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Litigation / Business Law / Municipal Law / Personal Injury

June 2, 2006

Mark W. Scalabrino  
U.S. Army Corp. of Engineers  
1776 Niagara Street  
Buffalo, New York 14207-3199

2006 JUN -2 AM 10:21

Re: Application for Department of the Army Permit  
Application No. 1999-01471 (4)

Dear Mr. Scalabrino:

We have been asked as counsel to the Cleveland Cuyahoga County Port Authority ("Port Authority") to respond to your letter dated May 1, 2006, received May 3, 2006, regarding the Cleveland Cuyahoga County Port Authority's ("Port Authority") Application for Department of the Army Permit, Application No. 1999-01471 (4). Specifically, this letter is written to respond in writing to the issues raised in the letters from the following: Mr. Robert Remmers, the Ohio Department of Natural Resources ("ODNR"), the National Trust for Historic Preservation ("NTPH"), the so called Committee to Save Cleveland's Hulets ("CSCH"), and Mr. Ed Hauser. Because the issues raised by the NTPH, CSCH and Mr. Hauser all allege similar concerns, the Port Authority will respond to the issues raised by these entities and individual collectively.

**I. Response to Issues Raised by Mr. Remmers and the ODNR**

The Port Authority desires to dredge the waterway immediately adjacent to the Cleveland Bulk Terminal dock at its Whisky Island location. This undertaking requires a permit from the Buffalo, New York, District Office of the U.S. Army Corp. of Engineers ("USACE"). Mr. Remmers of the USACE Operations Technical Support Section has raised two issues in his March 31, 2006 e-mail message to Mr. Scalabrino. Specifically, Mr. Remmers states that, because the dredged material will be placed in the USACE Confined Disposal Facility in the Cleveland Harbor East Basin, the permit will be subject to approval from the Headquarters of the USACE ("HQUSACE") of a formal Letter Report requesting such use of Confined Disposal Facility by a non-federal user. Before such a Letter Report can be sent to HQUSACE, a determination must be made as to whether or not the dredged material is suitable for disposal into the Confined Disposal Facility.

A report has been prepared by the USACE that the dredged material is suitable for disposal into the Confined Disposal Facility. A copy of the report is attached hereto as Exhibit A. Therefore, the first issue raised in Mr. Remmers' e-mail has been addressed.

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The second issue raised in Mr. Remmers' e-mail is the necessity for the Port Authority to execute a Memorandum of Agreement agreeing to a number of terms including, but not limited to, paying a tipping fee, submitting and following an operations plan, and providing appropriate survey information to back up quantity calculations. The Port Authority and USACE have executed a Memorandum of Agreement a copy of which is attached hereto as Exhibit B. Therefore, the second issue raised by Mr. Remmers has likewise been addressed.

Finally, a single deficiency issue is also raised by the ODNR in the April 7, 2006 e-mail from Randy Sanders of the ODNR. The deficiency referred to the need for a signed Consistency Certification Statement for the application. It appears from the ODNR e-mail that it did not receive a copy of the signed Consistency Certification Statement that accompanied the Port Authority's October 18, 2005 Application. Accordingly, attached hereto as Exhibit C is a copy of the signed Consistency Statement that accompanied the October 18, 2005 Application. With regard to the ODNR recommendation that no in-water work occur from April 15 to June 30 to reduce impacts to aquatic species, the Port Authority has no objection to dredging the requested area either before or after the April 15 to June 30 timeframe and depositing the material into the Confined Disposal Facility.

## **II. Response to Issues Raised by NTPH, CSCH and Mr. Hauser.**

As stated above, because the Port Authority desires to dredge the waterway immediately adjacent to the Cleveland Bulk Terminal dock at its Whisky Island location, the undertaking requires a permit from the Buffalo, New York, District Office of the USACE. The USACE is a Federal agency, and therefore, the Port Authority's permit application invokes a Section 106 of the National Historic Preservation Act (16 U.S.C. §470f) review to determine its potential impact upon historic resources that may be in the vicinity. The comments and issues raised by NTPH, CSCH and Mr. Hauser all relate to the Hulett Ore Unloaders formerly located in the vicinity of where the Port Authority seeks to dredge material.

In anticipation of a Section 106 Review, the Port Authority commissioned a report intended to satisfy the Section 106 Review requirement. The report was prepared by Ted Sande, AIA who is a historic preservation consultant. A copy of Mr. Sande's Report is attached hereto as Exhibit D and is incorporated herein as if fully restated. Also attached hereto as Exhibit E is a copy of Mr. Sande's Statement of Qualifications as a Historic Preservation Consultant. Mr. Sande's Report concludes from his investigation that the Port Authority's proposed dredging undertaking will have "no effect to historical property on the adjacent [Cleveland Bulk Terminal] site" and that "[h]istorical photographic evidence confirms that the area traditionally dredged at this site has been approximately 2000 feet in length." In order to fully appreciate the factual basis for Mr. Sande's conclusions, the following sets forth a brief background of the events relating to the designation of the Cleveland Bulk Terminal as a Cleveland Landmark and relating to the obsolete, non-functional Hulett Ore Unloaders.

## A. Background

The Cleveland Bulk Terminal site was designated by the City of Cleveland, under the style "C&P Ore Dock" as a Cleveland Landmark on June 23, 1993. It was listed in the National Register of Historic Places in 1997 under its original name: "Pennsylvania Railway Ore Dock."

In March 1997, the Port Authority purchased the Pennsylvania Railway Ore Dock Site from Conrail and then leased it to the Oglebay Norton Company. The site was renamed to the Cleveland Bulk Terminal ("CBT"). The CBT receives bulk cargo from Great Lakes self-unloading vessels. The cargo is stored until needed and then transferred for further shipment via rail or vessel to its end destination – the customer. CBT can be utilized for dry-bulk commodities such as coal, sand, limestone, salt, coke and magnetic concentrate ore. While most interlake vessel operations at Oglebay Norton are seasonal, activities at CBT continue year around.

Also in 1997, the Port Authority commissioned an architectural and engineering study of all of the Cleveland area port facilities, including those on Whisky Island where CBT is located. The study concluded, among other things, that the continued presence of the Hulett Ore Unloaders at the CBT limited operations by restricting cargo transfer activities and inhibiting the type of trans-shipment vessel to vessel cargo transfer. The study concluded that the model use of the facility was a use which allowed for full dockside access in front of the Cleveland Bulk Terminal, *i.e.*, a use with the Hulett Ore Unloaders no longer in their then-current location.

On October 22, 1997, the Port Authority wrote to the Ohio Historical Preservation Office ("OHPO") enclosing a Section 106 submittal regarding proposed demolition of four structures ancillary to the Hulett Ore Unloaders at the site. (Exhibit 1 to Sande Report). The assumption at that time was that funding for this undertaking would come from a federal source; presumably the U.S. Department of Transportation's then styled "ISTEA" initiative. OHPO responded to the Port Authority on January 16, 1998, recognizing that federal funding was not certain at that point and observing that the loss of the four structures and moving the shunt engines to another site would constitute an adverse effect in the event a Section 106 review did occur. The letter went on to outline certain steps that could be taken to mitigate the adverse effect. (Exhibit 2 to Sande Report).

In September 1998, URS Greiner, Inc. ("URS") prepared a report entitled "The Cleveland Bulk Terminal: An Evaluation of Expanding Capacity and the Economic Impacts." (Exhibit F). As set forth in the report, the economy of greater Cleveland looks to the Port Authority as a dynamic and integral working partner. The Port Authority's role assisting industry in creating and sustaining jobs, stimulating business activity, producing incomes and creating tax revenues touches everyone and its impact in Northeast Ohio is significant. A Cleveland State University study of the economic impacts of the Port Authority found that 4,768 jobs were generated through the port industry, the Port Authority industry generated more than \$427 million in spending throughout Northeast Ohio, the Port Authority generated \$151.2 million of personal income for Northeast Ohio, and the Cleveland port industry generated \$63.8 million in local, state and federal tax revenue. (A copy of the March 1997 report entitled *The Regional Economic Impact of the Port of Cleveland's Maritime Operations* is attached hereto as Exhibit G).

In 1998, the Port Authority adopted a Master Plan contemplating long-term improvements to its facilities. (Exhibit H). The Master Plan essentially endorsed the recommendations of the previously-commissioned study of the Port Authority facilities, including those relating to the CBT and the Hulett Ore Unloaders. Thereafter, the Port Authority embarked on an improvement project for Whisky Island whose stated objective was to "increase the capacity and operational flexibility of the bulk handling facility" and to "increase the economic development and job creation potential of the Cleveland Bulk Terminal facility." The project contemplated the removal of the Hulett Ore Unloaders from the dock facilities and the demolition of other structures which had been used primarily as support facilities for the Hulett Ore Unloaders when the Hulett were in operations.

In November 1998, URS submitted a Historic Mitigation Plan to the Cleveland Landmarks Commission in support of an application for a certificate of appropriateness to demolish the structures and the Hulett Ore Unloaders. (Exhibit 3 to Sande Report). The application was made on November 10, 1998. The Cleveland Landmarks Commission was the review authority in this matter, since the site was designated a Cleveland Landmark. However, its powers at the time were limited to denying the application to demolish for only two consecutive six-month periods. At or about this same time, URS sent a letter to the CSCH asking CSCH to serve as an interested party to the Section 106 process for the project. (Exhibit I). By the end of 1998, however, it had been determined by the Port Authority that no federal funds, directly or indirectly, would be used for the proposed changes to the site.

While this process was ongoing, in March 1999, the Port Authority submitted an application to the USACE seeking a permit to conduct dredging alongside the Cleveland Bulk Terminal. In describing its permit request, the Port Authority said it was seeking authority to conduct maintenance dredging only for the full length of CBT – approximately 2000 feet – the area traditionally dredged at CBT. The Port Authority clearly asserted that its request was not part of the proposed expansion and, instead, was intended to allow for maintenance of previously approved draft depth. The Port Authority stated that its improvement project for Whisky Island could proceed without the maintenance dredging project. On May 13, 1999, the USACE determined that the Cleveland Bulk Terminal was not part of the permit area for the maintenance dredging proposal because the 600 foot reduced dredge area, based on then-current usage of the CBT, had been subsequently requested by the Port Authority to allow the CBT to maintain operations in its then-current configuration and did not rely on any expansion of the facility. (Exhibit J). Consequently, the USACE determined that the Phase I of the Master Plan including the dismantling of the Hulett Ore Unloaders was not within the scope of the Port Authority's March 1999 dredging permit request.

After extensive deliberation, the Cleveland Landmarks Commission approved on July 8, 1999 a Resolution Regarding Hulett Unloaders, Power House, and Other Structures and Equipment on the C&P Ore Dock. (Exhibit 4 to Sande Report). This was followed on July 16, 1999 by a complimentary resolution by the Port Authority. (Exhibit 5 to Sande Report). Essentially, these resolutions provided for the dismantling and saving of up to two of the Hulett Ore Unloaders with the expectation that, at some future date when adequate funds had been raised by interested parties, they would be re-erected at a new unspecified site and that the Port Authority would allocate up to \$500,000 for the dismantling and saving of the two Hulett Ore Unloaders; and further that the site

would be thoroughly documented to Historic American Buildings Survey / Historic American Engineering Record ("HAER") archival standards prior to demolition.

Notably, the Resolution contemplated a "[f]oundation consisting of Port, Oglebay Norton, preservationists, unions, [sic and] city officials formed to raise money for reassembly, location and development of stored Hulett(s)" and "[i]f funds for reassembly cannot be raised within 5 years, Port to have authority to dispose of stored Hulett(s)." Despite the fact that the Port Authority has expended thousands of dollars to dismantle and store the Hulett Ore Unloaders as contemplated by the Resolution, the preservationists, including the NTPH, CSCH and Mr. Hauser, have failed to form the foundation contemplated by the Resolution and, more importantly, have failed to raise any funds for the reassembly, location and development of the stored Hulett Ore Unloaders.

#### **B. Salvage and Documentation**

A Salvage Inventory of the C&P Dock was conducted on August 31, 1999 by representatives of the Port Authority and the Cleveland Landmarks Commission. (Exhibit 6 to Sande Report). This Inventory was approved by the Cleveland Landmarks Commission on September 16, 1999. (Exhibit 7 to Sande Report). These items, except for a representative shunt locomotive, were packed in more than 15 wood crates, labeled, and are currently stored off site, but on Port Authority property, awaiting eventual transfer to the Western Reserve Historical Society which had agreed to accept them. The shunt locomotives proved to be a more difficult matter. Fourteen museums and organizations were contacted locally and nationally. They either did not respond or responded negatively, except the Pennsylvania Railroad Museum and the Lake Shore Chapter, National Railway Historical Society of Northeast Pennsylvania; each agreed to accept one locomotive.

The arrangements for salvaging two of the four Hulett Ore Unloaders were part of the Cleveland Landmarks Commission's Resolution of July 8, 1999, cited above. The two Hulett have been dismantled and are currently stored at the west end of the CBT site. To date, the preservationists have not located, much less proposed, a site for their relocation nor have the funds needed for their move and re-erection been raised by the preservationists. Despite this, the Port Authority has, from its own funds paid for studies to determine the costs to relocate and reassemble the Hulett.

The Port Authority, working in close coordination with the Cleveland Landmarks Commission and with formal consultation from HAER, selected a qualified documentary photographer and undertook the archival and graphic documentation of the site during the period from late July through early December 1999. The principal work was performed by URS Woodward Clyde of Florence, New Jersey. The documentation that was gathered and deposited at the Cleveland Landmarks Commission was reviewed by Mr. Sande in 2005 and is identified in his Report at pages 3 and 4. On December 9, 1999, the Cleveland Landmarks Commission accepted the documentation and granted a permit to the Port Authority to proceed with the requested work at the site. (Exhibit 7 to Sande Report).

### C. Litigation

On March 30, 2001, Judge Kathleen O'Malley of the United States District Court for the Northern District of Ohio, Eastern Division, issued a Memorandum and Order in Case No. 1:99CV3046, which was a suit brought by the CSCH, et al against the USACE, et al. The plaintiffs sought relief in a number of different categories, all but one of which was dismissed by the Court. The one point which the Court found in favor of the plaintiffs was the one remaining count against the USACE in which the Court stated as follows: "the Corps violated the NHPA by issuing a permit [for dredging] without awaiting comment from the Ohio State Historic Preservation Office (the 'Ohio SHPO') or the Advisory Council on Historic Preservation (the 'ACHP')." The Court, based on this finding, ordered:

the Corps to revoke the Letter of Permission, permit n. 1999-01471(0), issued to the Port Authority on May 14, 1999. If the Port Authority requires any further dredging in the area covered by that permit, it must reapply for authority to do so. If a new application is made, defendants must comply with all requirements of the NHPA, including those mandating formal notice to the Ohio SHPO and ACHP and contemplating a waiting period after such notice prior to the issuance of a permit. The Corp must also consider whether the scope of any new permit sought implicates 16 U.S.C. §470h-2(k). The Corps may then determine whether and under what conditions to reissue the permit.

Furthermore, in response to the plaintiffs' claim that the demolition of the Hulett Ore Unloaders constituted an anticipatory demolition under 16 U.S.C. § 470h-2(k), the Court found that the issue was not ripe and the Court stated that it "expresses no opinion regarding the validity of any such future claim." 163 F. Supp. 2d 776, 794 n. 14 (N.D. Ohio 2001).

### D. Current Section 106 Review

The CBT site was photographed in mid-July 2005 by a nationally-known professional photographer Jennie Jones, whose offices are in Cleveland. She took a total of thirteen documentary pictures. Two sets of these 3 x 5 color prints, labeled, and a photo location key are attached to Mr. Sande's Report.

The views were determined in the field in consultation with the historic preservation consultant. It is clear from these photographs that all of the historically important structures and the Hulett Ore Unloaders have been demolished, except for two of the Hulett's which were dismantled and are currently stored in the southwestern portion of the CBT site. Photographs 12 and 13 show the north face of the dock to the immediate north of which the proposed dredging is planned.

Although the 1999 dredging permit requested permission to dredge for a 600 feet length along the north face of the Cleveland Bulk Terminal dock for maintenance, the area traditionally dredged at this location was 2000 feet long. This is supported by the historical

photograph attached to Mr. Sande's Report taken ca. 1960 that shows two vessels alongside, bow to stern at the Cleveland Bulk Terminal site.

The vessel adjacent to the Hullett Ore Unloaders is the Ernest T Weir, 690 feet long, 70 feet beam, with a draft of 27 feet; built by American Ship Building of Lorain, Ohio in 1953. She was bought by Oglebay Norton in 1978 and renamed the Courtney Burton. In 1981 the vessel was converted to a self-unloader and remains in service today.

Astern of the Weir is the Joseph H. Thompson, 707 feet long, 71 Feet beam, with a draft of 27 feet. She was built by the Sun Shipbuilding and Drydock Company in Chester, Pennsylvania in 1944. In 1952 this vessel was extended 200 feet to its present length and in 1990 it was converted to a self-unloader. The Thompson is currently owned by the Upper Lakes Towing Company, Escanaba, Michigan and is in service as a tug/barge.

The combined length of these two vessels is 1,397 feet, with approximately 150 feet between the two which totals 1,547 feet, to which must be added sea room to maneuver both fore and aft. These dimensions are consistent with a historical dredging length of at least 2000 feet for this channel.

Furthermore, a dredging permit search was performed by the USACE in September 2005 at the request of the Port Authority. Attached hereto as Exhibit K are copies of the historical permit application information that was located. This does not reflect all permits issued for dredging at CBT, but shows a representative sample of historical documentation for the area immediately north of the site. The records show that dredge permits were issued for lengths ranging between 650 feet and 2000 feet alongside the bulkhead depending on what the specific project intent was. The records include the following:

1. The oldest record found referenced a dredge permit that was issued February 8, 1917. The length of the dredge area was 2000 feet along the bulkhead at a depth of 23 feet. The permit number was 917210001 and was issued to the Pennsylvania Railroad.
2. The second record referenced a permit that was issued May 22, 1972. The length of the dredge area was 650 feet at a depth of 27 feet. This area is focused on the center of the site. The permit number was 971160002 and was issued to Penn Central Transportation Company.
3. The third permit and most recent record found was April 14, 1980. The length of the dredge was 1800 feet at a depth of 29 feet. The permit number was 79-160-2 and was issued to Consolidated Rail Corporation.

Each of these permits again confirms a historical dredging length of at least 2000 feet for this channel.

**E. 16 U.S.C. § 470h-2(k) Does Not Apply to the Instant Matter.**

NTPH, CSCH and Mr. Hauser each allege in their letters that the Port Authority's actions in 1999 and 2000 implicate 16 U.S.C. § 470h-2(k). However, to accept these positions, the USACE must disregard the predicate clause of the statute. The statute states as follows:

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 470f of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstance justify granting such assistance despite the adverse effect created or permitted by the applicant. (emphasis added).

Accordingly, regardless of whether the demolition of the Hulett Ore Unloaders constitutes a "significant adverse effect," the first determination is whether the Port Authority acted with "intent to avoid the requirements of section 470f" a/k/a Section 106.

The comments provided in the letters from NTHP, CSCH and Mr. Hauser fail to demonstrate that the Port Authority's actions leading up to and including the dismantling of the Hulett Ore Unloaders were done with the intent to avoid a Section 106 analysis. That is because the facts demonstrate otherwise. As set forth above, the Port Authority wrote to the OHPA in 1997 enclosing a Section 106 submittal regarding proposed demolition on the Hulett Ore Unloaders ancillary structures. In November 1998, the Port Authority submitted an application for certificate of appropriateness to the Cleveland Landmarks Commission to demolish the structures and the Hulett Ore Unloaders. After extensive deliberation, consultation, and negotiation with the City of Cleveland, the Port Authority, Oglebay Norton and other interested parties, the Cleveland Landmarks Commission approved on July 8, 1999 a Resolution providing for the dismantling and saving of two Hulett Ore Unloaders and the demolition of the remaining structures.

The comments received by the USACE do not and cannot dispute these facts. Notably absent from the comments, however, is any mention of the fact that the Port Authority spent hundreds of thousands of dollars in dismantling and preserving the two Hulett Ore Unloaders. Furthermore, the Resolution with the Cleveland Landmarks Commission only required the Port Authority to maintain the two Hulett Ore Unloaders for five years, which time expired on July 8, 2004. Despite this limitation, for almost two years now past this expiration date, the Port Authority has stored and maintained the two Hulett Ore Unloaders at the CBT site. Such conduct on the part of the Port Authority clearly demonstrates that its conduct relating to the previously requested dredging permit was not done with intent to avoid a Section 106 review.

NTHP, CSCH and Mr. Hauser will likely claim that the reduction in the number of feet of dredging requested in the 1999 permit from 2000 feet to 600 feet demonstrates intent by the Port Authority to avoid a Section 106 review. Again, however, this argument lacks any legal or factual basis. In 1999 when the Port Authority sought the permit for maintenance dredging at the

CBT, throughput at the CBT clearly supported a reduction in this required area being dredged and LTV Steel (one of the principal customers of the CBT facility) was preparing to and did file for bankruptcy protection. Since that time, throughput at the CBT has been steadily increasing due to market conditions since 1999, as the following throughput figures demonstrate:

Year	Short tons throughput at CBT
1999	1,196,652
2000	977,394
2001	736,069
2002	1,232,072
2003	1,889,494
2004	2,967,026

Although final numbers for the throughput for 2005 have not been completed yet, through July 2005, throughput at Cleveland Bulk Terminal was 1,514,799.394 which puts the Port Authority on pace to match or exceed the year 2004 throughput. A significant part of the increased throughput can be attributed to the success of Mittal Steel's (formerly ISG) purchase of the former LTV Steel facilities and resumption of activities. Consequently, any claim that the scope of the 1999 dredging permit request demonstrates intent to avoid a Section 106 review is wholly without merit.

**F. Even if the USACE Determines That 16 U.S.C. § 470h-2(k) Does Apply to the Instant Matter, Circumstances Justify Granting the Permit.**

As set forth above, even if the USACE determines that 16 U.S.C. § 470h-2(k) does apply to the instant matter, the USACE should grant the Port Authority's permit application because circumstances justify granting the permit despite the adverse effect created by the dismantling of the Hulett Ore Unloaders. The Port Authority, as previously noted, is a dynamic and integral part of the economy of greater Cleveland.

Furthermore, the dredging requested in the permit application is consistent with the historical use of the property as set forth in Mr. Sande's Report. Historically, dredging of the entire 2000 foot bulkhead was necessary to allow two vessels astern of the CBT. The documentary photographs attached to Mr. Sande's Report demonstrate that there is no effect to historical property on the CBT site that would result from the requested dredging activity. Therefore, again, even assuming the USACE determines that 16 U.S.C. § 470h-2(k) applies in the instant matter (which it does not), economic circumstances for the greater Cleveland area and the fact that no historical impact exists justify the granting of the dredging permit requested by the Port Authority.

Mr. Mark Scalabrino

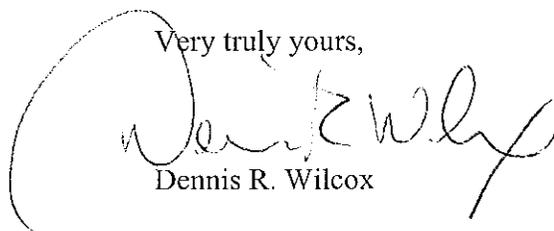
June 2, 2006

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### III. Conclusion

We trust that the information contained in this letter and the attachments to this letter resolve any issues raised in the letters from Mr. Remmers, the ODNR, NTHP, CSCH and Mr. Hauser. If you have any questions regarding the contents of any of the foregoing or if you have any questions regarding the permit application, please do not hesitate to contact me. Otherwise, we look forward to receiving a Letter of Permission authorizing the requested dredging alongside the CBT site.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dennis R. Wilcox", is written over the typed name. The signature is fluid and somewhat stylized, with a large initial "D" and "W".

Dennis R. Wilcox

DRW/mn

Enclosures

cc: Gary L. Failor, President Port Authority  
Rose Ann DeLeon, Vice President Strategic Development Port Authority  
Skip Jacobsen, Construction/Engineering Manager Port Authority

Cleave P.A. '06

CELRB-TD-OT

30 March 2006

MEMORANDUM THRU Chief, Operations and Technical Support Section

FOR File

SUBJECT: Sediment Evaluation for Cleveland Harbor (Cleveland-Cuyahoga County Port Authority), Cuyahoga County, Ohio - Proposed Maintenance Dredging with Disposal in Confined Disposal Facility (CDF) 10B

1. References:

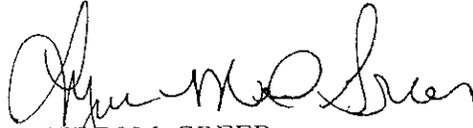
- a. Great Lakes Dredged Material Testing and Evaluation Manual, 1998. Guidance manual prepared by U.S. Environmental Protection Agency (USEPA) and USACE.
- b. Sediment Analyses for Cleveland Harbor, Ohio, 2002. Engineering and Environment, Inc.

2. Operations and Technical Support Section staff reviewed the subject project with respect to the guidelines in Reference (a) and information contained in Reference (b). The material to be dredged appears to be acceptable for placement in CDF 10B based on the following:

- a. A single sediment sample (CH-23) from the 2002 Federal sampling [Reference (b)] was collected from an area adjacent to the proposed dredging area (in the West Basin of Cleveland Outer Harbor), and analyzed for inorganics (metals, nutrients, etc.) and organics (Pesticides/Polychlorinated Biphenyls [PCBs] and Polynuclear Aromatic Hydrocarbons [PAHs]). These data were used to characterize the material.
- b. The analytical data on the sample showed that it was contaminated with heavy metals, specifically arsenic, cadmium, and various PAH compounds. The approximate total PAH concentration of 18000 ppm (not including the laboratory reporting limits) is high. Approximately 38 percent of the PAH parameters in the total concentration is considered carcinogenic (USEPA toxic equivalency factor [TEF] ranging from 0.01 – 1.0).
- c. The data were compared to the levels of sediment contaminants at an open-lake reference area in Lake Erie. Metal and PAH compounds were significantly elevated relative to the open-lake reference area sediments. Therefore, the material does not meet Federal guidelines for open-lake disposal (Reference [a]).
- d. The contaminant concentrations in the sediment sample show that they were consistent with the material disposed in CDF 10B and/or appear to be acceptable for placement in the CDF. Therefore, material dredged from Cleveland-Cuyahoga County Port Authority, Cleveland Bulk Terminal would be suitable for placement in CDF 10B.

SUBJECT: Sediment Evaluation for Cleveland Harbor (Cleveland-Cuyahoga County Port Authority), Cuyahoga County, Ohio - Proposed Maintenance Dredging with Disposal in Confined Disposal Facility (CDF) 10B

3. Questions pertaining to this matter should be directed to Ms. Lynn Greer who may be reached at 716-879-4260.



LYNN M. GREER  
Physical Scientist

CF:  
CELRB-TD-OT

AGREEMENT  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY  
FOR DISPOSAL OF MATERIAL  
IN  
CONFINED DISPOSAL FACILITY 10B  
CLEVELAND HARBOR, OHIO

THIS AGREEMENT is entered into this 22<sup>d</sup> day of MAY, 2006, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer District, Buffalo (hereinafter the "District Commander"), and Cleveland-Cuyahoga Port Authority (hereinafter "PORT AUTHORITY") represented by its President.

WITNESSETH, THAT:

WHEREAS, Section 401(c) of Public Law 92-500 (33 U.S.C. §1341), authorizes the Secretary of the Army (hereinafter the "Secretary") to permit the use of confined dredged material disposal facilities under his jurisdiction by Federal licensees or permittees and to make an appropriate charge for such use, if such disposal is deemed to be in the public interest;

WHEREAS, the PORT AUTHORITY applied for Letter of Permission #1999-01471(4), and is awaiting approval by the U.S. Army Engineer District, Buffalo to conduct dredging at the Cleveland Bulk Terminal located in the West Basin of Cleveland Harbor. The specific area to be dredged is approximately 2,000 feet long by 75 feet wide and is located between the terminal dock face and the Federal Channel line. The permit will be valid for a period of five years from the date issued, pending approval.

WHEREAS, on March 3, 2006, the PORT AUTHORITY requested that material dredged from PORT AUTHORITY areas adjacent to the Cleveland Bulk Terminal be placed in the Government operated Confined Disposal Facility (CDF) 10B, Cuyahoga County, Ohio;

WHEREAS, the Secretary determined that allowing disposal of material in CDF 10B, Cuyahoga County, Ohio by the PORT AUTHORITY is in the public interest and determined the appropriate charge per cubic yard for such disposal by approval of the Letter Report 'Letter Report for Disposal of Material From Cleveland-Cuyahoga County Port Authority Areas Adjacent to the Cleveland Bulk Terminal (located in West Basin of Cleveland Harbor, Cleveland, Ohio) Into Confined Disposal Facility (CDF) 10B' on April 21, 2006 (hereinafter the "Letter Report"); and

WHEREAS, the Government and the PORT AUTHORITY have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the Government and the PORT AUTHORITY agree as follows:

## ARTICLE I - DEFINITIONS AND GENERAL PROVISIONS

For purposes of this Agreement:

a. The term "Disposal Action" shall mean placement in CDF 10B, Cuyahoga County, Ohio (hereinafter "10B") of approximately 2,000 cubic yards of dredged material from PORT AUTHORITY areas adjacent to the Cleveland Bulk Terminal by the PORT AUTHORITY'S independent contractor, as generally described in the Letter Report approved by the Deputy Assistant Secretary of the Army (Management and Budget), Office of the Assistant Secretary of the Army (Civil Works) on April 21, 2006.

b. The term "cost of Disposal Action" shall mean the tipping fee times the actual amount of cubic yards of dredged material placed by the PORT AUTHORITY'S independent contractor in 10B, as determined by the Government.

c. The term "tipping fee" shall mean the fee for each cubic yard of dredged material placed in 10B. For the purposes of this Agreement, the tipping fee is \$8.98 per cubic yard as determined in the Letter Report.

d. The term "District Commander" shall mean the Commander of the U.S. Army Engineer District, Buffalo, New York.

## ARTICLE II - OBLIGATIONS OF THE PORT AUTHORITY AND THE GOVERNMENT

a. The Government shall allow the PORT AUTHORITY capacity in 10B for placement of up to approximately 2,000 cubic yards of dredged material on a one time basis, subject to paragraph c. of this Article and approval of the PORT AUTHORITY'S disposal plan by the District Commander.

b. The PORT AUTHORITY shall comply with all applicable State and Federal laws and regulations in dredging and disposal of the material. In particular, the PORT AUTHORITY shall comply with the requirements of the Clean Water Act, 33 USC 1341, et. seq., Letter of Permission #1999-01471(4), pending approval, and any modifications made to the Letter of Permission.

c. The PORT AUTHORITY shall contribute 100 percent of the cost of Disposal Action.

d. Prior to commencing use of a government operated CDF, the PORT AUTHORITY shall submit a proposed plan that describes specific procedures that will be implemented to comply with the District Commander's Operations Plan for 10B (attached). In addition, the proposed plan shall identify an independent inspector who

will supervise and be responsible for performing before and after surveys of the area to be dredged, and monitoring all phases of the disposal operation. The inspector assigned to this task must be independent from the PORT AUTHORITY, its affiliates, dredging contractors, and general inspection staff. The plan must identify the independent inspector and include a copy of the contract for these services. The plan must demonstrate that the inspector will function independently from the PORT AUTHORITY inspection staff and address all aspects of the inspector's authority, duties, and reporting procedures. Inspectors must have equipment and appropriate points of contact to maintain an efficient and effective line of communication with the PORT AUTHORITY'S dredging contractor and the District Commander's representative. The plan must be approved by the District Commander's representative prior to commencing use of the government operated CDF. The District Commander can subsequently modify or update the plan if such action is deemed necessary to comply with disposal operation management practices. If the PORT AUTHORITY terminates its contract with the independent inspector, use of the CDF must cease until another independent inspector is hired and approved by the District Commander.

e. The Government shall verify the actual amount of cubic yards placed in 10B based on a review of the independent inspector's before and after surveys.

f. The Government shall have no obligation to pay costs for dredging the material from the PORT AUTHORITY areas, transporting dredged material to 10B, or placement of dredged material into 10B.

g. The PORT AUTHORITY shall, after placement of dredged material into 10B, abandon all rights, title, and interest in the material.

h. The Government and the PORT AUTHORITY may meet periodically to discuss preparation of and approval of the PORT AUTHORITY disposal plan, estimated costs of disposal, compliance with the permit, and other such matters as may be necessary. Any disputes that arise shall be resolved at the lowest level necessary. If unresolved, such disputes shall be resolved by the District Commander and the PORT AUTHORITY President.

i. In implementing this Agreement, the Government and the PORT AUTHORITY shall comply with all applicable Federal, State and local laws and regulations, and permits, including but not limited to the National Environmental Policy Act and Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341).

j. In the exercise of their respective rights and obligations under this Agreement, the Government and the PORT AUTHORITY each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other.

k. Nothing in this Agreement is intended to alter any responsibility or liability of any party pursuant to existing environmental laws and regulations.

### ARTICLE III - METHOD OF PAYMENT

The PORT AUTHORITY shall provide to the Government the full amount of the costs of the Disposal Action in an amount equal to the tipping fee times the cubic yards of placed material as determined in accordance with Article II.e. of this Agreement by delivering a check payable to "FAO, USAED, Buffalo" to the District Commander or providing an Electronic Funds Transfer of the required funds in accordance with procedures established by the Government. The PORT AUTHORITY shall make full payment no later than 30 calendar days after completion of field activities.

### ARTICLE IV - INDEMNIFICATION

The PORT AUTHORITY shall hold and save the Government free from all damages arising from the Disposal Action, except for damages due to the fault or negligence of the Government or its contractors.

### ARTICLE V - TERMINATION

a. If both parties mutually agree in writing not to continue with the Disposal Action or the Disposal Action is completed, whichever occurs first, both parties shall conclude their activities relating to the Disposal Action and proceed to final accounting in accordance with Article III of this Agreement.

b. Unless terminated at an earlier date by the parties, or otherwise extended by the parties, this Agreement shall expire two years after the date of final signature.

### ARTICLE VI - NOTICES

a. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and either delivered personally or by telegram or mailed by first-class, registered, or certified mail, as follows:

If to the PORT AUTHORITY:  
Cleveland-Cuyahoga County Port Authority  
ATTN: Steve Pfeiffer  
1375 East Ninth Street, Suite 2300  
Cleveland, Ohio 44114

If to the Government:  
U.S. Army Corps of Engineers, Buffalo District  
ATTN: Operations Technical Support Section (R. Remmers)  
1776 Niagara Street  
Buffalo, New York 14207-3199

b. A party may change the address to which such communications are to be directed by giving written notice to the other party in the manner provided in this Article.

c. Any notice, request, demand, or other communication made pursuant to this Article shall be deemed to have been received by the addressee at the earlier of such time as it is actually received or seven calendar days after it is mailed.

#### ARTICLE VII - CONFIDENTIALITY

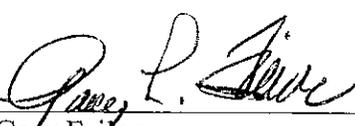
To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

CLEVELAND-CUYAHOGA COUNTY  
PORT AUTHORITY

BY:   
Timothy B. Touchette  
Lieutenant Colonel, Corps of Engineers  
District Commander

BY:   
Gary Fajlor  
President  
Cleveland-Cuyahoga County Port  
Authority

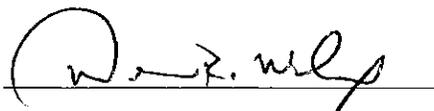
DATE: 22 MAY 2006

DATE: 05.16.06

CERTIFICATE OF AUTHORITY

I, Dennis R. Wilcox, do hereby certify that I am a <sup>general counsel</sup>~~principal legal officer~~ of the PORT AUTHORITY, that the PORT AUTHORITY has the full authority and legal capability to perform the terms of this Agreement between the Department of the Army and the PORT AUTHORITY in connection with the disposal of material in Confined Disposal Facility 10B, Cleveland Harbor, Ohio and that the persons who have executed this Agreement on behalf of the PORT AUTHORITY have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this 18<sup>th</sup> day of May 2006.

  
\_\_\_\_\_  
Senior Attorney <sup>General Counsel</sup>~~General Counsel~~

## CONSISTENCY CERTIFICATION STATEMENT

I, ERIC HIRSIMAKI do certify that the proposed activity identified in this permit application complies with Ohio's approved coastal management program and will be conducted in a manner consistent with such program (15C.F.R. 930.57).

Address: 1375 E. 9th ST. SUITE 2300

City: CLEVELAND State: OH Zip Code: 44114

Telephone #: Area Code (216) 241-8004

Applicant's Signature: Eric Hirsimaki Date: 10/18/05

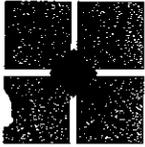
**CLEVELAND BULK TERMINAL**  
**Cleveland, Cuyahoga County, Ohio**

**Section 106 Review**

A Report Prepared for the Cleveland-Cuyahoga County Port Authority

Ted Sande, AIA  
Historic Preservation Consultant

12 September 2005



TED SANDE, AIA ARCHITECT • CONSULTANT

13415 Shaker Blvd. • Cleveland, Ohio 44120 • Tel/Fax (216) 561-3689

FOR THE PAST • FOR THE FUTURE

12 September 2005

Rose Ann DeLeon, Vice President, Strategic Development  
Cleveland-Cuyahoga County Port Authority  
One Cleveland Center  
1375 East Ninth Street, Suite 2300  
Cleveland, Ohio 44114-1790

Re: Cleveland Bulk Terminal, Cleveland, Cuyahoga County, Ohio

Dear Ms. DeLeon:

The enclosed report has been prepared for the Cleveland-Cuyahoga County Port Authority as part of its request to the U. S. Army Corps of Engineers for a permit to undertake dredging at the Cleveland Bulk Terminal.

The Corps, as the Federal agency that will issue the dredging permit, is required by the provisions of the National Historic Preservation Act of 1966, Section 106, to review the potential effect of this undertaking upon existing historic resources in the vicinity and to advise the Ohio Historic Preservation Office of its findings.

This report is intended to satisfy the Section 106 Review requirement.

Sincerely,

  
Ted Sande, AIA  
Historic Preservation Consultant

## CLEVELAND BULK TERMINAL

### A Report Prepared for the Cleveland-Cuyahoga County Port Authority

by

Ted Sande, AIA, Historic Preservation Consultant

12 September 2005

#### Preamble

The Cleveland – Cuyahoga County Port Authority (Port) desires to dredge the waterway immediately adjacent to the Cleveland Bulk Terminal dock at its Whiskey Island location. This undertaking requires a permit from the Buffalo, NY, District Office of the U. S. Army Corps of Engineers, a Federal agency, and therefore invokes a Section 106 review to determine its potential impact upon historic resources that may be in its vicinity. The review is conducted through the Ohio Historic Preservation Office (OHPO), as delegated by the Advisory Council on Historic Preservation.

The Ohio Historic Preservation Office has advised me that they do not have a definitive record of the previous undertaking that resulted in the demolition of the Hulett Ore Unloaders and their ancillary structures at the site and any mitigation that was completed at that time. They will not consider the current dredging permit request until this matter had been satisfactorily documented.

This report is intended to:

- provide the requested clarification by: a) reviewing the action taken as mandated by the Cleveland Landmarks Commission and b) summarizing the results of related but separate litigation brought against the U. S. Army Corps of Engineers.
- initiate the Section 106 consultation relative to the proposed dredging of the waterway immediately adjacent to the Cleveland Bulk Terminal dock.

#### Background.

The Cleveland Bulk Terminal site was designated by the City of Cleveland, under the style "C&P Ore Dock" as a Cleveland Landmark on 23 June 1993. It was listed in the National Register of Historic Places in 1997 under its original name: "Pennsylvania Railway Ore Dock".

In March 1997, the Port purchased the Pennsylvania Railway Ore Dock site from Conrail and then leased it to the Oglebay Norton Company. The site was renamed the "Cleveland Bulk Terminal" (CBT). On 22 October 1997, the Port wrote to the OHPO enclosing a Section 106 submittal regarding the proposed demolition of four structures ancillary to the Hulett Ore Unloaders at the site. (Attachment 1.) The assumption at that time was that funding for this undertaking would come from a federal source; presumably the U. S. Department of Transportation's then styled "ISTEA" initiative. OHPO responded to the

Port on 15 January 1998, recognizing that federal funding was not certain at that point and observing that the loss of the four structures and moving the shunt engines to another site would constitute an adverse effect in the event a Section 106 review did occur. The letter went on to outline certain steps that could be taken to mitigate the adverse effect. (Attachment 2.)

By the end of 1998, it had been determined by the Port that no federal funds, directly or indirectly, would be used for the proposed changes to the site. Consultation between the Port and the U. S. Army Corps of Engineers during this period and into 1999 seems to have resulted in the conclusion that the Corps had no jurisdiction with respect to the proposed undertaking.

In November 1998, URS Greiner, Inc. submitted a Historic Preservation Mitigation Plan to the Cleveland Landmarks Commission in support of an application for a certificate of appropriateness to demolish the structures cited above and the Hulett ore unloaders. (Attachment 3.) The application was made on 10 November 1998. The Cleveland Landmarks Commission was the review authority in this matter, since the site was a Cleveland Landmark. However, its powers at the time were limited to denying the application to demolish for only two consecutive six-month periods. After extensive deliberation, the Cleveland Landmarks Commission approved on 8 July 1999 a Resolution Regarding Hulett Unloaders, Power House, and Other Structures and Equipment on the C & P Ore Dock. (Attachment 4.) This was followed on 16 July 1999 by a complementary resolution by the Port. (Attachment 5.) Essentially, these resolutions provided for the dismantling and saving of two of the Hulett Ore Unloaders with the expectation that, at some future date when adequate funds had been raised by interested parties, they would be re-erected at a new unspecified site and that the Port would allocate up to \$500,000 for the dismantling and saving of the two Hulett Ore Unloaders; and further that the site would be thoroughly documented to Historic American Buildings Survey / Historic American Engineering Record (HABS/HAER) archival standards prior to demolition.

#### Salvage and Documentation.

A Salvage Inventory of the C & P Dock was conducted on 31 August 1999 by representatives of the Port and the Cleveland Landmarks Commission. (Attachment 6.) This Inventory was approved by the Cleveland Landmarks Commission on 16 September 1999. These items, except for a representative shunt locomotive, were packed in more than 15 wood crates, labeled, and are currently stored off site, but on Port property, awaiting eventual transfer to the Western Reserve Historical Society which had agreed to accept them. The shunt locomotives proved to be a more difficult matter. Fourteen museums and organizations were contacted locally and nationally. They either did not respond or responded negatively, except the Pennsylvania Railroad Museum and the Lake Shore Chapter, National Railway Historical Society of Northeast Pennsylvania; each agreed to accept one locomotive.

The arrangements for salvaging two of the four Hulett Ore Unloaders were part of the Cleveland Landmarks Commission's Resolution of 8 July 1999, cited above. The two Hulett's have been dismantled and are currently stored at the west end of the CBT site. To date a site for their relocation has not been determined and the funds needed for their move and re-erection have not been raised.

The Port, working in close coordination with the Cleveland Landmarks Commission and with formal consultation from HAER, selected a qualified documentary photographer and undertook the archival and graphic documentation of the site during the period from late July through early December 1999. The principal work was performed by URS Greiner Woodward Clyde of Florence, New Jersey.

The documentation that was gathered and deposited at the Cleveland Landmarks Commission offices was examined by me on 28 June 2005 and consists of the following items:

- Three large three-ring binders labeled: "Hulett Unloaders, C & P Ore Dock" containing relevant correspondence covering the period of salvage and documentation, daily logs of the progress of demolition and salvage, approximately 260 color and black and white photographs documenting the site, including a set of, and Addendum to, the HAER No. OH-18 photo data book (historical narrative, measured and interpretive drawings and archival photographs) a copy of which now resides at the HABS/HAER Archives in the Library of Congress, photo location keys and indexes of photos.
- One plastic-bound photocopy of HAER No. OH-18 photo data book. The photos were taken by Rob Tucker, a documentary photographer approved by HAER and the photo data book is dated August 1999.
- One plastic-bound photocopy of the Addendum to HAER No. OH-18.
- One cardboard box with: a) two large envelopes, each containing approximately 100 microfiche images mounted on IBM data cards showing historical detailed engineering drawings of the Hulett's machinery; and one clear-plastic envelope with 45 sleeved archival 4 x 5 inch archival negatives of the Hulett's and their ancillary structures.
- One Wilson Jones locked 11 x 17 inch binder with photocopies of the engineering drawings cited above.
- Five 24 x 36 inch foam core panels that graphically document the history of the Hulett's in the Great Lakes region with text, location maps, isometric drawings and a site plan of the Pennsylvania Railroad Ore Dock site and provide a detailed visual presentation of the Hulett's' operation.

