



# Public Notice

Triple Properties, LLC

ISSUED: September 12, 2014  
EXPIRES: September 29, 2014

U.S. Army Corps  
of Engineers  
Buffalo District

**Application No: 2009-00955 Section: OH**

All written comments should reference the above Application No. and be addressed to:  
US Army Corps of Engineers, Buffalo District Regulatory Branch, 1776 Niagara Street  
Buffalo, NY 14207-3199

**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:** Mr. Ed Lechler, Triple Properties, LLC, 10950 Pearl Road, Suite A2,  
Strongsville, Ohio 44136.

**WATERWAY & LOCATION:** Federal jurisdictional wetlands and streams on an  
approximately 19-acre parcel located west of Prospect Road, and north of Breckenridge Lane, in  
the City of Strongsville, Cuyahoga County, Ohio (Sheet 1 of 4).

**LATITUDE & LONGITUDE:** Latitude North: 41.33880  
Longitude West: -81.85975

**EXISTING CONDITIONS:**

Description of delineation of waters of the US, if applicable: A jurisdictional determination (JD) was issued October 2, 2009. This JD identified ten wetlands, Wetland A (0.085 acres), Wetland B (1.309 acres), Wetland C (0.228 acres), Wetland D (0.604 acres), Wetland E (1.382 acres), Wetland F (0.103 acres), Wetland G (0.137 acres), Wetland H (0.115 acres), Wetland I (0.005 acres), and Wetland J (0.199 acres) totaling 4.167 acres and one stream, Stream 1 (1,428.68 linear feet (lf)), on the subject parcel that are part of a surface water tributary system to a navigable water of the United States (Sheet 2 of 4).

**PROPOSED WORK:** The applicant previously received Nationwide Permit (NWP) 29 affirmation July 12, 2010 to construct a 12-lot residential subdivision. The NWP affirmation authorized impacts to 0.49 acres of Federal jurisdiction wetland and 146.90 lf of Federal jurisdictional stream (Sheets 2 of 4). Wetland mitigation for these impacts included the purchasing of 1.0 acre of credit from the Edison Woods Mitigation Bank, and placing Block B and C, for a total of 5.14 acres, including approximately 1.6 acres of wetland, into a conservation easement (Sheet 4 of 4). In addition, 1.0 acres of remaining open space was placed into an environmental deed restriction (Sheet 4 of 4). The applicant is currently proposing an additional 0.246 acres of impacts to Federal jurisdictional wetlands in order to construct three of the

previously authorized 12 lots (Sheets 2-4 of 4). Therefore, for this single and complete project the applicant is proposing to impact a total of 0.736 acres of Federal jurisdictional wetlands and 146.90 lf of Federal jurisdictional stream channel.

### **PROJECT PURPOSE**

**Basic:** To construct residential homes on three lots within an existing 12-lot residential subdivision.

**Overall:** To prepare the lots for residential construction such that the lots can be evenly graded. The applicant has indicated that the current configuration affirmed under NWP 29 substantially reduces the usable area within lots 10-12, as grading would result in a grade difference of 4-6 feet between Wetland D and the surrounding upland area. Therefore, the applicant is requesting that these portions of Wetland D be filled to even the grade and to maximize space.

**Water Dependency Determination:** The project does not require access or proximity to or siting within the 0.246 acres of proposed forested 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 on avoidance and minimization.

**Proposed Mitigation:** To compensate for wetland impacts the applicant is proposing to purchase an additional 0.6 acres of wetland mitigation credit at the Edison Woods Mitigation Bank. The conservation easement and environmental deed restricted areas will remain in place.

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](mailto: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](mailto: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 4. 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: 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.

