PORT OF CLEVELAND

Cleveland-Cuyahoga
County Port Authority
One Cleveland Center
1375 E. Ninth St., Suite 2300
Cleveland, Ohio 44114-1786
216.241.8004 tel
216.241.8016 fax
www.portofcleveland.com

2005 OCT 21 PM 1:23

October 18, 2005

Mr. Alan Sisselman
Department of the Army
Buffalo District, Corps of Engineers
1776 Niagara St.
Buffalo, NY 14207-3199

RE: CLEVELAND BULK TERMINAL (CBT)
APPLICATION FOR MAINTENANCE DREDGING PERMIT

Dear Mr. Sisselman:

Enclosed is the Cleveland-Cuyahoga County Port Authority's (Port) application for maintenance dredging at Cleveland Bulk Terminal. In addition to the application, the Port has provided copies of the following documents to assist in the process:

- Section 106 Review for the subject property by Mr. Ted Sande, an Historic Preservation Consultant familiar with the area,
- Statement of Qualifications for Mr. Ted Sande, and
- Historical documentation of three Corps permits issued for dredging at the CBT property.

Two copies have been provided, one for the Corps and one for the Ohio Historic Preservation Office. If you need additional copies or have any questions on the application, please call Eric Hirsimaki or me.

Very truly yours,

Skip Jacobsen

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

Enclosures
EMJ:dm
cc: CBT-CORPS-011
Rose Ann DeLeon, PORT w/o enclosures
Eric Hirsimaki, PORT w/o enclosures

CONTENTS

A. Application for Department of the Army Permit.

B. Section 106 Review for the property known as Cleveland Bulk Terminal.

C. Statement of Qualifications for Historic Preservation Consultant, Ted Sande.

D. Historical documentation of dredge permits for Cleveland Bulk Terminal.

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT *(33 CFR 325)*	OMB APPROVAL NO. 0710-003 Expires October 1996

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to [illegible]tment of Defense, Washington Headquarters Service Directorate of InformationOperations and Reports, 1215 Jefferson Davis Highway, Suite [illegible], Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NO RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities 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. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, 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 instructions) 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.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY	8. AUTHORIZED AGENT'S NAME AND TITLE *(an agent is not required)*
6. APPLICANT'S ADDRESS 1375 E. NINTH STREET - SUITE 2300 CLEVELAND, OHIO 44114	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business (216) 241-8004	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

CLEVELAND BULK TERMINAL MAINTENANCE DREDGING

13. NAME OF WATERBODY, IF KNOWN *(if applicable)* CLEVELAND HARBOR, LAKE ERIE	14. PROJECT STREET ADDRESS *(if applicable)* 5400 WHISKEY ISLAND CLEVELAND, OH 44102-2252
15. LOCATION OF PROJECT CUYAHOGA (COUNTY) OHIO (STATE)	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, *(see instructions)*

[illegible]DIRECTIONS TO THE SITE

FORMERLY CLEVELAND & PITTSBURGH ORE DOCK. TAKE EDGEWATER PARK EXIT OFF WEST SHOREWAY.

18. Nature of Activity *(Description of project, include all features)*

Maintenance dredging for commercial dock. Dispose of all dredged material in Corps of Engineers confined disposal area. Approximately 15,000 cubic yards of material will be moved.

19. Project Purpose *(Describe the reason or purpose of the project, see instructions)*

To allow large commercial vessels to lay against the dock while loading or unloading.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Material has been determined to be contaminated with hazardous materials.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

Bottom sediment and taconite pellets.

22. Surface Area in Acres of Wetlands or Other Waters Filled *(see instructions)*

N/A

23. Is Any Portion of the Work Already Complete? Yes ____ No X IF YES, DESCRIBE THE COMPLETED WORK

ddresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

Northeast Ohio Regional Sewer District - 3900 Euclid Ave.,Cleve.,OH 44114
Cuyahoga County- 1219 Ontario Street, Cleveland, OH 44114
Norfolk Southern Railway - 110 Franklin Road, Roanoke, VA 24042-0026

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
N/A					

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Eric E. Hassmaker	10/18/05		
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

8 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 any trick, scheme, or disguises 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 statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

*U.S.GPO:1994-520-478/82018

CONSISTENCY CERTIFICATION STATEMENT

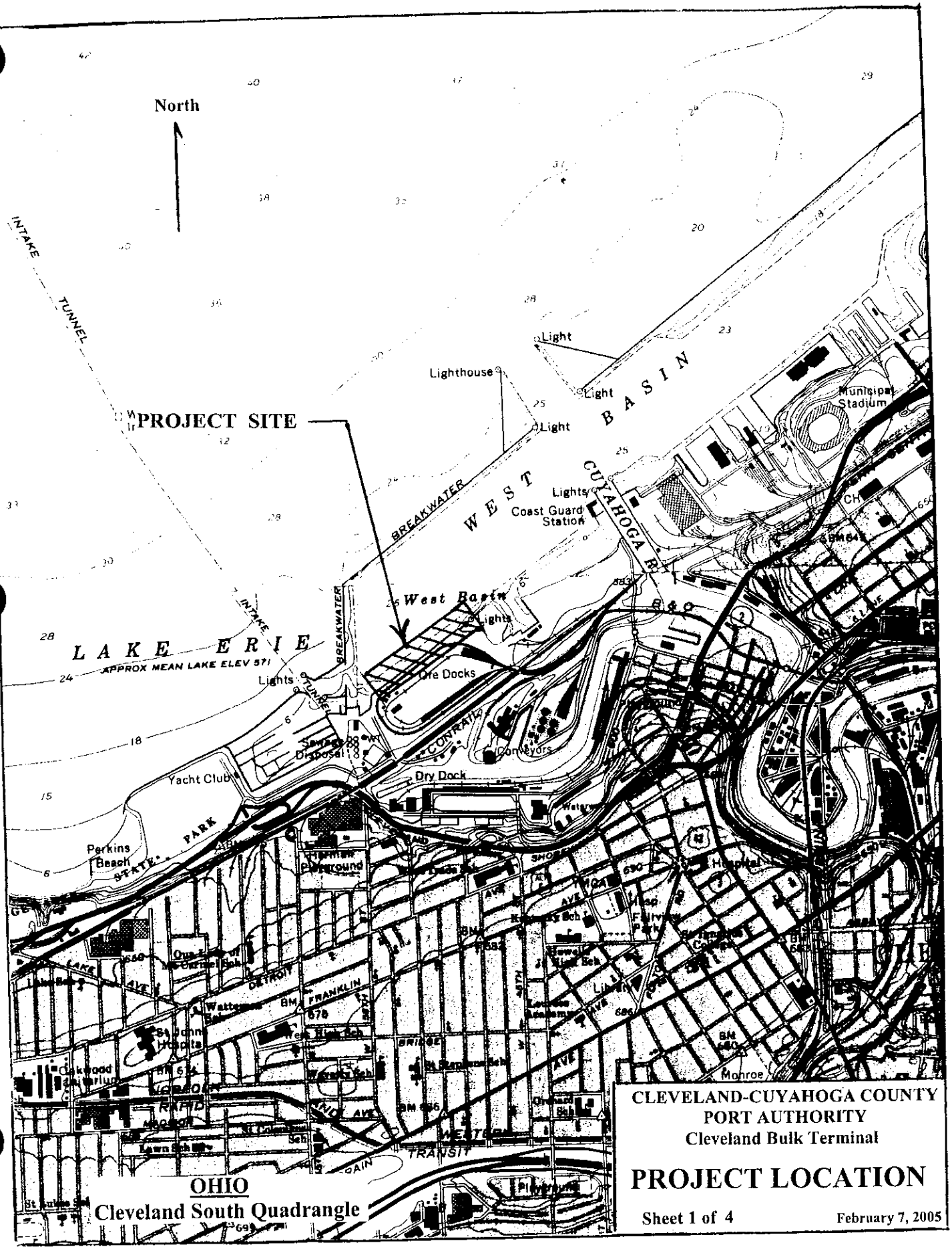
I, ERIC HIRSIMAKI do certify that the proposed activity identified in this permit application complies with Ohio's approved coastal management program and will be conducted in a manner consistent with such program (15C.F.R. 930.57).

Address: 1375 E. 9th ST. SUITE 2300

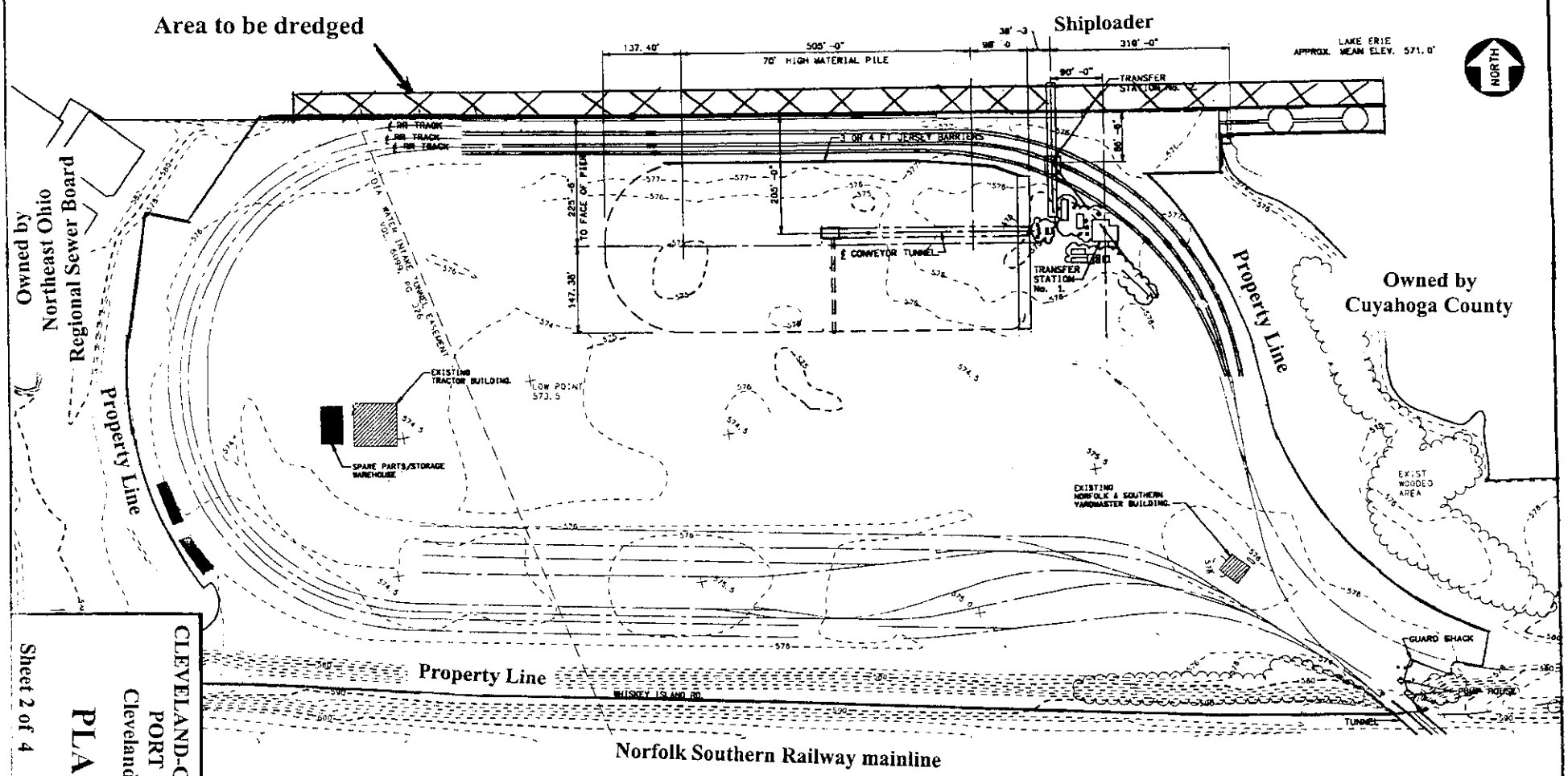
City: CLEVELAND State: OH Zip Code: 44114

Telephone #: Area Code (216) 241-8004

Applicant's Signature: Eric Hirsimaki Date: 12/18/05


North
PROJECT SITE
INTAKE TUNNEL
LAKE ERIE
APPROX MEAN LAKE ELEV 571
BREAKWATER
WEST CUYAHOGA BASIN
West Basin
Lighthouse
Light
Lights
Coast Guard Station
Municipal Stadium
Ore Docks
Conveyors
Dry Dock
Sewage Disposal
Yacht Club
Perkins Beach
STATE PARK
Hospital
Monroe
OHIO
Cleveland South Quadrangle
CLEVELAND-CUYAHOGA COUNTY
PORT AUTHORITY
Cleveland Bulk Terminal
PROJECT LOCATION
Sheet 1 of 4
February 7, 2005

CLEVELAND HARBOR

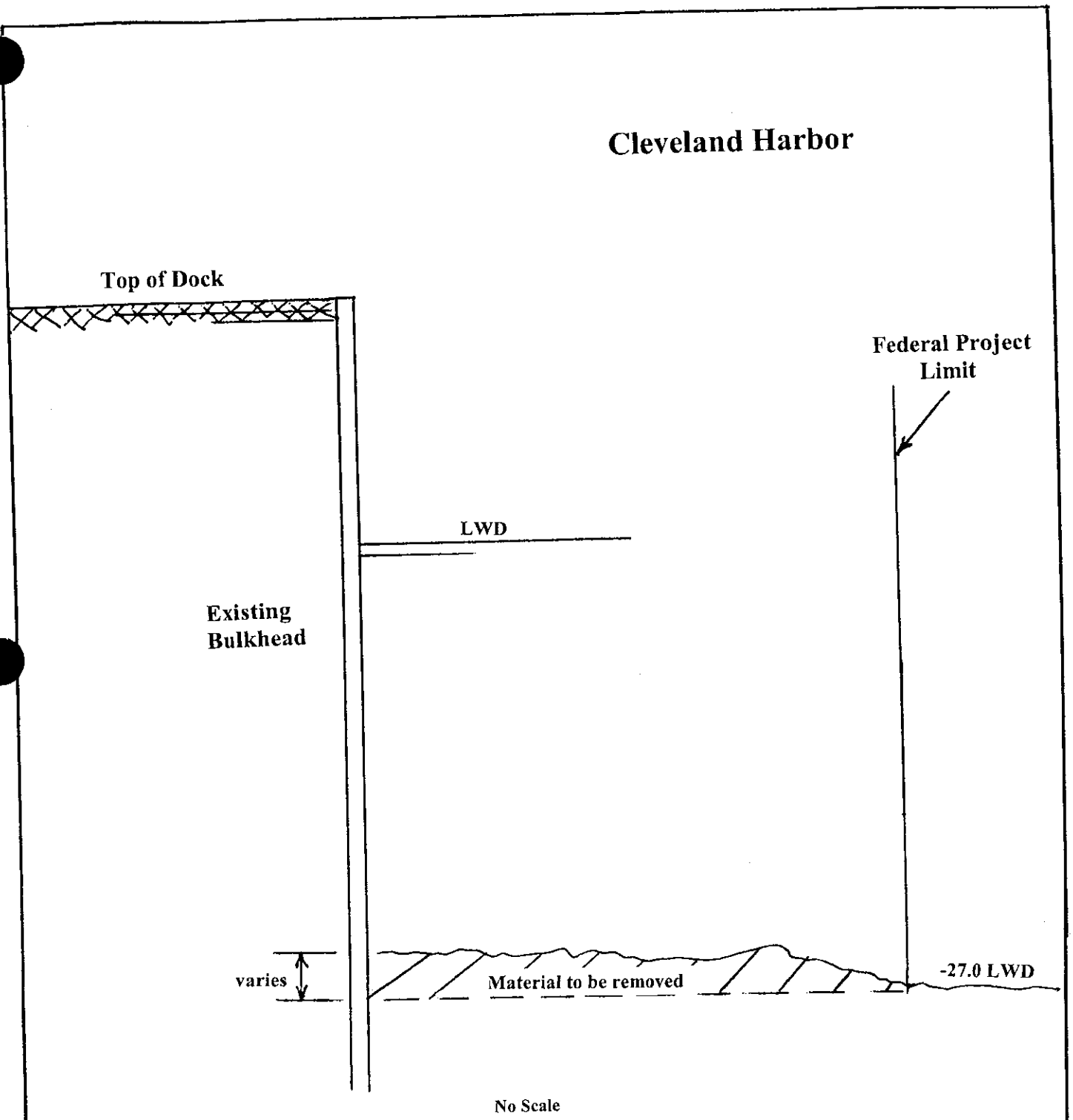


CLEVELAND-CUYAHOGA COUNTY
PORT AUTHORITY
Cleveland Bulk Terminal

PLAN VIEW

Sheet 2 of 4

February 7, 2005

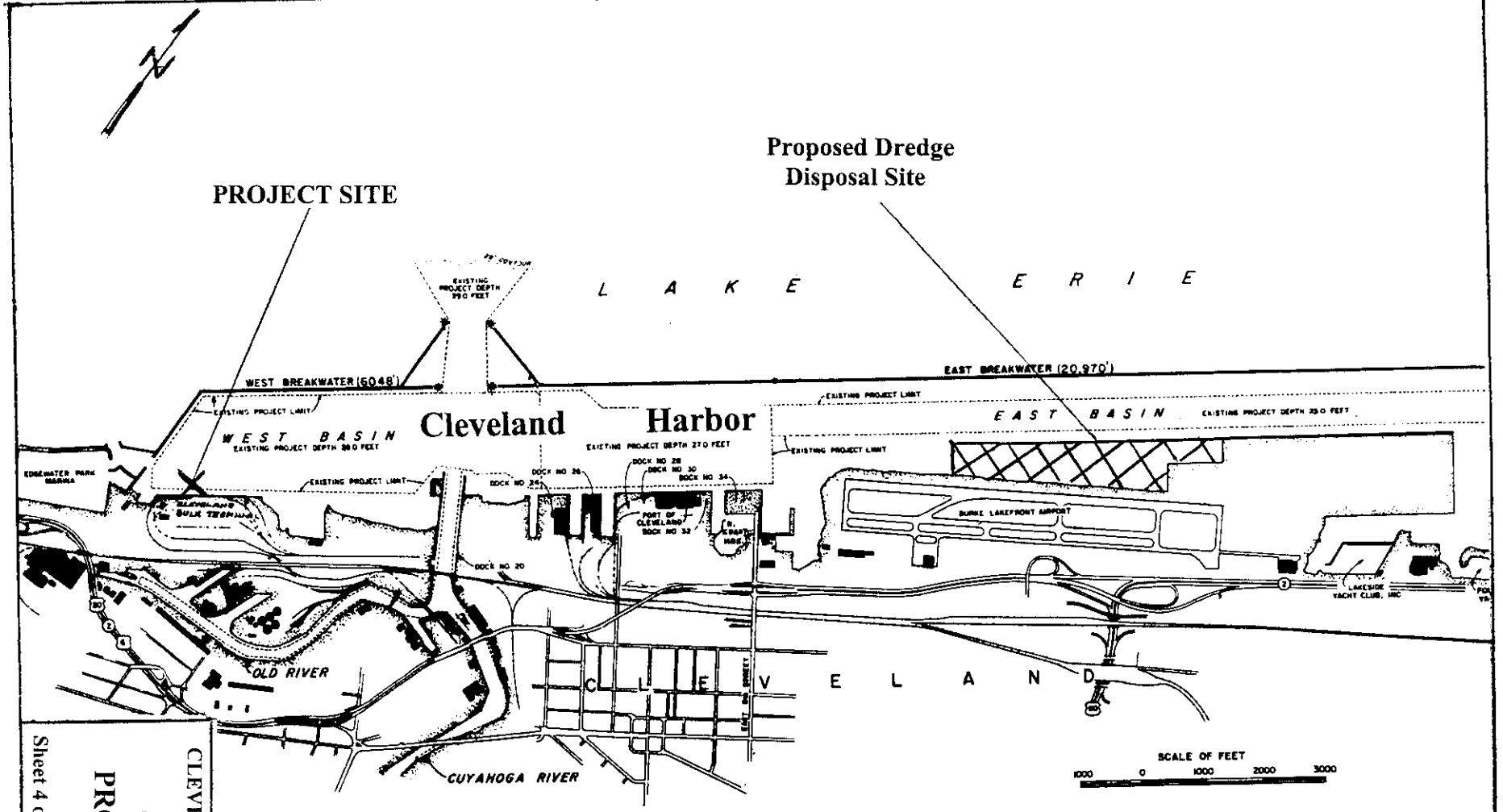


CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY
Cleveland Bulk Terminal

TYPICAL SECTION

Sheet 3 of 4

February 7, 2005



CLEVELAND-CUYAHOGA COUNTY
PORT AUTHORITY
Cleveland Bulk Terminal

PROPOSED DISPOSAL SITE

Sheet 4 of 4

February 7, 2005

USACE Cleveland Harbor Chart

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 Huletts 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 Huletts 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 Huletts 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 Huletts' 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
1375 E. 9TH STREET
SUITE 2300
CLEVELAND, OHIO 44114-1786
216-241-8004
216-241-8016, FAX

TRANSMITTAL

To: MR. MARK SCAOABRINO
U.S. Army Corps of Engineers
Operations & Tech Support Section
Buffalo District, Corps Of Engineers
1776 Niagara St.
Buffalo, NY 14207-3199

From: SKIP JACOBSEN

Date: 2/15/2006

Re: CLEVELAND BULK TERMINAL (CBT) DREDGE PERMIT

For your information are the following documents:

1. One complete submittal from the October 22, 1997 Section 106 submittal;
2. One copy of the application for National Register of Historic Places;
3. One summary of the final disposition of the CBT buildings; and
4. Confirmation of the proposed dredge area, approximately 2000' x 75'.

Call if you need additional information.

PORT OF CLEVELAND

Cleveland - Cuyahoga
County Port Authority
101 Erieside Avenue
Cleveland, Ohio 44114-1095
216.241.8004 tel
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,

Skip Jacobsen

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

Enclosure
EMJ:dm

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

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

CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY
CLEVELAND BULK TERMINALS

TABLE OF CONTENTS

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

SECTION 1

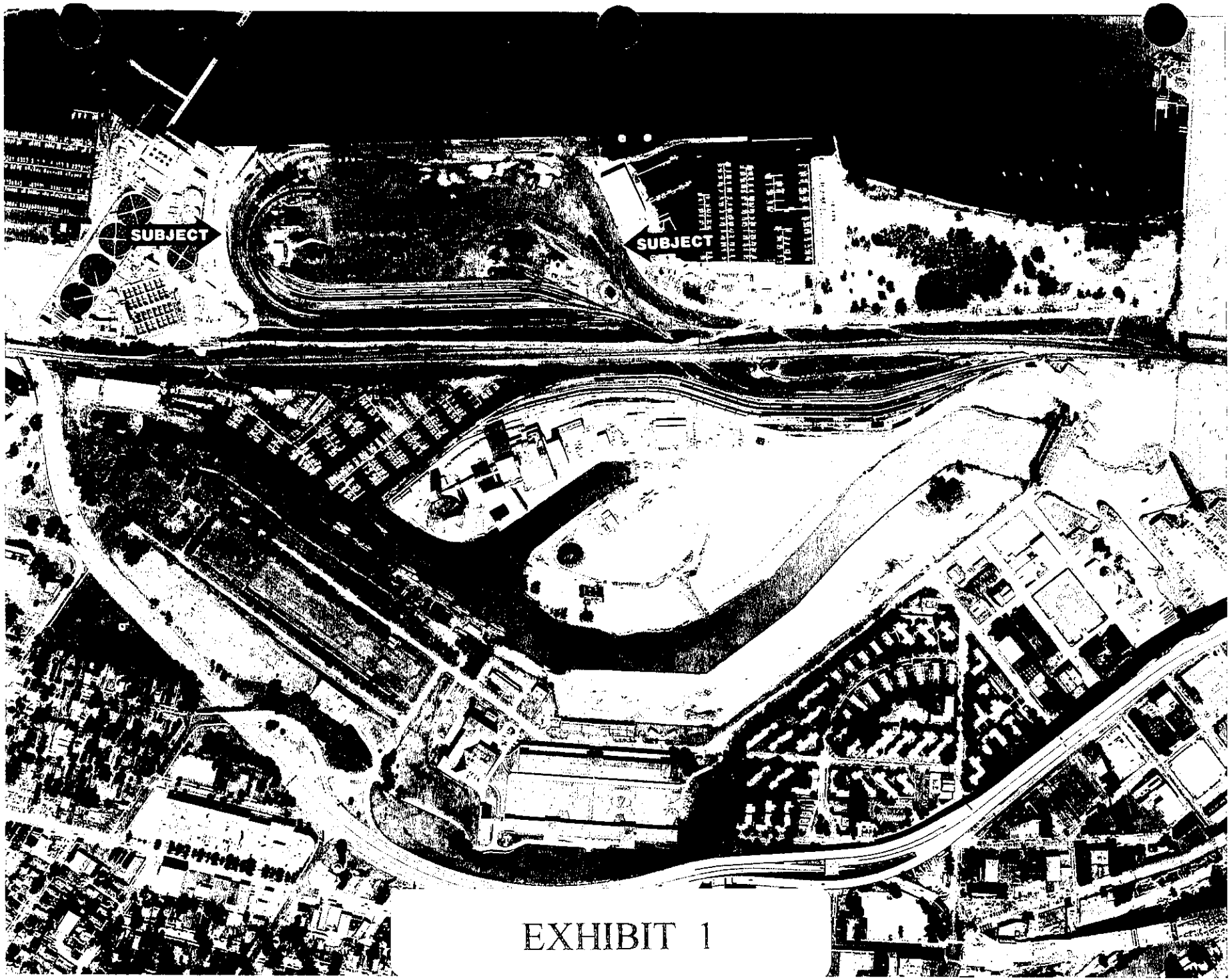
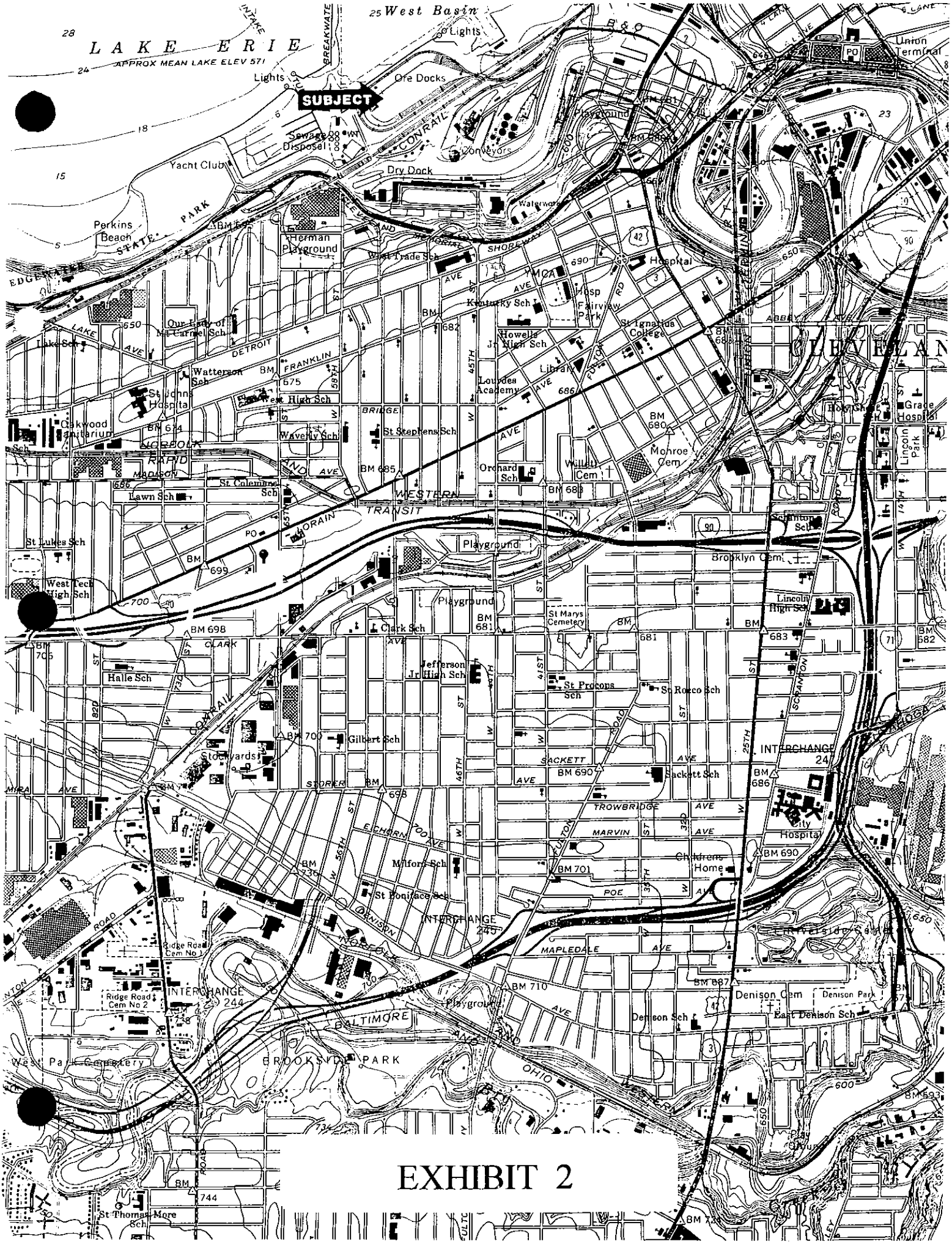


EXHIBIT 1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APPROX MEAN LAKE ELEV 571
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Lights
Ore Docks
SUBJECT
Sewage Disposal
Yacht Club
Dry Dock
Conveyors
Perkins Beach
STATE PARK
Herman Playground
West Trade Sch
Hospital
Kentucky Sch
Fairview Park
St Ignatius College
Howells Jr High Sch
Our Lady of Mt Carmel Sch
Lake Sch
Watterson Sch
St Johns Hospital
West High Sch
Oakwood Sanitarium
Waverly Sch
St Stephens Sch
Louydes Academy
Library
Monroe Cem
Orchard Sch
Willett Cem
St Colemans Sch
Lawn Sch
Holy Cross
Grace Hospital
Lincoln Park
Scranton Sch
Brooklyn Cem
St Lukes Sch
West Tech High Sch
Playground
St Marys Cemetery
Lincoln High Sch
Clark Sch
Halle Sch
Jefferson Jr High Sch
St Procopa Sch
St Rocco Sch
Gilbert Sch
Stockyards
Sackett Sch
INTERCHANGE 247
City Hospital
Children Home
Milford Sch
St Boniface Sch
INTERCHANGE 245
Riverside Cem
Ridge Road Cem No 1
Ridge Road Cem No 2
INTERCHANGE 244
Denison Cem
Denison Park
Denison Sch
East Denison Sch
BROOKSIDE PARK
West Park Cemetery
St Thomas More Sch
CLEVELAN

EXHIBIT 2

SECTION 2

CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY
CLEVELAND BULK TERMINALS

PLEASE NOTE: FOR BUILDING LOCATION BY NUMBER, REFER TO EXHIBIT 3 MAP IN SECTION 3

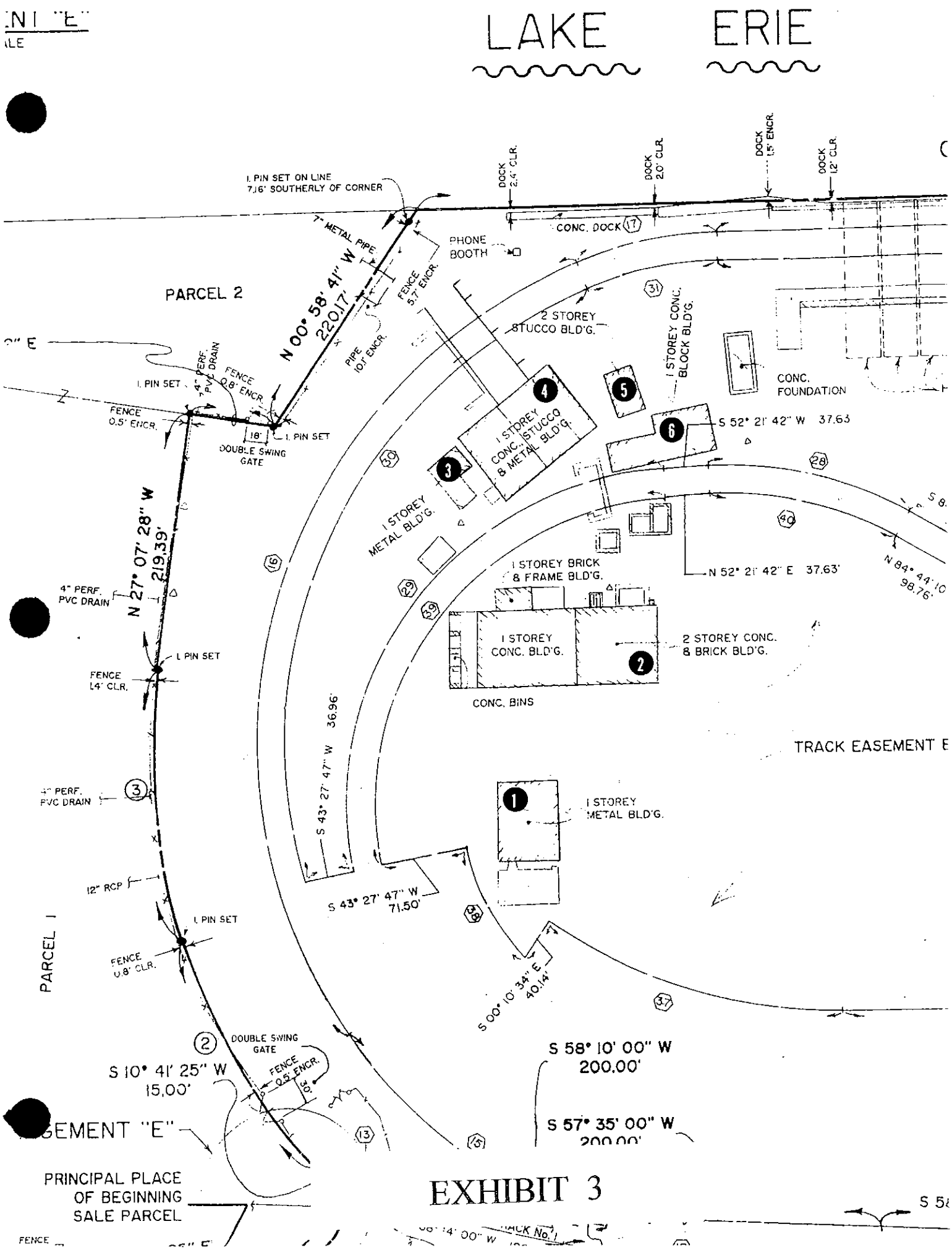
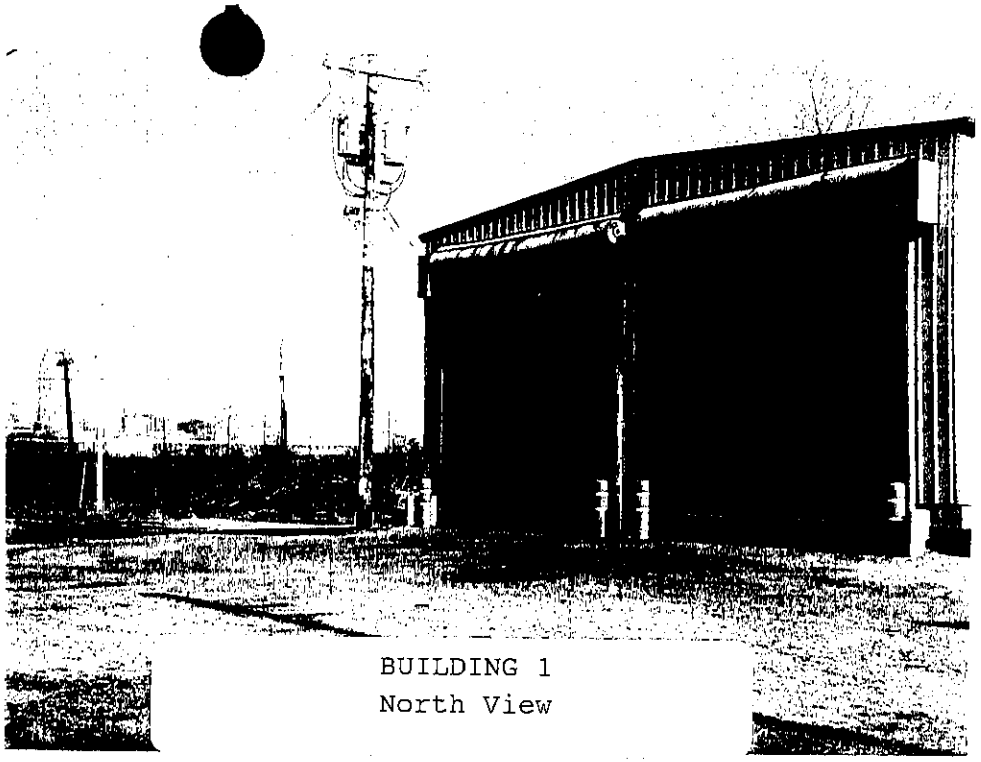
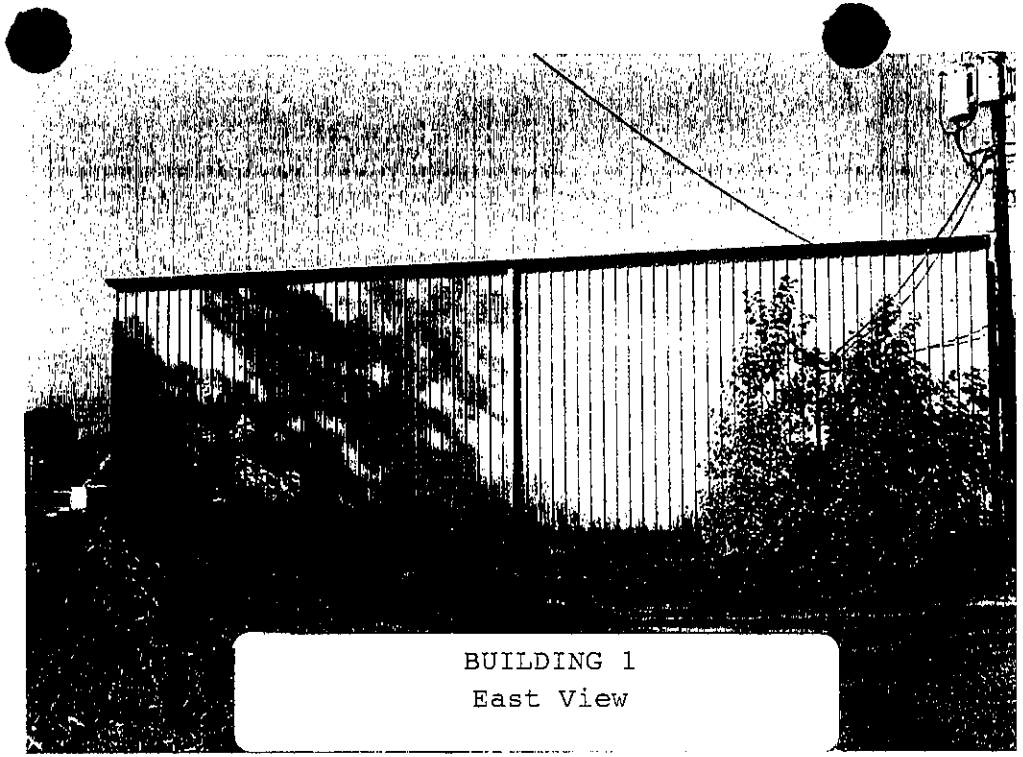

LAKE ERIE
DOCK 2.4' CLR.
DOCK 2.0' CLR.
DOCK 1.5' ENCR.
DOCK 1.2' CLR.
I. PIN SET ON LINE 7.16' SOUTHERLY OF CORNER
7" METAL PIPE
PHONE BOOTH
CONC. DOCK
PARCEL 2
N 00° 58' 41" W 220.17'
FENCE 5.7' ENCR.
PIPE 10.1' ENCR.
2 STOREY STUCCO BLD'G.
1 STOREY CONC. BLOCK BLD'G.
CONC. FOUNDATION
4" PERF. PVC DRAIN
FENCE 0.8' ENCR.
I. PIN SET
FENCE 0.5' ENCR.
18'
DOUBLE SWING GATE
1 STOREY CONC. STUCCO & METAL BLD'G.
S 52° 21' 42" W 37.63
1 STOREY METAL BLD'G.
N 27° 07' 28" W 219.39'
1 STOREY BRICK & FRAME BLD'G.
N 52° 21' 42" E 37.63'
N 84° 44' 10" 98.76'
4" PERF. PVC DRAIN
1 STOREY CONC. BLD'G.
2 STOREY CONC. & BRICK BLD'G.
FENCE 1.4' CLR.
CONC. BINS
S 43° 27' 47" W 36.96'
TRACK EASEMENT E
4" PERF. PVC DRAIN
1 STOREY METAL BLD'G.
12" RCP
S 43° 27' 47" W 71.50'
PARCEL 1
FENCE 0.8' CLR.
S 00° 10' 34" E 40.14'
DOUBLE SWING GATE
S 10° 41' 25" W 15.00'
FENCE 0.5' ENCR.
S 58° 10' 00" W 200.00'
S 57° 35' 00" W 200.00'
EMENT "E"
PRINCIPAL PLACE OF BEGINNING SALE PARCEL
FENCE
TRACK No. 1

