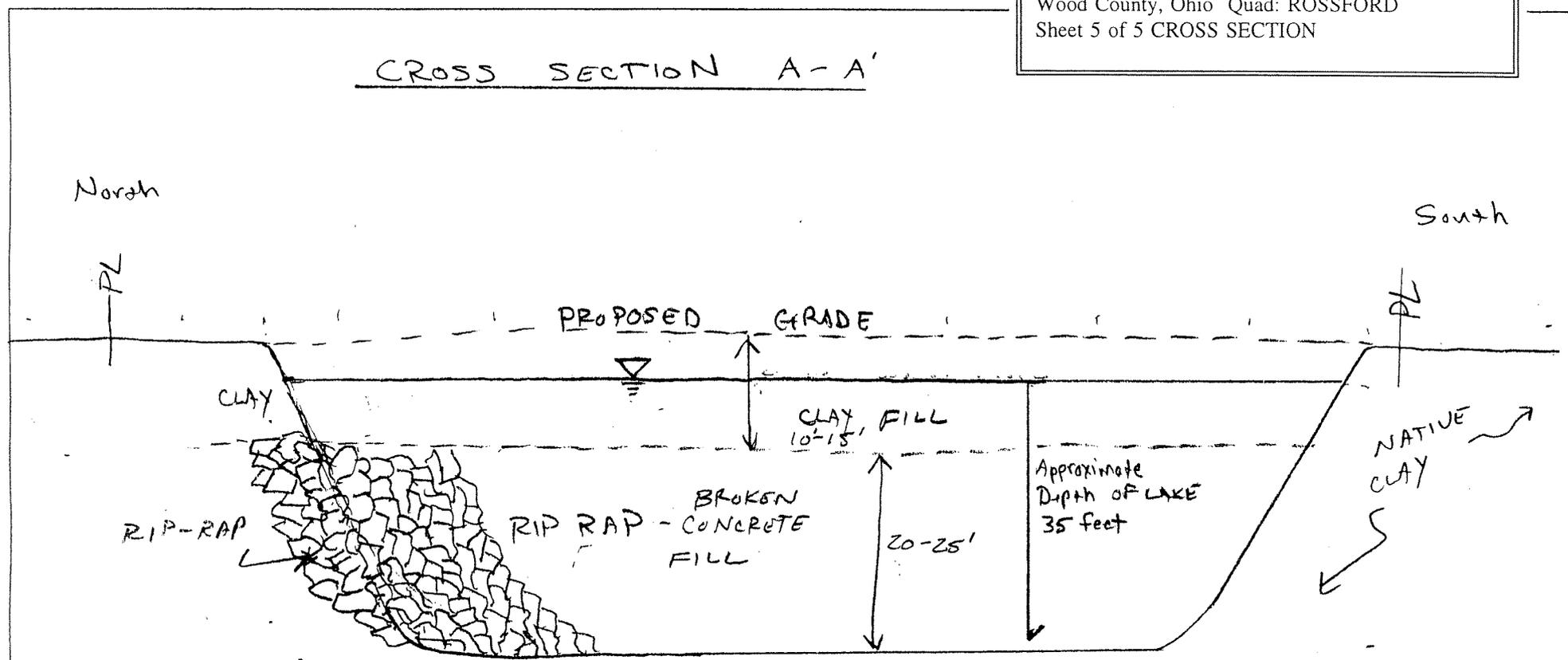
SYLVESTER MATERIAL CO.			
CUSTOMER:	BAUMGARTNER		
DATE:	3-11-01	DRN. BY:	SWA
SCALE:	3/11/01	FILE NO.:	7000A
CONTENTS:	PLAN VIEW	SHEET:	1 OF 7

BAUMGARTNER, JOHN  
 D/A Processing No. 98-387-0028(1)  
 Wood County, Ohio Quad: ROSSFORD  
 Sheet 5 of 5 CROSS SECTION

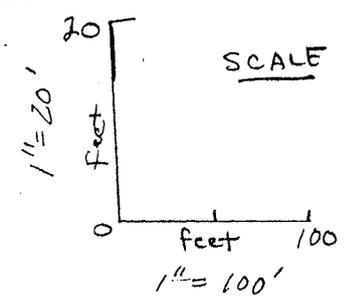
CROSS SECTION A-A'

North

South



LEGEND



= RIP RAP FILL

= EXISTING WATER LEVEL

PL = Property Line

SYLVESTER MATERIAL CO.			
CUSTOMER:	BAUMGARTNER		
DATE:	3/11/04	DRN. BY:	EW/P
SCALE:	1" = 20'	JOB NO.:	98-387-0028(1)
CONTENTS:	CROSS SECTION	SHEET:	2