

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

Public Notice

Applicant: Chagrin
Highlands, Ltd.

Published: December 17, 2015
Expires: January 16, 2016

Application No: LRB-2014-00947
Section: OH

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
(Attn:) Susan L. Baker
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: Chagrin Highlands, Ltd. 25425 Center Ridge Road, Westlake, Ohio 44145

WATERWAY & LOCATION: Wetlands A, B, E, I/J, K, L, M, N, and Hawthorne Creek, 56 acre parcel located southeast of the intersection of Interstate 271 and Harvard Road, Orange Village, Cuyahoga County, Ohio

LATITUDE & LONGITUDE: Latitude North: 41.445328
Longitude West: -81.489008

EXISTING CONDITIONS: The subject parcel is irregularly-shaped and situated within a commercially developed area excluding the adjacent undeveloped property to the east. The subject parcel is largely comprised of secondary-growth deciduous forest and scrub-shrub habitat however, the western portion of the subject parcel is mostly cleared open meadow habitat. A conservation easement was previously established for Department of Army permit LRB-1993-04948 within the limits of the subject parcel along Hawthorne Creek and consists of approximately 12.5 acres.

Description of delineation of waters of the US: An approved jurisdictional determination was completed for the subject parcel on June 25, 2015 identifying Wetlands A, B, C, D, E, I/J, K, L,

and M as well as Stream 1, Stream 2, and Hawthorne Creek as federal waters of the U.S. Wetland N was not included in the approved jurisdictional but will subsequently be evaluated for Department of Army jurisdiction.

PROPOSED WORK: The applicant proposes to permanently fill waters of the U.S. for the purpose of constructing a mixed-use development. Specifically, the applicant proposes to permanently fill 5.52 acres of federal jurisdictional wetland (0.14 acre of Wetland A, 2.45 acres of Wetland B, 0.53 acre of Wetland E, 2.08 acres of Wetland I/J, 0.02 acre of Wetland K, 0.14 acre of Wetland L, 0.1 acre of Wetland M, and 0.06 acre of Wetland N) and culvert 276 linear feet of federal jurisdictional Hawthorne Creek for the construction of a hotel, two restaurants, a corporate office building, utilities, stormwater management features, parking, access drives, walking trails, and associated appurtenances. The applicant is proposing the development as a two-phased project with the restaurants, hotel, access drive, and appurtenances constituting Phase 1 and the corporate office building and appurtenances constituting Phase 2. Prospective tenants have been identified for the Phase 1 activities however tenants have not been identified for the Phase 2 activities.

PROJECT PURPOSE

Basic: Commercial Development

Overall: To construct a mixed-use development including restaurants, a hotel, and corporate office within the southeast Cleveland suburbs.

Water Dependency Determination: The proposed activity has been determined to not be water dependent.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant stated that the minimal degradation alternative (MDA) is the alternative project design that meets their minimum economic return criteria and limits wetland and stream impacts to the extent possible. The MDA proposes to avoid 1.55 acres of on-site federal wetland and 784 linear feet of federal jurisdictional stream. By comparison, the preferred development alternative proposes permanent fill of 7.05 acres of federal jurisdictional wetland and 757 linear feet of federal jurisdictional streams resulting in the avoidance of 0.02 acre of federal jurisdictional wetland and 303 linear feet of federal jurisdictional stream in the subject parcel. The avoidance numbers described above do not include the waters within the existing conservation easement as they are already under perpetual protection as compensatory mitigation for another permitted activity (LRB-1993-04948) or waters outside the Phase 1 and Phase 2 limits.

PROPOSED MITIGATION: The applicant proposes to provide compensatory mitigation for the loss of wetlands by purchasing credits at the Granger Mitigation Bank or from The Nature Conservancy (TNC) In-Lieu Fee (ILF) Program in the Cuyahoga River Watershed. The applicant proposes the purchase of credits as follows: 1.5:1 ratio for Category 1 non-forested wetlands, 2:1 ratio for Category 2 non-forested wetlands, and 2.5:1 ratio for Category 2 forested wetlands. Accordingly, the applicant proposes to purchase 6.18 wetland credits for Phase 1 and 6.27 wetland credits for Phase 2.

The applicant proposes to provide compensatory mitigation for the loss of stream by purchasing stream credits from the ILF Program administered by TNC within the Cuyahoga River Watershed. The applicant proposes a credit purchase ratio of 2:1 for perennial warm water habitat equating to the purchase of 552 stream credits.