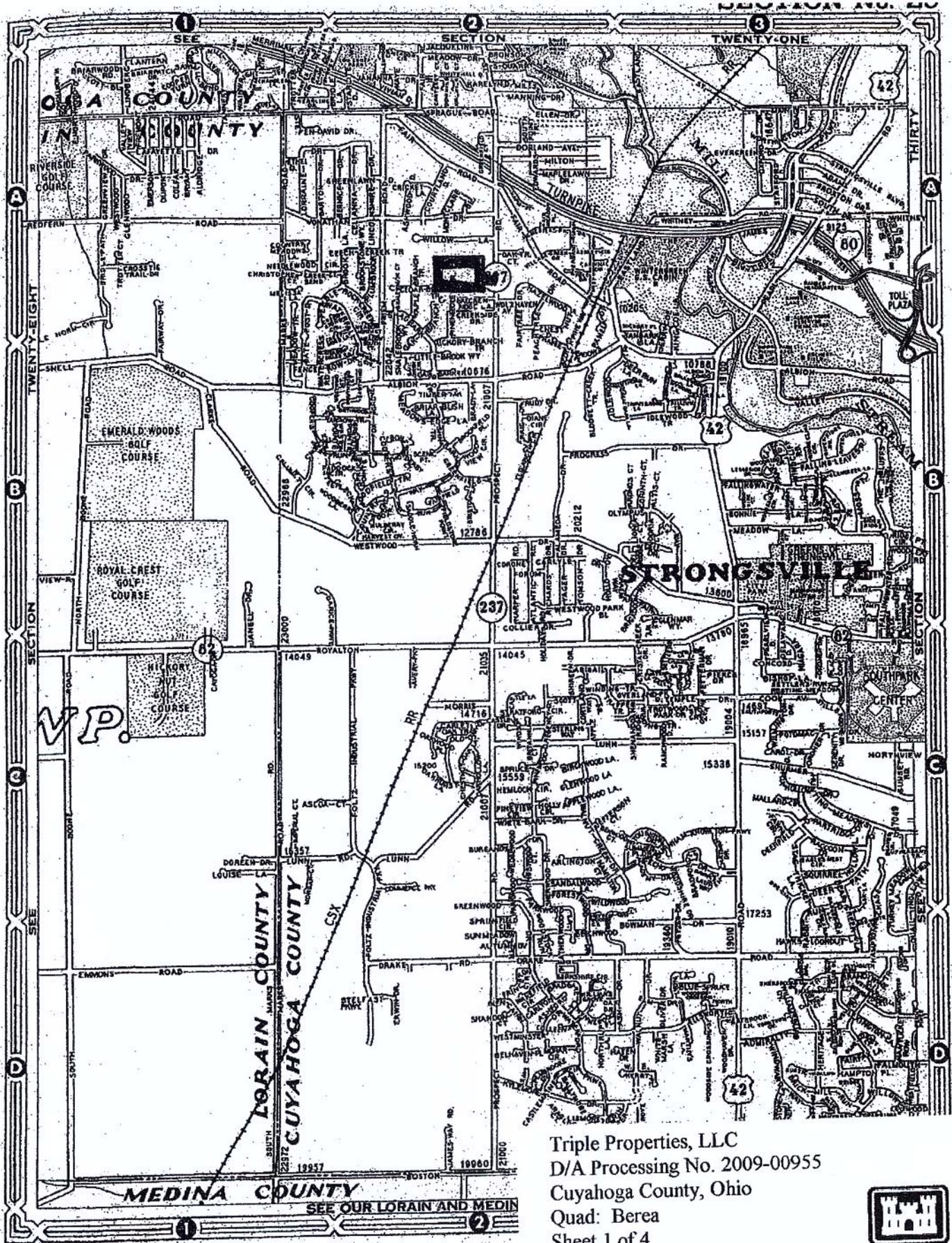
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits 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**

