Public Notice

Applicant: **North Coast Regional Council of Park Districts**

Published: October 22, 2014
Expires: November 22, 2014

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

Application No: **2012-00661**
Section: Ohio

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Regulatory Branch (Attn: Mark Gronceski)
33 Grand Valley Avenue
Orwell, Ohio 44076

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.

Proposed Mitigation Bank under Authority of Section 404 of the Clean Water Act (33 U.S.C. 1344).

The North Coast Regional Council of Park Districts (NCRCPD), 12882 Diagonal Road, LaGrange, Ohio 44050 has submitted a mitigation plan and draft instrument for the construction of the Mowery Wetland Mitigation Bank. These documents include all information normally contained in a Prospectus plus additional detail. The project site is located on an approximately 45.3 acre site north of Butternut Ridge Road and directly west of the North Coast Inland Trail (old Conrail railroad bed) in Russia Township, Lorain County, Ohio. The purpose of the proposed wetland mitigation bank is to restore wetland habitat in order to provide compensatory mitigation in advance of authorized impacts to wetland resources.

Under Section 404 of the Clean Water Act, applicants for Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands, are often required to mitigate for permitted losses by creating, restoring, enhancing, or, in exceptional circumstances, preserving wetlands, on or near the site(s) of impact. The proposed wetland mitigation bank will provide the Corps and the regulated public an additional option for compensatory mitigation of wetland losses.

The Mowery Wetland Mitigation Bank site is located in the Black River watershed. The majority of existing surface water drainage is sheet flow southward to Squires Ditch which flows to the West Branch of the Black River. The site has been historically dewatered by shallow man-made furrows and ditches which allowed the site to be productive in agriculture, most recently row cropping. Seven small wetlands, totaling 3.19 acres in area, exist on the site, mostly on the periphery.

The mitigation plan for the bank consists of the re-establishment of approximately 30 acres of palustrine wetlands (13.4 acres forested, 20.8 acres emergent). Actions to restore wetland hydrology to the site will include drain tile destruction/plugging as well as construction of low berms. Installation of control structures at selected berm locations will allow for short and long term adjustments to hydrology as the site re-established wetlands develop. Actions to restore wetland vegetation will include seeding with species typical of emergent and wet prairie communities and seeding and planting of woody species.

The sponsor proposes a primary service area for the mitigation bank to include the Black River and Rocky River watershed (8-digit Hydrologic Unit Code 04110001). The sponsor proposes a "secondary" service area of the 6 digit HUC (Southern Lake Erie, 041100) and the entire Ohio portion of the Buffalo District for offsetting impacts to ORAM Category 1 and isolated Category 2 impacts. The actual service area for use of the mitigation bank, if approved and created, will be determined by the Interagency Review Team, which includes representatives from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Ohio Environmental Protection Agency, and the Ohio Department of Natural Resources. The service area approved may be smaller than that proposed by the sponsor.

Department of the Army Permit applicants proposing to compensate for wetland losses at the mitigation bank will be subject to the same level of review as other applicants, and will be required to avoid or minimize impacts to aquatic resources to the maximum extent practicable, in accordance with the U.S. Environmental Protection Agency Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230). Use of the mitigation bank will be permitted if the Corps determines that it is environmentally preferable to other available mitigation, including on-site. In instances where the permittee is required to obtain an individual water quality certification under Section 401 of the CWA, use of the bank will also be subject to approval of the Ohio EPA. The Corps will determine appropriate mitigation ratios on a case-by-case basis for federal impacts, and OEPA will do so for state impacts. The Corps (or Ohio EPA, if applicable), may also reject any proposal to use the bank and require an alternate mitigation plan.

Monitoring of the success of the mitigation bank will occur for a period of at least ten years. Once performance standards have been met and all credits released and sold, the bank site will be managed as a naturally functioning wetland system by the Lorain County Metropolitan Park District (LCMPD). The site will be legally protected by an Environmental Covenant between NCRCPD, LCMPD and OEPA. Long term management funds as identified in the final instrument will be turned over to LCMPD at the time of bank closure.

The establishment and use of the bank will be as specified in a mitigation banking instrument under consideration by the Interagency Review Team.

