



Public Notice

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

**Glazer-Marotta
Realty Company**

Published: July 28, 2014
Expires: August 27, 2014

Application No: 2011-01181
Section: OH

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
Regulatory Branch Attn: Keith C. Sendziak
1776 Niagara Street
Buffalo, NY 14207

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

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

APPLICANT: Glazer-Marotta Realty Company, 29325 Chagrin Boulevard, Suite 100, Pepper Pike, Ohio 44124

WATERWAY & LOCATION: Federal jurisdictional wetlands on an approximately 34.77-acre parcel located south of Miles Road, north of an existing Giant Eagle facility, and east of the existing Lowes home improvement store in the City of Bedford Heights, Cuyahoga County, Ohio (Sheet 1 of 2).

LATITUDE & LONGITUDE: Latitude North: 41.42262
Longitude West: -81.50467

EXISTING CONDITIONS:

Description of delineation of waters of the US, if applicable: A jurisdictional determination (JD) for the southern approximately 15 acres of the parcel was issued November 29, 2011. This JD identified four federally jurisdictional wetlands, Wetlands J (0.015 acres), N (southern portion) (1.050 acres), Y (0.036 acres), and Z (0.016 acre), totaling 1.117 acres, along with seven wetlands that are isolated, non-navigable, intrastate, and not regulated under Section 404 of the Clean Water Act, Wetlands L (0.202 acres), M (0.022 acres), O (0.167 acres), P (0.055 acres), Q (0.054 acres), and R (1.243 acres), totaling 1.743 acres. A JD for the northern approximately 20 acres of the parcel was issued

December 7, 2011. This JD identified four federally jurisdictional wetlands, Wetlands D (0.004 acres), E (0.025 acres), F (0.033 acres), and N (northern portion) (0.638 acre), totaling 0.70 acres, along with six wetlands, Wetlands A (3.670 acres), B (0.060 acres), C (0.431 acres), G (0.113 acres), H (0.122 acres), and I (0.023 acres), totaling 4.419 acres, that are isolated, non-navigable, intrastate, and not regulated under Section 404 of the Clean Water Act (Sheet 2 of 2).

PROPOSED WORK: The applicant is proposing to construct an industrial package processing facility for Giant Eagle, including four on-site stormwater ponds and other attendant features (Sheet 2 of 2). The proposed project will result in permanent and complete filling of all seven federally jurisdictional wetlands, totaling 1.817 acres combined of forested and emergent habitat (Sheet 2 of 2). In addition, the proposed project will result in permanent impacts to 5.293 acres of wetlands that are isolated, non-navigable, intrastate, and not regulated under Section 404 of the Clean Water Act (Sheet 2 of 2).

PROJECT PURPOSE:

Basic: To construct an industrial package processing facility for Giant Eagle.

Overall: To provide for the processing of express packages at a geographically ideal location that includes: adequate size, highway access, a regulated intersection, existing utility infrastructure, appropriate zoning, and reasonable land cost.

Water Dependency Determination: The project does not require access or proximity to or siting within the 1.817 acres of proposed wetland impacts to fulfill its basic purpose. Thus, it is not a water dependent activity and practicable alternatives that do not involve wetlands, or other special aquatic sites, are presumed to be available unless clearly demonstrated otherwise.

Avoidance and Minimization Information: The applicant has not provided information regarding onsite alternatives that would result in avoidance and minimization of wetland impacts. The applicant has indicated that there are no design alternatives that will enable them to avoid impacts to wetlands and still complete their project purpose.

The applicant has provided three offsite alternative locations. However, all three of these locations do not enable the applicant to practicably perform their project purpose. The applicant has indicated that the proposed parcel is the only area where the project purpose can be practicably performed.

Proposed Mitigation: The applicant is proposing to purchase 4.4 acres of wetland mitigation credit at the Trumbull Creek Wetland Mitigation Bank at a ratio of 2.4:1 to compensate for wetland impacts. The Trumbull Creek Wetland Mitigation Bank is an approved bank within the Cuyahoga River watershed.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Keith C. Sendziak, who can be contacted at the above address, by calling (716) 879-4339, or by e-mail at: keith.c.sendziak@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. John Kessler
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Rd.
Columbus, OH 43229-6605
phone: 614-265-6621
email: john.kessler@dnr.state.oh.us

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

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

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the United States Fish and Wildlife Service (USFWS) to evaluate any potential impacts to: Piping plover (*Charadrius melodus*), Kirtland's warbler (*Setophaga kirtlandii*), rufa red knot (*Calidris canutus rufa*), northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*) and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320 330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments. Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