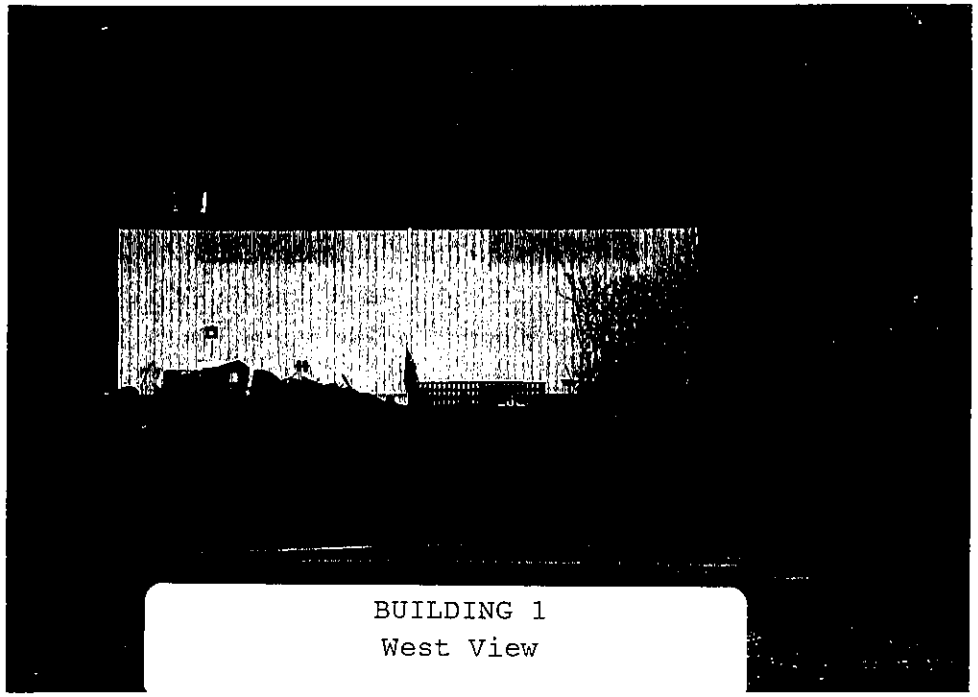
EXHIBIT 3



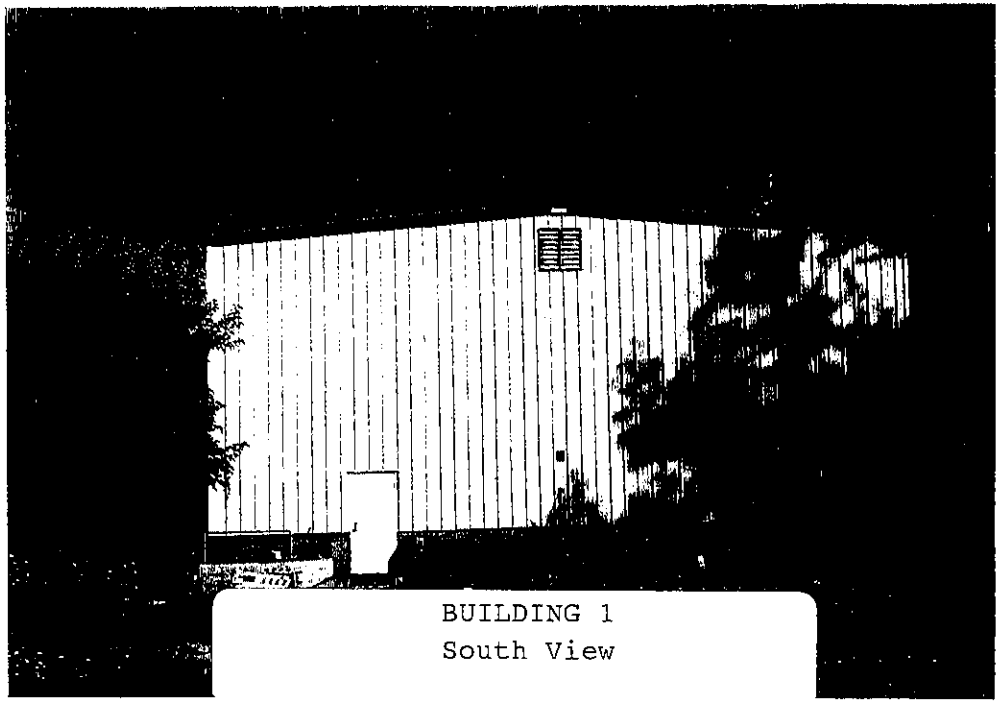
BUILDING 1
North View



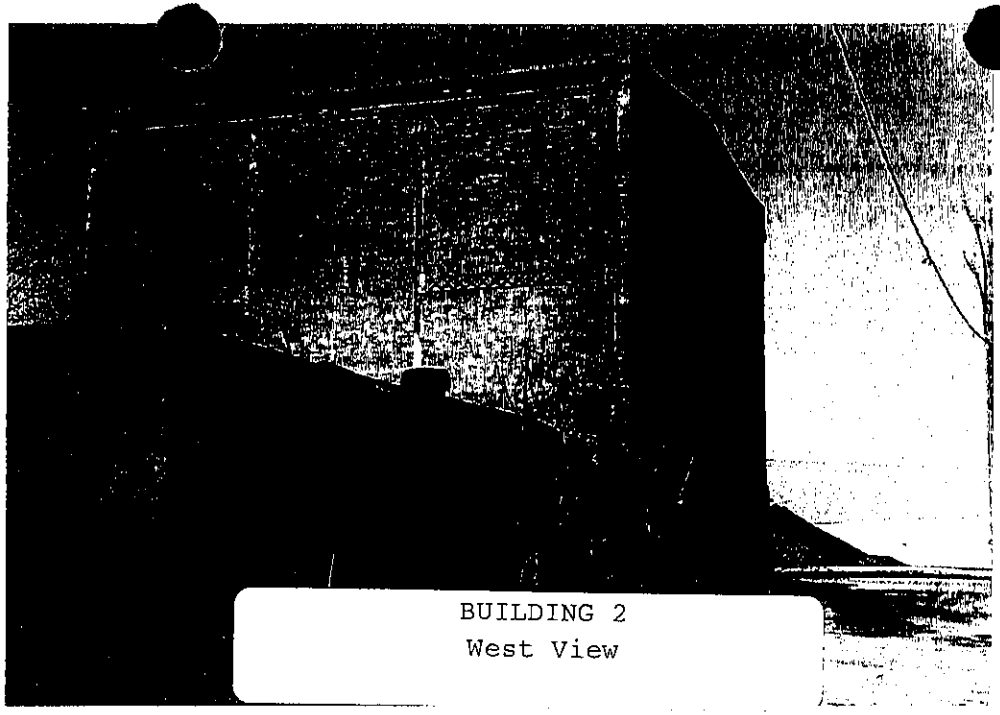
BUILDING 1
East View



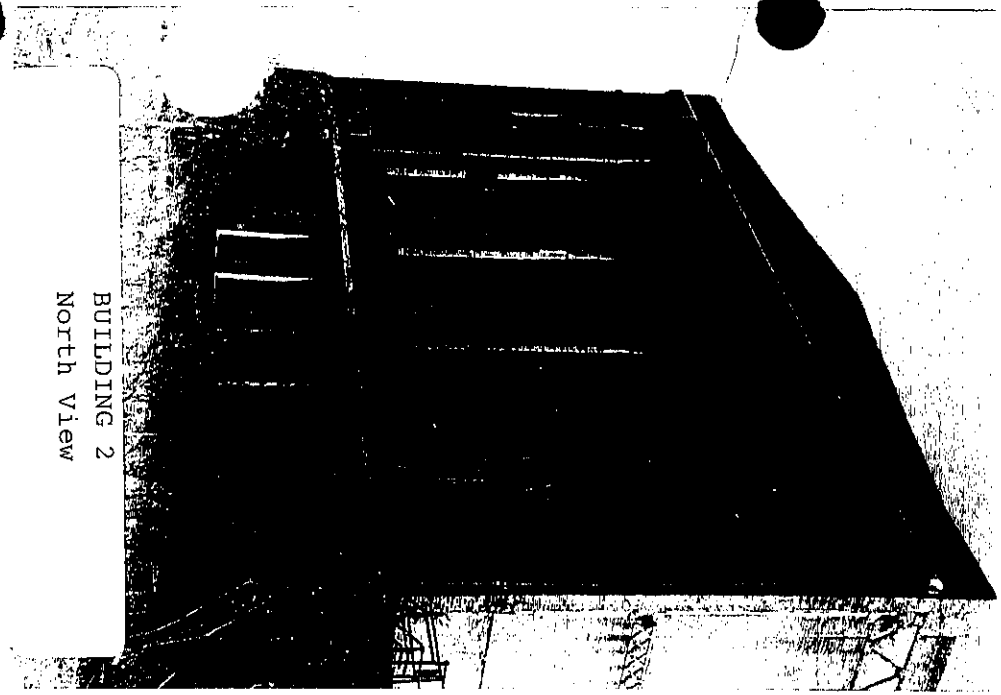
BUILDING 1
West View



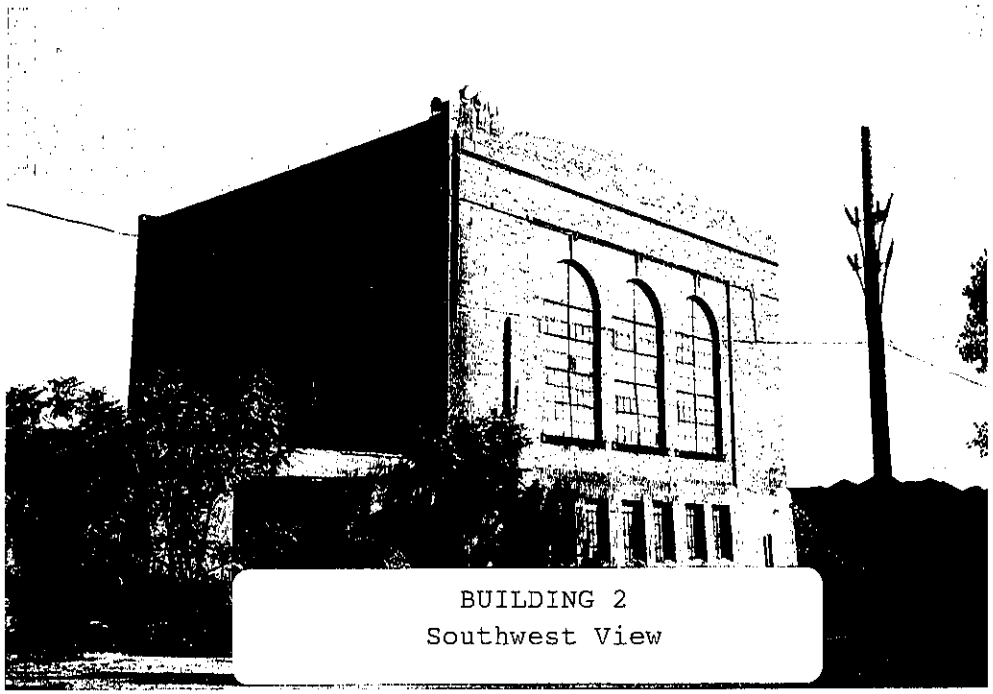
BUILDING 1
South View



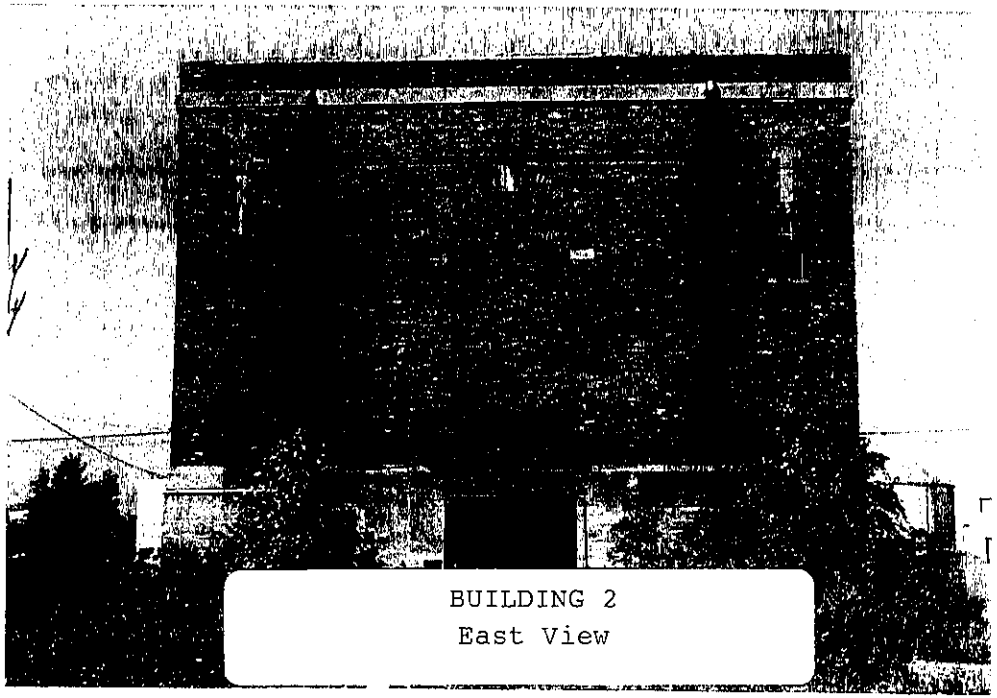
BUILDING 2
West View



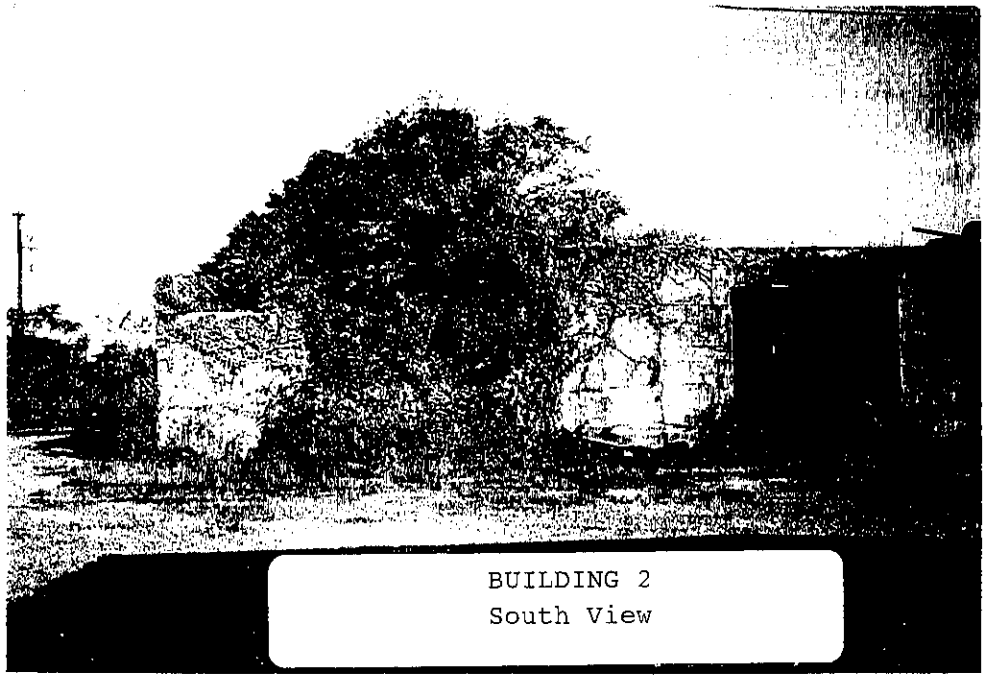
BUILDING 2
North View



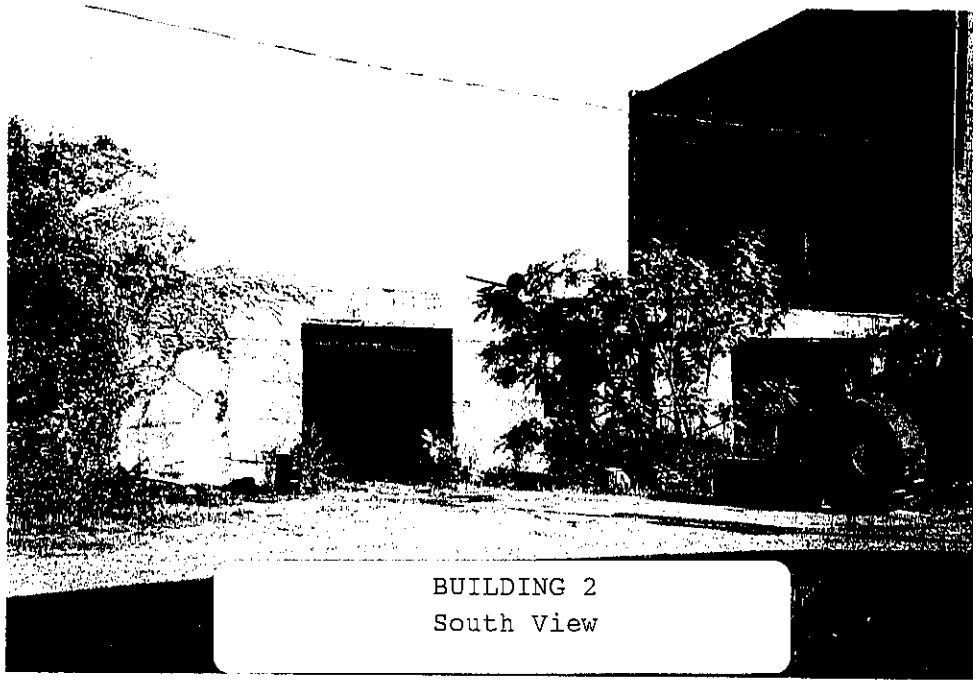
BUILDING 2
Southwest View



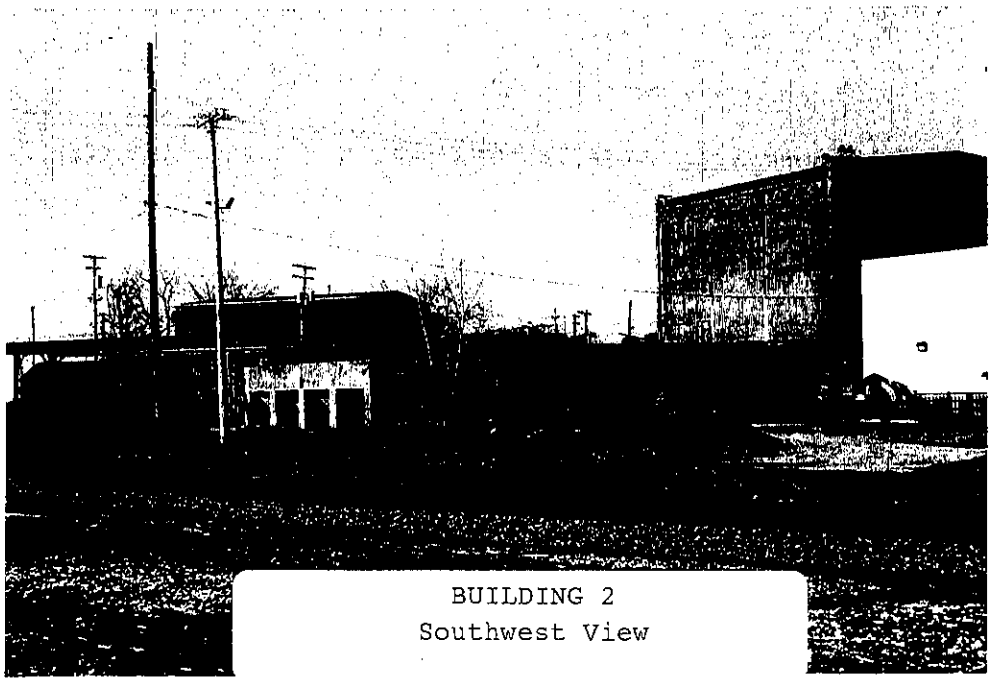
BUILDING 2
East View



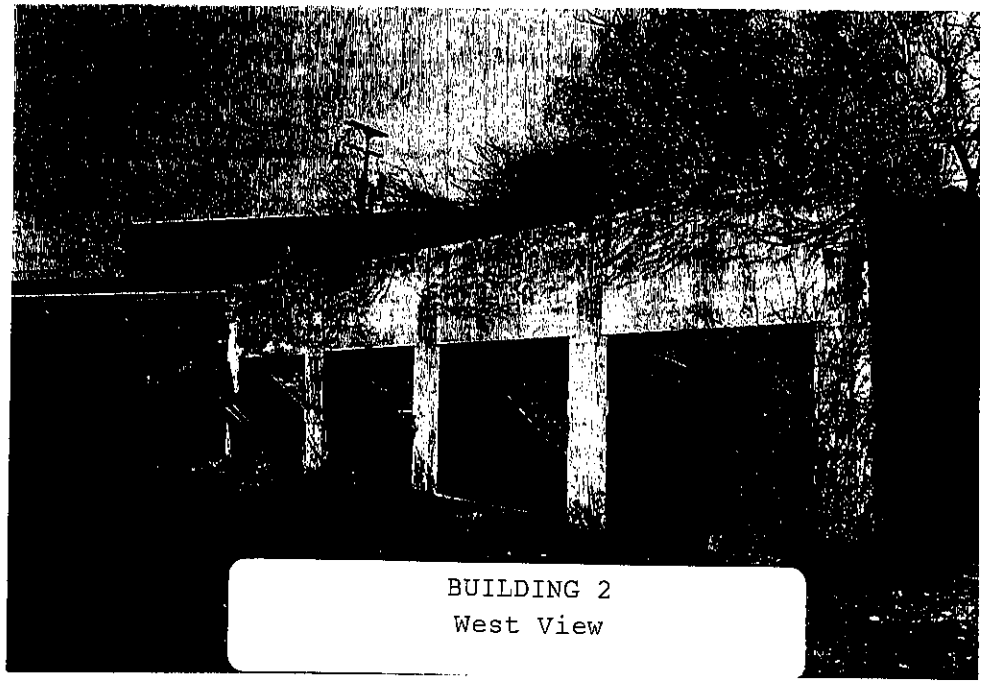
BUILDING 2
South View



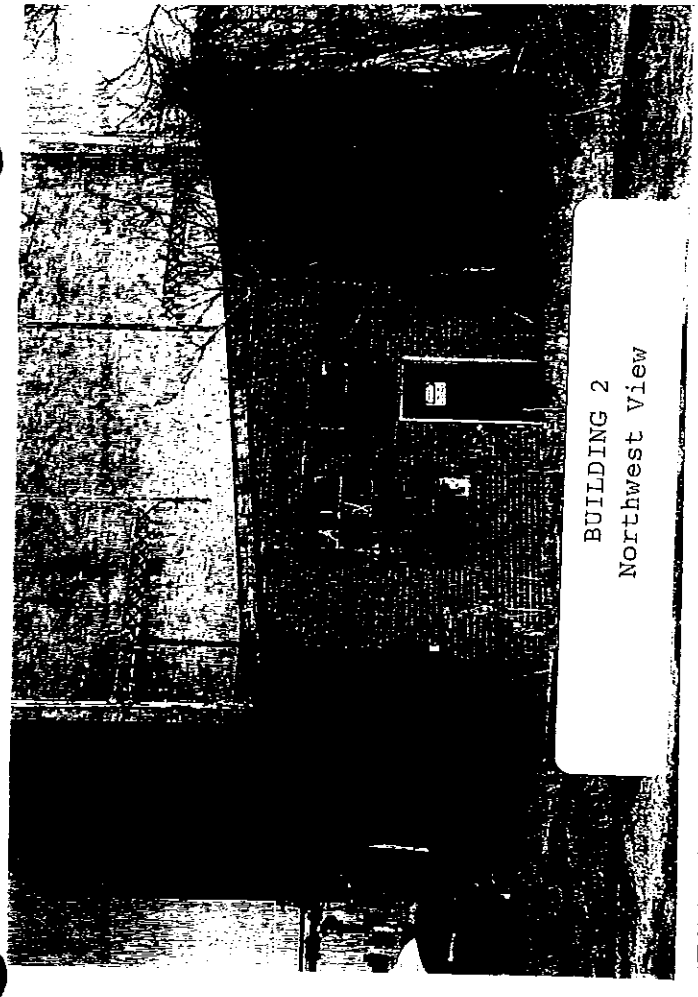
BUILDING 2
South View



BUILDING 2
Southwest View



BUILDING 2
West View

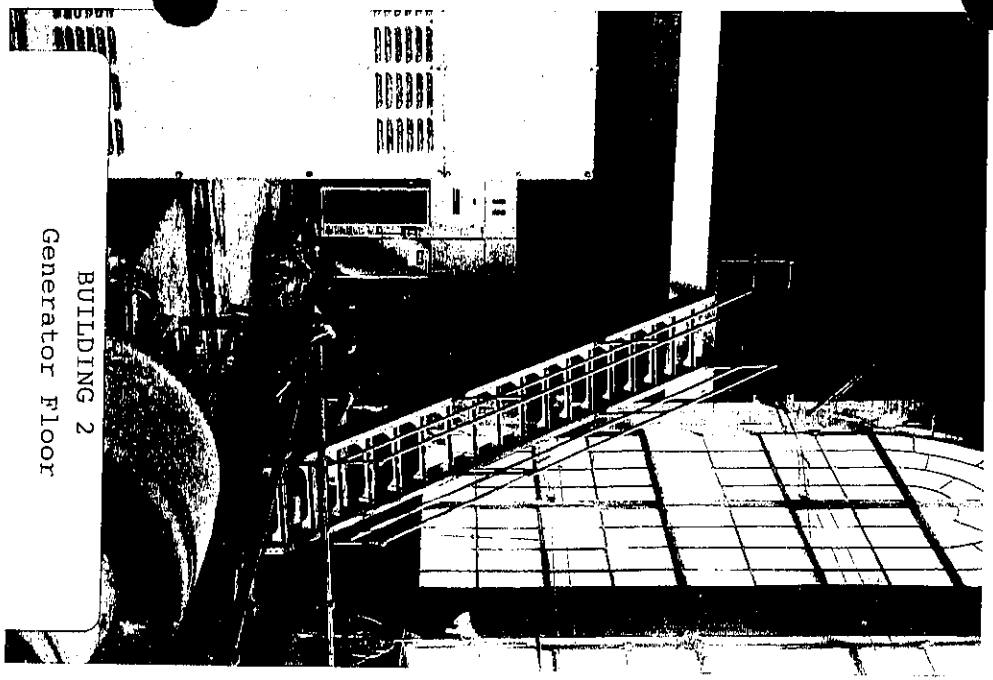


BUILDING 2
Northwest View

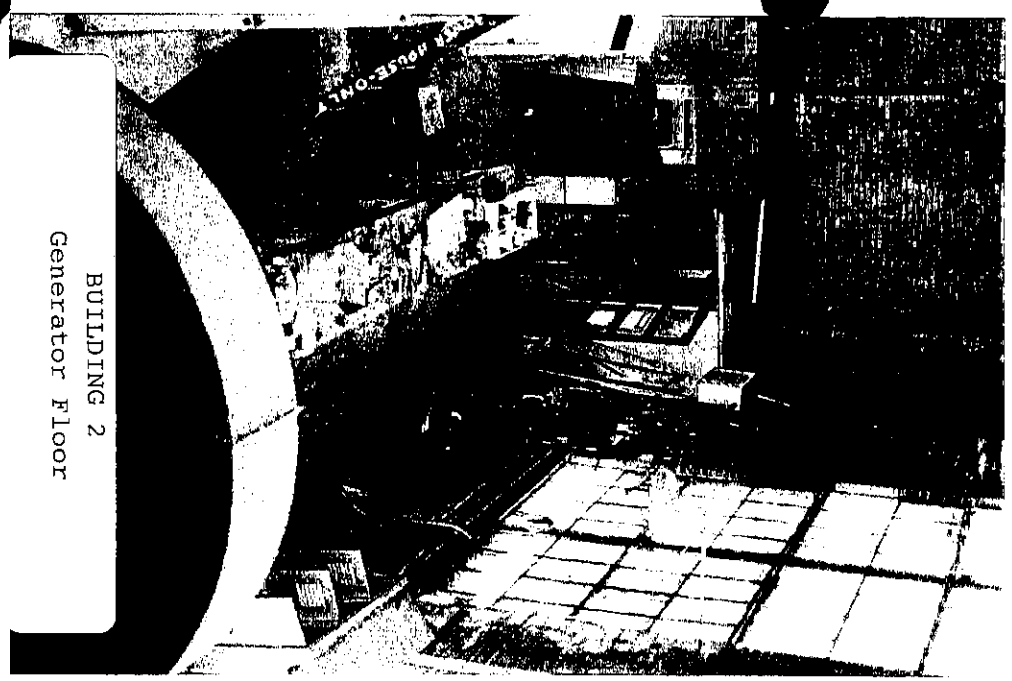
BUILDING 2
Ground Floor

BUILDING 2
Ground Floor

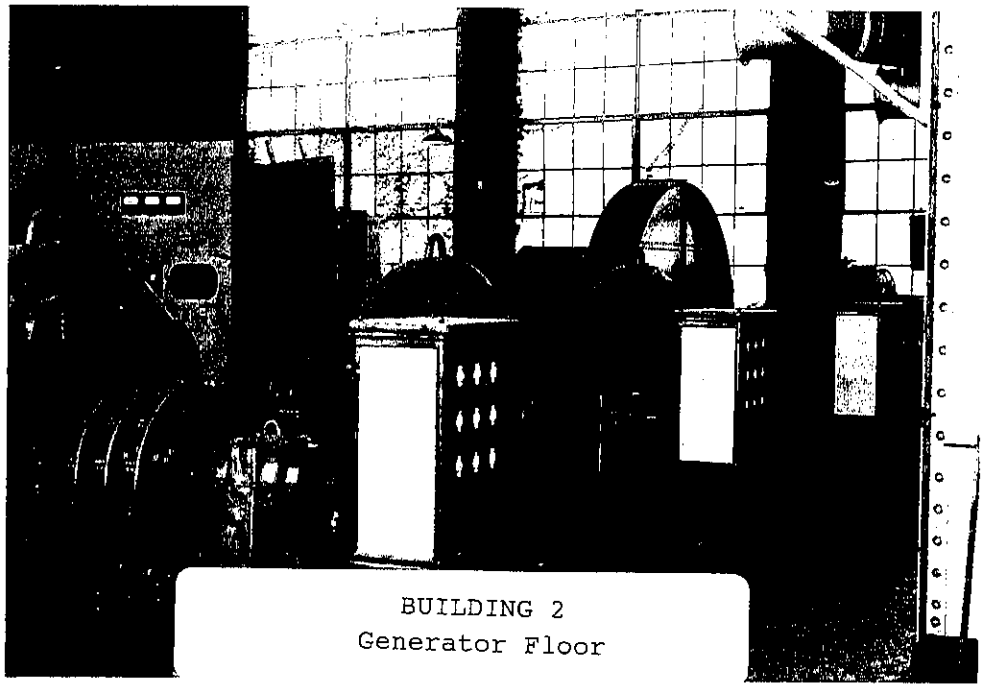
BUILDING 2
Ground Floor



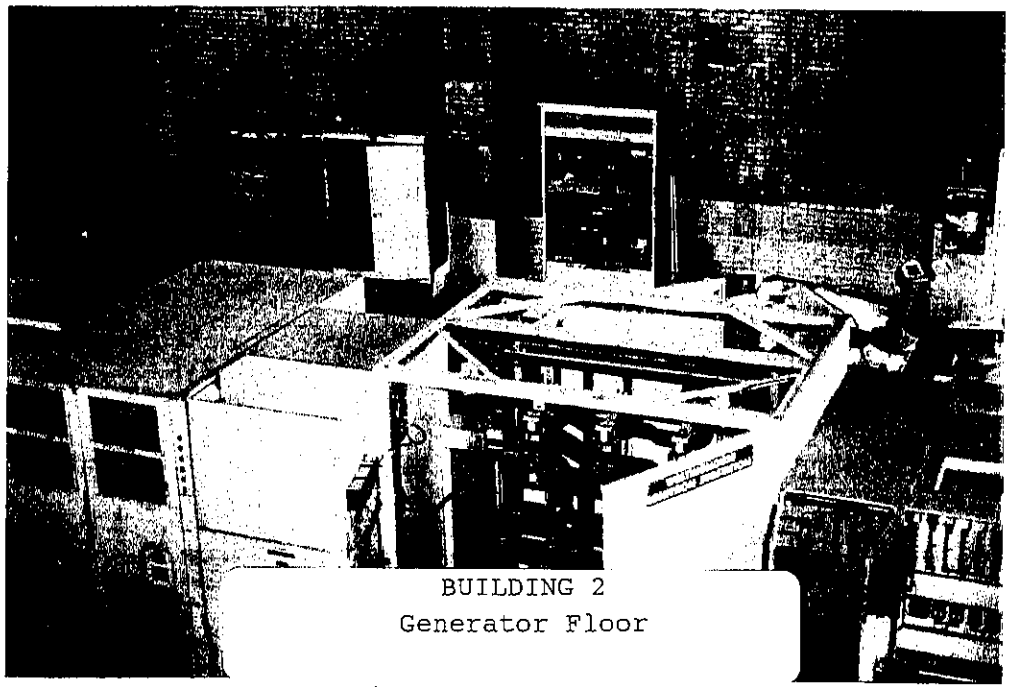
BUILDING 2
Generator Floor



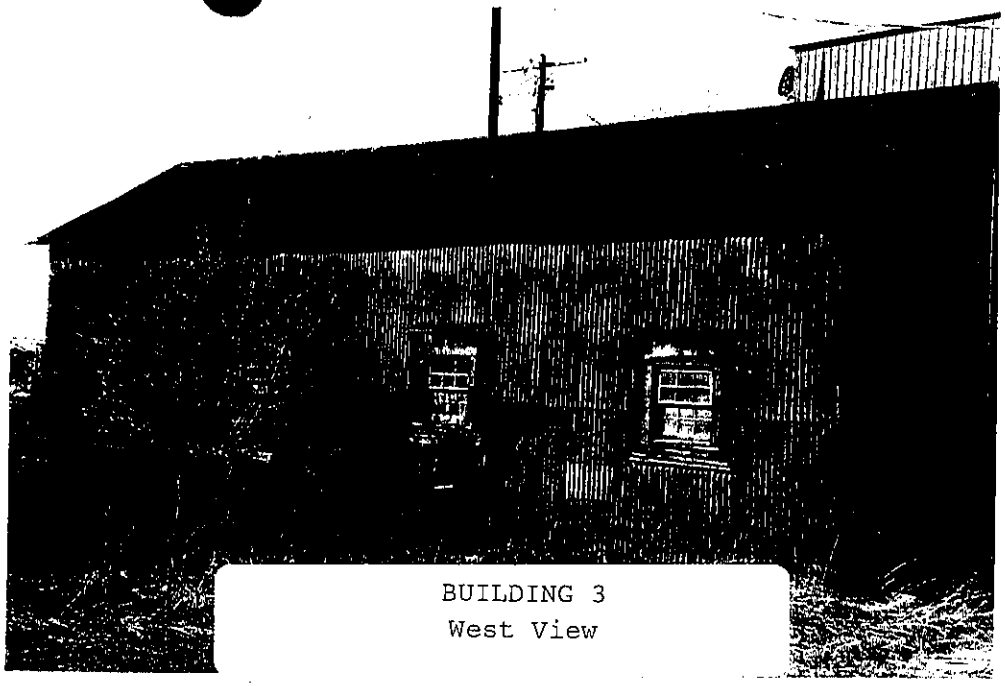
BUILDING 2
Generator Floor



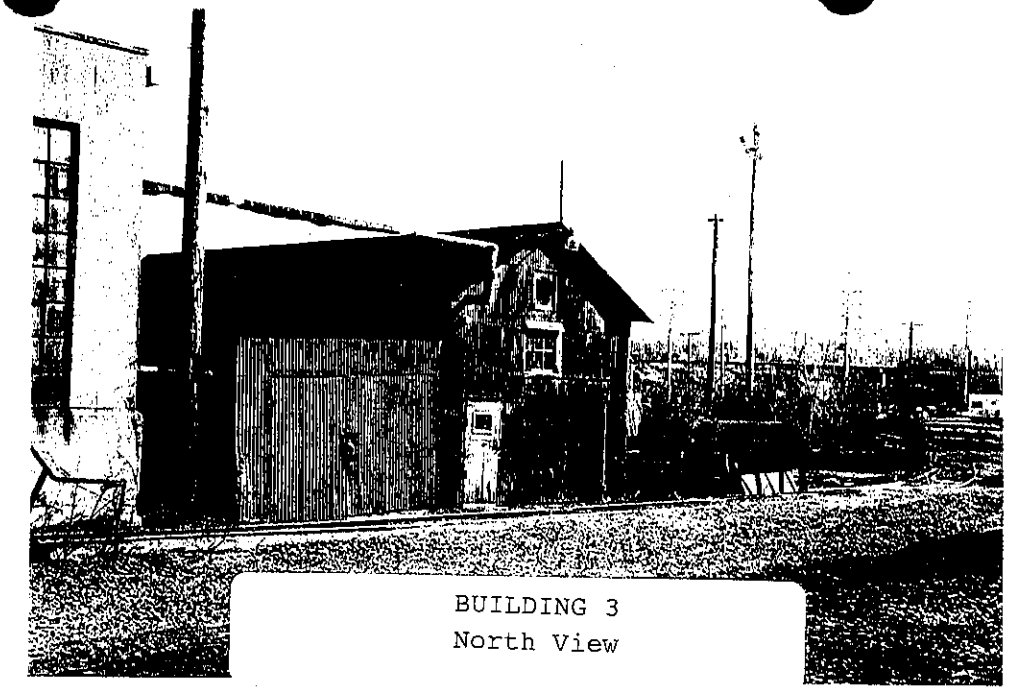
BUILDING 2
Generator Floor



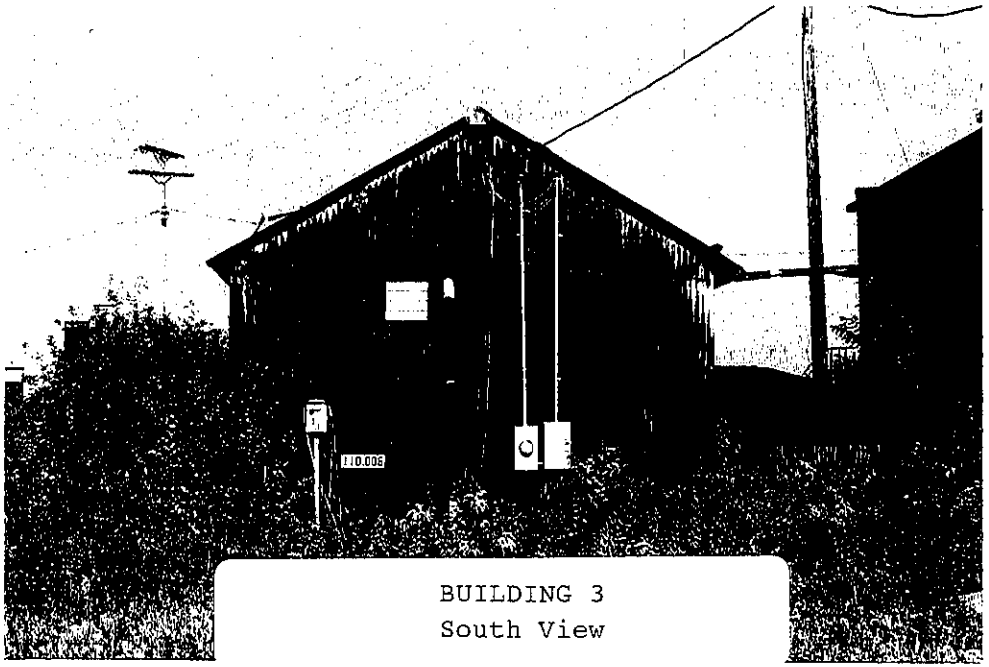
BUILDING 2
Generator Floor



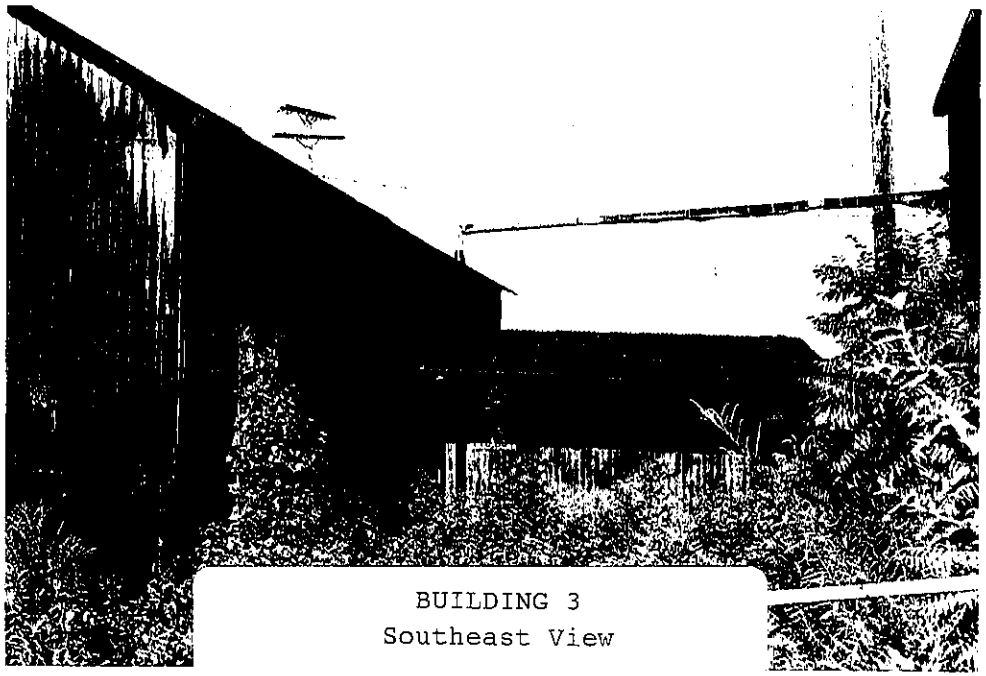
BUILDING 3
West View



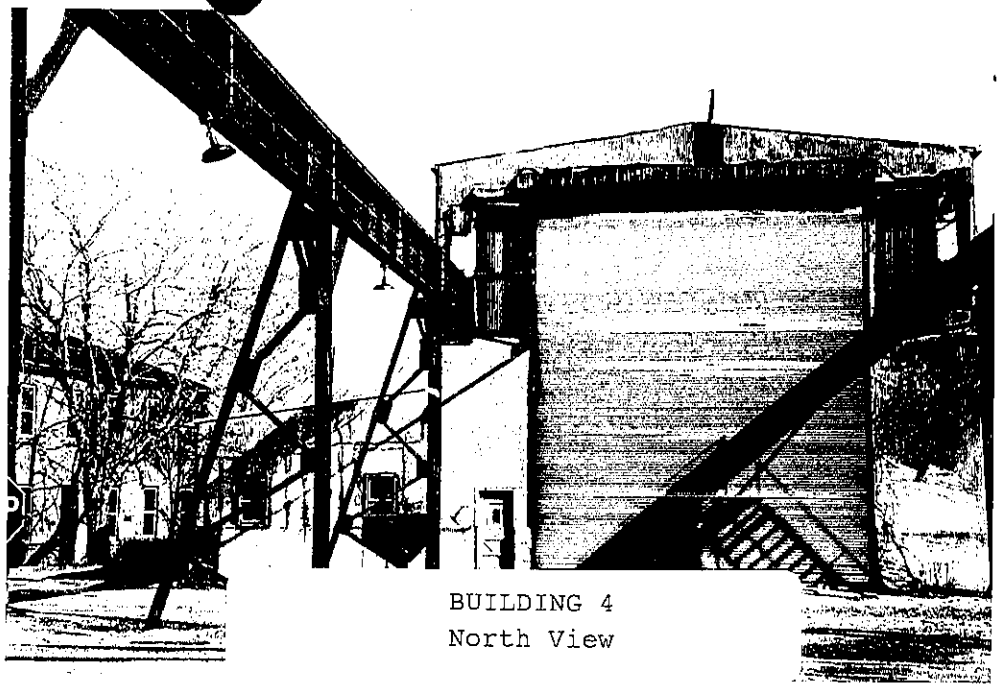
BUILDING 3
North View



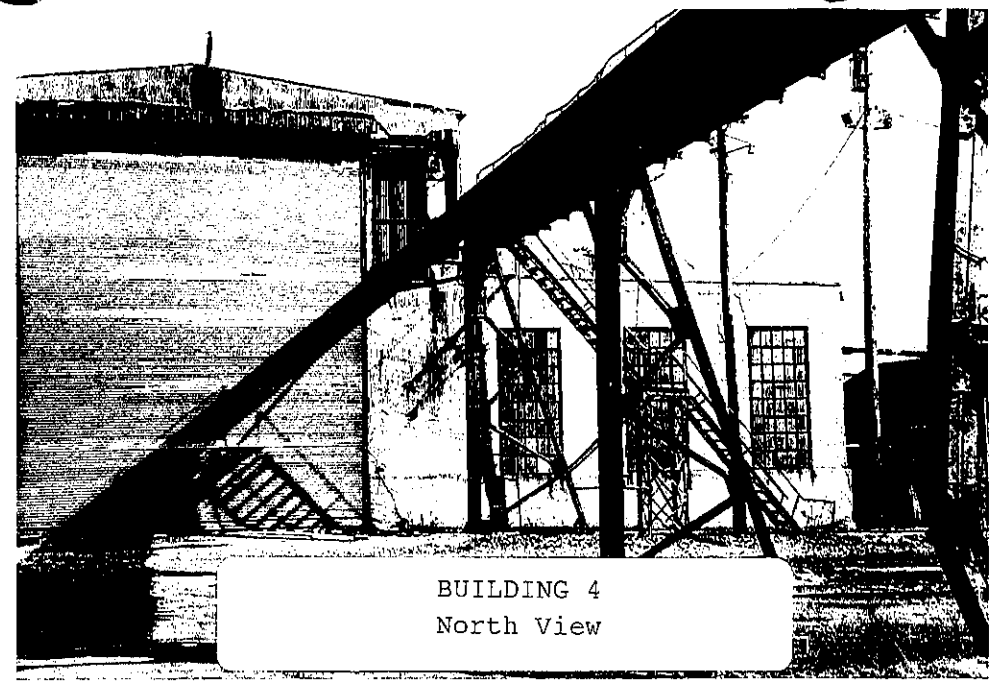
BUILDING 3
South View



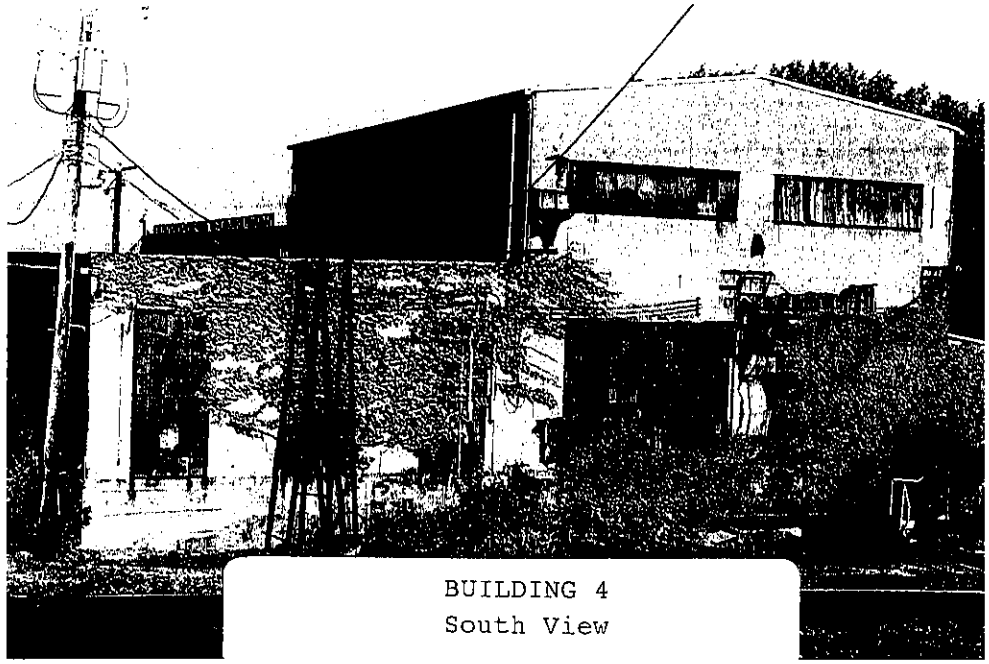
BUILDING 3
Southeast View



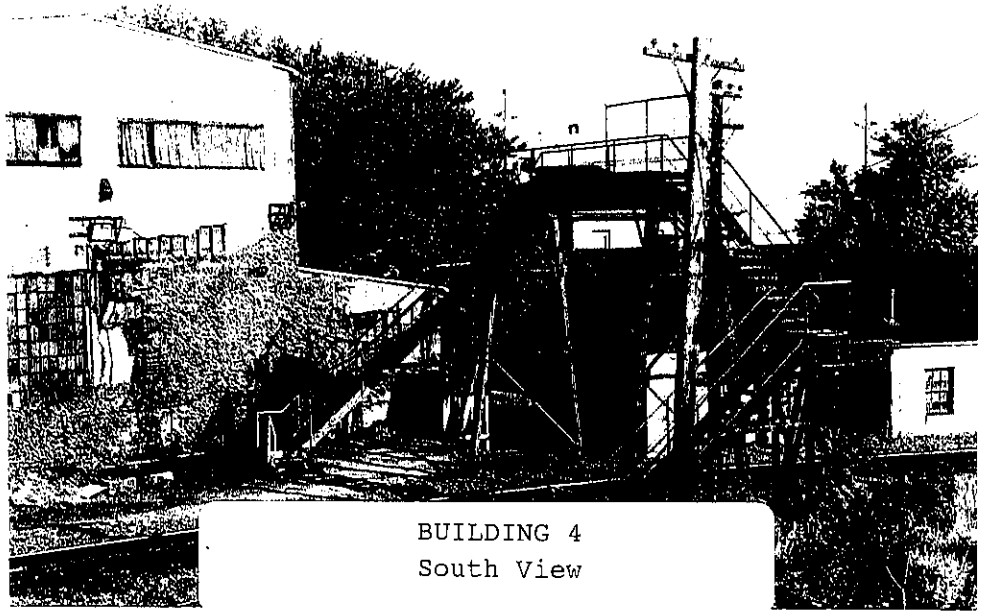
BUILDING 4
North View



BUILDING 4
North View

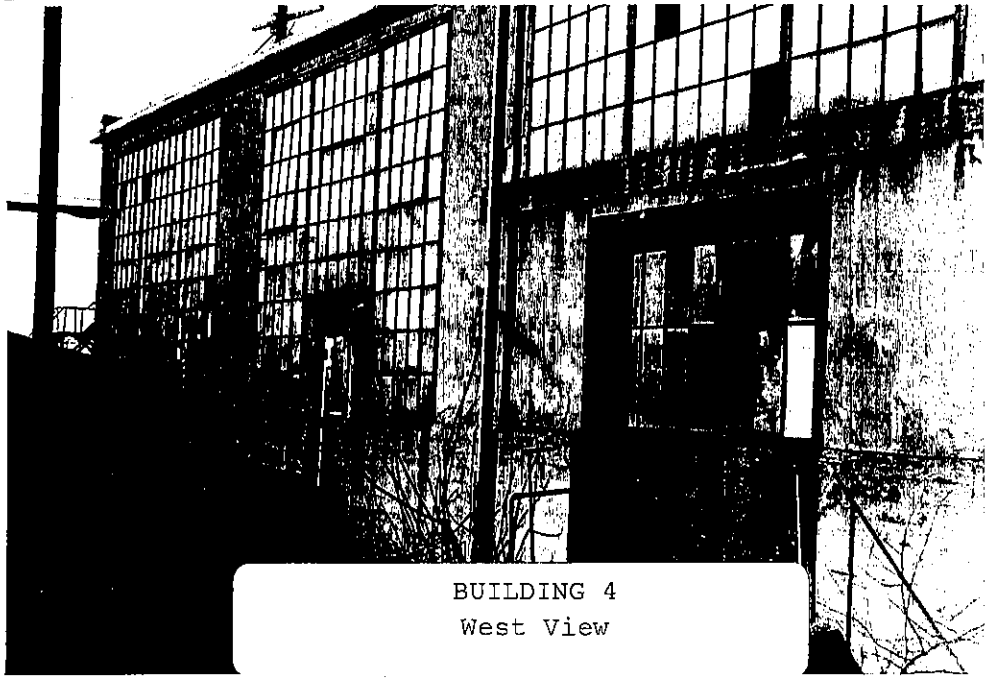


BUILDING 4
South View

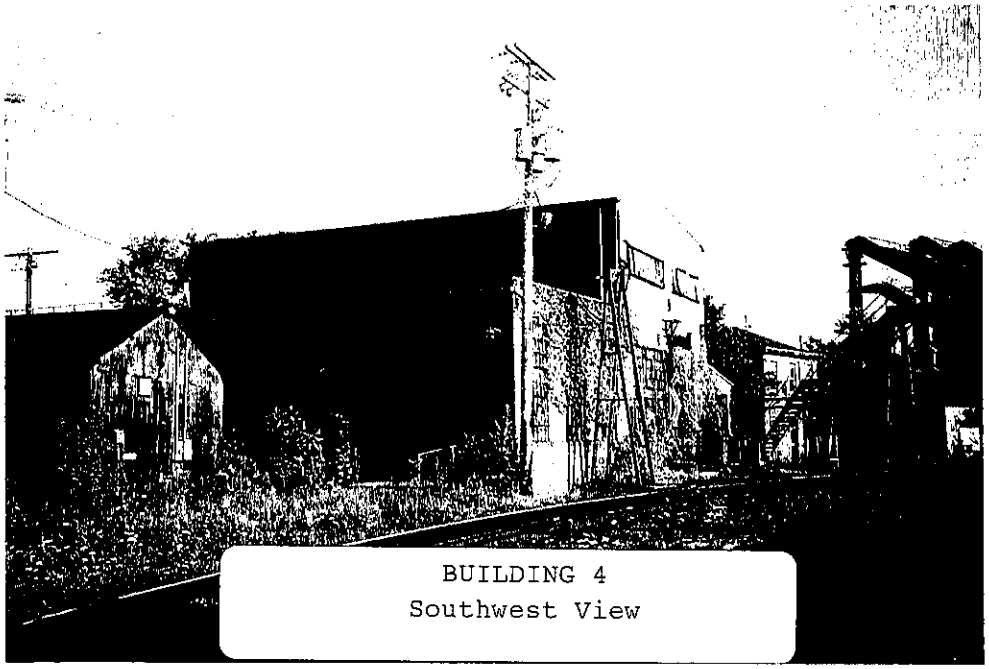