- One documentary video tape titled: "The Hulett Unloader" prepared by Mileposts Publishing, 3963 Dryden Dr., North Olmstead, OH 44070, dated 1996. I viewed this video and found that it provides an excellent 40 minute summary of the history of the Huletts and a detailed documentation of them in operation at the Pennsylvania Railroad Ore Dock site.

On 9 December 1999 the Cleveland Landmarks Commission accepted the documentation outlined above and granted a permit to the Port to proceed with the requested demolition at the site. (Attachment 7.)

#### Litigation.

On 30 March 2001, Judge Kathleen McDonald O'Malley of the United States District Court for the Northern District of Ohio, Eastern Division, issued a Memorandum and Order in Case No. 1:99CV3046, which was a suit brought by the Committee to Save Cleveland's Huletts, et al against the U. S. Army Corps of Engineers, et al. The Plaintiffs sought relief in a number of different categories, all but one of which was dismissed by the Court. The one point which the Court found in favor of the Plaintiffs was that: "the Corps violated the NHPA by issuing a permit [for dredging] without awaiting comment from the Ohio State Historic Preservation Office (the 'Ohio SHPO') or the Advisory Council on Historic Preservation (the 'ACHP')."

The Court, based on this finding, ordered: "the Corps to revoke the Letter of Permission, permit n. 1999-01471(0), issued to the Port Authority on May 14, 1999. If the Port Authority requires any further dredging in the area covered by that permit, it must reapply for authority to do so. If a new application is made, defendants must comply with all requirements of the NHPA, including those mandating formal notice to the Ohio SHPO and ACHP and contemplating a waiting period after such notice prior to the issuance of a permit. The Corps must also consider whether the scope of any new permit sought implicates 16 U. S. C. ¶ 470h-2(k). The Corps may then determine whether and under what conditions to reissue the permit." (Attachment 8.)

#### Current Section 106 Review.

The CBT site was photographed in mid-July by nationally-known professional photographer Jennie Jones, whose offices are in Cleveland. She took a total of thirteen documentary pictures. Two sets of these 3 x 5 color prints, labeled; and a photo location key are attached. (Attachment 9.)

The views were determined in the field in consultation with the historic preservation consultant. It is clear from these photographs that all of the historically-important structures and the Hulett Ore Unloaders have been demolished, except for two of the Huletts which were dismantled and are currently stored in the southwestern portion of the CBT site.

Photographs 12 and 13 show the north face of the dock to the immediate north of which the proposed dredging is planned.

In the litigation cited previously in this report the assertion is made that prior dredging permits were traditionally requested for a 600 feet length along the north face of the CBT dock. The area traditionally dredged at this location appears to have been 2000 feet long. This is supported by the attached historical photograph taken ca.1960 that shows two vessels alongside, bow to stern at the CBT site. (Attachment 10.)

The vessel adjacent to the Hulett Ore Unloaders is the Ernest T Weir, 690 feet long, 70 feet beam, with a draft of 27 feet; built by American Ship Building of Lorain, Ohio (hull #869) in 1953. She was bought by Oglebay Norton in 1978 and renamed the Courtney Burton. In 1981 the vessel was converted to a self-unloader and remains in service today.

Astern of the Weir is the Joseph H. Thompson, 707 feet long, 71 feet beam, with a draft of 27 feet. She was built by the Sun Shipbuilding and Drydock Company in Chester, Pennsylvania (hull #342) in 1944. In 1952 this vessel was extended 200 feet to its present length and in 1990 it was converted to a self-unloader. The Thompson is currently owned by the Upper Lakes Towing Company, Escanaba, Michigan and is in service as a tug/barge.

The combined length of these two vessels is 1,397 feet, with approximately 150 feet between the two which totals 1,547 feet, to which must be added sea room to maneuver both fore and aft. These dimensions would be consistent with a historical dredging length of at least 2000 feet for this channel.

In conclusion:

- It is my opinion from the documentary photographs enclosed that there is no effect to historical property on the adjacent CBT site that would result from the proposed undertaking.
- Historical photographic evidence confirms that the area traditionally dredged at this site has been approximately 2000 feet in length.

End of Report



Cleveland-Cuyahoga  
County Port Authority  
101 Erreside Avenue  
Cleveland, Ohio 44114-1095  
216 241 8004 ext  
216 241 8016 fax

October 22, 1997

Mr. Todd Tucky  
Ohio Historical Society  
Ohio Historic Preservation Office  
567 East Hudson Street  
Cleveland, Ohio 43211-1030

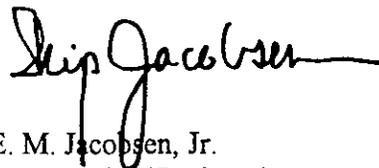
RE: CLEVELAND BULK TERMINALS  
SECTION 106 REVIEW

Dear Todd:

Enclosed is the Section 106 submittal for the Cleveland Bulk Terminals, previously known as the C & P Ore Dock, and formerly known as the Pennsylvania Railway Ore Dock, for your review. The impetus for the review is proposed alteration to the site, which is described in Section 4.

Please call me if additional information is required. I may be reached weekdays at 216-241-8004.

Very truly yours,



E. M. Jacobsen, Jr.  
Construction/Engineering Manager

Enclosure  
EMJ:dm

cc: Steve Pfeiffer, PORT  
CBT-OHS-011 w/enclosure

**CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY  
CLEVELAND BULK TERMINALS**

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<b>SECTION 2</b>	<b>- PHOTOGRAPHS OF SITE</b>
<b>SECTION 3</b>	<b>- MAP OF BUILDING LOCATIONS, EXHIBIT 3 - BRIEF HISTORY OF PROPERTY</b>
<b>SECTION 4</b>	<b>- PROJECT DESCRIPTION</b>

SUBMITTAL TO

OHIO HISTORICAL SOCIETY  
OHIO HISTORICAL PRESERVATION OFFICE  
567 EAST HUDSON STREET  
COLUMBUS, OHIO 43211-1030

SECTION 106 REVIEW OF PROPERTY CURRENTLY KNOWN AS

CLEVELAND BULK TERMINALS,

MOST RECENTLY AS

C & P ORE DOCK,

AND FORMERLY KNOWN AS

PENNSYLVANIA RAILROAD ORE DOCK,

LOCATED IN CLEVELAND, OHIO

SUBMITTAL MADE BY

E. M. JACOBSEN, JR.  
CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY  
101 ERIESIDE AVENUE  
CLEVELAND, OHIO 44114-1095

216-241-8004  
216-241-8016 FAX

10 OCTOBER 1997

Ohio Historic Preservation Office

587 East Hudson Street  
Columbus, Ohio 43211-1030  
614/ 297-2470 Fax: 614/ 297-2496

Visit us at [www.ohiohistory.org/resource/histpres/](http://www.ohiohistory.org/resource/histpres/)

January 15, 1998

E. M. Jacobsen, Jr., Construction/Engineering Manager  
Cleveland-Cuyahoga County Port Authority  
101 Erieside Avenue.  
Cleveland, Ohio 44114-1095

Dear Mr. Jacobsen:

Re: Cleveland Bulk Terminals, Cleveland, Ohio

This is in response to your correspondence, received on November 6, 1997, and our subsequent telephone conversations, regarding the development of a multimodal bulk handling facility at this site. This property is listed in the National Register of Historic Places as the Pennsylvania Railway Ore Dock. The proposed project includes constructing a rail spur, truck roadway, and a material handling system, and demolition of four buildings.

Review of this project is being conducted pursuant to Section 106 of the National Historic Preservation Act because of potential federal assistance for the project, perhaps ISTEA funds from the U.S. Department of Transportation. I understand that federal assistance is not definite, but I appreciate your early coordination for this project. This allows us to discuss the broadest array of alternatives.

All four of the buildings slated for demolition--Buildings 3, 4, 5, and 6--are contributing resources in the Pennsylvania Railway Ore Dock property, as are the shunt engines. Therefore, the demolition of these buildings and moving the shunt engines to another site would constitute an adverse effect. In accordance with Section 106 and the associated regulations at 36 CFR Part 800, an attempt should be made to avoid, reduce, or mitigate this adverse effect.

Although there is no planned use for the buildings in the context of this or future projects, alternatives to demolition should be explored. Can the buildings be adapted or otherwise incorporated into the current plans? Could they be retained--that is, mothballed--until a use is found?

Even if the shunt engines are sold, is it possible that they could be maintained on site, so that the ore dock can retain its historic integrity? If the shunt engines cannot be maintained on site, then the donation of at least one of the cars to a local museum for curation and exhibit may mitigate the removal of all cars from the site. (However, it should be understood that the removal or destruction of contributing elements may harm the integrity of the Ore Dock property by reducing the significance for which it was recognized by its listing in the National Register).

The addition of a rail spur may not be within the boundaries of the historic property. Please provide a site plan and construction drawings for spur. Also, please submit a site plan showing the location of the planned truck roadway.



OHIO  
HISTORICAL  
SOCIETY  
SINCE 1885

W. V. Fawcett  
S. Pfeiffer  
CBT-SHPO-01

E. M. Jacobsen, Jr.  
January 15, 1998

Page 2

If we were to agree to the project and its adverse effects, additional mitigation could include a maintenance plan for any parts of the property that will be retained, namely the unloaders and the powerhouse. Other mitigation ideas are the placement of plaques and signs in a publicly accessible location on or adjacent to the property. A record of the property has already been prepared for the Historic American Engineering Record and deposited at the Library of Congress, so additional recordation would probably only be needed if any parts of the property have been altered or any new historical information has become known since the initial recordation.

If we agree to the project as planned, along with mitigation for the adverse effect, the decision would be memorialized in a Memorandum of Agreement prepared by the federal agency and signed by this office, your organization, and the Advisory Council on Historic Preservation (ACHP). However, before we agree to the adverse effect, you should seek ways to avoid the adverse effect, as mentioned earlier in this letter.

When a federal agency that will be involved in the project is identified, the agency should, in accordance with 36 CFR Section 800.5(e), notify the Advisory Council on Historic Preservation that consultation to resolve the adverse effect has been initiated with the Ohio Historic Preservation Office.

It should also give members of the public an adequate opportunity to comment on the proposed project, as required by 36 CFR Section 800.5(e)(3). If hearings, meetings, or other efforts to solicit public comment will be needed to satisfy NEPA requirements, these forums may be used to fulfill the Section 106 requirement that the public be given an adequate opportunity to comment on the effect of the proposed replacements on historic properties. The historic preservation aspects should be explicitly mentioned in any notices or meeting agendas. Well-documented public participation in the Section 106 process (*before* an MOA is signed) usually prevents questions or objections that may arise late in the process and, thus, delay the completion of the Section 106 review.

I have enclosed an MOA for another project to provide you with a model if an MOA is needed for this project. Also enclosed are several publications explaining the Section 106 review process.

If you have any questions, please call me at (614) 297-2470.

Sincerely,

2300



Mark J. Epstein, Department Head  
Resource Protection and Review

Enclosures

X.c.: Laura Henley Dean, ACHP (without enclosures)  
Barbara Powers, OHPO (without enclosures)

ATTACHMENT NO. 3

**CLEVELAND BULK TERMINAL  
HISTORIC PRESERVATION MITIGATION PLAN  
IN SUPPORT OF AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS  
SUBMITTED TO THE CLEVELAND LANDMARKS COMMISSION**

Prepared by:

URS Greiner, Inc.  
Cleveland, Ohio

November, 1998

## INTRODUCTION

The Cleveland-Cuyahoga County Port Authority is proposing to improve the C & P Ore Dock, now renamed the Cleveland Bulk Terminal (CBT), on Whiskey Island, in Cleveland, Ohio (Figures 1 and 2). The objective of the Cleveland Bulk Terminal improvement project is to increase the capacity and operational flexibility of the bulk handling facility. The focus of the improvements is to increase the accessibility and throughput capacity of the face of the docks and to increase the storage capacity of the backyard of the facility. This objective is primarily met by the creation of vacant storage areas accessible by self-unloading ships (Figure 3). The purpose and need for this project is presented in a report entitled *The Cleveland Bulk Terminal: An Evaluation of Expanding Capacity and the Economic Impacts* (September, 1998).

The C & P Ore Dock has been designated a city landmark by the Cleveland Landmarks Commission. The primary historic feature of this property is four Hulett ore unloaders (Figure 4). Associated with the ore unloaders are several support buildings and structures. The proposed CBT project will require the removal of the four Hulett's and the buildings and structures associated with the Hulett's. The Hulett's are located on the face of the docks and must be removed so that 1) two self-unloading ships can dock at the facility, and 2) the storage capacity of the face of the docks can be increased. The associated buildings and structures must be removed to increase the storage capacity of the dock face and to increase the storage capacity of the facility's backyard.

Pursuant to Chapter 161, Codified Ordinances, Part One Administrative Code of the City of Cleveland, the Cleveland-Cuyahoga County Port Authority, owner of the CBT property, is applying for a Certificate of Appropriateness from the Landmarks Commission for the proposed action involving this landmark property. This document, which is in support of this application, investigates the feasibility of all available ways and means of preserving the historic character of the C & P Ore Dock through various mitigation alternatives.

The mitigation alternatives will be presented to the Ohio Historic Preservation Office (OHPO) as part of the historic preservation consultation process between the Ohio Historic Preservation Officer (OHPO) and the Cleveland-Cuyahoga County Port Authority. It is anticipated that future activities associated with the CBT project may require federal involvement in terms of permitting and approval. Therefore, this consultation process with the OHPO will follow the format required for consultation under Section 106 of the National Historic Preservation Act of 1966, as amended. It is anticipated that this consultation process will result in the execution of a Memorandum of Understanding, containing the selected mitigation plan, among the Port Authority, the OHPO, and any interested parties that agree to participate in the execution of this agreement document. The format of the agreement document will be the same as that required under the Advisory Council on Historic Preservation regulations that implement Section 106 of the Act (i.e., 36 CFR 800). The Cleveland-Cuyahoga County Port Authority's commitment to carry out this proposed mitigation plan, in addition to the commitment of other parties that will have a role and responsibility under the proposed plan, will be established through the execution of this Memorandum of Understanding.

It is anticipated that the Landmarks Commission will also be a signatory to this Memorandum of Understanding, and will use this agreement document as part of its approval process of the Cleveland-Cuyahoga County Port Authority's application for a certificate of appropriateness for the proposed CBT improvement project.

## MITIGATION ALTERNATIVES

Several mitigation alternatives to preserve the historic character of the C & P Ore Dock have been identified by the Cleveland-Cuyahoga County Port Authority. These alternatives are presented below. The feasibility of each of the alternatives, in terms of historic preservation concerns, scope, and general cost, is discussed. Each of these alternatives would include a public interpretation/education program on the history of the C&P Ore Dock. This program may include a museum exhibit, public information brochures, a video graphic history of the C&P Ore Dock, and a model of a Hulett or Huletts that will be installed within an exhibit. The alternatives may also include additional historical recordation, such as further photographic documentation and detailed mapping of the features of the property, prior to the removal and/or demolition of historic elements of the C & P Ore Dock.

Alternative 1. Preserve one to four of the Huletts in their present location. Preserve in-place all or some of the buildings within the C & P Ore Dock property.

If any of the Huletts remain, it would limit the tonnage of bulk material that could be stored within both the face of the docks and backyard storage areas to 1.8 million tons. Therefore, there would be no room for the expansion of the CBT facility to the 6 million tons proposed for the improvement project. In addition, only one self-unloading ship would be able to use the dock at a time, since the Huletts occupy the location of the proposed second berth along the existing docks, taking up 750 feet of the 1,950 foot long dock. The Huletts would block the movement of the boom of a second ship berthed along the western portion of the dock.

With the Huletts remaining in their current location, public access to view the machinery can occur from the lake. However, public access onto the CBT facility is not possible. There are extensive safety and liability issues. The public cannot be allowed onto an active bulk terminal facility to visit the Huletts and associated buildings. As shown in Figures 2, 3, and 4, the Huletts are immediately adjacent to and extend across active railroad tracks. To be able to get close to the Huletts requires crossing these tracks.

Public access to the site cannot be improved or made safe given the fixed location of the railroad tracks on the site. Railroad perpetual easements do not permit the moving or realignment of railroad tracks on the site. In addition, the current loop track configuration is required for the use of the dock and is already at a minimum size and radius.

Retaining one or more of the buildings associated with the Huletts is also not feasible. The

buildings further reduce the proposed bulk storage capacity, and the buildings would have no use as part of the proposed CBT project. The primary feature of the CBT is vacant storage space. Since the number of personnel working within the facility is small, these individuals would work out of trailers located along the westernmost edge of the property. Thus, these buildings would no longer serve a useful economic function as part of the operation of the facility. Adaptive reuse of the buildings by other commercial or industrial firms is not possible given that the buildings are totally surrounded by the active railroad tracks. Access to the buildings is, therefore, not possible due to liability and safety issues.

The above discussion assumes that ownership of the Hulets and associated buildings remains under the Port Authority. An alternative scenario is to convey the property encompassing the Hulets and buildings, or just the Hulets, to a new owner, such as the Northeast Ohio Sewer District. This scenario, however, is also not feasible. First, under this scenario, two shipping berths within the CBT are not possible. Second, there would be a loss of up to nine to thirteen acres on the west end of the CBT, reducing the storage and throughput capacity of the CBT. Thirdly, this scenario would require alteration of the railroad loop track. As noted above, the current loop track configuration is required for the use of the dock and is already at a minimum size and radius.

Alternative 2. Relocate one to four of the Hulets, in their entirety, to another part of the site. Remove all of the C & P Ore Dock property buildings.

Given the space requirements of the proposed facility, this alternative is not feasible. With the full use of the CBT, there would be no space for one or more whole Hulets within the site. In order for the Hulets to be moved to the western portion of the site, for example, it would be necessary to move the railroad tracks in this area. As shown in Figure 6, the footprint of the Hulets would overlap with the existing tracks. As discussed under Alternative 1, it is not possible to move or realign the tracks. Also, the cost for moving one or more of the Hulets is high. Based on the American Society of Civil Engineers (ASCE) feasibility study<sup>1</sup> for the relocation of the Hulets, the cost for moving one entire Hulett would be approximately \$700,000. This cost does not include the sandblasting and painting that was part of the ASCE's cost estimate. It should be noted that this cost was calculated in 1994, so today's cost would be greater.

As with Alternative 1, public access to the Hulets within the site would not be feasible given safety and liability issues.

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<sup>1</sup> *Feasibility Study for the Relocation of the Hulett Ore Unloaders*. Prepared for the Ohio Canal Corridor, Inc. Prepared by the American Society of Civil Engineers, August, 1994.

Alternative 3. Preserve a portion of one Hulett and move this portion to another part of the site. Remove all buildings on the property and the remaining Hulett.

This alternative involves the preservation of a component of a Hulett. Figure 5 shows the various primary components of a Hulett. The primary components that could be preserved include the following: 1) the bucket and portion of the bucket leg containing the operator's compartment, 2) the bucket leg, 3) the bucket leg and walking beam, and 4) the latter two components with the trolley, and leg brace. This alternative would be feasible, if only a small component, such as the bucket and the portion of the bucket leg containing the operators compartment, were preserved. This component could be placed in the northwest corner of the property, and would not impact the proposed project. Placement of a larger component, such as an entire bucket leg, would not be feasible given the space requirements of the project. Even though a small component of a Hulett could be preserved on-site, public access issues (i.e., safety and liability) would not permit public access, as noted for Alternatives 1 and 2.

Alternative 4. Preserve one or more complete Hulett off-site. Remove remaining Hulett and all buildings.

This alternative is not feasible given the high cost. Based on the ASCE study for the relocation of the Hulett, the cost for moving one entire Hulett off-site, which would require dismantling of the Hulett and moving it to a new location by barge, is approximately \$1,232,000. As noted above, this was a cost estimate calculated in 1994, so today's cost would be greater. This cost does not include sandblasting and painting, which was included in the ASCE's total cost per Hulett.

Alternative 5. Preserve a portion of one Hulett and remove this portion to an off-site location. Remove all buildings on the property and the remaining Hulett.

This alternative would be feasible, depending on which component of a Hulett is preserved. As noted under Alternative 3, the primary components that could be preserved include 1) the bucket and portion of the bucket leg containing the operator's compartment, 2) the bucket leg, 3) the bucket leg and walking beam, and 4) the latter two components with the trolley, and leg brace. As the size of the component preserved is increased, so does the cost for dismantling, moving to a new location, and reconstructing the component at the new location.

Alternative 6. Demolition and removal of all of the Hulett and buildings.

Though this alternative is feasible, it is the least desirable of all of the alternatives since there is no preservation of a Hulett or a component of a Hulett.

## PROPOSED MITIGATION PLAN

Based on the analysis of these alternatives, the preferred mitigation plan is Alternative 5. As described above, Alternative 5 involves the removal of the Hulets, with the retention of a portion of one Hulett, and removing this portion to an off-site location. All of the support buildings on the site would also be removed under this alternative.

An entire Hulett and components of Hulets have been preserved at other locations along the Great Lakes. Portions of a Hulett have been preserved at two sites in Ohio. In Ashtabula, the lowermost portion of a Hulett leg, containing the bucket and operator's compartment, has been preserved from the Hulets that once stood on Ashtabula's waterfront. This remnant stands on its bucket, unrestored and unmaintained. There is a small museum at the Ashtabula site, which has an operable model of one of Ashtabula's former Hulets, built at a one-to-fourteen scale. A similar section of a Hulett has been retained in Conneaut. This section lays on its side, and is unrestored and is not maintained. There is no museum or interpretation site associated with the Conneaut Hulett.

The components of a C & P Ore Dock Hulett that could be retained include 1) the bucket and portion of the bucket leg containing the operator's compartment, 2) the bucket leg, 3) the bucket leg and walking beam, and 4) the latter two components with the trolley, and leg brace. A major concern associated with the preservation of a component(s) of a Hulett is the cost, which increases as the size of the component preserved increases. It should be noted that whatever portion of the Hulett is preserved, it may be necessary to store the dismantled section until the off-site location is ready to receive the section. It is anticipated that the preserved section could be stored on the CBT property.

A plan for the temporary storage of the Hulett component would be developed in consultation with the OHPO and the Cleveland Landmarks Commission. This plan would detail 1) the procedures for dismantling the Hulett, 2) how the component would be moved to the storage location, 3) how the section would be placed and protected within the storage site, and 4) how the site would be secured.

As part of this mitigation plan, the Cleveland-Cuyahoga County Port Authority, in consultation with the Landmarks Commission and other interested parties within the City, propose to develop a plan for a public interpretation/education program on the history of the C&P Ore Dock. The party or parties to be responsible for executing the plan, identifying funding sources for the program, and maintaining the program will be identified through this consultation. This program may include a museum exhibit, public information brochures, a video graphic history of the C&P Ore Dock, and a model of a Hulett or Hulets that will be installed within an exhibit. Further, as noted above, the mitigation plan may also include additional historical recordation prior to the removal of elements of the C & P Ore Dock.

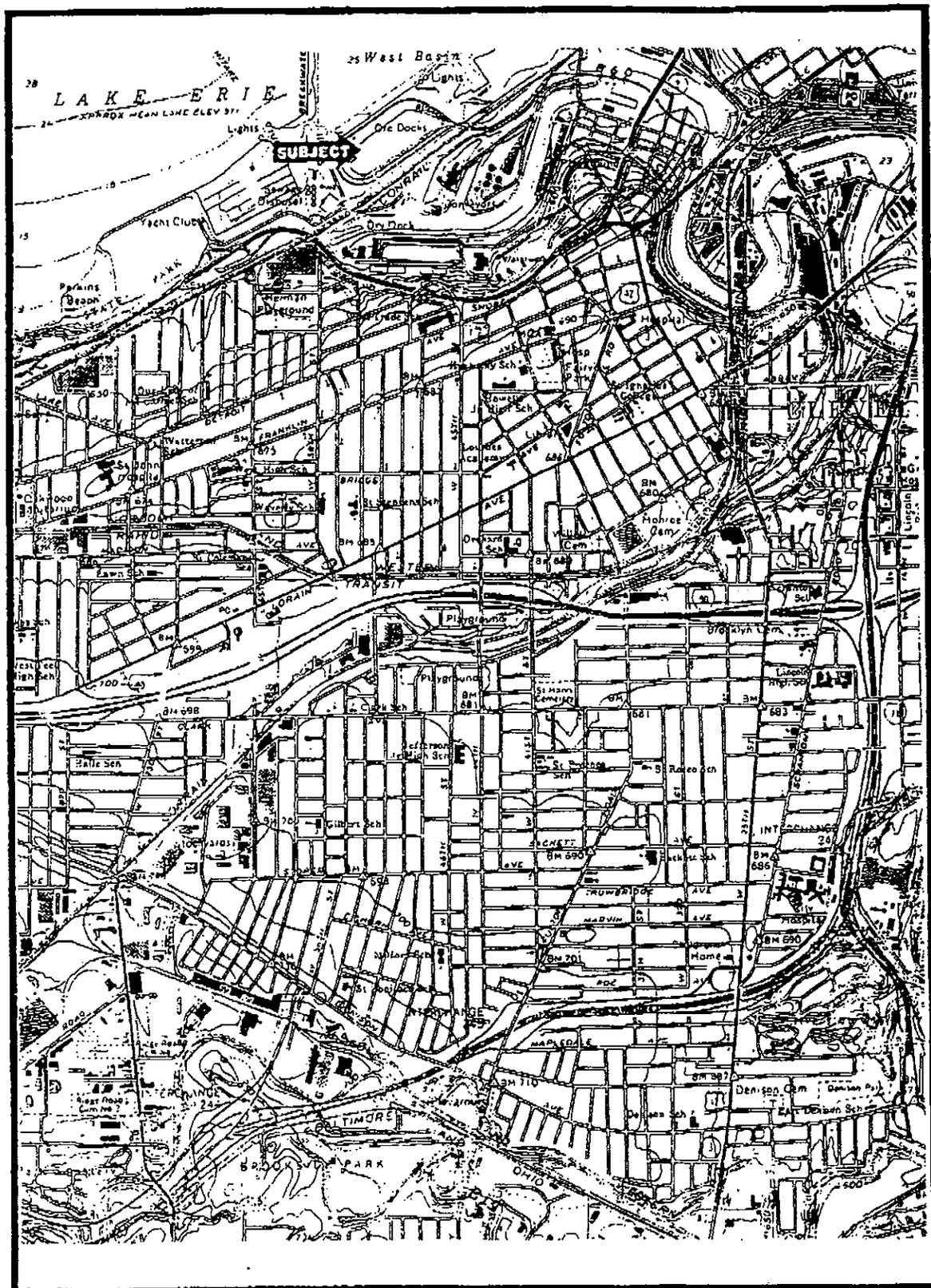


Figure 1 Location of C&P Ore Dock Property, Cleveland.

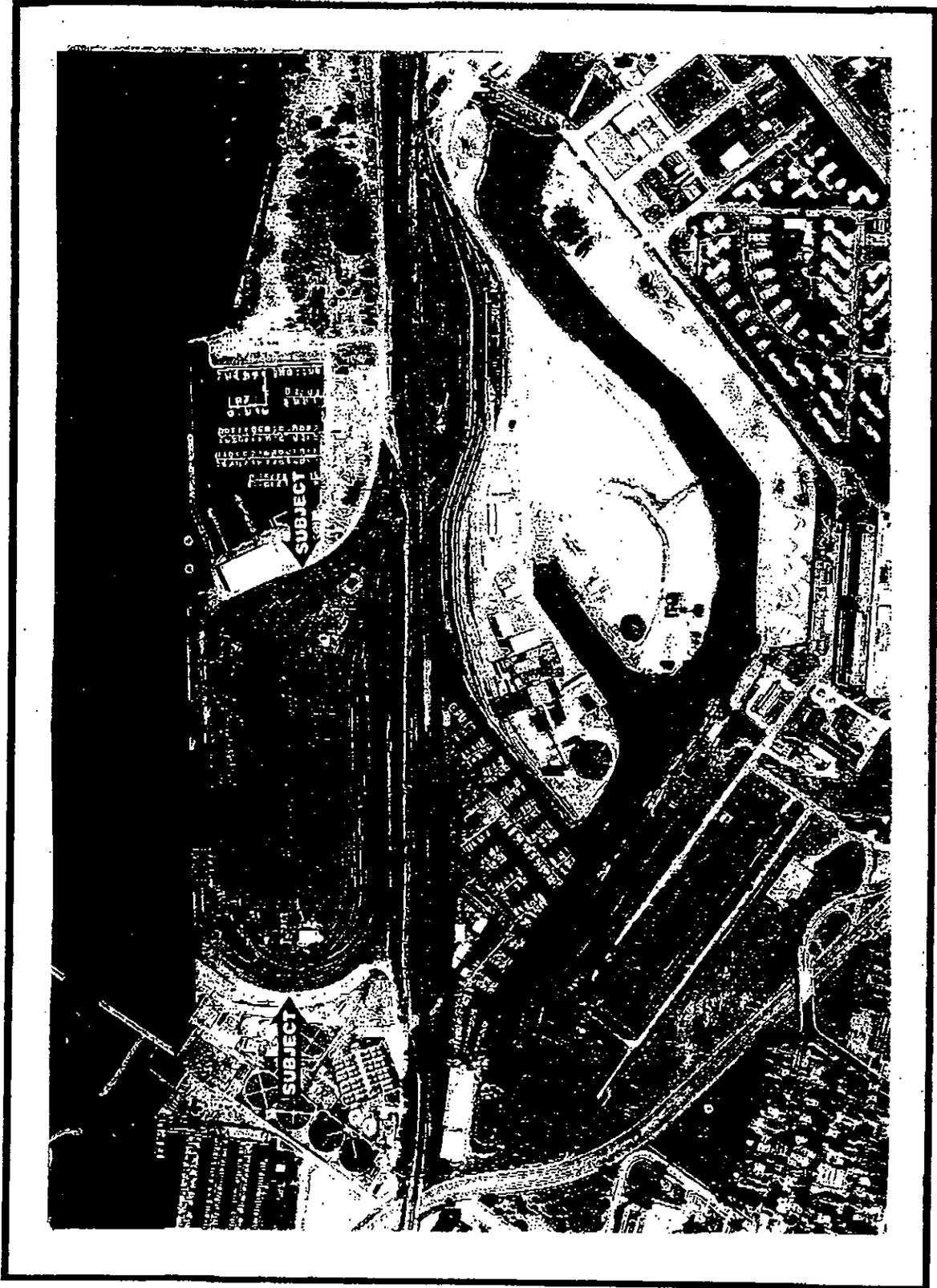


Figure 2 Aerial of C&P Ore Dock Property.



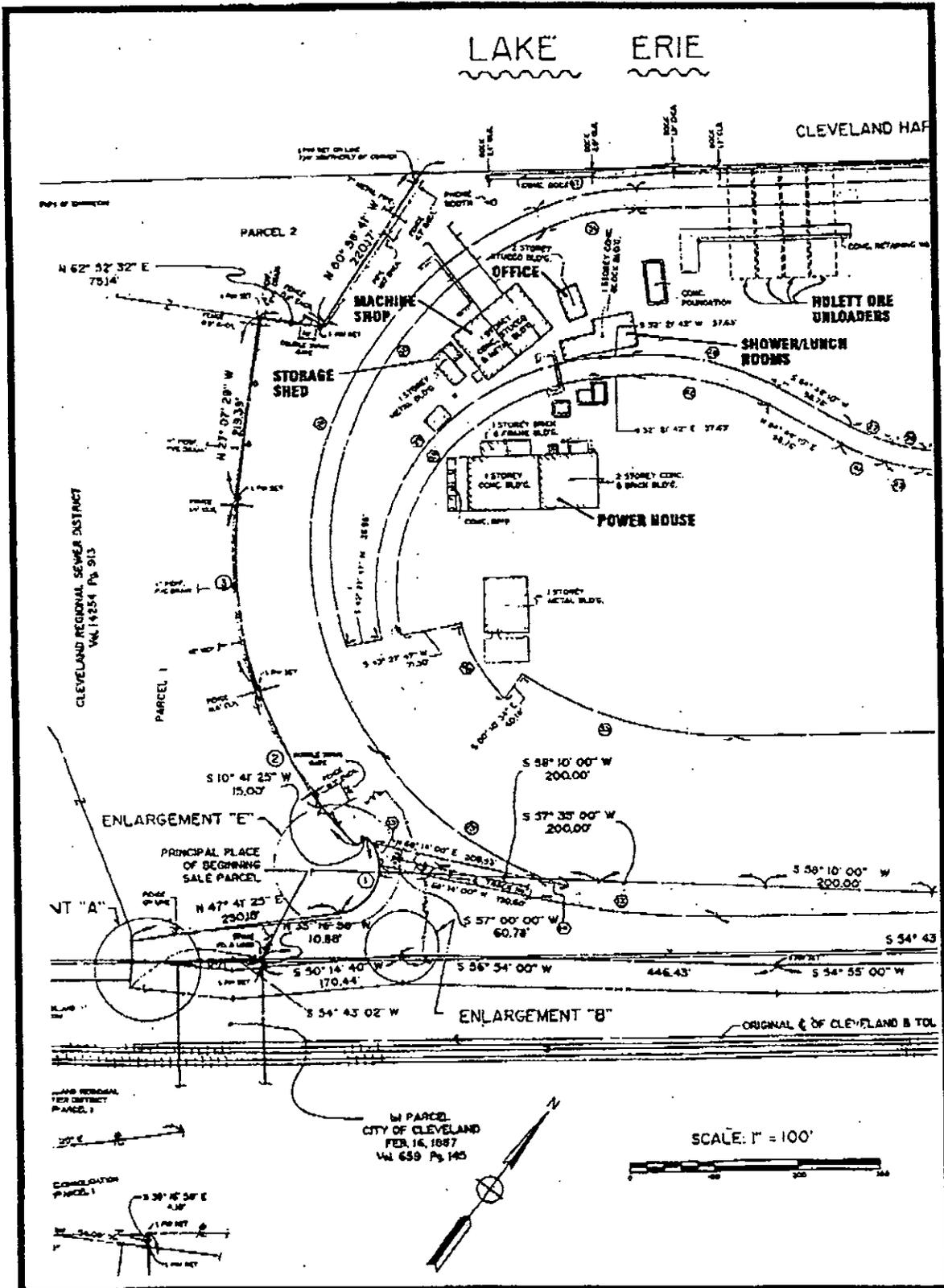


Figure 4 Detail of C&P Ore Dock, Cleveland, Ohio.

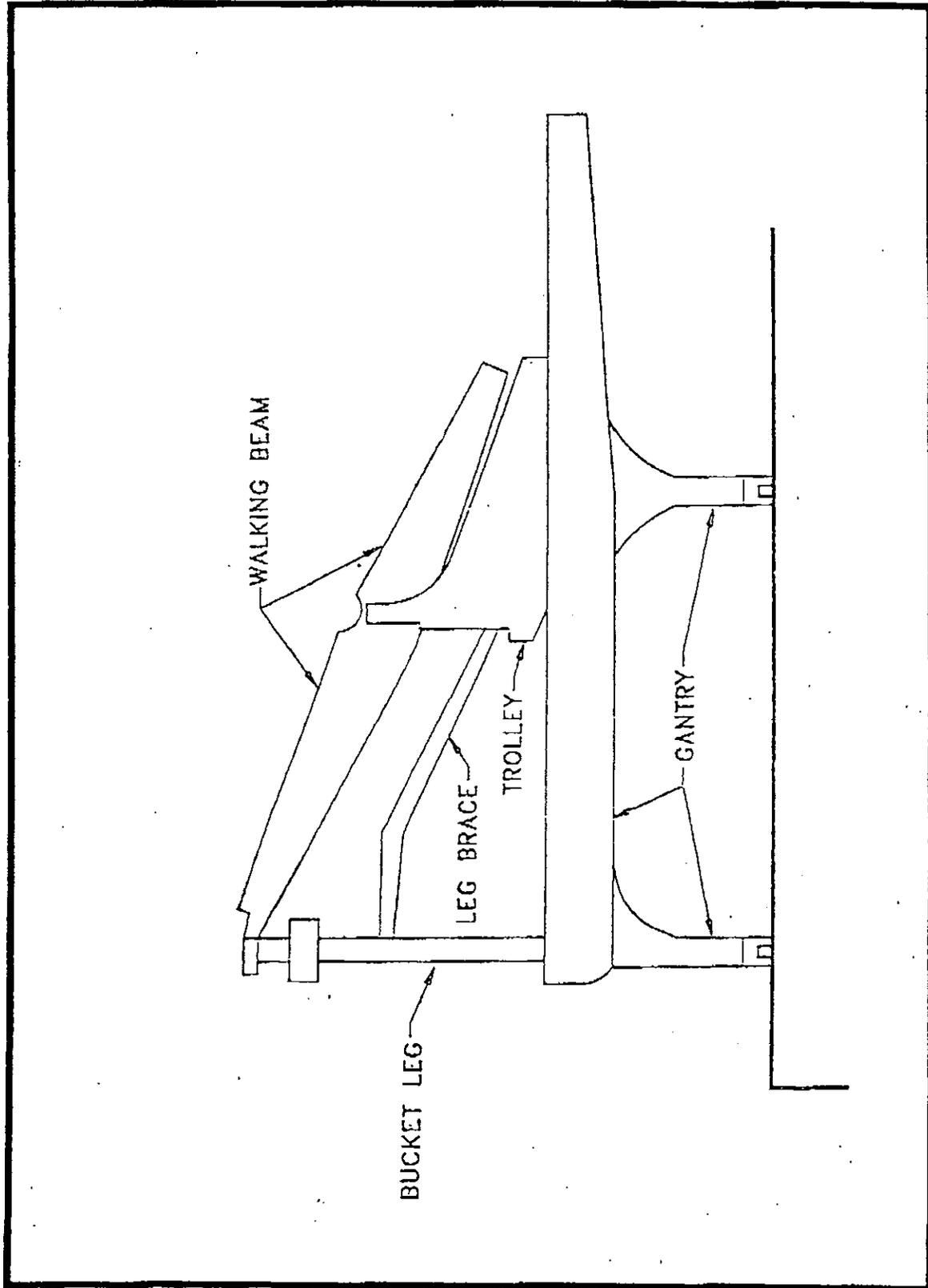


Figure 5 Major Components of a Hulett. (Source: ASCE, 1994)

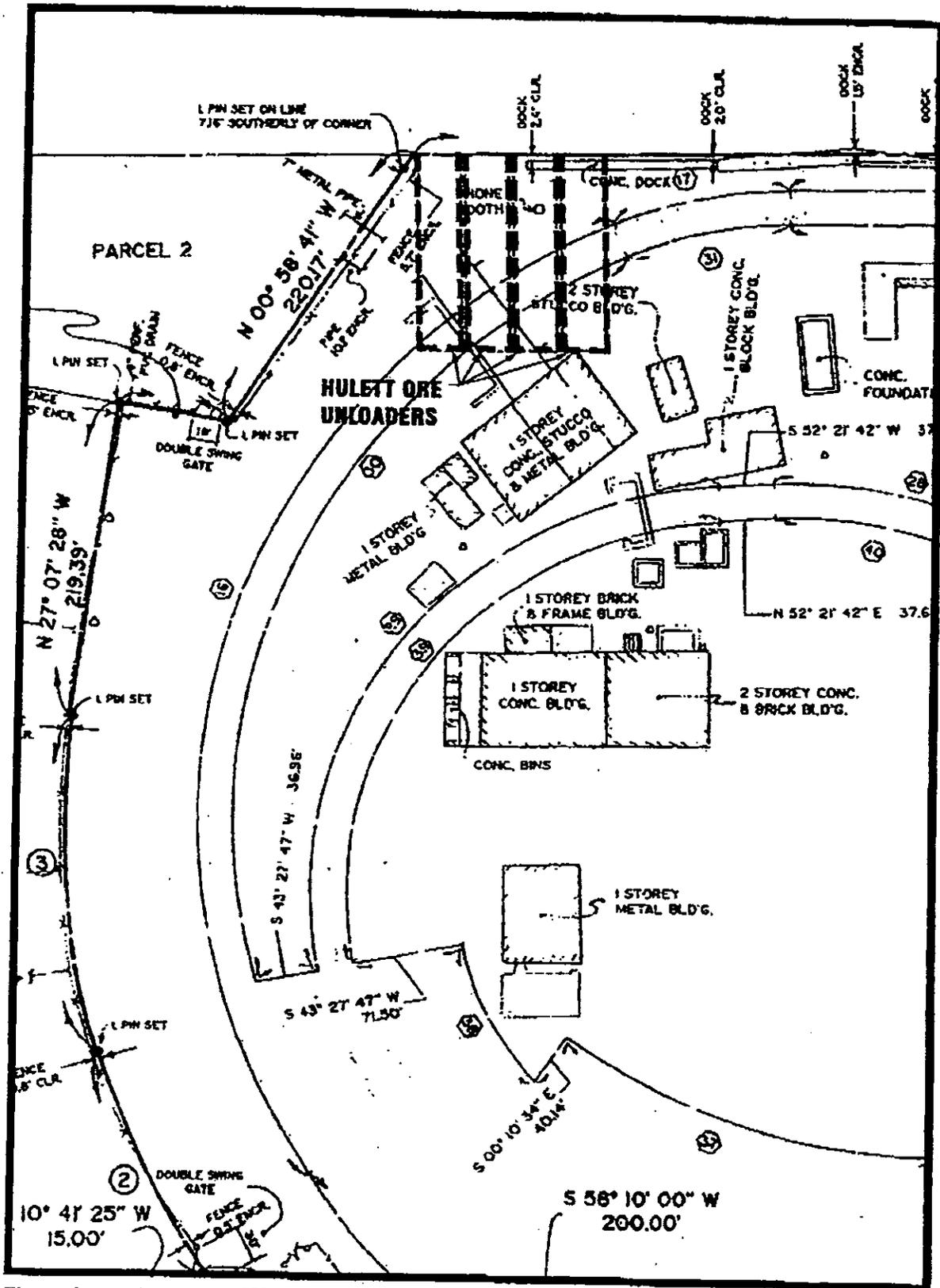


Figure 6 Location of Hulett's if Moved to Western Corner of Property.

CLC Regular Meeting, 07/08/99

RESOLUTION REGARDING HULETT UNLOADERS, POWER HOUSE, AND OTHER STRUCTURES AND EQUIPMENT ON THE C&P ORE DOCK

July 8, 1999

WHEREAS, by Ordinance 816-93, effective June 23, 1993, the four Hulett Unloaders, Power House, accessorial buildings, and land improvements at the C&P Ore Dock [also known as the Cleveland Bulk Terminal] on Whiskey Island were designated by the City of Cleveland as a Cleveland Landmark; and

WHEREAS, pursuant to Section 161.05(a) of the Codified Ordinances of the City of Cleveland, the Cleveland-Cuyahoga County Port Authority, by letter dated November 10, 1998, applied to the Cleveland Landmarks Commission for a Certificate of Appropriateness for the removal of the four Hulett Unloaders and "other buildings and structures on the site"; and

WHEREAS, pursuant to Section 161.05(c) and (d) of the Codified Ordinances of the City of Cleveland, the Cleveland Landmarks Commission, on December 10, 1998, following public testimony, disapproved the application for a Certificate of Appropriateness and imposed a waiting period of six months from the date of said disapproval and commenced negotiations with the applicant and other parties in an effort to find a means of preserving the property; and

WHEREAS, pursuant to Section 161.05(c) (2), the Landmarks Commission, during this waiting period, has undertaken meaningful and continuing discussions for the purpose of finding a method of saving the four Hulett Unloaders and other buildings, structures, and equipment on the C&P Ore Dock, including appointing a subcommittee of the Commission, which met monthly during the waiting period to hear extensive public testimony and to review reports and other documents

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regarding the feasibility of all available ways and means of preserving the improvement; and

WHEREAS, during this waiting period, the staffs of the Cleveland Landmarks Commission and the Cleveland Planning Commission have conducted exhaustive investigations regarding the historic locations of the Hulett Unloaders on the Cleveland lakefront and on the Cuyahoga River and the suitability of sites on both the lakefront and the river which were identified during the Subcommittee's hearings and deliberations; and

WHEREAS, the Subcommittee requested specific proposals for the permanent siting of one or more Hulett on the Cleveland waterfront and has received and reviewed proposals for the retention of four Hulett Unloaders on the C&P Ore Dock and for the relocation of one or more Hulett Unloaders to specific sites on the lakefront east of the Cuyahoga River and on the Cuyahoga River within the Flats Oxbow Business Revitalization District; and

WHEREAS, the Subcommittee requested and received detailed reports and testimony from the Cleveland-Cuyahoga County Port Authority and its tenant, Oglebay Norton, regarding the safe and efficient operation of the C&P Ore Dock as a contemporary bulk handling facility; and

WHEREAS, the Subcommittee requested and received detailed reports and testimony from the Cleveland-Cuyahoga County Port Authority and its consultants regarding the means, methods, and costs of a systematic and careful disassembly, removal, storage and relocation of one or more Hulett Unloaders; and

WHEREAS, the Subcommittee requested and received a specific mitigation plan to be executed by the Cleveland-Cuyahoga County Port Authority and others; and

WHEREAS, the Landmarks Commission subsequently has received and further reviewed an amended proposal by the Cleveland-Cuyahoga Port Authority for

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- 1) the careful and systematic dismantling of one (1) Hulett Unloader and its secure storage on the C&P Ore Dock for the purpose of its subsequent relocation from the dock with five (5) years and its preservation on a suitable interpretive site, and
- 2) the retention for a minimum period of six (6) months of a second Hulett for the purpose of more fully exploring fundraising and siting opportunities,

said detailed proposal herein more fully described in Attachment A.