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 Susan L. Baker, who can be contacted at the above address, by calling (716) 879-4474, or by e-mail at: Susan.L.Baker@usace.army.mil A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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 1 of 4. No structures exist within the permit area and the northern and western portions of the parcel have undergone disturbance due to road construction and maintenance activities. A larger Phase 1 Cultural Resource Investigation was completed in 1999 which included the subject parcel. The Investigation documented three archeological sites within the permit area (33CU0432, 33CU0433, and 33CU0434) which consisted of light historic scatter representative of early to mid-twentieth century time periods. The Investigation determined the artifacts were unrelated to any residence or structure but rather were considered part of an open air dump site. Accordingly, the three sites were not recommended as eligible for listing in the National Register of Historic Places. Due to the results of the 1999 Investigation and the lack of identified eligible or listed federal historic resources within the permit area, it has been determined that no historic properties will be affected by the proposed activity. 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 USFWS to evaluate any potential impacts to: Indiana bat, northern long-eared bat, Kirtland's warbler, piping plover, and rufa red knot, 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

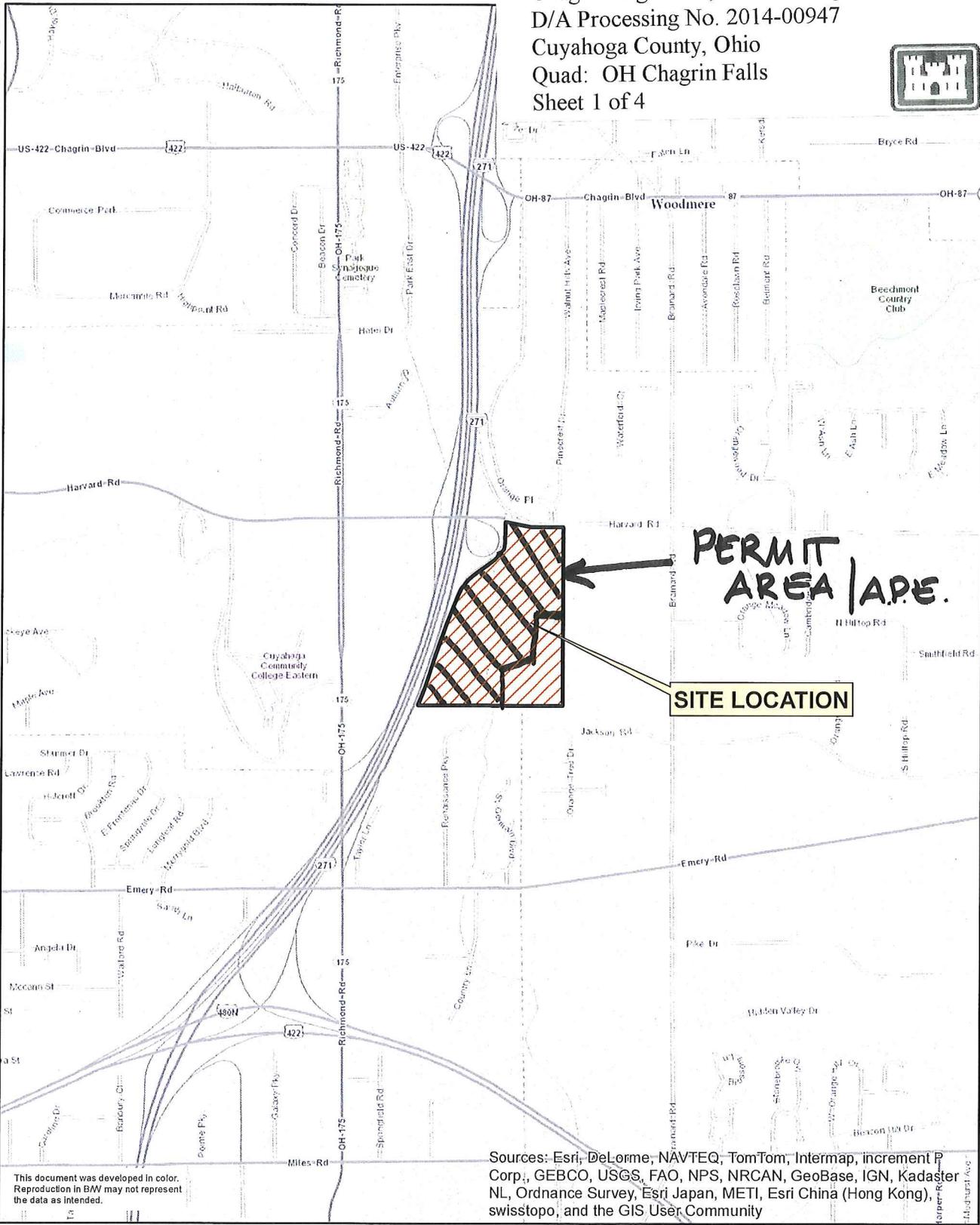
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

