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# Public Notice

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Applicant: Lopat  
Development Co. II, LLC

Published: April 18, 2016  
Expires: May 18, 2016

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

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Application No: 2003-01845  
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:) Tina Stonemetz**  
**1100 Graham Road Circle**  
**Stow, Ohio 44224-2933**

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**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 10 of the Rivers and Harbors Act of 1899 and**  
**Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Lopat Development Co. II, LLC

WATERWAY & LOCATION: Federally jurisdictional wetlands and tributaries on an approximate 26.07-acre parcel of land located south of Nobottom Road, in the Sandstone Ridge Subdivision, north of the Conrail train tracks, and west of Stone Ridge Way, City of Berea, Cuyahoga County, Ohio. (Sheet 1 of 6)

LATITUDE & LONGITUDE: Latitude North: 41.3835  
Longitude West: -81.8798

EXISTING CONDITIONS: Within the proposed Phase 3C and 4 of Sandstone Ridge South subdivision the site contains forested wetlands, emergent wetlands. The site is bordered to the north by woods and old field, to the east by residential homes, to the south by residential homes and woods, and to the west by a residential home. (Sheet 2 of 6)

An After-The-Fact- (ATF) Nationwide Permit 32 was authorized on May 29, 2013 for Phase 2 of the Sandstone Ridge subdivision to maintain fill in 1.15-acre of jurisdictional wetland, 321-linear feet of jurisdictional stream and temporary fill in 1.91-acre of jurisdictional wetland and 699-linear feet of stream for Phase 2 of the Sandstone Ridge Subdivision. The project also authorized 785-linear feet (LF) of jurisdictional stream for the undertaking of mitigation.

Description of delineation of waters of the US: Within the proposed Phase 3C and 4 of Sandstone Ridge South subdivision there are 1.899-acres of federally jurisdictional wetlands including 1.858-acres of forested wetlands (Wetlands A-C-F-G-I, E, H, K, O, and P) and 0.041-acres of emergent wetlands (Wetlands L, M, and Q). An approved jurisdictional determination was issued for this site on April 26, 2012. Aquatic features identified on-site flow directly into the West Branch of the Rocky River.

PROPOSED WORK: To permanently fill 1.398-acre of forested jurisdictional wetlands (Wetlands A-C-F-G-I, H, and E) and 0.033-acre of emergent jurisdictional Wetland Q (total jurisdictional wetland fill = 1.431) to construct 79 residential homes within the Sandstone Ridge Subdivision. Phase 3C and 4.

#### PROJECT PURPOSE

Basic: Residential housing

Overall: Construction of a residential subdivision within western Cuyahoga County.

Water Dependency Determination: The proposed project is not a water dependent activity. Therefore, it is presumed that practicable upland alternatives exist that are less environmentally damaging. It is the applicant's responsibility to demonstrate that there are no alternate sites that are less environmentally damaging that would allow the applicant to accomplish their project purpose.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant provided four alternatives for completing the proposed project including two onsite design alternatives (Preferred Alternative and Minimal Alternative), a Non-Degradation Alternative, and an Off-site Alternative.

#### Preferred Alternative:

The Preferred Alternative (PDA) is the applicants preferred alternative. The Preferred Alternative would result in the construction of 79 single-family homes, utilities, roads, and storm water management areas to complete Phases 3C and 4 of the Sandstone Ridge South Subdivision. The PDA will permanently fill 1.431-acres of federally jurisdictional Category 1 and Modified 2 wetlands and will avoid filling 0.468-acre of federally jurisdictional Category 1 and Modified 2 wetland (Sheet 3 of 6).