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland Landmarks Commission determines the following:

1. The safe and efficient use of the C&P Ore Dock for the purpose of bulk materials handling requires the removal of the Hulett Unloaders, Power House, and accessorial buildings and structures, and all equipment related to the Hulett from the C&P Ore Dock.
2. The preservation and interpretation of Cleveland's industrial heritage requires that at least one (1) and preferably two (2) Hulett Unloader and related equipment be retained, relocated to a suitable site, and preserved in a manner suitable for their interpretation and appreciation by present and future generations.
3. Sites suitable for the long term preservation and interpretation of one or more Hulett Unloaders are determined to be sites on the Cuyahoga River within the Flats Oxbow Business Revitalization District. All other sites on the Cleveland lakefront and along the Cuyahoga River are determined to be inappropriate for further consideration as relocation sites. The Landmarks Commission endorses as a mitigation approach the re-erection along the Cuyahoga River in the Flats two (2) complete Hulett as the centerpiece of an interpretive display of Greater Cleveland's industrial heritage. The Commission therefore

*Robert D. Keiser*

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suggests that the demolition of the second Hulett be delayed as long as is possible and realistic to allow for further exploration of fundraising and siting opportunities.

4. A Certificate of Appropriateness be and is hereby granted for the demolition and removal from the C&P Ore Dock of two (2) Hulett Unloaders following presentation to the Cleveland Landmarks Commission of photographic and written documentation of these machines and their supporting structures, equipment, transport and general site to the highest standards of the Historic American Engineering Record (HAER) for such archival documentation.
5. A Certificate of Appropriateness be and is hereby granted for the careful and systematic disassembly of one (1) Hulett Unloader and the related shunt engines and trackage and their retention for five (5) years on a secure laydown site on the C&P Ore Dock, said retention being for the purpose of enabling the subsequent removal to and reassembly of these machines on a suitable interpretive site within the Flats Oxbow Business Revitalization District. The disassembly and storage of this machine shall be performed in accordance with the manners and methods described in the "Cost Analysis of Moving the Hulett's" prepared by Transbulk, Inc. (February, 1999) and submitted to the Landmarks Commission by the Cleveland-Cuyahoga County Port Authority (Attachment B). Said disassembly and storage shall be undertaken in such a manner as to insure, to the greatest degree possible, that the preserved Hulett Unloader can be relocated, reassembled, and made operational on a suitable interpretive site within said District. Shunt engines and sufficient track to support the re-mounted Hulett unit shall also be preserved for 5 years. The stored Hulett shall be supported on timber blocking, braced against movement and covered with sisal paper and tarps leaving enough space between the components for air circulation against undue corrosion. Plastic sheet cover shall not be used.
6. A Certificate of Appropriateness for the demolition and removal of an additional one (1) Hulett Unloader is delayed for an additional

*Robert D. Keiser*

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approximate seven (7) months from June 10, 1999 until January 15, 2000 (after which time the Cleveland Landmarks Commission no longer has jurisdiction) in order to enable further exploration of fundraising and siting opportunities. If fundraising efforts are successful, the Port will be reimbursed for the incremental cost to save this second unit over the cost to demolish and remove it. In the event that this second Hulett is preserved, the Port shall provide a site for its secure storage in a similar fashion to the first for a period of five (5) years at no cost.

7. A Certificate of Appropriateness be and is hereby granted for the demolition of the Powerhouse and all accessorial buildings and structures following the presentation to the Cleveland Landmarks Commission of photographic and written documentation of these buildings and structures as enumerated in Article 4 to the standards of the Historic American Engineering Record (HAER) for archival documentation.
8. A Certificate of Appropriateness be and is hereby granted for the removal from the C&P Ore Dock of all machines, tools, equipment related to the Hulett Unloaders, following the presentation to the Cleveland Landmarks Commission of photographic and written documentation of these machines, tools, and equipment as enumerated in Article 4 to the standards of the Historic American Engineering Record (HAER) for archival documentation. Prior to the removal of these machines, tools, and equipment from the C&P Ore Dock, the Cleveland-Cuyahoga Port Authority shall submit to the Cleveland Landmarks Commission an agreement with a responsible preservation organization or organizations for the removal from the dock site and the continued preservation and public viewing of the shunt engines and other historic machines, tools, and equipment.
9. Attachment A, as amended, and B are hereby made a part of this motion.

*Robert D. Keiser*

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Attachment A

I. Hulett's Proposal

1. Granting of a Certificate of Appropriateness from the Landmarks Commission for demolition of two Hulett's and all related buildings at Cleveland Bulk Terminal ("CBT") at Whiskey Island as defined in the adopted motion.

2. One complete Hulett disassembled in a manner to permit reassembly and stored for up to 5 years on property provided by the Port and Oglebay Norton at no charge. Shunt engines are also to be preserved for 5 years.
3. Port to pay for disassembly of one stored Hulett (up to \$500,000) subject to the following reimbursement arrangements:

If fundraising efforts to reconstruct the Hulett at another location are unsuccessful, the Port does not get reimbursed:

If fundraising efforts are successful, the Port is reimbursed as follows: a maximum of \$250,000 from the fundraising pot, \$50,000 from the City, \$50,000 from Oglebay Norton (and the Port ends up contributing \$150,000 by writing off the balance of its \$500,000 investment.)

4. Foundation consisting of Port, Oglebay Norton, preservationists, unions, city officials formed to raise money for reassembly, location and development of stored Hulett (s).
5. Future location of stored Hulett to be determined by the foundation, but if no other location determined, Port to provide at no cost, a location it currently owns in Old River Bed behind CBT dock.
6. If funds for reassembly cannot be raised within 5 years, Port to have authority to dispose of stored Hulett (s).

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7. Landmarks Commission to reasonably cooperate in the future should additional City, State or Federal approvals need to be obtained.
8. To address Canal Corridor and other requests, Port to delay demolition of one additional Hulett for approximately 7 months until January 15, 2000 to permit funds for second Hulett disassembly, storage and reassembly to be raised by preservationist groups and a location to be determined. If funds (in cash or letter of credit) or location not secured by January 15, 2000 such Hulett to be eligible for demolition.
9. If Fund Raising is successful funds are to be used for the following priorities
  - (1) cost to save Hulett # 2
  - (2) cost to move and reassemble two Hulett's
  - (3) repayment of port, to a maximum of \$250,000 for Hulett #1

Mr. Schanfarber said that he rarely speaks on motions. The two motions that were passed on June 10, 1999 were not acceptable to the Port. He believes that we now have a motion that would be acceptable. It gives Preservationists a chance to save the Hulett's. He recommended rescinding the original vote and approval of Paul Volpe's resolution.

ACTION Motion to approve a Certificate of Appropriateness for this substitute motion, as stated above.

SCHANFARBER\_\_BURIK\_Y\_CIMPERMAN\_Y\_GIBANS\_Y  
MORGAN\_2\_MORRISON\_Y\_SANDE\_Y\_SCHUERLEIN\_Y  
SHORR\_Y\_VOLPE\_1\_WILLIS\_\_

Motion passed.

*Robert D. Keiser*

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CLC Regular Meeting, 07/08/99

ACTION Motion to rescind the six month delay of demolition passed on 6/10/99.

SCHANFARBER\_\_BURIK\_Y\_CIMPERMAN\_Y\_GIBANS\_Y  
MORGAN\_2\_MORRISON\_Y\_SANDE\_Y\_SCHUERLEIN\_Y  
SHORR\_Y\_VOLPE\_1\_WILLIS\_\_.

Motion passed.

ACTION Motion to delay demolition of two Hulett Unloaders until December 10, 1999 or until the Cleveland - Cuyahoga Port Authority accepts the terms of this resolution, through a certified copy of a Resolution passed by the Port Board.

SCHANFARBER\_\_BURIK\_Y\_CIMPERMAN\_Y\_GIBANS\_2  
MORGAN\_Y\_MORRISON\_Y\_SANDE\_1\_SCHUERLEIN\_Y  
SHORR\_\_VOLPE\_Y\_WILLIS\_\_.

Motion passed.

The Chairman noted that he did not allow the Port, the City of Cleveland, or members of the public to speak.

ADDENDUM CASE 99-017

LUDLOW HISTORIC DISTRICT - 13935 SOUTHINGTON ROAD

Application for a Certificate of Appropriateness for the construction of a deck for the second story of this house at the corner of Southington and Albion Roads. The Landmarks Commission disapproved the proposed design of the deck addition on 4/08/99. The owner was asked to restudy the design and was referred to the Cleveland Restoration Society for technical advice.

*Robert D. Keiser*

RESOLUTION NO. 1999-53 \*

A RESOLUTION AUTHORIZING, APPROVING AND ADOPTING  
CLEVELAND BULK TERMINALS APPROVED  
MITIGATION PLAN AND RESOLUTION OF THE CLEVELAND  
LANDMARKS COMMISSION AND APPROVING EXPENDITURE  
OF FUNDS NECESSARY THEREFOR.

WHEREAS, the Cleveland-Cuyahoga County Port Authority (the "Port Authority") in March of 1997 purchased the former C&P Ore Docks from Conrail and leased the same to a subsidiary of Oglebay Norton Company ("ONCO"), which facility is now designated as the Cleveland Bulk Terminals ("CBT"); and

WHEREAS, pursuant to the terms of the lease, ONCO requested the Port Authority to expand the capacity of CBT in order to service the needs of potential new customers; and

WHEREAS, the Port Authority advised ONCO that an economic impact analysis and mitigation plan to address the historic designation of CBT would be needed before any action could be taken by the Board of Directors with respect to the proposed expansion of CBT; and

WHEREAS, ONCO engaged URS Greiner to conduct such capacity and economic impact study which was accepted and approved by the Board of Directors of the Port Authority on November 6, 1998 by Resolution No. 1998-53, and was subsequently submitted to the Cleveland Landmarks Commission and the Ohio Historic Preservation Office; and

WHEREAS, the Board of Directors approved an Amended Mitigation Plan for CBT (the "Amended Plan") contingent upon the Cleveland Landmarks Commission's approval at its June 10, 1999 meeting; and

WHEREAS, the Cleveland Landmarks Commission (the "Commission") did not approve the Amended Plan on June 10, 1999, but instead presented a modified Hulett proposal and Resolution dated July 8, 1999 at its July 9, 1999 meeting; and

WHEREAS, the July 8, 1999 modified Hulett proposal and Resolution was approved by the Commission on July 9, 1999 (the "Approved Plan"), which Approved Plan has been presented to the Board of Directors and includes the following:

- 1) The Commission granted a Certificate of Appropriateness for the demolition and removal of 2 Hulett's and all buildings, subject to presentation of required documentation to the Commission;

AUG 27 1999

- 2) The Commission granted a Certificate of Appropriateness for disassembly and storage of 1 Hulett in the manner presented, to be retained on site for up to 5 years, for potential reassembly at a site within the Flats Oxbow district;
- 3) A Certificate of Appropriateness for the demolition and removal of 1 addition Hulett was delayed until January 15, 2000 to permit fundraising efforts to allow for the disassembly of such Hulett;
- 4) the Authority will pay to disassemble and store 1 Hulett and provide storage for 1 additional Hulett, if necessary, provided: (a) the cost to the Authority shall not exceed \$500,000; and (b) if fundraising efforts to reconstruct the Hulett(s) on another site are successful, the Port Authority could be reimbursed a maximum of \$250,000 from the fundraising and \$50,000 from the City of Cleveland and \$50,000 from ONCO.

WHEREAS, the Board wishes to adopt the Approved Plan and provide funds necessary to implement same.

NOW, THEREFORE, BE IT RESOLVED by the Cleveland-Cuyahoga County Port Authority Board of Directors, Cleveland, Ohio:

Section 1. That the Approved Plan is hereby is approved, authorized and adopted.

Section 2. That an expenditure not to exceed \$500,000 is hereby authorized and approved to implement the Approved Plan, to be paid from the funds appropriated for Capital Improvements, subject to reimbursement as set forth in the Approved Plan.

Section 3. That the implementation of the Approved Plan is hereby authorized and approved and that the Chair, Vice-Chair, Secretary and Assistant Secretary, or any of them, are authorized to apply for and file all necessary permits and take all necessary actions to implement the Approved Plan, including filing or proceeding with a Permit Application for OBBC Regulated Buildings with the City of Cleveland Department of Community Development Division of Building & Housing and the Commission.

Section 4. That all formal actions of the Board of Directors of the Cleveland-Cuyahoga County Port Authority concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board of Directors and that all deliberations of this Board of Directors and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

AUG 27 1999

Section 5. That this Resolution shall take effect immediately upon its adoption.

ADOPTED: July 16, 1999

Yeas: 7

Nays: 0

  
CHAIR

  
SECRETARY

S:\cl\4316\001\drv13.rs1

AUG 27 1999

Resolution No. 1999-53  
Adopted 7.16.99

ATTACHMENT NO. 6

C & P ORE DOCK - SALVAGE INVENTORY 8/31/99

In Attendance: Cheryl Davis, Eric Hirsimaki (Cleveland-Cuyahoga County Port Authority), Dean Noonan (Cleveland Bulk Terminal Dock Manager), Donald Petit (Landmarks Commission staff). See attached photographs.

1. Office Building
    - Panoramic photograph of the C & P Ore Dock (Haines Photo Co.) [Save]
  2. Lunch Room/Shower Room Building
    - Paired sinks in locker room [Do Not Save]
  3. Boiler Room attached to above
    - Boiler [Do Not Save]
  4. Machine Shop
    - Chain links (roller chain) for Hulett's [Save]
    - Lathe (very large) [Do Not Save]
    - Wooden rack (large) [Do Not Save]
    - Metal grinding machine ("Standard") [Do Not Save]
    - Hydraulic press at north end [Do Not Save]
    - Miscellaneous tools (hammers, wrenches, etc.) [Save only large custom Hulett tools - locate and identify if extant]
    - Anvil [Do Not Save]
    - Low work table near forge [Do Not Save]
    - Hoisting devices (block and tackle, misc. hoisting tools) [Do Not Save]
    - Forge ("Buffalo Forge Co.") [Do Not Save]
  5. Powerhouse
    - Drawings and blueprints (all) on second floor and upper balcony level [Save]
    - Books and paper documents (all) on second floor and upper balcony level [Save]
    - Miscellaneous tools (wrenches, etc.) (second floor) [Do Not Save]
    - Tools (wooden handled) for cleaning electrical contacts / unidentified wooden handled electrical tools [Do Not Save]
    - Gear templates / wood gear forms (ground level) [Save]
    - 4 Westinghouse electric motors for Hulett's (second floor) [Do Not Save]
    - Unidentified machine (air compressor?) ("Ingersoll / Rand Co.") (ground level) [Do Not Save]
    - Ceramic electrical insulators (ground level) [Do Not Save]
  6. Maintenance Shed (corrugated metal shed)
    - Spare parts (nuts, bolts, rivets, pipe, rods, etc.) [Save]
- 
7. Shunt Engines
    - Shunt engine track [Save adequate amount]

ATTACHMENT NO. 7

CLC Regular Meeting, 12/09/99

OLD BUSINESS

ADDENDUM CASE 98-105

HULETT UNLOADERS -- C & P ORE DOCK ON WHISKEY ISLAND The Landmarks Commission approved a Resolution on July 8, 1999 regarding the Hulett Unloaders. The Commission staff has signed a permit for the demolition of the powerhouse and accessorial buildings. The Chairman has since received a letter from Carol Poh Miller saying that the Commission staff erred in issuing a permit prior to receiving Historic American Engineering Record (HAER) documentation.

Mr. Schanfarber said that the Landmarks Commission was established by Cleveland City Council rather by Charter. It includes eleven members, seven appointed by the Mayor, two Councilmembers, and two members of the administration. The Commission has a staff of two people. Sometimes the Planning Commission is asked to assist. Hunter Morrison, Executive Secretary by ordinance is responsible for staffing and the internal workings of the Commission. The staff follows the Commission's instructions. He said that Don Petit had been out to the site several times to insure a salvage inventory was saved. All items in the buildings were photographed. The salvaged items that will help in reconstructing the Hulett's have been crated. The Port Authority allowed the Commission to make copies of a photograph in the Port Authority office. They have agreed for its use in fundraising efforts to save the first Hulett.

Carol Poh Miller had sent a letter to the Chairman demanding the halt to demolition of the powerhouse and the other buildings because the HAER documentation had not been completed. The photography required for HAER documentation had been submitted prior to the commencement of demolition of the accessorial buildings. The written documentation had not been completed. Cheryl Davis said that the written documentation will be completed next week. He noted that the staff had followed the spirit of the agreement, and recommended approval of a resolution approving the issuance of the permit.

The Chairman noted that the HABS (Historic American Buildings Survey) and HAER documentation requirement has been traditionally handled by the State Historic Preservation Office. In this case there was no Section 106 Review.

**CLC Regular Meeting, 12/09/99**

ACTION Motion to ratify the staff's action in granting a permit for the demolition of the accessorial buildings, and accepting the HAER documentation of the accessorial buildings.

SCHANFARBER BAILEY Y BROWN Y CIMPERMAN Y GIBANS 1 MORGAN Y  
SANDE N SCHUERLEIN Y SHORR VOLPE 2 WILLIS

Motion passed.

The Chairman then asked for an update on fundraising efforts for the Hulett. Genevieve Ray said that she had been able to raise \$126,235 for the second Hulett. They were slow in raising funds because they were not sure of their goal. They plan to be able to raise \$200,000. Cheryl Davis said that they would need \$200,000 plus the cost of moving the Hulett.

NEW BUSINESS

CERTIFICATES OF APPROPRIATENESS

CASE 99-085

SHAKER SQUARE HISTORIC DISTRICT – SHAKER SQUARE Application for a Certificate of Appropriateness for the redevelopment of Shaker Square, including new construction, restoration, renovation, demolition of the powerhouse, site improvements, and new signage concept.

WITNESSES Adam Fishman, Randy Ruttenburg (Developers), Gerald Herschmann (Architect), Theodore Sande (Preservation Consultant), Reid Robbins (Shaker Square Area Development Corporation).

DESIGN REVIEW COMMITTEE RECOMMENDATION The Shaker Square Design Review Committee recommended approval of the renovations, with the condition that sign guidelines are developed to augment the proposed new signs. The massing of the Wild Oats Market was approved, but further review of architectural details was required.

plaintiffs' claims.

For the reasons stated below, plaintiffs' motion for summary judgment is **GRANTED** in part and **DENIED** in part. (Docket no. 38). Defendants' motion for summary judgment is also **GRANTED** in part and **DENIED** in part. (Docket no. 40). The Court finds that plaintiffs' claim that the Port Authority "segmented" its application, pursuant to the National Historic Preservation Act (the "NHPA"), 16 U.S.C. §470h-2(k), is not ripe, and thus grants summary judgment to the Corps on this claim and dismisses it. The Court further finds, however, that the Corps violated the NHPA by issuing a permit without awaiting comment from the Ohio State Historic Preservation Office (the "Ohio SHPO") or the Advisory Council on Historic Preservation (the "ACHP"). As explained below, a finding that the Corps issued the permit in violation of the NHPA entitles plaintiffs to all the relief the Court finds it is able to grant; the Court, accordingly, declines to reach the plaintiffs' remaining claims.<sup>1</sup>

The Court hereby Orders the Corps to revoke the Letter of Permission, permit no. 1999-01471(0), issued to the Port Authority on May 14, 1999.<sup>2</sup> If the Port Authority requires any further dredging in the area covered by that permit, it must reapply for authority to do so. If a new application is made, defendants must comply with all requirements of the NHPA, including those mandating formal notice to the Ohio SHPO and ACHP and contemplating a waiting period after such notice prior to the issuance of a permit. The Corps must also consider whether the scope of any new permit sought implicates 16 U.S.C. §470h-2(k). The

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<sup>1</sup> Plaintiffs' motion requesting permission to submit additional authority is also **GRANTED**. (Docket no. 50).

<sup>2</sup> As explained below, the other relief plaintiffs seek is not reasonably related to the wrong committed by the Corps; the Court will not and cannot order defendants to supply that relief.

Corps may then determine whether and under what conditions to reissue the permit. The Court also orders the Corps to pay plaintiffs' reasonable attorney's fees and costs.<sup>3</sup>

### I. Background

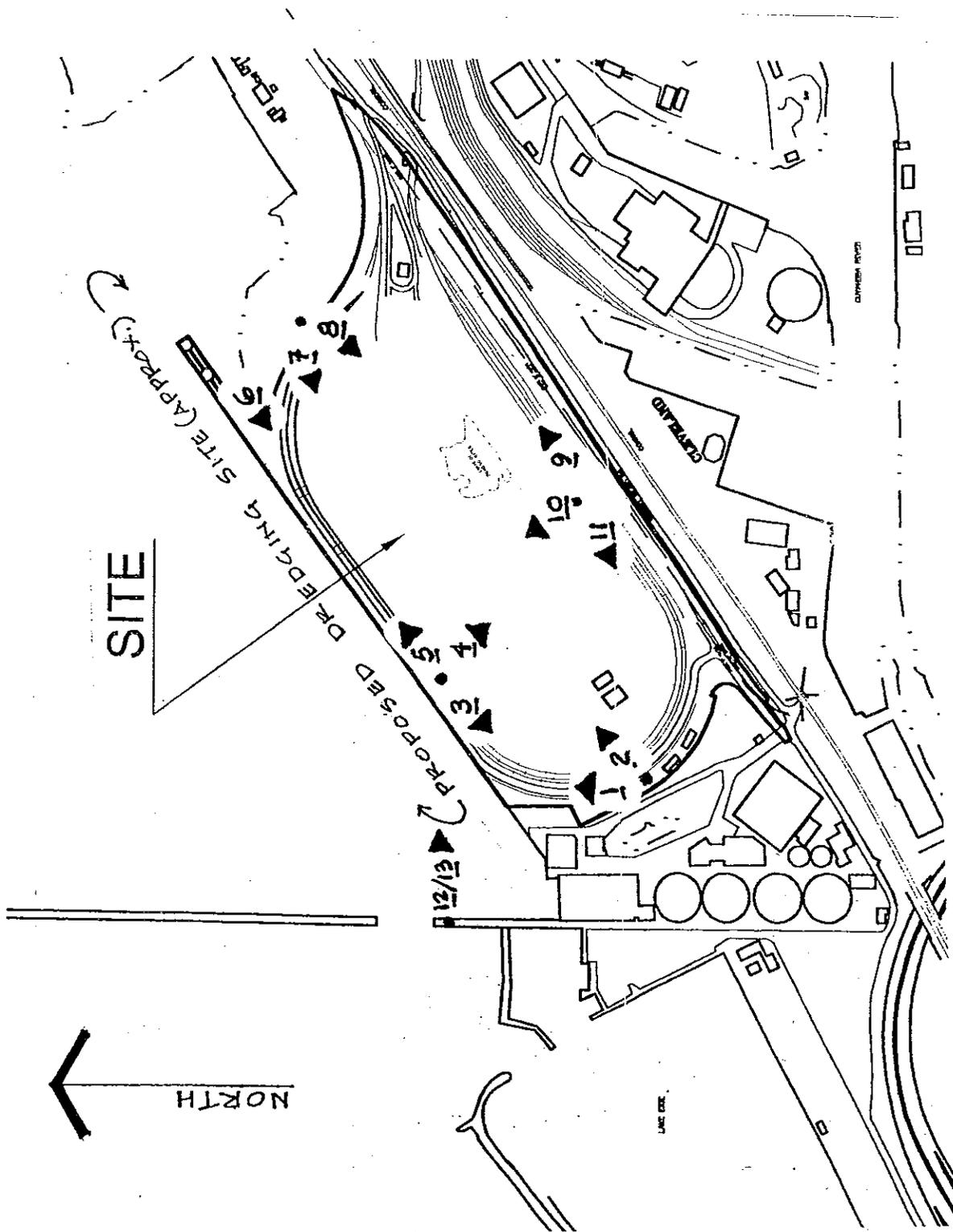
The Hulett Iron Ore Unloaders ["Huletts"] at issue in this suit were enormous ore unloading machines, about ten stories tall, that stood near where the Cuyahoga River flows into Lake Erie on the Pennsylvania Railway Ore Dock [the "Ore Dock"], located on Whiskey Island. George Hulett invented these imposing machines in the late 1800's. At one time, seventy-five Huletts unloaded ore from boats in the Great Lakes. Virtually all of the Huletts have now been dismantled or destroyed and none are currently in operation.<sup>4</sup> The four Huletts located on Cleveland's waterfront operated continuously from 1912 to 1992. After 1992, the Huletts were rendered obsolete by more modern methods of unloading bulk cargo from Lake Erie vessels. In 1993, the Huletts were designated a Cleveland Historic Landmark. In 1997, the Ore Dock was listed in the National Register of Historic Places; the primary historic aspect of the Ore Dock prompting that designation was the presence of the Huletts.<sup>5</sup>

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<sup>3</sup> The Court emphasizes that only a portion of the attorney's fees and costs plaintiffs incurred in this litigation are recoverable. Plaintiffs asserted a number of legal theories which had no merit, and three times asked for preliminary injunctive relief with no legitimate basis for doing so. Plaintiffs, thus, have only succeeded on the very narrow claim upon which the Court now grants relief. The Court will not, therefore, award any attorneys fees or costs in connection with plaintiffs' earlier, unsuccessful efforts.

<sup>4</sup> There are currently four Huletts in existence. Two are located on the shores of Lake Michigan in Chicago, Illinois. As will be discussed below, the other two are in storage here in Cleveland, after having been removed from the Ore Dock.

<sup>5</sup> The Huletts have not been designated a National Historic Landmark.



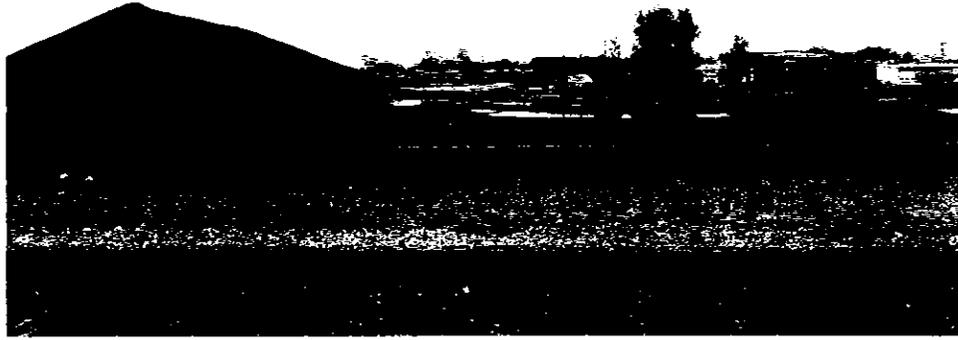
CLEVELAND BULK TERMINAL PHOTO LOCATION KEY JULY/AUGUST 2005



Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 1 Date: July, August 2005  
View: LOOKING NORTH  
FROM WEST SIDE

Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 2 Date: July, August 2005  
View: LOOKING NORTHEAST  
FROM WEST SIDE

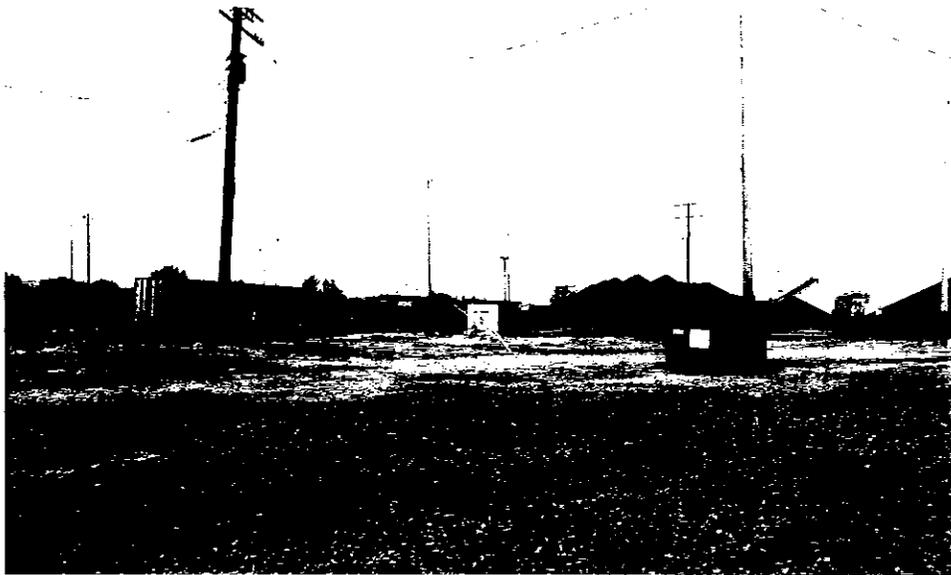
Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 3 Date: July, August 2005  
View: LOOKING SOUTHWEST  
FROM DOCK SIDE



Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 4 Date: July, August 2005  
View: LOOKING SOUTHEAST  
FROM DOCK SIDE

Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 5 Date: July, August 2005  
View: LOOKING NORTHEAST  
FROM DOCK SIDE

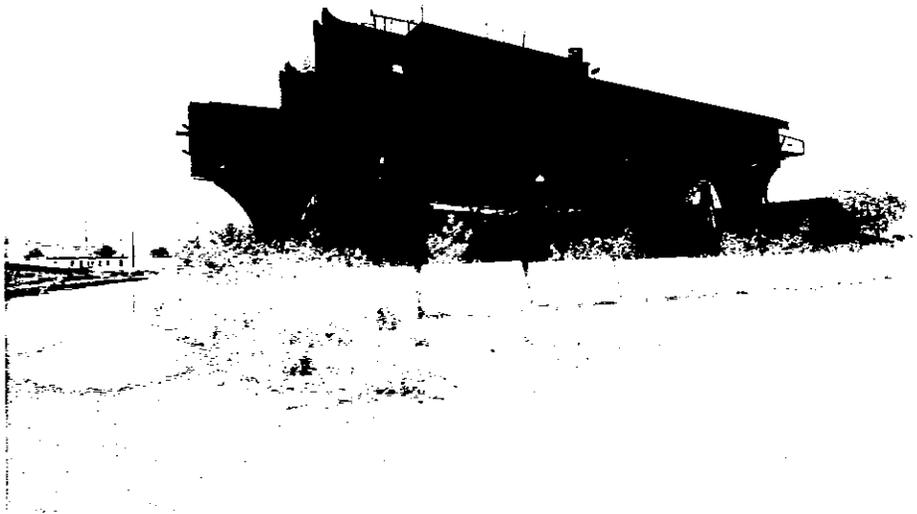
Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 6 Date: July, August 2005  
View: LOOKING SOUTHWEST  
FROM DOCK SIDE, EAST



Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 7 Date: July, August 2005  
View: LOOKING WEST  
FROM EAST SIDE

Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 8 Date: July, August 2005  
View: LOOKING SOUTHWEST  
FROM EAST SIDE

Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 9 Date: July, August 2005  
View: LOOKING NORTHEAST  
FROM SOUTH SIDE



Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 10 Date: July, August 2005  
View: LOOKING NORTHWEST  
FROM SOUTH SIDE

Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 11 Date: July, August 2005  
View: LOOKING SOUTHWEST  
FROM SOUTH SIDE

Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 12 Date: July, August 2005  
View: LOOKING EAST  
FROM WEST



Cleveland Bulk Terminal  
Whiskey Island, Clev., CUY., OH  
No. 13 Date: July, August 2005  
View: LOOKING EAST (CLOSE UP)  
FROM WEST

ATTACHMENT NO. 10



## STATEMENT OF QUALIFICATIONS

### Ted Sande, AIA

My experience in the historic preservation field dates back to 1954, when I worked as a student assistant architect on the Independence National Historic Park project in downtown Philadelphia. During that time and later as vice president for historic properties at the National Trust for Historic Preservation in Washington, DC, I came to know – and in some instances work with -- the key figures within the National Park Service who shaped the National Historic Preservation Act of 1966 and the Secretary of the Interior's Standards for Rehabilitation. I have attached a copy of my two-page prospectus that covers my background up to 1993, when I retired from the Western Reserve Historical Society (executive director emeritus and fellow for life), where I served for 13 years. I resumed architectural practice in 1993, as a consultant focusing on historic preservation issues.

I am recognized by the Ohio Historic Preservation Office as qualified under the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation in the following fields: Architectural History, Architecture and Historic Architecture. The Division of Production Management, Consulting Services section of the Ohio Department of Transportation, has approved me as meeting its prequalification standards for Environmental Services in History/Architectural Investigation. The National Trust for Historic Preservation's Midwest Office lists me as a qualified historic preservation consultant in the Midwest Region.

I served on the Cleveland Landmarks Commission from 1985 to 2004. I have been a member of the Architectural Board of Review for the Village of Hunting Valley since it was formed in 2000. I am a past president and honorary life trustee of the Cleveland Restoration Society and was responsible for obtaining the donation of and steering the fund raising and rehabilitation of its new headquarters, the Sarah Benedict House, on Prospect Avenue, a \$1.8 million project. Additionally, I have just completed eight years as a trustee of Stan Hywet Hall and Gardens in Akron and have chaired its Properties and Collections Committee. I am a past member of the Old Georgetown Board, National Commission of Fine Arts, Washington, DC and the Shaker Heights Landmark Commission.

My clients have included Price-Costco on the west coast, the Park Corporation (I-X Center) in Cleveland, The Cleveland Clinic Foundation, The Coral Company, the City of Cleveland, the Village of Hunting Valley, McDonald's Corporation, Center Point Properties, Fairhill Center for Aging, the NRP Group, City Architecture, Richard L. Bowen + Associates, Herman Gibans Fodor and several private home owners.

The historic preservation issues that I have been involved with in Cleveland since 1993 have ranged over the full spectrum of the field, from historical research, evaluation and field documentation of historic sites, to preparation of National Register nominations, Section 106 reviews and Historic Preservation Certification Applications for rehabilitation tax credit projects. I have succeeded in acquiring rehabilitation tax credits on a number of City Architecture's projects, including the Claravon Apartments, Toledo; the Jones Home, Cleveland (Historic Preservation Award, Cleveland Chapter, AIA); and the United Motor Co. Building, Cleveland.(Historic Preservation awards from the Cleveland Chapter, AIA and the Ohio Historic Preservation Office). For the Nicholson Cleveland Terminal, Quay 55, a \$25 million project in Cleveland, I achieved a satisfactory resolution of the Section 106 review.

For the Village of Hunting Valley I developed in the spring of 2001 its first historic property preservation concept and historic preservation easement for the Clanonderry estate.

In the past two years I have prepared National Register of Historic Places nominations for four properties in the greater Cleveland area and all four are now listed in the National Register of Historic Places.

I am currently serving as historic preservation consultant on eleven historic preservation projects with a cumulative value of more than \$100 million.

References:

- a. Paul Volpe, City Architecture, 216-881-2444
- b. Mark Coffin, Quay 55, 440-333-1033
- c. John Hopkins, Buckeye Area Development Corp., 216-491-8450
- d. Scott R. Inkley, Past Mayor, Village of Hunting Valley, 440-247-6106
- e. David Bowen, Richard L. Bowen + Associates, Inc. 216-491-9300
- f. Barbara Szaibel, Slavic Village Development, 216-429-1182

I will be glad to provide any additional information for your review.

Ted Sande, AIA  
1 June 2005

## ■ ARCHITECTURE

- ◇ **Qualifications:** Registered Architect, National Council of Architectural Registration Boards certification. B.Sc. in Architecture, Rhode Island School of Design. M.Arch, Yale University. Ten years of active practice prior to entering the cultural non-profit field. Wide range of experience in new building design, renovation and restoration of existing structures and on-site recording of historic buildings.

### ◆ **Services Offered:**

- Feasibility studies of existing buildings for restoration, renovation and adaptive use.**
- Guidance on new design for additions to older buildings and of new buildings in historic districts to assure compatibility.**
- Evaluation of proposed changes to historic structures relative to local, state and federal preservation standards.**

## ■ PRESERVATION

- ◇ **Qualifications:** Active since the mid-1960s in saving important historic properties and achieving their listing in either the National Register of Historic Places or as National Historic Landmarks. A founder and first president of the Society for Industrial Archeology. Five years with the National Trust for Historic Preservation's Office for Historic Properties, Washington, D.C. in several leadership positions, concluding as vice president. Twenty-five years as a member of civic historic preservation commissions, including the Old Georgetown Board of the National Fine Arts Commission, Washington, D.C., the Shaker Heights Landmark Commission and the Cleveland Landmarks Commission.

### ◆ **Services Offered:**

- Preparation of strategic plans and organizational structures for preservation groups.**
- Development of historic preservation strategies for saving older buildings and communities.**
- Preparation of long-range historic property preservation master plans.**
- Creation of historic property management guidelines.**
- Evaluation of historic preservation grant proposals.**

## ■ HISTORY

- ◇ **Qualifications:** Ph.D. in Architecture (University of Pennsylvania) with special emphasis in architectural history. Taught American Art and Architecture at Williams College and introduced there the first graduate level course in American Art. Author of: Industrial Archeology: A New Look at the American Heritage and numerous articles in professional journals in this country and overseas on historic preservation and the museum field.

### ◆ **Services Offered:**

**Research on historic properties and the preparation of articles on them for publication.**

**Survey and preparation of historic structure reports on older property.**

**Evaluation of older property to determine historical significance.**

**Preparation of National Register of Historic Places nomination forms for submittal to the State Historic Preservation Office and the National Register.**

## ■ MUSEUMS

- ◇ **Qualifications:** Eighteen years experience in the management of all facets of historic properties and history museums as Vice President for Historic Properties at the National Trust for Historic Preservation and Executive Director of The Western Reserve Historical Society until April, 1993. Active as a chairman of occasional on-site visiting committees for the American Association of Museums' Accreditation Program. Active as a field consultant for the American Association of Museums' Museum Assessment Programs (MAP I, II and III). A report that I prepared in late 1992 for MAP III (Public Outreach) is being used as a national model for this program by AAM.

### ◆ **Services Offered:**

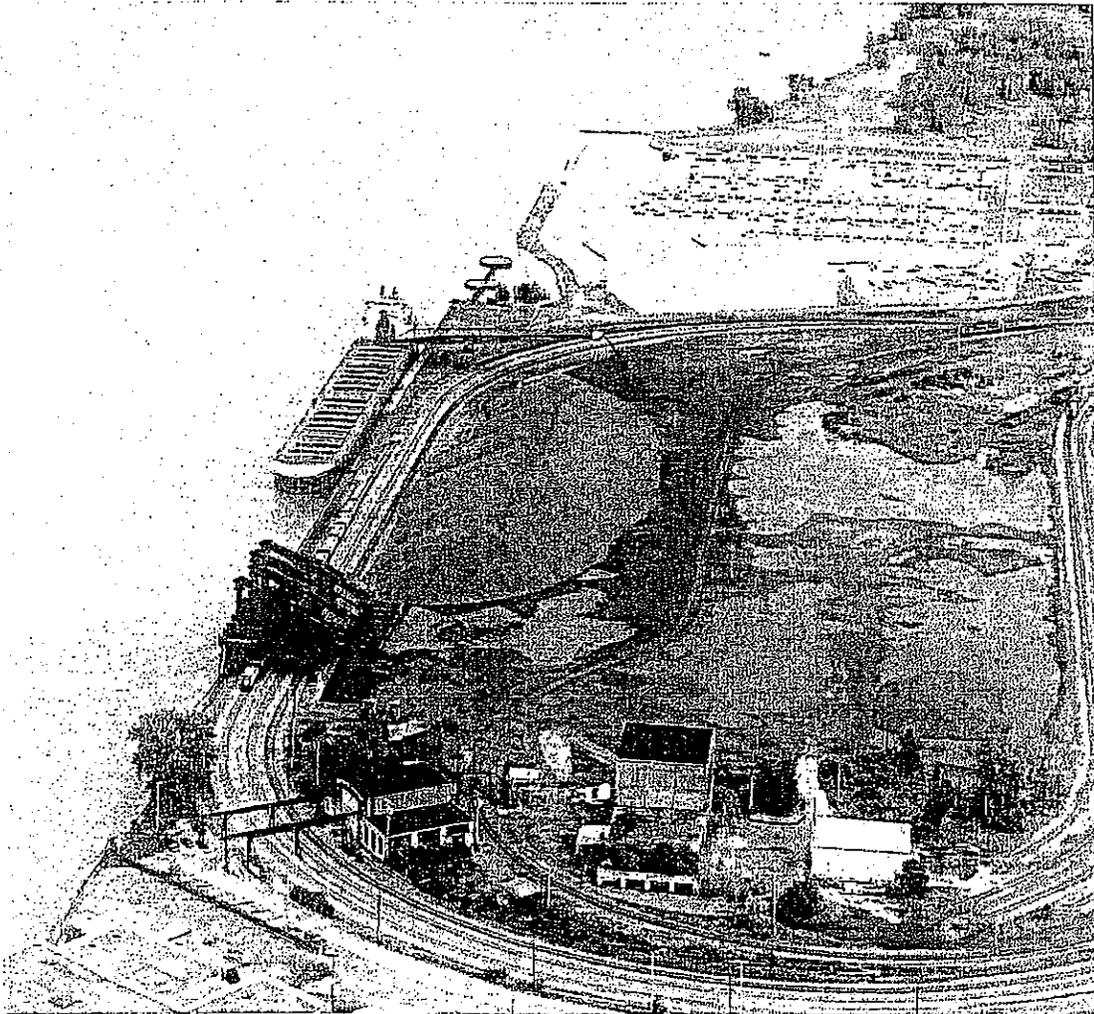
**Management and organizational studies, including all facets of operation, from administration, staff and finance to collections management, exhibits design and educational programming.**

**Master planning of history museums and historic house museums.**

**Facilities analysis and development of facilities planning for history museums and historic house museums.**

**Evaluation of museum and historic house museum grant applications.**

**THE CLEVELAND BULK TERMINAL:  
An Evaluation of Expanding Capacity  
and the Economic Impacts**



Prepared by  
**URS Greiner**  
Cleveland, Ohio

September 1998

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## EXECUTIVE SUMMARY

The economy of greater Cleveland looks to the Port of Cleveland as a dynamic and integral working partner. The Port's role assisting industry in creating and sustaining jobs, stimulating business activity, producing incomes and creating tax revenues touches everyone. Oglebay Norton, as operator of the Cleveland Bulk Terminal (CBT) for the Cleveland-Cuyahoga County Port Authority, recognizes the opportunity and need to expand the capacity of the CBT and to be part of a premier world-class Port on the Great Lakes. This report presents the following:

- There is a significant demand to move bulk cargo through the CBT that is not being met
- The current throughput of the CBT is at a maximum capacity of only 1.8 million tons
- The CBT is constrained to one berth and approximately two-thirds of the available storage area
- Removing all structures from the dock would allow two ships to dock and bulk cargo throughput to increase to 6 million tons
- The CBT improvements would retain 580 jobs, generate 500 new jobs and secure a competitive advantage for the region

### Project Need

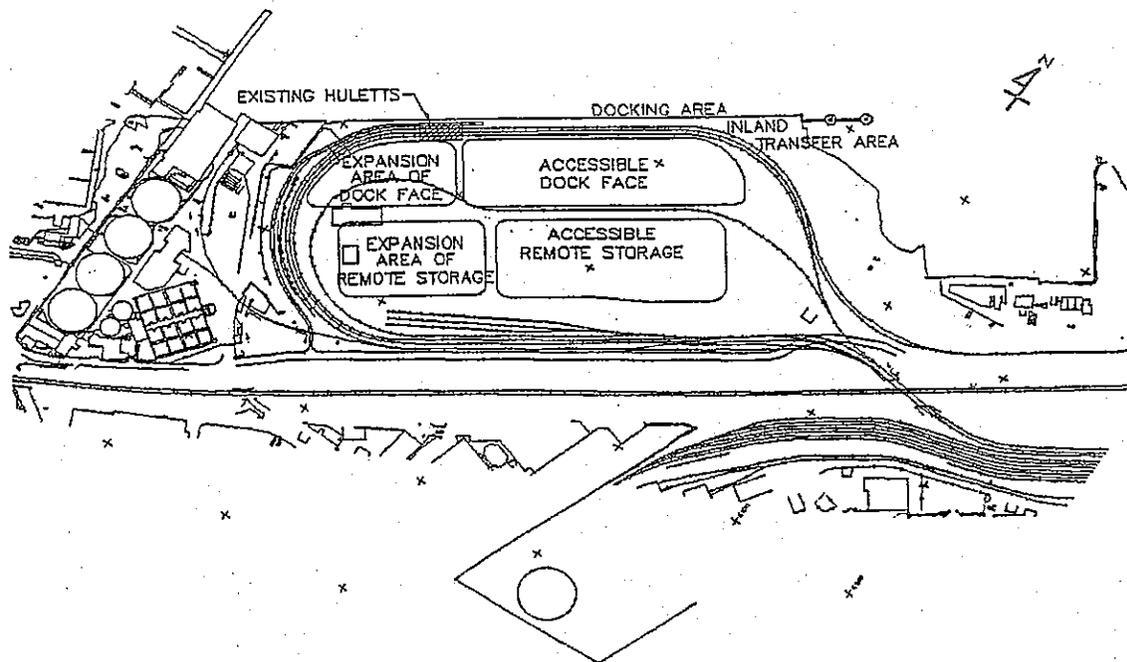
The need for improvements at the CBT is compelling. The demand is there. The demand has been documented through discussion with operators and shippers, by the significant number of unserved or underserved companies actually requesting services, and in the Port's Master Plan. An improvement in the way materials are moved and handled (larger vessels and shorter trips) can be more efficient, resulting in cost savings to the CBT customers. Oglebay Norton has committed to support the competitiveness of its customers and the region, and to help keep the area a low-cost producer. Adding to the CBT capacity by increasing the dock's storage area will

make those cost savings available to more companies. Thus, by contributing to the region's competitive advantage, the project will not only retain jobs but also provide an attractive competitive advantage that will attract new industries.