Chagrin Highlands, Ltd. – Orange South
 D/A Processing No. 2014-00947
 Cuyahoga County, Ohio
 Quad: OH Chagrin Falls
 Sheet 1 of 4



C:\Wallig\Richard\Jacobs\Orange South\001 - Orange South - Site Location - Fig 1.mxd

PLOTDATE: 07/24/14 oneiljm



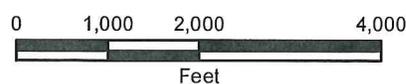
This document was developed in color. Reproduction in BW may not represent the data as intended.

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community



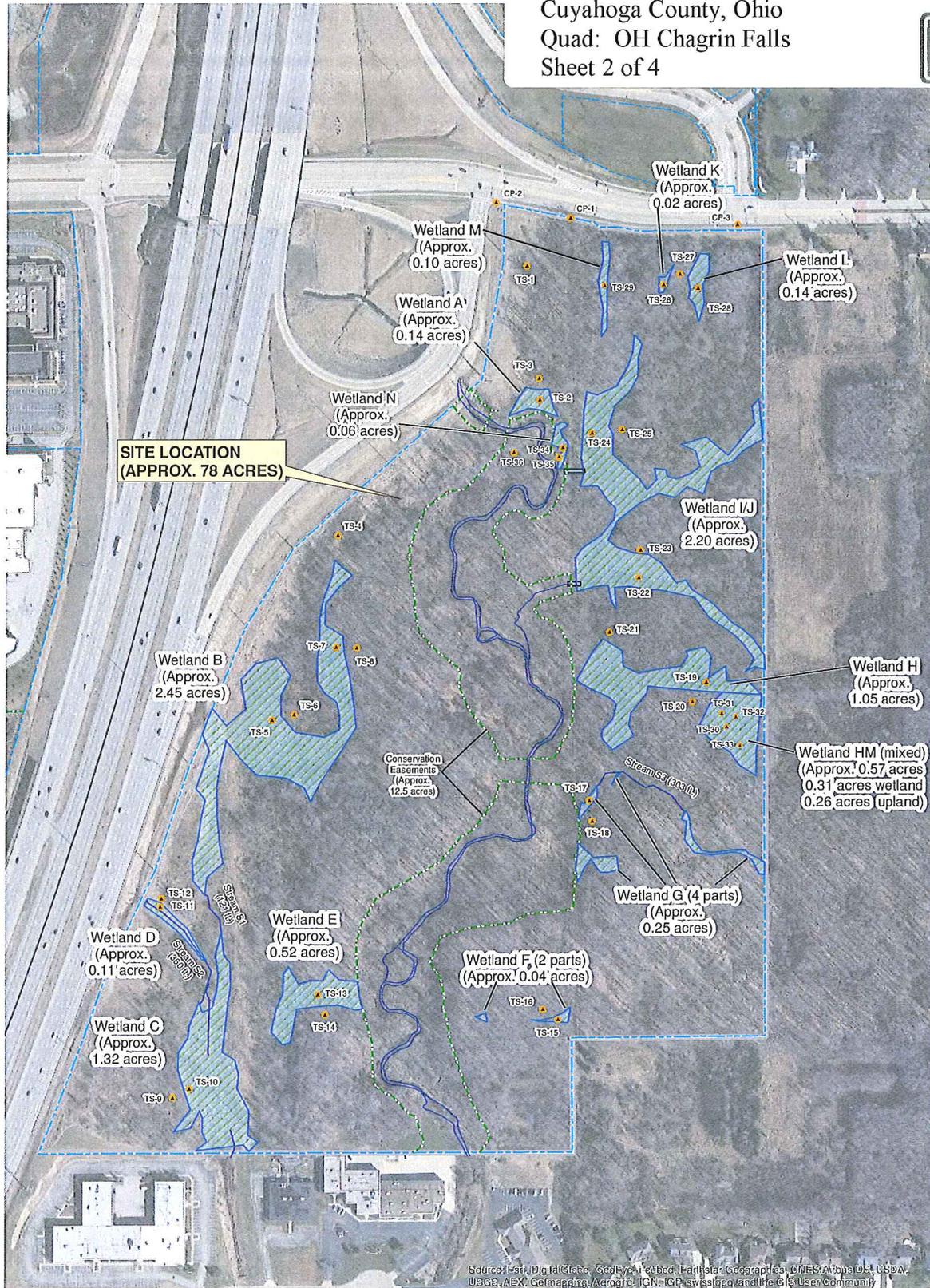
ORANGE SOUTH

SITE LOCATION





V:\Office-Open\Wallig\Richard.Jacobs\Orange South\004 - Orange South - Wetland Delineation Large - Fig. 4a2.mxd



PLOTDATE: 11/19/15 one11m

This document was developed in color. Reproduction in B/W may not represent the data as intended.