#### Minimal Degradation Alternative:

The Minimal Degradation Alternative (MDA) would result in the construction of 79 single-family homes, utilities, roads, and storm water management areas. To avoid additional wetlands, the lot size

decreases slightly on a few lots, resulting in a slight decrease in sales revenue, which also results in a slight decrease in annual taxes generated. The MDA will permanently fill 1.323 acres of federally jurisdictional Category 1 and Modified 2 wetlands and will avoid filling 0.576-acre of federally jurisdictional Category 1 and Modified 2 wetland (Sheet 4 of 6)

**Non-Degradation Alternative:**

The Non-Degradation Alternative (NDA) would result in the construction of 28 single-family homes, utilities, roads, and storm water management areas. The NDA would not result in the filling of federally jurisdictional wetlands. The NDA avoidance of fills to jurisdictional wetland greatly limits the development options and significantly reduces the developable land on this site. (Sheet 5 of 6)

**Offsite Alternative:**

The applicant has considered one Offsite alternative within the City of Berea. However, this site is currently not owned by the applicant and would require additional cost to acquire the property.

**PROPOSED MITIGATION:**

The applicants proposed mitigation plan is for the PDA. The Corps is currently reviewing the proposed mitigation plan. (Sheet 6 of 6)

To compensate for impacts to 1.398-acre of forested jurisdictional wetland and 0.033-acre of emergent jurisdictional wetland (total jurisdictional wetland fill = 1.431-acres) on the Project site, the Applicant proposes to fulfill the mitigation requirements, by creating a 2.862-acres of forested wetland on-site using a 2:1 mitigation ratio.

In addition to the creation of 2.862-acre of wetland, the Applicant will protect a total of 4.17-acres of open space with a conservation easement held by the homeowners association for this development. The open space includes 0.46-acres of Wetland P and 0.004-acre of Wetland L.

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 **Tina P. Stonemetz**, who can be contacted at the above address, by calling **(330) 923-8197**, or by e-mail at: [tina.p.stonemetz@usace.army.mil](mailto:tina.p.stonemetz@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, six historic structures were identified within 0.25-mile radius of site. One of these historic structures is located within the northwest portion of the project site

(Sheet 1 of 6). A portion of the proposed access road will utilize an existing gravel farm road and paved driveway, no trees will be removed in this portion of the proposed access road. A new concrete section of the access road will be constructed within the residential subdivision that will connect to the existing gravel farm road and paved driveway. Although, trees within the northern 18-acre portion of the proposed development have been removed; a line of trees remain along the eastern end of property containing the historic structure as well as four outbuildings. The remaining trees and five farm outbuildings are located between the historic structure and subdivision. Furthermore, the emergency access road will only be utilized during emergencies. The other five historic structures are located outside the project area. Trees and other houses are located between these historic structures and the subdivision. Therefore, it has been determined that the project will have no potential to cause effect. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. The Corps, under separate cover with the SHPO is evaluating potential impacts to these structures. 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 (E), northern long-eared bat (T), Kirtland's warbler (E), piping plover (E), rufa red knot (T), bald eagle (SC) 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.

