



# Public Notice

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

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 2007-227

Date: October 24, 2007

Notice No. 07-49

Closing Date: November 9, 2007

1. TO ALL 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 (33 U.S.C. 1344).
2. APPLICANT: MFL Properties LLC  
7282 Infirmary Road  
Ravenna, Ohio 44266  
  
AGENT:  
  
Hammontree & Associates  
5233 Stoneham Road  
North Canton, Ohio 44720
3. LOCATION: in a tributary to Hinkley Creek and adjacent wetlands, Windham, Portage County, Ohio.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant is proposing to construct a recreational water skiing lake. The site will include a 2300' long by 200' wide recreational lake with an emergency spillway, entrance drive and boat ramp. Construction activities include earthmoving and grading, ditch construction, roadway construction, and landscaping. The majority of the project will involve excavation of earthen materials. A small amount of embankment will be needed at the southeast corner of the site. The Minimal Degradation Alternative was chosen as the preferred alternative. Aquatic impacts include 0.75 acre of Category 1 (0.67 acre) and Category 2 (0.08 acre) jurisdictional wetlands and 0.02 acre of Category 1 isolated wetlands. The project will also impact 60 feet of an unnamed tributary. Proposed mitigation will occur on-site and will include the creation of a minimum of 1.20 acres of wetlands and enhancement of a minimum of 60 feet of stream.
5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)  
Section 401 Coordinator  
PO Box 1049  
Columbus, Ohio 43266-0149  
Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The United States Fish and Wildlife Service (USFWS) has identified four potential species (Indiana bat, Mitchell's satyr butterfly, Northern monkshood and Eastern massasauga) that could be impacted. The applicant will have the trees surveyed to determine if there is habitat for the Indiana bat. Any trees which might be habitat and cannot be saved will be cut during the winter months, between November 15 and March 15, when the Indiana bat is hibernating in caves well away from the site. The consultant concluded the site is not conducive for the habitat of the Mitchell's satyr butterfly or the Northern monkshood. The consultant determined the site does not have the larger streams and rivers where the Eastern massasauga is found. If this species is on-site, it will still be able to travel from the uplands to the wetlands. During clearing, any evidence of the Eastern massasauga will be examined. If evidence is found, a survey will be conducted with coordination with the USFWS. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

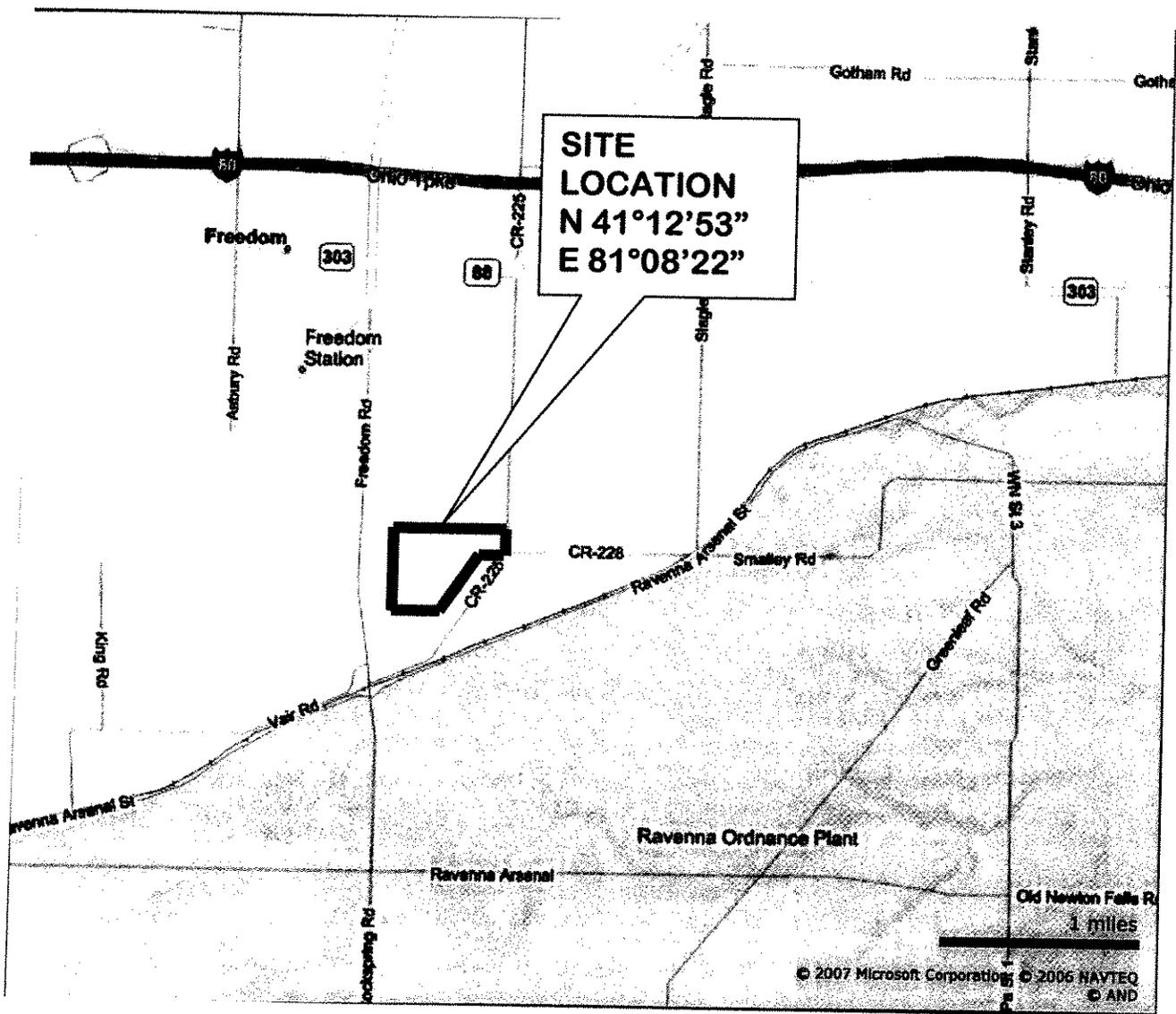
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed

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 proposals 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 those 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 overall public interest of the proposed activity. 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 (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Nancy Mullen, at the above address, by telephoning (412) 395-7170, or by e-mail at Nancy.J.Mullen@lrp02.usace.army.mil. Please refer to CELRP-OP-F 2007-227 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//  
Scott A. Hans  
Acting chief, Regulatory Branch



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AND

2007-227

**BLOCKS 16 & 17  
VICINITY MAP**

SCALE: 1"= 1 mile

ENG FORM 4345

LOTS 48 & 49, FREEDOM TWP., PORTAGE CO., OH  
MFL, LLC – PROP. LAKE SITE

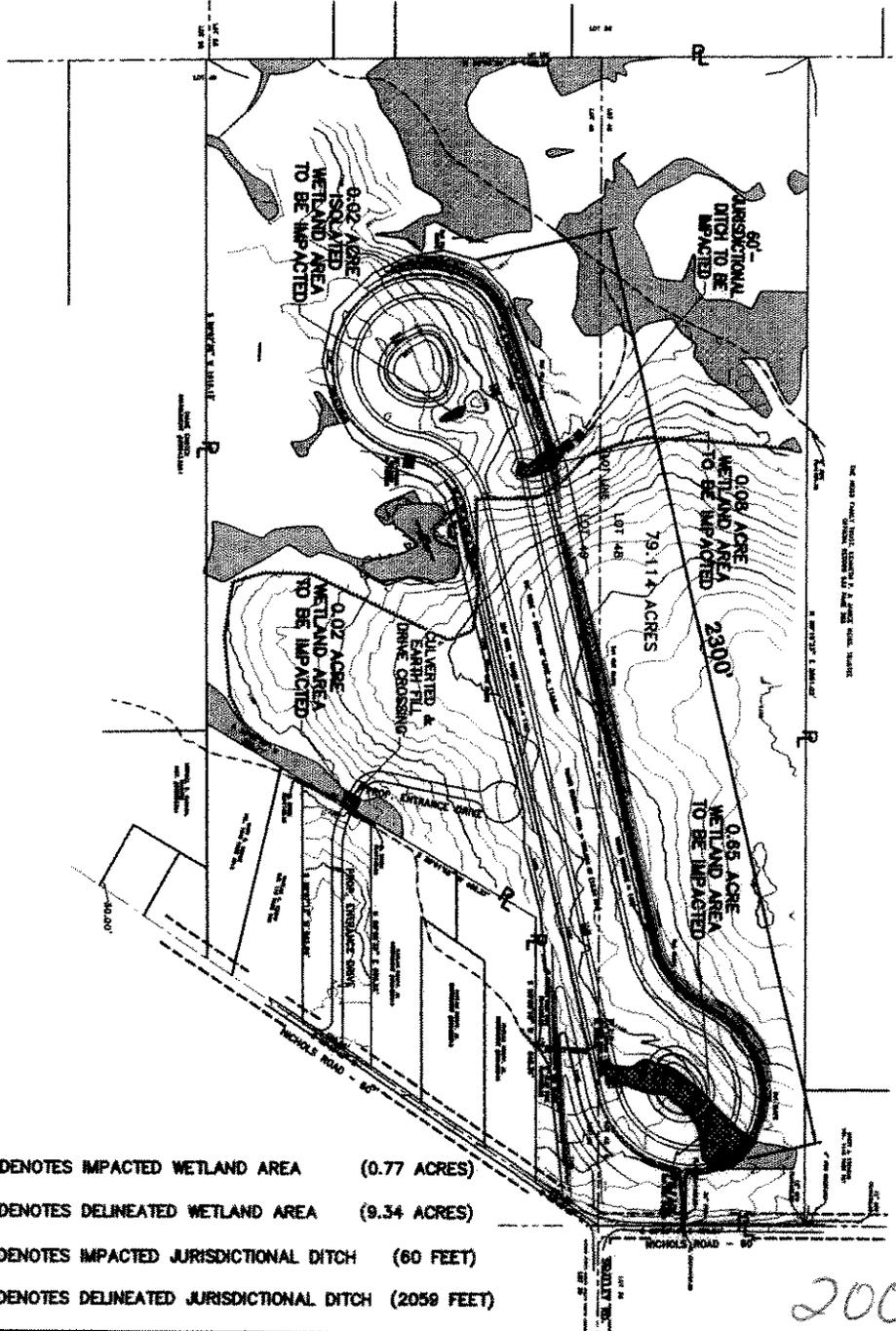


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Date: July 24, 2007



-  DENOTES IMPACTED WETLAND AREA (0.77 ACRES)
-  DENOTES DELINEATED WETLAND AREA (9.34 ACRES)
-  DENOTES IMPACTED JURISDICTIONAL DITCH (60 FEET)
-  DENOTES DELINEATED JURISDICTIONAL DITCH (2058 FEET)

2007-227

**MINIMAL DEGRADATION ALTERNATE**  
SCALE: 1"= 450'

PROPOSED LAKE SITE  
LOTS 48 & 49, FREEDOM TWP., PORTAGE CO., OH  
MFL LLC.



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Date: July 19, 2007 Rev. 10/15/07