BUILDING 4
South View

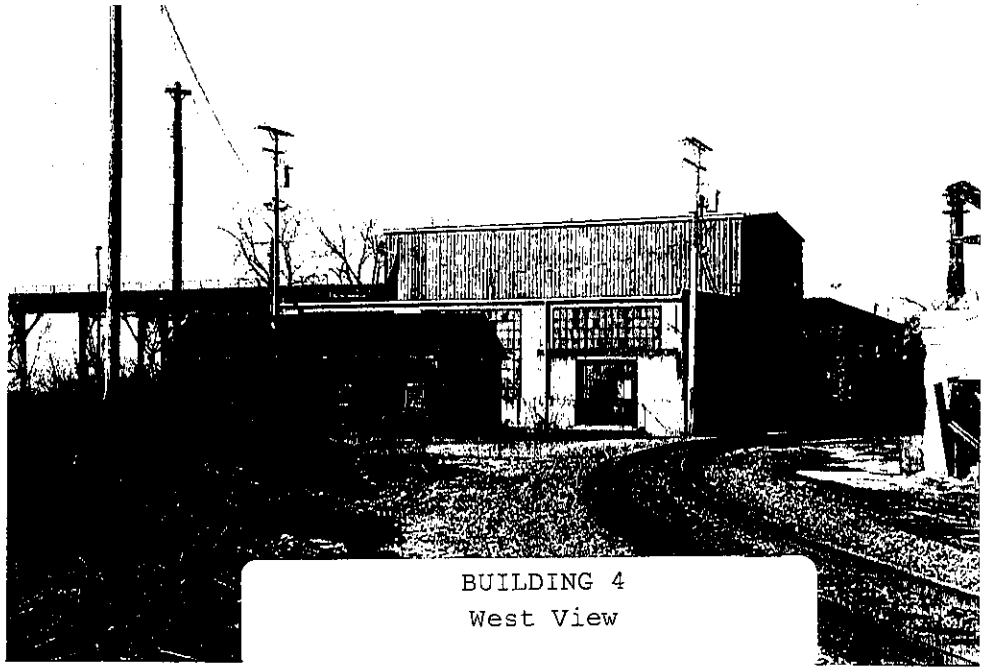
BUILDING 4
Northwest View



BUILDING 4
West View

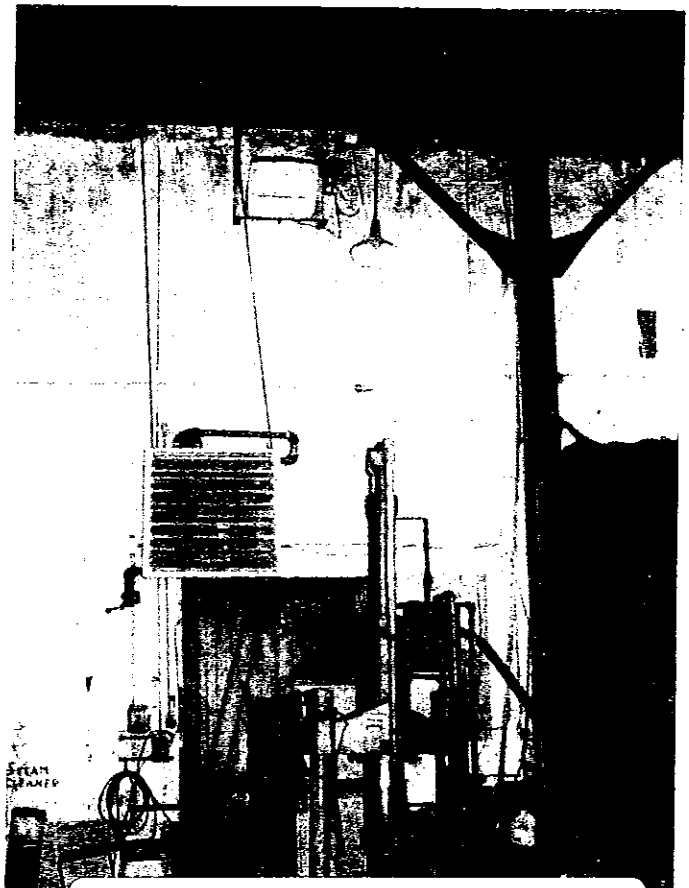


BUILDING 4
Southwest View

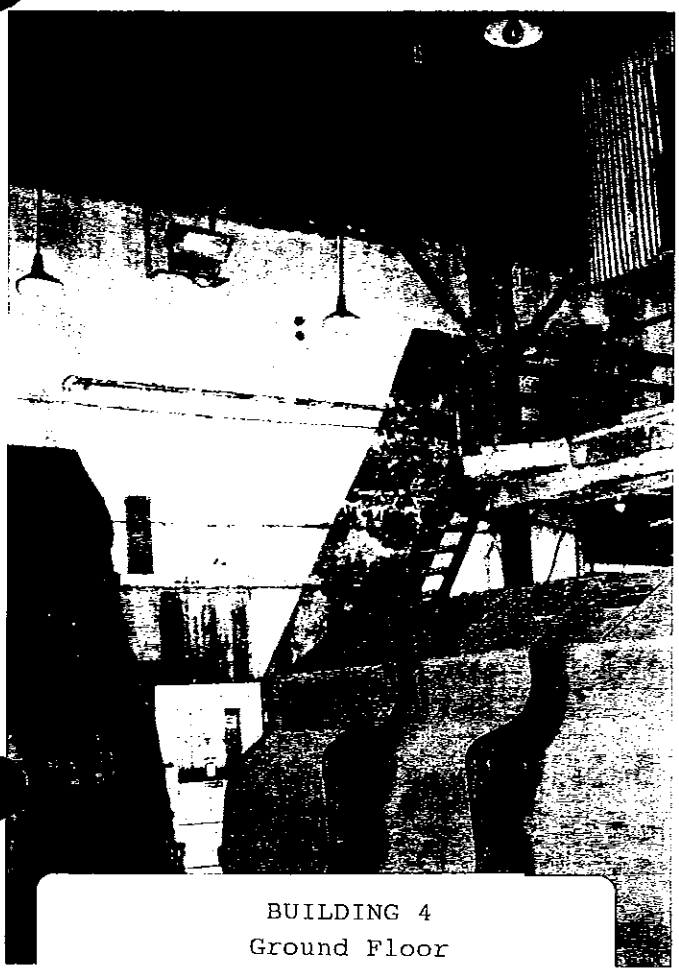


BUILDING 4
West View

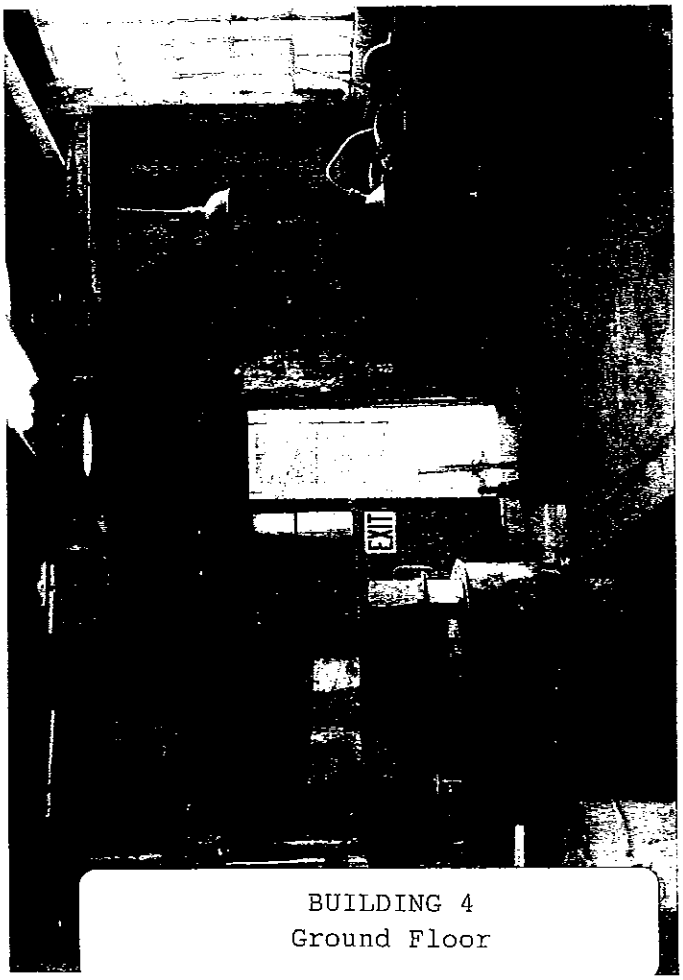
BUILDING 4
Ground Floor



BUILDING 4
Ground Floor



BUILDING 4
Ground Floor

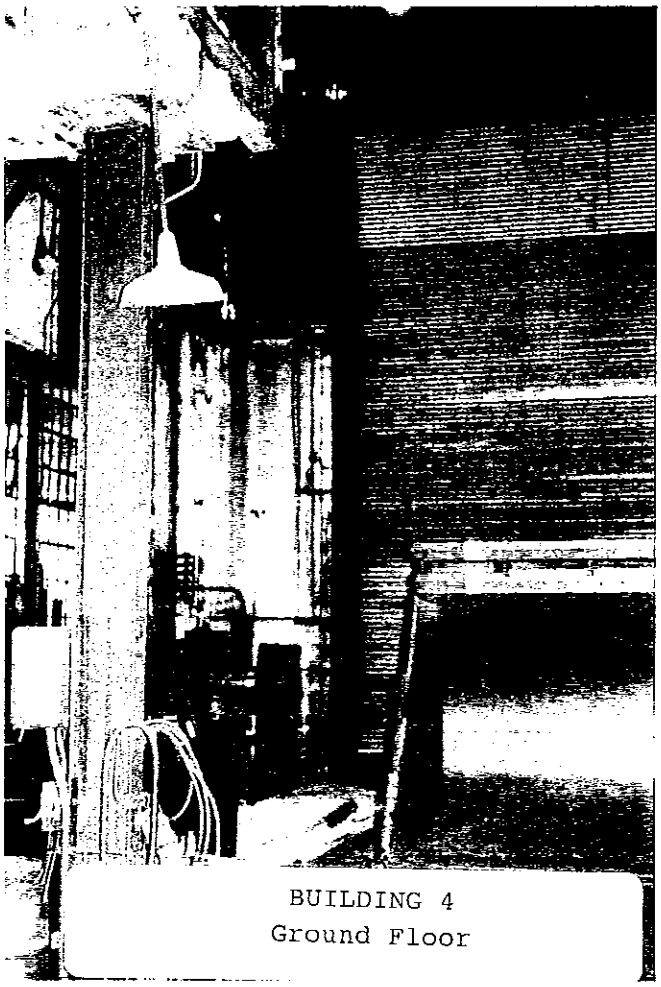


BUILDING 4
Ground Floor

BUILDING 4
Ground Floor

BUILDING 4
Ground Floor

BUILDING 4
Ground Floor

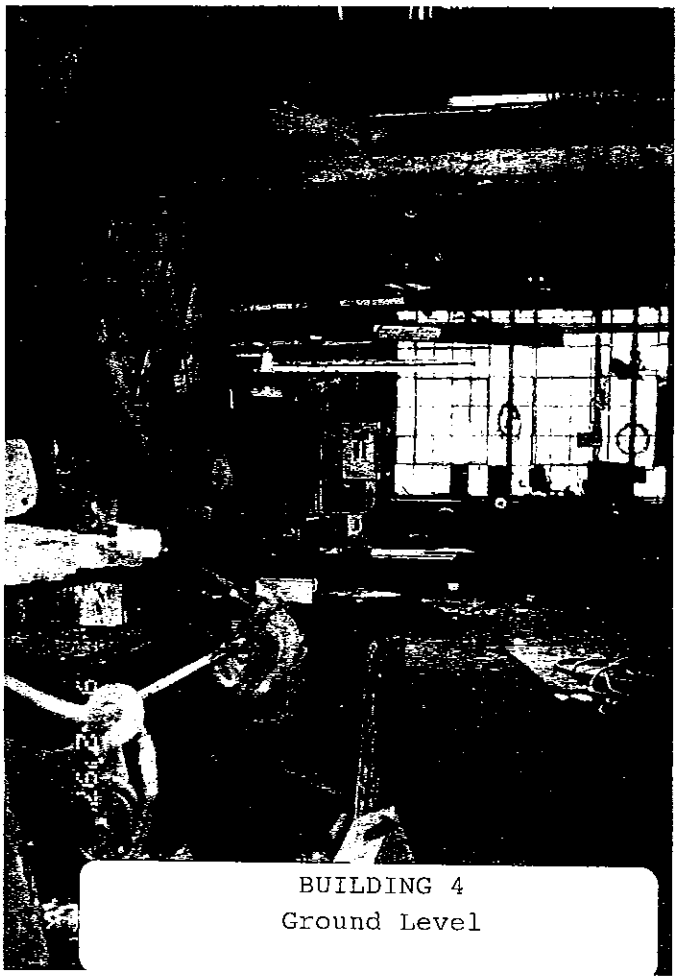


BUILDING 4
Ground Floor

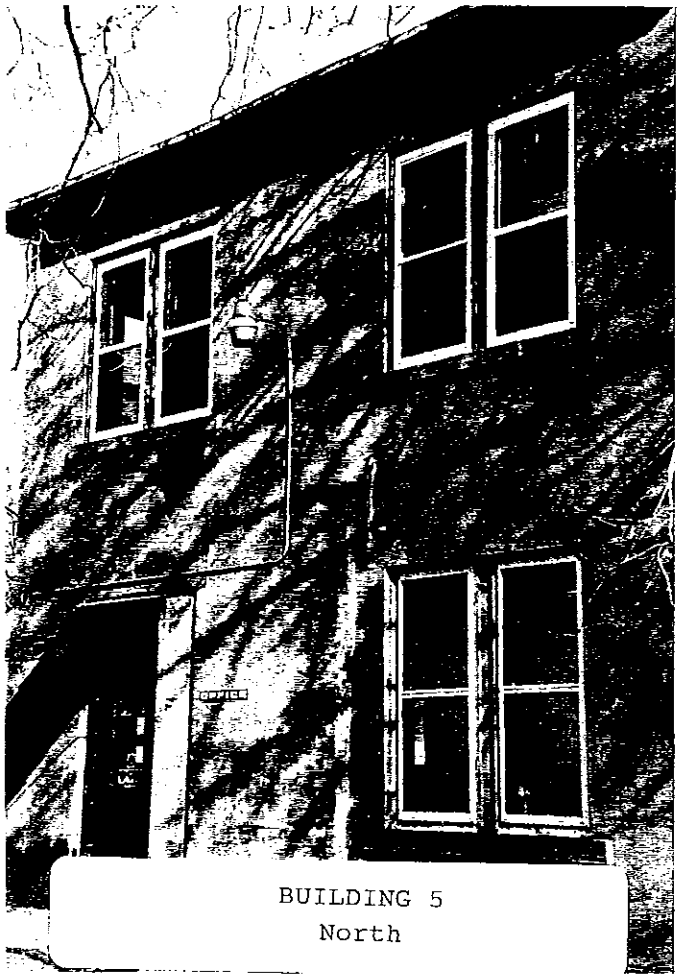
BUILDING 4
Ground Level

BUILDING 4
Ground Level

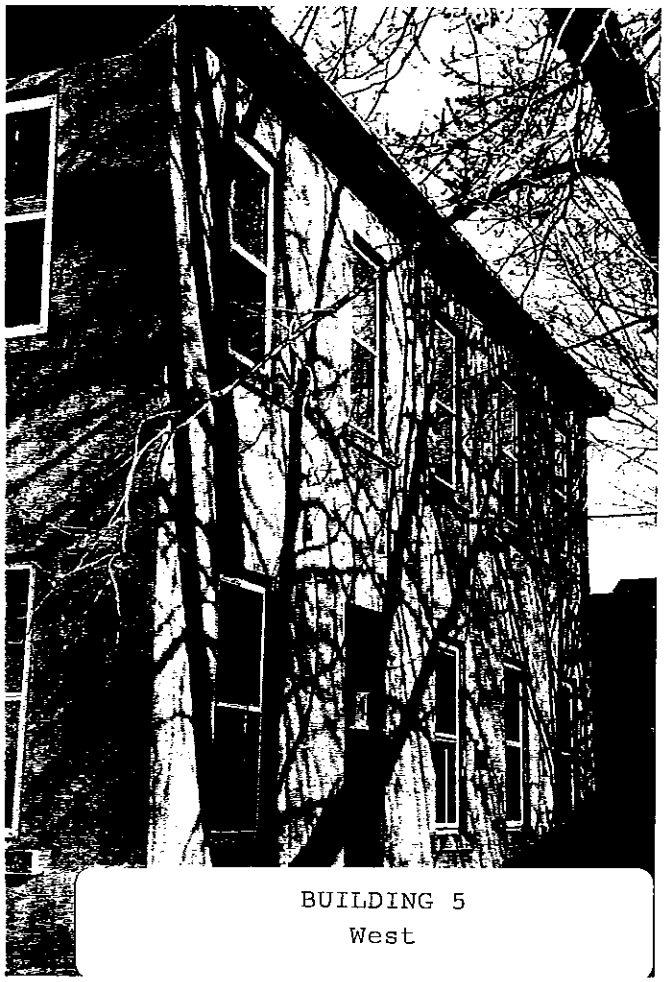
BUILDING 4
Ground Level



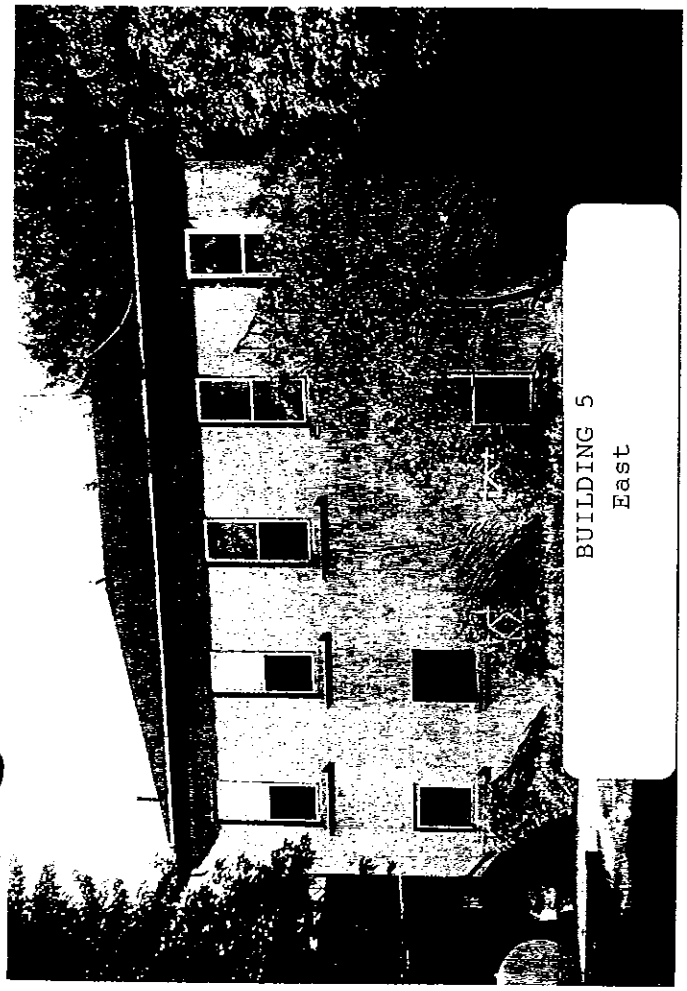
BUILDING 4
Ground Level



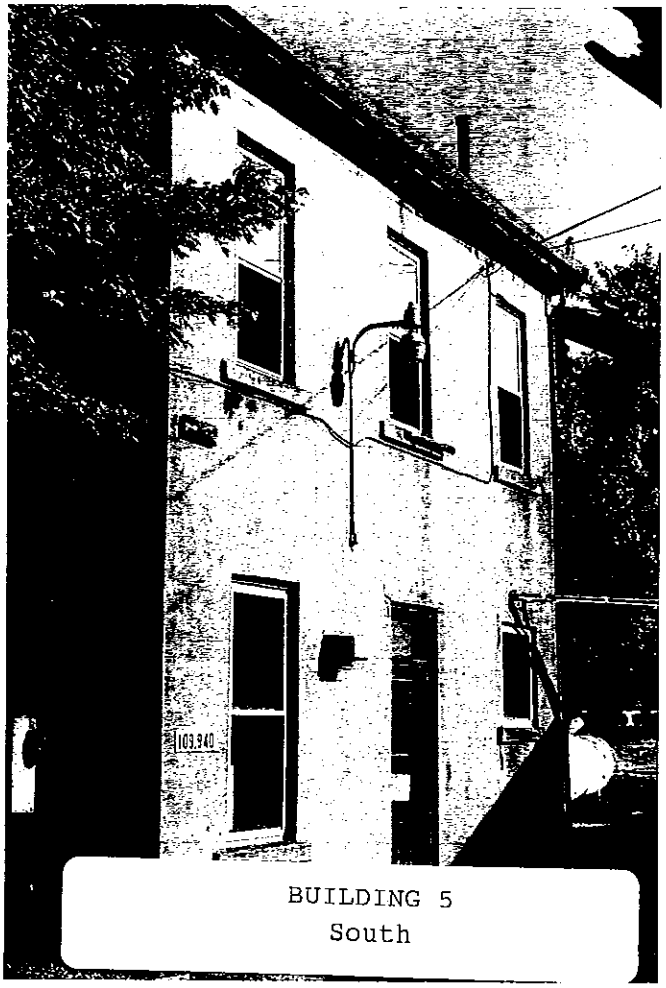
BUILDING 5
North



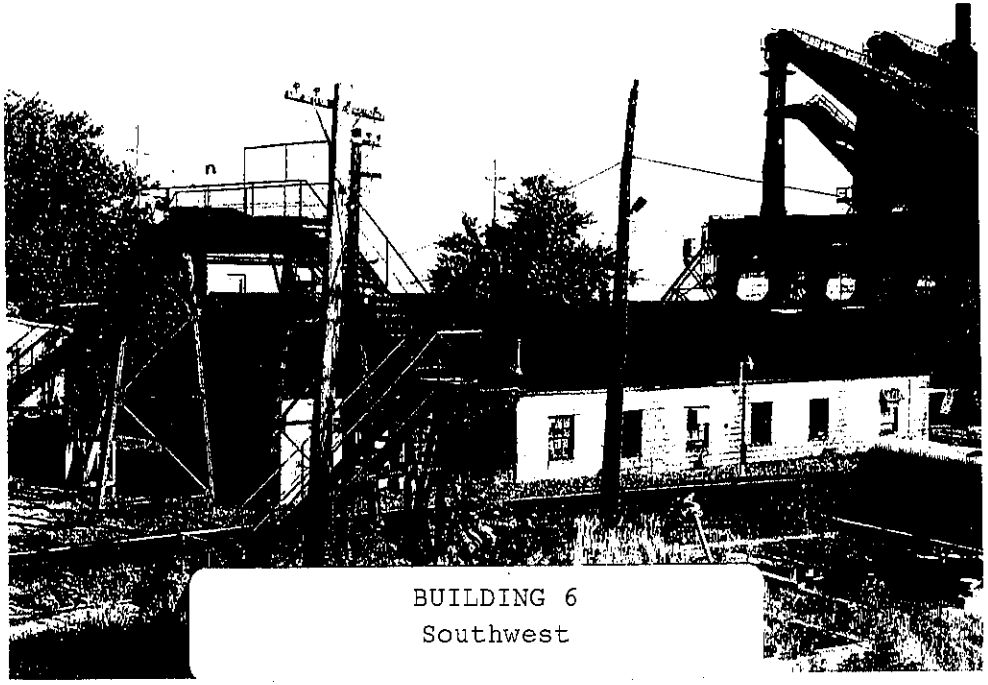
BUILDING 5
West



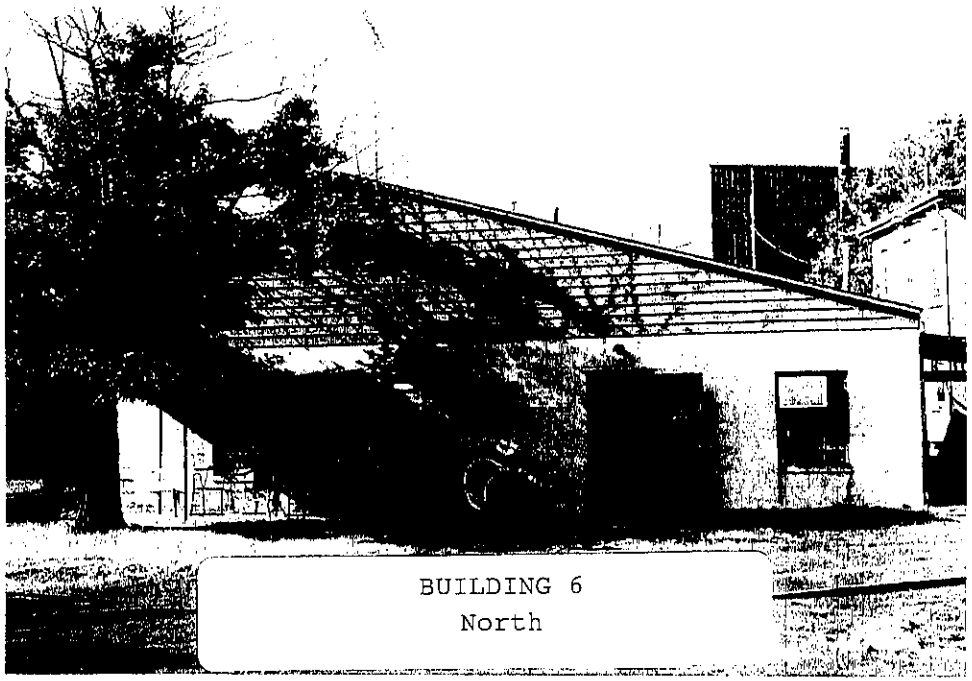
BUILDING 5
East



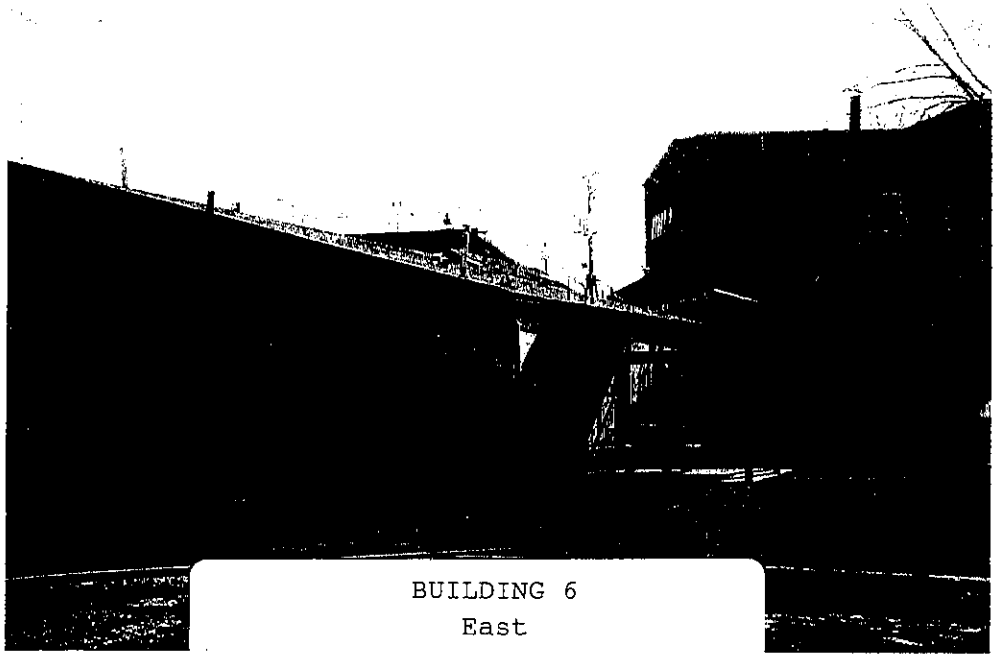
BUILDING 5
South



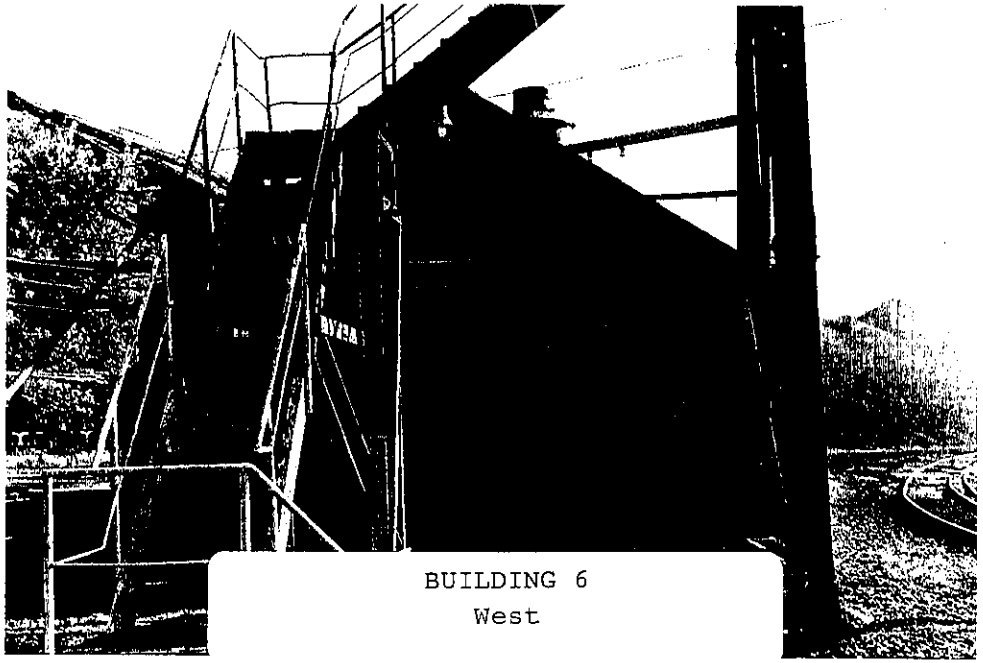
BUILDING 6
Southwest



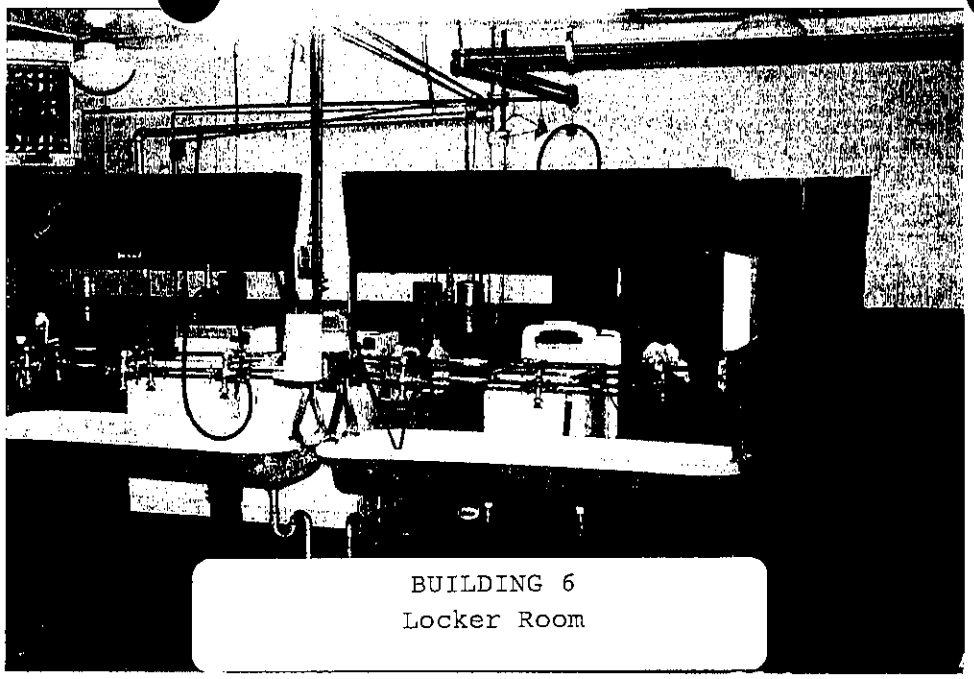
BUILDING 6
North



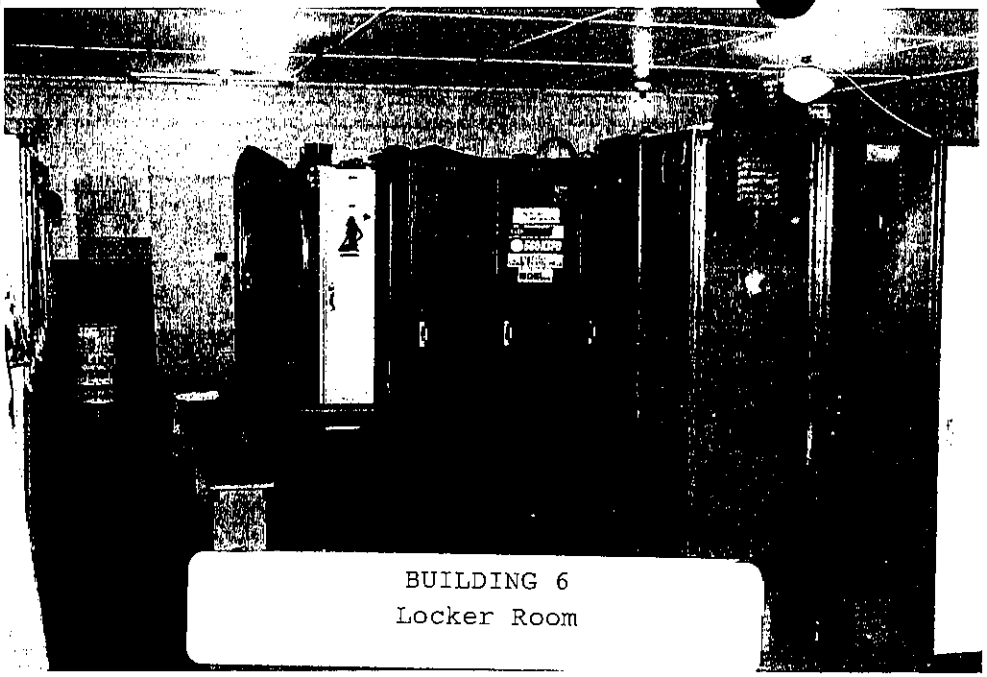
BUILDING 6
East



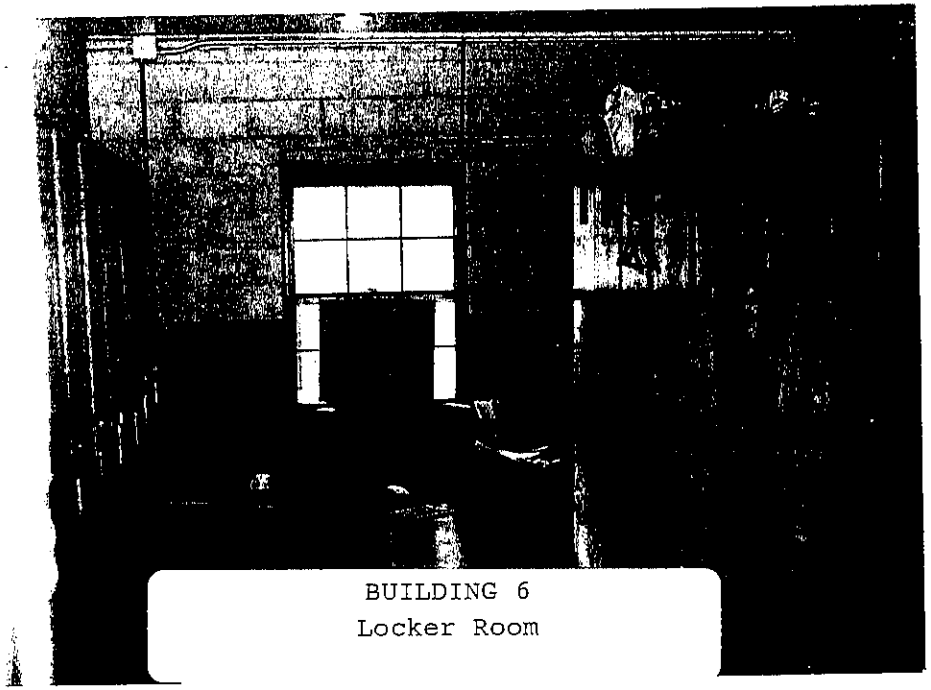
BUILDING 6
West



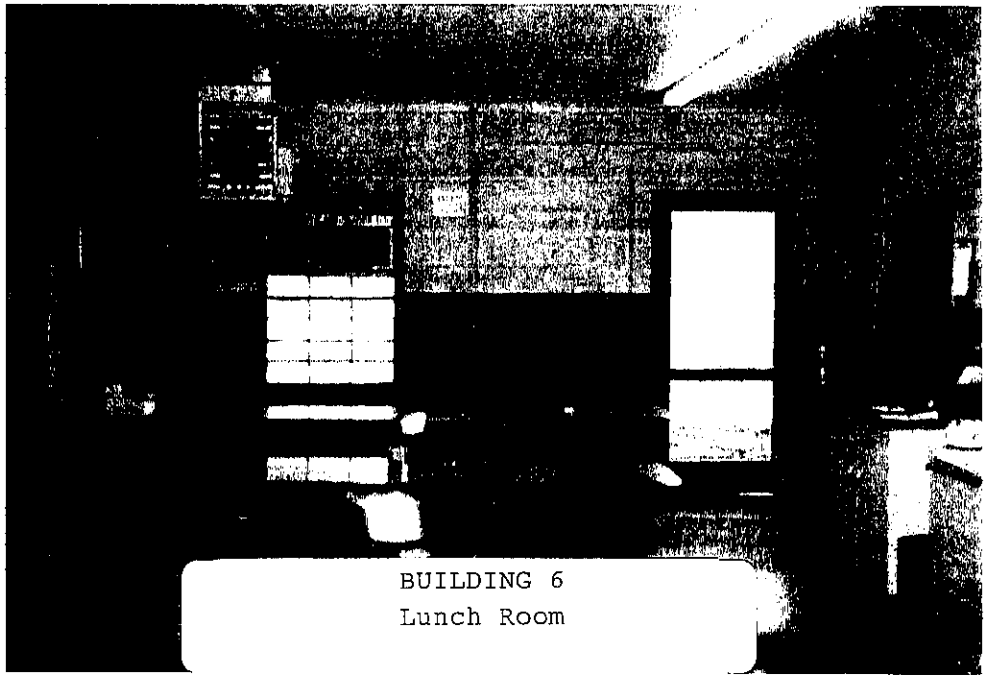
BUILDING 6
Locker Room



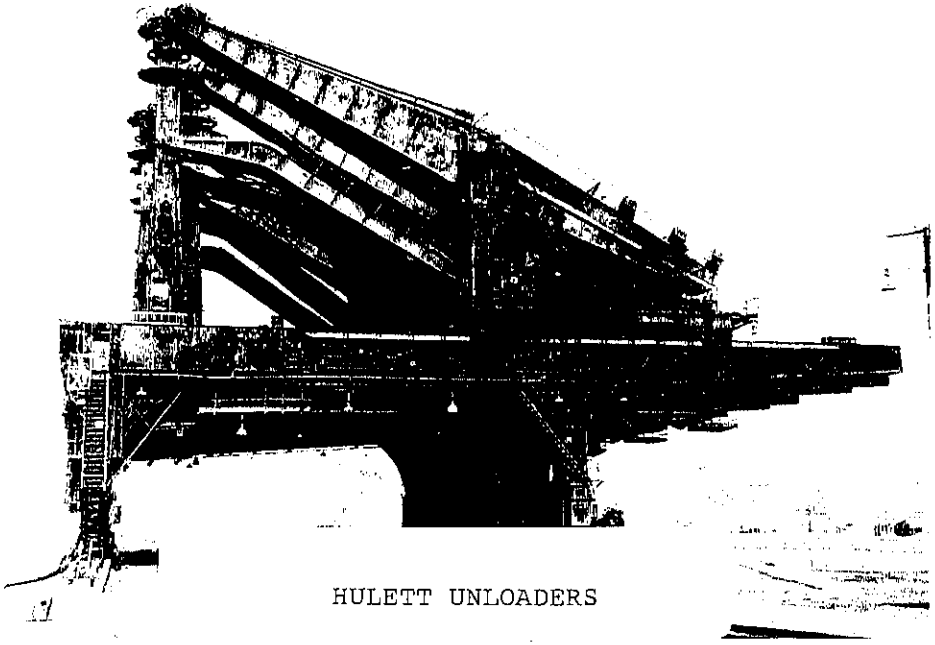
BUILDING 6
Locker Room



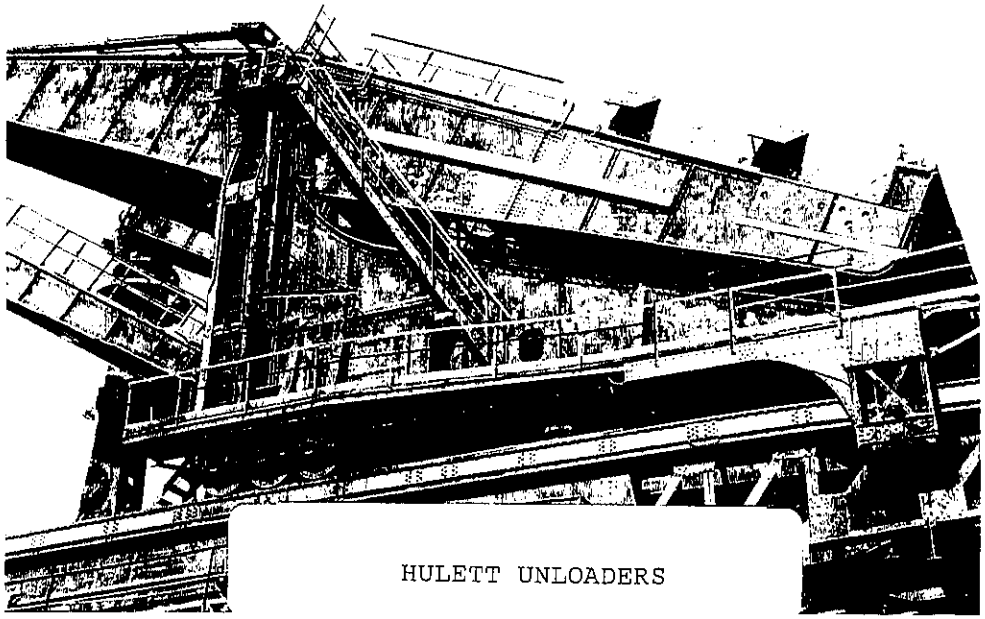
BUILDING 6
Locker Room



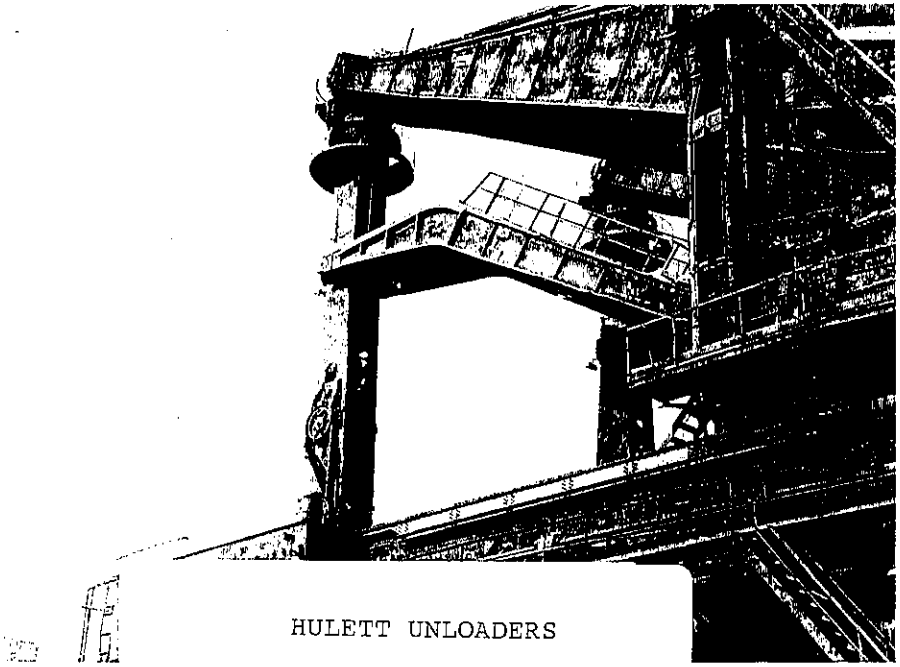
BUILDING 6
Lunch Room



HULETT UNLOADERS



HULETT UNLOADERS



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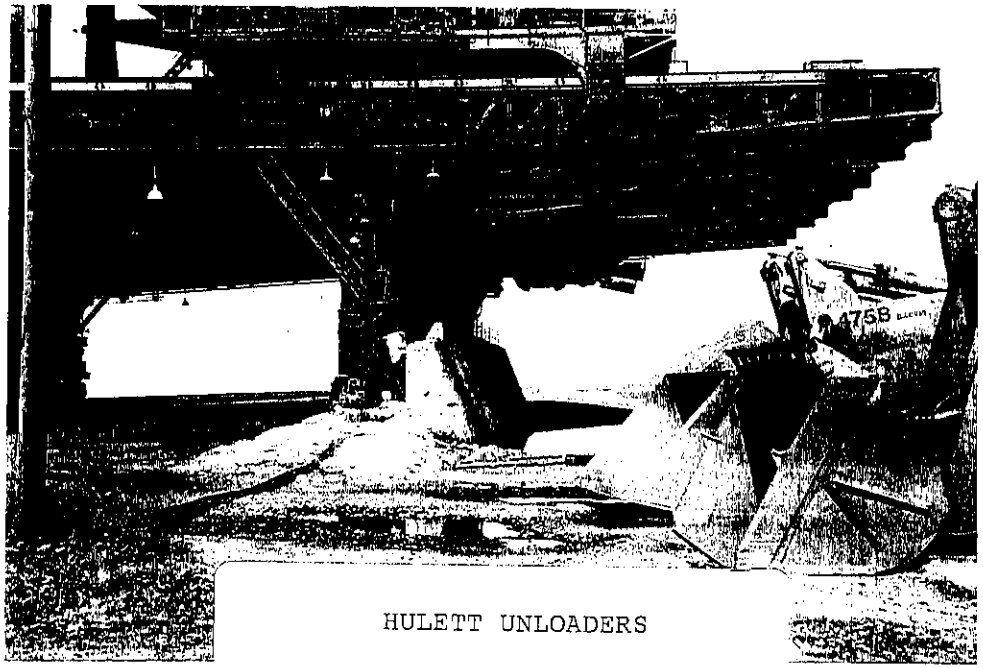

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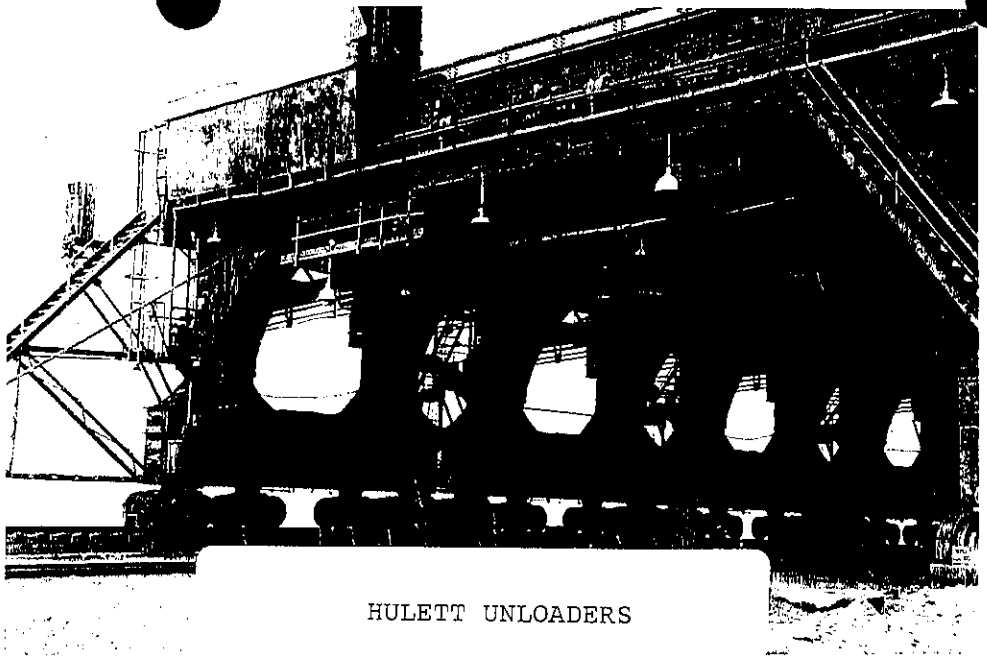