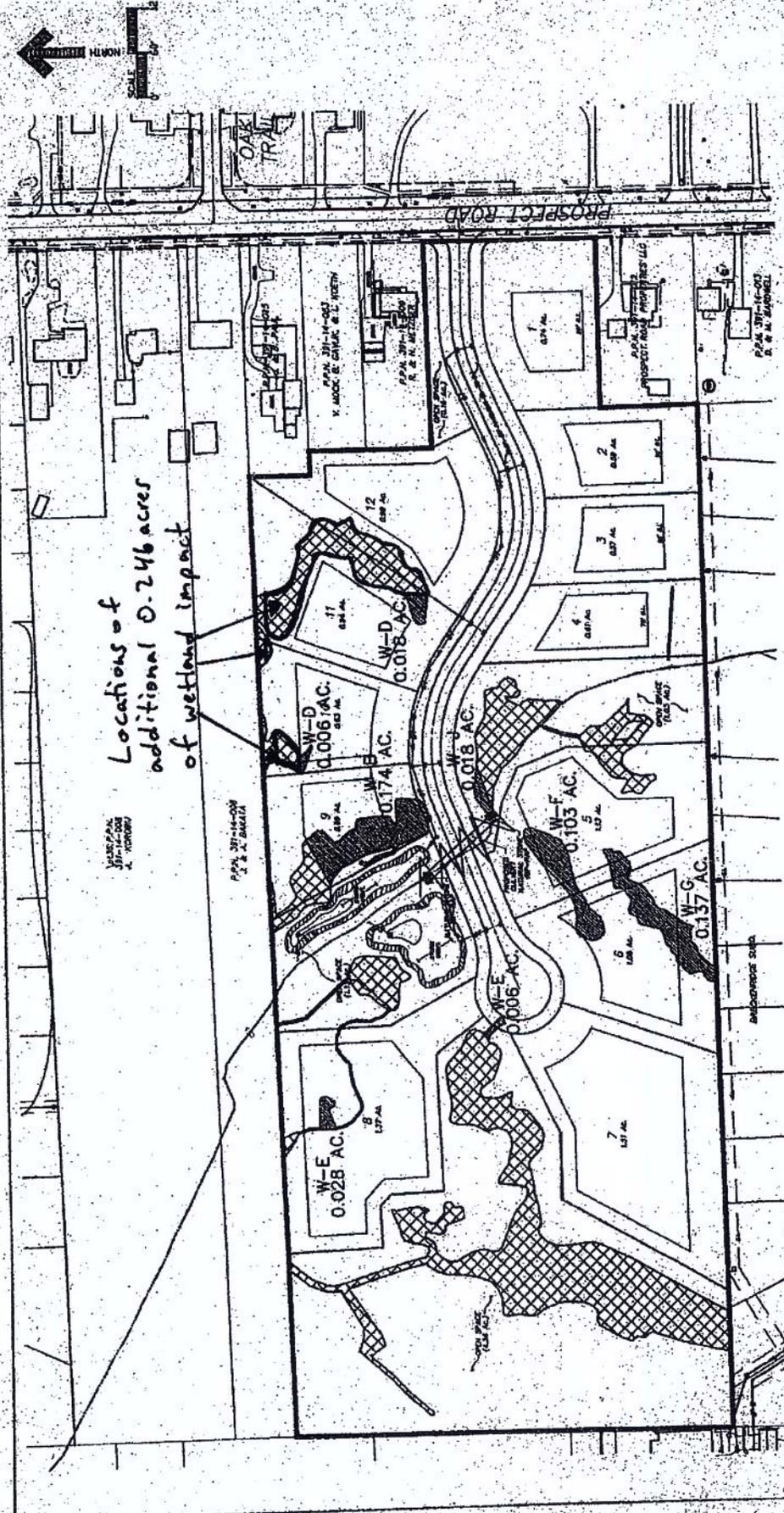
Diane C. Kozlowski  
Chief, Regulatory Branch

**NOTICE TO POSTMASTER:** It is requested that this notice be posted continuously and conspicuously for **15** days from the date of issuance.



Triple Properties, LLC  
 D/A Processing No. 2009-00955  
 Cuyahoga County, Ohio  
 Quad: Berea  
 Sheet 1 of 4





OWNER	TRIPLE PROPERTIES, LLC
PROJECT	PROSPECT ROAD, SUBDIVISION
TITLE	FILL MAP
SCALE	1" = 60'
DATE	11/11/09
BY	FLICKINGER ENGINEERING GROUP, INC.
PROJECT NO.	254 WHITE POND DRIVE, SUITE D, PARLAWA, OHIO 44320 (330) 885-0888

WETLAND FILL AREA = 0.49 ACRES  
 STREAM AREA = 0.010 ACRES  
 TOTAL STREAM AREA = 146.90 FEET



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 Sheet 2 of 4

Triple Properties, LLC  
D/A Processing No. 2009-00955  
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Quad: Berea  
Sheet 3 of 4