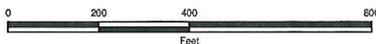
LEGEND

- DELINEATED WETLAND (UPDATED FROM CORPS JO VISITS 9/25/2014 - 10/15/2014)
- TEST LOCATION
- JURISDICTIONAL STREAM
- CONSERVATION EASEMENT
- CULVERT

ORANGE SOUTH

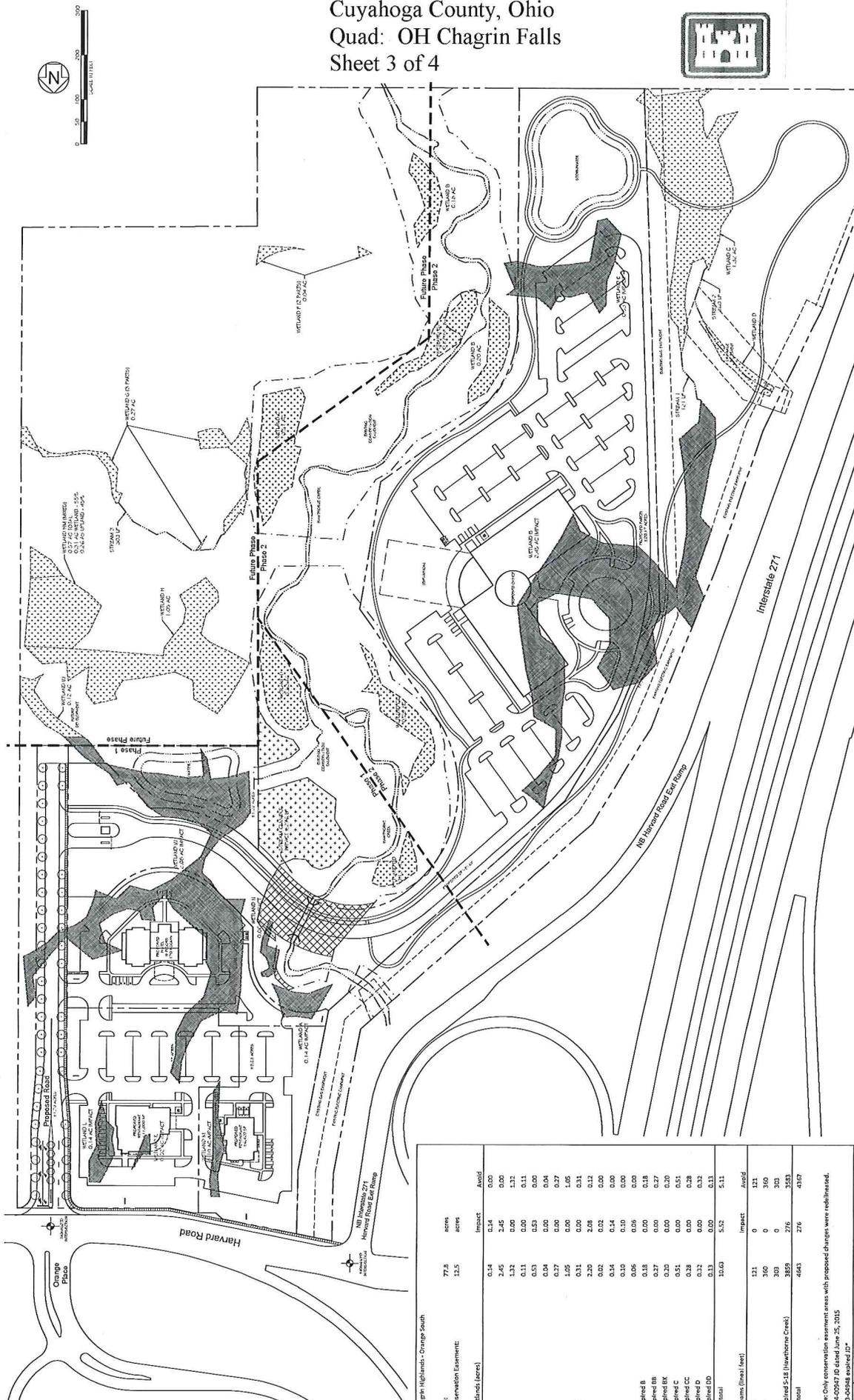
WETLAND DELINEATION

October 2014
Wal-Jacobs





WL-MIN
 DATE: 06/25/2015
 BY: GFF



Sheets	Acres	Impact	Acid
77.6	12.5	0.14	0.00
		2.45	0.00
		1.32	1.32
		0.11	0.11
		0.53	0.53
		0.04	0.04
		0.00	0.00
		1.05	1.05
		0.11	0.11
		0.12	0.12
		0.02	0.02
		0.14	0.00
		0.06	0.00
		0.06	0.00
		0.18	0.18
		0.27	0.27
		0.20	0.20
		0.51	0.51
		0.28	0.28
		0.32	0.32
		0.13	0.13
Subtotal	10.00	5.52	5.11
Streams (feet/ year)		Impact	Acid
S-1	121	0	121
S-2	300	0	300
S-3	300	0	300
Wetland S-18 (Hawthorne Creek)	3859	276	3583
Subtotal	4685	276	4309

Note: Only conservation assessment areas with proposed changes were re-evaluated.
 2014-00947 RD dated June 25, 2015.
 2725 DCAE retained JP

Wetland Min-Degradation Plan

Chagrin Highlands - Orange South ~ Orange Village, Ohio

CHAGRIN HIGHLANDS, LTD.
 The Richard E. Jacobs Group
 MANAGER
 Project: Wetland Min-Degradation Plan (10/2014)

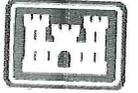


Table 3
Summary of Site Impacts and Compensatory Mitigation (MDA)
Orange South Mixed-Use Commercial Development
City of Orange Village, Cuyahoga County, Ohio

Water ID	Size (AC or LF)	Impact (AC)		Average Stream Width (ft)	Average Stream Impact (AC)	Preserved (AC)	% Avoided	Classification	Habitat	Off-site Mitigation Ratio		Compensatory Mitigation (AC)	
		PEM	PFO							PEM	PFO	PEM	PFO