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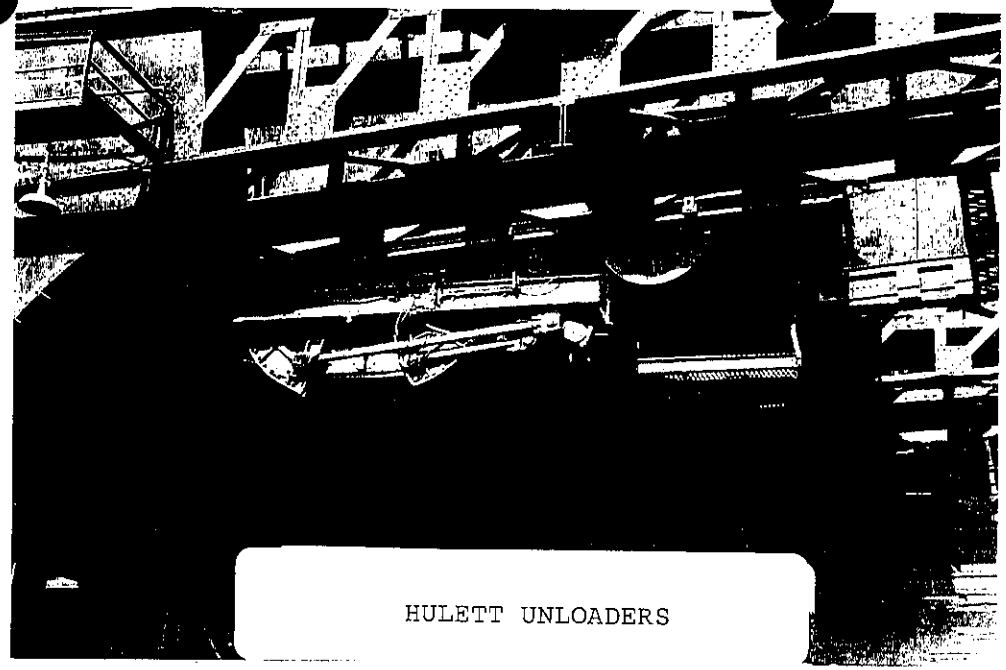
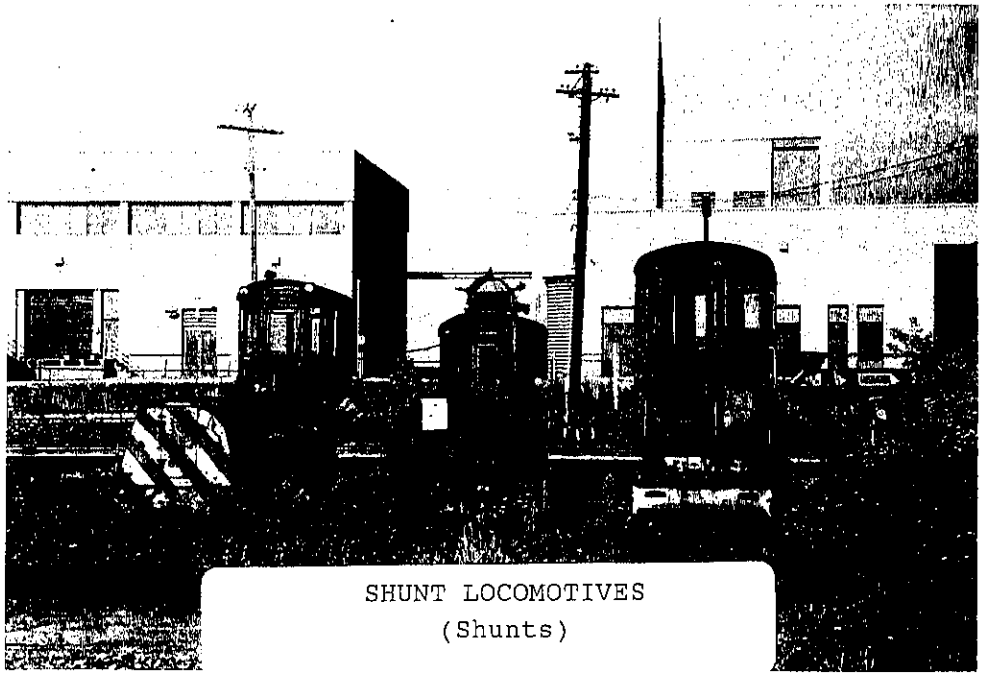
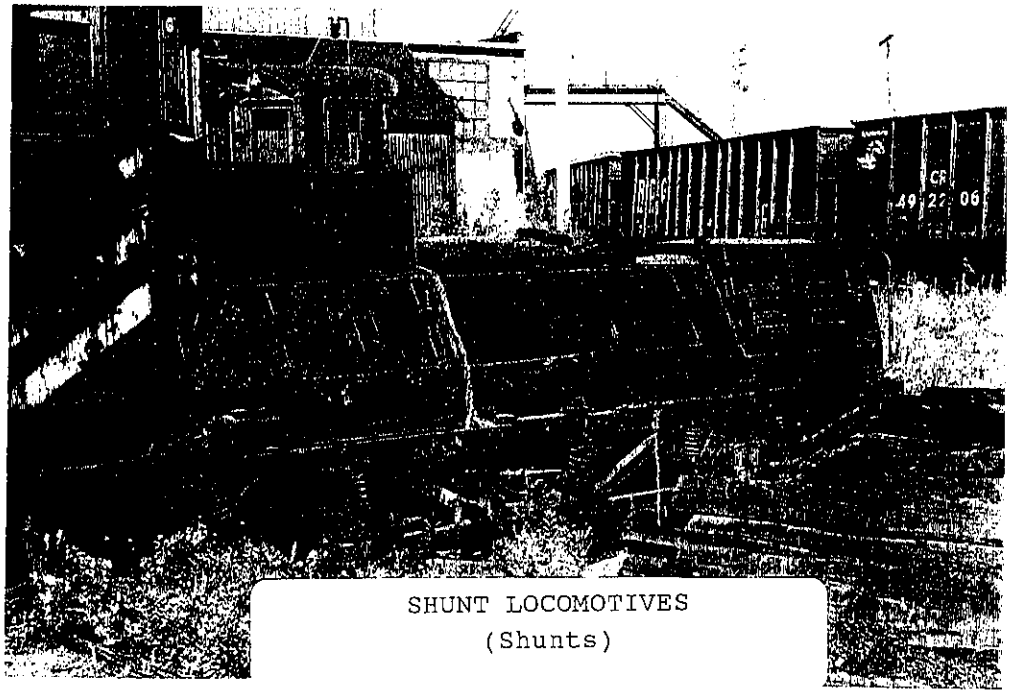


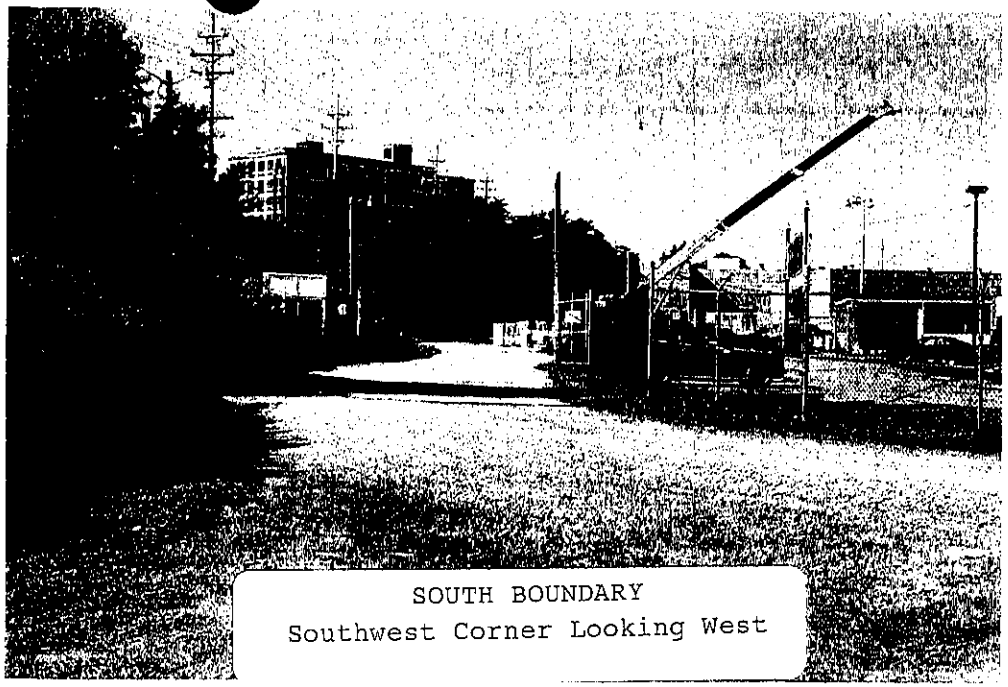
HULETT UNLOADERS



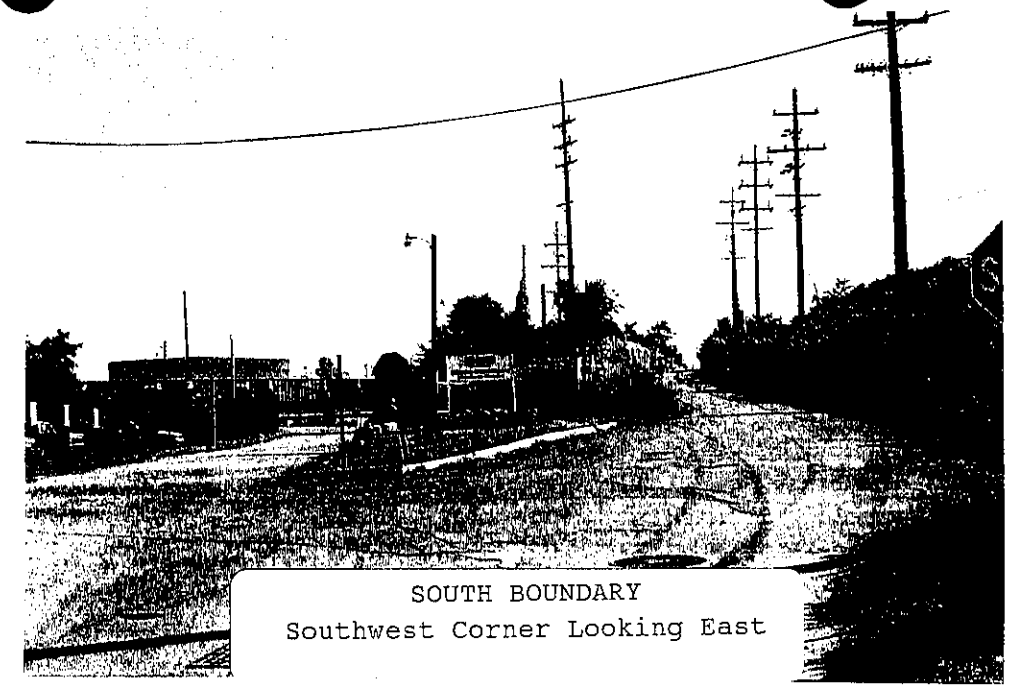
SHUNT LOCOMOTIVES
(Shunts)



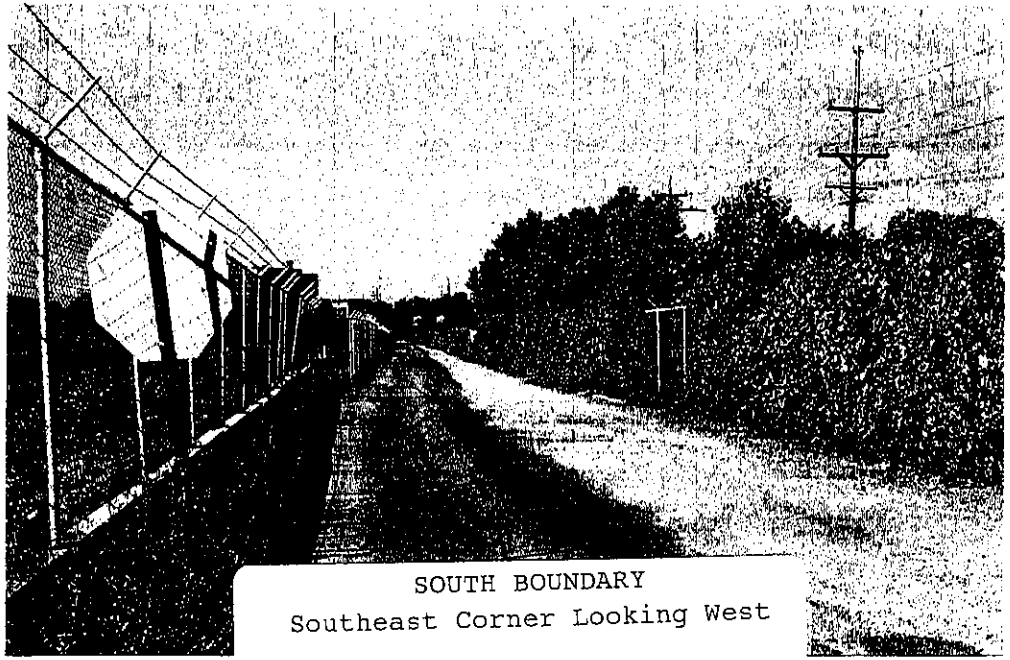
SHUNT LOCOMOTIVES
(Shunts)



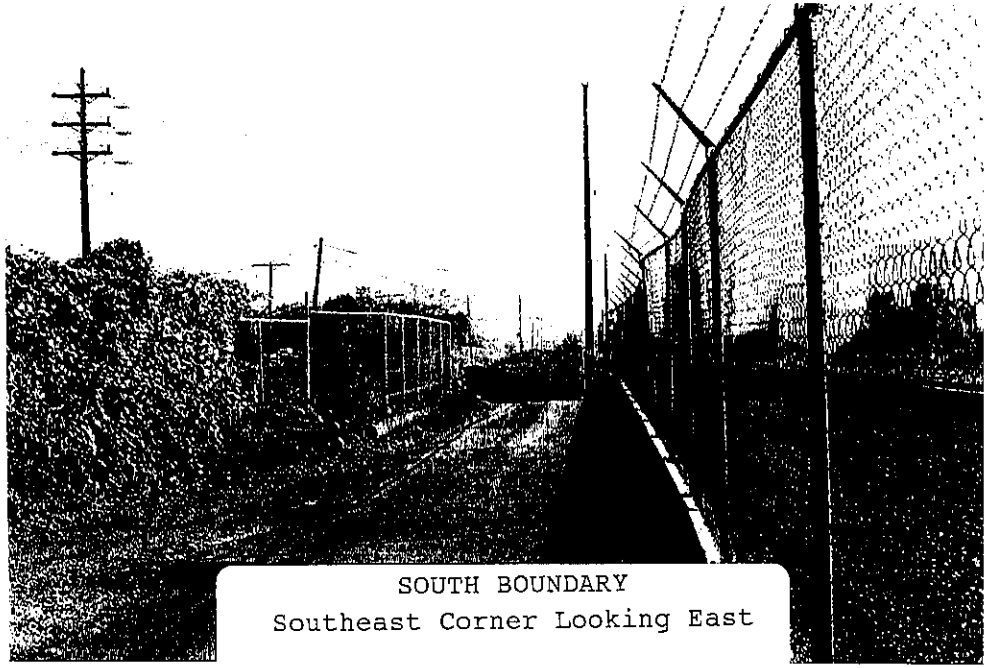
SOUTH BOUNDARY
Southwest Corner Looking West



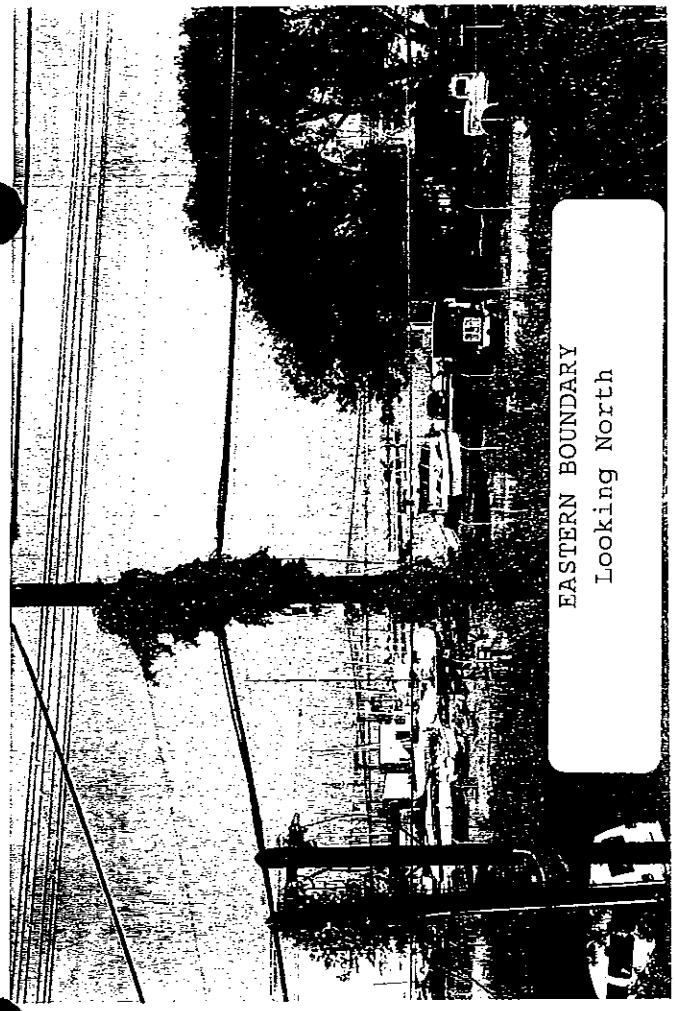
SOUTH BOUNDARY
Southwest Corner Looking East



SOUTH BOUNDARY
Southeast Corner Looking West

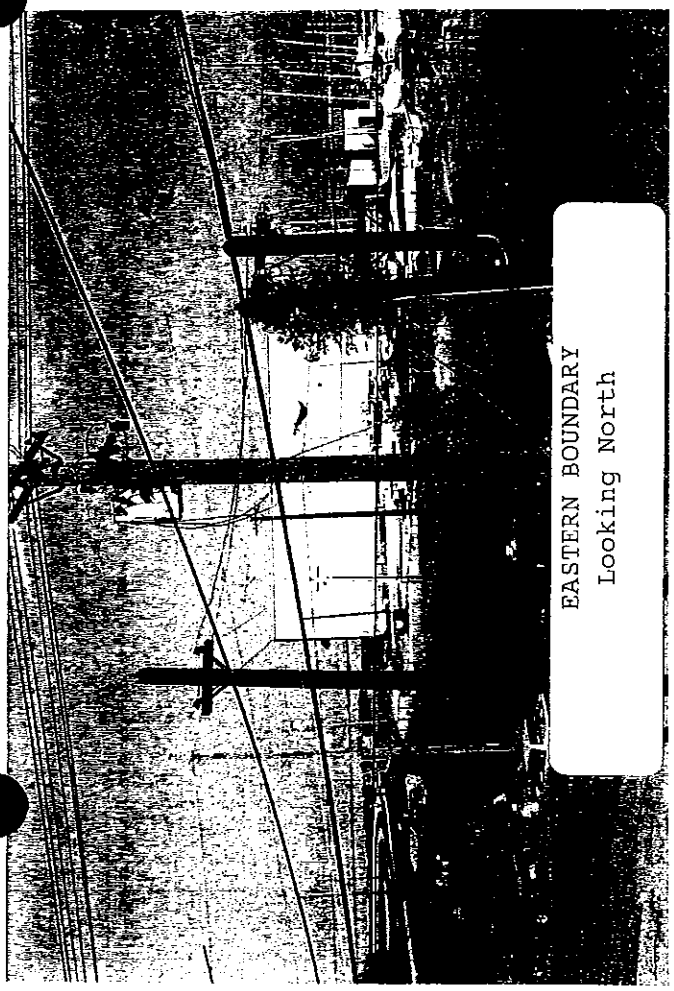


SOUTH BOUNDARY
Southeast Corner Looking East



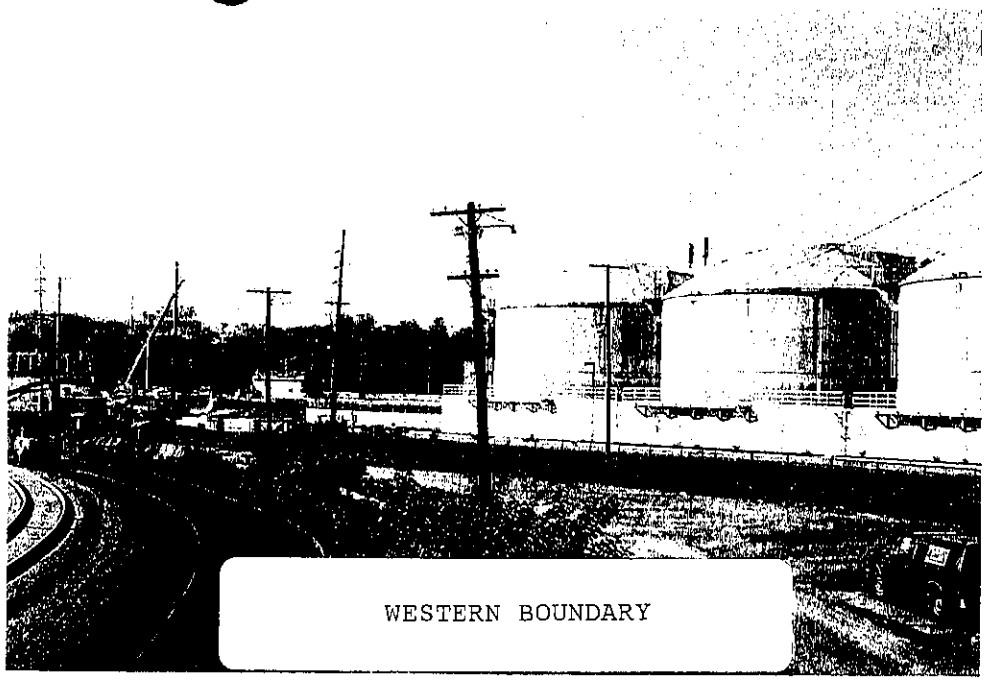
EASTERN BOUNDARY
Looking North

NORTHERN BOUNDARY
Looking East

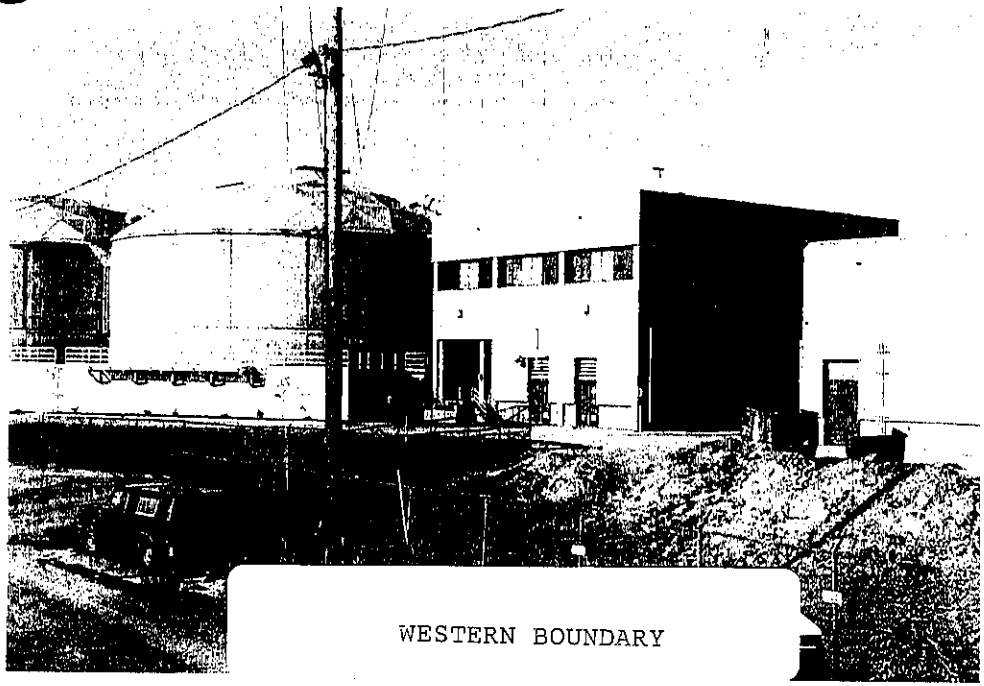


EASTERN BOUNDARY
Looking North

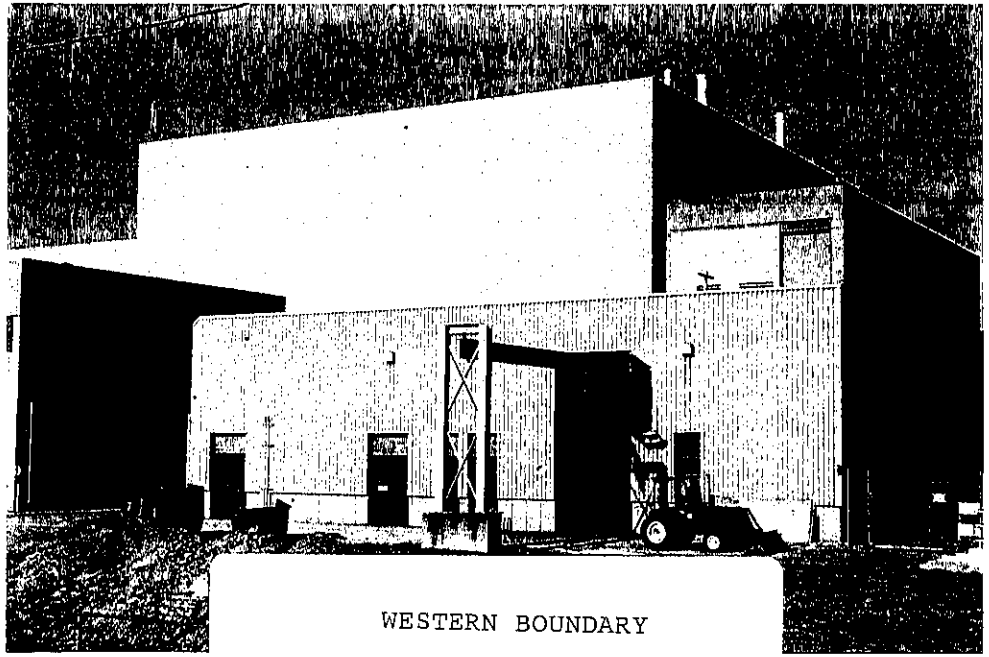
NORTHERN BOUNDARY
Looking West



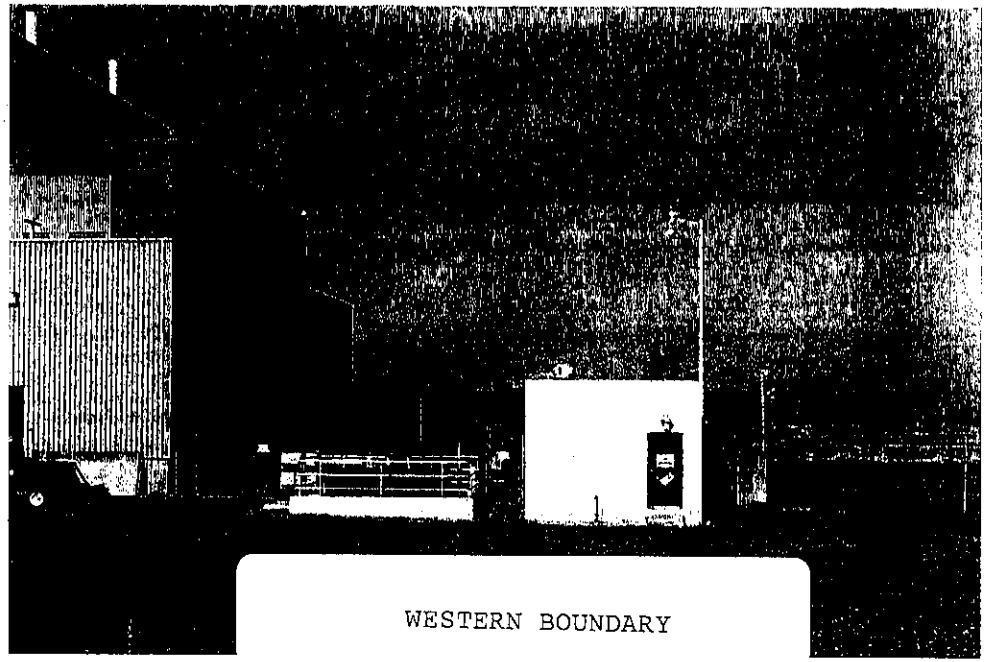
WESTERN BOUNDARY



WESTERN BOUNDARY



WESTERN BOUNDARY



WESTERN BOUNDARY

SECTION 3

SECTION 3

The Cleveland Bulk Terminals' (CBT) site, previously the C & P Ore Dock and formerly the Pennsylvania Railroad Ore Dock, is situated in Cleveland, Ohio adjacent to Lake Erie on Whiskey Island. The property was purchased by the Cleveland-Cuyahoga County Port Authority from Conrail in March, 1997. The site continues to be used as a bulk material transfer facility from ship to rail car. Future plans call for the dock to expand materials handling capabilities from the current iron ore pellets to include other bulk materials. Currently, the facility transships 1.5 to 2.0 million tons of iron ore annually.