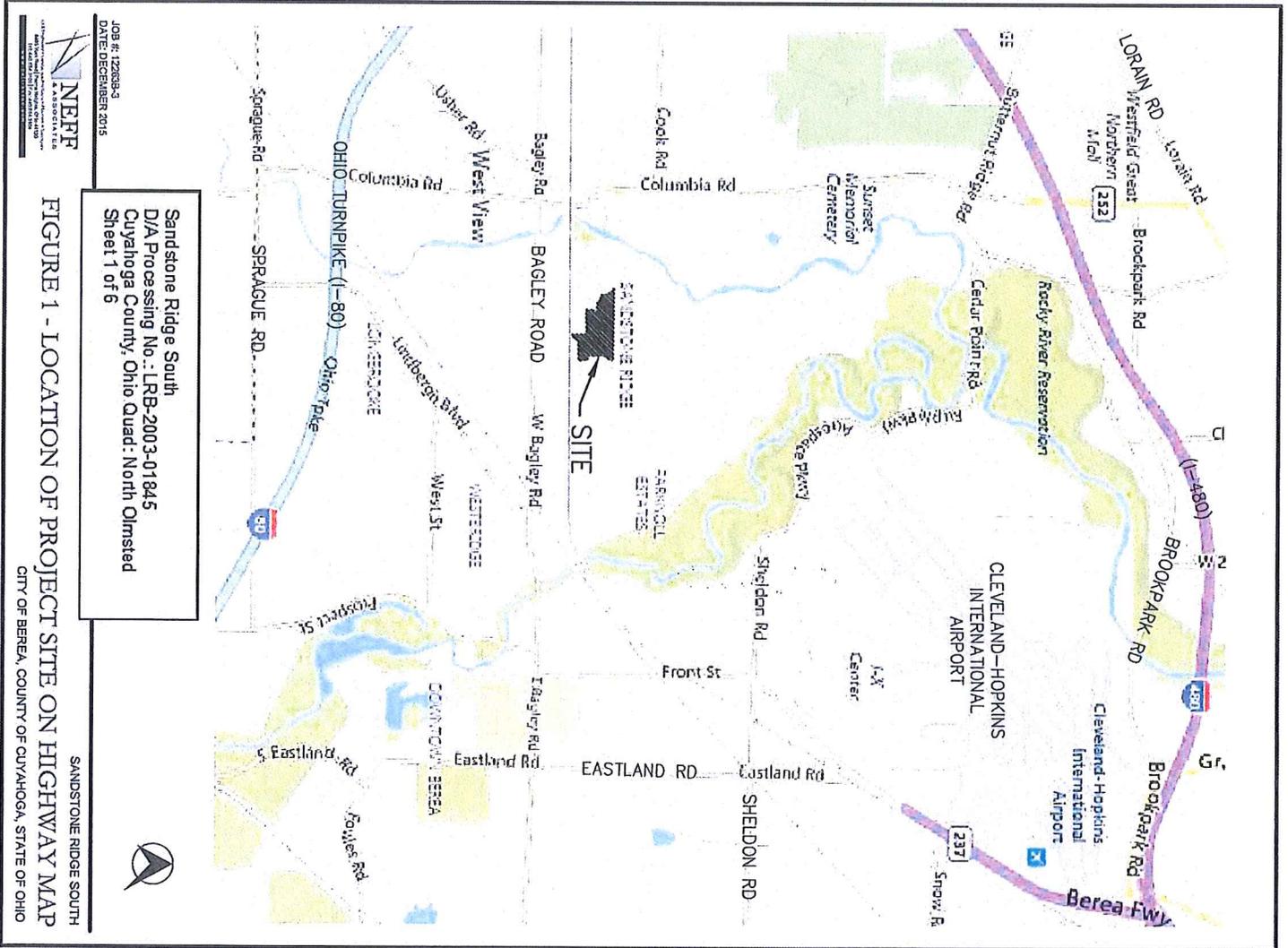
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