## CLEVELAND BULK Terminal OPERATIONS

The 45 acre CBT consists of four main components. First is 1,950 feet of bulkhead which is constrained to allowing only one vessel to load or unload at a time because the location of the Hulett ore unloaders eliminates the use of 750 feet of bulkhead. Second, is the storage area of the face of the dock, the first 200 to 300 feet from the bulkhead. The annual throughput of the dock face is only 1.8 million tons because the Hulett's block access to a portion of the face for unloading and the western face area has buildings on it. The third component is the remote storage area of the dock with a capacity of about 250,000 tons at any one time. This capacity is also constrained because of buildings in the area. The fourth component is the inland transfer area which parallels the storage face. The inland transfer area is constrained to the same extent and for the same reasons as the face of the dock. These working areas of the CBT are shown below.

### Working Areas of the CBT



## PROPOSED IMPROVEMENTS

Any proposed improvements need to address the storage and throughput capacity problems of the dock face area. As described above, the solution comes down to finding additional acres of space to place and transfer the material and making full use of the 1,950 feet of docking space. This cannot occur to the east of the current operating area without significant costs and time delays. This area is an existing privately owned recreational marina which would require additional land to be created by building new bulkhead and filling in a portion of the marina basin. Increasing the capacity of the operating face of the dock to the west of the current active area will require the removal of the Hulett ore unloaders, removal of the railroad track running through the center of the CBT and the removal of four buildings. Removing the Hulett and buildings results in following three significant changes.

- Increase the capacity of the usable length of bulkhead from 1,200 feet to its full 1,950 foot length (including mooring devices). This will allow a 1,000 foot laker and a 700 foot ship to load and unload at the same time at the face.
- It will provide an additional 3.5 acres of face storage area which will increase the storage capacity to 400,000 tons at any one time.
- The increased length of the face area results in a longer inland and second-ship transfer area.

The combination of two berths, more dock face working/storage area and more working transfer length results in an over three-fold increase in the CBT throughput capacity from 1.8 million tons to 6 million tons.

### The Proposed CBT Layout

The following Figure lays out a configuration that accommodates a significant multi-product operating scenario with a 6 million tons of annual throughput capacity. With this scenario, several additional product piles on the face and three storage piles in the remote storage area can



**CLEVELAND BULK TERMINAL  
HISTORIC PRESERVATION MITIGATION PLAN**

Prepared by:

**URS Greiner, Inc.**  
Cleveland, Ohio

November, 1998

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Exhibit 6

## INTRODUCTION

The Cleveland-Cuyahoga County Port Authority is proposing to improve the C & P Ore Dock, now renamed the Cleveland Bulk Terminal (CBT), on Whiskey Island, in Cleveland, Ohio (Figures 1 and 2). The objective of the Cleveland Bulk Terminal improvement project is to increase the capacity and operational flexibility of the bulk handling facility. The focus of the improvements is to increase the accessibility and throughput capacity of the face of the docks and to increase the storage capacity of the backyard of the facility. This objective is primarily met by the creation of vacant storage areas accessible by self-unloading ships (Figure 3). The purpose and need for this project is presented in a report entitled *The Cleveland Bulk Terminal: An Evaluation of Expanding Capacity and the Economic Impacts* (September, 1998).

The C & P Ore Dock is listed in the National Register of Historic Places, and has been designated a city landmark by the Cleveland Landmarks Commission. The primary historic feature of this property is four Hulett ore unloaders (Figure 4). Associated with the ore unloaders are several support buildings and structures. The proposed CBT project will have an adverse effect on the National Register-listed and City landmarked C & P Ore Dock property. The project requires the removal of the four Hulett and the buildings and structures associated with the Hulett. The Hulett are located on the face of the docks and must be removed so that 1) two self-unloading ships can dock at the facility, and 2) the storage capacity of the face of the docks can be increased. The associated buildings and structures must be removed to increase the storage capacity of the dock face and to increase the storage capacity of the facility's backyard.

Several mitigation alternatives to avoid and/or minimize the adverse effect on this historic property have been identified by the Port Authority, owner of the CBT site, and Oglebay Norton Company, the firm currently leasing the site from the Port Authority and operating the facility. These alternatives are presented below. The proposed mitigation alternatives will be presented to the Ohio Historic Preservation Office (OHPO) as part of the historic preservation consultation process between the OHPO and the Port Authority. It is anticipated that future activities associated with the CBT project may require federal involvement in terms of permitting and approval. Therefore, this consultation process with the OHPO will follow the format required for consultation under Section 106 of the National Historic Preservation Act of 1966, as amended. It is anticipated that this consultation process will result in the execution of an agreement document, containing the selected mitigation plan, among the Port Authority, the OHPO, the Cleveland Landmarks Commission, and any interested parties that agree to participate in the execution of this agreement document. The format of the agreement document will be the same as that required under the Advisory Council on Historic Preservation regulations that implement Section 106 (i.e., 36 CFR 800).

## MITIGATION ALTERNATIVES

Mitigation alternatives that avoid and/or minimize the adverse effect on this historic property are presented below. The feasibility of each of the alternatives, in terms of historic preservation

concerns, scope, and general cost, is discussed. Each of these alternatives would include a public interpretation/education program on the history of the C&P Ore Dock. This program may include a museum exhibit, public information brochures, a video graphic history of the C&P Ore Dock, and a model of a Hulet or Hulets that will be installed within an exhibit. The alternatives may also include additional historical recordation, such as further photographic documentation and detailed mapping of the features of the property, prior to the removal of historic elements of the C & P Ore Dock.

Alternative 1. Preserve one to four of the Hulets in their present location. Preserve in-place all or some of the buildings within the C & P Ore Dock property. Develop and put in place a public interpretive/education program on the history and significance of the C & P Ore Dock.

If any of the Hulets remain, it would limit the tonnage of bulk material that could be stored within both the face of the docks and backyard storage areas to 1.8 million tons. Therefore, there would be no room for the expansion of the CBT facility to the 6 million tons proposed for the improvement project. In addition, only one self-unloading ship would be able to use the dock at a time, since the Hulets occupy the location of the proposed second berth along the existing docks, taking up 750 feet of the 1,950 foot long dock. The Hulets would block the movement of the boom of a second ship berthed along the western portion of the dock.

With the Hulets remaining in their current location, public access to view the machinery can occur from the lake. However, public access onto the CBT facility is not possible. There are extensive safety and liability issues. The public cannot be allowed onto an active bulk terminal facility to visit the Hulets and associated buildings. As shown in Figures 2, 3, and 4, the Hulets are immediately adjacent to and extend across active railroad tracks. To be able to get close to the Hulets requires crossing these tracks.

Public access to the site cannot be improved or made safe given the fixed location of the railroad tracks on the site. Railroad perpetual easements do not permit the moving or realignment of railroad tracks on the site. In addition, the current loop track configuration is required for the use of the dock and is already at a minimum size and radius.

Retaining one or more of the buildings associated with the Hulets is also not feasible. The buildings further reduce the proposed bulk storage capacity, and the buildings would have no use as part of the proposed CBT project. The primary feature of the CBT is vacant storage space. Since the number of personnel working within the facility is small, these individuals would work out of trailers located along the westernmost edge of the property. Thus, these buildings would no longer serve a useful economic function as part of the operation of the facility. Adaptive reuse of the buildings by other commercial or industrial firms is not possible given that the buildings are totally surrounded by the active railroad tracks. Access to the buildings is, therefore, not possible due to liability and safety issues.

The above discussion assumes that ownership of the Hulets and associated buildings remains under the Port Authority. An alternative scenario is to convey the property encompassing the Hulets and buildings, or just the Hulets, to a new owner, such as the Northeast Ohio Sewer District. This scenario, however, is also not feasible. First, under this scenario, two shipping berths within the CBT are not possible. Second, there would be a loss of up to nine to thirteen acres on the west end of the CBT, reducing the storage and throughput capacity of the CBT. Thirdly, this scenario would require alteration of the railroad loop track. As noted above, the current loop track configuration is required for the use of the dock and is already at a minimum size and radius.

Alternative 2. Relocate one to four of the Hulets, in their entirety, to another part of the site. Remove all of the C & P Ore Dock property buildings. Perform additional recordation of the property, if warranted, based on a review of earlier Historic American Engineering Record (HAER) documentation (1979). Develop and put in place a public interpretive/education program on the C & P Ore Dock at the new location.

Given the space requirements of the proposed facility, this alternative is not feasible. With the full use of the CBT, there would be no space for one or more whole Hulets within the site. In order for the Hulets to be moved to the western portion of the site, for example, it would be necessary to move the railroad tracks in this area. As shown in Figure 6, the footprint of the Hulets would overlap with the existing tracks. As discussed under Alternative 1, it is not possible to move or realign the tracks. Also, the cost for moving one or more of the Hulets is high. Based on the American Society of Civil Engineers (ASCE) feasibility study<sup>1</sup> for the relocation of the Hulets, the cost for moving one entire Hulett would be approximately \$700,000. This cost does not include the sandblasting and painting that was part of the ASCE's cost estimate. It should be noted that this cost was calculated in 1994, so today's cost would be greater.

As with Alternative 1, public access to the Hulets within the site would not be feasible given safety and liability issues.

Alternative 3. Preserve a portion of one Hulett and move this portion to another part of the site. Remove all buildings on the property and the remaining Hulets. Perform additional recordation of the property, if warranted, based on a review of earlier HAER documentation (1979) of the Hulets and associated buildings. Develop and put in place a public interpretive/education program on the C & P Ore Dock, at the new location of the Hulett component.

This alternative involves the preservation of a component of a Hulett. Figure 5 shows the

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<sup>1</sup> *Feasibility Study for the Relocation of the Hulett Ore Unloaders*. Prepared for the Ohio Canal Corridor, Inc. Prepared by the American Society of Civil Engineers, August, 1994.

various primary components of a Hulet. The primary components that could be preserved include the following: 1) the bucket and portion of the bucket leg containing the operator's compartment, 2) the bucket leg, 3) the bucket leg and walking beam, and 4) the latter two components with the trolley, and leg brace. This alternative would be feasible, if only a small component, such as the bucket and the portion of the bucket leg containing the operators compartment, were preserved. This component could be placed in the northwest corner of the property, and would not impact the proposed project. Placement of a larger component, such as an entire bucket leg, would not be feasible given the space requirements of the project. Even though a small component of a Hulet could be preserved on-site, public access issues (i.e., safety and liability) would not permit public access, as noted for Alternatives 1 and 2.

Alternative 4. Preserve one or more complete Hulets off-site. Remove remaining Hulets and all buildings. This alternative would include conducting additional recordation of the property, if warranted, based on a review of earlier HAER documentation. In addition, a public interpretive/education program on the C & P Ore Dock, would be developed and put in place at the new off-site location.

Based on the ASCE feasibility study for the relocation of the Hulets, the cost for moving one entire Hulet off-site, which would require dismantling of the Hulet and moving it to a new location by barge, is approximately \$1,232,000. As noted above, this was a cost estimate calculated in 1994, so today's cost would be greater. This cost does not include sandblasting and painting, which was included in the ASCE's total cost per Hulet, nor are costs for developing and maintaining a public education/interpretation program included.

Alternative 5. Preserve a portion of one Hulet and move this portion to an off-site location. Remove all buildings on the property and the remaining Hulets. As with the other alternatives, this alternative would include additional historic recordation, if warranted, and development of a public interpretation/education program.

This alternative would be feasible, depending on which component of a Hulet is preserved. As noted under Alternative 3, the primary components that could be preserved include 1) the bucket and portion of the bucket leg containing the operator's compartment, 2) the bucket leg, 3) the bucket leg and walking beam, and 4) the latter two components with the trolley, and leg brace. As the size of the component preserved is increased, so does the cost for dismantling, moving to a new location, and reconstructing the component at the new location.

Alternative 6. Demolition and removal of all of the Hulets and buildings. As with the other alternatives, this alternative would include additional historic recordation, if warranted, and development of a public interpretation/education program. This program would occur off-site.

Though this alternative is feasible, it is the least desirable of all of the alternatives since there is no preservation of a Hulett or a component of a Hulett.

## PROPOSED MITIGATION PLAN

Based on the analysis of these alternatives, the preferred mitigation alternative is No. 5. As described above, Alternative 5 involves the removal of the Huletts, with the retention of a portion of one Hulett, and removing this portion to an off-site location. All of the historic support buildings on the site would also be removed under this alternative. It should be noted that whatever portion of the Hulett is preserved, it may be necessary to store the dismantled section until the off-site location is ready to receive the section. It is anticipated that the preserved section could be stored on the CBT property. A plan for the temporary storage of the Hulett component would be developed in consultation with the OHPO and the Cleveland Landmarks Commission. This plan would detail 1) the procedures for dismantling the Hulett, 2) how the component would be moved to the storage location, 3) how the section would be placed and protected within the storage site, and 4) how the site would be secured.

An entire Hulett and components of Huletts have been preserved at other locations along the Great Lakes. Portions of a Hulett have been preserved at two sites in Ohio. In Ashtabula, the lowermost portion of a Hulett leg, containing the bucket and operator's compartment, has been preserved from the Huletts that once stood on Ashtabula's waterfront. This remnant stands on its bucket, unrestored and unmaintained. There is a small museum at the Ashtabula site, which has an operable model of one of Ashtabula's former Huletts, built at a one-to-fourteen scale. A similar section of a Hulett has been retained in Conneaut. This section lays on its side, and is unrestored and is not maintained. There is no museum or interpretation site associated with the Conneaut Hulett.

A major concern associated with the preservation of a component(s) of a Hulett is the cost. Additional research will be performed to determine the cost for preserving 1) the bucket and portion of the bucket leg containing the operator's compartment, 2) the bucket leg, 3) the bucket leg and walking beam, and 4) the latter two components with the trolley, and leg brace.

## AGENCY CONSULTATION

As stated above, the proposed mitigation plan, and the alternatives analysis, will be presented to the Ohio Historic Preservation Office (OHPO) as part of the historic preservation consultation process between the OHPO and the Port Authority, pursuant to Section 106 of the National Historic Preservation Act.

It is also anticipated that the Landmarks Commission will participate in this consultation process with the OHPO, and that the Landmarks Commission will use the results of this consultation (and agreement document) in order to approve the Port Authority's application for changes to the C & P Ore Dock historic property.

The Section 106 process requires consultation with "interested parties" when there is an adverse effect on a historic property such as the C & P Ore Dock property. The purpose of this consultation is to obtain the opinion of the interested parties concerning measures to avoid or minimize the adverse effect on the historic property. Interested parties include, for example, representatives of jurisdictions in which the historic property is located, local historical societies, and organizations that have a special interest in the preservation of the historic property. It will be the Port Authority's responsibility to identify and contact potential interested parties. Guidance on this selection from the OHPO and Landmarks will also be sought.

The purpose of consultation with the interested parties is to obtain their opinion on the proposed mitigation plan, and to consider these opinions in the final selection and implementation of a mitigation plan. The interested parties can also participate and have a role in the implementation of aspects of the mitigation plan, if it is appropriate. Such participation would be stipulated in the agreement document.

Consultation with the interested parties may take the form of one meeting with all of the interested parties, or separate meetings with individual, interested party representatives. All comments from the interested parties on the mitigation plan will be documented, through meeting minutes, formal written comments from the representatives of the interested parties, or other appropriate means.



# PORT OF CLEVELAND

**The Regional  
Economic Impact  
of the Port of Cleveland's  
Maritime Operations**

**March 1997**

*Incorporating key findings of a study by:  
Economic Development Program  
The Urban Center  
Levin College of Urban Affairs  
Cleveland State University*

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**Executive  
Summary:  
The Port As A  
Powerful Economic  
Engine**

The Port of Cleveland is a proven symbol of economic vitality in this region. The Port's role in creating and sustaining jobs, stimulating business activity, producing family incomes, generating tax revenues to fund community services and schools, and providing both materials and markets for manufacturing is crucial. It is an indispensable link for dozens of area companies and industries.

For years, Cleveland's Port has ranked among the area's outstanding assets. It plays a crucial role in the development of Greater Cleveland as a center of industry and commerce. Today, as the region's centerpiece in international and interlake trading, it is an economic engine for jobs, the local maritime industry and many important manufacturing and international trade-related businesses.

The Port is crucial to manufacturing and related industries throughout Northeast Ohio. As a destination port, 90% of all cargo transported through the facilities have a final destination within 75 miles of Cleveland. The Port of Cleveland handles cargo valued in excess of \$850 million in raw materials, imports and exports that are the inputs, outputs and capital of local industries.

This report identifies the magnitude of economic activity brought about through the direct operation of the Port of Cleveland, as well as its influence on shaping job growth and sustaining local industry. Although the Port Authority's financing programs make it a leader in other important local economic development functions, these economic influences will not be part of this report.

The data pertaining to the local maritime industry presented in this document are drawn from an economic impact study of the Port by the Urban Center at Cleveland State University's Levin College of Urban Affairs. Its analytical model produces an estimate of employment, spending, personal income and taxes spurred by the facilities of the Cleveland-Cuyahoga County Port Authority and nearby private waterborne cargo handling facilities.

For purposes of this report, the Port of Cleveland refers to the Port Authority docks and private facilities along the Cuyahoga River. The public docks primarily focus on ocean-going international trade in steel, heavy machinery and general cargo. The public docks include

**The Port of Cleveland is clearly achieving its primary mission: to create and preserve jobs, improve the economic well-being of Greater Cleveland and accelerate economic development.**

nine ship berths and 425,000 square feet of warehouse space. The private docks along the Cuyahoga River focus on interlake trade and handle primarily raw materials, such as iron ore and stone, shipped within the Great Lakes system. Although most tonnage is interlake raw materials cargo, international cargo handled through the Port Authority docks have a higher per ton value, giving both functions enormous economic impact.

Estimates of the Port's economic impact are conservative in that they include only economic activity directly needed for movement of waterborne cargo. CSU researchers measured the shipping and trucking activity to transport the iron ore to the mill and the steel to the stamping plant, but not the manufacturing activity involved in producing the steel or the automobile. The steel, automobile, electrical products and other manufacturing outputs of companies that depend on the Port are discussed in this report, but outside the research model.

The data from the CSU study, measuring the maritime industry's economic impact in Northeast Ohio, and other sources illustrate the economic benefits produced by the Port, and show the powerful economic influence of the Port on regional industries dependent on its cargo.

In 1996 the data proved significant impact, as shown below;

- ◆ 4,768 jobs
- ◆ \$427.4 million in spending
- ◆ \$151.2 million in personal income
- ◆ \$63.8 million in local, state and federal tax revenues

The Port of Cleveland is clearly achieving its primary mission: to create and preserve jobs, improve the economic well-being of Greater Cleveland and accelerate economic development. It does so by stimulating and encouraging business in steel and automobile manufacturing as well as their supplier companies, the transportation and utility industries, banking and world trade, chemical and minerals and others. These are high income producing sectors of the economy that must be preserved and protected.

## **The Port of Cleveland: An Economic Asset That Shapes The Economy**

Cleveland's history as a commercial port dates back to the turn of the 19th century when wooden ships catered to the local agricultural economy. Since then, Cleveland has become a hub of water transportation because its prime location on the Great Lakes provides access to interlake and international trade routes. As early as the 1820s, improvements to Cleveland area waterways expanded water transportation markets to include Southern Ohio, other Great Lakes states and nations worldwide.

In the mid-1800s, with the opening of the Akron-Cleveland and Soo Canals, Cleveland's steel industry began to unfold. Improvements in ship building and easy water access made Cleveland the best place to combine Michigan, Wisconsin and Minnesota ore with Southern Ohio coal. As iron ore tonnage increased, so did steel exports. Larger ships were manufactured and Cleveland developed into a "steel port." This led directly to the local base of industrial jobs and intense commercial activities that produced solid family incomes and job opportunities. By 1856 a citizens' committee identified steel [and therefore iron and the port] as a key to Cleveland's economic future. Cleveland's future as a maritime center was underway.

Three major events led to the current strength of the Port as an international maritime center: the opening of the St. Lawrence Seaway, the creation of the Cleveland-Cuyahoga County Port Authority, and its consequent actions to improve the Port as an asset to industry and the region.

The opening of the St. Lawrence Seaway in 1959 was significant because it permitted larger ships access to the Great Lakes and connected our local waterways to the global marketplace, thus giving rise to a new era in international shipping.

Almost a decade later, in 1968, as a regional approach in establishing Cleveland as a leading interlake and international port, the Cleveland-Cuyahoga County Port Authority was formed to improve business planning and management in maritime operations.

Almost immediately, the Port began to implement strategies to improve the Port for industry and the economy. Actions such as the installation of the "Buckeye Booster," designation of Foreign Trade Zone (FTZ) #40 in 1978, and the construction of warehouses served to fortify the Port, making it an indispensable asset to the region's economy.

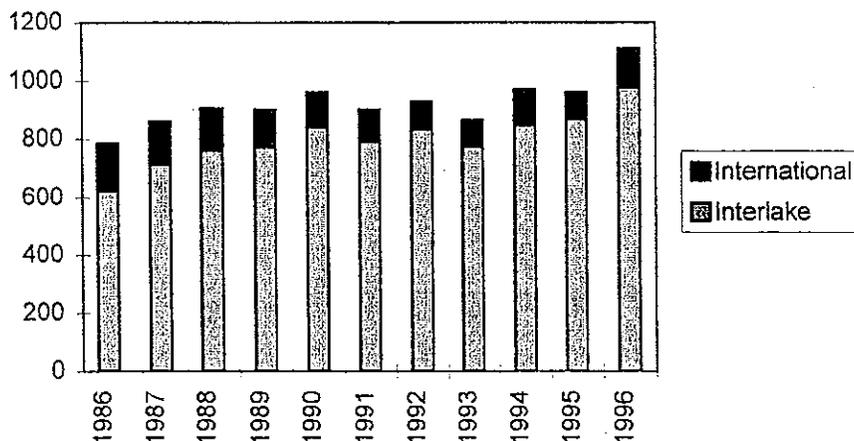
## The Port Today: A Growth Industry

Today, steel, stone and ore are now dominant cargo at the Port. But there are others, including exports such as: complete steel mills, off-highway mining trucks and industrial rubber processing equipment. Imports include: plate glass, scotch, rope and twine, fluorspar, autos, marble and coal tar.

In 1996 the Port accommodated 3.5 million more tons of cargo and 200 more vessels than ten years go. Most of the increases are due to the volume of interlake trade taking place via local waterways. The number of interlake vessels using the Port of Cleveland has increased almost 40% and their cargo by almost 30%. International cargo has increased to over one million tons, even though the number of international vessels has declined over the past decade due to increased capacity. In addition, the value of international cargo has risen to almost \$400 per ton, resulting in more than \$40 million of materials deliverable to Port cargo consumers.

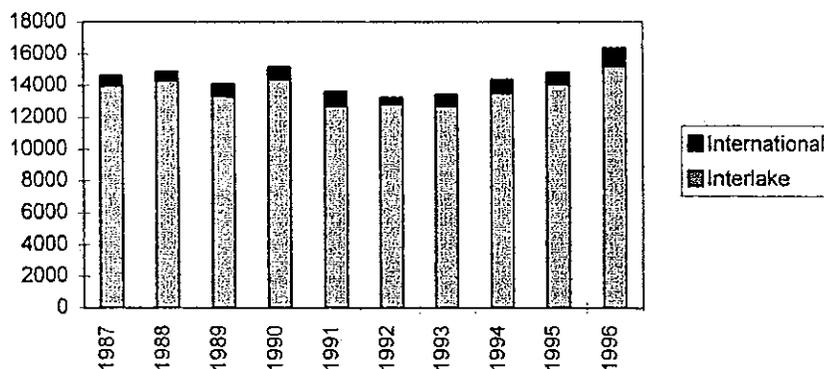
**A record number of international vessels sailed into the Port of Cleveland in 1996, a 46% increase from 1995.**

**CHART 1: The Port of Cleveland, Number of Vessels, 1986-1996**



**International cargo exceeds 1 million tons in 1996, up more than 48% from 1995.**

**CHART 2: The Port of Cleveland, Tonnage, 1986-1996 (000s)**



The Port of Cleveland's dominant cargo in 1996 continued to reflect primary Great Lakes industries, including steel. This contributes to Ohio's current status as the second-largest, steel-producing state in the country.

With approximately 6,400 employees, LTV Steel ranked ninth among Cuyahoga County employers, third among non-governmental, non-medical employers. LTV was recently ranked as the nation's third-largest steelmaker, and the second-largest producer of flat-rolled steel. As a result, iron ore constituted more than 50% of the total tonnage handled in 1996.

Stone constituted 30% of 1996 Port interlake tonnage. It is used by the construction industry for pavement, as well as by the steel industry as a purifying agent. The remaining 20% consisted of salt, cement, grain and other bulk commodities handled at the private docks.

One of the many innovative ways the Port Authority helps business and employment in the region is through its Foreign Trade Zone. A Foreign Trade Zone defines an area in which a domestic manufacturer can import parts, duty free, if the parts will be assembled into a final product. Using the Zone, a domestic manufacturer has the ability to compete on a more level playing field with manufacturers abroad.

In addition to the Port Authority property, the properties of several local companies have been designated subzones under the Foreign Trade Zone #40 umbrella. Several major area employers have taken advantage of the subzone designation to compete more effectively in the global marketplace and keep jobs in the region, including:

- ◆ Ford Motor Company
- ◆ General Motors Corporation
- ◆ Lincoln Electric
- ◆ Picker International
- ◆ Mr. Coffee, a division of Health o meter
- ◆ Motch Corporation
- ◆ Ben Venue Laboratories

These companies are better prepared to market their products abroad and employ people at home as a result of the Foreign Trade Zone. Collectively, the companies employ more than 17,000 workers throughout Northeast Ohio. Consequently, the economic influence of the FTZ penetrates through multiple industries and impacts the economic well-being of the region's labor force and their families.

## The CSU Economic Impact Study And Method

This section describes the methods used in an economic impact study of the Port of Cleveland conducted by the Urban Center at the Levin College of Urban Affairs at Cleveland State University.

An economic impact study provides a closely defined estimate of employment, spending, personal income and taxes spurred by an economic entity, in this case the Cleveland-Cuyahoga County Port Authority and nearby cargo handling facilities. The Urban Center has provided similar studies for other significant institutions in our region, including NASA Lewis Research Center and the Cleveland Clinic.

The U.S. Maritime Administration's definition of a "port industry" is used in this study. It focuses on economic activity needed for movement of waterborne cargo, including loading and discharging of ships, documentation, freight forwarding, marine insurance and banking, warehousing, land feeder services and all water carrier services.

It does not include the activities of port suppliers and users of ship repair services, port machinery and export products. These are part of a port's broader economic impact, but not part of its output. Therefore, many of the important economic activities that *depend* on the Port of Cleveland -- such as manufacturing or mining -- are not reflected as part of "the port industry" in the CSU study.

**TABLE I: Private Docks**

Docks	Owners
Ore and limestone	LTV Steel
Salt	Akzo-Nobel
Cement	Lafarge, Medusa and St. Mary's
Stone and/or sand	Osterland, River Dock, Sand Products, Standard-Lafarge and United Ready Mix
Bulk commodities	Cuyahoga Concrete and Ontario Stone
Liquid cargo	Bituminous Products, Fleet Supplies, LTV Steel, Marathon Petroleum Company and Reilly Industries

This economic impact study includes two basic steps. First, information is gathered about direct economic impacts: number of employees, payroll, taxes paid, and spending by companies in the port industry within the region of interest. These measures constitute the first round impacts of the waterborne cargo-handling industry. In the second round, additional employment, payroll, taxes and spending which result from the direct impacts are calculated using input-output technology. These additional impacts are called the "indirect" and "induced" impacts.

- ◆ Direct impacts result in the economic influence of companies involved directly in the movement of waterborne cargo. Also called "first round" impacts.
- ◆ Indirect impacts include spending and jobs created by companies which support the direct activities.
- ◆ Induced impacts include the spending and jobs created by the spending of households whose labor supports the direct activities.

To calculate economic impact, the Urban Center used a model previously employed to study ports on the Pacific and Gulf Coasts, customized for the Great Lakes.

The model uses tonnage by cargo type as a basis for calculating direct impacts of waterborne transportation. Total impact is then calculated by measuring inter-industry linkages which track added impacts in industries such as steel, stone, iron ore, trucking, finance and retail. An input-output formula documents the flow of company spending [indirect impact] and family spending [induced impact] related to initial expenditures in the port industry.

The sum of direct, indirect and induced impacts equals total impact. Note that total "port industry" impact does not include the manufacturing activity and its thousands of jobs in related industries such as automobiles and steel that rely on the Port, because such activity falls outside the U.S. government's strict definition of a "port industry."

## The Port Of Cleveland: Economic Impacts On The Region

**Employment  
Impact:  
4,768 Jobs**

The CSU study utilized a computer model, using tonnage data, to measure the Port's economic impact on employment, spending, personal income and taxes. In 1996, the commodities with major tonnage through the Port, and therefore producing the economic impact of the "port industry," are shown in the following table.

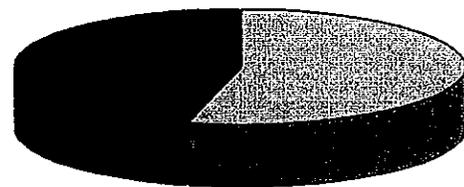
**TABLE 2: Commodities Shipped Through Port of Cleveland  
Used as Inputs in CSU Port Industry  
Economic Impact Analysis**

Commodity	Tonnage
Steel	955,849
General	1,840
Containers	381
Bulk: International	199,986
Bulk: Interlake	15,222,000
Iron Ore	8,534,000
Stone	4,596,000
Other (salt, cement, grain, other)	2,092,000

In 1996, 4,768 jobs were generated through the port industry, 2,570 resulting from direct impacts and 2,198 resulting from indirect and induced impacts. This represents a 5% increase over the number of jobs in 1995.

**CHART 3: Employment Impact in 1996**

2,198 jobs in  
indirect &  
induced impacts



2,570 jobs in  
direct impact

The *direct employment* impacts were heavily concentrated in the transportation and public utilities sector. Shipping company headquarters were the single largest employer within the transportation and public utilities sector. As a result of the complementary relationship among water, railroads

and trucks, the direct impacts were also high in both of these land transportation connector sectors.

The *total employment* impacts were also highest in the transportation sector. Services, retail trade and finance, insurance and real estate account for the highest *indirect and induced employment*.

**TABLE 3: Employment Impact of The Port Industry on Northeast Ohio (number of jobs)**

Industry Sector	Total	Direct	Indirect & Induced
• Transportation & Public Utilities	2,027.2	1,876.3	150.9
• Agriculture & Mining	9.7	0.0	9.7
• Construction	142.3	0.0	142.3
• Manufacturing	166.8	21.3	145.5
• Wholesale	78.4	5.9	72.5
• Retail Trade	546.7	23.6	523.1
• Finance, Insurance & Real Estate	349.4	7.5	341.9
• Services	1,091.5	421.2	670.3
• Government	105.7	61.2	44.5

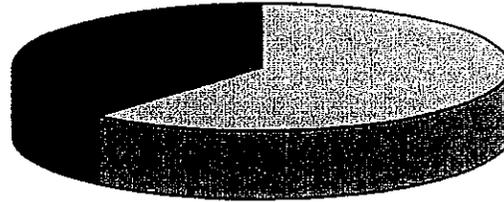
**Spending Impact:  
\$427 Million**

In 1996, the Port of Cleveland industry generated more than \$427 million in spending throughout Northeast Ohio, nearly an 8% increase over 1995's spending impact of \$397 million. Of the \$427 million, over \$262 million resulted from direct impacts and more than \$165 million resulted from indirect and induced impacts.

**In 1996, \$427 million of goods and services were produced and purchased in Northeast Ohio as a result of the Port's maritime activities.**

**CHART 4: Spending Impact in 1996**

\$165 million  
from indirect &  
induced impacts



\$262 million  
from direct  
impact

The distribution of spending across sectors is quite different for direct spending impacts, when compared to the indirect and induced impacts. The direct spending impacts are heavily concentrated in the transportation and public utilities sector. Indirect and induced spending are highest in the finance, insurance and real estate and services sectors.

As with employment impacts, the complementary relationship among water, railroads and truck influences spending in both land transportation connector sectors. The impact in the transportation services sector reflects many of the activities which go on "behind the scenes," but which are important to the movement of cargo. In other sectors, the highest direct impacts were found in the business services sector and in the government sector.

The total spending impacts were also highest in the transportation area. Indirect and induced impacts were highest in the real estate sector, followed by banking and business services.

**Personal Income  
Impact:  
\$151 Million**

**\$151 million was earned by Northeast Ohio workers as a result of the Port of Cleveland's maritime activities.**

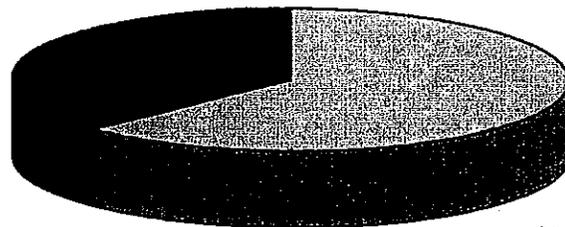
**TABLE 4: Spending Impact of Port Industry on Northeast Ohio (\$000)**

Industry Sector	Total	Direct	Indirect & Induced
• Transportation & Public Utilities	\$230,922.6	\$208,728.3	\$22,194.3
• Agriculture & Mining	788.4	0.0	788.4
• Construction	5,742.7	0.0	5,742.7
• Manufacturing	28,879.5	3,233.8	25,645.7
• Wholesale	8,753.8	538.1	8,215.7
• Retail Trade	21,249.0	873.8	20,375.2
• Finance, Insurance & Real Estate	36,067.1	920.2	35,146.9
• Services	49,289.8	17,011.2	32,278.6
• Government	14,349.2	11,091.8	3,257.4

In 1996, The Port of Cleveland generated \$151.2 million of personal income in Northeast Ohio; \$94.4 million in direct impact, and \$56.8 million in indirect and induced impact.

**CHART 5: Personal Income Impact in 1996**

\$56 million from indirect & induced impacts



\$94 million from direct impact

The direct income impacts were heavily concentrated in the transportation and public utilities sector. As is the case for other economic impacts, the complementary relationship between water and railroads and trucks creates high levels of income in both of these land transportation connector sectors. In other sectors, the highest direct impacts were found in the business services sector.

The total income impacts were also highest in the transportation and public utilities sector. Banking and business services, part of the finance, insurance and real estate sector, were the sectors which experienced the highest indirect and induced impact.

**TABLE 5: Income Impact of the Port on Northeast Ohio, (\$000)**

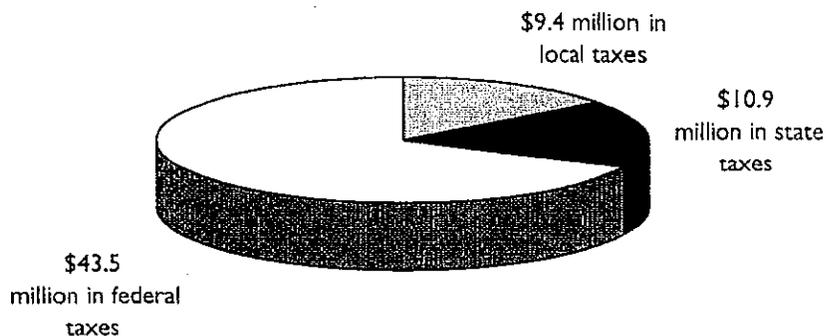
Industry Sector	Total	Direct	Indirect & Induced
• Transportation & Public Utilities	\$ 78,701.4	\$ 72,658.7	\$ 6,042.7
• Agriculture & Mining	140.0	0.0	140.0
• Construction	3,948.0	0.0	3,948.0
• Manufacturing	8,145.3	1,204.5	6,940.8
• Wholesale	2,544.4	180.3	2,364.1
• Retail Trade	7,897.7	335.8	7,561.9
• Finance, Insurance & Real Estate	10,437.7	371.6	10,066.1
• Services	25,360.3	11,025.3	14,335.0
• Government	3,522.4	1,948.1	1,574.3

**Tax Impact: \$63.8 Million**

The \$63.8 million demonstrates the money paid in taxes by companies and individuals involved in the port industry, not taxes paid to the Port of Cleveland. This includes federal, state and local taxes. Therefore, these dollars help to support such vital services as public safety, road repairs, public education, college loans, national defense, health care and others. The port industry actually reduces the tax burden on local residents, as do all productive industries.

## Impacts Of The Port Of Cleveland In 1996

**CHART 4: Tax Impact in 1996**



In 1996, the Cleveland port industry generated \$9.4 million of local taxes, \$10.9 million of state taxes and \$43.5 million of federal taxes.<sup>1</sup> While only a portion of federal and state taxes are returned to the region, local taxes stay in the region to support local services such as schools, parks, police and fire protection, libraries and health and human services.

The impacts of the Port of Cleveland are substantial:

- ◆ 4,768 jobs
- ◆ \$427.4 million in spending
- ◆ \$151.2 million in personal income
- ◆ \$63.8 million in local, state and federal tax revenues

<sup>1</sup> Local tax impacts are changes in revenue to substate governments, occurring mainly through property taxes on new worker households and businesses, but including income, sales and other major local taxes in selected areas, where applicable. State tax impacts are changes in revenues to state governments through personal and corporate income, state property, excise, sales and other state taxes generated by changes in output or wages or by purchases by visitors to the region. Federal tax impacts are changes in corporate and personal income, social security, and excise taxes estimated from the changes in value-added and wages that are generated by the model.

Following is a summary of the employment, spending, income and tax impacts of the Port of Cleveland by industry sector.

**TABLE 6: Summary of Port of Cleveland Economic Impacts**

Industry Sector	Employment (Jobs)	Spending (\$000)	Income (\$000)
• Transportation & Public Utilities	2,027.2	\$230,922.6	\$78,701.4
• Agriculture & Mining	9.7	788.4	140.0
• Construction	142.3	5,742.7	3,948.0
• Manufacturing	166.8	28,879.5	8,145.3
• Wholesale	78.4	8,753.8	2,544.4
• Retail Trade	546.7	21,249.0	7,897.7
• Finance, Insurance & Real Estate	349.4	36,067.1	10,437.7
• Services	1,091.5	49,289.8	25,360.3
• Government	105.7	14,349.2	3,522.4

**The Port:  
A Linkage To Jobs  
In Other Major  
Industries**

In addition to the economic impacts generated and measured by models of maritime activities, the Port is an important link in many manufacturing and distribution chains. Northeast Ohio has many *port-dependent* industries and dozens of *port-dependent* companies in this region. These are not, by definition, measured by the CSU model.

Cleveland and Northeast Ohio would neither have developed nor thrived as a major manufacturing region without excellent waterborne transportation. The many companies that use the Port as a place to receive or ship material exist interdependently. They would not employ as many people as they do without the Port. They would need to use more costly forms of transportation, or even to relocate were there no port. They are *co-dependent partners* with the Port in economic activity, and this integral relationship and its economic importance to our community is an important part of the story.

These industries and job centers include, among others:

- |                        |                            |
|------------------------|----------------------------|
| • Steel Manufacturing  | • Automobile Manufacturing |
| • Insurance            | • Machine Tools            |
| • Minerals Processing  | • Chemicals                |
| • Construction         | • Heavy Machinery          |
| • Banking              | • Transportation           |
| • Food Imports/Exports | • Maritime Insurance       |
| • Government Services  | • World Trade Services     |

The Port's consequent influence to Northeast Ohio's economy can at best only be estimated, but it is easy to comprehend that the Port sustains a vital function in bringing materials and supplies into this region and transporting finished products to other markets. In essence, the Port is fueling the region's companies and industries, that in turn employ thousands of local residents and supply the world with locally manufactured products.

However, the Port has indirect influences on many other industries, employees, homes and tax-supported functions outside the "port industry" as measured by CSU. The impact of the Port on the lives and livelihoods of people who work to support many of the area's manufacturing businesses is historic and obvious.

## Conclusions

The central findings shown in this report indicate that the maritime operations of the Cleveland-Cuyahoga County Port Authority and the various private shipping docks make a significant, ongoing contribution to the regional economy. Local maritime facilities have played a strategic role in fostering the growth of local industries, especially in the manufacturing sector. As global markets increase in importance to local manufacturers, these port facilities could play an even greater role in local industrial development.

The Port is valuable to this community in large part because of its immediate contributions to the region:

◆ **Port industry total impact:**

**4,768 jobs**

**\$427.4 million in spending**

**\$151.2 million in personal incomes and**

**\$63.8 million in tax revenues.**

In addition, the success of the Port is underscored by several key facts:

- ◆ **The first full-service American port on the Great Lakes**, closer to both Europe and the Midwest than East Coast ports such as Norfolk and Baltimore. This positions Cleveland as the best gateway to and from mid-American markets for many of the businesses in the region.
- ◆ **A Foreign Trade Zone and seven subzones**. These create a cost-effective vehicle for international trade, particularly in heavy equipment and project cargo. The designation allows all duties to be deferred.
- ◆ **Record international cargo tonnage**. International cargo tonnage in 1996 increased 48% over 1995 figures, and represent a record for international cargo movements through the Port of Cleveland. Export destinations include Italy, Peru, Spain and Korea, reflecting the global competitiveness of Northeast Ohio.
- ◆ **Increased ship calls**. Ships from cities around the globe make Cleveland a port of call, with 1,110 ship visits in 1996.
- ◆ **Superior transportation opportunities**. Excellent rail transportation, the Cuyahoga River channel and the intersection of four of the nation's busiest commercial highways enhance Cleveland's strategic economic location.
- ◆ **A first-rate labor force**. The Port's history of positive labor-management relations fosters an excellent work environment.