The original dock construction began in 1910 and was completed in 1912. At the time, the 1 million ton ore storage yard was the largest ore unloading facility on the Great Lakes. Prior to 1912, the Pennsylvania Railroad received ore shipments on the Old River Bed of Whiskey Island with Hoover-Mason unloaders and Brown ore bridges. The difficulty of navigating the narrow channel and river congestion led the Railroad to design a new dock.

The current site consists of the 45 acres, four hulett unloaders, several shunt engines (narrow gauge electric locomotives), and six buildings consisting of a tractor shop, machine shop, storage shed, office and shower/lunchroom, and an abandoned power house. Seventy percent (70%) of the site is used for iron ore storage. The remainder of the property is occupied by trackwork and buildings.

The southern property line borders a gravel road and the Conrail mainline that links New York and Chicago. Whiskey Island Marina and the Cuyahoga River lie to the East, and the Northeast Regional Sewer District's Edgewater water treatment plant lies to the west. With Lake Erie on the north, no access across the Cuyahoga River, and high volume truck traffic restricted through Edgewater Park, the only practical truck access to the dock is a planned crossing of the Conrail mainline.

The four story brick powerhouse (building 2) measures 150' x 60', is steel framed with reinforced concrete columns. Windows are round arched oriented in groups of three. Originally the coal fired powerhouse generated electricity to power the 17-ton huletts, ore bridge, and shunts. Power was delivered by underground cables to power rails (i.e. third rail) for the ore bridge, huletts and shunts. With the advent of public utilities, power delivery switched over to Cleveland Electric Illuminating Co., the local power company, in the late 1950's. Today the building sits idle stripped of most of the original

antiquated equipment; the motor-generator sets are still in place.

The original machine shop (building 4) measures 60' x 70'; it housed all repair work on the dock machinery. Today this building temporarily stores equipment and serves no useful purpose. All equipment maintenance is performed in the tractor shop (building 1) south of the powerhouse. This structure is a modern pre-engineered building measuring 55' x 70'.

The storage shed (building 3) is a small single story, gable roof structure with corrugated metal siding and connects to the old machine shop to the east.

The office building (building 5) is a two story building is framed with wood and finished with stucco. It measures 25' x 40' and houses the dock superintendent and his staff.

The final building (building 6) is the shower/lunchroom. This plain low gable roof building contains showers, a locker room and dining facility for the yard crew.

The four hulett unloaders are inoperable and located on the western waterside edge of the property. Each machine consists of a main framework (traveling base) sitting on a series of trucks designed to travel on a pair of yard rails running parallel with the water's edge. Power was fed through a third rail along the direction of travel.

Moving perpendicular to the dock and sitting on top of the traveling base is the trolley. The trolley also travels on rails and houses the electrical distribution controls for the hulett's power requirements and hoist machinery. In addition, the trolley supports the walking beam, which supports the bucket leg. The walking beam pivots about the top of the trolley (similar to a teeter-totter) and transmits the load between the bucket and counterweight located at the opposite ends of the beam. The bucket leg houses the operator and support the 17-ton bucket that travels into the ship's cargo hold for the material to be unloaded.

The previously mentioned ore bridge was destroyed during a winter storm in the late 1970's and subsequently removed from the site. The shunts are inoperable and obsolete. These have been offered to historical groups including the Western Reserve Historical Society.

SECTION 4

SECTION 4

The Port Authority is planning to expand current operations by developing a multi-modal bulk handling facility capable of transferring a diversity of commodities to truck or back to water, in addition to the current operation in which iron ore is transferred from vessel to rail car.

Several steps are required to expand capabilities; one is to add truck access. Although the site is currently accessible by rail, no readily available route for trucks exists, or could, without modifying the feeder tracks. The Port Authority, through numerous discussions with Conrail, has arrived at a viable solution to the problem. It's comprised of adding a rail spur off the north side of the Conrail mainline, just west of the Cuyahoga River, running parallel to the mainline for 2000 feet and entering CBT ore dock property at the eastern end. The new rail spur would free the existing rail underpass for a truck roadway, south of the mainline, and connecting between the CBT property and the Willow Street bridge.

Another step in expanding capabilities would be to better utilize the site for storing and moving material. This entails planning, designing, and constructing a material handling system for multiple commodities. Part of this effort calls for retaining two of the six existing buildings, the original powerhouse (building 2) and the tractor shop (building 1). The other four buildings will be demolished as they serve no useful purpose to daily dock operations and future expansion, which is also the impetus for this Section 106 Review. The dock operator, Oglebay Norton, is actively investigating the bulk material handling option.

NPS Form 10-900
(Oct. 1990)

OMB No. 10024-0018

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Pennsylvania Railway Ore Dock

other names/site number C & P Ore Dock

2. Location

street & number On Lake Erie at Whiskey Island ☐ not for publication

city or town Cleveland ☐ vicinity

state Ohio code OH county Cuyahoga code 035 zip code 44113

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this ☐ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. I recommend that this property be considered significant ☐ nationally ☐ statewide ☐ locally. (☐ See continuation sheet for additional comments.)

Signature of certifying official/Title Date

State of Federal agency and bureau

In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. (☐ See continuation sheet for additional comments.)

Signature of certifying official/Title Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

Signature of the Keeper Date of Action

☐ entered in the National Register.
☐ See continuation sheet.

☐ determined eligible for the National Register
☐ See continuation sheet.

☐ determined not eligible for the National Register.

☐ removed from the National Register.

☐ other, (explain:)

Pennsylvania Railway Ore Dock
Name of Property

Cuyahoga County, Ohio
County and State

5. Classification

Ownership of Property
(Check as many boxes as apply)

- ☒ private
- ☐ public-local
- ☐ public-State
- ☐ public-Federal

Category of Property
(Check only one box)

- ☐ building(s)
- ☒ district
- ☐ site
- ☐ structure
- ☐ object

Number of Resources within Property
(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
5	0	buildings
1	0	sites
8	0	structures
0	0	objects
14	0	Total

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register

0

6. Function or Use

Historic Functions
(Enter categories from instructions)

INDUSTRY

Current Functions
(Enter categories from instructions)

INDUSTRY/industrial storage
VACANT/NOT IN USE

7. Description

Architectural Classification
(Enter categories from instructions)

Other

Materials
(Enter categories from instructions)

foundation CONCRETE
walls BRICK
METAL
roof ASPHALT
other

Narrative Description
(Describe the historic and current condition of the property on one or more continuation sheets.)

Pennsylvania Railway Ore Dock
Name of Property

Cuyahoga County, Ohio
County and State

8. Statement of Significance

Applicable National Register Criteria
(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- [X] **A** Property is associated with events that have made a significant contribution to the broad patterns of our history.
- [ ] **B** Property is associated with the lives of persons significant in our past.
- [ ] **C** Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- [ ] **D** Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations
(Mark "x" in all the boxes that apply.)

Property is:

- [ ] **A** owned by a religious institution or used for religious purposes.
- [ ] **B** removed from its original location.
- [ ] **C** a birthplace or grave.
- [ ] **D** a cemetery.
- [ ] **E** a reconstructed building, object, or structure.
- [ ] **F** a commemorative property.
- [ ] **G** less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance
(Enter categories from instructions)

ENGINEERING
INVENTION
INDUSTRY
TRANSPORTATION

Period of Significance

1912-1945

Significant Dates

1911-12

Significant Person
(Complete if Criterion B is marked above)

Cultural Affiliation

N/A

Architect/Builder

Hulett, George H.
Wellman-Seaver-Morgan Company

Narrative Statement of Significance
(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibilography
(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- [ ] preliminary determination of individual listing (36 CFR 67) has been requested
- [ ] previously listed in the National Register
- [ ] previously determined eligible by the National Register
- [ ] designated a National Historic Landmark
- [X] recorded by Historic American Buildings Survey # ~~OH-18~~
- [X] recorded by Historic American Engineering Record # OH-18

Primary location of additional data:

- [ ] State Historic Preservation Office
- [ ] Other State agency
- [X] Federal agency
- [ ] Local government
- [ ] University
- [ ] Other

Name of repository:

Library of Congress

Pennsylvania Railway Ore Dock
Name of Property

Cuyahoga County, Ohio
County and State

10. Geographical Data

Acreage of Property Approximately 40

UTM References
(Place additional UTM references on a continuation sheet.)

	Zone	Easting	Northing
1	17	439380	4593740
2	17	439920	4594120
3	17	440080	4593880
4	17	439540	4593500

☐ See continuation sheet

Verbal Boundary Description
(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification
(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Carol Poh Miller with Rimantas (Ray) Saikus

organization _____ date 2/14/95

street & number 17903 Rosecliff Road telephone (216) 692-0747

city or town Cleveland state Ohio zip code 44119

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **Sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional Items
(Check with the SHPO or FPO for any additional items)

Property Owner
(Complete this item at the request of SHPO or FPO.)

name Consolidated Rail Corporation

street & number 2001 Market Street, P.O. Box 41419 telephone _____

city or town Philadelphia state PA zip code 19101-1419

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Projects (1024-0018), Washington, DC 20503.

Pennsylvania Railway Ore Dock (C & P Ore Dock)
Cleveland, Cuyahoga County, OH

Description

The C & P Ore Dock is located on Lake Erie at Whiskey Island, a strip of land sheared off from the mainland by the old channel of the Cuyahoga River. The ore dock consists of four Hulett ore unloaders each of 17-ton bucket capacity, a one-million-ton-capacity ore storage yard, a machine shop with adjoining storage shed, office building, shower/lunch building, electric powerhouse with adjoining concrete coal bunkers, and four narrow-gauge electric locomotives. The Hulett unloaders and powerhouse were abandoned in 1992, but the dock continues in use for the unloading and storage of pelletized iron ore (taconite). The ore is delivered by self-unloading ships; front-end loaders load it into railroad cars and move it about the storage yard.

The four Hulett ore unloaders are located at the western end of the face of the dock. Each machine consists of a main framework mounted on trucks which formerly traveled on tracks laid parallel to the dock. The main framework, perpendicular to the dock, is cantilevered at the rear in order to overhang an ore storage trough (since demolished). A trolley on rails is mounted on the main framework. The trolley carries a walking beam from which a stiff vertical leg is suspended. There is a grab bucket at the lower end of the leg, directly above which is an operator's cab.

In addition to the four Hulett Unloaders (#1), contributing resources include the following (numbers are keyed to the site map accompanying this nomination):

Powerhouse (#2) - The powerhouse, 150 x 60 feet and almost four stories high, is a steel-framed building with reinforced-concrete columns and floors, and brick exterior walls with tall, round-arch windows grouped in threes. Concrete coal bunkers adjoin the powerhouse on the west.

Machine Shop (#3) - The machine shop, 60 x 70 feet in size, handled all necessary repair work on the dock machinery. A 25-ton Shaw crane extended across the tracks at the front of the building to handle parts directly from rail cars into the shop.

Storage Shed (#4) - A small one-story, gable-roof storage shed with corrugated metal siding adjoins the machine shop to the west.

Office (#5) - A two-story, hipped-roof, office building of concrete and steel construction, 25 x 40 feet, is fitted with offices for the dock

superintendent and his staff and a locker room for the dock crew.

Shower/Lunch Rooms (#6) - Plain, low gable-roof building contains shower and dining facilities for the dock crew.

Ore Storage Yard (#7) - A one-million-ton ore storage yard is encircled by an extensive system of railroad tracks arranged to allow the continuous movement of cars at the dock. Four tracks beneath the Hulett unloaders formerly held empty cars waiting to be filled by hoppers integral to the Hulett machines. Loaded cars were then assembled into trains in a large yard south of the storage yard. All but one of the tracks beneath the Hulett unloaders have been removed.

Electric Locomotives (#8) - In addition to the above resources, four electric locomotives remain on the site, though they are no longer used. These locomotives, called "shunt cars," moved the rail cars about the dock. Built by Baldwin-Westinghouse, they ran on narrow-gauge (42-inch) tracks and were equipped with "side pusher arms" designed to push, or "shunt" the cars along adjacent standard-gauge tracks. Conductor rails between the narrow-gauge tracks supplied power to the locomotives. The shunt cars handled both single cars and trains.

Statement of Significance

The Pennsylvania Railway Ore Dock (better known as the C & P Ore Dock, after the Cleveland & Pittsburgh Railroad, predecessor of the Pennsylvania) meets National Register Criterion A in the areas of Engineering, Invention, Industry, and Transportation. When built in 1911-12, it was the largest ore-unloading dock on the Great Lakes. The dock featured four Hulett unloaders with bucket capacities of 17 tons, a 15-ton-capacity ore stocking bridge, and a one-million-ton storage yard. Invented and developed by Clevelander George H. Hulett (1846-1923) and built by the Wellman-Seaver-Morgan Company of Cleveland, the Hulett unloader revolutionized the handling of iron ore by reducing labor costs and unloading times. By 1913, Hulett unloaders were in use at almost every port on Lake Erie. In Cleveland, more than a dozen such machines were at work on the Cuyahoga River and the lakefront, unloading iron ore mined in the Lake Superior region for delivery by rail to blast furnaces in Ohio, Pennsylvania, and West Virginia. The Hulett unloader gradually was eclipsed by more efficient self-unloading vessels, which carry their own boom and conveyor

systems; those at the C & P Dock came to a final standstill in December 1992. Today, these visually impressive machines are rare survivors: they are the last to survive on Lake Erie and among the last anywhere on the Great Lakes.[1] In addition to the four Hulett unloaders, the C & P Ore Dock includes an associated powerhouse, machine shop, office, and other ancillary structures and equipment. It retains a high degree of historic integrity.

Historical Background

The movement of iron ore in the Great Lakes region is essentially the same today as it was in 1855 when the opening of the Sault Sainte Marie canal marked the beginning of ore shipments. Ore mined in the Lake Superior region is carried by rail to the shipping ports, then by ship to the lower lake ports, where it is rehandled into railroad cars for the trip to the blast furnace. Between 1855 (the year of the first shipment through the Soo locks) and 1880, the annual product of the Lake Superior mines rose from 1,449 tons to 1.9 million tons. Thus, the efficient rehandling of iron ore at the receiving docks became increasingly important in order to meet the steady demands of blast furnaces, to keep the price of ore low, and to allow lake vessels to make a maximum number of return trips during the seven-month shipping season.

Three phases of iron-ore unloading preceded the introduction of the Hulett unloader in 1899. Until 1867, ore was unloaded entirely by hand labor. Between 1867 and 1880, portable steam engines were used to hoist tubs of ore out of the hold, but men still used wheelbarrows to carry the ore to the dock. In 1880, a young Cleveland engineer named Alexander E. Brown (1852-1911) developed a mechanical hoist consisting of two towers supporting a cableway; a steam-powered rope trolley suspended from the cableway traveled out over the ship's hold and carried hand-filled tubs of ore back to the dock. The Brown method was widely employed until about 1900.

George H. Hulett (1846-1923) made a radical improvement in ore unloading machinery while employed as an engineer with the Webster, Camp & Lane

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[1] Only two other Hulett machines are known to survive. Built in 1942, they are used to unload coal at the LTV Steel coke plant in South Chicago, Illinois.

NPS Form 10-900-a
(8-86)

OMB Approval No. 1024-0018

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 8 Page 4

Pennsylvania Railway Ore Dock (C & P Ore Dock)
Cleveland, Cuyahoga County, OH

Machine Company of Akron, Ohio. Hulett's invention, first patented in 1898, did away with the shovelful "as a unit of bulk" and substituted a 10-ton-capacity grab bucket. The first Hulett ore unloader was built for the Pittsburgh & Conneaut Dock Company at Conneaut, Ohio, in 1898-1899.

George Hulett was born at Conneaut, Ohio, the son of pioneer settlers who had emigrated from Vermont in 1831. The family moved to Cleveland in 1860. Hulett attended the local schools and was graduated from the Humiston Institute in 1864. He conducted a general store at Unionville, Ohio, until 1881, when he returned to Cleveland and entered the produce and commission business. Hulett's technological leap from the general store to the design and manufacture of materials-handling equipment unfortunately cannot be documented. Patent records show that, between 1887 and 1906, Hulett secured over two dozen patents for a variety of hoisting and conveying machinery. An obituary in the *Iron Trade Review* noted that, for thirty years, Hulett was "actively engaged" as a construction engineeer for a number of manufacturers of heavy machinery, including the Variety Iron Works and the McMyler-Interstate Company, both of Cleveland, and the Webster, Camp & Lane Company of Akron. When Webster, Camp & Lane later merged with the Wellman-Seaver-Morgan Company of Cleveland, Hulett served as vice-president and director of the combined companies until 1918.

On April 5, 1898, Hulett, along with John McMyler, secured a patent for an improved "loading and unloading apparatus." Hulett and McMyler's invention provided a "means for reaching under the decks of vessels and unloading (cargo) rapidly and cheaply." According to the patent application, "... it consists of a suitable framework for the support of the mechanism, a leg supported thereby and depending therefrom, and a scoop or bucket connected with the lower end of the leg and capable of being turned completely around relative to its support. The new machine was designed to operate hydraulically, although "other means, such as steam or electricity, could be employed as well as water." Hulett soon perfected the new machine and secured subsequent patents in his name alone.

The Hulett ore unloader resulted in substantial cost savings for the iron and steel industry, reducing the cost of unloading iron ore from 18 cents to less than 5 cents per ton. Such economy was possible largely because of the reduced cost of labor: The Hulett ore unloader required just one operator in the bucket leg, one in the scale larry, an oiler, and "about five men in the hold for one quarter of the working time, to clean up." With the improved handling machinery, a cargo of iron could be unloaded in five to ten hours, depending on the size of the vessel, thereby enabling a

boat to make many more round trips each season. The widespread adoption of Hulett unloaders led to larger boats especially designed to accommodate the Huletts. In 1904, *Engineering News* reported that "boats are now being designed with special reference to the economical working of the [Hulett] unloaders. The hatches are made practically continuous, and they are made as wide as the space used for the storing of cargo." Largely as a result of the improvements in unloading made possible by the Hulett, lake ore carriers increased from 300 feet to 625 feet in length and from 3,000 tons to 13,000 tons in capacity.

The C & P Ore Dock

While the original builders of the Cleveland & Pittsburgh Railroad were not aware of the potential for iron ore trade, they estimated that the line would move a thousand tons of coal a day. The western terminus of the road was on Whiskey Island, a strip of land west of the Cuyahoga River sheared off from the mainland by the old river bed. The line was completed through to Wellsville, Ohio, in 1852 and shortly thereafter with Pittsburgh and the East.

The unloading of Lake Superior ore on Whiskey Island probably began about 1855, although the exact date has not been recorded. Steel drums, sawed in half - and, later, iron tubs made especially for the purpose - were lowered into a vessel's hold by means of ropes passed through 'snatch blocks' in the rigging. After being filled by shovelers, the tubs were pulled out of the hold by horses on shore hitched to the ropes. The ore was dumped into wheelbarrows and wheeled to the dock as the tub descended for another load. Later, steam engines replaced horses as a power for the block and tackle.

In 1889, the Pennsylvania Railroad (which had leased the Cleveland & Pittsburgh line beginning in 1871) erected four "cantilever type mechanical unloaders" on Dock No. 1 on the old river bed. Two more were added at Dock No. 2 the following year. In 1891, a Brown "Fast Plant" unloader was built on Dock 3, "marking a new advance by handling 6,000 tons of ore a day direct from vessels to railroad cars." The later adoption of clamshell buckets, which eliminated the need for a large force of shovelers, further increased capacity.

By 1908, the Pennsylvania Company decided to scrap its Whiskey Island operation in favor of a new dock on property it owned north of the tracks

NPS Form 10-900-a
(8-86)

OMB Approval No. 1024-0018

United States Department of the Interior
National Park Service

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Pennsylvania Railway Ore Dock (C & P Ore Dock)
Cleveland, Cuyahoga County, OH

of the Lake Shore & Michigan Southern Railway and within the protective arm of the Cleveland Harbor west breakwater. The lakefront site would eliminate the tortuous trip of bulk freighters around the hairpin curves of the Cuyahoga, a journey that, for larger boats, required the assistance of two tugs. The company proposed to reclaim approximately forty acres of lakefront land by filling it with slag and other refuse, construct an extensive ore dock equipped with modern Hulett machinery, lay out an extensive yard system for the railroad cars that would receive the ore, and build a double-track subway beneath the tracks of the L. S. & M. S. Railway to permit rail access to the dock.

Between 1910 and 1912, the Pennsylvania Railway Company built the "latest and most modern ore dock the lakes" at Cleveland. The dock consisted of four Hulett ore unloaders each with a bucket capacity of 17 tons, a stacking and rehandling bridge with a 15-ton-capacity bucket, a one-million-ton-capacity ore storage yard, machine shop, office, and electric powerhouse. All of the machinery at the dock was designed and built by the Wellman-Seaver-Morgan Company of Cleveland. Upon completion, the Pennsylvania dock at Cleveland was the largest ore-handling plant on the Great Lakes.

The Hulett unloader practically defies description, so unusual is it in appearance and motion. In *The Cuyahoga* (New York: Holt, Rinehart and Winston, 1966), William Donohue Ellis characterized the machine this way:

> If you can imagine riding on a dinosaur's head while he's feeding, you can imagine how it feels to operate a Hulett. In repose, this monster is the ugliest, ungainliest machine ever made. In action, it's sheer poetry.

Each machine consists of a main framework mounted on trucks which travel parallel to the dock. The main framework, perpendicular to the dock, is cantilevered at the rear so that it overhangs an ore storage trough. A trolley travels on rails mounted on the main framework. The trolley carries a walking beam from which a stiff vertical leg is suspended. There is a grab bucket at the lower end of the leg, and directly above the bucket is an operator's cab.

The motions of the walking beam and bucket were controlled by cables attached to drums at the rear of the trolley and operated by direct-current electric motors located in a small room, called "the dog house," at the rear end of the walking beam. The walking beam could move forward and

NPS Form 10-900-a
(8-86)

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National Park Service

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Pennsylvania Railway Ore Dock (C & P Ore Dock)
Cleveland, Cuyahoga County, OH

backward on the main framework, up and down from the vessell's hold, and laterally along the dock (to permit the retrieval of ore from the various hatches of a ship). The bucket could be rotated in a complete circle, allowing it to turn in any direction to gather a load of ore. When the operator grabbed a load, the leg was raised out of the hold and the trolley supporting the walking beam was run back until the bucket was in position to deposit the ore into a dual hopper mounted on the main framework of the machine. The ore passed from the hopper into a "scale larry" suspended from the underside of the main framework. The ore was weighed, then run back in the larry and deposited into the ore storage trough or into railroad cars positioned on tracks beneath the machinery.

Initially, all of the dock machinery operated by electricity generated at a powerhouse located at the western end of the plant. Power was carried by underground cables to the forward bridge and trough walls. The current was delivered through 85-lb. steel rails supported on cast-iron brackets bolted to the walls. Sliding shoes transferred the current from the rails to the walking beams, facilitating a continuous power supply. A series of motors governed the various movements of the machinery: laterally across the face of the dock; the opening and closing of the hopper gates; the movement of the leg itself; and the opening and closing of the clamshell bucket. A round trip from the boat to the hopper could be made in 50 seconds.

The ore stocking and rehandling bridge consisted of a truss bridge supported by a shear leg (toward the rear of the dock) and a main tower (closest to the Hulett machines). The bridge had a main span of 266 feet, with 173-foot cantilevers at each end. The main tower and shear leg were mounted on trucks that travelled on rails atop concrete walls. A 15-ton grab bucket, suspended from a trolley mounted on trucks on the underside of the bridge, transferred ore from the ore trough to the storage yard and, later, loaded it into railroad cars for shipment. After the ore stocking and handling bridge was destroyed by a storm in 1988, this work was done by front-end loaders.

The track system at the dock was arranged as follows: Empty cars were stored in a yard at the east end of the plant, from which they could be switched to one of four tracks beneath the unloaders or to a single track that ran along the north wall of the storage bridge. Loaded cars were assembled into trains in a large yard south of the storage yard. Thus, the movement of cars at the dock was continuous.

Pennsylvania Railway Ore Dock (C & P Ore Dock)
Cleveland, Cuyahoga County, OH

Electric locomotives, called "shunt cars," moved the rail cars about the dock. These locomotives, made by Baldwin-Westinghouse, ran on narrow-gauge (42-inch) tracks and were equipped with "side pusher arms" designed to push, or "shunt" the cars along adjacent standard-gauge tracks. Conductor rails between the narrow-gauge tracks supplied power to the locomotives. The shunt cars handled both single cars and trains.

A machine shop at the west end of the dock handled all necessary repair work on the dock machinery. A 25-ton Shaw crane extended across the tracks at the front of the building to handle heavy parts directly from rail cars into the shop. A two-story office building next to the machine shop was fitted with offices for the dock superintendent and his staff and a locker room for the dock crew.

The ore dock was designed and built under the direction of R. Trimble, [illegible] engineer, maintenance of way, for the Pennsylvania Company's [illegible]nwest System. The Great Lakes Dredge & Dock Company constructed and drove all of the concrete piles and built the foundations for the powerhouse and the substructure of the subway. The Dravo Contracting Company built the concrete ore trough.

By 1913, forty-five Hulett unloaders were in operation on the Great Lakes. Except for two on Lake Superior and five at Gary, Indiana, all were located at ports on Lake Erie. While no precise statistical measurement exists to show the Hulett's economic impact, the machine no doubt played a central role in handling the output of the Superior mines, which rose from 19 million gross tons in 1900 to more than 48 million tons by 1912. On July 2, 1915, the four Hulett machines at the Pennsylvania dock in Cleveland, unloaded 11,083 tons of ore from the steamer *James A. Farrell* in 3 hours, 35 minutes. This record was broken again and again by the efficient Huletts. The machinery at the Pennsylvania dock long remained a subject of special interest to metal-trades conventioneers, whose meetings in Cleveland often featured a visit to the dock on Whiskey Island.

One-thousand-foot self-unloader boats, which carry their own conveyor systems, gradually led to abandonment of the Hulett unloaders. The first such boat to tie up in Cleveland arrived at the C & P Dock on August 12, 1979. In December 1992, after unloading the *Lemoyne* of its 25,500-ton cargo, the gangly giants came to a standstill. Today the C & P Ore Dock continues in operation, receiving pelletized ore (taconite) bound for a [illegible]le customer, the Weirton Steel Company in Weirton, West Virginia. [illegible] by Consolidated Rail Corporation (Conrail) since 1976, the dock is

Pennsylvania Railway Ore Dock (C & P Ore Dock)
Cleveland, Cuyahoga County, OH

leased and operated by the Ohio & Western Pennsylvania Dock Company, a wholly-owned subsidiary of M. A. Hanna Company.

Bibiliography

Hilston, Christine Rohn. "Hulett's Mechanical Marvel." *Timeline* 11 (October 1994): 2-11.

Miller, Carol Poh. "Industrial Archaeology in the USA: Documenting the Pennsylvania Railway Ore Dock at Cleveland, Ohio." *World Archaeology* 15 (October 1983): 148-160.

Todten, Bob. "Twilight of the Titans." *Railpace Newsmagazine*, August 1992, pp. 37-44.

U.S. Department of the Interior. National Park Service. Historic American Engineering Record, OH-18. "The Pennsylvania Railway Ore Dock (Cleveland & Pittsburgh Ore Dock)." Prepared by Carol Poh Miller, October 1979.

Zimmer, George Frederick. *The Mechanical Handling & Storing of Material.* New York: D. Van Nostrand Company, 1916.

Geographical Data

Verbal Boundary Description:

The nominated property consists of the lot identified by Cuyahoga County Permanent Parcel No. 003-02-002. It describes a parcel approximately 2,000 feet long and 1,000 feet deep.

Boundary Justification:

This boundary represents the historic ore dock, including its original equipment, ancillary buildings, and ore storage yard. These resources comprise the original features of the dock as built in 1911-12.

Pennsylvania Railway Ore Dock (C & P Ore Dock)
Cleveland, Cuyahoga County, OH

PHOTOGRAPHS - PENNSYLVANIA RAILWAY ORE DOCK (C & P ORE DOCK)

1) Pennsylvania Railway Ore Dock (C & P Ore Dock)
2) Cleveland, Ohio
3) Rimantas (Ray) Saikus photograph
4) August 1994
5) Rimantas (Ray) Saikus, 19601 Meredith Avenue, Euclid, Ohio 44119
6) Hulett unloaders, looking southeast toward downtown Cleveland.
7) #1

1) Pennsylvania Railway Ore Dock (C & P Ore Dock)
2) Cleveland, Ohio
3) Rimantas (Ray) Saikus photograph
4) December 1994
5) Rimantas (Ray) Saikus, 19601 Meredith Avenue, Euclid, Ohio 44119
[NOTE: THE ABOVE INFORMATION IS THE SAME FOR PHOTOGRAPHS #3-8]
6) General view of dock, looking southeast toward downtown Cleveland.
7) #2

#3 - General view of dock, looking northeast. Machine shop at left, powerhouse at right.

#4 - Machine shop with 25-ton Shaw crane. Storage building at right.

#5 - Storage building and powerhouse with adjacent coal bunkers, looking southeast.

#6 - Powerhouse with adjoining coal bunkers, looking northeast. Hulett unloaders, office building, and machine shop at left.

#7 - Machine shop (foreground) and office building, looking east.

#8 - Narrow-gauge electric locomotives, looking southeast. Coal bunkers can be seen at left.

Pennsylvania Railway Ore Dock (C & P Ore Dock)
Cleveland, Cuyahoga County, OH

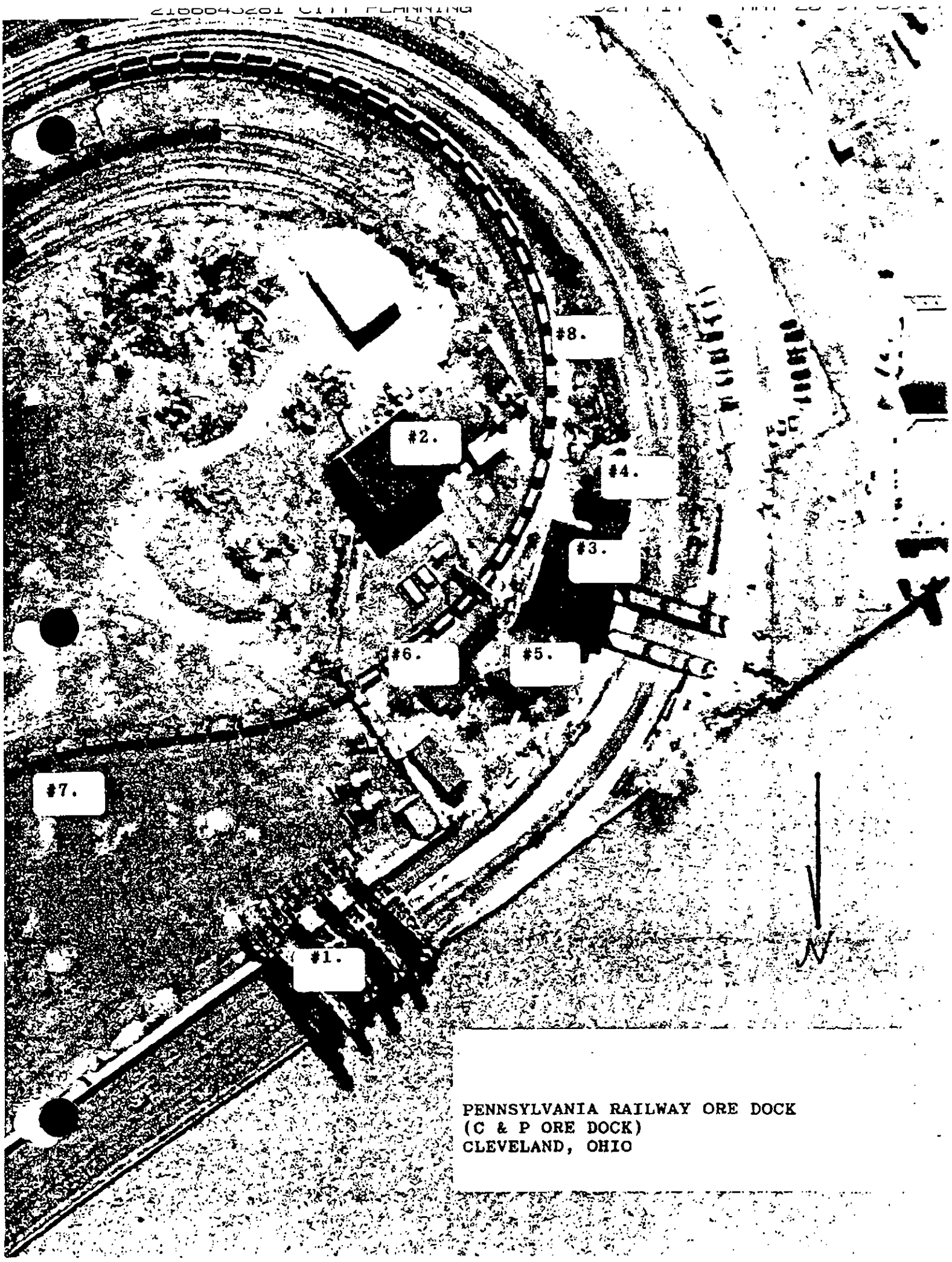
Photographs #9-12, taken on the last day of operation of the Hulett unloaders in December 1992, show the machines at work unloading the *Lemoyne*.

1) Pennsylvania Railway Ore Dock (C & P Ore Dock)
2) Cleveland, Ohio
3) Carol Poh Miller photograph
4) December 1992
5) Carol Poh Miller, 17903 Rosecliff Road, Cleveland, Ohio 44119
[NOTE: THE ABOVE INFORMATION IS THE SAME FOR PHOTOGRAPHS #10-12]
6) C & P Ore Dock, looking northeast. The dock office and a corner of the machine shop can be seen at right. Framing the view are the supports for the 25-ton Shaw crane.
7) #9

- Hulett unloaders, looking east. Here, the Huletts are unloading the *Lemoyne*'s cargo of iron ore into a train of jennies. Two of the dock's narrow-gauge electric locomotives, used to move the jennies into place beneath the Huletts then to assemble them into trains, can be seen at right.

#11 - Hulett unloaders at work. View is looking east from the deck of the pilot house.

#12 - Close-up view of a Hulett poised to descend into the vessel's hold. Operator's cab and grab bucket with its drum and rope drive are clearly visible. View is looking southeast.



PENNSYLVANIA RAILWAY ORE DOCK
(C & P ORE DOCK)
CLEVELAND, OHIO

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

PENNSYLVANIA RAILWAY
ORE DOCK (C&P ORE DOCK)
CLEVELAND, OHIO

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C 17.440080.4593880
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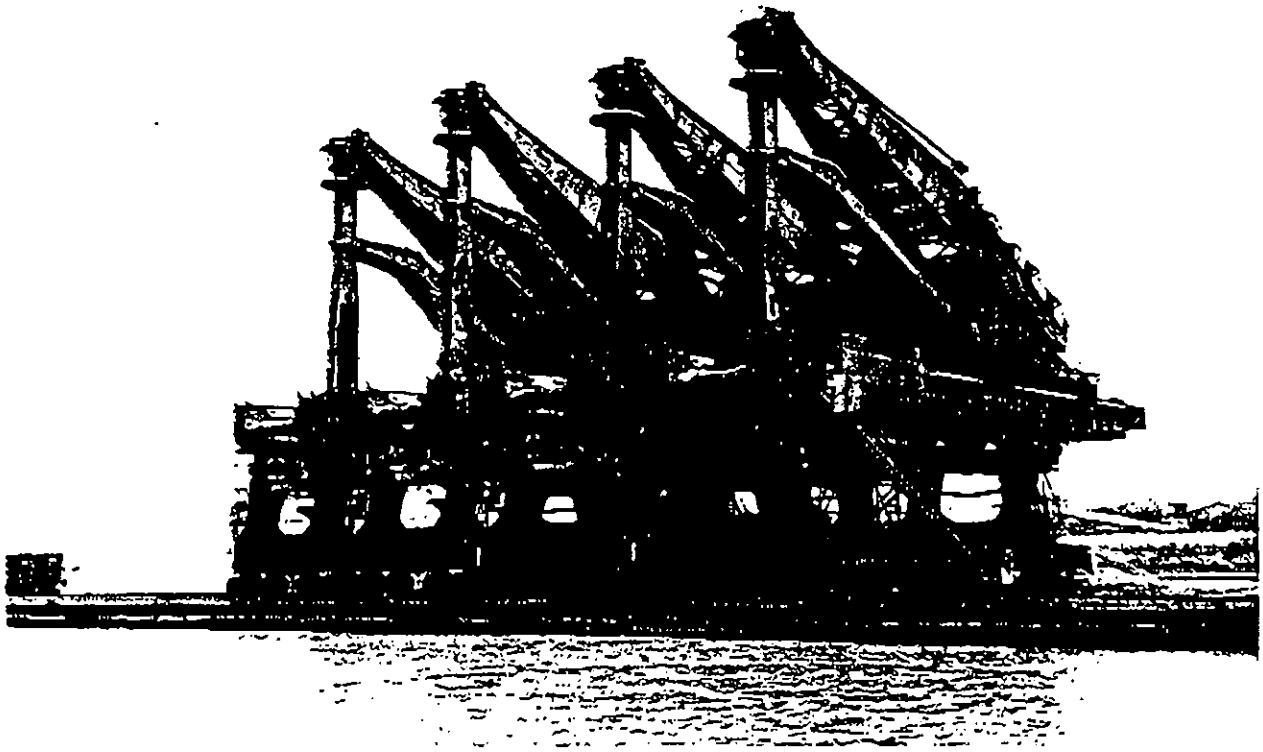

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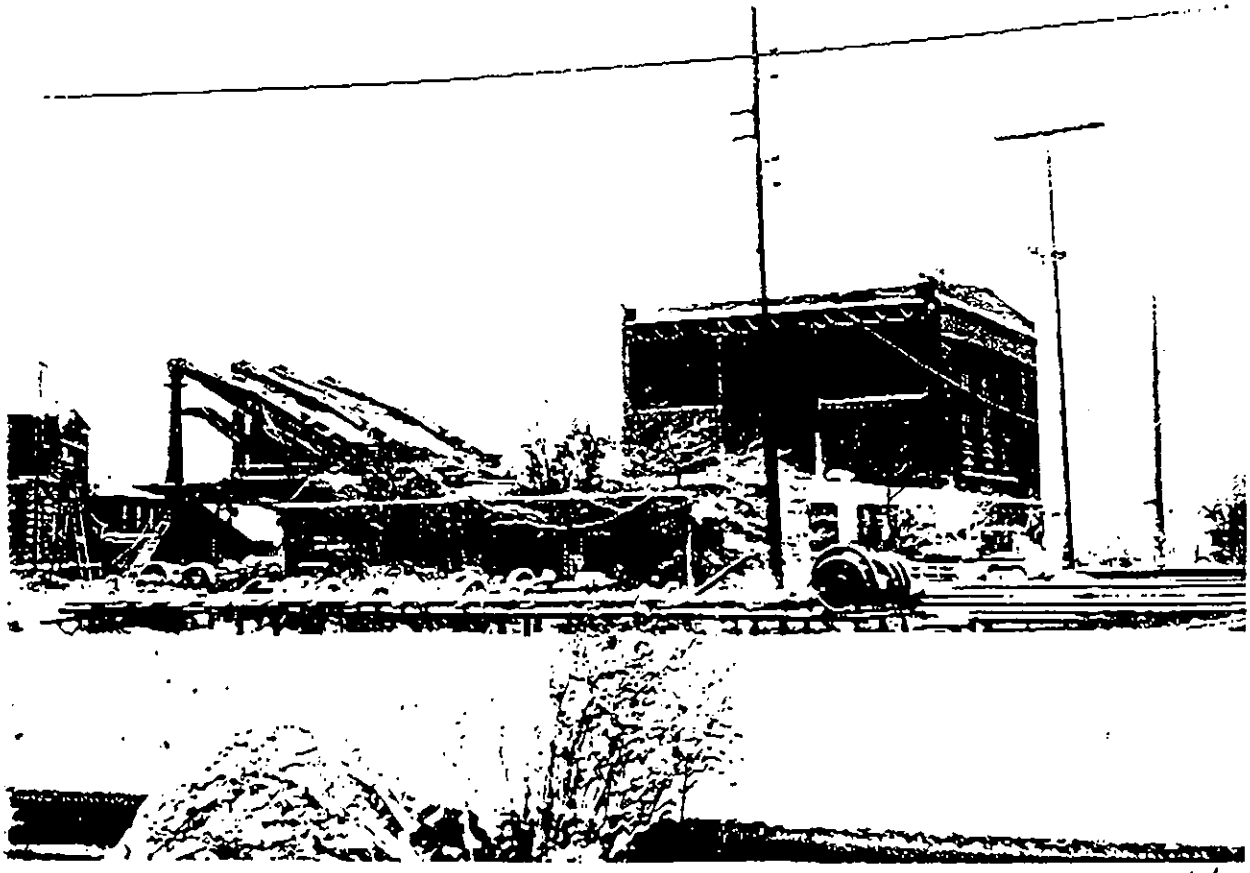