A Department of the Army permit may be required for earthwork or other placement of fill material in waters of the United States necessary to implement the approved mitigation plans. A 401 water quality certification may also be required by OEPA

Complete copies of the mitigation plan and draft instrument can be found on-line along with this notice at: http://www.lrb.usace.army.mil/Missions/Regulatory/ActionsandNotices/PublicNotices.aspx

A complete copy of the mitigation plan and draft instrument can also be reviewed, by appointment, at the following location:

U.S. Army Corps of Engineers

33 Grand Valley Avenue
Orwell, Ohio 44076
(440 437-5847

Location and details of the proposed bank are shown on the attached maps and drawings and described in the mitigation plan.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Mark Gronceski, who can be contacted at the above address, by calling (440) 437-5847, or by e-mail at: mark.e.gronceski@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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 5. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers will consult as needed, under separate cover, with the USFWS to evaluate any potential impacts to federally protected species found in the vicinity 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 authorization. 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.

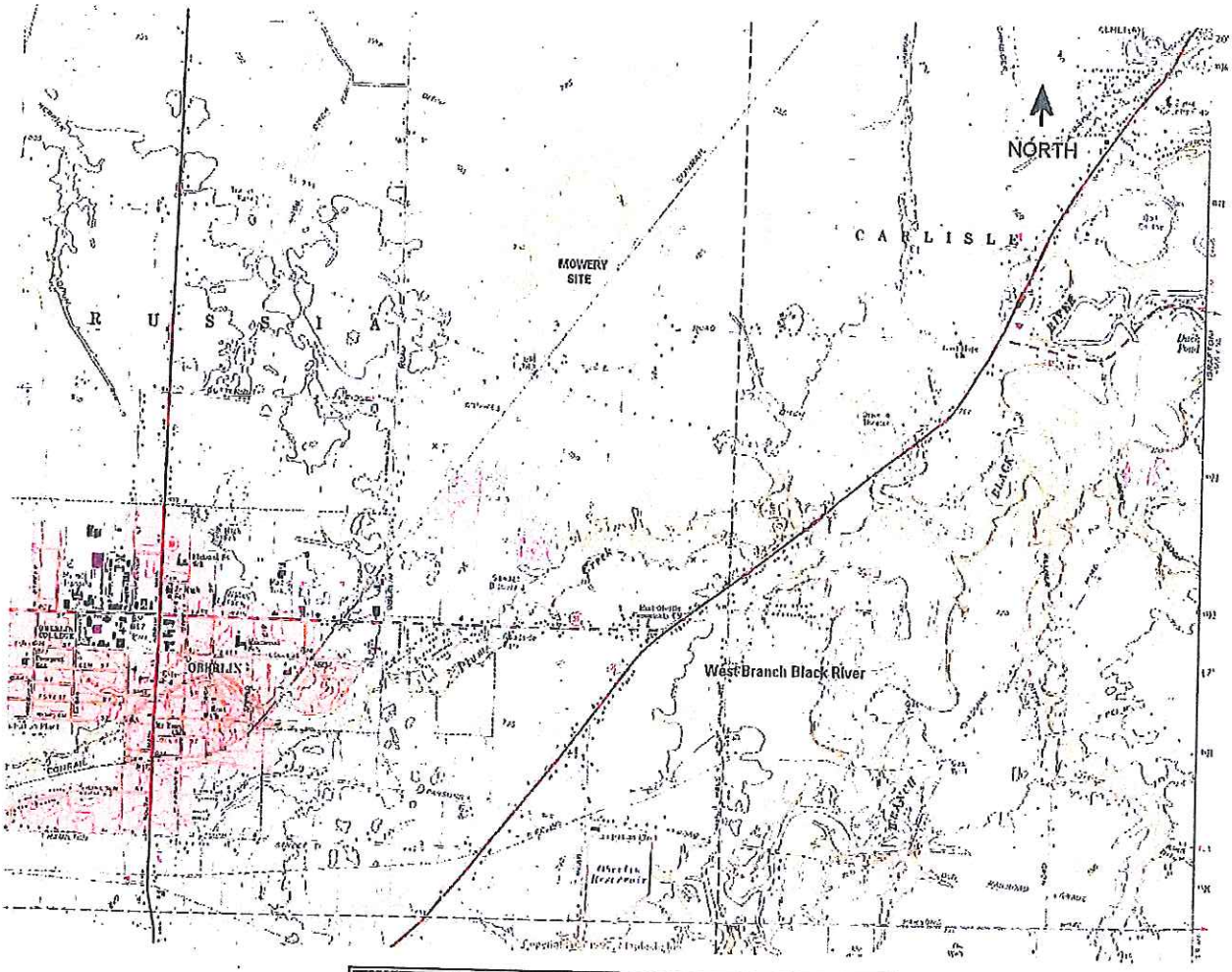
The decision to approve or deny authorization of this mitigation bank will be based on an evaluation of the probable benefits and impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization 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 an authorization 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.