Wetland A	0.14	0.14	0.00	n/a	n/a	0	0%	Category 1	Non-forested	1.5	1.5	0.21	0
Wetland B	2.45	1.84	0.61	n/a	n/a	0	0%	Modified Category 2	mixed (PFO/EM)	2.0	2.5	3.68	1.53
Wetland C	1.32	0.00	0.00	n/a	n/a	1.32	100%	Category 1 or Category 2 (gray area)	Non-forested	2.0	2.5	0	0
Wetland D	0.11	0.00	0.00	n/a	n/a	0.11	100%	Category 1	Non-forested	1.5	1.5	0	0
Wetland E	0.53	0.53	0.00	n/a	n/a	0	0%	Modified Category 2	Non-forested	2.0	2.5	1.06	0
Wetland J/I	2.20	0.00	2.08	n/a	n/a	0.12	5%	Category 2	Forested	2.0	2.5	0	5.2
Wetland K	0.02	0.00	0.02	n/a	n/a	0	0%	Category 2	Forested	2.0	2.5	0	0.05
Wetland L	0.14	0.00	0.14	n/a	n/a	0	0%	Modified Category 2	Forested	2.0	2.5	0	0.35
Wetland M	0.10	0.00	0.10	n/a	n/a	0	0%	Modified Category 2	Forested	2.0	2.5	0	0.25
Wetland N	0.06	0.06	0.00	n/a	n/a	0	0%	Modified Category 2	Non-forested	2.0	2.5	0.12	0
Total	7.07	2.57	2.95			1.55	28%	---	---	---	---	5.07	7.38
										Compensatory Mitigation (LF)			
Stream 1	121	0	0	2	0	121	100%	non-RPW	Class I PHWH			0	0
Stream 2	360	0	0	3	0	360	100%	RPW	Class II PHWH			0	0
Hawthorne Creek	3859	276	276	15	0.1	3583	93%	RPW	QHEI 62 (good)			552	552
Total	4340	276	276	n/a	0.10	4,064	---	---	---			0	0

Note:
Phase 1 impacts (ac) 2.54
Phase 2 impacts (ac) 2.98
Site impacts and compensatory mitigation values presented for Phases 1 and 2. Future phases, located in the southern portion of the property is excluded from this permit application
Compensatory wetland and stream mitigation assumed to be provided using an approved off-site mitigation bank and/or ILF Program