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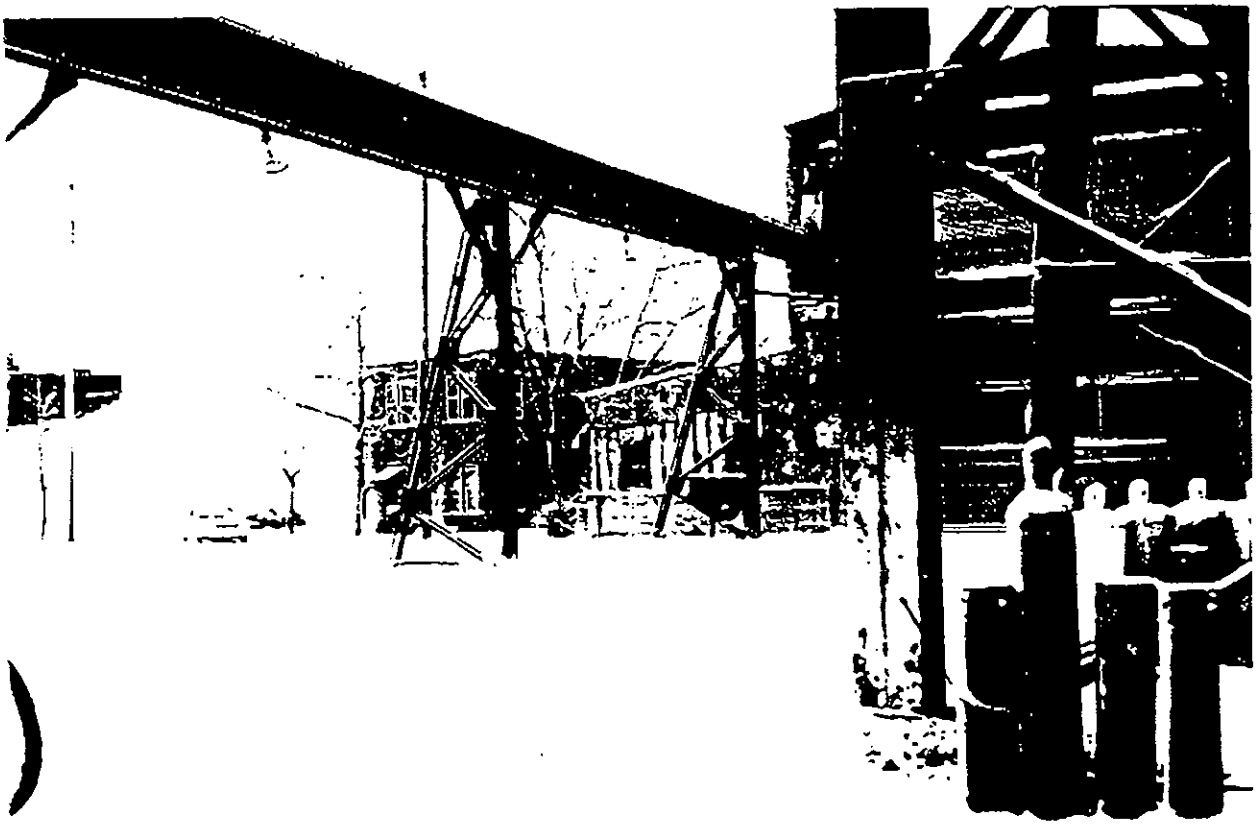

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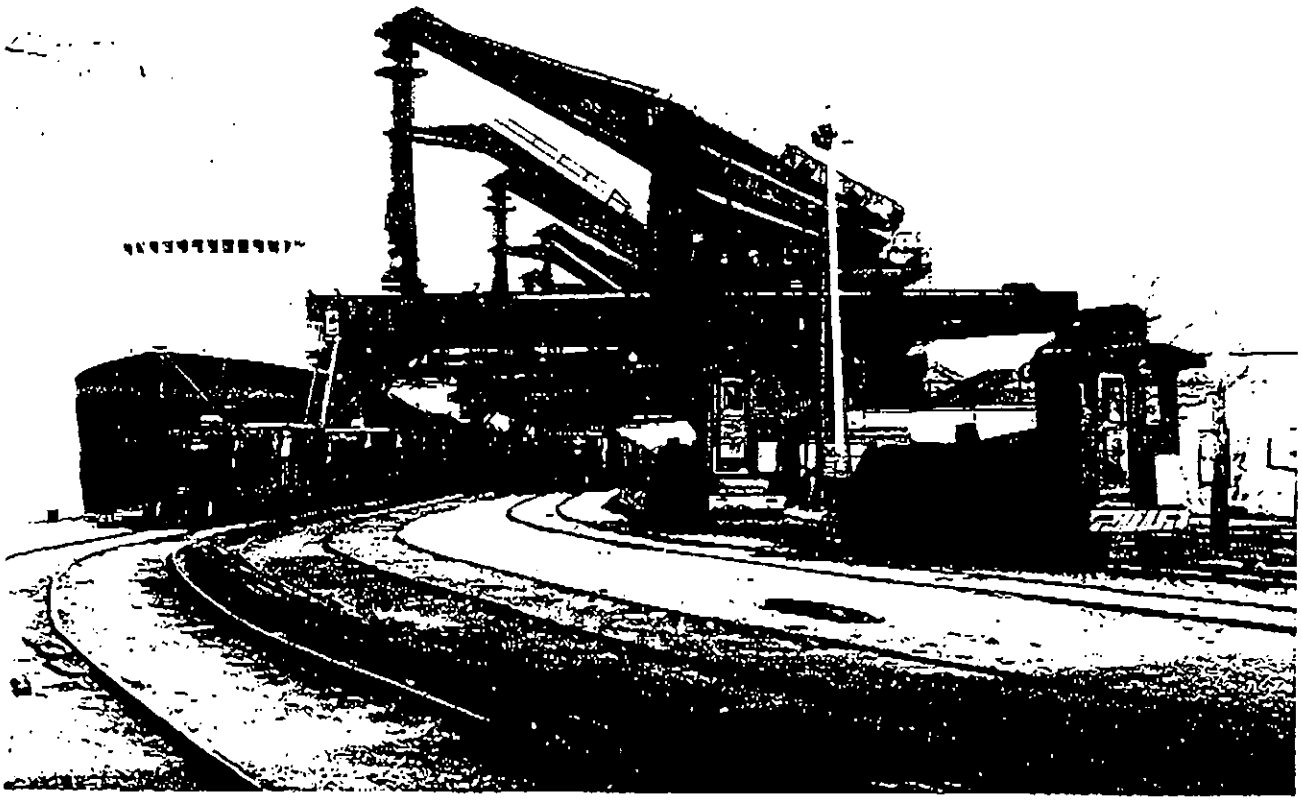

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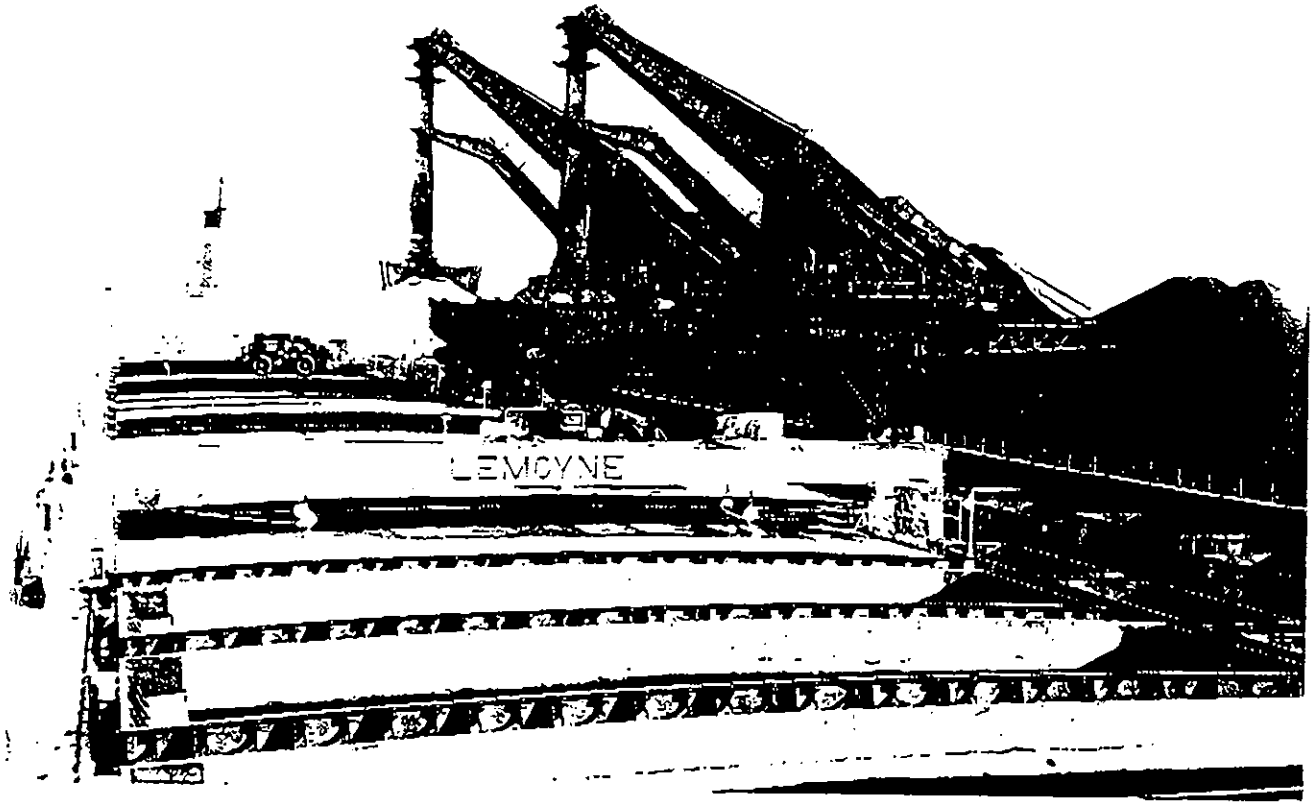

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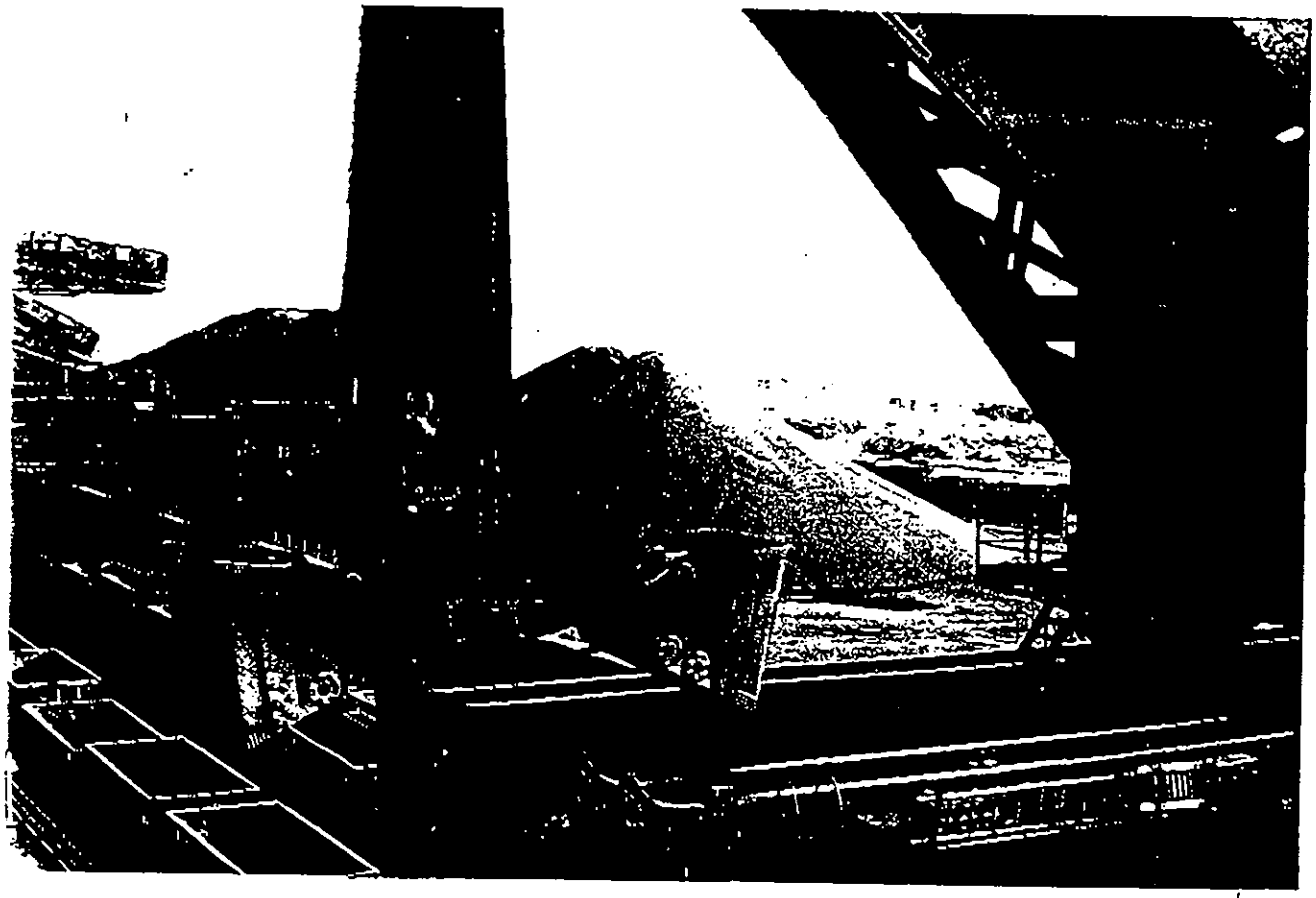

#12

Memorandum
Cleveland-Cuyahoga County Port Authority

TO: Mark Scaoabrino

FROM: Skip Jacobsen SJ

DATE: February 15, 2006

RE: CLEVELAND BULK TERMINALS
BUILDING DISPOSITION

Referring to the attached map:

Building 1, tractor shop-still exists;

Building 2, powerhouse-demolished;

Building 3, storage shed-demolished;

Building 4, machine shop-demolished;

Building 5, office building-demolished; and

Building 6, lunchroom-demolished.

cc: CBT-USACE-011

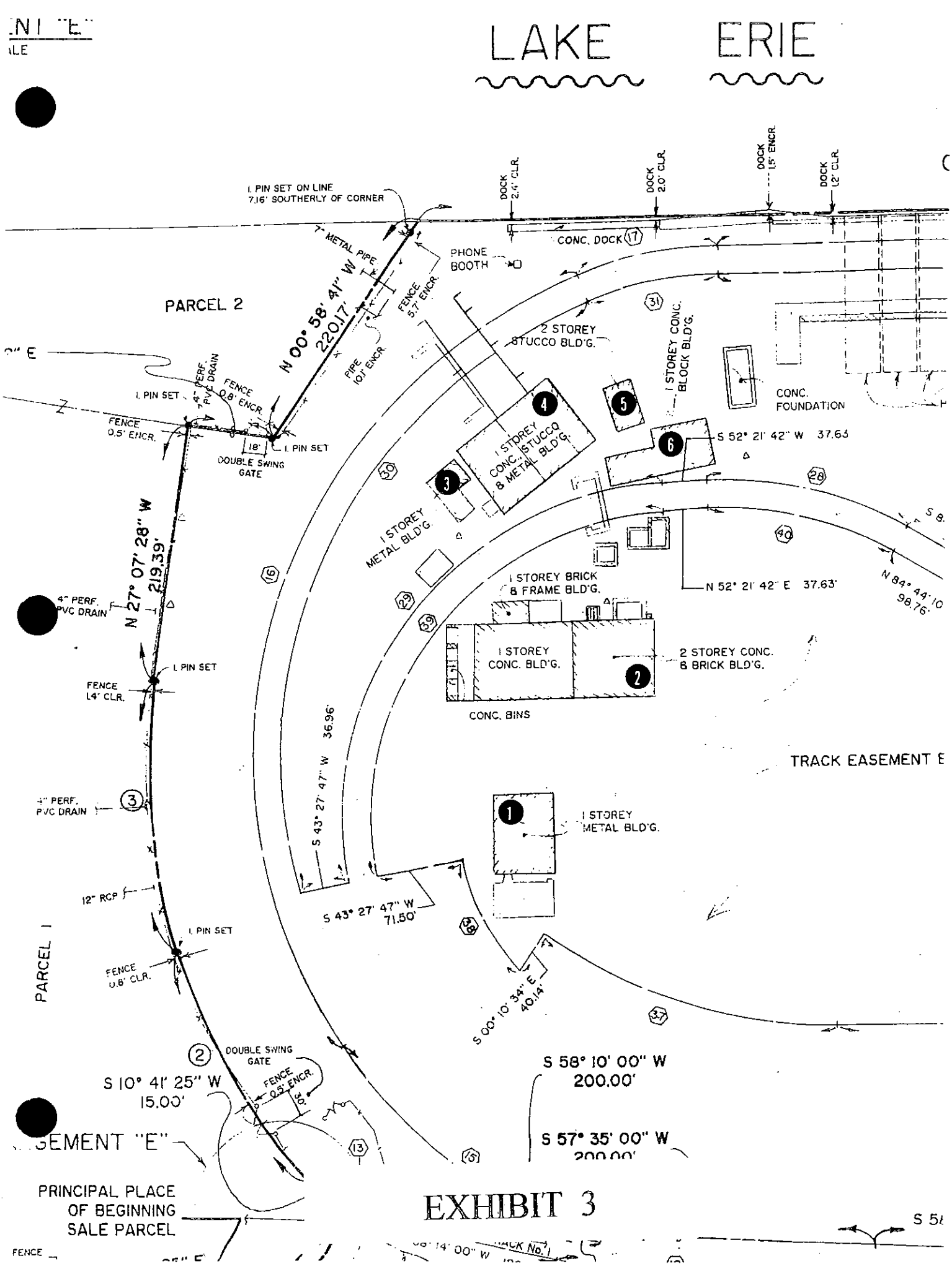
LAKE ERIE
DOCK 2.4' CLR.
DOCK 2.0' CLR.
DOCK 1.5' ENCR.
DOCK 1.2' CLR.
I. PIN SET ON LINE 7.16' SOUTHERLY OF CORNER
7" METAL PIPE
CONC. DOCK
PHONE BOOTH
FENCE 5.7' ENCR.
PARCEL 2
N 00° 58' 41" W 220.17'
PIPE 10.1' ENCR.
2 STOREY STUCCO BLD'G.
1 STOREY CONC. BLOCK BLD'G.
CONC. FOUNDATION
4" PERF. PVC DRAIN
FENCE 0.8' ENCR.
I. PIN SET
FENCE 0.5' ENCR.
18'
DOUBLE SWING GATE
1 STOREY CONC., STUCCO & METAL BLD'G.
S 52° 21' 42" W 37.63
1 STOREY METAL BLD'G.
N 27° 07' 28" W 219.39'
1 STOREY BRICK & FRAME BLD'G.
N 52° 21' 42" E 37.63'
N 84° 44' 10" 98.76'
FENCE 1.4' CLR.
1 STOREY CONC. BLD'G.
2 STOREY CONC. & BRICK BLD'G.
CONC. BINS
S 43° 27' 47" W 36.96'
TRACK EASEMENT E
1 STOREY METAL BLD'G.
12" RCP
S 43° 27' 47" W 71.50'
FENCE 0.8' CLR.
PARCEL 1
S 00° 10' 34" E 40.14'
DOUBLE SWING GATE
FENCE 0.5' ENCR.
S 10° 41' 25" W 15.00'
S 58° 10' 00" W 200.00'
S 57° 35' 00" W
PRINCIPAL PLACE OF BEGINNING SALE PARCEL
FENCE

EXHIBIT 3

ATTACHMENT NO. 1

PORT OF CLEVELAND

Cleveland - Cuyahoga
County Port Authority
101 Erieside Avenue
Cleveland, Ohio 44114-1095
216.241.8004 tel
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,

Skip Jacobsen

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

TABLE OF CONTENTS

SECTION 1	- AERIAL VIEW OF SITE, EXHIBIT 1 - USGS MAP OF SITE, EXHIBIT 2
SECTION 2	- PHOTOGRAPHS OF SITE
SECTION 3	- MAP OF BUILDING LOCATIONS, EXHIBIT 3 - BRIEF HISTORY OF PROPERTY
SECTION 4	- PROJECT DESCRIPTION

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

ATTACHMENT NO. 2

Mr. U. Fowler
S. Pfeiffer
CBT-SHPO-01

Ohio Historic Preservation Office

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

Visit us at www.ohiohistory.org/resource/histpres/

OHIO HISTORICAL SOCIETY
SINCE 1885

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.

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

FEB-01-05 11:12 FROM:URS GREINER FLORENCE ID:6094555516

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 Huletts and the buildings and structures associated with the Huletts. The Huletts 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.

FEB-01-05 11:12 FROM:URS GREINER FLORENCE ID:6094995316 PAGE 3/13

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

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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 Huletts and associated buildings remains under the Port Authority. An alternative scenario is to convey the property encompassing the Huletts and buildings, or just the Huletts, 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 Huletts, 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 Huletts within the site. In order for the Huletts 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 Huletts 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 Huletts is high. Based on the American Society of Civil Engineers (ASCE) feasibility study[1] for the relocation of the Huletts, 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 greater.

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

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[1] *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.

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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 Huletts.

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 Huletts off-site. Remove remaining Huletts and all buildings.

This alternative is not feasible given the high cost. Based on the ASCE study for the relocation of the Huletts, 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 Huletts.

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 Huletts 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.

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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 Huletts, 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 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.

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 Huletts 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.

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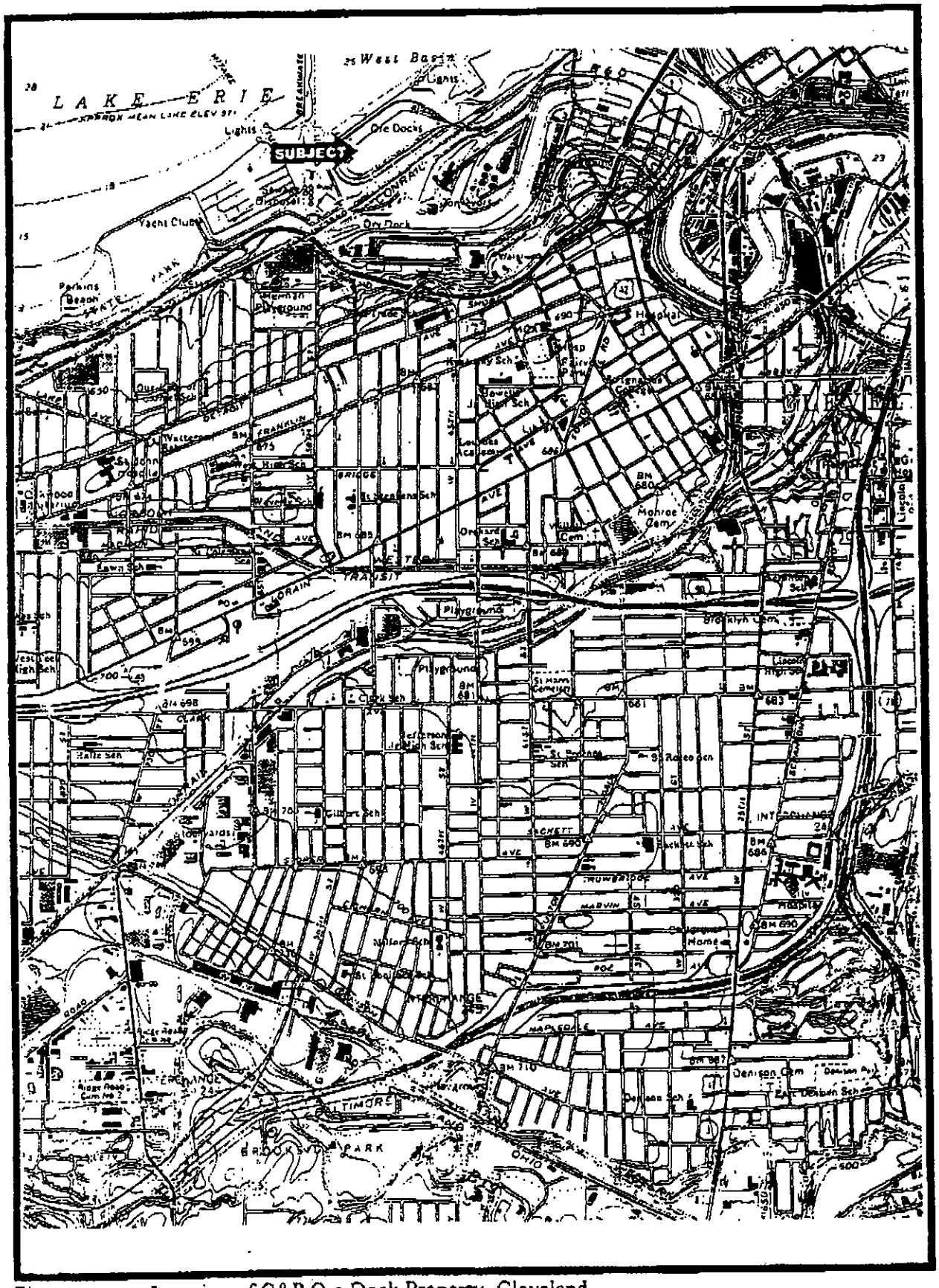

Figure 1 Location of C&P Ore Dock Property, Cleveland.

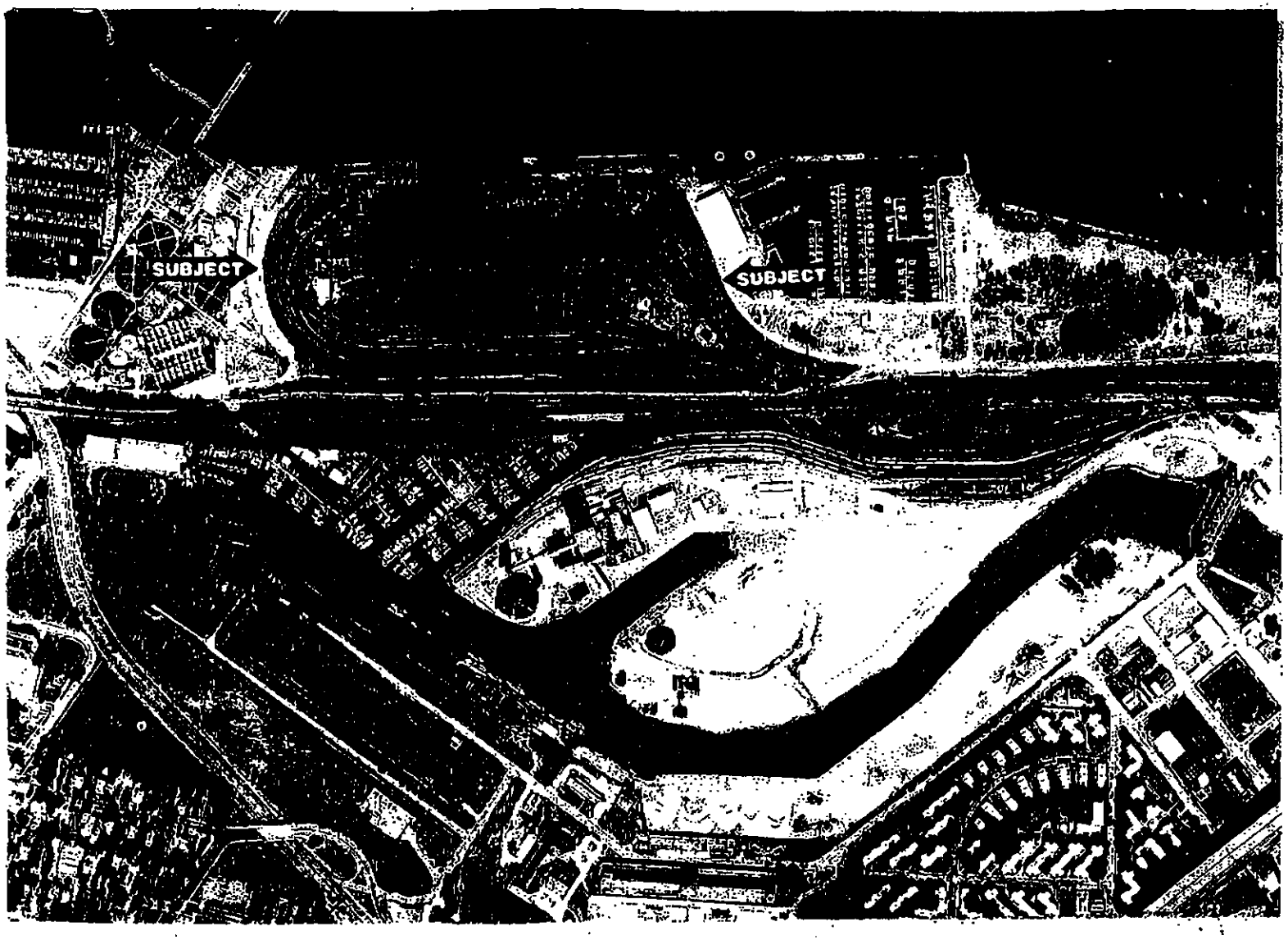

Figure 2 Aerial of C&P Ore Dock Property.

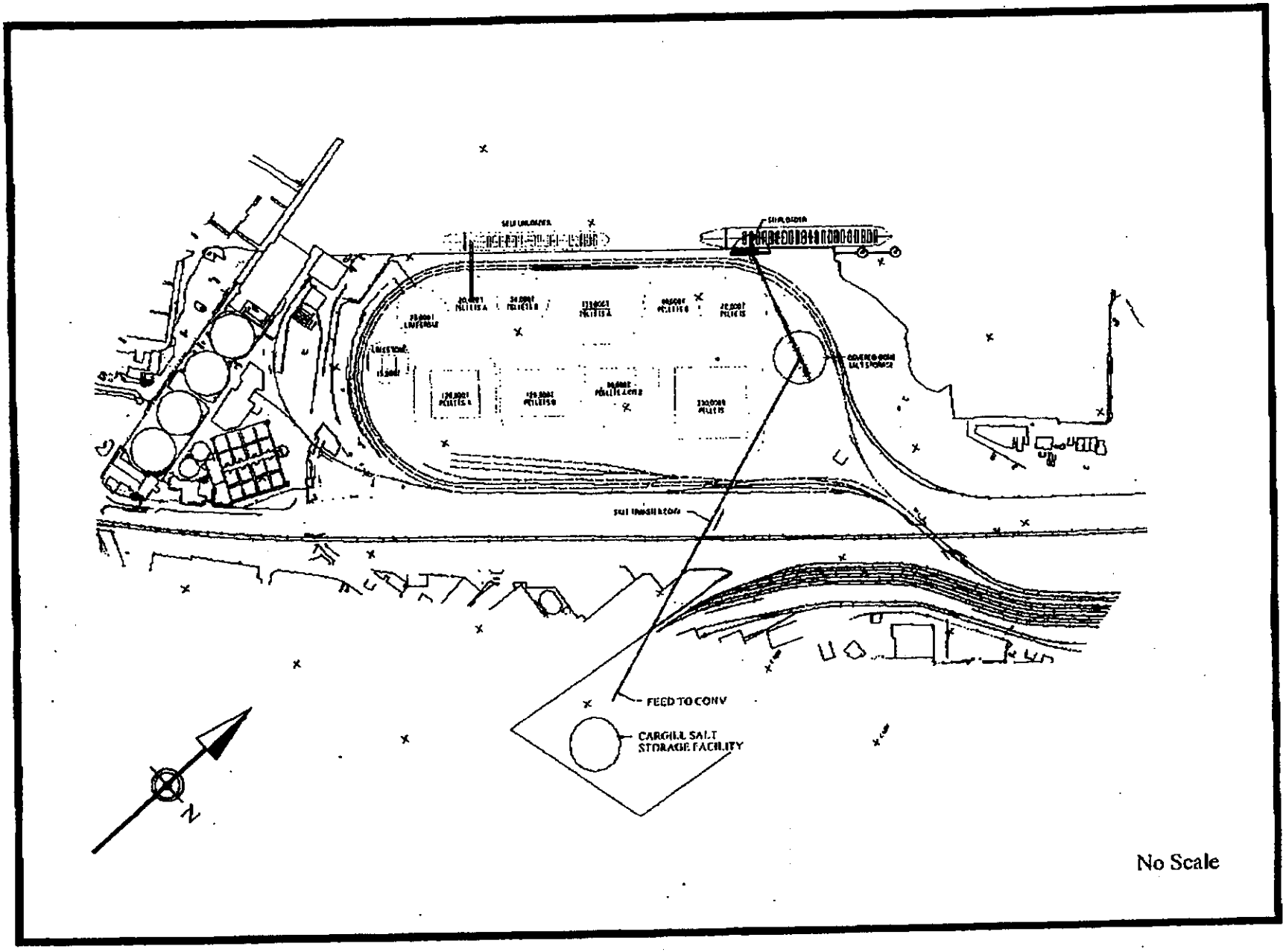

Figure 3 Proposed CBT Improvement Project.

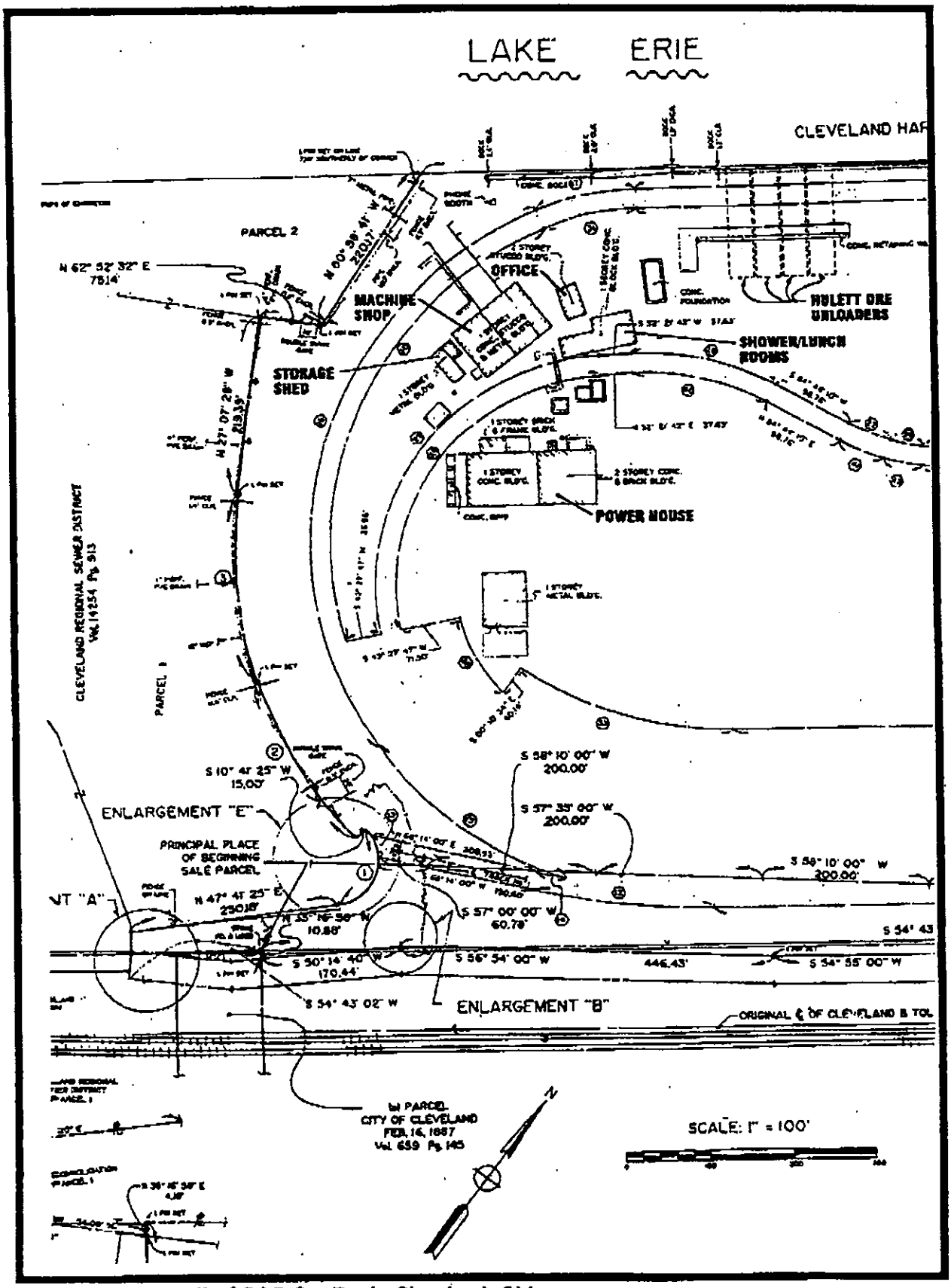

Figure 4 Detail of C&P Ore Dock, Cleveland, Ohio.

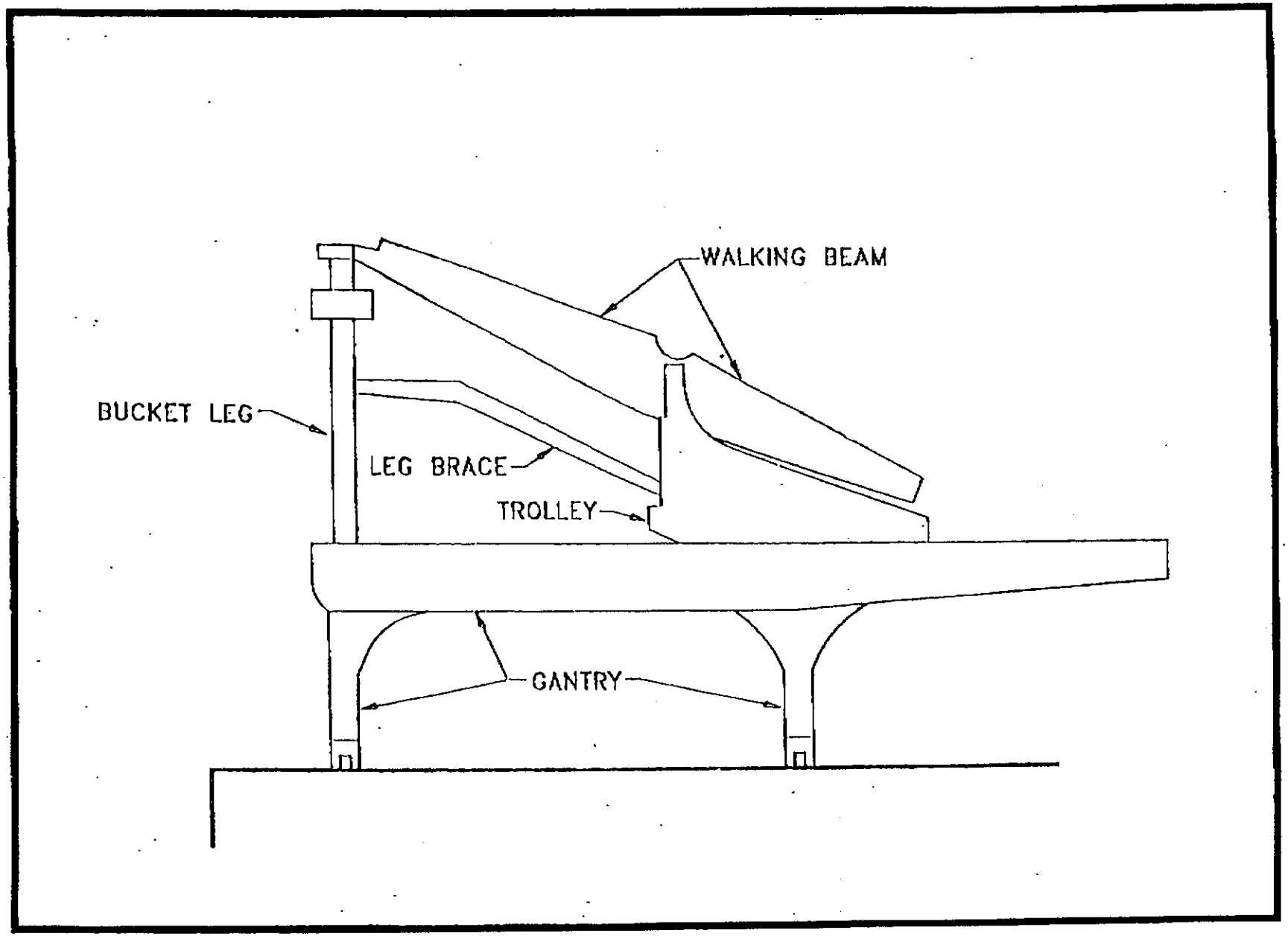

Figure 5 Major Components of a Hulett. (Source: ASCE, 1994)

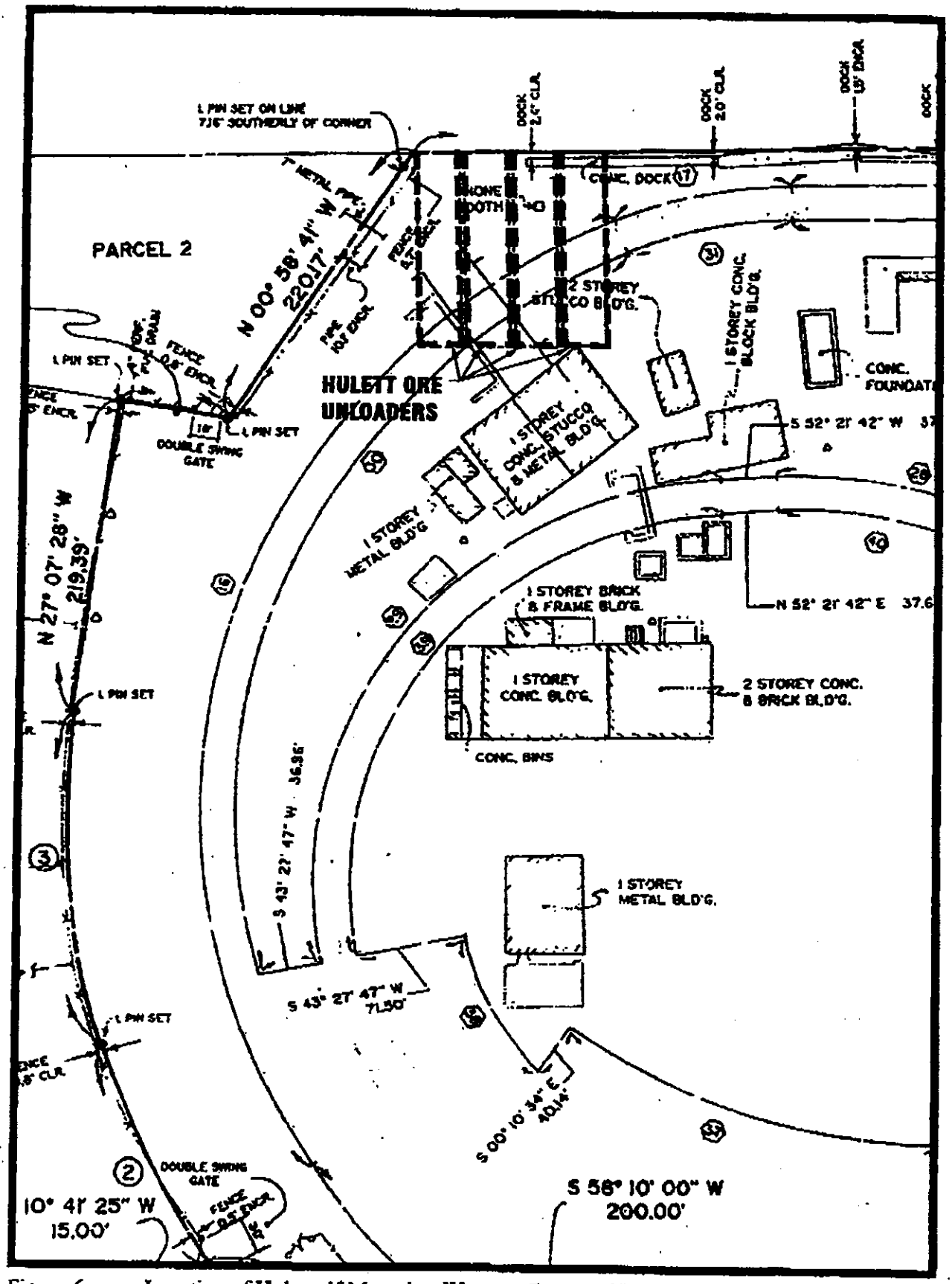

Figure 6 Location of Huletts if Moved to Western Corner of Property.