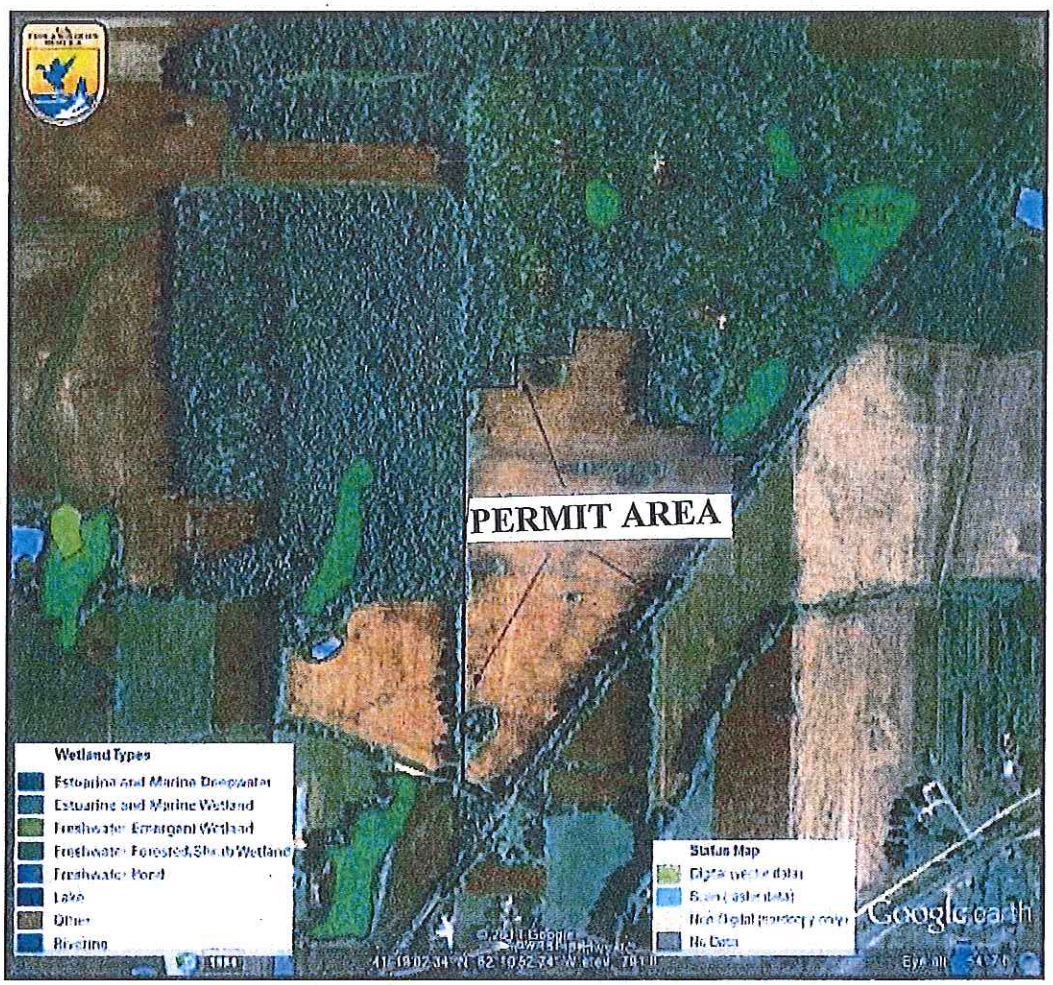
SIGNED

Diane 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.