SIGNED



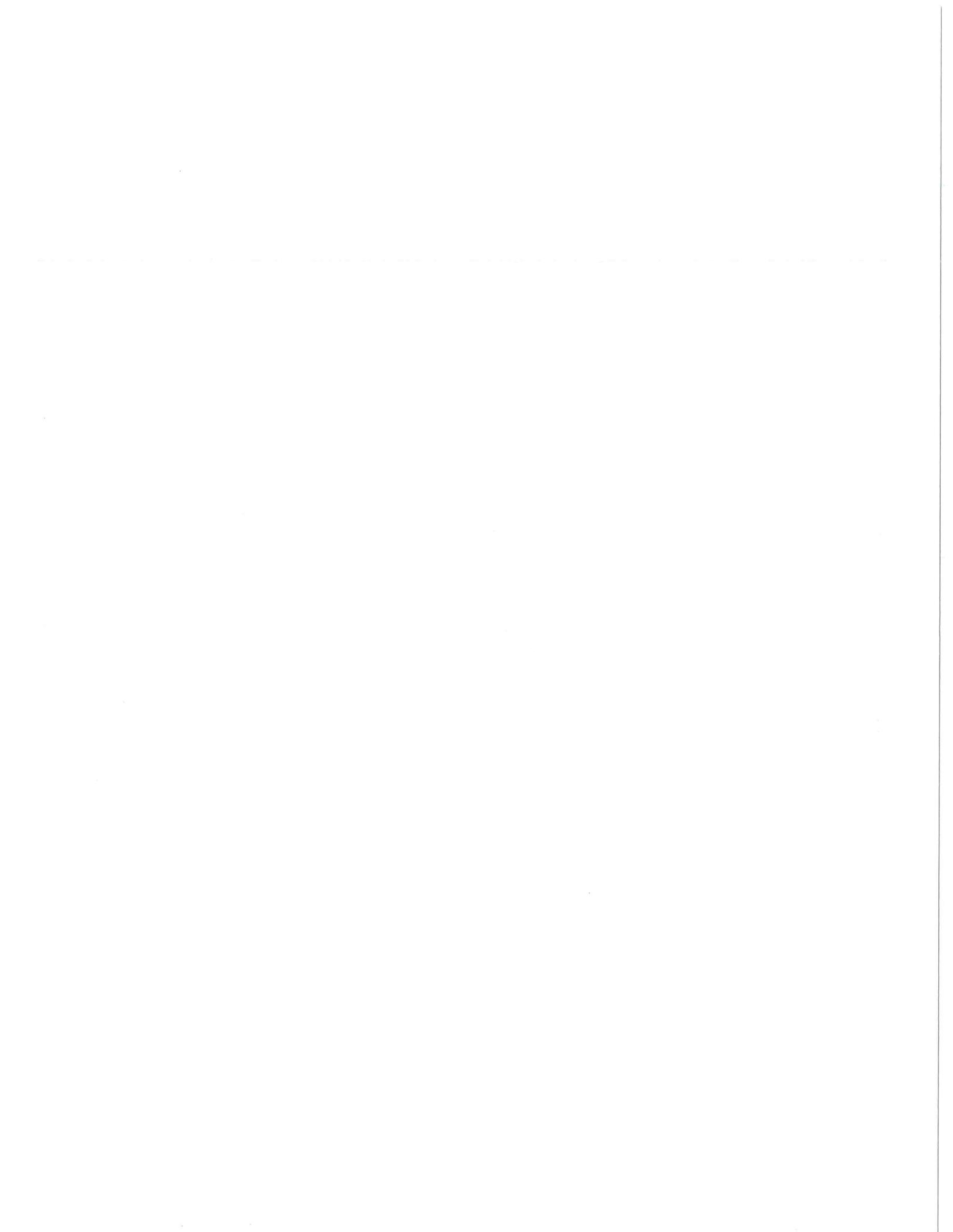
JOB #: 12263B-3  
 DATE: DECEMBER 2015  
**Sandstone Ridge South**  
 D/A Processing No.: LRB-2003-01845  
 Cuyahoga County, Ohio Quad: North Olmsted  
 Sheet 1 of 6