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 Huletts 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 Huletts 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 Huletts as the centerpiece of an interpretive display of Greater Cleveland's industrial heritage. The Commission therefore

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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 Huletts" 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

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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.

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CLC Regular Meeting, 07/08/99

Attachment A

I. Huletts Proposal

1. Granting of a Certificate of Appropriateness from the Landmarks Commission for demolition of two Huletts 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 Huletts. 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.

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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.

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ATTACHMENT NO. 5

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 Huletts 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\001drw18.rsl

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 Huletts [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 Huletts (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]

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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 Huletts 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 Huletts. 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.

ATTACHMENT NO. 8

FILED
01 MAR 30 PM 3:44
CLEVELAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

COMMITTEE TO SAVE CLEVELAND'S HULETTS, et al.,	Case No. 1:99CV3046
PLAINTIFFS,	JUDGE O'MALLEY
v.	MEMORANDUM & ORDER
U.S. ARMY CORPS OF ENGINEERS, et al.,	
DEFENDANTS.	

Plaintiffs, the Committee to Save Cleveland's Huletts, Edward J. Hauser, James H. Korecko, Jerry C. Mann, Stephen L. Merkel, and Rimantas Saikus (collectively the "Committee"), seek declaratory and injunctive relief against defendants, the U.S. Army Corps of Engineers, Chief of Engineers Lt. General Joe N. Ballard and District Engineer Mark D. Feirstein, (comprising "the Corps"). Plaintiffs ask this Court for many different categories of relief, some of which are difficult to decipher and others of which this Court has no authority to grant. It appears, however, that plaintiffs are primarily interested in (1) a declaration that the defendants acted improperly when they authorized the Cleveland-Cuyahoga Port Authority (the "Port Authority") to dredge an area of Lake Erie near Whiskey Island and (2) an order revoking or voiding that authority. The parties have filed cross-motions for summary judgment, each asserting they are entitled to judgment as a matter of law with respect to

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.[1]

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.[2] 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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[1] Plaintiffs' motion requesting permission to submit additional authority is also **GRANTED.** (Docket no. 50).

[2] 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.[3]

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.[4] 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.[5]

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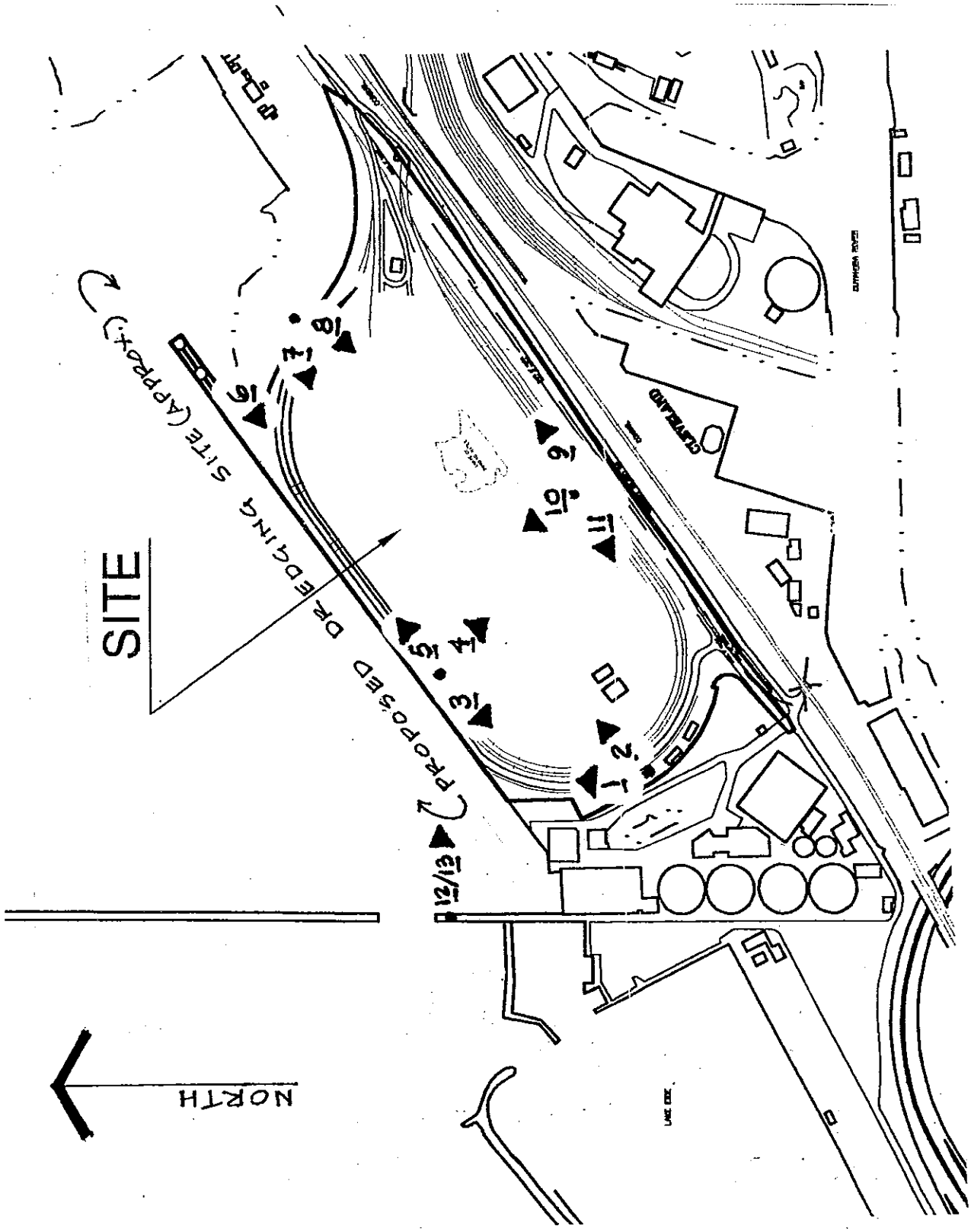
[3] The Court emphasizes that only a portion of the attorney's fees and costs plaintiffs incurred in this litigation are recoverable. Plaintiffs asserted a number of legal theories which had no merit, and three times asked for preliminary injunctive relief with no legitimate basis for doing so. Plaintiffs, 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.

[4] 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.

[5] The Huletts have not been designated a National Historic Landmark.

ATTACHMENT NO. 9



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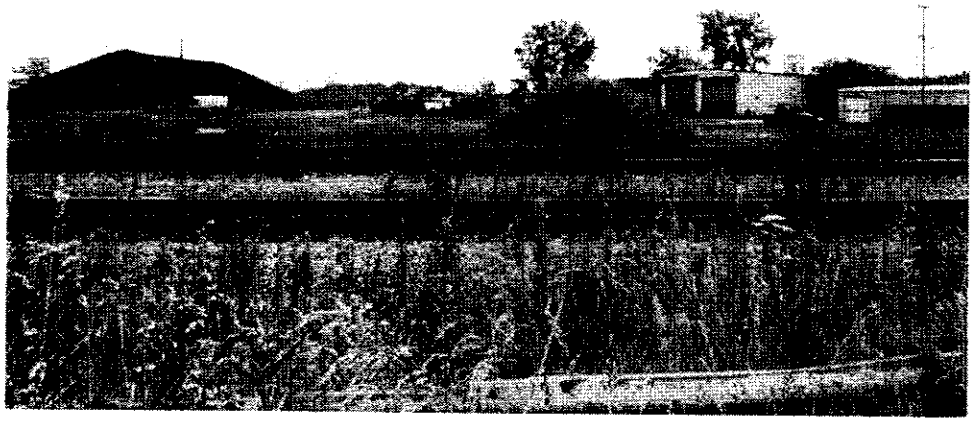

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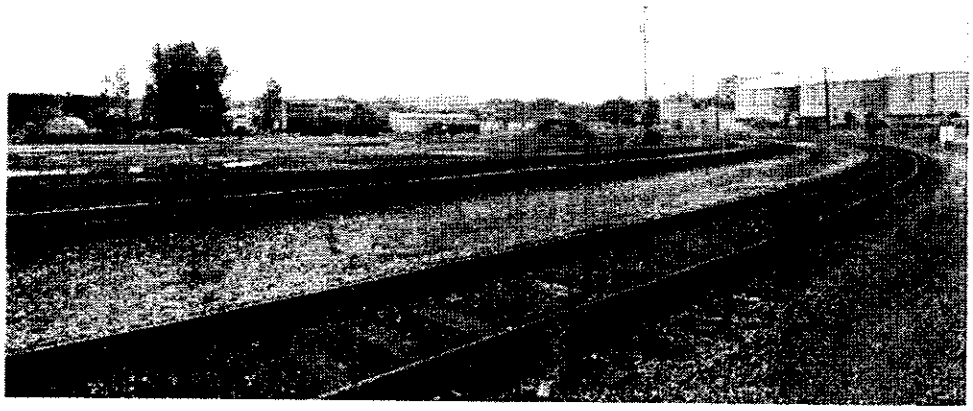

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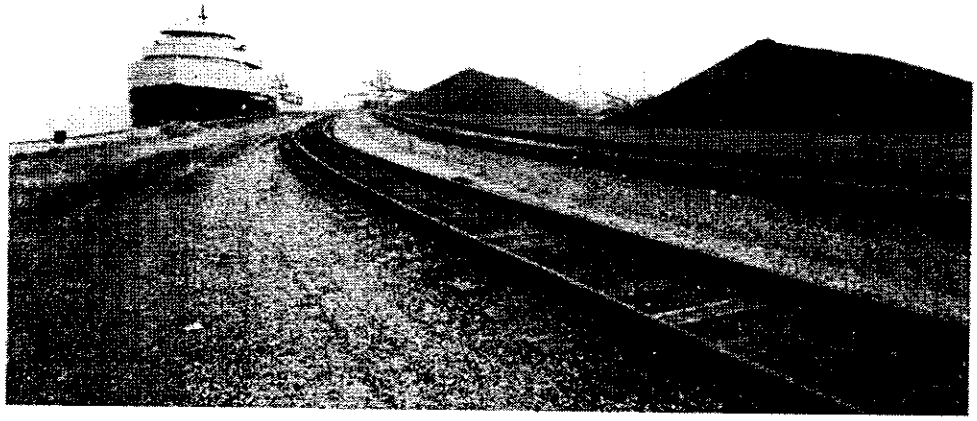

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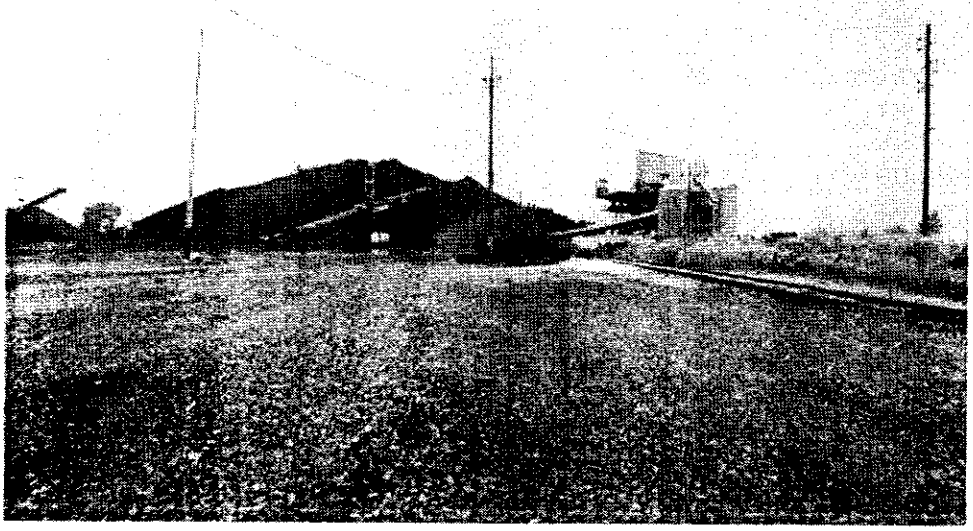

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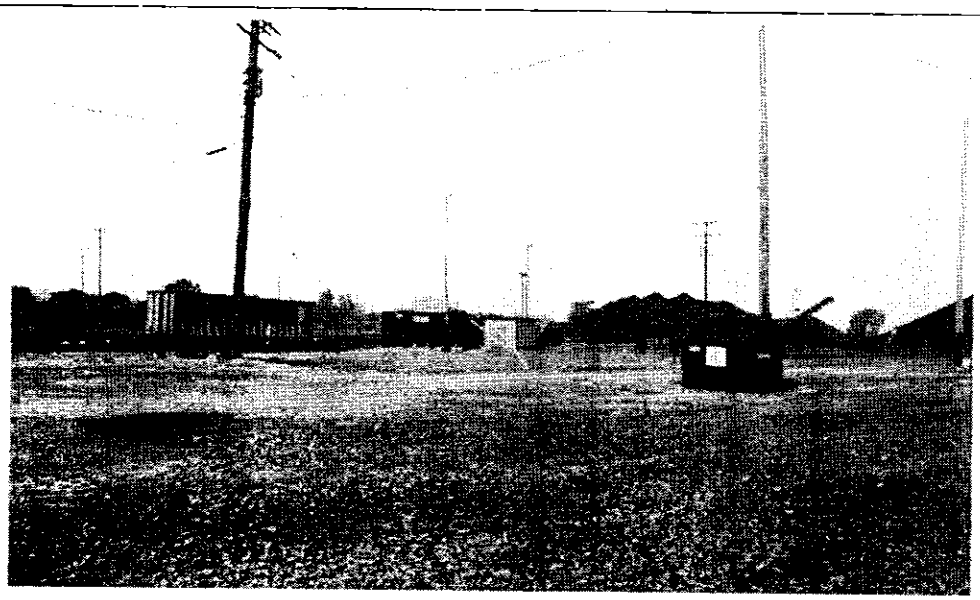

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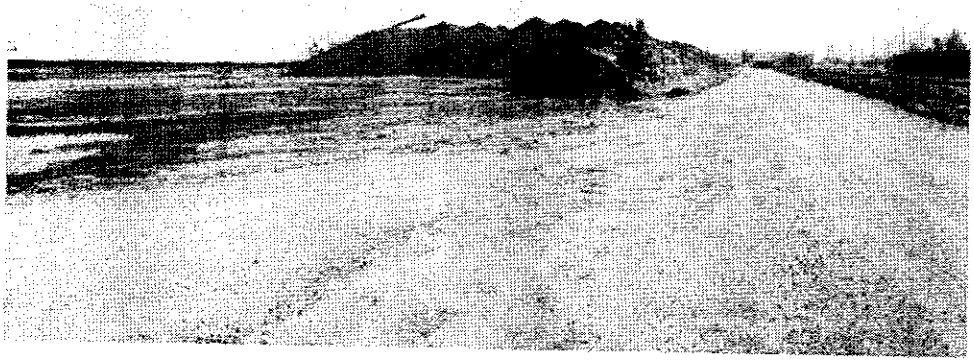

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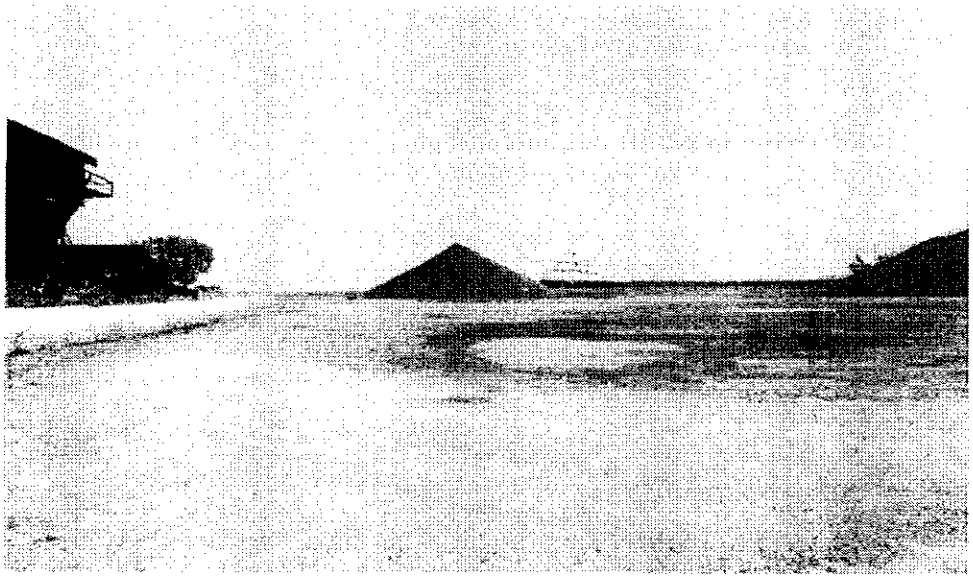

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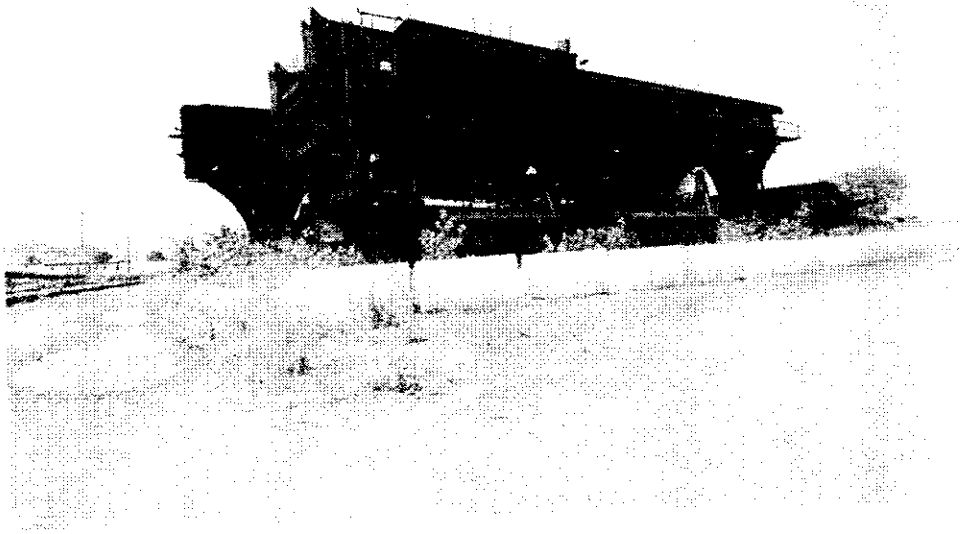

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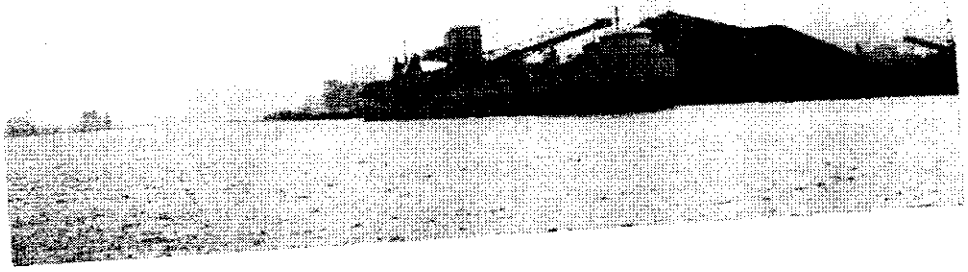

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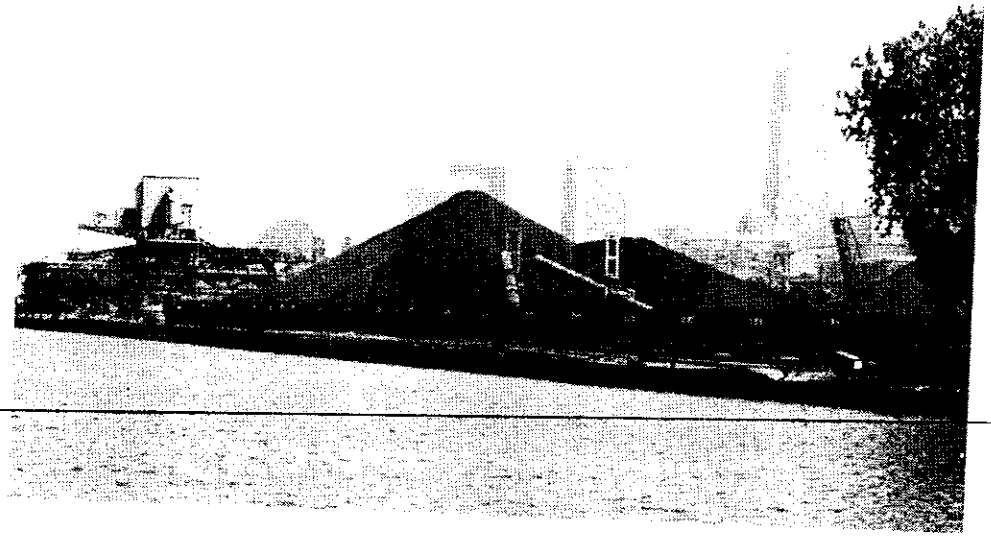


ATTACHMENT NO. 10

TED SANDE, AIA ARCHITECT • CONSULTANT

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

FOR THE PAST • FOR THE FUTURE

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.

Memorandum
Cleveland-Cuyahoga County Port Authority

TO: Rose Ann DeLeon

FROM: Skip Jacobsen SJ

DATE: September 29, 2005

RE: CLEVELAND BULK TERMINAL (CBT)
HISTORICAL CORPS DREDGE PERMITS

The following historical information was furnished by the U. S. Army Corps of Engineers (CORPS) and resulted from a dredging permit search performed in September, 2005. 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 currently known as Cleveland Bulk Terminal located on Whiskey Island in Cleveland, Ohio.

The records show that dredge permits were issued for lengths ranging between 650' and 2000' along the bulkhead depending on what the specific project intent was. These records include:

1. The oldest record found referenced a dredge permit that was issued February 8, 1917. The length of the dredge area was 2000' along the bulkhead at a depth 23'. 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' at a depth of 27'; this area 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 area was 1800' at a depth of 29'. The permit number was 79-160-2 and was issued to Consolidated Rail Corporation.

Attachments

cc: CBT-CCCPA -012

MICRODISC SYSTEM DATA FORM

L.S. CHART NO. ____

NO. ON CHART CUYAHOGA

FILE NO. 3184

CARTRIDGE NO. 63

FRAME NO. 665

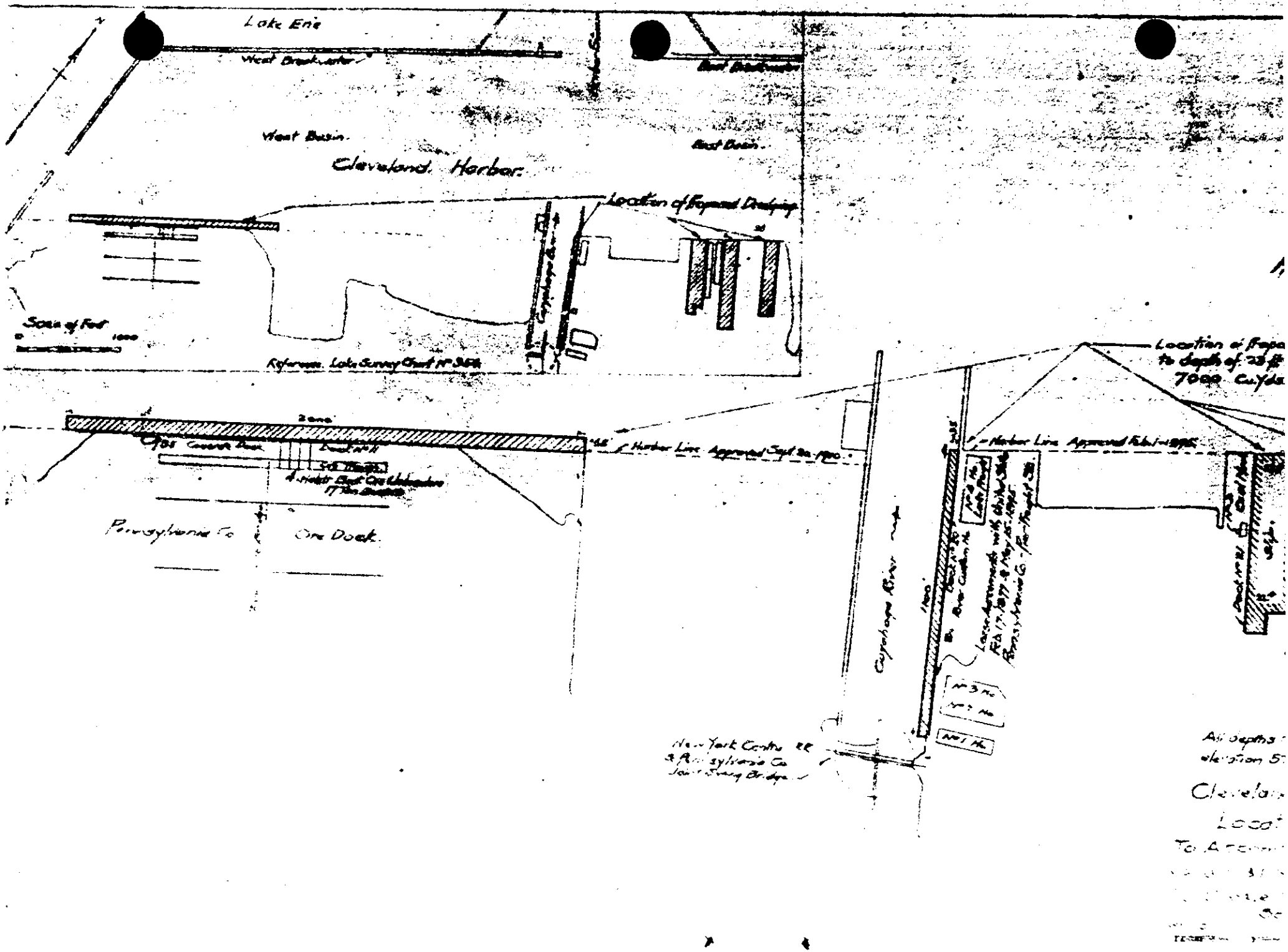
NOTICE NO. _____

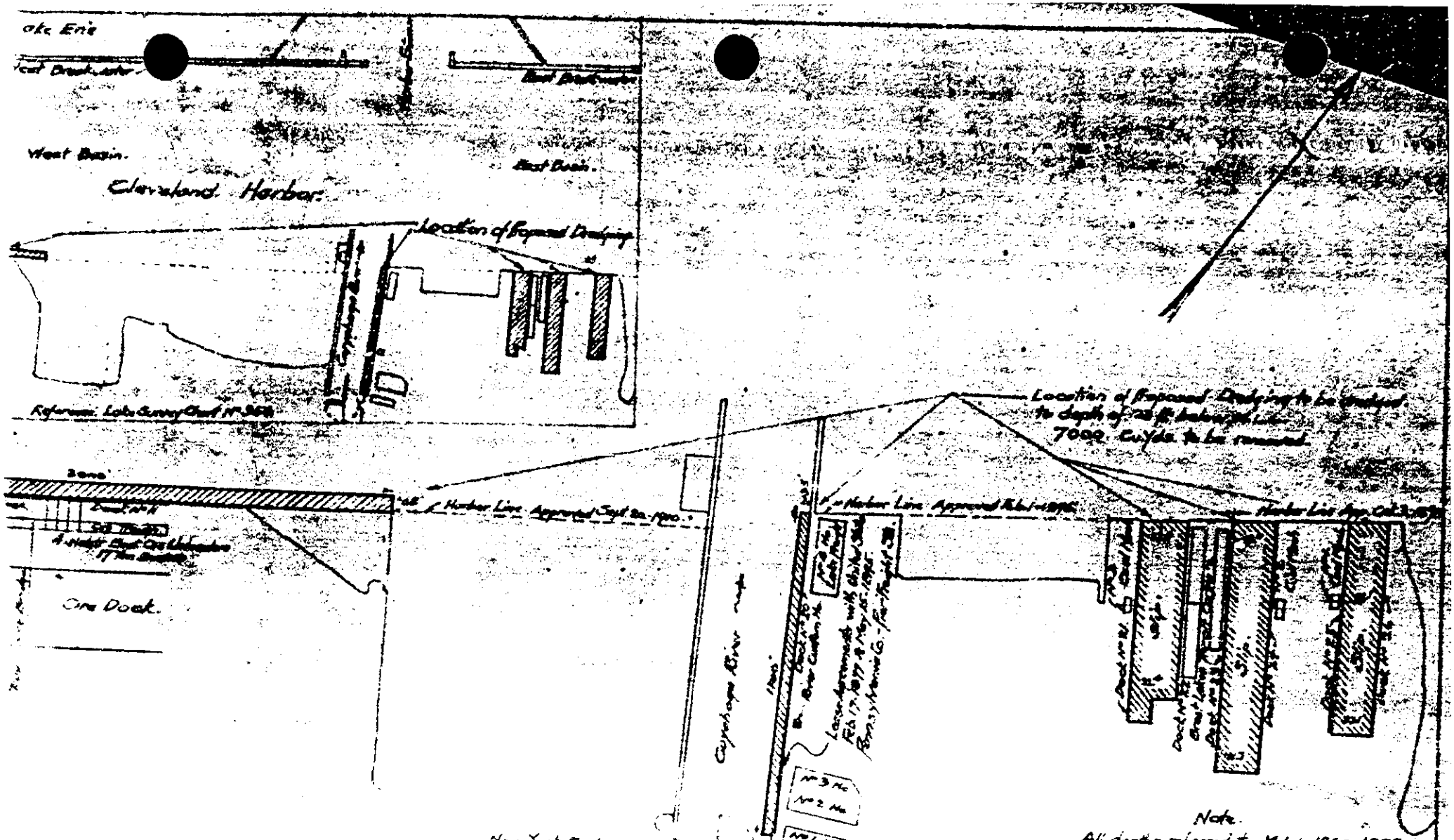
1. PERMIT NAME / NAME	A	A	A	A	A	N	A	A	,		
Pennsylvania R.R.	P	E	N	N	S	7	C	O			
2. STREET #, NAME / SNZ	N	N	N	N	N	A	A	A	A	N	,
3. PERMIT COUNT / CNT	N	,									
	1	,									
4. PERMIT # / PER	N	N	N	N	N	N	N	N	N	,	
	9	1	7	2	1	0	0	0	1		
5. TAFFS # (1522 SERIES) / TAF	N	N	+	N	N	,					
	1	4									
6. LATITUDE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

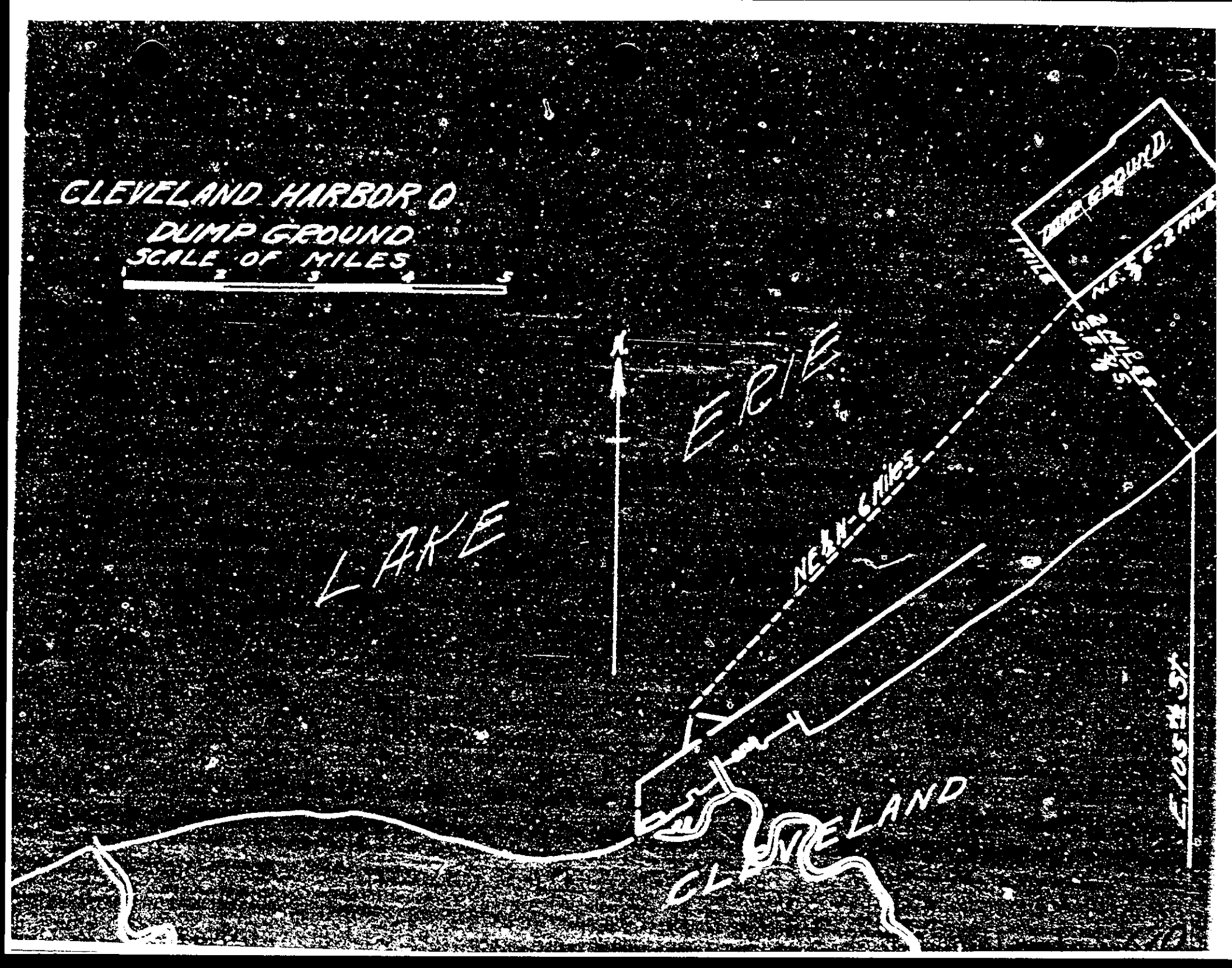
LARGE DOCUMENT ON FILE ____

REMARKS:

NCB 807
15 Apr 75 Rev.


Lake Erie
West Breakwater
East Breakwater
West Basin
East Basin
Cleveland Harbor
Location of Proposed Dredging
Scale of Feet
Reference Lake Survey Chart No 363
Harbor Line Approved Sept 20, 1910
Harbor Line Approved Feb 1-1895
Pennsylvania Co
Ore Dock
Cuyahoga River
New York Central RR
& Pennsylvania Co
Joint Swing Bridge
Location of Propo
to depth of 23 ft
7000 Cu Yds
All depths
elevation 57
Cleveland
Loca
To A


Lake Erie
West Breakwater
East Breakwater
West Basin.
East Basin.
Cleveland Harbor.
Location of Proposed Dredging
Reference: Lake Survey Chart No. 368
Location of Proposed Dredging to be dredged to depth of 23 ft below Low Water Line
7000 cu. yds. to be removed.
Harbor Line Approved Sept. 20, 1900.
Harbor Line Approved Feb. 1, 1896.
Harbor Line Approved Feb. 1, 1896.
Dock No. 11
Dock No. 10
Ore Dock.
Cuyahoga River
Lease Agreement with Oliver Iron & Steel Co. Feb. 17, 1877 & May 25, 1897. Pennsylvania Co. for Right of Way
No. 3 Ho.
No. 2 Ho.
No. 1 Ho.
Dock No. 11
Dock No. 10
Slip.
New York Central RR & Pennsylvania Co. Joint Swing Bridge
Note.
All depths referred to M.L.L. 1860-1876, elevation 572.8 ft. above mean tide at New York.
Cleveland Harbor, Ohio.
Location Map.
To Accompany Application Dated
Scale of feet
500
1000.


CLEVELAND HARBOR Q
DUMP GROUND
SCALE OF MILES
1 2 3 4 5
LAKE
ERIE
N
NE & N - 6 Miles
DUMP GROUND
1 MILE
N.E. & E - 3 MILES
2 MILES S.E. & S.
E 105th St.
CLEVELAND

WAR DEPARTMENT

NOTE.—It is to be understood that this instrument 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 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 ofcertain 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

(On drawings: give file number or other definite identification marks.)

"Cleveland Harbor, Ohio; to accompany application dated May 20, 1916, by the Penna. Co. to dredge and dump; and "Cleveland Harbor, Ohio - Dump Ground";

subject to the following conditions:

WAR DEPARTMENT.

UNITED STATES ENGINEER OFFICE.

Cleve.7-H/2

Cleveland, Ohio, May 23, 1916.

Pennsylvania Lines West of Pittsburgh,
Mr. A. C. Watson, Divn.Engr.,
3713 Euclid Ave., Cleveland, O h i o.

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 preservation 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 - "Cleveland Harbor, Ohio, to accompany application dated May 20, 1916, by the Penna. Co. to dredge and dump"; and "Cleveland Harbor, Ohio - Dump Ground";
(Or drawings; give file number or other definite identification marks.)

subject to the following conditions:

3-8116

(*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 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.)

(*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.

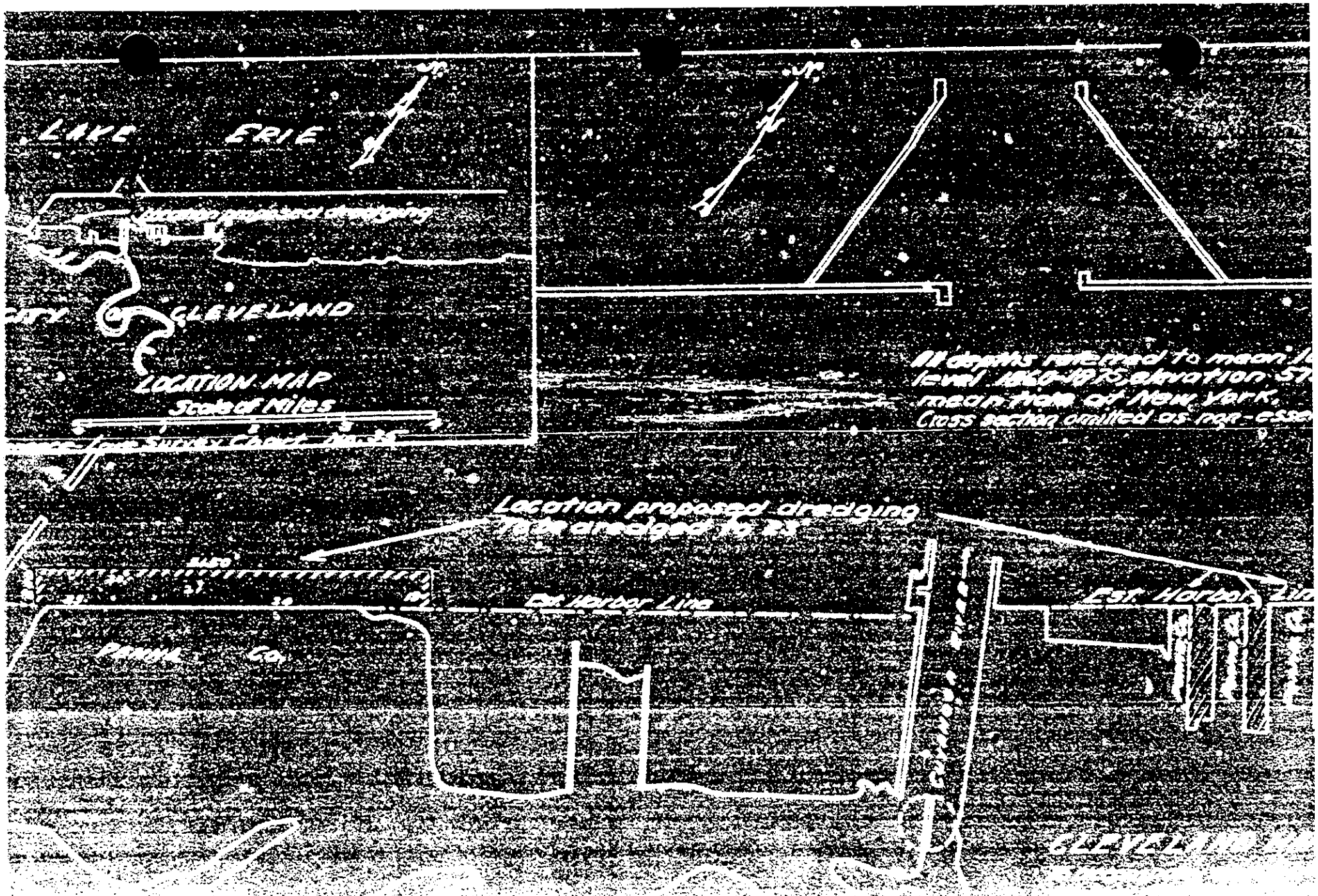
By authority of the Secretary of War

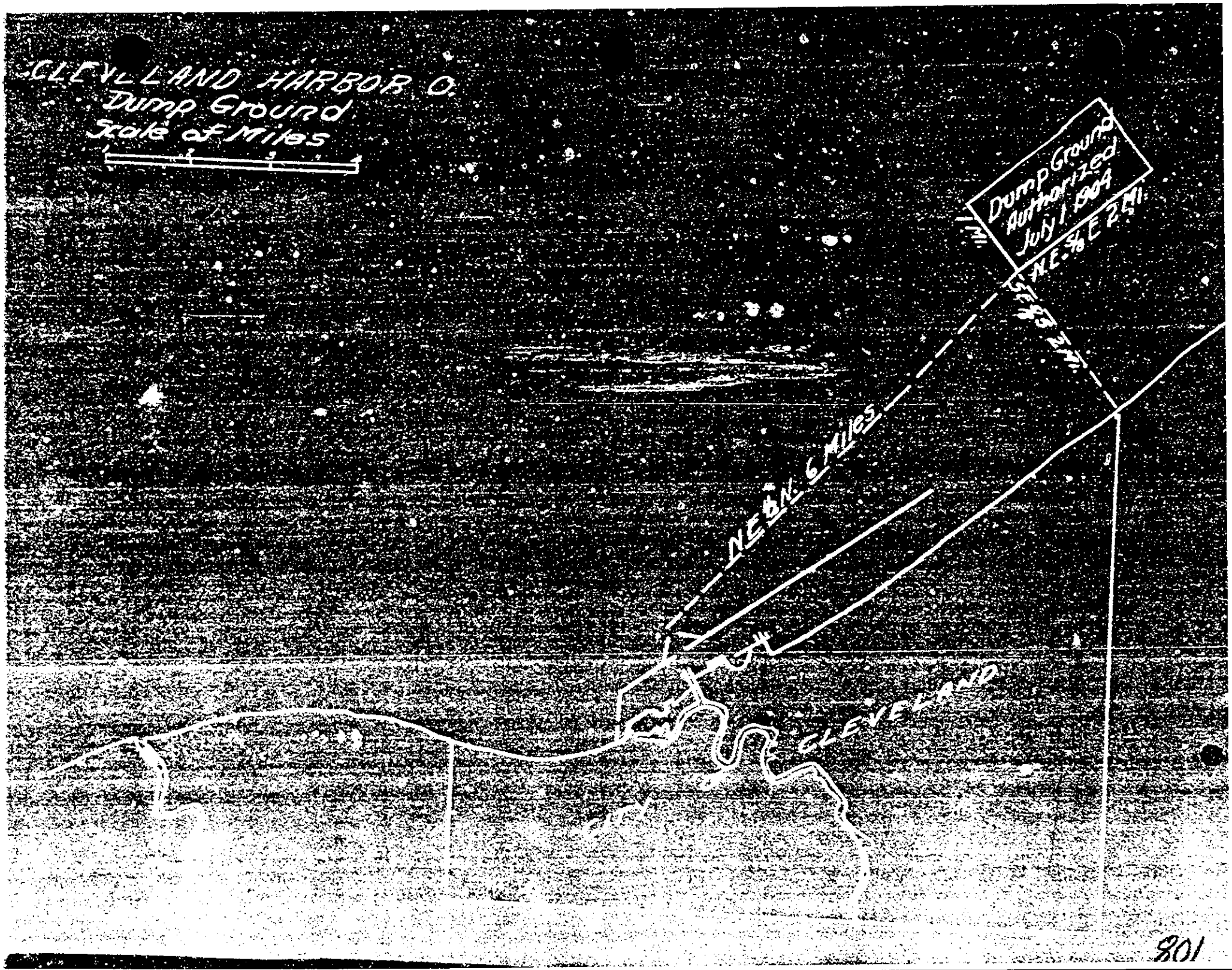
Major, Corps of Engineers,
District Engineer.