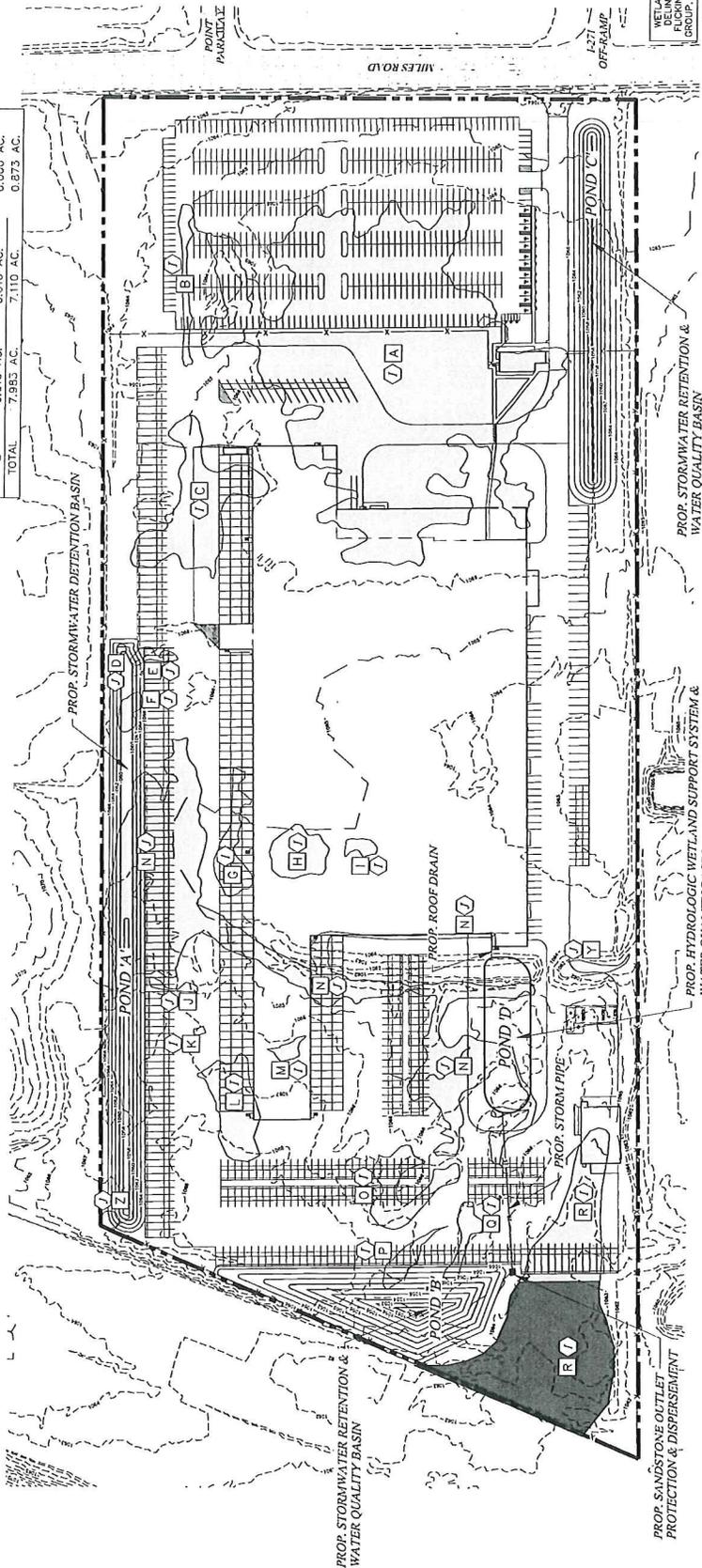
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

Marotta Glazer Realty Company
 D/A Processing No. 2011-01181
 Cuyahoga County, Ohio
 Quad: Shaker Heights
 Sheet 2 of 2



WETLAND DATA		
WETLAND MARK	IMPACTED WETLAND AREA	PRESERVED WETLAND AREA
A	3.870 AC.	0.000 AC.
B	0.060 AC.	0.000 AC.
C	0.431 AC.	0.000 AC.
D	0.004 AC.	0.000 AC.
E	0.025 AC.	0.000 AC.
F	0.033 AC.	0.000 AC.
G	0.113 AC.	0.000 AC.
H	0.122 AC.	0.000 AC.
I	0.023 AC.	0.000 AC.
J	0.015 AC.	0.000 AC.
K	0.004 AC.	0.000 AC.
L	0.202 AC.	0.000 AC.
M	0.022 AC.	0.000 AC.
N	1.588 AC.	0.000 AC.
O	0.167 AC.	0.000 AC.
P	0.055 AC.	0.000 AC.
Q	0.054 AC.	0.000 AC.
R	1.243 AC.	0.873 AC.
Y	0.036 AC.	0.000 AC.
Z	0.016 AC.	0.000 AC.
TOTAL	7.985 AC.	0.873 AC.

- LEGEND
- SITE BOUNDARY
 - - - PROP. FENCE
 - ▨ EX. WETLANDS IMPACTED
 - EX. WETLANDS PRESERVED
 - ISOLATED WETLAND
 - ◇ JURISDICTIONAL WETLAND



WETLAND AREAS TAKEN FROM DELINEATION PERFORMED BY GBC DESIGN, INC. DATED 10-4-2013.
 TOPOGRAPHIC CONTOURS BY GBC DESIGN, INC. CUYAHOGA COUNTY GIS.