No analysis of our region could fail to note the critical role of waterborne transportation to many of the area's most important industries. The Port has played a key role in steel manufacturing. It was the only way to modernize our automobile plants. It is also vital in industries such as stone, sand, salt, trucking, and railroad. Its Foreign Trade Zone is a tool that makes some of our largest companies more competitive worldwide, and provides increased economic opportunities for Cleveland's role in the world's market place.

Both the lake trade and the international trade play a vital role in our region's economy. For families the role is clear. The Port means jobs. Good jobs. Industrial jobs. Many thousands of jobs. Jobs for today. Jobs for the next century.

**Cleveland-Cuyahoga County  
Port Authority**

**Maritime Facilities Master Plan**

**July, 1998**



Cleveland - Cuyahoga County Port Authority



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## **Executive Summary**

As a result of the record amounts of cargo shipped through the Port in recent years, the Cleveland-Cuyahoga County Port Authority Maritime Facilities Master Plan (Master Plan) was developed to identify the physical capacity of the Port and to address current and projected cargo demands, existing facilities and operating conditions, surrounding landslide access routes, and non-port related land use issues, including public accessibility. The document provides a plan which will serve as a guide to the Port, based on realistic capacity requirements through 2025.

It is important to note that In addition to its maritime operations, the Port of Cleveland has a dual mission to work cooperatively with its community partners in the area of project finance in order to provide a competitive advantage for business and industry in the region. However, this planning effort focused only on the Port's maritime mission.

### **Development Process**

The Port of Cleveland is located on Lake Erie's waterfront and spans both sides of the Cuyahoga River. Docks 20-32, located to the east of the River, receive steel and other breakbulk cargoes, mainly in the international trade, while the Cleveland Bulk Terminals (CBT), to the west, receives bulk cargo such as iron ore.

The Master Plan Development process began with the design team establishing a detailed understanding of the Port's current facility operations. By using a series of computerized throughput capacity analysis models developed by the U.S. Maritime Administration in 1979, published in 1986, and updated annually by VZM/TranSystems, the team replicated terminal operations and analyzed the Port's current cargo handling capacity. The capacity analysis provided insights into terminal operations. It identified current physical and operational constraints on maximum terminal throughput capability and evaluated various terminal improvements, including new facilities and/or improved technologies for handling, transferring and storing equipment.

The models provided output in the form of the "maximum practical capacity" for each terminal. The term maximum practical capacity, or MPC, refers to estimated annual throughput volumes that represent the high end of a realistic operating scenario. Maintaining the MPC for any significant period of time is not possible. For practical purposes, the throughput capacity of a terminal is assumed to be approximately 75% of the terminal's MPC.

Based on 1996 volumes the results of the throughput capacity models demonstrate that the Port is currently operating close to 75% of its MPC in both terminal areas (Dock 20-32 and CBT) and should investigate terminal improvements and expansion possibilities.

In conjunction with capacity analysis, cargo forecasts to identify and define anticipated transportation and logistics activity within the Port's jurisdiction were developed. Using historical cargo flows and cargo projections, data on market shares among competing ports, and information gleaned from interviews with key shippers, carrier and port officials, three forecast scenarios, high, medium and low, were developed for five categories of cargo: Breakbulk/Steel, Containerized, Other General, Roll On/Roll Off, and Interlake Bulk.

The throughput capacity of the Port's existing facilities (with currently planned improvements) for each cargo type was then subtracted from the cargo forecasts. This formula allowed the team to identify possible shortfalls in cargo handling capacity in order to determine the future facility needs for the Port. Based on these shortfall calculations, the team identified the following additional acreage which would be required to meet a medium to high mid-range demand forecast for each of the cargoes identified in the market assessment:

- 35 acres Breakbulk/Steel Facilities
- 20 acres Bulk Facilities
- 10 acres container and Roll On/Roll Off Facilities

A series of alternatives, including adjacency possibilities, land transport options and water use configurations were explored based on the required improvements. Following discussions with appointing authorities, Port Board, staff, customers, Customs officials, labor and community partners, the Port's study team tested each alternative based on a comprehensive list of evaluation criteria and developed the Master Plan.

### **Recommendations**

Proposed Master Plan recommendations for the improvements by the year 2005 include two elements. One is the implementation of the already planned Port improvements at the existing lakefront Docks 20-32. The other is the development of a combination terminal to accommodate new breakbulk/steel facilities and container and roll on/roll off facilities as the market demands. These additional facilities would be located on the west side of the Cuyahoga River in the Whiskey Island Marina Expansion area. Proposed Master Plan recommendations by the year 2010 include expansion of the existing CBT facilities and the expansion of the new combination terminal into Whiskey Island Marina.

The Port of Cleveland, in conjunction with its appointing authorities and community partners, actively searched for opportunities for improved public access at the Port. The result was a recommendation that Dock 32 serve as a transition dock from traditional maritime cargo operation to one which could include passenger and ferry cargo service, as well as a Great Lakes cruise terminal. Commercial venues and an observation deck are also possibilities.

The plan also calls for an office building and the development of a seven-acre park on the west side of the river with a bike path connection to Edgewater Park. In total, 20 acres of Port property would be converted to public access space.

In summary, key highlights of the plan include:

- Implementation of already planned Port improvements at existing docks.
- Improvement of existing Cleveland Bulk Terminals facility.
- Development of a combination terminal on the west side of the Cuyahoga River in the Whiskey Island Marina area as the market demands.
- Development of a passenger and freight ferry service, and cruise ship terminal at Dock 32.
- Improvement of access to the Port through the *State Route 2-Port of Cleveland Interchange Modification*, to improve safety through the separation of truck, vehicular, and pedestrian traffic.
- Construction of two new warehouses on the east side of the river to improve storage capacity and services for Port customers.
- Development of 20 acres into public-use space, and the development of bike paths.
- Addition of a new office building to house World Trade Center Cleveland, which will include connections to the RTA's Waterfront Line.

The estimated construction fee for all recommended improvements through 2025 is \$135, 945. The construction budget estimate represents a professional opinion based on the information available at the time of the study. Actual construction costs for the projects shown may vary due to plan variations, construction timing, soil conditions, environmental permitting and/or mitigation, availability of material, and other factors analyzed in this planning effort.

### **Conclusion**

The Master Plan represents a feasible, long-term guide for the Port of Cleveland's expansion process. The Master Plan includes modification of existing infrastructure and construction of new facilities. The Master Plan implementation will be market driven, requiring expenditures only as the market dictates.

## **SECTION 1:** **INTRODUCTION**

The Cleveland-Cuyahoga County Port Authority commissioned VZM/TranSystems to develop a Maritime Facilities Master Plan to provide a vision of the Port through 2025. The Master Plan provides guidelines that define the Port's physical layout and future expansion within a planning horizon, which spans to the year 2025. Finally, the Master Plan allows the Port of Cleveland to capitalize on its strategic location and excellent facilities as well as to increase opportunities for public access.

The Port of Cleveland is located on Lake Erie at the mouth of the Cuyahoga River and is closer to Europe than East Coast ports such as Norfolk and Baltimore. This location, the elimination of U.S. Seaway tolls, and the superb rail and highway connections make the Port of Cleveland the ideal import and export gateway into and from the U.S. manufacturing heartland.

The Port of Cleveland has handled steel, iron ore, limestone and other domestic bulk cargo since the early 1800s and is the premier heavy-lift port on the Great Lakes. The Cleveland Harbor is protected by a six mile breakwall and has a 27 foot water depth, allowing it to accommodate all ships that pass through the Seaway locks. The Port presently has 417,000 square feet of covered storage and over 23 acres of paved piers. These facilities and the Port's on-dock, duty free Foreign Trade Zone creates a top notch, cost effective vehicle for international trade with local manufacturers.

### **Project Objectives**

Recognizing that the Port's role is to provide a competitive advantage for industrial growth in the community, the objective of the Master Plan was to produce a document that identifies the physical capacity of the port and addresses current and projected cargo demands, existing facilities and operating conditions, surrounding landside access routes, and non-port related land use issues. The second component of the objective was to combine these factors to produce a plan, which will serve as a guide to the Port of Cleveland based on realistic capacity requirements through 2025.

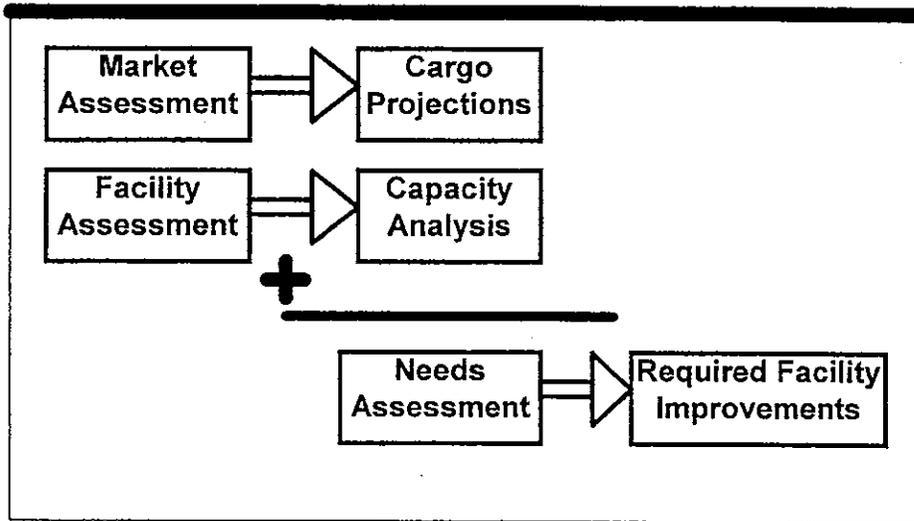
### **Project Team**

The Cleveland-Cuyahoga County Port Authority assembled a team that was lead by VZM/TranSystems and included Leeper, Cambridge & Campbell, Parsons Brinkerhoff and Desman Associates. This Port Authority team's work effort addressed a full range of issues associated with both the maritime objectives of this project as well as the public use and access issues.

### Scope/Methodology

The Port Authority's project team determined the need for potential future expansion improvements for the Port of Cleveland based on the year 2025 planning horizon. This need was derived by comparing the Port's cargo forecast projections with the existing facilities' capacities. Figure 1-1 outlines this process.

Figure 1-1 Master Plan Flow Chart



A series of alternatives were developed based on the required improvements that explored a variety of promising adjacency possibilities, land transport options and water use configuration. Following discussions with Port Board members, appointing authorities, staff, customers, U.S. Customs representatives, labor and community partners, the Port Authority's study team tested each alternative based on a comprehensive list of evaluation criteria, and developed the Master Plan.

## **SECTION 2:** **FACILITY AND CAPACITY ASSESSMENT**

### **Existing Terminals**

The Port of Cleveland is located on Lake Erie waterfront and spans both sides of the Cuyahoga River. Docks 20-32 are located to the east of the river with the Cleveland Bulk Terminals to the west. Figure 2-1 shows the layout of the Existing Port Facilities Plan.

#### ***Docks 20-32***

Docks 20-32 are located just east of the Cuyahoga River and receive steel and other breakbulk cargoes mainly in the international trade. Docks 20-32 have over 7,400 linear feet of dock space, which is divided, among 11 berths. Cargo is stored on 100 acres of open storage space and in 417,000 square feet of warehouse space which has indoor rail loading and unloading capability. Warehouse space is allocated as follows:

- Warehouse A - 144,000 sq. ft.
- Warehouse 24 - 79,000 sq. ft.
- Warehouse 26 - 76,300 sq. ft.
- Warehouse 30 - 54,000 sq. ft.
- Warehouse 32 - 63,700 sq. ft.

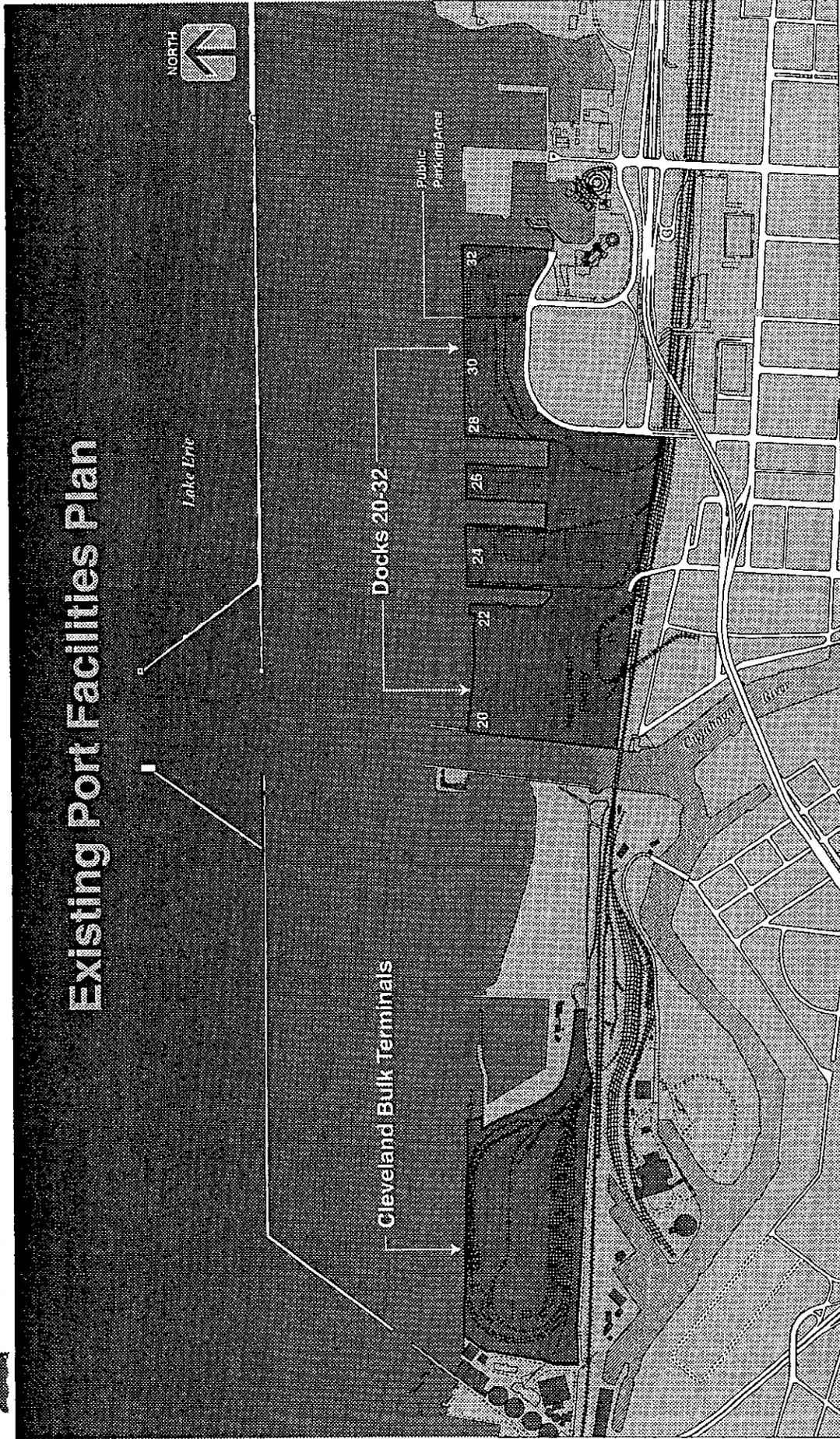
Two separate stevedoring companies currently operate the facilities at Docks 20-32. One operates Warehouses A and 24, and the other operates Warehouse 32 with the two stevedores sharing the other two warehouses. The stevedores own their own yard equipment and share the "Buckeye Booster," which is a 150-ton heavy lift crane located at Dock 28 West.

#### ***Cleveland Bulk Terminals***

The Port's purchase of the Cleveland Bulk Terminals (CBT) was finalized in the spring of 1997 to increase the bulk handling capability of the Port of Cleveland. It receives bulk cargo such as iron ore and is located at the west end of the breakwall, which protects Cleveland Harbor. The CBT has 1750 linear feet of dock space and 200 linear feet of mooring. Oglebay-Norton Company operators the CBT under a long-term lease with the Port Authority, and owns all operator yard equipment.

# Port of Cleveland Maritime Facilities Master Plan

## Existing Port Facilities Plan



## Throughput Capacity Analysis

Assessing the long-term needs of the Port of Cleveland requires a detailed understanding of current operations. To analyze the current cargo handling capacity of the Port's facilities, VZM/TranSystems developed a series of computerized models that accurately replicate terminal operations. Seasonal and operational peaks and slow periods are typical of all maritime-related businesses and are directly incorporated into the models.

VZM/TranSystems' capacity analysis provides insight into terminal operations and can be used to:

- Identify the need for additional terminals or the expansion of existing ones.
- Identify current physical and operational constraints on maximum terminal throughput capability.
- Create a balanced terminal design in which each component of terminal operations provides approximately the same throughput capacity.
- Evaluate various terminal improvements including new facilities and/or improved technologies for handling, transferring, and storing cargo.

## Throughput Capacity Model Overview

### *Model Architecture*

VZM/TranSystems' throughput capacity analysis models use a component evaluation technique similar to a system developed by the U.S. Maritime Administration in 1979, republished in 1986, and updated annually by VZM/TranSystems. The computerized models replicate an entire port terminal as six maritime facility components that affect cargo throughput. The six facility components are listed below:

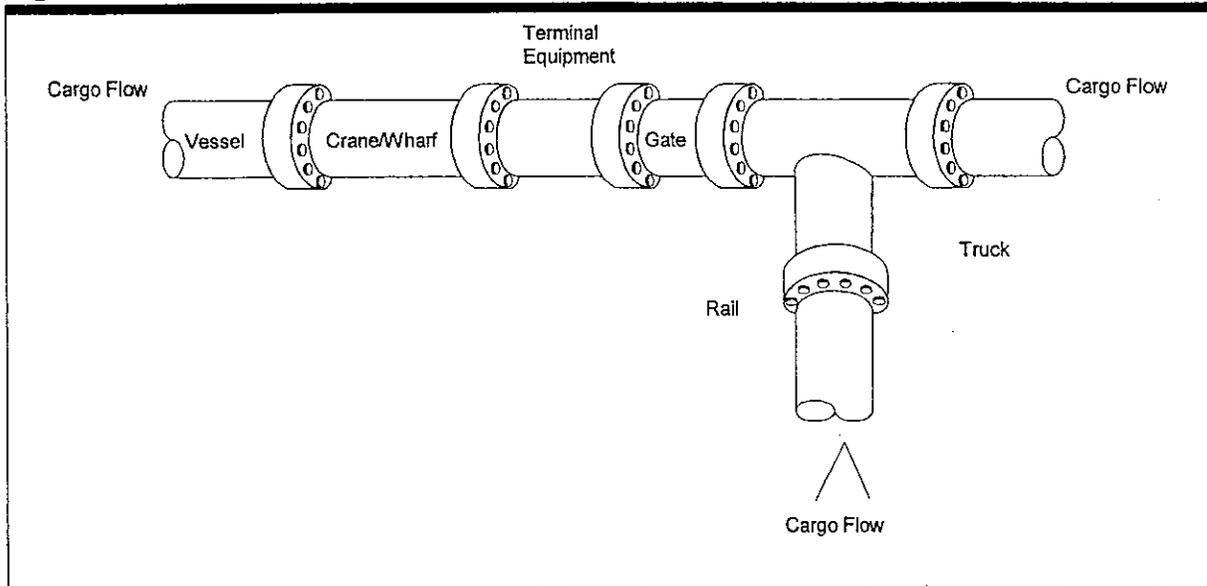
- Vessel arrival and berth availability
- Cargo transfer at the wharf apron
- Apron-to-storage transfer
- Storage yard capacity and dwell time
- Storage-to-inland transfer
- Gate size and processing

Separating the port terminal into the above components allows the model operator to determine which component is the limiting component. If one component of the port terminal has a much lower capacity than the others, the entire facility must slow to the throughput capacity of that particular component.

It may be helpful to imagine the port terminal components as valves in a section of pipe, as shown in Figure 2-2. The graphic illustrates that each valve in the system affects the overall throughput of the pipe and that the system will function at the lowest throughput valve in the system.

Thus, it does not matter that valve one allows 20 gallons per minute if valve four only allows 4 gallons per minute; the total system will only allow 4 gallons per minute. The same is true for port terminal operations. If the storage capacity of a given port terminal is far less than the rest of the system, the entire terminal will operate at the capacity of the storage component. Ideally, each terminal component has roughly the same throughput capacity; however, this balance is not always easy to achieve.

**Figure 2-2: Throughput Capacity Pipeline**



### **Information Sources for Throughput Capacity Models**

The VZM/TranSystems Throughput Capacity Models are very detailed and require large amounts of input data. This data is supplied by three primary files contained in the model structure: the *Inventory File*, the *What-If File*, and the *Operations Data File*.

The information contained in the *Inventory File* is designed to gather basic port operating parameters and procedures. For the Port of Cleveland this information was obtained by the project team through a series of terminal questionnaires designed to collect the data required for the model analysis. This information was then supplemented with interviews of port staff as well as terminal operators and shippers. The *Inventory File* is the first place that the model looks to find information.

The *What-If File* is where variable information about the terminal is supplied. In this section, the user can test different scenarios of terminal operation and see the results of different combinations of terminal improvements. Information in the *What-If File* will override data contained in the *Inventory File*. For the Port of Cleveland, this file was used to look at capacity with already planned and potential improvements.

The *Operations Data File* contains the model's default data and is where the model will look for information not supplied in previous files. The data contained in the *Operations Data File* is based on typical port terminal operations. The information in this file will be overridden by data in either the *Inventory* or *What-If Files*.

### Capacity Models for the Port of Cleveland

The Port of Cleveland has two primary types of cargo: bulk and breakbulk/steel. The nature of these cargoes required VZM/TranSystems to develop a separate set of models for each type. The two coincide with the physical split in the Port's operations. Thus, the breakbulk/steel operations at Docks 20-32 are examined in one model, and the bulk operations at CBT are examined in the other. To accurately represent the operations at Docks 20-32, the project team created a model for each dock, except in cases where two docks essentially function as one port terminal. The CBT was modeled as one facility.

### Throughput Capacity Model Results

The models provide output in the form of the "maximum practical capacity" for each terminal. The term maximum practical capacity, or MPC, refers to estimated annual throughput volumes that represent the high end of a realistic operating scenario. Maintaining the MPC for any significant period of time is not possible. For practical purposes, the throughput capacity of a terminal is assumed to be approximately 75% of the terminal's MPC. This figure varies by terminal and is affected by operating procedures and practices, customer base, and customer-operator relationships as well as operators and rate quoters eagerness and willingness to diversify.

With this in mind, the capacity model results for the Port of Cleveland's existing facilities presented in Figure 2-3 are throughput capacity volumes equaling 75% of the MPC. These throughput capacity volumes are based on the computerized infrastructure analysis as well as historical data and assume that Docks 20 and 22 are handling only steel.

**Figure 2-3: Summary of Existing Throughput Capacities (MPC)**

Cargo Type	Facility Name	Quantity	Units
Steel	Dock 20-22	160,000	short tons
Breakbulk/Steel	Dock 24	340,000	short tons
Breakbulk/Steel	Dock 26	280,000	short tons
Breakbulk/Steel	Dock 28-30	280,000	short tons
Breakbulk/Steel	Dock 32	180,000	short tons
<b>Breakbulk/Steel</b>	<b>Total</b>	<b>1,240,000</b>	<b>short tons</b>
<b>Bulk</b>	<b>CBT</b>	<b>1,900,000</b>	<b>short tons</b>

Based on 1996 volumes of approximately 1,158,000 tons for Docks 20-32 and 1,809,000 for the CBT, the results of the throughput capacity models demonstrate that the Port is currently operating close to 75% of its MPC in both terminal areas (Docks 20-32 and CBT) and should be investigating terminal improvements and expansion possibilities.

To determine where the Port should focus its expansion and improvement efforts, more specific model results need to be analyzed. Figure 2-4 shows the capacity of each of the six major terminal components and how each compares to the other five. The limiting component for each terminal is shown in bold type.

In both cases, storage is the limiting factor for current operations. The models show that the storage capacity is significantly less than the capacity of the other components and, thus, the Port should focus its improvement efforts on the storage capacity of its facilities.

**Figure 2-4: Existing Terminal Throughput Capacity (in short tons)**

Terminal Component	Docks 20-32	CBT
Component 1: Berth and Apron Activities	6,410,874	7,093,838
Component 2: Ship to Apron Transfer	6,932,380	10,101,375
Component 3: Apron to Storage Transfer	11,214,840	*
<b>Component 4: Storage</b>	<b>1,238,786</b>	<b>1,866,667</b>
Component 5: Inland Transfer	3,744,000	2,995,200
Component 6: Gate Processing	4,867,200	**

\* - Cargo at the CBT is currently stored on the wharf apron.

\*\* - The CBT is currently a ship to rail operation and has no gate.

### Future Operational Scenarios

VZM/TranSystems used the information gained from modeling the existing conditions to create a set of future alternatives. These alternatives (four for Docks 20-32 and five for the CBT) were based on improvement plans developed by the Port staff and by its tenant. The improvement alternatives were modeled to determine the increase in throughput capacity associated with each improvement alternative. The results show that improvements to storage capacity can have a significant effect on terminal capacity.

#### **Docks 20-32**

Four improvement scenarios were analyzed for Docks 20 - 32. The first improvement scenario analyzed was the addition of a new warehouse at Dock 26. Constructing this new Warehouse B with an automated overhead crane increases the terminal throughput capacity approximately 20% to roughly 1.46 million short tons per year. The next improvement scenario identified that by paving Docks 20 and 22 another 90,000 short tons of throughput capacity would be added.

Adding a new warehouse to Docks 20 and 22 (Scenario 3) increases the throughput capacity approximately 165,000 short tons. Completing all three of these projects, i.e., building Warehouse B, paving Docks 20 and 22, and adding a warehouse to Docks 20 and 22 (Scenario 4), could increase the throughput capacity of Docks 20-32 over 40% to approximately 1.715 million short tons per year. A fifth scenario was modeled to show what happens to the throughput capacity of the Port if Dock 32 is used for other than cargo handling operations. The results of the fifth scenario clearly illustrate a lesser capacity without Dock 32. The results of all of the models are shown below:

**Figure 2-5: Model Results for Docks 20-32**

Scenario	Throughput Capacity (short tons)
Scenario 1: Existing Conditions	1,240,000
Scenario 2: Existing with Warehouse B	1,460,000
Scenario 3: Existing with Warehouse B and Paved Docks 20 & 22	1,550,000
Scenario 4: Existing with Warehouse B, Paved Docks 20 & 22, and a Warehouse on Dock 20	1,715,000
Scenario 5: Existing with All Improvements but No Dock 32	1,535,000

**Cleveland Bulk Terminals**

The first scenario denotes the throughout capacity under existing conditions. The second scenario analyzed the capacity without the Hulett Ore Unloaders in their current location. The focus of this scenario was **not** to address what to do with the Huletts, but to analyze the terminal operations **if** the Huletts were removed. The model results show that the Huletts limit the capacity by blocking an area that could be used for stacking cargo. The Huletts limit the CBT by restricting cargo transfer activities and also inhibit any type of transshipment vessel to vessel cargo transfer. If the Huletts remain, dock-side improvements will be required to allow the area behind the Huletts to be used for cargo stacking.

The second scenario was based on a series of plans developed by consultants retained by Oglebay-Norton Company in 1995. The plans have two basic alternatives and both show many improvements including increased storage and better cargo handling facilities through conveyors and hoppers.

**Figure 2-6: Model Results for the Cleveland Bulk Terminals**

Scenario	Throughput Capacity (short tons in millions)
Scenario 1: Existing Conditions	1.87-2.6
Scenario 2: Full dockside Access (Assumes Huletts not in current location)	6.3-9.0

## **SECTION 3**

### **MARKET ASSESSMENT**

#### **Introduction**

The purpose of developing cargo forecasts is to identify and define anticipated transportation and logistics activity within the jurisdiction of the Cleveland-Cuyahoga County Port Authority through the year 2025.

Cargoes are forecast only for activity on Port Authority owned or leased land, which includes waterfront property on the west side of the Cuyahoga River. The CBT property on Whiskey Island was acquired by the Port Authority in March of 1997 and therefore, anticipated activity on that property is included in the forecast. The forecast does not include cargo flows at private terminals unless the cargo is transshipped through public facilities.

The forecast was developed by evaluating historical cargo flows, considering other relevant cargo projections, reviewing market shares among competing ports, and interviewing key shippers, carriers and port officials. The forecast is in three scenarios: High, Medium, and Low, which are defined as follows:

High: Assumes a robust degree of underlying economic activity and aggressive marketing and investment initiatives directed at potential new logistics facilities and services.

Medium: Assumes continuation of the status quo with current cargo flows growing at conservative annual growth rates. New projects are included if their implementation is reasonably certain.

Low: Assumes a static or flat market with no growth and no new project implementation.

Forecasts are developed for five categories of cargo: Breakbulk/Steel, Containerized, Other General, Roll On/Roll Off and Interlake Bulk.

#### **History**

Cleveland has had a long history of both private and public investment in waterfront development in support of Northeast Ohio's heavy industry base. Initially an inland port on the Great Lakes, Cleveland became an international seaport in 1959 with the opening of the St. Lawrence Seaway. In 1968, the City of Cleveland and Cuyahoga County, realizing the necessity for dedicating land and facilities for future port development, formed the Cleveland-Cuyahoga Port Authority.

Historically, changes in demographics, technology, and business practices have all had an impact on the port and its ability to serve its industrial clientele. For instance, iron ore was initially unloaded using manual labor. Steam and mechanical hoists were introduced after the Civil War. In 1899, George Hulett introduced the high speed bulk unloaders (now inoperable). Vessel sizes have also increased over time. By 1900, vessels of 500 feet in length with capacities of 10,000 tons were in service. Six-hundred-foot carriers were introduced in 1906. The first self-unloaders (vessels requiring no shoreside unloading equipment) were introduced in 1928. Today, virtually all bulk carriers serving the Great Lakes are self-unloaders. In 1970, the opening of the Poe Lock in the Soo Canal allowed ships built to a maximum size of 1100 feet to transport ore in excess of 60,000 tons per trip between Lake Superior and ports on Lake Erie. The 46-acre property purchased by the Port, known formerly as the C&P Ore Dock, is listed in the National Register of Historic Places, and has been designated a city landmark by the Cleveland Landmarks Commission.

The opening of the St. Lawrence Seaway brought with it so-called "Salties", breakbulk vessels which typically serve the world's ocean trade routes. Today, the maximum allowable size for these vessels is 730 feet in length with a beam of 76 feet and a draft of 26-3" feet. The capacity of the largest Salties, called "maximum lakers," is approximately 25,000 tons.

Figures 3-1 and 3-2 show the number of vessels and cargo tonnage applicable to both public and private port terminals in Cleveland between 1986 and 1996. Interlake cargoes are exclusively bulk and move principally through private terminals ( LTV, Cereal Food, Akzo-Nobel and others) on the Cuyahoga River. Some interlake cargoes move through Whiskey Island (CBT Property), which was acquired by the Port Authority in the spring of 1997, and which for forecast years 1997 and beyond is considered a public terminal. In recent years, interlake cargo at Whiskey Island was transshipped to rail. In the future it is anticipated that Whiskey Island cargo will be transshipped to smaller vessels, trucked to private facilities on the Cuyahoga River or railed to local inland facilities. International cargoes will continue to move primarily over public facilities.

**Figure 3-1: Number of Vessels by Year**

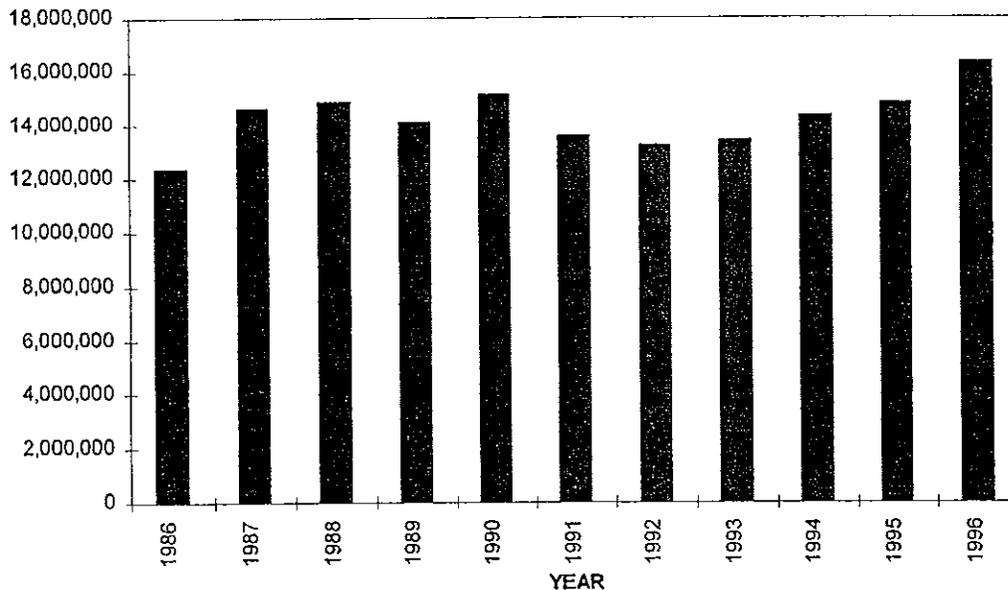
Year	Total	Docks 20-32	CBT Property	Private Terminals
1986	784	161	60(est.)	563(est.)
1987	860	149	60(est.)	651(est.)
1988	904	144	60	700
1989	900	128	60(est.)	612(est.)
1990	959	120	89	750
1991	900	111	84	705
1992	927	96	83	748
1993	863	91	52	720
1994	969	124	33	812
1995	958	92	57	809
1996	1,110	134	54	922

**Figure 3-2: Cargo Volumes by Year (short tons)**

Year	Total	Docks 20-32	CBT Property	Private Terminals
1986	12,407,628	673,184	3,000,000(est.)	8,734,444
1987	14,628,108	652,214	3,000,000(est.)	10,975,894
1988	14,882,148	594,219	3,045,929	11,242,000
1989	14,102,613	784,862	2,480,751	10,837,000
1990	15,176,457	773,922	3,038,535	11,364,000
1991	13,613,345	913,670	2,852,675	9,847,000
1992	13,238,128	435,286	2,700,842	10,102,000
1993	13,448,027	764,843	2,069,184	10,614,000
1994	14,378,658	869,669	1,899,989	11,609,000
1995	14,830,299	779,314	1,531,985	12,519,000
1996	16,380,056	1,158,056	1,809,000	13,413,000

A retrospective analysis of cargo flows through the public and private terminals shows that in the ten-year period from 1986 to 1996, total tonnage grew at an annual rate of 2.6% per year. International or public terminal cargoes grew at an annual rate of 5.1% per year, although there was considerable volatility from year to year. Figure 3-3 is a tonnage/time chart showing the mix and growth of cargoes.

Figure 3-3: Historical Tonnage



Iron ore consumption peaked in the early 1970's at annual levels of 20 million tons. In 1982, consumption of iron ore fell to 8.9 million. In 1984, Jones and Laughlin merged with Republic to form LTV Steel and demand increased. Since the merger, demand has stabilized at approximately 14 million tons annually. In recent years, five to six million tons of iron ore have been transshipped from 1000 foot lakers at Lorain, Ohio, to smaller vessels, which deliver directly to private LTV facilities on the Cuyahoga River.

Steel has been the principal international cargo, all of which in recent years has been imported. Imported steel has come primarily from Europe.

Figure 3-4 shows the mix of bulk cargoes moving on the Cuyahoga River. Fifty percent of that cargo is iron ore, with limestone accounting for 34%. Salt is the only bulk export commodity in the port.

**Figure 3-4: Cuyahoga River Traffic by Commodity and Year**  
(thousands of tons)

	YEAR								
	1988	1989	1990	1991	1992	1993	1994	1995	1996
<b>Iron Ore:</b>	6,016	5,647	5,703	5,607	5,609	5,255	6,158	5,881	6,732
<b>% of All:</b>	53.5%	52.1%	50.2%	56.9%	55.5%	49.5%	53.0%	47.0%	50.2%
<b>Stone:</b>	3,681	3,363	3,642	3,132	2,733	3,403	3,269	4,464	4,579
<b>% of All:</b>	32.7%	31.0%	32.0%	31.8%	27.1%	32.1%	28.2%	35.7%	34.1%
<b>Cement:</b>	630	501	560	507	468	552	817	825	726
<b>% of All:</b>	5.6%	4.6%	4.9%	5.1%	4.6%	5.2%	7.0%	6.6%	5.4%
<b>Sand/Salt</b>	773	1,098	1,263	422	1,034	1,128	1,058	1,101	1,195
<b>% of All:</b>	6.9%	10.1%	11.1%	4.3%	10.2%	10.6%	9.1%	8.8%	8.9%
<b>Grain:</b>	59	70	9	38	7	3	0	6	0
<b>% of All:</b>	0.5%	0.6%	0.0%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Liq'd Bulk:</b>	83	158	187	141	251	273	307	242	181
<b>% of All:</b>	0.7%	1.5%	1.6%	1.4%	2.5%	2.6%	2.6%	1.9%	1.3%
<b>TOTAL:</b>	11,242	10,837	11,364	9,847	10,102	10,614	11,609	12,519	13,413
<b>% of All:</b>	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

### Forecast Projections

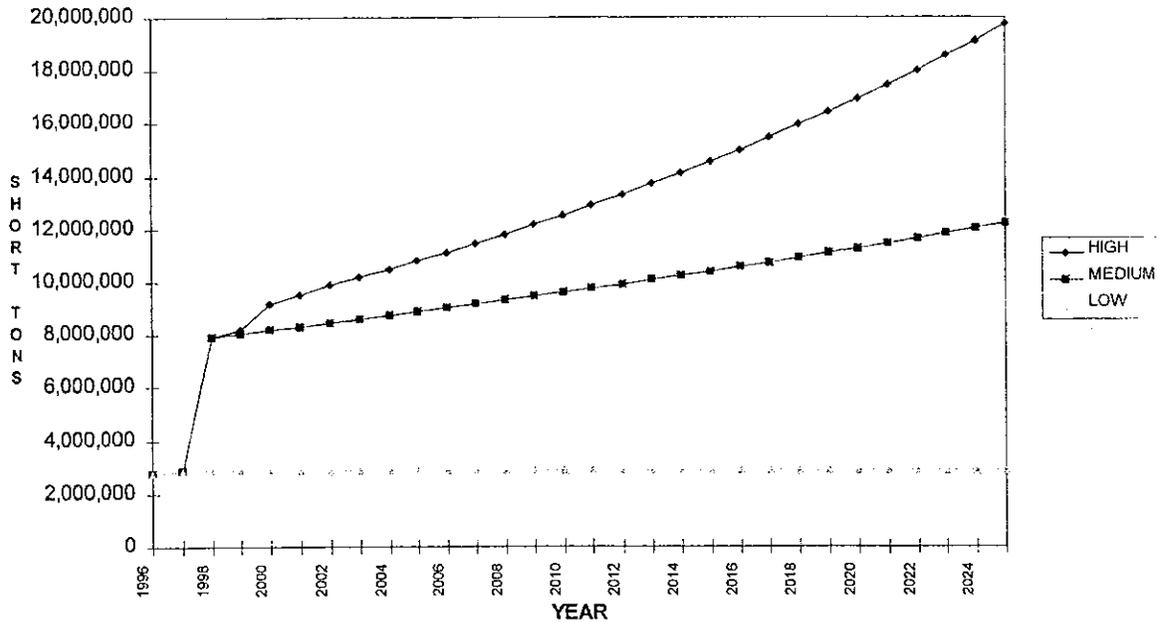
Forecast projections have been made for five cargo classifications. Figure 3-5 shows the cargo estimates by high, medium and low parameters for all five cargo classifications. Figure 3-6 provides the same information in time/volume format.

Figure 3-5 Cargo Forecast Projections

Units are in Short Tons except for Containers, which are in Forty-foot Equivalents (FEUs). Total column is in Short Tons and does not include tonnage associated with containers

Year	Commodity			Containers			Other General			Bulk			Roll On/Off			TOTAL		
	Steel	955 849	1 840	HIGH	MEDIUM	LOW	HIGH	MEDIUM	LOW	HIGH	MEDIUM	LOW	HIGH	MEDIUM	LOW	HIGH	MEDIUM	LOW
1996				20						1 809 000			0			2 766 709		
1997	1 051 434	1 082 977	1 051 434	20	800	2 024	1 804	1 877	1 809 000	1 809 000	1 809 000	1 809 000	0	0	0	2 862 456	2 862 338	2 862 311
1998	1 104 006	1 115 465	1 051 434	1 600	1 600	2 226	1 871	1 814	8 808 000	6 808 000	8 808 000	8 808 000	0	0	0	7 815 232	7 893 948	2 862 348
1999	1 159 206	1 148 930	1 051 434	1 664	1 632	2 494	2 111	1 992	7 033 897	8 924 753	8 098 000	8 098 000	0	0	0	8 195 352	8 042 259	2 862 387
2000	1 817 166	1 148 930	1 051 434	1 731	1 665	2 829	2 185	2 022	7 265 809	7 042 474	8 098 000	8 098 000	100 000	0	0	9 185 669	8 193 515	2 862 426
2001	1 829 802	1 160 420	1 051 434	1 800	1 698	2 870	2 262	2 052	7 505 591	7 162 196	8 098 000	8 098 000	200 000	0	0	9 538 211	8 324 801	2 862 455
2002	1 866 696	1 172 024	1 051 434	1 872	1 732	3 119	2 341	2 083	7 753 265	7 283 953	8 098 000	8 098 000	275 000	0	0	9 897 930	8 456 239	2 862 486
2003	1 804 696	1 183 744	1 051 434	1 847	1 767	3 175	2 341	2 083	8 009 123	7 407 780	8 098 000	8 098 000	275 000	0	0	10 191 838	8 593 865	2 862 517
2004	1 943 837	1 195 581	1 051 434	2 025	1 802	3 438	2 423	2 114	8 273 424	7 533 713	8 098 000	8 098 000	275 000	0	0	10 495 535	8 731 717	2 862 548
2005	1 984 152	1 207 537	1 051 434	2 105	1 838	3 610	2 508	2 146	8 546 447	7 861 786	8 098 000	8 098 000	275 000	0	0	10 809 037	8 871 831	2 862 579
2006	2 025 677	1 219 613	1 051 434	2 190	1 875	3 791	2 586	2 178	8 828 479	7 782 036	8 098 000	8 098 000	275 000	0	0	11 132 767	9 014 244	2 862 612
2007	2 068 447	1 231 809	1 051 434	2 277	1 912	3 960	2 780	2 244	9 118 819	7 924 501	8 098 000	8 098 000	275 000	0	0	11 467 057	9 158 995	2 862 644
2008	2 112 501	1 244 127	1 051 434	2 368	1 950	4 179	2 878	2 277	9 420 773	8 059 217	8 098 000	8 098 000	275 000	0	0	11 812 254	9 308 124	2 862 678
2009	2 157 876	1 256 568	1 051 434	2 463	1 989	4 398	2 978	2 311	9 731 659	8 196 224	8 098 000	8 098 000	275 000	0	0	12 168 714	9 455 670	2 862 711
2010	2 204 612	1 269 134	1 051 434	2 562	2 029	4 608	3 083	2 346	10 052 803	8 335 560	8 098 000	8 098 000	275 000	0	0	12 536 804	9 607 672	2 862 745
2011	2 252 750	1 281 625	1 051 434	2 664	2 070	4 838	3 181	2 381	10 384 546	8 477 264	8 098 000	8 098 000	275 000	0	0	13 009 407	9 919 212	2 862 815
2012	2 302 333	1 294 643	1 051 434	2 771	2 111	5 060	3 302	2 417	10 727 236	8 621 378	8 098 000	8 098 000	275 000	0	0	13 714 718	10 078 633	2 862 851
2013	2 353 403	1 307 590	1 051 434	2 882	2 153	5 334	3 418	2 453	11 061 235	8 767 941	8 098 000	8 098 000	275 000	0	0	14 133 254	10 241 080	2 862 887
2014	2 406 005	1 320 666	1 051 434	2 997	2 196	5 601	3 537	2 480	11 446 916	8 916 996	8 098 000	8 098 000	275 000	0	0	14 565 449	10 405 995	2 862 924
2015	2 460 185	1 333 872	1 051 434	3 117	2 240	5 881	3 681	2 527	12 214 878	9 068 585	8 098 000	8 098 000	275 000	0	0	15 011 749	10 573 623	2 862 961
2016	2 515 991	1 347 211	1 051 434	3 241	2 285	6 175	3 789	2 565	12 617 869	9 379 538	8 098 000	8 098 000	275 000	0	0	15 472 614	10 744 010	2 862 999
2017	2 573 470	1 360 683	1 051 434	3 371	2 331	6 463	3 922	2 604	13 034 362	9 538 950	8 098 000	8 098 000	275 000	0	0	15 948 519	10 917 202	2 863 038
2018	2 632 675	1 374 290	1 051 434	3 506	2 378	6 748	4 059	2 643	13 464 496	9 701 153	8 098 000	8 098 000	275 000	0	0	16 439 958	11 093 245	2 863 077
2019	2 693 655	1 388 033	1 051 434	3 646	2 425	7 148	4 201	2 682	13 908 874	9 866 072	8 098 000	8 098 000	275 000	0	0	16 947 436	11 272 187	2 863 116
2020	2 756 464	1 401 913	1 051 434	3 792	2 474	7 505	4 348	2 723	14 367 815	10 033 798	8 098 000	8 098 000	275 000	0	0	17 471 479	11 454 076	2 863 157
2021	2 821 158	1 415 932	1 051 434	3 944	2 523	7 880	4 501	2 764	14 841 953	10 204 370	8 098 000	8 098 000	275 000	0	0	18 012 627	11 638 962	2 863 197
2022	2 887 793	1 430 092	1 051 434	4 101	2 573	8 275	4 658	2 805	15 331 737	10 377 844	8 098 000	8 098 000	275 000	0	0	18 571 439	11 828 895	2 863 239
2023	2 956 427	1 444 393	1 051 434	4 265	2 625	8 688	4 821	2 847	15 837 685	10 554 268	8 098 000	8 098 000	275 000	0	0	19 148 493	12 017 925	2 863 281
2024	3 027 120	1 458 836	1 051 434	4 436	2 677	9 123	4 990	2 890	16 360 328	10 733 690	8 098 000	8 098 000	275 000	0	0	19 744 384	12 212 105	2 863 324

Figure 3-6: Total Cargo Forecast (short tons)



**Steel**

Steel products consist of coils, wire rod, billets, slabs, plate, and structural pieces. In the past, the volume of imported steel has often fluctuated with currency exchange rates, with tonnage decreasing with the value of the U.S. dollar. These economic forces, which influence the cost of foreign vs. domestic steel, will continue to impact the market.