NORTH COAST REGIONAL COUNCIL OF PARK DISTRICTS
D/A Processing No. 2012-00661
Lorain County, Ohio Quad: Oberlin
Sheet 1 of 5



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Sheet 2 of 5

NORTH COAST REGIONAL COUNCIL OF PARK DISTRICTS
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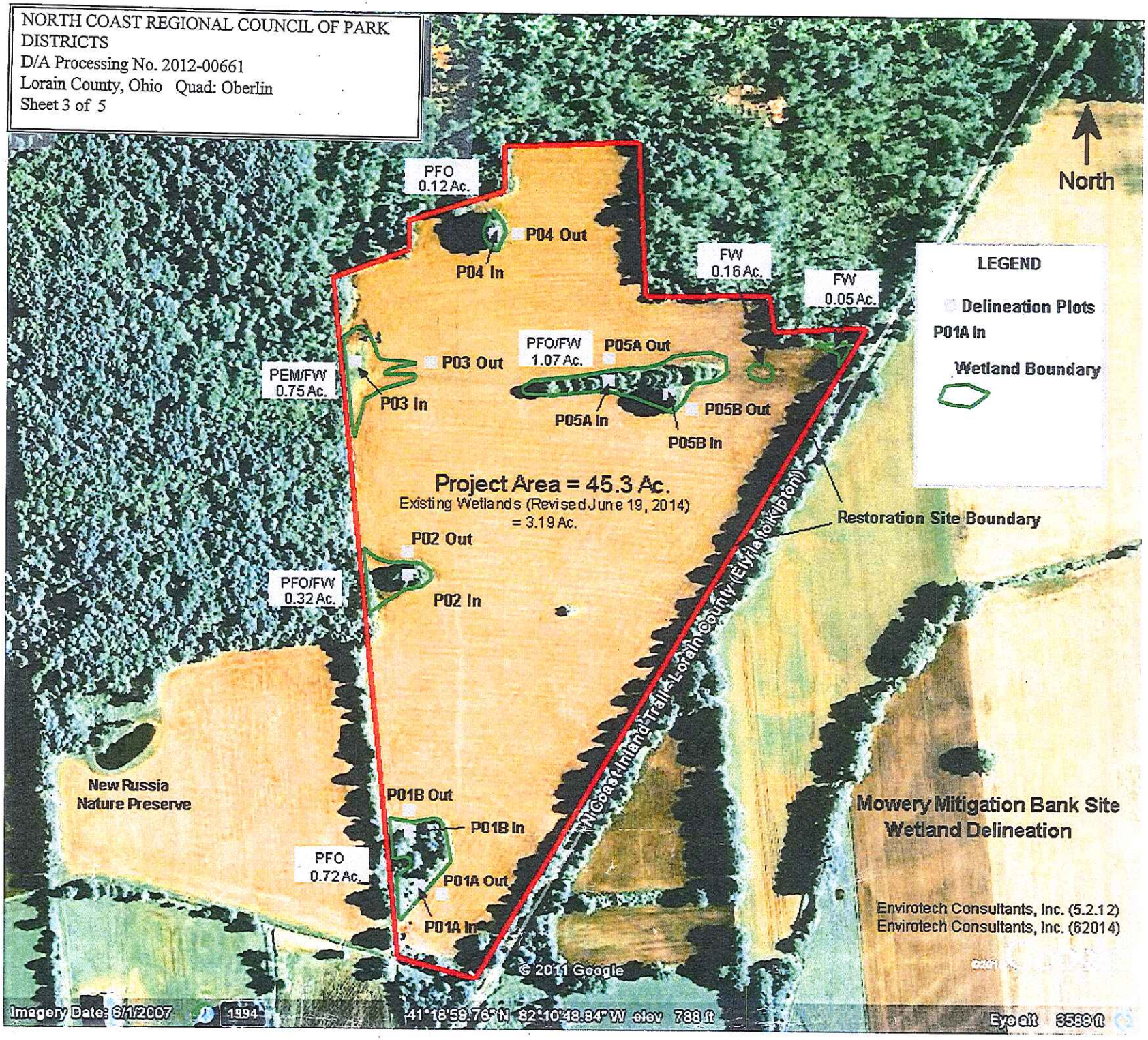
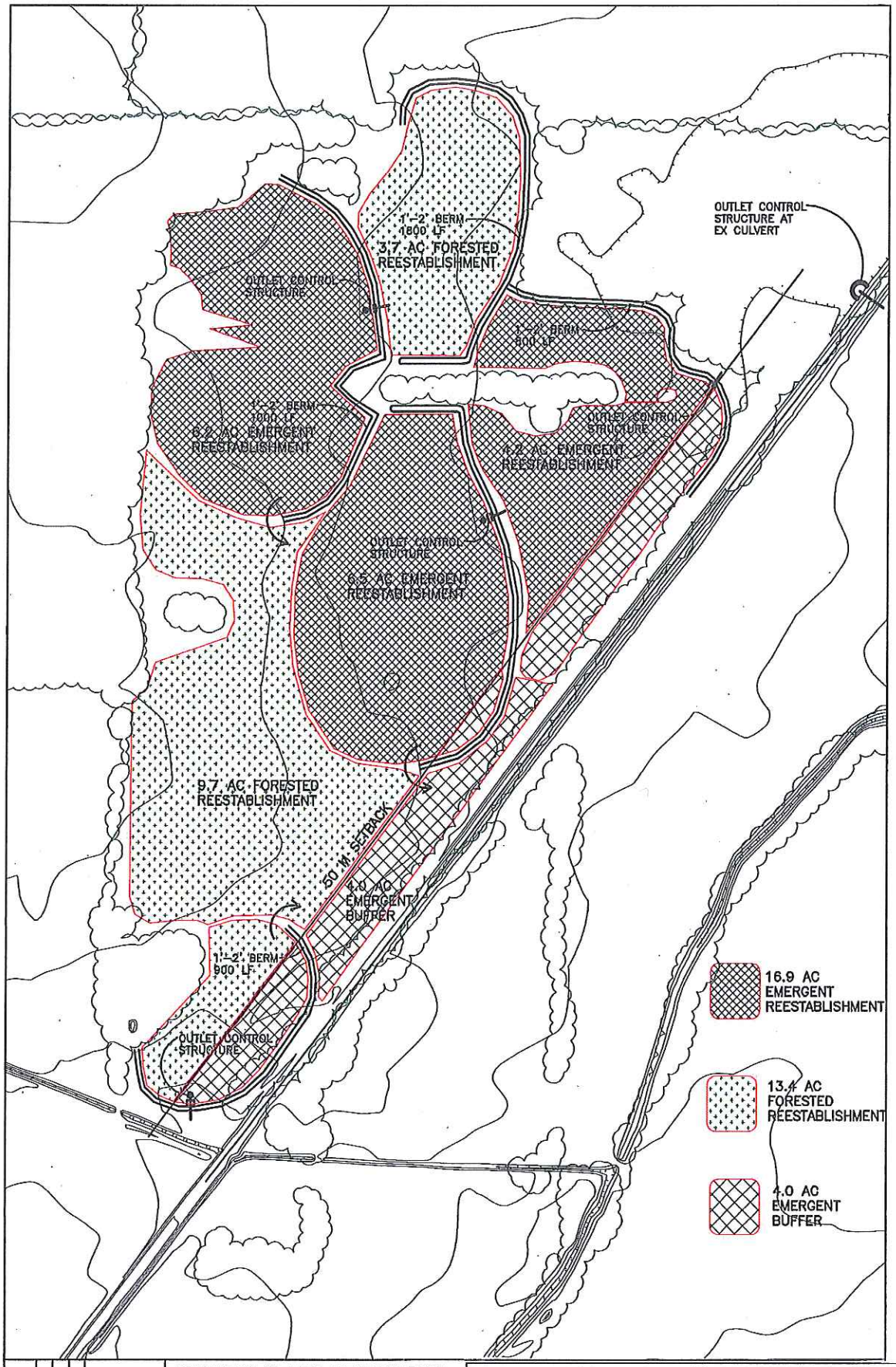
Sheet 3 of 5





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1"=200'