W-C

Form 96,
War Department,
Office Chief of Engineers,
Approved May 10, 1915

1-1115


LAKE ERIE
CLEVELAND
LOCATION MAP
Scale of Miles
All depths referred to mean
level 1860-1875, elevation
mean tide at New York.
Cross section omitted as
Location proposed dredging
Pierhead Line
Est. Harbor


CLEVELAND HARBOR O.
Dump Ground
Scale of Miles
Dump Ground
Authorized
July 1 1904
N.E. ¼ E 2 Mi.
N.E. 6 Miles
CLEVELAND

801

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 / NAME	Penn. Central Trans. Co.
		A A A A A N A A ,
		PENNØCO
2.	STREET #, NAME / SNZ	N N N N N A A A A N ,
3.	PERMIT COUNT / CNT	N ,
		1 ,
4.	PERMIT # / PER	N N N N N N N N N ,
		9 7 L 1 6 0 0 0 2
5.	TAFFS # (1522 SERIES) / TAF	N N N N ,
		1 4
6.	LATITUDE / LAT	N N N N ,
		1 2 9 8
7.	LONGITUDE / LONG	N N N N N ,
		8 1 4 3 4
8.	ACTIVITY / ATY	N N + N N + N N ,
		1 2
9.	DATA / DATA Dredging	N N + N N + N N + N N
		7 4
10.	ACTION / ACT	N N + N N + N N + N N
		9 1
11.	DATE ISSUED (YR - MO) / DATE	N N N N
		Y R M O
	5-22-72	7 2 0 5

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

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

990

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,

GORDON A. YESSER, Chief
Construction-Operations Division

Johnson
Yesser

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

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

Checked by

DEPARTMENT OF THE ARMY

PERMIT

Contract No. DACW49-72-C-0046
Buffalo District
Corps of Engineers
Buffalo, New York 14207
22 May 1972

NCBCO-S
No. 71-37

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**, 19 **72**, 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: _____ 22 May 1972

RAY S. HANSEN — Date

Colonel, Corps of Engineers

District Engineer

Permittee hereby accepts the terms and conditions of this permit.

PENN CENTRAL TRANSPORTATION COMPANY:

By: _____ Date 5/5/72

Title: GENERAL MANAGER

NCB Form 710 (Temp)

1 Jul 70

Approximately 1350 cubic yards to be dredged are to be deposited on upland property above high water as shown on Sheet 2

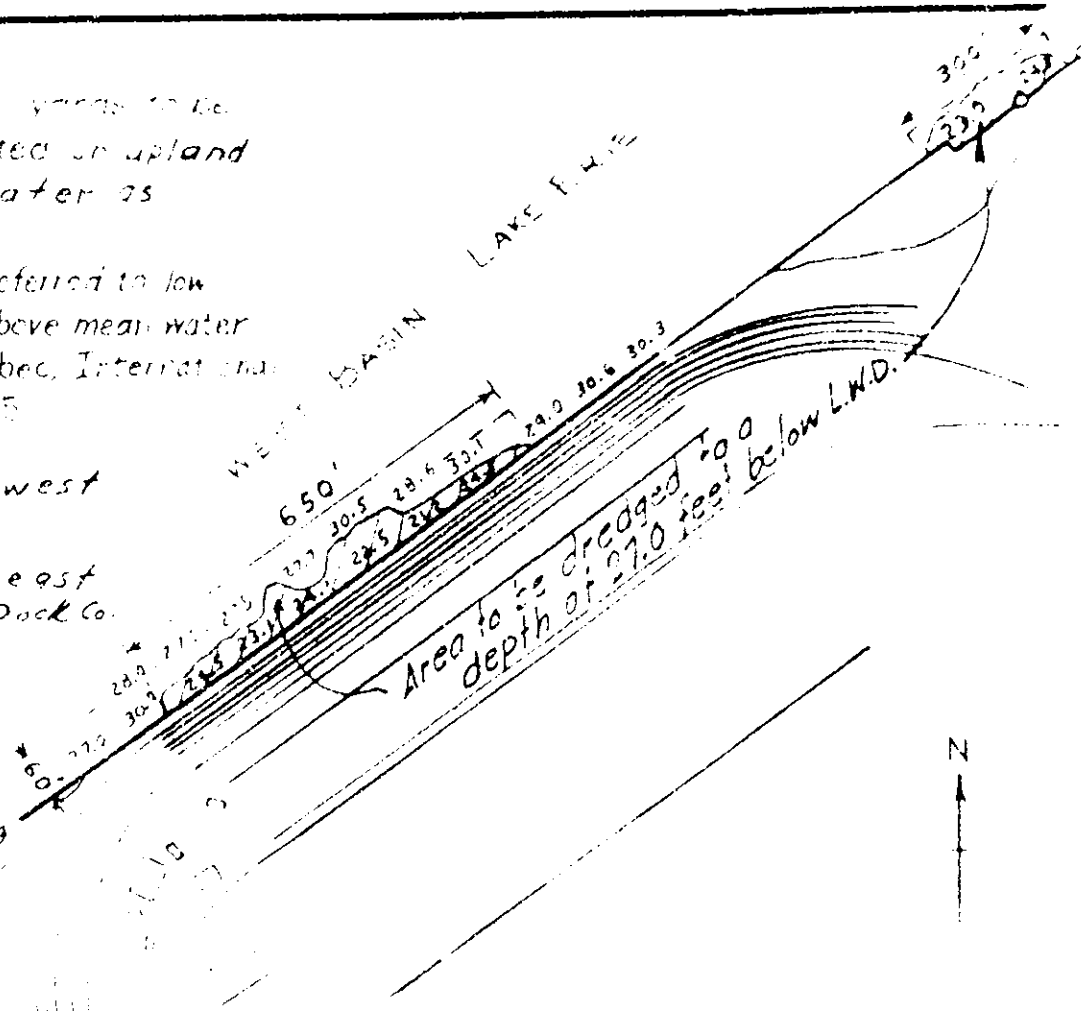
Soundings are in feet and are referred to low water datum 569.6 feet above mean water level at Father Point, Quebec, International Great Lakes Datum 1955

Upland Property owner - west
City of Cleveland, Ohio

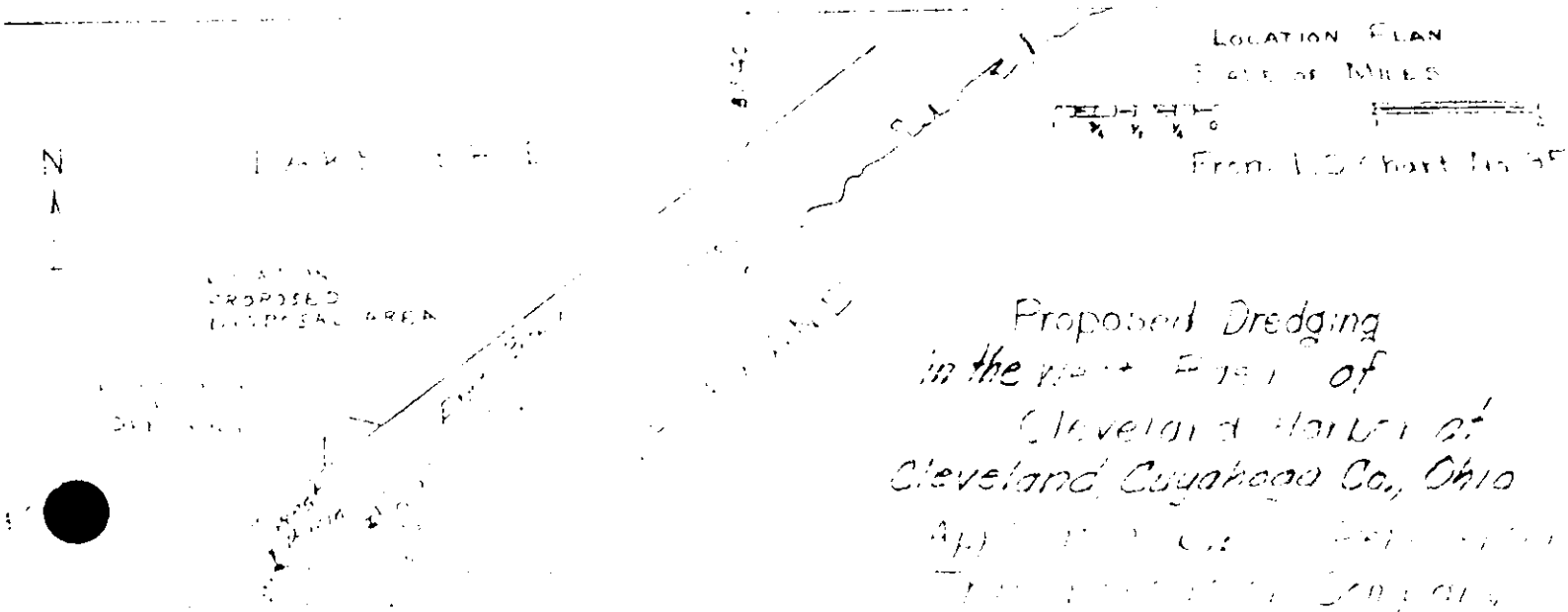
Upland Property owner - east
Great Lakes Dredge & Dock Co.
215 Euclid Ave.,
Cleveland, Ohio

Upland Property at dredging site is owned by the Cleveland and Pittsburg Railroad Company, Cleveland Union Terminal, Cleveland, Ohio

Upland Property at dredging site is leased to the Penn Central Transportation Company, Cleveland Union Terminal, Cleveland, Ohio under a 999 year lease dated 25 October 1871

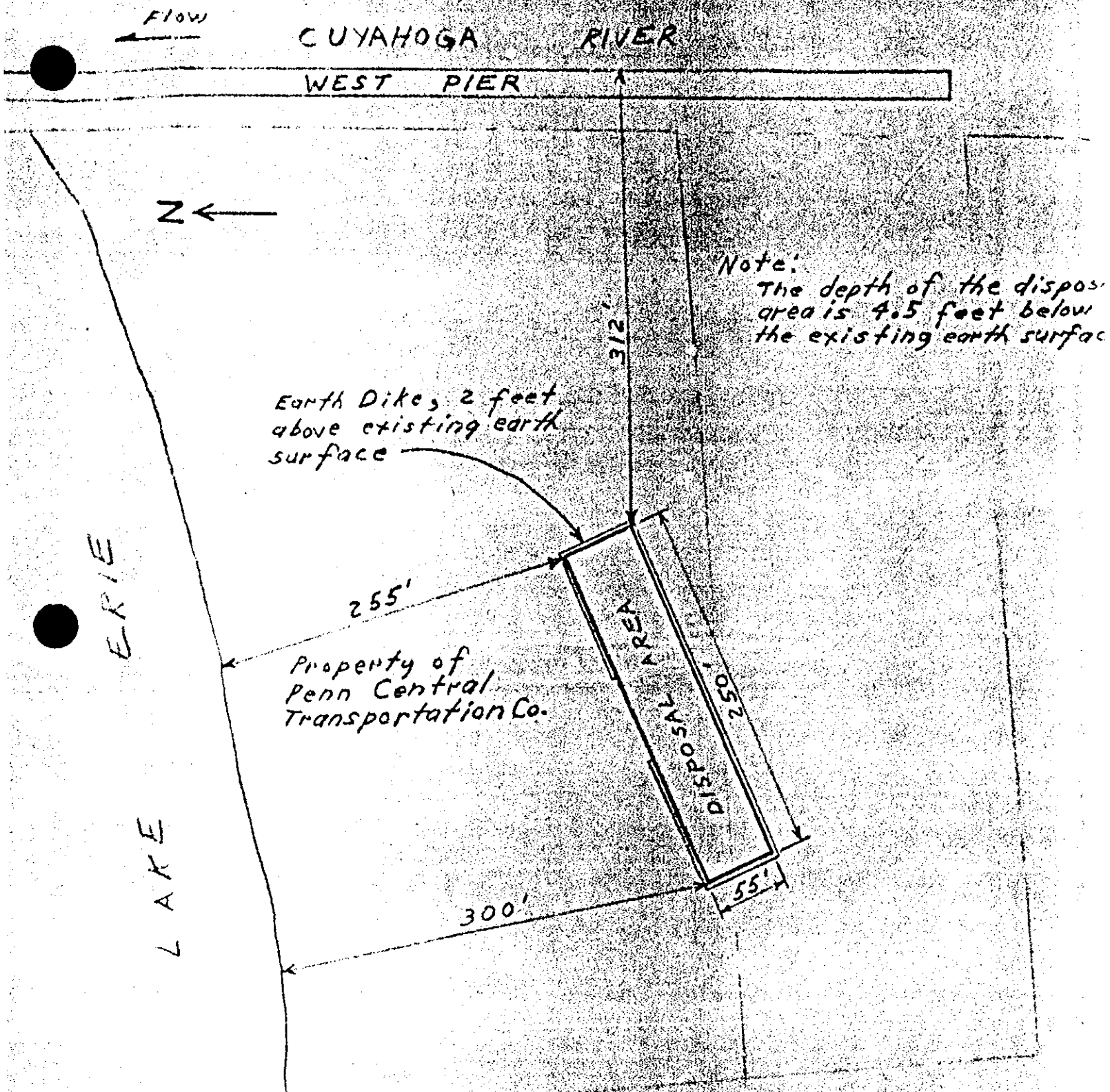


PLAN
SCALE OF FEET



Proposed Dredging
in the West Basin of
Cleveland Harbor at
Cleveland, Cuyahoga Co., Ohio

997



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

Scale:
1" = 100'

[illegible] [illegible] 1980

Mr. [illegible] Ward, Director of [illegible]
Consolidated Rail Corporation
1528 Walnut Street
Room 801
Philadelphia, PA 19102

Dear Mr. Ward:

The enclosed [illegible] Department of the Army permit authorizes the Consolidated Rail Corporation to initially dredge about [illegible]000 cubic yards of material and to perform maintenance dredging [illegible] from the effective date of the permit, in the [illegible] of [illegible] Harbor. [illegible] the use of the [illegible] disposal area [illegible] Harbor. [illegible] authority to use the disposal area [illegible] on the condition that the Consolidated Rail Corporation [illegible] (value) for each cubic yard of material deposited [illegible] and for the material deposited in the [illegible] by the Corps of Engineers. [illegible] considered equal to 100 cubic yards of [illegible].

Please note condition (a) of the permit which requires that our office be informed of the commencement and completion of the authorized work. Forms for this purpose are enclosed. Also enclosed is a copy of [illegible] describing the procedure of [illegible] of work.

Revised plans must be submitted to our office if 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 construction is started.

0001653

tweet/2320

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,

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

FRANK J. HENRY, Chief
Regulatory Functions Branch

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

Wasner
Fray
Henry 414
Counsel
Hair

000654

DEPARTMENT OF THE ARMY

PERMIT

REIMBURSABLE COST
GOVERNMENT INSPEC

BUFFALO DISTRICT
CORPS OF ENGINEERS
BUFFALO, NY 14207

NCBCO-S

NO. 79-160-2

14 April 1980
(EFFECTIVE DATE)

(EXPIRATION DATE)

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

(X) 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);

(X) 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 not 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 the 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 ocean 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 terms 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 Adminstrator 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 convey any property rights, either in real estate or material, or any exclusive privileges, and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement for obtaining state or local assent required by law for the activity authorized herein.

j. That this permit may be modified, suspended, or revoked, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the public interest. Such suspension shall be effective upon receipt by the permittee of a written notice that shall indicate (1) the extent of the suspension, (2) the reasons for this action; and, (3) any corrective or preventative measures to be taken by the permittee which may be required by the District Engineer to eliminate imminent hazards to the general public interest. The permittee shall [illegible] within 10 days of receipt of that notice of suspension the permittee may request a hearing [illegible] whether his permit should be reinstated, modified or revoked. If a hearing is requested [illegible] within a reasonable time [illegible]

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 for 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

PERMITTEE

Director Real Estate
TITLE

April 14, 1980
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

GEORGE P. JOHNSON, COL. CE
DISTRICT ENGINEER

14 April 1980
DATE

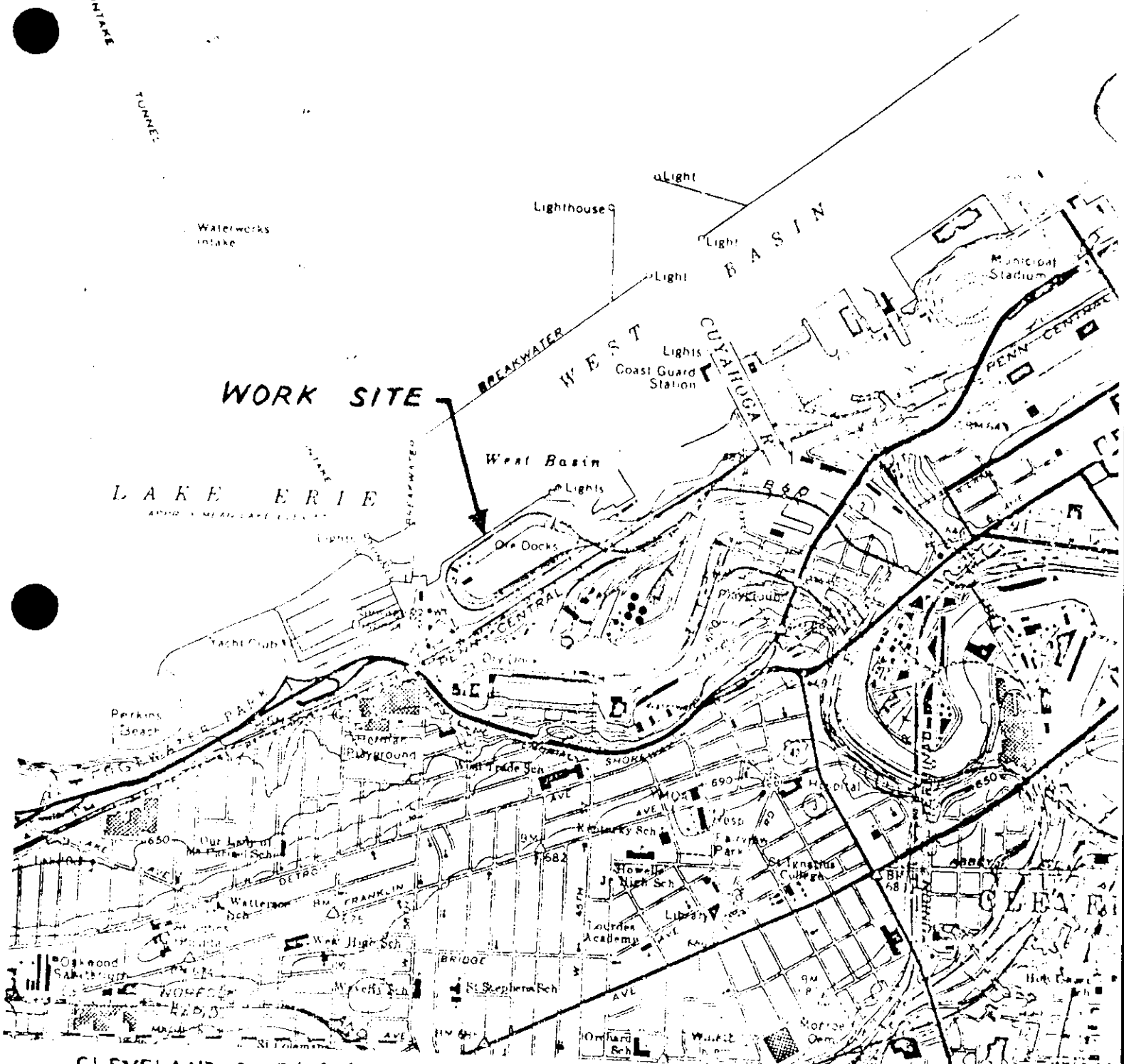
TRANSFEREE HEREBY AGREES TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT.

000656

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.



CLEVELAND, SOUTH QUAD.

LOCATION MAP

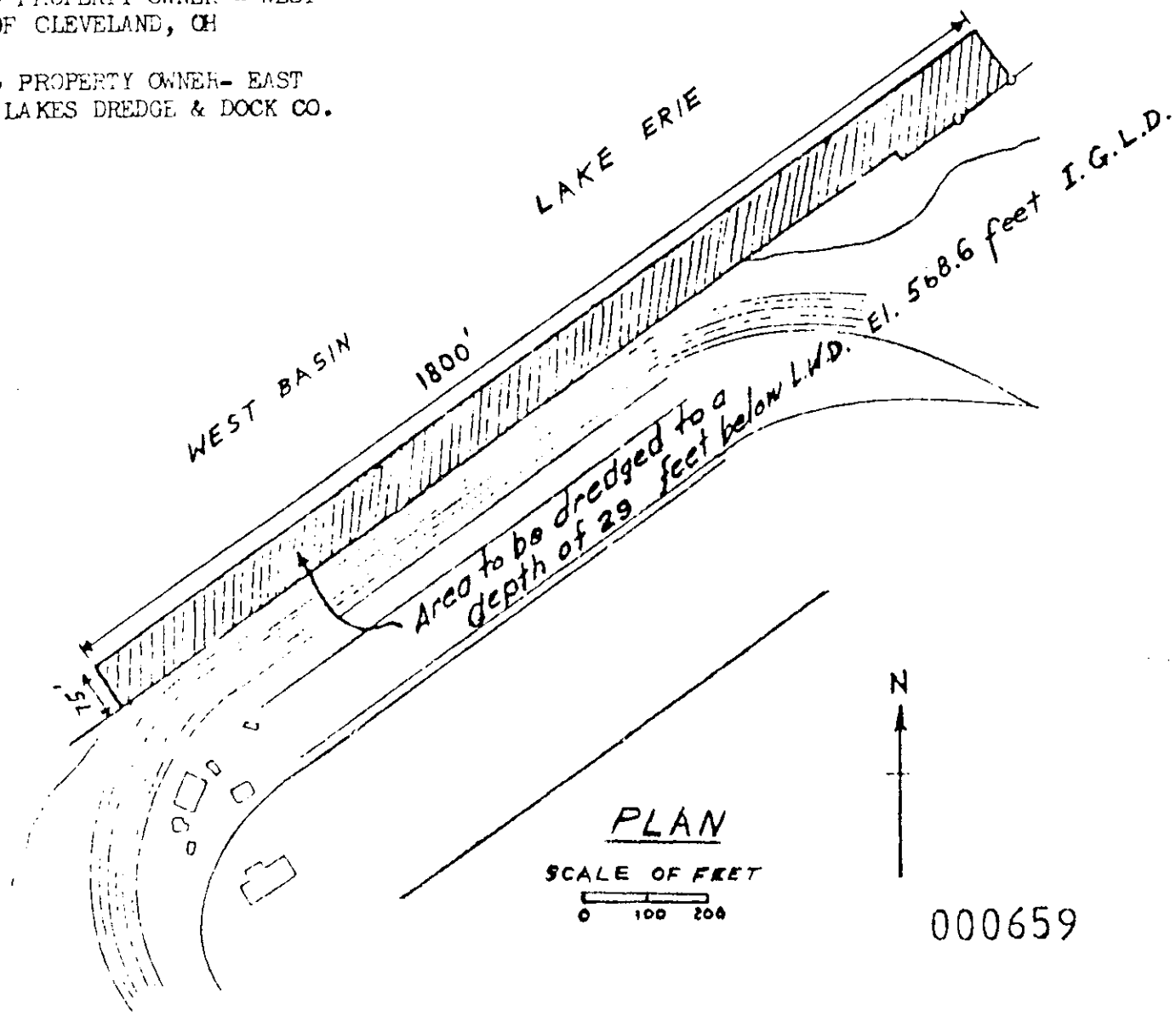
000658

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.



000659

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.

R. W. Orr

R. W. Orr
Assistant Vice President Contracts

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 nd Secretary

ORIGINAL

DATE January 27, 1978

TO Distribution

LOCATION cc: H. R. Powell
J. Kaplnoff

FROM R. B. Hallmelman

LOCATION

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
H. L. Randall
R. W. Orr
J. B. Gregory
B. J. Gordon
C. R. McKenna
C. W. Owens
J. G. Robins
K. E. Smith
B. L. Strohl
A. B. Cravens
D. A. Swanson
W. C. Wieters

Approved:

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 Asessment 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) 6. 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

L. H. Hani for
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 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.

( ) 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 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.

( ) 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.

( ) That no building or other structure may be erected on the fill approved on the [illegible]ached 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 [illegible]a sweep survey required after completion of the activity authorized herein, to insure [illegible]t 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 the dredged material, precautions shall be taken to prevent spillage and/or 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.

APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT

000735

For use of this form, see EP 1145-2-1

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 ENG 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: 21 (Day) 11 (Mo.) 79 (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) 893-6375
A/C (215) 893-6376

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) 893-6375
A/C (215) 893-6376

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

Cuyahoga (County) Ohio (State) 44113 (Zip Code)

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

11. 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.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval

13. Has any agency denied 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.

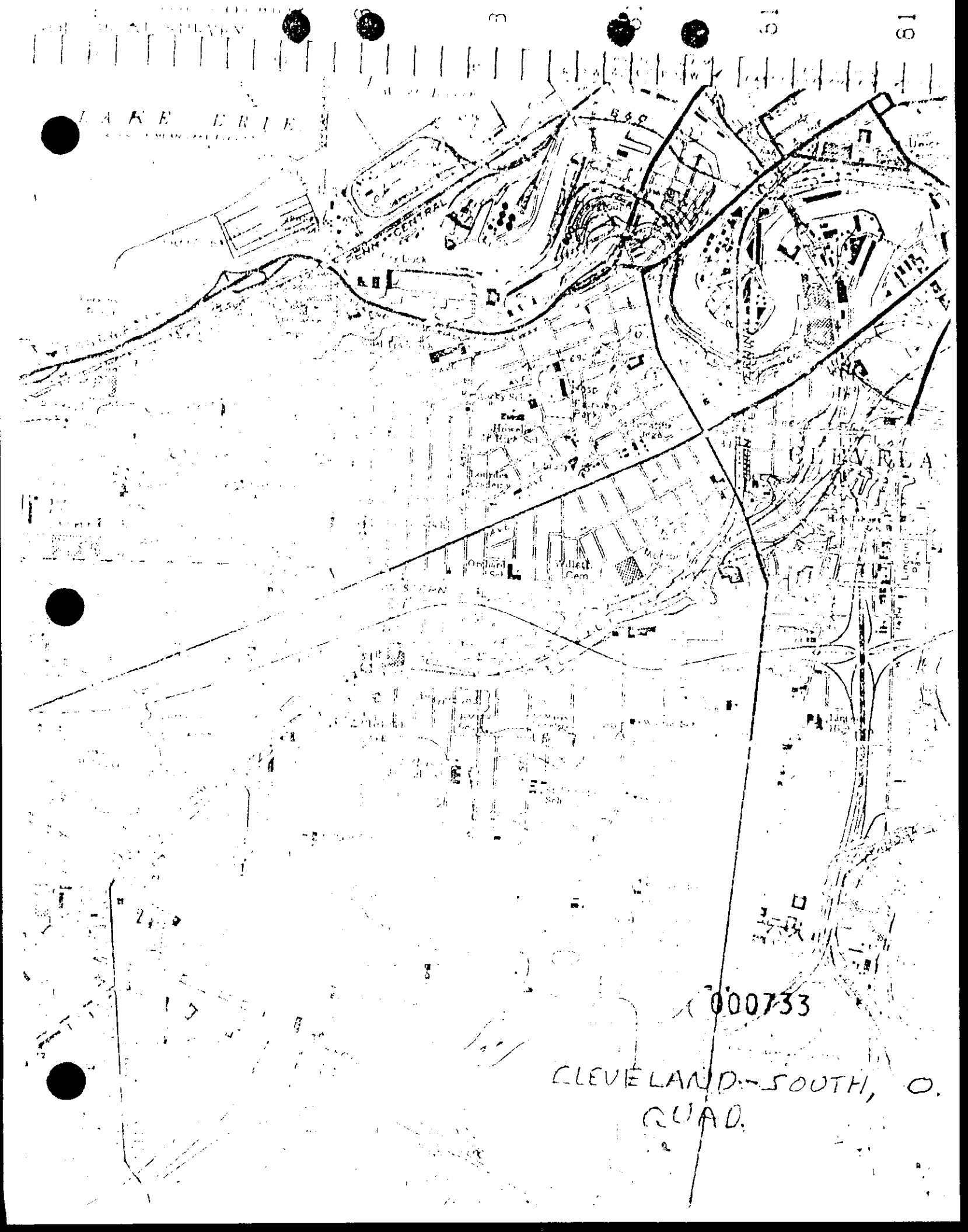
15. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that 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

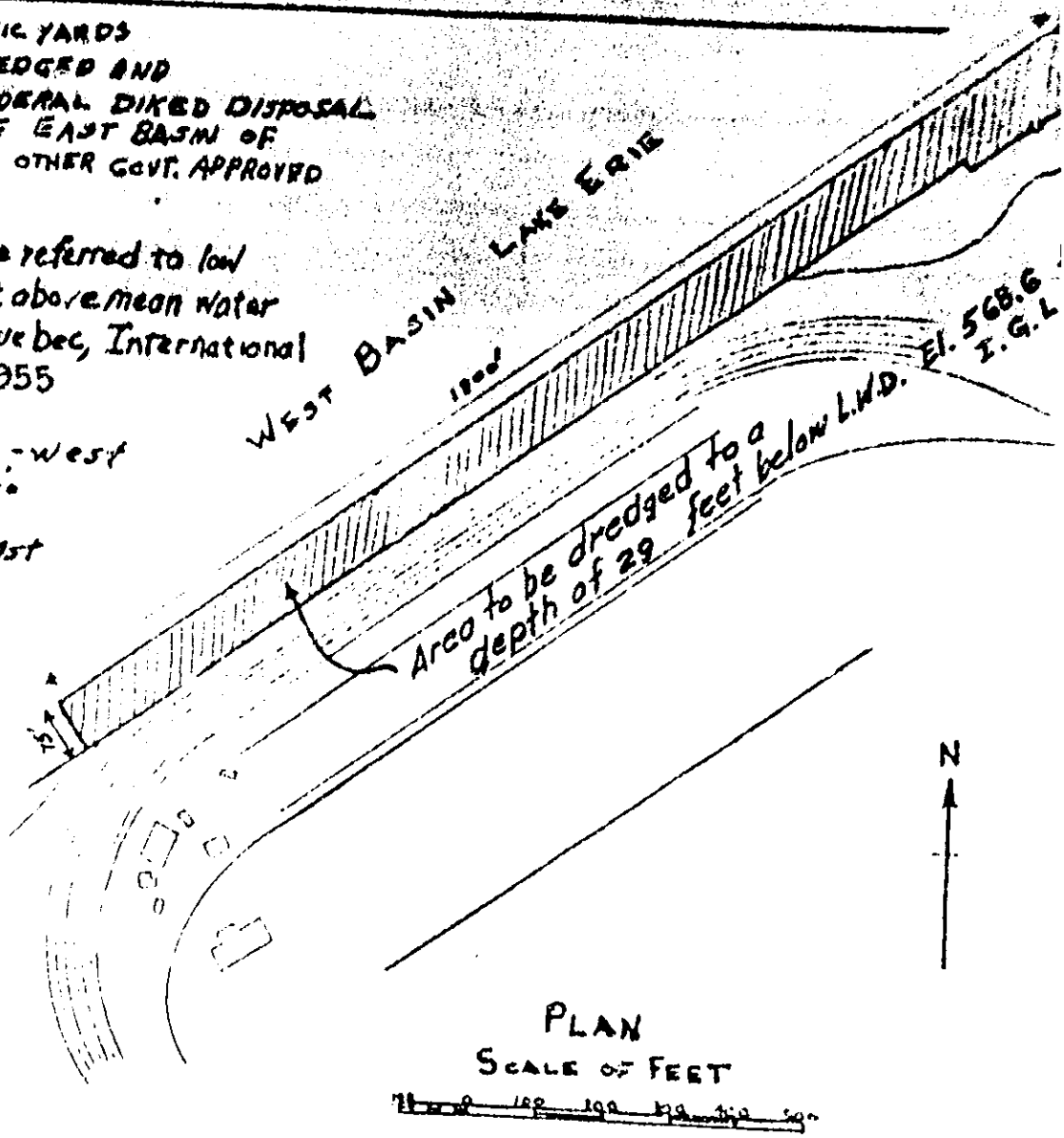

LAKE ERIE
PENN CENTRAL
CLEVELA
000733
CLEVELAND-SOUTH, O.
QUAD.

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.

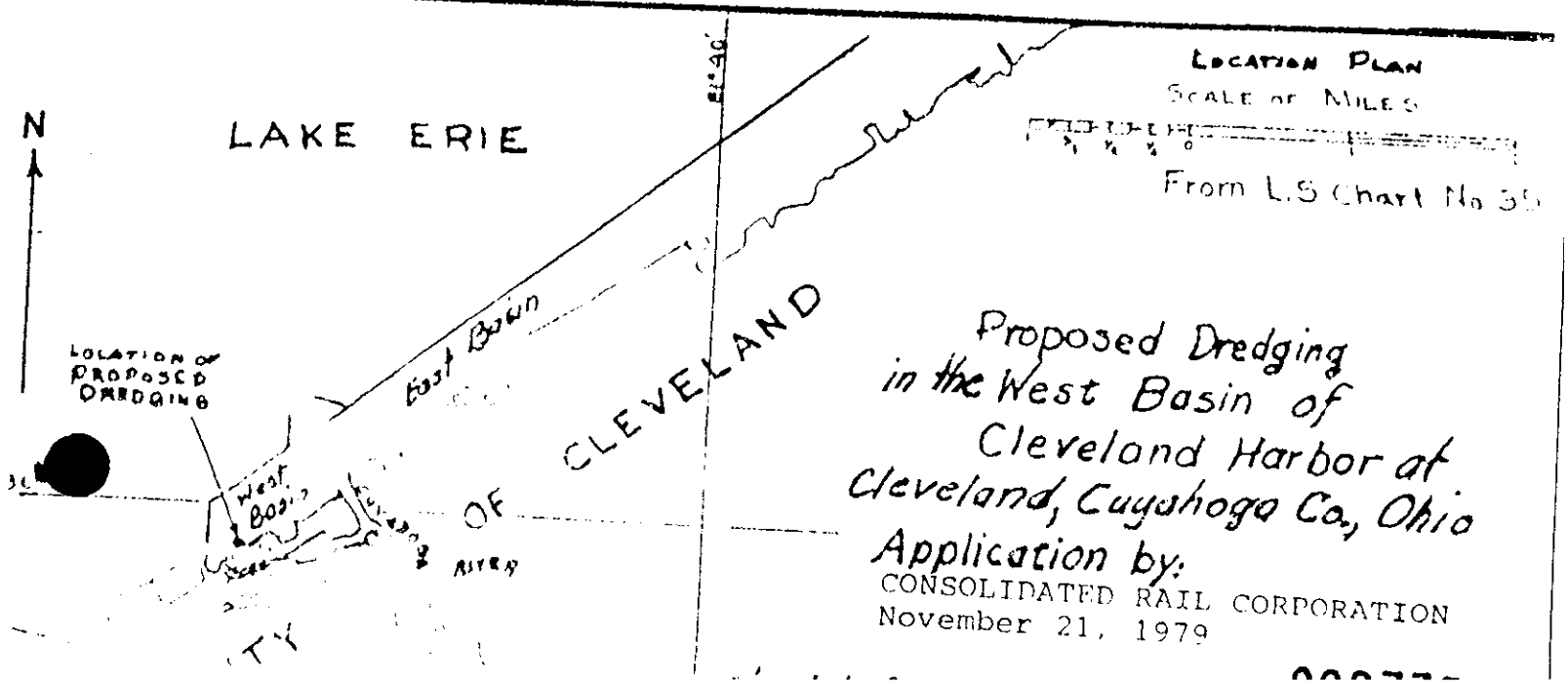
Soundings are in feet and are referred to low water datum 568.6 feet above mean water level of Father Point, Quebec, International Great Lakes Datum 1955

Upland Property owner - west
City of Cleveland, Ohio

Upland Property owner - east
Great Lakes Dredge & Dock Co.

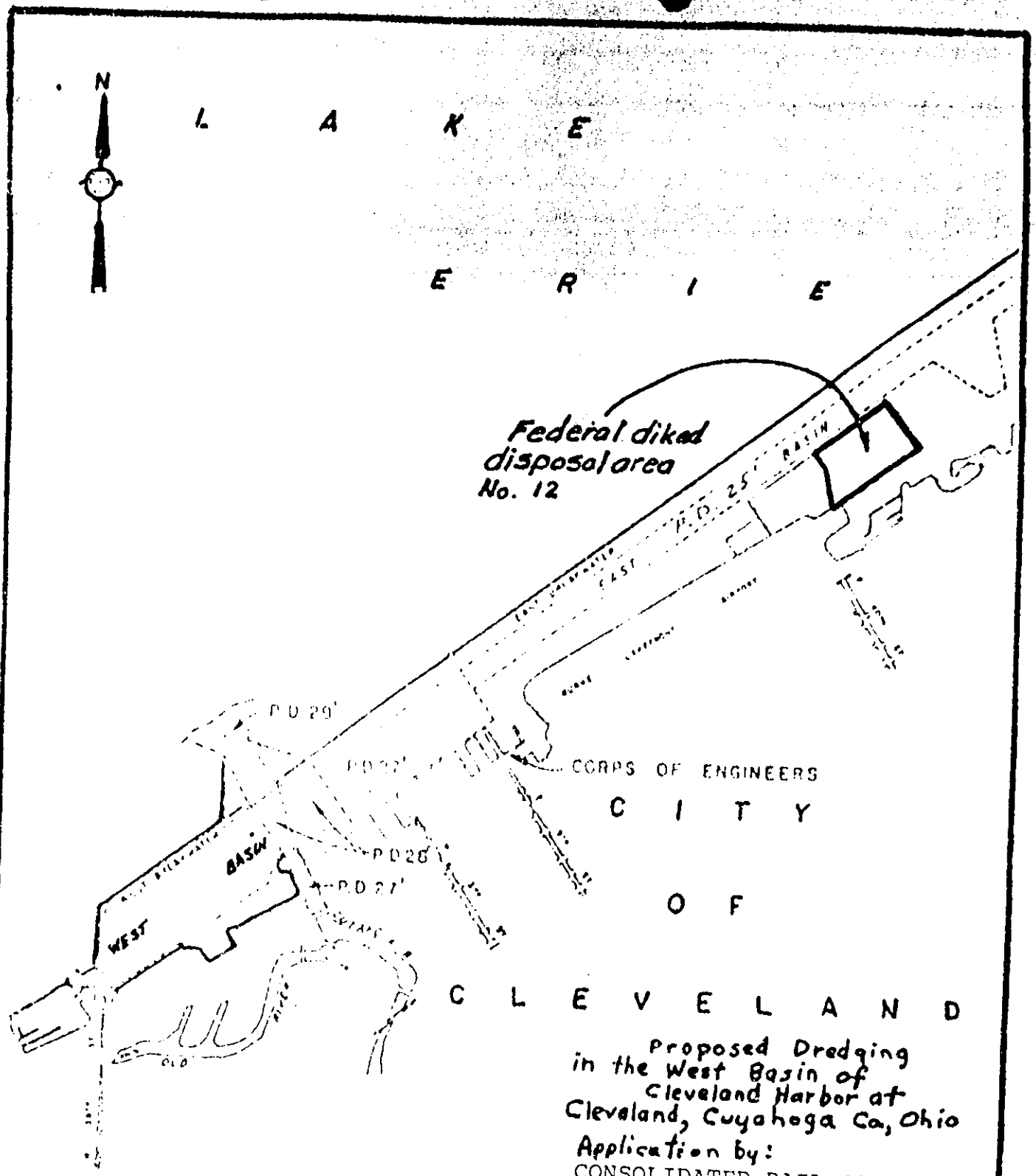


PLAN
SCALE OF FEET



Proposed Dredging in the West Basin of Cleveland Harbor at Cleveland, Cuyahoga Co, Ohio

Application by:
CONSOLIDATED RAIL CORPORATION
November 21, 1979



Proposed Dredging in the West Basin of Cleveland Harbor at Cleveland, Cuyahoga Co, Ohio

Application by:
CONSOLIDATED RAIL CORP.

November 21, 1979

CLEVELAND HARBOR
OHIO
PLAN

2000 0 2000 4000
FEET

P.D. = PROJECT DEPTH

SHEET 2 OF 2