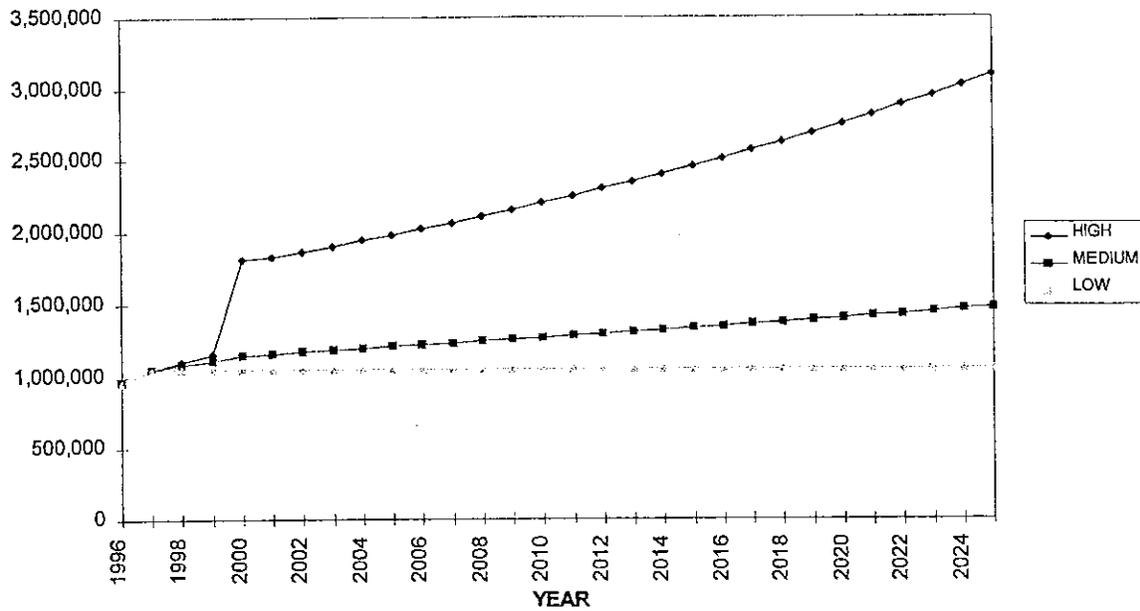
The Port's steel imports of 955,849 short tons represents most of the iron and steel imported into the entire Cleveland Customs District in 1996.

Importers that were interviewed indicated that peaks and valleys continue to be anticipated, but in the long run continued growth could be expected. The high long term forecast is for annual growth of 5% from 1998 to 2000 and 3% annual growth from 2000 to 2025. In addition, based on the assumption that the Port will begin to develop new steel handling facilities by the end of 1999, a diversion of 600,000 tons of steel to Cleveland from other coastal and Great Lakes ports is possible by the year 2000. This forecast assumes a new steel warehouse, environmental controls, new overhead lift transporting and delivery systems, bar coding systems, and overhead rail transloading (both receipt and dispatch).

The medium forecast mimics average growth, with some peaks and valleys, of 3.0% to the year 2000 and 1.0% to 2025. This assumes a minimum investment in new storage capacity and maintenance of current facilities.

The low forecast is 0% growth with peaks and valleys to the year 2025. The low growth estimate assumes static underlying economic conditions and no investment in new facilities. Figure 3-7 shows the high, medium, and low forecasts for steel.

Figure 3-7: Steel Tonnage Forecasts (short tons)



**Containers**

Many observers think it will be difficult to attract containers into the Port in any significant numbers. The most difficult challenge will be to introduce a pure container service into the lakes. On the other hand, deck loads of up to 300 containers per ship on "maximum laker" breakbulk vessels are possible. The current operators of Salties serving Cleveland are not interested in offering point-to-point container services because they are not in that business. However, they will sell deck space. If the container market is to develop, a third party will have to lease containers, charter space and arrange for pick up and delivery. If this is done, and the service can be offered at a price that is lower than the ocean plus inland rate from the East Coast, there are customers who will use it. However, this service will have to be created, marketed, and serviced by a third party. The Port may have to assist in getting this type of third party service started, perhaps with incentives such as the Ship Ohio Program.

Figure 3-8 is a selected list of containerized commodities that currently flow via the Port of Montreal into the Cleveland Customs District in volume in excess of 1000 metric tons per year but with a per metric ton value of less than \$2,000.

**Table 3-8: Selected Imports Transshipped to the Cleveland Customs District via Montreal**

Import:	Estimated Metric Tons (1995)	Average Value (\$ per Metric Ton)	Approximate Total Total Value (\$)
Worked Monuments/Stone	5,402	549	2,965,698
Foundary Binders	5,314	1,120	5,951,680
Ethers	4,671	1,597	7,459,587
Glazed Ceramic Flags	4,095	514	2,104,830
Aluminum Oxide	3,865	968	3,741,320
Ferroalloys	3,727	1,054	3,928,258
Sulfates	3,017	888	2,679,096
Polyethers	2,875	1,969	5,660,875
Refractory Bricks	2,379	1,526	3,630,354
Bran/Cereals	2,196	115	252,540
Locust Beans	1,936	1,473	2,851,728
Sat. Acyclic Acids	1,934	1,999	3,866,066
Phosphinates	1,866	492	918,072
Iron Oxides	1,812	1,444	2,616,528
Wire, Iron & Nonalloy Steel	1,770	1,308	2,315,160
Inorganic Acids	1,711	1,888	3,230,368
Magnesite	1,666	442	736,372
Rubber Waste	1,645	587	965,615
Lead, Unwrought	1,464	624	913,536
Malt Extract	1,462	1,544	2,257,328
Unglazed Ceramic Flags	1,236	544	672,384
Paper & Paperboard	1,231	1,124	1,383,644
Coloring Matter	1,175	1,606	1,887,050
Natural Waters	1,137	311	353,607
M or CH Fertilizers	1,101	599	659,499
TOTAL	60,687	n/a	64,001,195

The total tonnage for Montreal-diverted cargo alone was in excess of 170,000 tons per year for the Cleveland Customs District. The shippers of these lower-value cargoes are likely to accept the less regular container vessel service to Cleveland if the rate for such service is lower than the rail service from Montreal. Such containerized cargo could be put on the decks of ships coming directly to Cleveland from Europe with steel cargoes. It is this type of cargo that represents the best potential for container traffic to Cleveland.

There are also current entrepreneurial efforts in place to utilize breakbulk vessels, possibly with Roll On/Off Cargo capabilities, to introduce container service into the Great Lakes. Such efforts are not yet in operation but have some potential to boost the amount of container traffic in Cleveland. However, these efforts are still speculative and it appears unlikely that they will affect container totals in the near future.

The Port Authority has indicated that it intends to initiate an aggressive and dedicated plan to encourage container traffic, perhaps with the use of a third party as mentioned above. If the Port successfully pursues this aggressive strategy, the high container forecast, of 4% annual growth from 2000 to 2025, may be attainable. The medium forecast beginning in 2000 assumes a 2% growth rate to the year 2025, while the low forecast assumes no change in container totals. Both the high and medium forecasts assume that the Port Authority's efforts will increase container traffic to an 800 FEU level in 1998 and 1600 FEUs in 1999 (including empties). This would represent, at the 1600 FEU-level, fifty forty-foot containers twice a month for eight months.

#### ***Other General***

This cargo category's growth has not been consistent. At times there have been paper, lumber and isolated heavy lift items. Project cargoes both inbound and outbound are cited as the most viable prospects for the future. Assuming that the heavy lift crane is upgraded to a 250 to 275 MT capacity, this sector will continue to grow. The commitment to upgrade the crane is uncertain at this time, however. The high forecast for this cargo is 10% per year to 2000 and then 5.0% per year. The medium forecast and low forecasts are for 3.5% and 2.0% annual compound growth to 2025, respectively. There is the potential to move waste paper out of the Port of Cleveland as well and return with newsprint, however no firm ventures or investments regarding this trade have materialized to date.

#### ***Roll On/Off Cargoes***

There are suggestions that a Roll On/Off ferry could operate between Cleveland and Canadian ports. An example of this type of service is that the automotive parts in Cleveland could feed an assembly plant near Port Stanley, Ontario. This would require a contract commitment from possible industrial users. The forecasted congestion on US/Canada highways between Canadian ports of entry and US destinations could be a reason to develop this service.

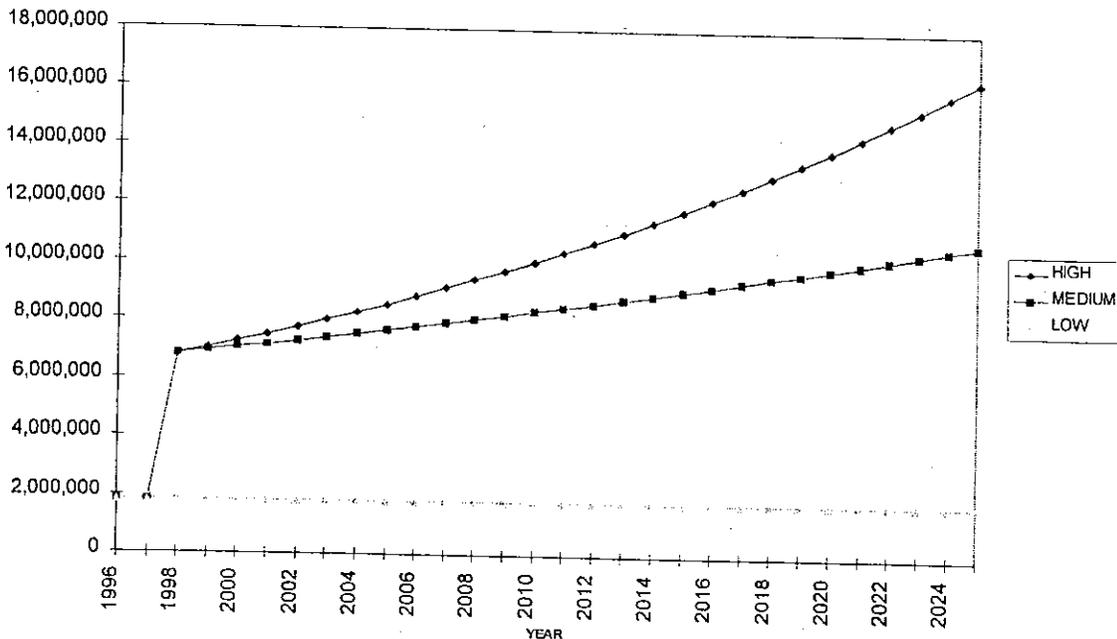
The high forecast assumes the development of a Roll On/Off ferry service beginning in the year 2000 and reaching a maximum capacity of 275,000 short tons/year in the year 2002, with no further growth anticipated. This forecast assumes an approximately 5% penetration of existing cargo flows between Canada and the Cleveland Customs District, based on 1995 import and export value totals of \$8.7 billion and an estimated conversion rate of \$3,500 per metric ton. The medium and low forecasts assume no Ro/Ro ferry.

**Interlake Bulk Cargoes**

These cargoes consist of iron ore, stone, cement, sand, salt, grain and liquid bulk. Of the total 15,222,000 tons registered for the Port of Cleveland in 1996, 13,413,000 move directly up the Cuyahoga River to private facilities. The remainder moved through terminals now owned by the Port Authority.

The low forecast assumes no change from current levels. The high and medium forecasts include (beginning in 1998) 5,000,000 tons of iron ore and limestone previously shipped elsewhere on Lake Erie in Ohio. The high forecast then assumes approximately 9,500,000 tons of new bulk cargo by the year 2025, or a compound annual increase of 3.3 percent. The medium forecast assumes approximately 4,000,000 new tons of bulk cargo by the year 2025, representing a compound annual increase of 1.7 percent. These cargo increases (9.5 million and 4 million tons for the high and medium forecasts, respectively) were developed in consultation with a major Port operator and assume adequate (improved) road access to Port facilities. Figure 3-9 shows a graphical representation of the high, medium, and low projections for bulk cargo.

**Figure 3-9: Bulk Cargo Tonnage Forecasts (short tons)**



**SECTION 4:  
NEEDS ASSESSMENT**

In order to develop a plan for Cleveland, it was necessary to determine which forecast level should be used as a more accurate picture of the future of the Port. Based upon discussions with the Port, other Cleveland-area cargo shippers and facilitators, and the fact that as a multi-cargo Port, the Port of Cleveland needs to be able to respond to all commodities reaching their high and/or medium case forecasts, the study team developed the Master Plan based on the midpoint between the medium to high forecast projections.

Working from the previous tasks, the future facility needs for the Port of Cleveland were determined as follows. The throughput capacity of the Port's existing facilities with currently planned improvements (Warehouse B, Paved 20-22, new warehouse) for each cargo type were subtracted from the cargo forecasts to identify possible shortfalls in cargo handling capability. The resulting shortfalls in capacity are found in Figure 4-1.

**Figure 4-1: Cargo Handling Capacity Shortfalls**

Cargo Type	Low Forecast Capacity Shortfall	Medium Forecast Capacity Shortfall	High Forecast Capacity Shortfall
Breakbulk/Steel	0 tons	61,400 tons	1,574,000 tons
Container	0 FEUs	2180 FEUs	4380 FEUs
Ro/Ro	0 tons	0 tons	275,000 tons
Bulk (CBT)	0 tons	1,700,000 tons	7,300,000 tons

Once the throughput capacity shortfall was determined, the project team looked at the additional acreage required to handle each of the cargo demands. For established cargo types at the Port, the project team calculated the tons per acre that the Port would achieve if it met its throughput capacity within the existing footprint. For cargo which will be new or emerging type, such as container and Roll On/Off, the project team used typical calculations and planning modules which have been used and proven in other U.S. maritime facilities with these cargo types.

The following is a list of the additional acreage needs for the Cleveland-Cuyahoga County Port Authority that would be required to meet a medium to high mid-range demand forecast for each of the cargoes identified in the market assessment:

- 35 acres Breakbulk/Steel Facilities
- 20 acres Bulk Facilities
- 10 acres Container and Roll On/Off Facilities

## **SECTION 5** **MASTER PLAN DEVELOPMENT**

### **Alternatives**

This Master Plan for the Port of Cleveland was based on a series of schematic design alternatives that studied a comprehensive array of development options, using the improvement requirements identified in the needs assessment as well as interrelationships of maritime objectives with the existing and potential recreational and tourist venues that exist within the Cleveland waterfront. The principle of flexibility, both within each facility and in the overall layouts, was implanted in each alternative to allow for easy adjustments to future conditions which may not be apparent at this time.

### **Evaluation**

The evaluation process for the Master Plan was a comprehensive check of the various design alternatives against pre-established criteria. Each alternative was extensively evaluated as to its feasibility and cost of construction. Categories of the evaluation criteria are summarized as follows:

- Marketability and Acceptability
- Port Control of Implementation
- Throughput Capacity
- Operational Efficiency and Quality
- Off-Dock Circulation
- Public Issues
- Flexibility
- Phasing Potential
- Adjacency Requirements
- Layout Criteria/Assumptions

Although each alternative evaluated yielded similar results in the evaluation, the major differences were in construction costs, public issues and Port control of implementation.

## Master Plan - 2025

The Master Plan is a result of the evaluation process and the project team's selection of the most beneficial solution to the Port of Cleveland's long-range required improvements. The Master Plan identifies to the maximum extent possible at this time what improvements will be required through 2025. The Master Plan implementation will be market driven requiring expenditures of Port funds only as the market dictates. The following is a listing of the proposed Master Plan recommendations:

- Implementation of already planned Port improvements at existing docks.
- Improvement of existing Cleveland Bulk Terminals facility.
- Development of a combination terminal on the west side of the Cuyahoga River in the Whiskey Island Marina area as the market demands.
- Development of a passenger and freight ferry service, and cruise ship terminal at Dock 32.
- Improvement of access to the Port through the *State Route 2-Port of Cleveland Interchange Modification*, to improve safety through the separation of truck, vehicular, and pedestrian traffic.
- Construction of two new warehouses on the east side of the river to improve storage capacity and services for Port customers.
- Development of 20 acres into public-use space, and the development of bike paths designed to allow for maximum visibility of and access to the waterfront areas without interruption to port operations. The Ohio Department of Natural Resources and the City of Cleveland's Department of Parks, Recreation and Properties should be consulted in all phases of the design and implementation of public access development.
- Addition of a new office building to house World Trade Center Cleveland, which will include connections to the RTA's Waterfront Line.

If cargo demand is in line with the high case projections requiring additional development once the improvements are at capacity, this plan will need to be amended to address those specific market demands.

## Breakbulk/Steel Facilities

### *Docks 20 – 32*

Based on the Port's current operating parameters, the implementation of the already planned Port improvements at the existing lakefront Docks 20 - 32 provide the maximum throughput capacity within the terminals' existing footprint. As determined by the capacity assessment, paving Docks 20 and 22 and building Warehouse B and a warehouse at Docks 20 and 22 will provide the Port with the capacity required to meet its existing and short-term cargo throughput demand.

Since expansion of the current footprint of these facilities is not physically viable, the proposed Master Plan does not include development of any other new breakbulk/steel facilities at the east side of the Cuyahoga River.

### ***Whiskey Island***

New breakbulk/steel facilities are proposed on the west side of the Cuyahoga River within a combination terminal in the Whiskey Island Marina area. The new facilities are planned to handle a variety of breakbulk and steel cargoes that require open and covered storage areas. Their improvements include 2 – 120,000 SF covered temperature controlled warehouses with overhead cranes and 2,400 feet of wharf. The closing of Whiskey Island Marina will only occur if the market dictates and the purchase of the Whiskey Island property is complete.

### ***Bulk Facilities***

Operations at the existing CBT are approaching capacity as a result of inadequate infrastructure. Much needed infrastructure improvements such as cargo handling equipment and improved road access are currently being planned by the Port and the terminal operator. These improvements will significantly increase the existing throughput capacity.

The Master Plan improvements include the development of an additional 10 acres of storage area and 1,200 feet of wharf adjacent to the existing facility. Additional storage areas are proposed on the west side of the Cuyahoga River within a combination terminal in the Whiskey Island Marina area.

### ***Container and Roll On/Off***

The container and roll on/off facility is proposed on the west side of the Cuyahoga River within a combination terminal in the Whiskey Island Marina area. The facility is based on a chassis storage mode and will accommodate the forecasted container and roll on/off trailer cargo. The improvements include gate operations, a paved storage area and 1,700 feet of wharf.

### ***Design Flexibility***

The proposed Master Plan has flexibility within each facility, as well as in the overall layout to allow for easy adjustments to future conditions. This flexibility is essential in supporting possible market driven improvement implementation and avoiding unnecessary infrastructure investments. As stated earlier, as a multi-cargo Port, the Port of Cleveland needs to be able to respond to all commodities reaching their high and/or medium case forecasts. This important issue will be discussed in more detail in a later section that addresses the Master Plan's Construction Schedule and Phasing.

## **Public Use Compatibility**

In addition to the Port-related maritime operations, existing and future tourist/public developments were considered when generating the Master Plan. Where feasible, cooperation with area partners may be considered to achieve mutual goals. Projects include:

- The potential development of a passenger and freight ferry service at Dock 32.
- Rock and Roll Hall of Fame and the Great Lakes Science Center pedestrian and vehicular traffic.
- The new stadium parking required on the Port footprint and the compatibility of truck traffic with pedestrian and vehicular traffic.
- The Downtown Lakefront Development planning efforts.
- RTA Proposed Intermodal Transportation Center
- New Convention Center
- Flats Oxbow Long-Range Development Plan.
- Housing projects on the west side of the Cuyahoga River.
- Proposed bike paths.
- The Northeast Ohio Regional Sewer District's expansion needs.
- Disposition of the historic United States Coast Guard Station located at Whiskey Island.

### **Dock 32**

Upon completion of the planned improvements on Docks 20 and 22, the Master Plan has identified Dock 32 for potential Ferry Service/Commercial Development. Ferry and/or day and dinner cruise services operating at this location would be a positive buffer between public venues at North Coast Harbor and the commercial maritime port operations. The full draft dock could be used to accommodate international visitors arriving by water.

### **Traffic**

A truck access plan was developed to examine the existing truck haul routes to and from the Port, to determine if those routes could handle the projected increase in truck traffic, and to designate preferred routes. The access plan treats the Port as two distinct entities, Docks 20-32 and Whiskey Island. Separate vehicular generation rates and access routes were developed for each.

### **Docks 20-32**

The existing access to and from the Port for truck traffic comes exclusively from the Memorial Shoreway, State Route 2. Trucks needing to access any Interstate do so via the West 3<sup>rd</sup> Street and East 9<sup>th</sup> Street entrances to the Shoreway. The Shoreway, part of the National Highway System, is the northern most state route connecting the Port to the four major U.S. Interstate Routes; I-90, I-77, I-71 and I-80.

These existing access routes are problematic due to the extremely short weave distances between the West 3<sup>rd</sup> Street and East 9<sup>th</sup> Street ramps and the Shoreway. Heavily loaded trucks in particular have difficulty performing this maneuver. Longer tractor-trailer trucks also have difficulty negotiating the tight right angle turn from the Shoreway ramp onto West 3<sup>rd</sup> Street. A traffic signal and sharp inclines further increase the safety hazard.

Additionally this current routing into and out of the Port forces the intermingling of trucks carrying highway capacity loads up to 20 tons and weighing 40,000 pounds, with passenger vehicles, school buses of children visiting the North Coast Harbor Museums and pedestrians.

#### Future Access

The City has constructed a bridge over the Conrail rail tracks at the end of West 9<sup>th</sup> Street to replace an old access. The application of this access is limited for the Port for a number of reasons. First, allowing trucks to exit via West 9<sup>th</sup> Street routes them directly into the Warehouse District, a newly renovated area geared towards office and retail, which would not welcome truck traffic. Second, the Port maintains a need to restrict access to its property and to the stored materials. By allowing an access point at West 9<sup>th</sup>, the Port would need to construct a second and unnecessary gate. Finally, the bridge from West 9<sup>th</sup> Street to the Port is built at a steep grade to meet the required rail height clearance. Heavily loaded trucks would have difficulty negotiating this slope. A more attractive alternative for accommodating the projected increase in truck traffic would be the **State Route 2 – Port of Cleveland Interchange Modification**. The project would include an underpass roadway beneath West 3<sup>rd</sup> Street, two lanes for traffic (one lane each way) plus a shoulder in each direction leading directly onto the Port footprint. Vehicles traveling on the Shoreway will still have access to West 3<sup>rd</sup> Street via an exit and approach ramp on either side of the underpass roadway. An underpass roadway creates a safer environment by separating the truck traffic from pedestrian and recreational traffic accessing the new stadium and the museums. In addition, this access establishes a dedicated Port entranceway and new main gate where all Port entries can be monitored.

#### Preferred Alternative for Truck Access Route

Of the alternative access routes considered, the **State Route 2 – Port of Cleveland Interchange Modification** is clearly the most advantageous. The underpass roadway creates a separate truck egress/access point to the Shoreway and provides a vehicular/pedestrian separation during events at the stadium. The construction of this interchange modification, which was first identified in 1995 as important to the future growth and safety of the Port, will facilitate the movement of goods, people and vehicles through a concentrated activity center in a safe, efficient and reliable manner. The rerouting of trucks will help avoid the long truck lines at the Port entrance thus further alleviating air pollution. The interchange modification will have a significant impact on the Port's ability to effectively and efficiently handle cargo.

It should be noted, however, that other lakefront plans and the sale of Conrail present options that may be worth considering in Phase II of this project. For example, assuming other modifications, South Marginal Road could be redesigned as a truck haul route. This type of alternative scheme requires extensive cooperation and right of way considerations and is not feasible in the short term.

### ***Whiskey Island***

There is currently no infrastructure in place to provide truck access to the Whiskey Island area north of the Conrail mainline. The only existing truck traffic in the Whiskey Island area involves materials from Cargill Salt, Lafarge Construction Materials, and Ontario Stone which are all south of the Conrail mainline.

All existing truck routes used for transporting materials from the areas south of the Conrail mainline to the various interstate highways begin by crossing the Willow Street Bridge over the Cuyahoga River. The majority of the truck routes generally wind circuitously through the Flats and experience steep grade changes and narrow turns. The most direct existing truck access routes to each interstate are discussed below and identified by letter on Figure 5-1.

#### Access to I-90 (and all Interstates)

**Route A:** This access is the shortest and most direct, and it provides freeway access to all interstates. The route begins on River Road and heads south along West 25<sup>th</sup> Street to a switchback entrance ramp to the Shoreway off of West 28<sup>th</sup> Street. The Shoreway connects directly into I-90 East. This is the only route that avoids city streets and provides access to all of the major highways. However, a weight restriction on the switchback precludes some of the trucks from using this route.

#### Access to I-90 Westbound

**Route B:** The first of these begins on River Road and heads south along West 25<sup>th</sup> Street to the I-90 interchange.

**Route C:** The second and shortest route to I-90 West begins on River Road and travels south on West 25<sup>th</sup> Street to the Detroit-Superior Bridge. Trucks travel over the bridge and make a right on Huron Road. From there they turn onto Ontario Street and travel south to the I-90 West interchange.

**Route D:** The third access to I-90 West has trucks from River Road turning south onto Center Street and traveling under the Detroit-Superior Bridge. From there the road turns into Canal Road, which includes numerous curves as it passes through the Flats. A sharp switchback to a very steep Commercial Road deposits vehicles at the Carnegie/Ontario intersection. A right turn on Ontario provides access to the ramp to I-90 West.

**Route E:** The fourth access to I-90 West begins on River Road, connects to Center Street, passes under the Detroit-Superior Bridge and then right onto Carter Road. It then crosses the Eagle Avenue Bridge to West 3<sup>rd</sup> Street and traverses a switchback up a hill on Commercial Road to Carnegie/Ontario. The I-90 West entrance ramp is just south on Ontario. The Eagle Avenue Bridge has a load limit restriction which eliminates this route as a choice for heavier trucks.

Access to I-71 Southbound

**Route F:** The first route takes River Road west to West 25<sup>th</sup> Street south. South of the I-90 West interchange is the I-71 interchange. It is possible to enter I-71 northbound at this point as well as to access I-90 or I-490, but that involves considerable backtracking and it is believed that trucks do not use this access for that purpose.

**Route G:** The second route is extremely circuitous. It begins on River Road to Center Street, just as the route to I-90 West, but takes a right turn onto Carter Road. It then crosses the Eagle Avenue Bridge to West 3<sup>rd</sup> Street south to the Quigley Road-Clark Avenue connector. At West 14<sup>th</sup> Street, vehicles head south through a complex ramping system, eventually entering I-71 South.

Access to I-77 Southbound

**Route H:** Following Route G, trucks can access I-77 via I-490 eastbound by turning onto West 7<sup>th</sup> Street off of Quigley Road to the I-490 interchange.

(There is no Route I)

**Route J:** This route begins at River Road, connects to Center Street, passes under the Detroit-Superior, and then right onto Carter Road. It then crosses the Eagle Avenue Bridge to West 3<sup>rd</sup> Street. It then uses the switchback up the Commercial Road hill on to Carnegie/Ontario. Once on Ontario Street however, vehicles cannot enter immediately onto the I-77 ramp because it is located on the left side of the roadway. There is insufficient distance on Ontario to safely cross all of the lanes of traffic to reach the ramp. The vehicles must instead continue south on Orange Avenue to the East 30<sup>th</sup> Street I-77 entrance ramp.

**Route K:** Access to I-77 is also provided by following River Road to West 25<sup>th</sup> Street, crossing the Detroit-Superior Bridge, turning right onto Huron Road, and then turning onto Ontario Street. Vehicles in the far left lane can enter a ramp to I-77 South.

**Route L:** The final access to I-77 follows Route D described above for access to I-90 West, but once on Ontario Street vehicles must continue south to Orange Avenue to the East 30<sup>th</sup> Street I-77 entrance ramp.

#### Future Access

The Port is proposing to provide truck access to the Cleveland Bulk Terminals. Currently, all cargo leaves the CBT by rail. The creation of roadway infrastructure and new customers to the facility as a result of these improvements will result in a significant percentage of the future cargoes leaving the Port facilities via truck. This fact combined with potential volume increases shown in the demand forecast and the construction of the new facilities at Whiskey Island shown in the Master Plan will create a significant increase in vehicle traffic to and from Whiskey Island.

Because of this significant increase in the number of vehicles needing access to Whiskey Island, the project team considered several alternative routes. The most direct route to the CBT uses the access road along Whiskey Island to enter and exit the Shoreway from Edgewater Park. This alternative does provide direct freeway access to all of the interstates. However, this alternative was quickly discarded due to the safety hazards associated with mixing trucks with recreational traffic bound for Edgewater Park and the Whiskey Island Marina. This route also has numerous physical constraints due to its geometry, which consists of a circuitous route winding through narrow, one-lane pinch points and a blind right angle turn.

All remaining viable routes for truck traffic begin at the Willow Street Bridge. Several newly proposed alternate access routes to each interstate are described below and identified by letter on Figure 5-2.

#### Access to Interstate 90 Eastbound (and all interstates)

**Route M:** The idea of directing truck traffic onto the eastbound Shoreway, which in turn connects to each interstate, is desirable because it provides one designated truck route that does not utilize City streets. One proposed alternative directs the truck traffic over the Willow Street Bridge onto River Road west to the City's Division Avenue Water Plant. From there, trucks would access a new roadway and a new interchange with the eastbound Shoreway. Significant construction would be required to eliminate the existing steep grades. This connection to the Shoreway would provide access all of the interstates.

#### Access to Interstate 90 Westbound

**Route N:** A proposed access route to I-90 West could start at River Road then travel to Center Street south to Riverbed Road. From there, trucks would travel south along the Cuyahoga River to Columbus Road. This connects into West 25<sup>th</sup> Street just north of the I-90 interchange. This route would avoid the heavy pedestrian traffic in the sensitive West 25<sup>th</sup> Street/Lorain Avenue area.

(There is no Route O)

**Route P:** Another alternative to I-90 West takes River Road to Center Street south to Riverbed Road, then pass Columbus Road and continues on to Carter Road. This route then follows Carter Road which weaves northward onto the Scranton Peninsula to the Eagle Avenue Bridge to West 3<sup>rd</sup> Street. From there, this alternate switches back up the Commercial Road hill to Carnegie/Ontario. The I-90 West entrance ramp is just south on Ontario.

(There is no Route Q)

**Route R:** This route mirrors Route P until just past Columbus Road. In conjunction with the proposed development of new housing on the Scranton Peninsula, the construction of a new roadway link connecting Riverbed Road to University Road at the south end of the peninsula has been discussed. If this link was constructed, trucks could continue along the new link to University, Railway Avenue, Literary and up West 3<sup>rd</sup> Street. From there, the route would follow Commercial Road and continue as Route P above.

#### Access to Interstate 71 Southbound

**Route S:** Route N described previously for access to I-90 also provides access to I-71. Traveling further south along West 25<sup>th</sup> Street will lead the trucks to an interchange with I-71.

**Route T:** Another alternative for reaching I-71 South also follows River Road to Center Street to Riverbed Road, across the new link to University, Railway, Literary, and West 3<sup>rd</sup> Streets. From here, the vehicles would continue south through the Quigley Road-Clark Avenue connector, West 14<sup>th</sup> Street, and finally to an I-71 southbound entrance ramp.

(There are no Routes U or V)

#### Access to Interstate 77 Southbound

**Route W:** This access would follow Route P all the way up the hill on Commercial Road and right on Ontario. At that point, trucks would continue south to Orange Avenue to the East 30<sup>th</sup> Street I-77 entrance ramp on the right side.

**Route X:** This route exactly follows Route R through the hill on Commercial Road and the right turn on Ontario Street where it accesses I-77 south off of Orange Avenue as Route W.

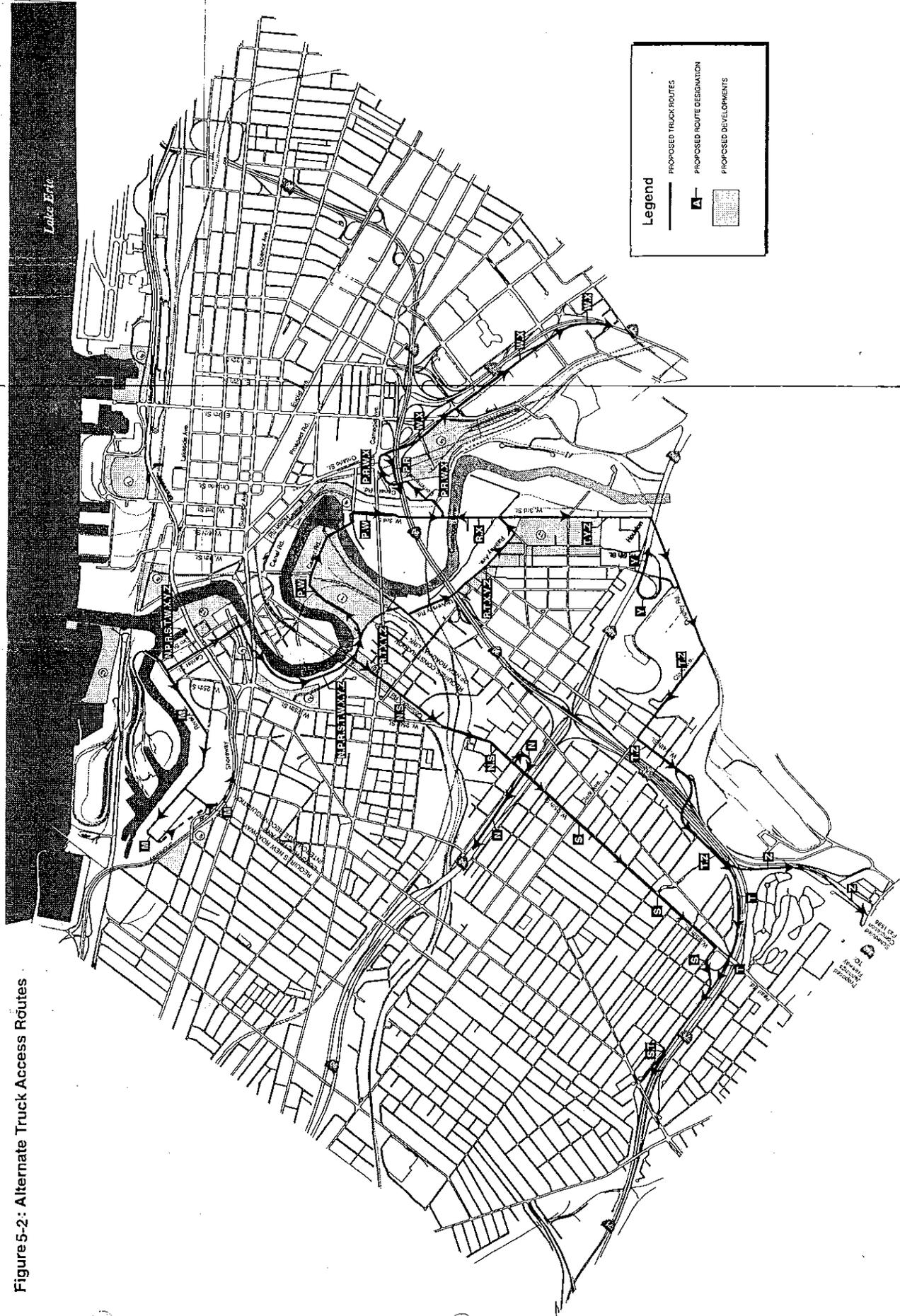
**Route Y:** With the construction of a link between Riverbed Road and University, trucks could follow River Road to Center Street, south to Riverbed Road, continue along the new link to University, Railway, and Literary. From there, the trucks would travel south on West 3<sup>rd</sup> Street to Quigley Road where they could access I-77 via I-490 by taking West 7<sup>th</sup> Street off of Quigley.

Access to Interstate 480 Eastbound & Westbound

**Route Z:** Following Route Y and continuing along Quigley Road to Clark Avenue and West 14<sup>th</sup> Street as if heading towards I-71, trucks would be able to access the Jennings Freeway. This direct access to I-480 in both directions is expected to be completed in the Fall of 1998.



Figure 5-2: Alternate Truck Access Routes



Lake Erie

Legend

- PROPOSED TRUCK ROUTES
- PROPOSED ROUTE DESIGNATION
- PROPOSED DEVELOPMENTS

1/4 MILE  
OF  
STREET  
COURTESY  
CITY OF  
TOLEDO

Potential Developments Affecting Port Truck Routes

It is important to acknowledge the proposed development of adjacent land so that the recommended truck access alternatives do not provide merely a temporary solution that will later need to be reevaluated. The following is a list of proposed developments that have been gathered thus far and are identified in Figure 5-2. The viability of each project should be considered in more detail during the second phase of this project.

1. CMHA development on the hill west of Riverbed Road.
2. Housing development on the Scranton Road Peninsula.
3. Residential housing on both sides of the Superior Viaduct.
4. The River Phase Development behind Tower City, a continuation of the retail and office space.
5. Industrial or transportation dependent development at the Norfolk Southern site.
6. Retail/Commercial development on Front Avenue.
7. New Cleveland Browns stadium on the site of the former Municipal Stadium.
8. Continuation of the North Coast Harbor entertainment development at the Coast Guard property
9. Max Hays parking lot for new development.
10. Townhouse development on Columbus Road hill at Abbey Road.
11. Housing development at Tremont.
12. Continuation of entertainment development at Nautica.
13. Port or other industrial development at the Whiskey Island.

Evaluation Criteria for Truck Access Routes

To determine which of the existing or alternate truck routes described previously provides the most viable access from Whiskey Island to each interstate, the project team considered several criteria. These criteria include the following characteristics:

**Physical** - overall length of the route, percent grade increases, and the driveability of the alignment (i.e. curvature, narrowness, blind corners, etc.)

**Operational** - number of moveable bridges, number of traffic signals, and any weight load restrictions

**Policy/Other** - adjacent land uses (both existing and potential developments), maintenance costs, and construction costs for improvements.

A cursory evaluation was performed on each route using these criteria to recommend the

preferred alternatives discussed later.

Preferred Alternatives for Truck Access Routes

The alternatives were determined by grouping all of the existing and alternate routes providing access to each freeway and identifying at least two routes for each interstate that deserve further investigation. The following are some of the alternatives for each interstate:

Access to I-90 East: Routes A and M (and Route Y via I-490 east)

Access to I-90 West: Routes C and R

Access to I-71 South: Route T (and Routes C and R via I-90 west)

Access to I-77 South: Routes K and X (and Route Y via I-490 east)

Access to I-480 East and West: Route Z (and all Routes to I-77 and I-71)

Further review of these alternatives reveals that some of the routes overlap and provide access to more than one freeway. The assignment of one truck route that can be upgraded and maintained for all future usage will have significant cost benefits. The project team recommends that a more detailed study be performed on these alternatives in the second phase of this project.

**Rail**

Rail access is important to Port operations, both at the breakbulk/steel facility east of the Cuyahoga River and at the CBT to the west. The Master Plan team investigated this issue, and found that the current rail configuration generally meets access needs both now and in the future. There are, however, two issues affecting rail access that should be noted.

One is the need for truck access to the CBT. The Port has begun the process of arranging for the design of a new roadway that would make use of the existing rail underpass under the Conrail main line. To accommodate this roadway, the current rail access to CBT would be relocated to the north side of the main line, rather than its current location on the south side. No adverse impacts on rail operations or service quality will result from this modification.

The second is the planned sale of Conrail to both Norfolk Southern and CSX. The current divestiture plan designates the main trackage serving the CBT to be owned by Norfolk Southern. Although CSX will also retain the rights to run certain trains over this trackage, it is not known whether the agreement will provide CSX the ability to serve customers on the line. In any case, it appears likely that NS will be the key provider of service to the CBT because, in addition to owning the main line at the CBT, NS will also own the route to Weirton, WV, now used by CBT iron ore traffic.

The future ownership of the "45 runner" track, which is the main link to Port facilities east of the river, is not known. It is logical that CSX will obtain this trackage, because its eastern end will connect to CSX, and it parallels trackage to be owned by CSX for most of its length. However, its west end may connect to NS-owned track.

An additional complication is the possible future re-configuration of Lakefront freight trackage to accommodate future developments such as an intermodal transportation center and other possible developments. These issues, and the resulting impacts on rail service to the Port, should be monitored on an ongoing basis.

## **Parking**

### ***Stadium Parking Requirements***

The Port is required to provide 2,200 spaces for parking during Cleveland Brown football games and other special stadium events throughout the year. In 1995, Desman Associates analyzed the current Port infrastructure and determined that the Port would be able to accommodate close to 2,700 parking spaces in various areas throughout the Port. The proposed Master Plan may impact the parking spaces which were planned near Dock 20, due to the new cement plant in the southwest corner. However, it is anticipated that the cement facility will only affect a portion of the this parking area, still leaving the Port with the ability to accommodate the 2,200 spaces required by its agreement with the City.

Should the need for parking increase, or Port improvements further reduce parking area in the vicinity of Dock 20, a long-term parking option will be to construct a parking garage to accommodate the shortfall in parking spaces. This garage could be placed in several locations in the Port, with the most convenient and practical being to the north of the stadium by Docks 30 and 32.

## **Construction Budget Estimate**

The construction budget estimate was completed for the new facilities outlined in the Master Plan Development section of this report. The estimate represents a professional opinion based on the information available at the time of this report. Actual construction costs for the projects shown may vary due to plan variations, construction timing, soil conditions, environmental permitting and/or mitigation, availability of material, and other factors not analyzed in this report. The Figure 5-3 shown in this report is meant to serve as an estimate only and does not represent a maximum figure.