8/19/14

CONCEPTUAL WETLAND MITIGATION PLAN
MOWERY WETLAND
LORAIN COUNTY METROPARKS
LORAIN, OHIO

NORTH COAST REGIONAL COUNCIL OF PARK DISTRICTS
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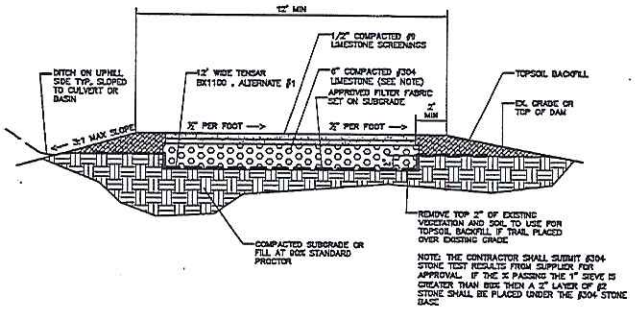
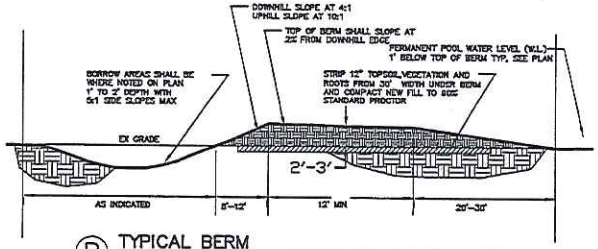


A TYPICAL GRAVEL TRAIL
NOT TO SCALE



B TYPICAL BERM
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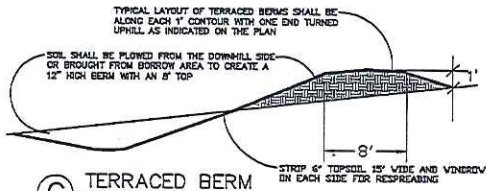

C TERRACED BERM
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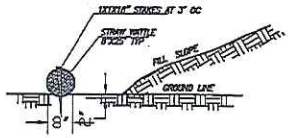

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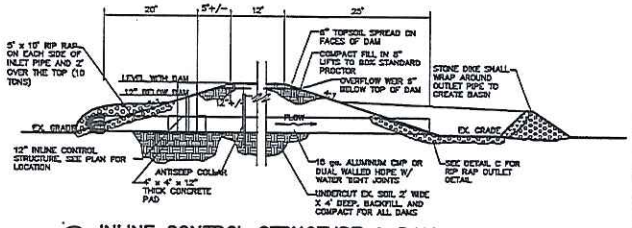

E INLINE CONTROL STRUCTURE & DAM
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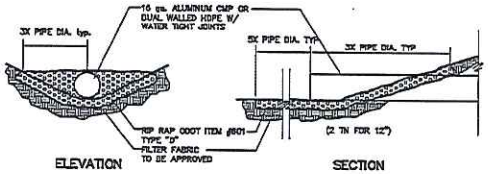

F RIP RAP CHANNEL & OUTLET PROTECTION
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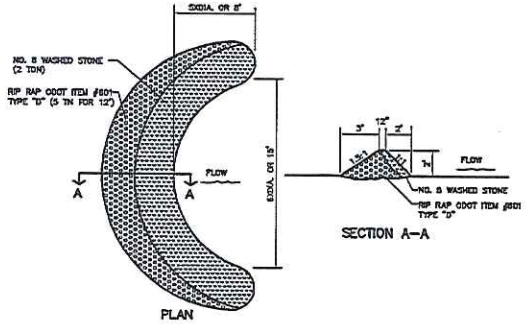

G STONE DIKE
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Lorain County, Ohio Quad: Oberlin
Sheet 5 of 5

REVISIONS

ECO-DESIGN & ENGINEERING, LTD
7700 Wells Road, Dam City, Ohio 43064
Phone / FAX (614) 733-0343

CONCEPTUAL WETLAND MITIGATION DETAILS
MOWERY WETLAND
LORAIN COUNTY METROPARKS
LORAIN COUNTY, OHIO

DETAILS

DT SES	JOB NO
	DATE 3/15/12
NTS	SCALE
	SHEET NO C-2