The order-of-magnitude cost estimate is based on the following assumptions:

- All costs are in 1997 U.S. Dollars.
- Terminal operating equipment costs and maintenance are not included.
- Property acquisition, tenant relocation, and related costs are not included.
- Administrative costs associated with move-in and start-up are not included.
- Costs for construction management fees, administration fees, staking and surveying, materials lab and testing fees, and other construction consultant fees have not been included.
- Insurance and bonding costs are not included.

- Engineering and architecture design fees have been included as 6% of the construction cost.
- Plan review and permitting costs have been included as 2% of the construction cost, but this percentage could vary greatly.
- Additional costs for environmental mitigation and issues could increase the cost significantly.
- A 30% contingency has been added to all construction estimates to account for some of the differences in materials cost, permitting cost, etc.

**Figure 5-3 Summary Construction Budget Estimate**

<b>Facility Description</b>	<b>Estimated Cost</b>
Breakbulk/Steel Handling Facility	\$69,753,000
Cleveland Bulk Terminals Expansion	\$20,550,000
Container & Roll On/Off Facility	\$45,642,000
<b>TOTAL CONCEPTUAL BUDGET ESTIMATE</b>	<b>\$135,945,000</b>

### Construction Schedule and Phasing

The construction schedule is intended to serve as a road map for the phased development of the facilities included in the Master Plan. Each major construction project has been included in the construction schedule to present the major steps along the development path. The timing of each facility's development is based on the cargo demand for that facility and the estimated time of construction and permitting. As with the construction budget estimate, the construction schedule represents a professional opinion of the phased development of the facilities outlined in the Master Plan. Changes to scope, environmental mitigation and permitting issues, material availability, contractor difficulties, and other construction factors can have a significant impact on the proposed construction schedule. The schedule does not assume any type of "fast track" type of construction and does not account for any unforeseen or irregular circumstances which could affect the construction schedule.

The phased construction of the Master Plan developments will be driven by the cargo demand, meaning the Port will not expend any funds until a solid customer base has been identified. This schedule does not include the potential improvements that may be required after 2005 from the cargo demand in line with the high case projections. As stated earlier in this report this plan would need to be amended at that time to address those specific market demands.

#### **1998 - 2005**

As indicated in the schedule, the already planned improvements needed to meet the Ports current demand requirements at Docks 20-32 are scheduled to be complete in the year 2000. The improved cargo handling equipment installation and access road improvement project at CBT will be developed by the year 1999.

During this time, property acquisition of privately owned Whiskey Island Marina Facilities must begin followed by the environmental permitting and mitigating for all future Whiskey Island Marina developments. By the beginning of 2000, construction (including bulkheading and fill) will begin on the combination terminal at the west side of the Cuyahoga River in the Whiskey Island Marina expansion area only. The project team estimates that this construction could be completed by the beginning of 2005. Actual completion will be based totally on the actual land acquisition, permitting, dredging and fill timelines.

**2005 – 2010**

The combination terminal at the west side of the Cuyahoga River will need to be expanded into the Whiskey Island Marina Area by the year 2010. The construction of the facility will need to begin in 2005. This construction start date assumes that this second phase of construction's fill and environmental permitting has been completed in during 1998-1999. If it were later determined that additional permitting would be required the construction start date would need to be appropriately adjusted. Additionally at the beginning of 2005, construction of the CBT expansion area will begin. The CBT expansion project will be completed by the end of 2008.

Figure 5-4 graphically shows the phased development of the Master Plan by project and by year. The proposed time line includes permitting, design and construction efforts.

**Figure 5-4 Construction Schedule**

	Year	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	
Docks 20-32 Planned Improvements		■	■																						
Cleveland Bulk Terminals Planned Improvements		■																							
Fill/Environmental Permitting and at Whiskey Island		■	■																						
Breakbulk/Steel Handling Facility				■	■	■	■	■	■																
CBT Expansion										■	■	■	■												
Container & Roll On/Off Facility				■	■	■	■																		
Breakbulk/Steel Handling Facility (Second Phase of Development)										■	■	■	■	■											

## **Master Plan Implementation**

The Cleveland-Cuyahoga County Maritime Facilities Master Plan presents a feasible, long-term guide for the Port of Cleveland's expansion process. The Master Plan includes modification of existing infrastructure and construction of new terminal facilities. The construction of these recommendations will span the planning horizon until the year 2025. A detailed phase implementation plan which is flexible enough to accommodate fluctuations in demand, customer requests, and unforeseen circumstances over this time period should be developed.

This implementation plan should initiate conceptual plans for the development of the Master Plan recommendations. These conceptual plans should build off of the ideas presented in the Master Plan and should incorporate potential improvements to roadways, rail connections, water and sewer systems, drainage systems, and electrical systems. The conceptual plans will then lead to intensive site investigation and preparation of thorough geotechnical and environmental analysis. This additional planning will provide for a more precise construction schedule and more detailed cost estimates.

The final portion of the implementation plan should involve the actual final design and construction of the Master Plan's improvements. During final design, precise schedules and cost estimates are developed in preparation for construction. Final design is then followed by the construction of the Master Plan recommendations.

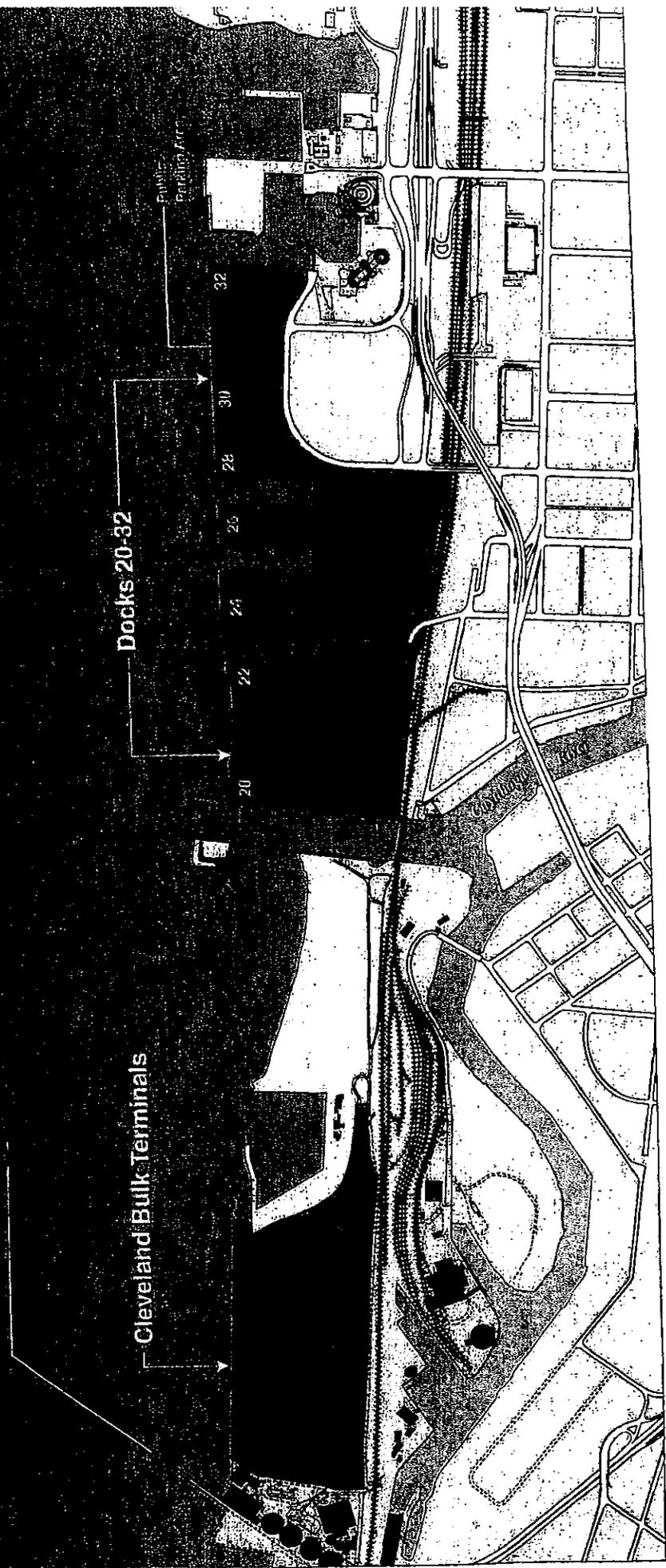
Provocatively maintaining and monitoring the implementation of the master Plan is a task the Port now faces. The state of the current maritime industry is rapidly changing. Changes in intermodal strategy, rail carrier owner configurations, vessel carrier consortiums and Port partnerships are just a few indicators of this intensively competitive, rapidly changing port environment. The implementation process should include updates at five year increments.

# Port of Cleveland Maritime Facilities Master Plan

## Existing Port Facilities Plan



*Lake Erie*



# Port of Cleveland Maritime Facilities Master Plan

## Master Plan -- 2005



Lake Erie

New Breakbulk/Steel,  
Container/Roll On/Off  
Terminal

Cleveland Bulk Terminals  
with Planned Improvements

Park Area\*  
(8.2 Acres)

Docks 20-30  
with Planned Improvements

Ferry Service Dock/  
Commercial  
Development\*  
(7.8 Acres)

Passenger  
Terminal/  
Restaurant  
Overlook\*

New Warehouse 20  
World Trade  
Center  
Essroc Cleveland  
Cement  
Facility

Auto/Bike  
Path

Staff Operations

New Industrial  
Road

3.0  
Acre  
Cornell  
Wellstone

Warehouse B

Port Parking  
Area  
Stadium

New State Route 2/Port of Cleveland  
Interchange Modification

\* Public Access Areas

# Port of Cleveland Maritime Facilities Master Plan

## Master Plan — 2010



*Water Front*

New Breakbulk/Steel,  
Container/Roll On/Off  
Terminal

Cleveland Bulk Terminals  
with Planned Improvements

Ferry Service Dock/  
Commercial  
Development\*  
(7.8 Acres)

Docks 20-30  
with Planned Improvements

Park Area\*  
(8.2 Acres)

Auto/Bike  
Rack

Salvage  
Operations

New Industrial  
Road

New Warehouse 20  
World Trade  
Center  
Essrop Covered  
Canopy  
Central  
Facility

80  
Warehouse  
Acre

New  
Warehouse  
B

Park/Pedestrian  
Area  
Stadium

New State Route 2 Port of Cleveland  
Interchange Modification

\* Public Access Areas



November 25, 1998

Mr. Ray Saikus  
Save the Hulett Committee  
P.O. Box 32700  
Cleveland, Ohio 44132

**Subject: Request To Serve As An Interested Party, Cleveland Bulk Terminal Project, Cleveland, Ohio.**

Dear Mr. Saikus :

The Cleveland-Cuyahoga County Port Authority is proposing to improve the C & P Ore Dock, now renamed the Cleveland Bulk Terminal (CBT), on Whiskey Island, in Cleveland. The objective of the Cleveland Bulk Terminal improvement project is to increase the capacity and operational flexibility of this bulk handling facility. This objective is primarily met by the creation of additional storage areas accessible by self-unloading ships. Oglebay Norton Company currently operates the CBT facility for the Port Authority, and will be working with the Port Authority to carry out the improvement project.

As you know, the C & P Ore Dock is listed in the National Register of Historic Places, and has been designated a city landmark by the Cleveland Landmarks Commission. The primary historic feature of this property is four Hulett ore unloaders. The project will require the removal of the four Hulett buildings and structures associated with the Hulett. The Hulett buildings are located on the face of the docks and must be removed so that 1) two self-unloading ships can dock at the facility simultaneously, 2) the storage capacity of the face of the docks can be increased, and 3) the integrity of the loop railroad track within the facility can be maintained. The associated buildings and structures must be removed to increase the storage capacity of the dock face and to increase the storage capacity of the facility's backyard.

Pursuant to the Administrative Code of the City of Cleveland, the Port Authority, owner of the CBT property, has applied for a Certificate of Appropriateness from the Landmarks Commission for the proposed action involving this landmark property. Though there is currently no federal involvement with the project, the Port Authority and Oglebay Norton Company have begun consultation with the Ohio Historic Preservation Office (OHPO) following the format required for consultation under Section 106 of the National Historic Preservation Act of 1966, as amended. It is anticipated that this consultation process will result in the execution of an agreement document, containing a selected mitigation plan, among the Port Authority, the OHPO, and the Cleveland Landmarks Commission. Our firm has been retained by Oglebay Norton Company to assist them, and the Port Authority, in this historic preservation process.

Page 2  
November 25, 1998

The Port Authority is inviting the Save the Huletts Committee to be an interested party to the Section 106 process for this project, given your prior expressed interest in historic preservation issues associated with C & P Ore Dock property. As an interested party in this process, your comments will be considered in the development of measures to minimize impacts to this historic property. In addition, you may wish to formally participate in the execution of these mitigation measures by being a signatory to any agreement document that is developed as a result of the consultation with the OHPO and Landmarks Commission.

If you agree to be an interested party, please respond to this request in writing. My address is:

Mr. Terry H. Klein  
URS Greiner Woodward Clyde  
800 West St. Clair Avenue  
Cleveland, Ohio 44113-2312

If you agree to serve as an interested party, we will be contacting you to set up a meeting in early December with one or two representatives from your organization. The purpose of this meeting will be to discuss the project and obtain your views on the various, preliminary mitigation alternatives that have been proposed by the Port Authority and Oglebay Norton Company. You would have received a copy of a report presenting these preliminary alternatives at the beginning of this month.

If you have any questions concerning this request to serve as an interested party, please call Mr. Neil Chase at our Cleveland office, at 622-2400. Thank you.

Sincerely,

**URS GREINER, INC.**



Terry H. Klein  
Archaeology and Historic Architecture Group Manager



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO  
ATTENTION OF:

May 13, 1999

Regulatory Branch

SUBJECT: Department of the Army Application No. 1999-01471(1)

Mr. Gary L. Failor  
Cleveland-Cuyahoga County Port Authority  
Executive Director  
101 Erieside Avenue  
Cleveland, Ohio 44114-1095

Dear Mr. Failor:

This is in reference to your request, dated March 12, 1999, for a jurisdictional determination regarding the applicability of Section 106 of the National Historic Preservation Act of 1966 (NHPA) to activities described in the submitted "Cleveland-Cuyahoga County Port Authority Maritime Facilities Master Plan" and "The Cleveland Bulk Terminal: An evolution of Expanding Capacity and the Economic Impacts." The project site in question is located on Whiskey Island, in the City of Cleveland, Cuyahoga County, Ohio.

All Federal actions, including the issuance of Department of the Army permits, must comply with the requirements of Section 106 of the NHPA. This includes, where appropriate, coordination with the State Historic Preservation Office and, potentially, the Advisory Council on Historic Preservation when potential adverse impacts to properties listed, or eligible for listing, on the National Register of Historic Places are proposed. The procedures used by the Corps of Engineers to address historic properties concerns are stated in 33 CFR Part 325, Appendix C (Appendix C).

The master plan describes three phases of activity for the areas west of the Cuyahoga River. The first phase (Phase I) includes upland improvements to the existing Cleveland Bulk Terminal site (CBT), including the removal of the four Hulett self unloaders and associated buildings. The second phase (2005 Phase) includes the construction of a new breakbulk/steel container/roll on/off terminal on property located immediately east of the existing Whiskey Island Marina. This phase will require extensive filling and bulkheading in the Cleveland Harbor area of Lake Erie. The third phase (2010 Phase) includes the expansion of the breakbulk terminal westward through the existing Whiskey Island Marina and finally adjoining the CBT.

Regulatory Branch

SUBJECT: Department of the Army Application No. 1999-01471(1)

Under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, the Corps of Engineers regulates work in, above, or below navigable waters of the United States and the discharge of dredged or fill material into Waters of the United States. Our jurisdiction at the CBT/Whiskey Island site does not extend above elevation 573.4 feet International Great Lakes Datum (IGLD) 1985. However, for purposes of historic properties review, Appendix C defines the "permit area" as the areas of waters of the United States that will be filled or directly impacted by a permit action and upland areas that will be directly affected as a result of authorizing the work or structures.

In order to determine if the CBT expansion work is within permit area for any portion of this project, three criteria must be satisfied. These three tests are as follows (refer to 33 CFR Part 325, Appendix C, 1(g)(1)):

1. Such activity (i.e. the CBT expansion) would not occur but for the authorization of the work or structures within the waters of the United States.
2. Such activity must be integrally related to the work or structures to be authorized within waters of the United States. Or, conversely, the work or structures to be authorized must be essential to the completeness of the overall project or program.
3. Such activity must be directly associated (first order impact) with the work or structures to be authorized.

The submitted master plan documentation indicates that the 2005 and 2010 phases, which will require Department of the Army authorization, will be constructed based upon market demand. None of the documentation indicates that CBT expansion is dependent upon the 2005 and 2010 phases for either commencement or overall completeness. During telephone conversations, Port Authority representatives have indicated that the CBT expansion project is stand alone and does not depend upon the subsequent phases of the project. Therefore, the CBT expansion (Phase I) fails the "but for" test and is not within the permit area for either the 2005 Phase or the 2010 Phase of the master plan.

However, the CBT expansion may be within the permit area for dredging or bulkheading work which is required to expand existing dock access. If the existing, previously authorized, dredge area is insufficient to accommodate dockage requirements for the proposed expansion and the removal of the Huletts or other proposed changes to the site would not occur but for the

Regulatory Branch

SUBJECT: Department of the Army Application No. 1999-01471(1)

authorization of the expanded dredging, the three tests are satisfied and the upland portion of the CBT would be within the permit area as defined in Appendix C. If the CBT is determined to be within the permit area, any proposed work which would have an effect on the property's status or eligibility for listing on the National Register of Historic Places would require full Section 106 review.

Neither the master plan nor the Cleveland Bulk Terminal study specifically address dredging requirements for the CBT expansion. Previously authorized dredging and the historic deep draft area of the CBT includes an area beginning at the easternmost mooring pile and extending 1,800 lineal feet west along the dock face. The previously authorized dredge area is approximately 75 feet wide.

I am currently reviewing the revised maintenance dredging proposal (DA Processing No. 1999-01471(0)) as a separate action. However, I have determined that the CBT is not part of the permit area for the maintenance dredging proposal. The maintenance dredging proposal includes an approximately 25 foot wide area in front of the CBT bulkhead beginning approximately 250 feet from the west end of the CBT dock and extending east along the dock face for a distance of 600 feet. This dredge area, based upon current usage of the CBT, has been requested to allow the CBT to maintain operations in its current configuration and does not rely on any expansion of the facility.

Finally, I have included with this letter language from the NHPA which discusses anticipatory demolition of historic properties. This information may be useful as you move through your planning process.

A copy of this letter has been forwarded to: Mr. Ray Saikus of the Committee to Save Cleveland's Huletts, Mr. Martin D. Gelfand of Congressman Kusinich's Office, and Mr. Stephen L. Pfciffer.

Questions pertaining to this matter should be directed to me at (716) 879-4314, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, or by e-mail at: [Steven.V.Metivier@usace.army.mil](mailto:Steven.V.Metivier@usace.army.mil)

Sincerely,



Steven V. Metivier  
Biologist

Enclosure

of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

*Preservation awards program*

(h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts not to exceed \$1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the president of the United States to any citizen of the United States recommended for such award by the Secretary.

*Applicability of National Environmental Policy Act*

(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969, and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

(j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security

*No Federal agency shall give assistance to an applicant who intends to intentionally create an adverse effect*

(k) Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.

*Agency heads responsible for section 106 compliance*

(l) With respect to any undertaking subject to section 106 which adversely affects any property included in or eligible for inclusion in the National Register, and for which a Federal agency has not entered into an agreement with the Council, the head of such agency shall document any decision made pursuant to section 106. The head of such agency may not delegate his or her responsibilities pursuant to such section. Where a section 106 memorandum of agreement has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all of its parts.

**Section 111 (16 U.S.C. 470h-3)**

*Leases or exchanges of fed historic properties*

OPTIONAL FORM 88 (7-90)

**FAX TRANSMITTAL**

# of pages = 1

nd agency, after ble, establish ing adaptive

TO: Steve McIner

FROM: C. Devin Vanch...

DISTRICT: Dulles District

PHONE: 202-666-8505

FAX: 716-879-4310

FAX: 202-666-8672

MICRODISC SYSTEM DATA FORM

L.S. CHART NO. \_\_\_\_\_

NO. ON CHART CUYAHOGA

FILE NO. 3182

CARTRIDGE NO. 63

FRAME NO. 665

NOTICE NO. \_\_\_\_\_

1. PERMIT NAME / <u>NAME</u>	A	A	A	A	A	N	A	A	,		
<u>Pennsylvania R.R.</u>	P	E	N	N	S	7	C	O			
2. STREET #, NAME / <u>SNZ</u>	N	N	N	N	N	A	A	A	A	N	,
3. PERMIT COUNT / <u>CNT</u>	N	,									
	1	,									
4. PERMIT # / <u>PER</u>	N	N	N	N	N	N	N	N	N	,	
	9	1	7	2	1	0	0	0	1		
5. TAFFS # (1522 SERIES) / <u>TAF</u>	N	N	+	N	N	,					
	1	4									
6. LATITUDE / <u>LAT</u>	N	N	N	N	,						
	1	3	0	1							
7. LONGITUDE / <u>LONG</u>	N	N	N	N	N	,					
	8	1	4	2	6						
8. ACTIVITY / <u>ATY</u>	N	N	+	N	N	+	N	N	,		
<u>Dredge</u>	1	2									
9. DATA / <u>DATA</u>	N	N	+	N	N	+	N	N	+	N	N
	-	-									
10. ACTION / <u>ACT</u>	N	N	+	N	N	+	N	N	+	N	N
	9	1									
11. DATE ISSUED (YR - MO) / <u>DATE</u>	N	N	N	N							
	Y	R	M	O							
<u>2-8-17</u>	1	7	0	2							

LARGE DOCUMENT ON FILE \_\_\_\_\_

REMARKS:

Lake Erie

West Channel

West Basin

Cleveland Harbor

Location of proposed dredging

Scale of feet 1000

Reference Lake Survey Chart No. 364

2 zone

After current zone  
A width of 100 feet  
for navigation

Pennsylvania Co  
One Dock

1888 Harbor Line Agreement Sept. 18, 1888

Location of finger  
to depth of 20 ft  
7000 Cuyahoga

1888 Harbor Line Agreement Sept. 18, 1888

Last agreement with other states  
Feb 17, 1877 & May 15, 1875  
Bryant & Co. for Harbors Co.

Map No.  
No. 370  
No. 270  
No. 170

Cuyahoga River map

All depths  
elevation 5  
Cleveland

2000 ft  
To Accompany  
Map of Lake Erie  
Cleveland  
Ohio  
1875

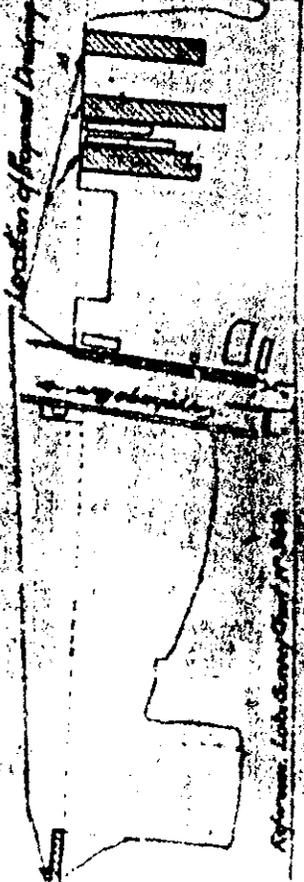
New York Centre  
& Pennsylvania Co  
Joint Survey Bridge

Old Ent

Old Dock

West Basin

Cleveland Harbor

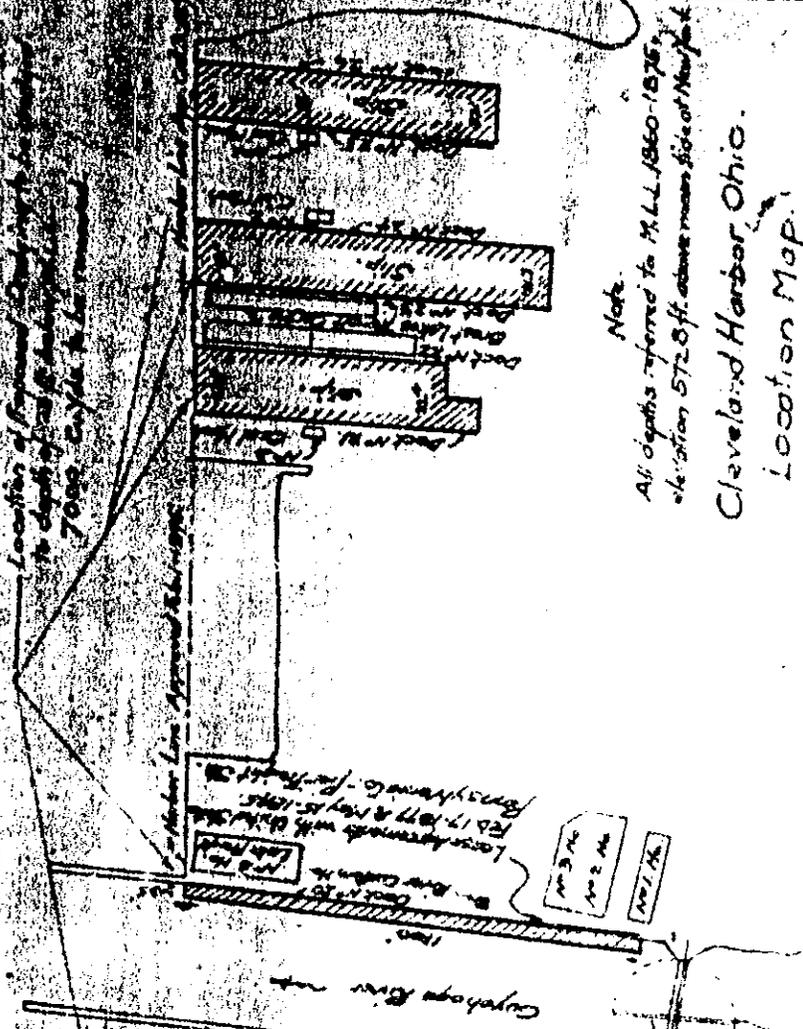


Apr. 17, 1877 & May 15, 1878

Zone

Apr. 17, 1877 & May 15, 1878

One Dock



Location of proposed Dredging

to depth of 25 ft. and to 7000 cu. yds. in length

Apr. 17, 1877 & May 15, 1878

Apr. 17, 1877 & May 15, 1878

Apr. 17, 1877 & May 15, 1878

Note

All depths referred to M.L.L. 1860-1875, elevation 572.8 ft. above mean tide of New York

Cleveland Harbor, Ohio.

Location Map

To Accompany Application Dated

March 31, 1917 by the Franny Stone Co

to Dredge to 25 ft. a Strip 3000 ft. long

Scale of feet

500

1000

CLEVELAND HARBOR, O.

DUMP GROUND

SCALE OF MILES



LAKE

EPH

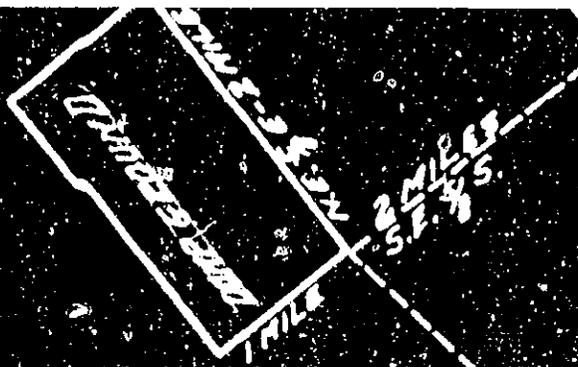
NEW RIVER

CLEVELAND

E. 105th ST.

W. 105th ST.

2 MILES  
S.F. 4 S.



# WAR DEPARTMENT

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or an exclusive privilege; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. It MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT SO FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See *Cummings v. Chicago*, 188 U. S., 410.)

## PERMIT

United States Engineer Office.

Cleveland Ohio, May 25, 1916

Pennsylvania Lines West of Pittsburgh,  
Mr. A.C. Watson, Divn. Engr.,  
5713 Euclid Ave., Cleveland, Ohio

Dear Sir:—

Referring to written request dated May 20, 1916, addressed to this office,

I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved Mar. 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of War, dredge

in Lake Erie,

(Here to be named the river, harbor, or waterway concerned.)

at Cleveland, Ohio, about 1200 feet easterly, and from 3000 to 4000 feet

(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)  
westerly of the entrance channel to Cleveland Harbor, and dump the dredged material in Lake Erie,

in accordance with the plans shown on the drawing attached hereto marked "Cleveland Harbor, Ohio; to accompany application dated May 20, 1916, by the Penna. Co. to dredge and dump; and "Cleveland Harbor, Ohio - Dump Ground";  
(On drawings, give file number or other definite identification marks.)

subject to the following conditions:

WAR DEPARTMENT.  
UNITED STATES ENGINEER OFFICE.

Cleve. 7-1/2

Cleveland, Ohio, May 29, 1916.

Pennsylvania Lines West of Pittsburgh,  
Mr. A. G. Watson, Divn. Engrs.,  
5713 Euclid Ave., Cleveland, Ohio.

Dear Sir:-

Referring to written request dated **May 20, 1916**, addressed to  
**this office,**

I have to inform you that, upon the recommendation of the Chief of Engineers and  
under the provisions of section 10 of the Act of Congress approved March 3, 1899,  
entitled "An act making appropriations for the construction, repair, and preser-  
vation of certain public works on rivers and harbors, and for other purposes,"  
you are hereby authorized by the Secretary of War,

to **dredge**

(Here describe the proposed structure or work.)

in **Lake Erie,**

(Here to be named the river, harbor, or waterway concerned.)

at **Cleveland, Ohio, about 1200 feet easterly, and from 3000 to**  
(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating  
whether above or below or giving direction by points of compass.)  
**4000 feet westerly of the entrance channel to Cleveland Harbor,**  
and **dump the dredged material in Lake Erie,**

in accordance with the plans shown on the drawings attached hereto marked -  
(Or drawings; give file number or other definite identification marks.)  
"Cleveland Harbor, Ohio," to accompany application dated May 20,  
1916, by the Burns Co. to dredge and dump; and "Cleveland  
Harbor, Ohio - Dump Grounds";

subject to the following conditions:

(a) That this authority does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State consent to the work authorized. IT MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT SO FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See Cummings v. Chicago, 188 U. S., 410.)

(b) That the work shall be subject to the supervision and approval of the engineer officer of the United States Army in charge of the locality, who may temporarily suspend the work at any time if, in his judgment, the interests of navigation so require.

(c) That if any pipe, wire, or cable is herein authorized, it shall be placed and maintained with a clearance not less than that shown by the profile on the plan attached hereto.

(d) That so far as any material is dredged in the prosecution of the work herein authorized it shall be removed evenly, and no large refuse piles shall be left. It shall be deposited to the satisfaction of the said engineer officer and in accordance with his prior permission or instructions, either on shore above high water or at such dumping ground as may be designated by him, and where he may so require, within or behind a good and substantial bulkhead or bulkheads, such as will prevent escape of the material into the waterway; and so far as the pipe, wire, or cable is laid in a trench, the formation of permanent ridges across the bed of the waterway shall be avoided and the back filling shall be so done as not to increase the cost of future dredging for navigation. If the material is to be deposited in the harbor of New York, or in its adjacent or tributary waters, or in Long Island Sound, a permit therefor must be previously obtained from the Supervisor of New York Harbor, Army Building, New York City.

(e) That there shall be no unreasonable interference with navigation by the work herein authorized.

(f) That if inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the permittee.

(g) That the permittee assumes all responsibility for damages to the work or structure herein authorized, and for damage caused by it or by his work in connection therewith to passing vessels or other craft, and that he shall not attempt in any way to prevent free use by the public of the area at or adjacent to the work or structure.

(h) That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of War, it shall cause unreasonable obstruction to the free navigation of said water, the permittee will be required, upon due notice from the Secretary of War, to remove or alter the structural work or obstructions caused thereby without expense to the United States so as to render navigation reasonably free, easy, and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the permittee, at his own expense, and to such extent and in such time and manner as the Secretary of War may require, shall remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the watercourse. No claim shall be made against the United States on account of any such removal or alteration.

(i) That there shall be installed and maintained on the work by and at the expense of the permittee such lights and signals as may be prescribed by the Bureau of Lighthouses, Department of Commerce.

(j) That the permittee shall notify the said engineer officer at what time the work will be commenced, and as far in advance of the time of commencement as the said engineer officer may specify, and shall also notify him promptly, in writing, of the commencement of work, suspension of work, if for a period of more than one week, resumption of work, and its completion.

(k) That if the structure or work herein authorized is not completed and written notice of completion is not filed with the aforesaid engineer officer on or before ~~the end of the third full calendar year after the date hereof~~, this authorization, if not previously revoked or specifically extended, shall cease and be null and void.

December 31, 1916.

By authority of the Secretary of War

REC

FORM 91,  
War Department,  
OFFICE OF THE ENGINEER,  
Approved May 10, 1915

Major, Corps of Engineers,  
District Engineer.

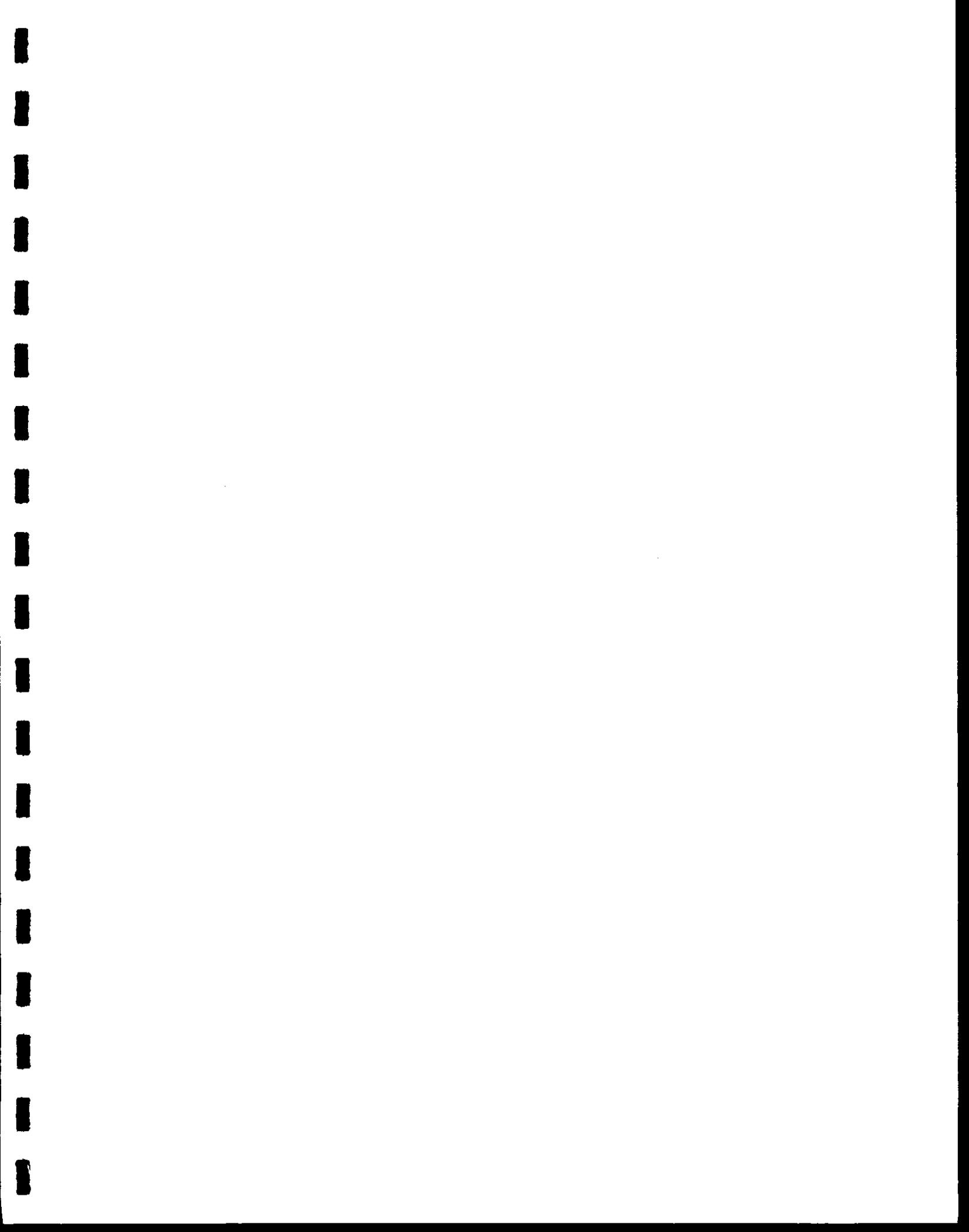


CLEVELAND HARBOR O.  
DUMP GROUND  
Scale of Miles



Dump Ground  
Author 1904  
JULY 30 E 2 M.  
SE 25 277

NE 1/4 6 11 10 15



MICRODISC SYSTEM DATA FORM

L.S. CHART NO. \_\_\_\_\_

NO. ON CHART Cuyahoga County

FILE NO. 1851

CARTRIDGE NO. 44

FRAME NO. 989

NOTICE NO. \_\_\_\_\_

1. PERMIT NAME / <u>NAME</u>	Co.	A	A	A	A	A	N	A	A	,		
<u>Penn. Central Trans.</u>		<u>P E N N C O</u>										
2. STREET #, NAME / <u>SNZ</u>		N	N	N	N	N	A	A	A	A	N	,
3. PERMIT COUNT / <u>CNT</u>		N	,									
		1	,									
4. PERMIT # / <u>PER</u>		N	N	N	N	N	N	N	N	N	,	
		<u>971160002</u>										
5. TAPES # (1522 SERIES) / <u>TAP</u>		N	N	N	N	,						
		<u>14</u>										
6. LATITUDE / <u>LAT</u>		N	N	N	N	,						
		<u>1298</u>										
7. LONGITUDE / <u>LONG</u>		N	N	N	N	N	,					
		<u>81434</u>										
8. ACTIVITY / <u>ATY</u>		N	N	+	N	N	+	N	N	,		
9. DATA <u>DATA</u>	<u>crossing</u>	N	N	+	N	N	+	N	N	+	N	N
		<u>12</u>										
10. ACTION / <u>ACT</u>		N	N	+	N	N	+	N	N	+	N	N
		<u>74</u>										
11. DATE ISSUED ( YR - MO ) / <u>DATE</u>		N	N	N	N							
		Y	R	M	O							
	<u>5-22-72</u>	<u>7205</u>										

LARGE DOCUMENT ON FILE \_\_\_\_\_

REMARKS:

CONTRACT NO. DACW49-72-C-0046

PERMIT 71-37

ISSUED TO Penn Central Transportation Company, Cleveland Union Terminal,  
Cleveland, Ohio 44113

DATE 22 May 1972

EXPIRES 31 December 1972

LOCALITY Cleveland Harbor (Lake Erie)

ISSUED BY District Engineer (Hansen)

FILE NO 1522-15 (Penn Central Transportation Co.)

#### PURPOSE

To dredge approximately 1,300 cubic yards of material in two irregular areas, 300 feet and 650 feet in length, contiguous to and a maximum of 60 feet basinward of your dock, to a depth of 27.0 feet below low water datum elevation 568.6 feet above mean water level at Father Point, Quebec, International Great Lakes Datum 1955; all of the dredged material will be placed on upland property above high water in West Basin of Cleveland Harbor (Lake Erie) at the City of Cleveland, Cuyahoga County, Ohio.

#### REMARKS

*8.51 c. y. Mixed earth and rock removed 13-17 April 72*



**PENN CENTRAL COMPANY**

June 2, 1972

Cleveland Union Terminal  
Cleveland, Ohio

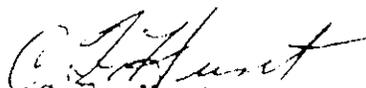
Gordon A. Yesser Chief  
Construction Operations Div.  
Dept. of the Army  
Buffalo District Corp of Engrs.  
1776 Niagara St.  
Buffalo, New York 14207

Dear Sir:

This letter acknowledges the receipt of the permit NCBCO-S No 71-37 for the Penn Central Dredging at the Cleveland Harbor Ore Dock.

The cooperation of the Corps in helping the Penn Central with its dredging problem is greatly appreciated.

Sincerely yours,

  
C.F. Hunt  
Division Engineer

cc: R.J. Conklin

Wasner/yw/75

23 May 1972

NCBCO-S

Penn Central Transportation Company  
Cleveland Union Terminal  
Cleveland, OH 44113

Attn: Mr. R.J. Conklin

Gentlemen:

In accordance with your request of 14 January 1971 and your recent verbal request, there is inclosed a Department of the Army permit authorizing the Penn Central Transportation Company to dredge at its dock in the West Basin of Cleveland Harbor (Lake Erie) at the City of Cleveland, Cuyahoga County, Ohio. Also inclosed is a Notice of Authorization which must be conspicuously displayed at the site of work.

Revised plans must be submitted to our office if material changes in the location or plans of the work are necessary because of unforeseen or altered conditions, or otherwise. These revised plans must receive the approval required by law before dredging is started.

Please acknowledge receipt of the permit.

Sincerely yours,

3 Incl

1. Permit
2. ENG Form 4336
3. C.G. Notice

GORDON A. YESSER, Chief  
Construction-Operations Division

Johnson  
*G.A.*  
Yesser

cc: Permits —  
Pritchard —  
Lucas (5) —  
Atwood —  
EPA (Chicago) —

Checked by \_\_\_\_\_

DEPARTMENT OF THE ARMY

PERMIT

NCBCO-S  
No. 71-37

Contract No. DACW49-72-C-0046  
Buffalo District  
Corps of Engineers  
Buffalo, New York 14201  
22 May 1972

**Penn Central Transportation Company**  
**Cleveland Union Terminal**  
**Cleveland, Ohio 44113**

Gentlemen:

Referring to written request dated 14 January 1971 upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved 3 March 1899 (33 U.S.C. 403) entitled "An Act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army

to dredge approximately 1,300 cubic yards of material in two irregular areas, 300 feet and 650 feet in length, contiguous to and a maximum of 60 feet basinward of your dock, to a depth of 27.0 feet below low water datum elevation 568.6 feet above mean water level at Father Point, Quebec, International Great Lakes Datum 1955; all of the dredged material will be placed on upland property above high water

in West Basin of Cleveland Harbor (Lake Erie)

at the City of Cleveland, Cuyahoga County, Ohio

in accordance with the plans and drawings attached hereto in 2 sheets, where and as shown in red and marked: "Proposed Dredging in the West Basin of Cleveland Harbor at Cleveland, Cuyahoga Co., Ohio Application by: Penn Central Transportation Company 1-14-71"

subject to the following conditions:

(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Environmental Protection Agency and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Environmental Protection Agency and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.\*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest.\* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.\*

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard, shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before 31st day of December, 1972, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in interest of the permittee.

(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

\* A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

BY Authority of the Secretary of the Army:

*Ray S. Hansen*  
RAY S. HANSEN  
Colonel, Corps of Engineers  
District Engineer

22 May 1972  
Date

Permittee hereby accepts the terms and conditions of this permit.

**PENN CENTRAL TRANSPORTATION COMPANY:**

By:

*[Signature]*

Date

5/5/72

Title:

GENERAL MANAGER



FLOW  
←

CUYAHOGA RIVER

WEST PIER

Z ←

Note:  
The depth of the dispos  
area is 4.5 feet below  
the existing earth surfa

Earth Dike, 2 feet  
above existing earth  
surface

ERIE

LAKE

255'

Property of  
Penn Central  
Transportation Co.

312'

DISPOSAL AREA

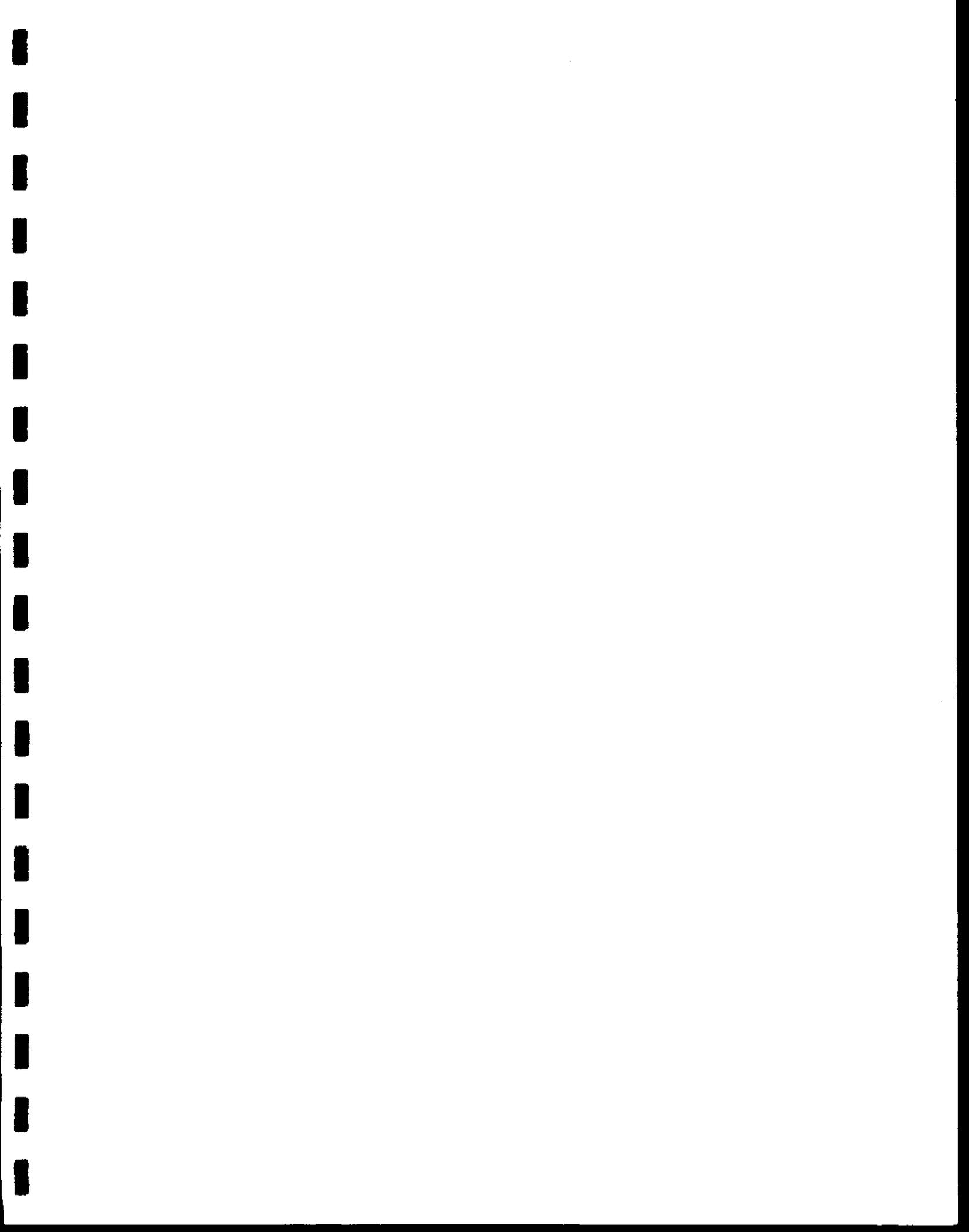
1052'

300'

55'

Proposed Dredging  
in the West Basin of  
Cleveland Harbor at  
Cleveland, Cuyahoga Co., Ohio  
Application by: Penn. Cen.  
Transportation Company

Scale:  
1" = 100'



SECRET

CONFIDENTIAL

1. The purpose of this document is to provide a comprehensive overview of the current state of the project and to identify the key challenges that must be addressed in order to ensure its successful completion.

### 2. Objectives

The primary objective of this project is to develop a robust and scalable system that meets the needs of our customers and stakeholders. This involves a thorough analysis of the requirements and the design of a solution that is both efficient and effective. Key objectives include:

- Ensuring the system is secure and reliable.
- Improving the user experience and reducing the time to market.
- Maintaining high standards of quality and performance.

It is essential that we maintain clear communication and collaboration throughout the project. Regular meetings and status reports will be used to track progress and address any issues that arise. The project team is committed to transparency and accountability.

The project is currently on track, and we are confident that we will achieve our goals. However, there are several risks that we must monitor closely, including changes in requirements and resource availability. We will continue to assess these risks and take proactive measures to mitigate them.

NCBCO-S

L. E. Ward, Director of Port Facilities

Please advise us in writing at least two weeks in advance of the commencement of the work authorized by this permit so that inspectors may be assigned to inspect the dredging operation, the transportation of the dredged material and the disposal operation. In accordance with a special condition of this permit, the Consolidated Rail Corporation will be charged for the cost of the inspection required to insure that the conditions of the permit are complied with.

Please acknowledge receipt of the permit.

Sincerely yours,

FRANK J. HENRY, Chief  
Regulatory Functions Branch

- 5 Incl
- 1. Permit
- 2. Form 8
- 3. Form 9
- 4. Partial Permit Document
- 5. C.G. Notice

Wasner *A.W.*

Fray *W.H.*

Henry *W.H.* 414

Counsel *[Signature]*

*[Signature]* Hair

- Permits
- Wallgren
- Wilhelm
- NCBRO
- NOAA
- USCGA (VA)
- Ball (ODNR)
- Bernhagen (ODNR)(3)
- USF&WS (Columbus, OH)
- Swartzmiller (ODNR)



DEPARTMENT OF THE ARMY

PERMIT

REIMBURSABLE COS  
GOVERNMENT INSPE

BUFFALO DISTRICT  
CORPS OF ENGINEERS  
BUFFALO, NY 14207

NCRCOG-5

NO. 79-160-2

14 April 1980

(EFFECTIVE DATE)

(EXPIRATION DATE)

Referring to written request dated 20 November 1979 for a permit to:

- ) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403);
- ) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers, pursuant to Section 404 of the Clean Water Act (Pub. L. 95-217, 33 U.S.C. 1344);

Consolidated Rail Corporation, 1528 Walnut Street, Room 801, Philadelphia, PA 19102, is hereby authorized by the Secretary of the Army: to initially dredge about 4,000 cubic yards of material and to perform maintenance dredging as required for a period of ten years from the effective date of this permit, in the West Basin of Cleveland Harbor (Lake Erie) at the City of Cleveland, Cuyahoga County, Ohio; all of the dredged material will be deposited in the Federal diked disposal site located in Cleveland Harbor. For use of the diked disposal site, the Consolidated Rail Corporation hereby agrees to pay the United States of America \$5.06 (estimated value) for each cubic yard of material deposited in 1980 in diked disposal site No. 14, and for the material deposited in following years, a rate to be determined by the Corps of Engineers. For measurement, 115 cubic yards of scow measure will be considered equal to 100 cubic yards of place measure in the diked site. The work is authorized in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit. Subject to the following conditions:

000655

GENERAL CONDITIONS:

- a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.
- b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or other waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (Pub. L. 95-217, 33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.
- c. That when the activity authorized herein involves a discharge during its construction or operation, of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.
- d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.
- e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.
- f. That the permittee agrees that it will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.
- g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plan and drawings attached hereto.
- i. That this permit does not constitute a conveyance of property rights, either real estate or material, or any exclusive privileges, and that it does not authorize any conveyance of property or easement of rights or any interference of Federal, State, or local laws or regulations nor does it obviate the requirement that State or local permit be obtained by law for the activity authorized herein.
- j. That this permit may be, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice to which shall indicate (1) the nature of the suspension; (2) the reasons for this action; and, (3) any corrective or preventative measures to be taken by the permittee which have been recommended by the District Engineer. The State and local laws, regulations, and standards shall apply to the activity authorized herein while the permit is suspended. Following receipt of this notice of suspension the permittee shall institute a hearing in accordance with the provisions of the Federal Acquisition Regulation following receipt of this notice of suspension the permittee may request a hearing to be held at a time and place to be determined by the District Engineer. The hearing shall be held within 30 days of the date of the notice of suspension. If a hearing is held, the permittee shall have the opportunity to be heard and to present evidence in support of its position. The hearing shall be held in accordance with the provisions of the Federal Acquisition Regulation. If a hearing is held, the permittee shall have the opportunity to be heard and to present evidence in support of its position. The hearing shall be held in accordance with the provisions of the Federal Acquisition Regulation.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension, or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim or damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not started on or before one year from the date of issuance of this permit unless otherwise specified and is not completed on or before three years from the date of issuance of this permit unless otherwise specified, this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

SPECIAL CONDITIONS: ALSO SEE ATTACHED SHEET

( ) That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

( ) That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

( ) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

( ) That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

( ) That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

( 1 ) That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for \_\_\_\_\_ years from the date of issuance of this permit (ten years unless otherwise indicated).

( 2 ) That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

( 3 ) That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the FWPCA and published in 40 CFR 230.

( ) That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities.

( ) That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

( ) That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System.

THIS PERMIT SHALL BECOME EFFECTIVE ON THE DATE OF THE DISTRICT ENGINEER'S SIGNATURE. PERMITTEE HEREBY ACCEPTS AND AGREES TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT.

CONSOLIDATED RAIL CORPORATION

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

*Walter E. ...*  
PERMITTEE

*George P. Johnson*  
GEORGE P. JOHNSON, COL. CE  
DISTRICT ENGINEER

*14 APR 1980*  
DATE

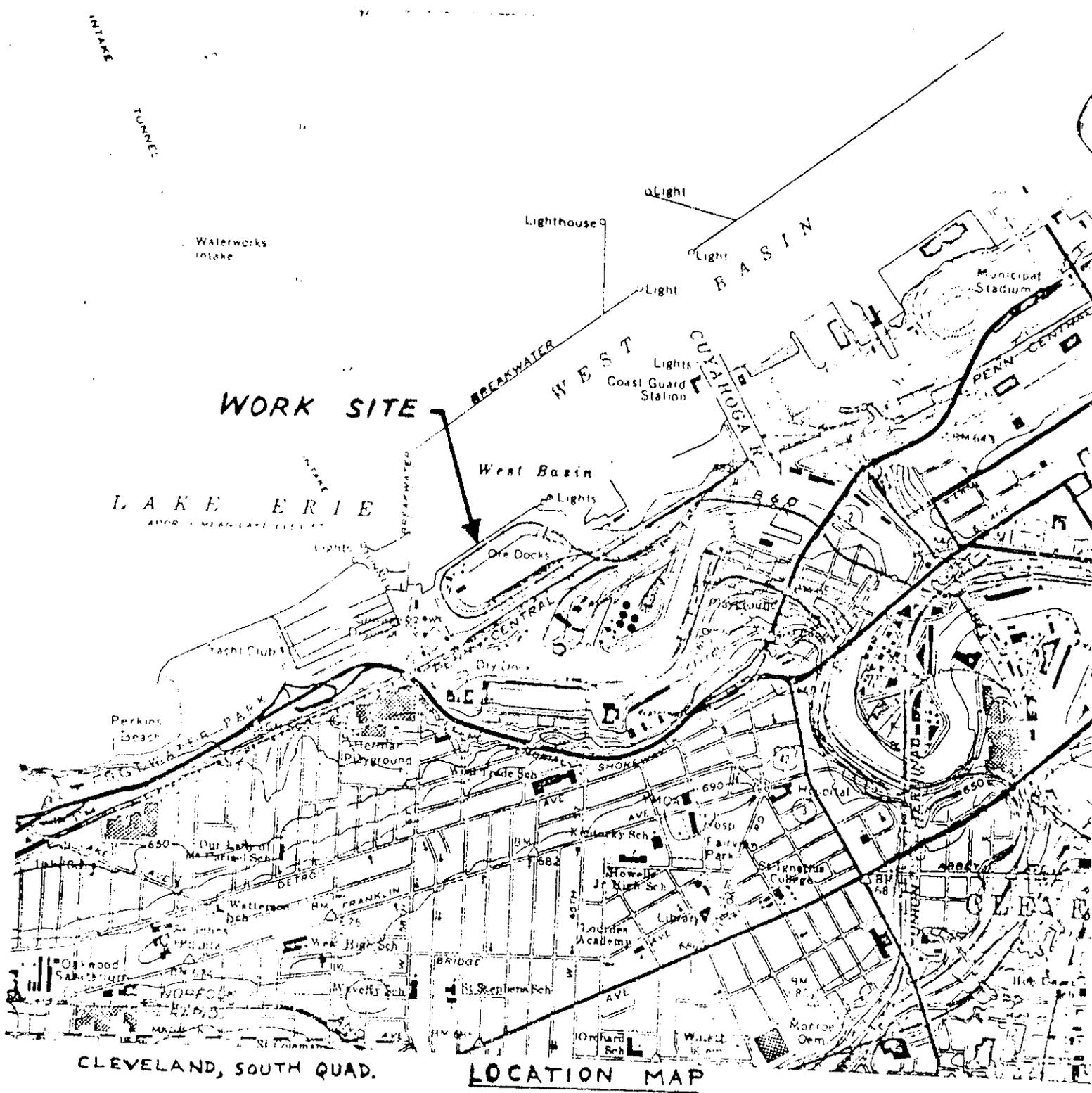
14 April 1980  
DATE

TRANSFEREE HEREBY AGREES TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL CONDITION:

(4) That the permittee agrees to reimburse the U. S. Army Corps of Engineers for the cost of all inspections required during the dredging operation, the transportation of the dredged material and the disposal operation.

(5) That during transportation of the dredged material, precautions shall be taken to prevent spillage and/or leaching into the open waters of Cleveland Harbor and Lake Erie.



000658

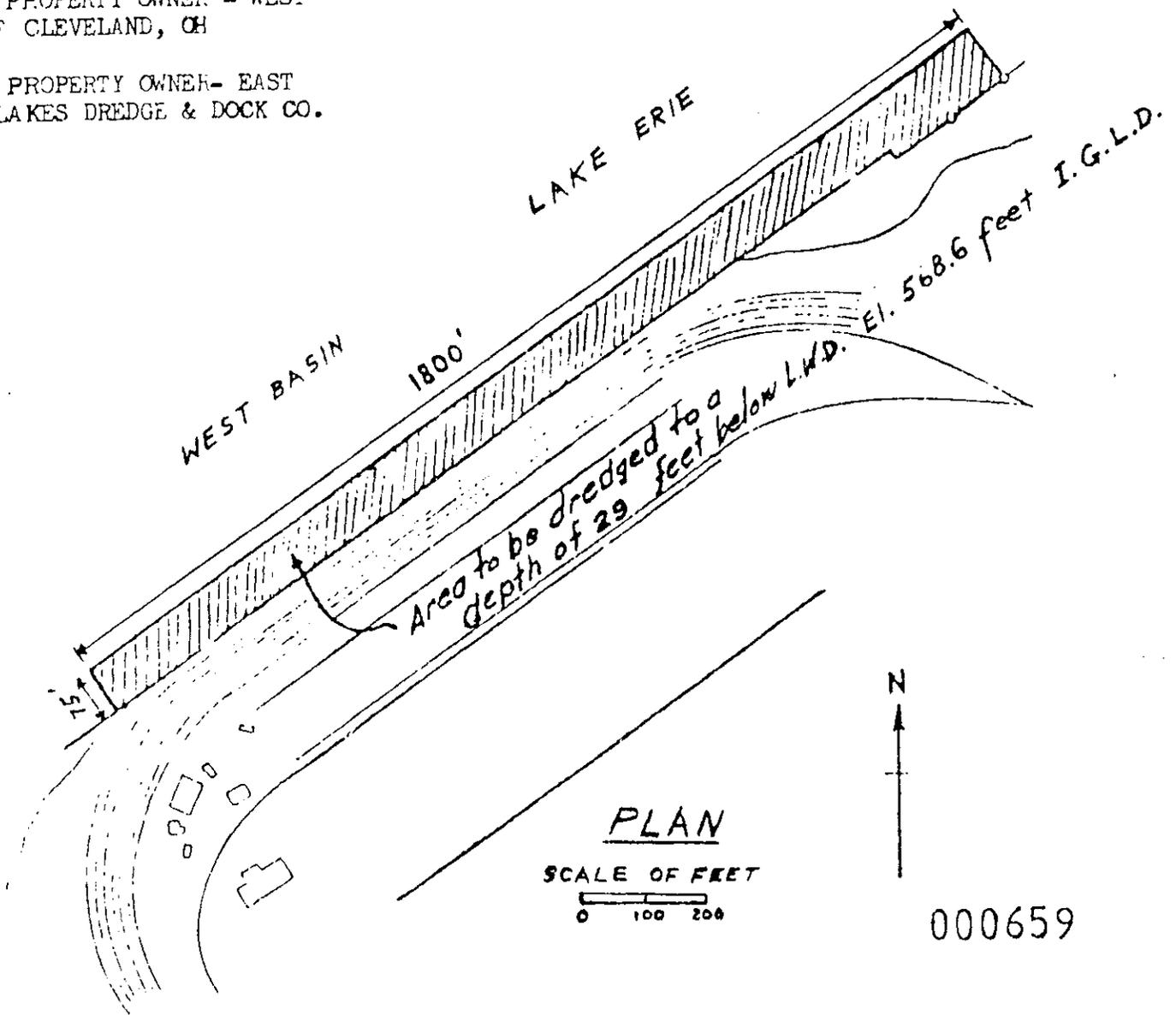
PROPOSED DREDGING  
 IN WEST BASIN  
 OF CLEVELAND HARBOR, OH  
 APPLICATION BY:

NOTE:

APPROXIMATELY 4,000 CUBIC YARDS OF MATERIAL  
TO BE DREDGED AND DEPOSITED IN THE FEDERAL  
DIKED DISPOSAL SITE IN CLEVELAND HARBOR

UPLAND PROPERTY OWNER - WEST  
CITY OF CLEVELAND, OH

UPLAND PROPERTY OWNER - EAST  
GREAT LAKES DREDGE & DOCK CO.



PROPOSED DREDGING  
IN WEST BASIN  
OF CLEVELAND HARBOR, OH  
APPLICATION BY:  
CONSOLIDATED RAIL CORP

**CONRAIL**



April 14, 1980

I hereby re-delegate the authority granted to me in R. B. Hasselman's memorandum of January 27, 1978 for Authority to Execute petitions or applications for securing permits from Federal or State Government, or Dominion of Canada or Political subdivision thereof to L. E. Ward, Director of Port Facilities.

A handwritten signature in cursive script, appearing to read 'R. W. Orr'.

R. W. Orr  
Assistant Vice President Contracts

000660

September 10, 1979

This is to certify that Mr. R. B. Hasselman is Senior  
Vice-President - Operations, Consolidated Rail Corporation  
and has the authority of the Board of Directors to sign  
Department of the Army Corps of Engineers Permit No. 79-011-1

R. C. Sullivan  
Vice President and Secretary

000661

RAIL

DATE: January 27, 1978  
TO: Distribution

LOCATION: C. H. Lewis  
J. Kainoff

FROM: R. B. Hasselmann

TITLE: VICE PRESIDENT

SUBJECT: Delegation of Authority - Execute petitions or applications for securing permits from Federal or State Government, or Dominion of Canada or political subdivision thereof.

This will supplement my memorandum of February 10, 1977, concerning delegation of authority and my re-delegation of such authority to executing thereof.

In accordance with Mr. Spence's memorandum of October 14, 1977 and my subsequent memorandum of October 20, I hereby re-delegate the authority in my memorandum of February 10 to any Assistant Vice President-Operations, and abolish the title of Assistant Vice President-Transportation.

Distribution:

- |               |               |
|---------------|---------------|
| H. E. Ring    | K. E. Smith   |
| H. I. Randall | B. L. Strohl  |
| R. W. Orr     | A. B. Cravens |
| J. B. Gregory | D. A. Swanson |
| B. J. Gordon  | W. C. Wieters |
| C. R. McKenna |               |
| C. W. Owens   |               |
| J. G. Robins  |               |

Approved:



*R. B. Hasselmann*

2/6/78

President and Chief Operating Officer

000662

# DISPOSITION FORM

For use of this form, see AR 340-15, the proponent agency is TAGCEN.

REFERENCE OR OFFICE SYMBOL

SUBJECT

NCBCO-S

Finding of Fact - Department of the Army  
Permit Application No. *79-160-2*

FROM District Engineer

DATE *11 April 1980* CMT 1

XR

THRU: Chief Environmental Analysis Section  
Chief, Regulatory Functions Branch

TO: Files

1. An Environmental Assessment on the subject application has been prepared by the Environmental Analysis Section of the Regulatory Functions Branch in accordance with the requirements set forth in Title 33 CFR, Chapter II, subsections 325.2 (a) 4 and 325.2 (a) 5. The Environmental Assessment is attached to this Finding of Fact.
2. I have reviewed the Environmental Assessment for this proposal and concur with the evaluations contained therein. The subject application has been evaluated in terms of its effect on the following: conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety and food production. In addition, I have consulted the guidelines promulgated by the U.S. Environmental Protection Agency under Section 404b of the Clean Water Act and where appropriate have evaluated the proposed action in accordance with the criteria contained in 40 CFR 230 (5 September 1975).
3. A public notice describing the proposed work has been distributed to the appropriate Federal and State agencies and the general public in accordance with the procedures outlined in Title 33 CFR, Chapter II, subsection 325.3 (c). The comments received have been evaluated and dealt with accordingly. The identity of those individuals responding to the notice and a summary of their comments is included in the Environmental Assessment. Where appropriate special conditions have been incorporated into the permit to protect the public interest (refer to the attached list).
4. I have carefully considered and balanced all beneficial and adverse aspects relating to the work proposed in the subject application and find that the issuance of this permit will not compromise the general public interest. Further, the issuance of this permit does not constitute a major Federal action which would significantly affect the quality of the human environment, consequently, an Environmental Impact Statement will not be required. Based on my evaluation of the above factors, I have decided to issue a permit for the work as proposed.

Incl  
as

*G. P. Johnson*  
GEORGE P. JOHNSON  
Colonel, Corps of Engineers  
District Engineer

000665

SPECIAL CONDITIONS:

( ) That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

( ) That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

( ) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

( ) That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structures or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

( ) That permittee hereby recognizes the possibility that the structure permitted herein be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

( ) That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for \_\_\_\_\_ years from the date of issuance of this permit (ten years unless otherwise indicated).

( ) That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

( ) That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230.

( ) That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities.

( ) That the fill created by the discharge will be properly maintained to prevent erosive and other non-point sources of pollution.

( ) That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System.

( ) That in order to minimize fish kill, every effort, either by mechanical or sonic methods, shall be taken to disperse fish from the immediate area prior to commencement of blasting.

000666

- ( ) That no building or other structure may be erected on the fill approved on the plans, unless specifically indicated.
- ( ) That prior to any filling operations, the permittee shall complete the stone shore protection as indicated on the approved plans accompanying this authorization.
- ( ) That prior to any filling operations, the permittee shall complete the riprap as indicated on the approved plans accompanying this authorization.
- ( ) That prior to any filling operations, the permittee shall complete the bulkhead as indicated on the approved plans accompanying this authorization.
- ( ) That the permittee shall comply promptly with any future regulations or instructions affecting the work hereby authorized if and when issued in accordance with law by any department of the Federal government for the aid or protection of aerial navigation.
- ( ) That all exposed metals, such as reinforcing bars, wire mesh, etc., will be removed from the concrete and any metals that may become exposed in the future to reduce the hazards to public safety.
- ( ) Each tire to be incorporated in the proposed structure shall be hot iron branded with 1½ inch or larger letters prior to installation.
- ( ) That the permittee agrees to reimburse the U.S. Army Corps of Engineers for the cost of a sweep survey required after completion of the activity authorized herein, to insure that the conditions of the permit have been complied with.
- ( ) That if the permittee proposes to use a disposal site not specifically authorized by this permit, the location of the proposed site must be submitted to the District Engineer, prior to the discharge of any dredged or fill material, to determine if additional Department of the Army authorization is required.

X) That during transportation of <sup>the</sup> dredged materials, precautions shall be taken to prevent spillage and leaching into the open waters of of Cleveland Harbor and Lake Erie.

Dredge in West Basin, Cleveland Harbor.  
U.S. Army Engineer District, Buffalo

Dear Applicant:

Date: 30 November 1979

We acknowledge receipt of your application (~~dated~~ received on)  
28 November 1979 requesting a Department of the  
Army permit.

Your application has been assigned number: 79-160-2.  
Please refer to this number in all future correspondence with  
this office pertaining to your application.

We caution you not to proceed with the work until you have obtained  
a Department of the Army permit.

Should your application be approved for the issuance of a permit, a  
fee of \$10.00 for non-commercial, or \$100.00 for commercial  
activity will be required before actual issuance. You will be  
notified of the amount and when the fee must be paid.

We are presently reviewing your application. Should we find that  
additional information is required, you will be contacted.

000730

APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT  
For use of this form, see EP 1145-2-1

000125

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of P. L. 92-500 and Section 103 of P. L. 92-532. These laws require permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided in ENU Form 4345 will be used in evaluating the application for a permit. Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and checklist) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. Application number (To be assigned by Corps)	2. Date <u>21</u> <u>11</u> <u>79</u> Day Mo. Yr.	3. For Corps use only.
4. Name and address of applicant. Consolidated Rail Corp. 1528 Walnut St. Room 801 Phila. Pa. 19102 Telephone no. during business hours A/C (215) <u>893-6375</u> A/C (215) <u>893-6376</u>	5. Name, address and title of authorized agent. L. E. Ward, Dir. Port Facilities 1528 Walnut St. Room 801 Phila. Pa. 19102 Telephone no. during business hours A/C (215) <u>893-6375</u> A/C (215) <u>893-6376</u>	

6. Describe in detail the proposed activity, its purpose and intended use (private, public, commercial or other) including description of the type of structures, if any to be erected on fills, or pile or float-supported platforms, the type, composition and quantity of materials to be discharged or dumped and means of conveyance, and the source of discharge or fill material. If additional space is needed, use Block 14.

It is proposed to dredge the West Basin, Cleveland Harbor at Conrail's C&P Ore Dock, Cleveland, Ohio to a depth of 29 feet below low water datum, elevation 568.6 feet at mean water level at Father Point, Quebec, I.G.L.D 1955. (Continued on # 14)

7. Names, addresses and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

Westerly City of Cleveland Cleveland, Ohio	Easterly Great Lakes Dredge & Dock Co P.O. Box 689 Edgewater Sta. Cleveland, Ohio
--	--

8. Location where proposed activity exists or will occur.

Address: Whiskey Island  
Street, road or other descriptive location: Cleveland  
In or near city or town: \_\_\_\_\_

County: Cuyahoga State: Ohio Zip Code: 44113

Tax Assessors Description: (If known)  
Map No. \_\_\_\_\_ Subdiv. No. \_\_\_\_\_ Lot No. \_\_\_\_\_  
Sec. \_\_\_\_\_ Twp. \_\_\_\_\_ Rge. \_\_\_\_\_

9. Name of waterway at location of the activity.

West Basin, Cleveland Harbor

000731

10. Date activity is proposed to commence, February 1, 1980

Date activity is expected to be completed Continuing at intervals as necessary until Jan. 31, 1989 to maintain required depth

Is any portion of the activity for which authorization is sought now complete?  YES  NO  
If answer is "Yes" give reasons in the remark section. Month and year the activity was completed \_\_\_\_\_ . Indicate the existing work on the drawings, \_\_\_\_\_

12. List all approvals or certifications required by other federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

<u>Issuing Agency</u>	<u>Type Approval</u>	<u>Identification No.</u>	<u>Date of Application</u>	<u>Date of Approval</u>
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13. Has any agency demanded approval for the activity described herein or for any activity directly related to the activity described herein?

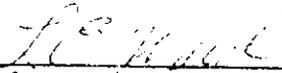
Yes  No (If "Yes" explain in remarks)

14. Remarks (Checklist, Appendix H for additional information required for certain activities).

#6 Continued

The dredged material will be deposited in an established disposal area in the waters of Lake Erie. It is estimated that approximately 4,000 cu. yds. of material will be dredged to accommodate vessels drawing 28' draft arriving at C&P dock to discharge iron ore. This facility was last dredged in 1975 under authority of Corps of Engineers Permit dated 15 April 1975 # 070-0X2-1-051302.

15. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

  
\_\_\_\_\_  
Signature of Applicant or Authorized Agent

The application must be signed by the applicant; however, it may be signed by a duly authorized agent named in Item 5) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

18 U. S. C. Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued."

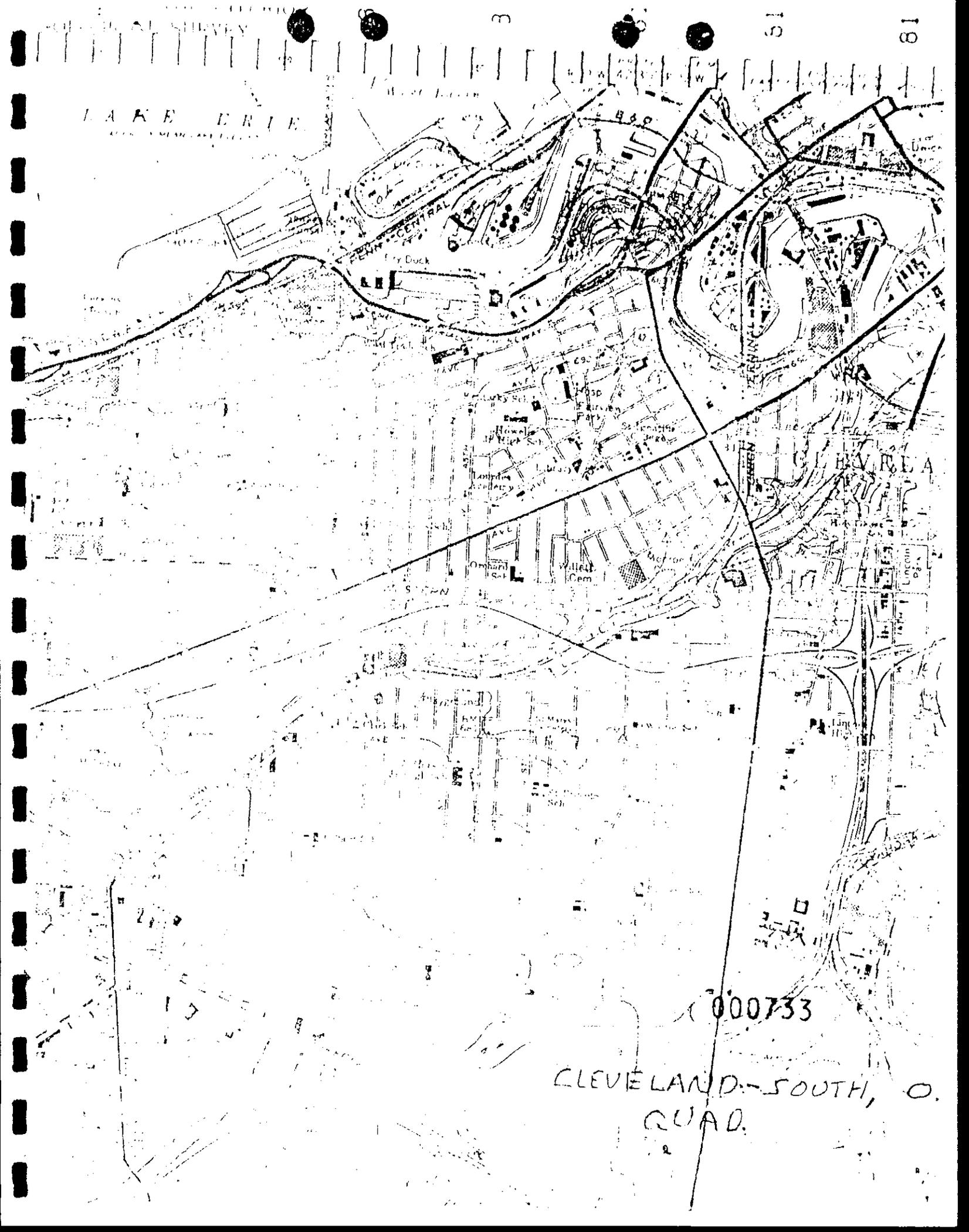
000732

LAKE ERIE

PENN-CENTRAL

000733

CLEVELAND-SOUTH, O.  
QUAD.

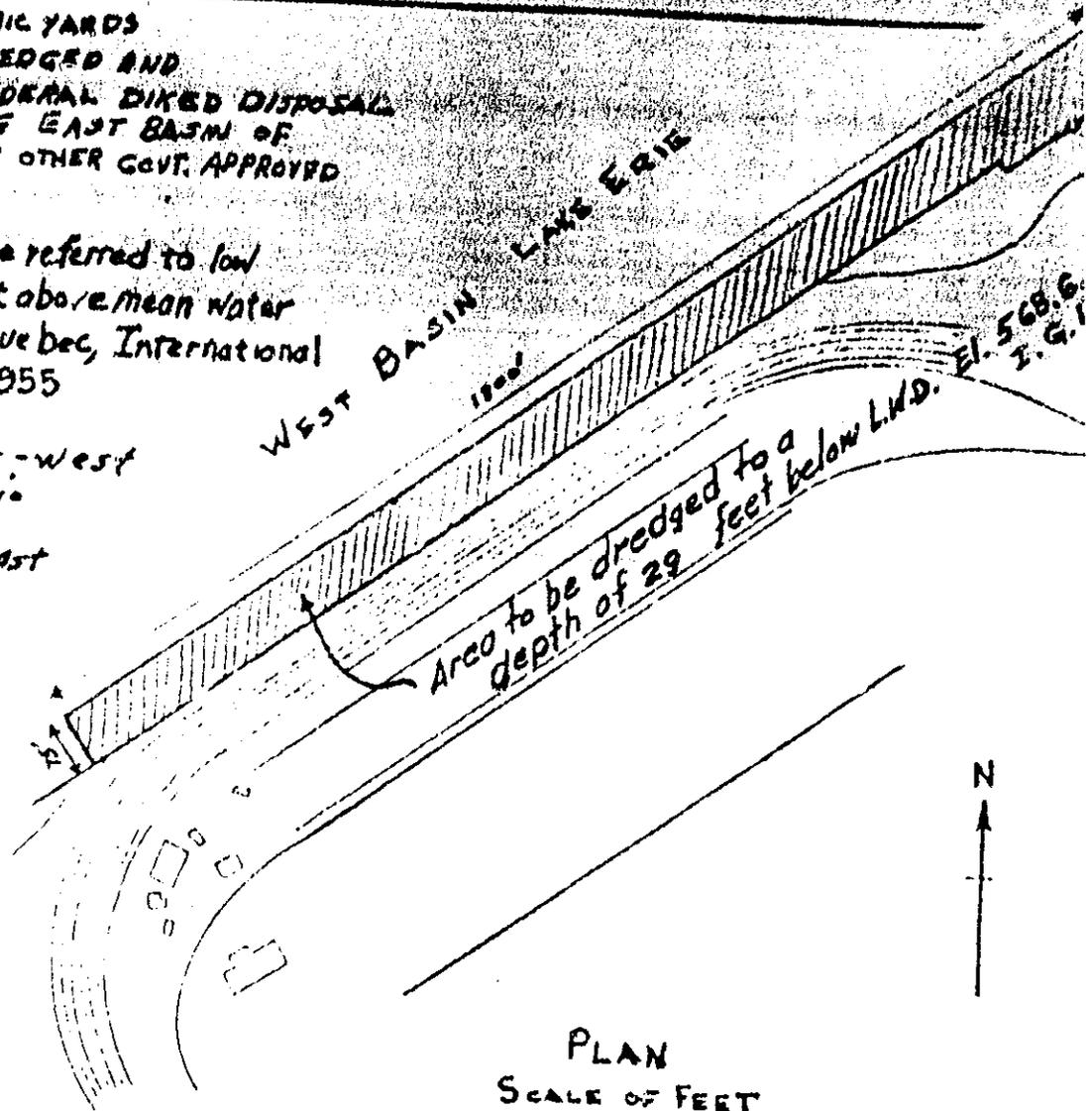


Approximately 4,000 CUBIC YARDS  
 OF MATERIAL TO BE DREDGED AND  
 DEPOSITED IN THE FEDERAL DIKED DISPOSAL  
 AREA NO. 12 IN THE EAST BASIN OF  
 CLEVELAND HARBOR OR OTHER GOVT. APPROVED  
 DISPOSAL AREA.

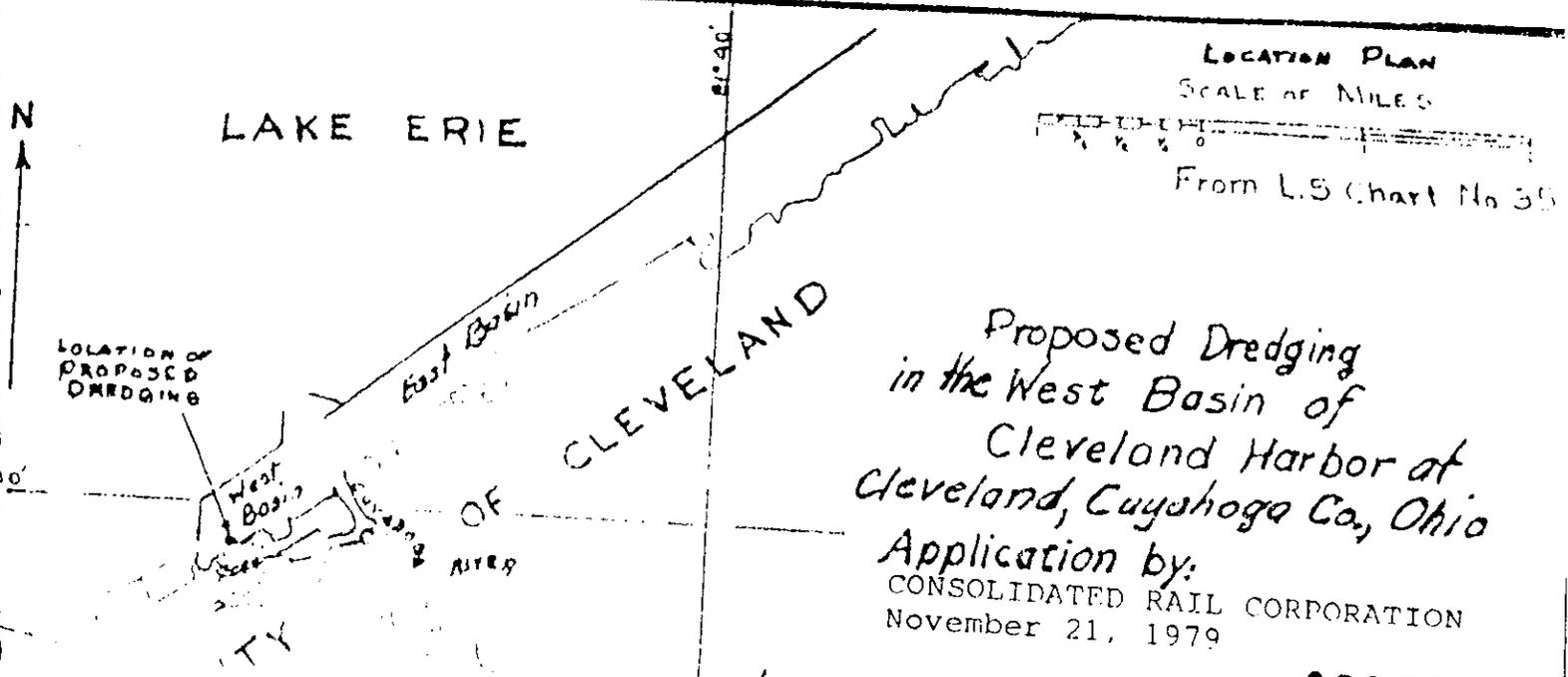
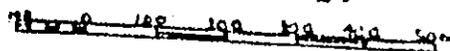
Soundings are in feet and are referred to low  
 water datum 568.6 feet above mean water  
 level of Father Point, Quebec, International  
 Great Lakes Datum 1955

Upland Property owner - West  
 City of Cleveland, Ohio

Upland Property owner - east  
 Great Lakes Dredge  
 & Dock Co.



PLAN  
 SCALE OF FEET



LOCATION PLAN  
 SCALE OF MILES

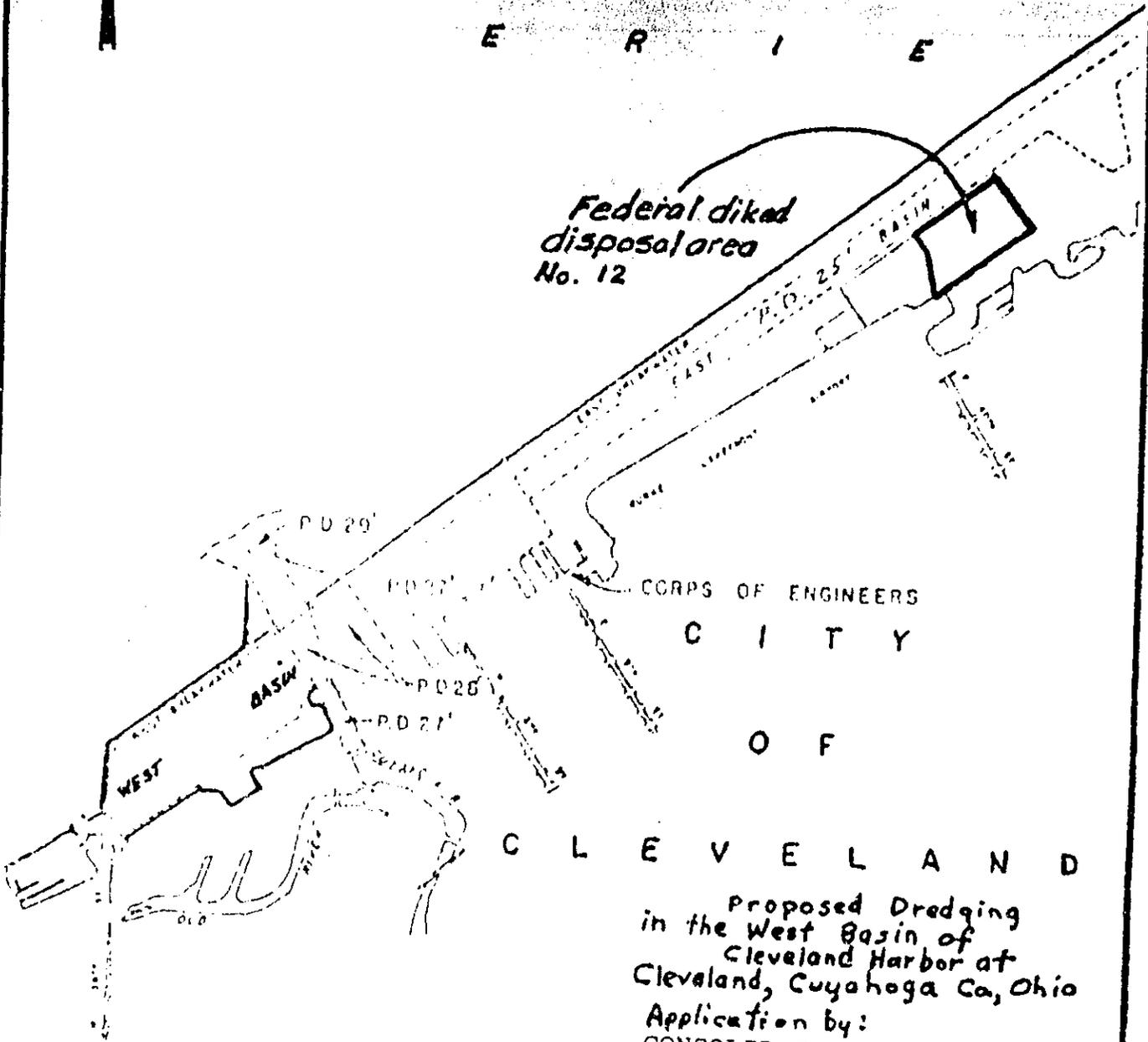
From L.S. Chart No 35

Proposed Dredging  
 in the West Basin of  
 Cleveland Harbor at  
 Cleveland, Cuyahoga Co., Ohio  
 Application by:  
 CONSOLIDATED RAIL CORPORATION  
 November 21, 1979



L A K E  
E R I E

Federal diked  
disposal area  
No. 12



CORPS OF ENGINEERS  
C I T Y  
O F  
C L E V E L A N D

Proposed Dredging  
in the West Basin of  
Cleveland Harbor at  
Cleveland, Cuyahoga Co, Ohio  
Application by:  
CONSOLIDATED RAIL CORP.  
November 21, 1979

P.D. = PROJECT DITCH

SHEET 2 OF 2

CLEVELAND HARBOR  
OHIO  
PLAN

2000 0 2000 4000  
FEET