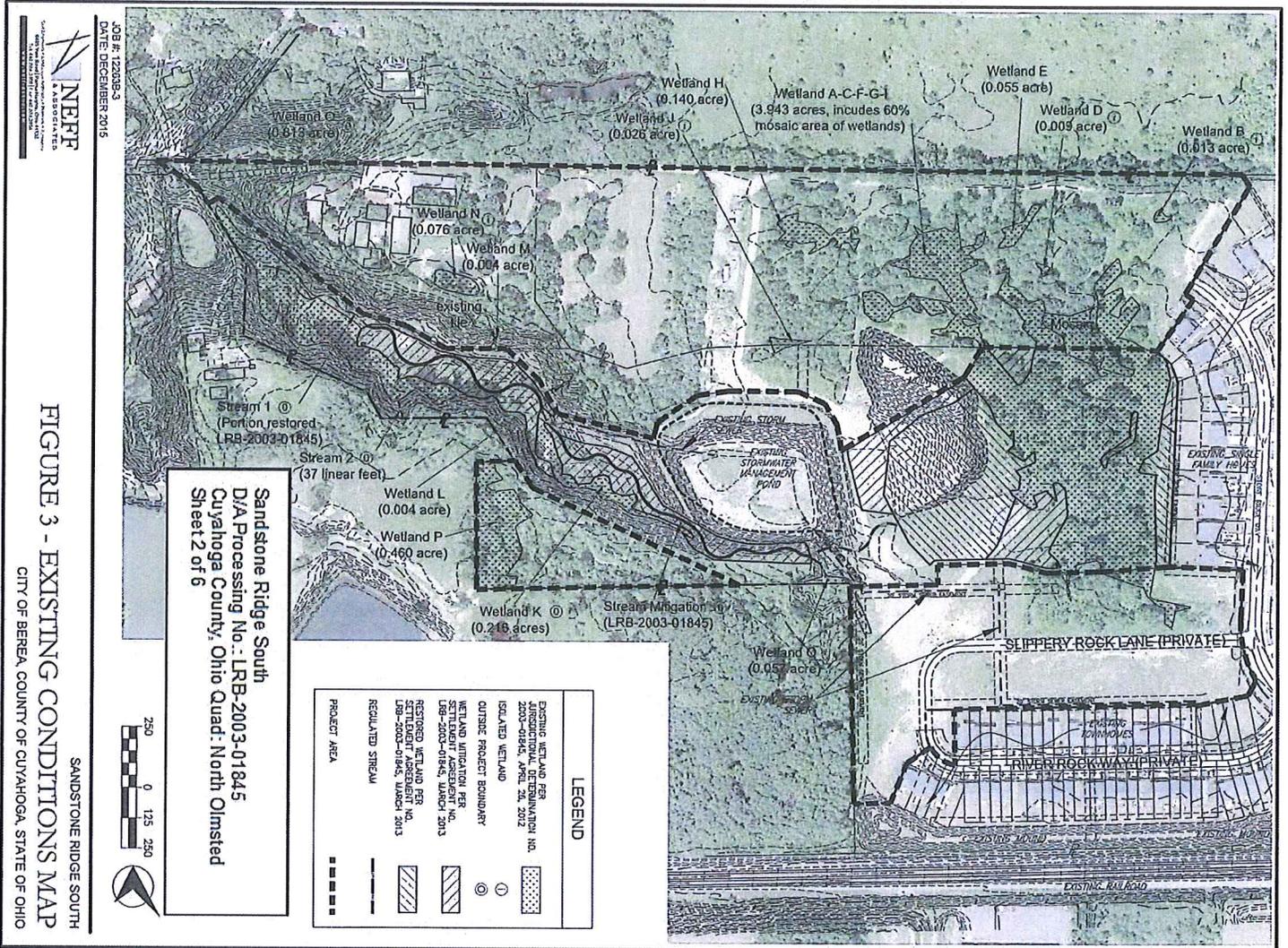


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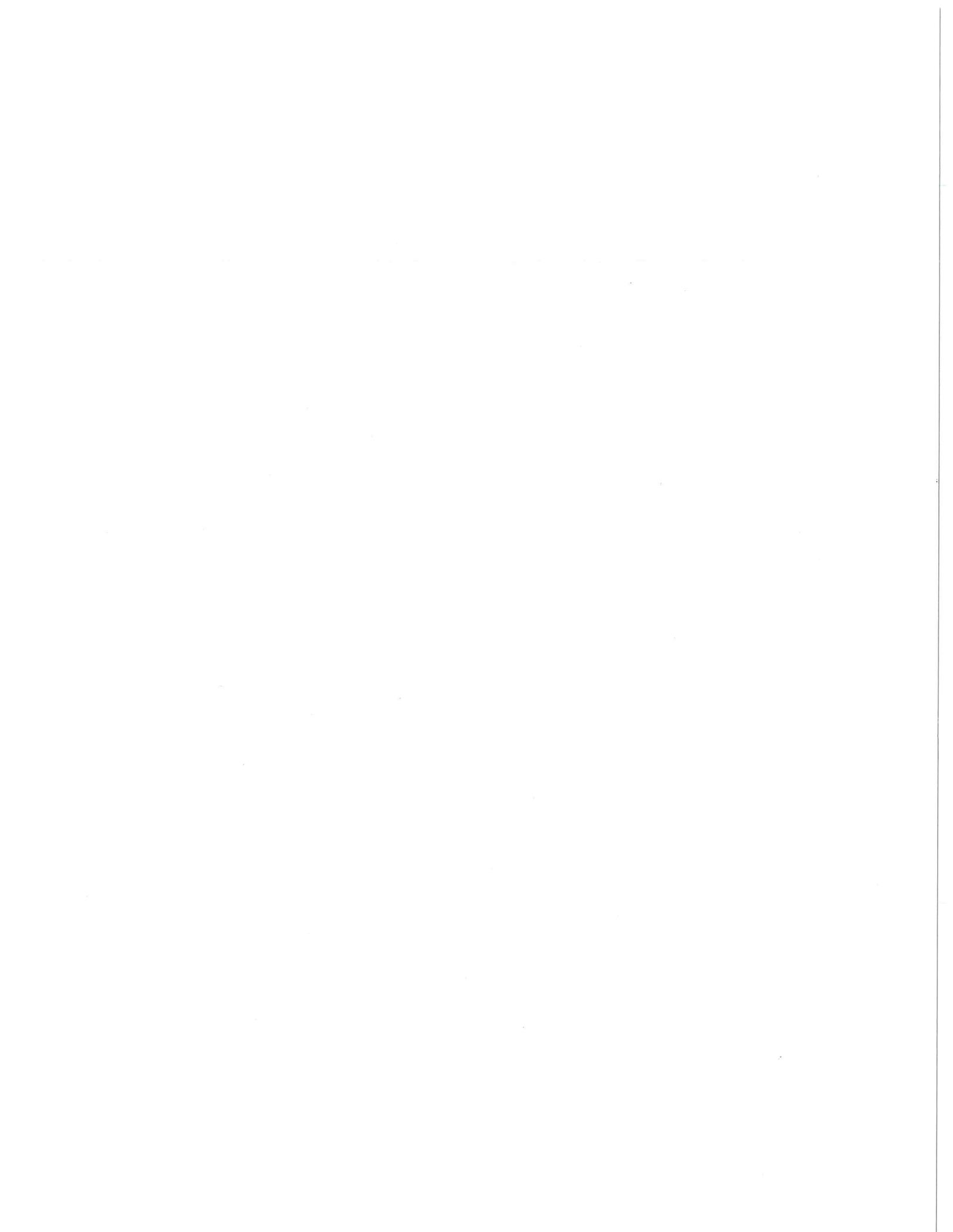
**SANDSTONE RIDGE SOUTH**  
 CITY OF BEREA, COUNTY OF CUYAHOGA, STATE OF OHIO

**FIGURE 1 - LOCATION OF PROJECT SITE ON HIGHWAY MAP**





**FIGURE 3 - EXISTING CONDITIONS MAP**  
 SANDSTONE RIDGE SOUTH  
 CITY OF BEREA, COUNTY OF CUYAHOGA, STATE OF OHIO



Sandstone Ridge South  
 D/A Processing No.: LRB-2003-01845  
 Cuyahoga County, Ohio Quad: North Olmsted  
 Sheet 4 of 6

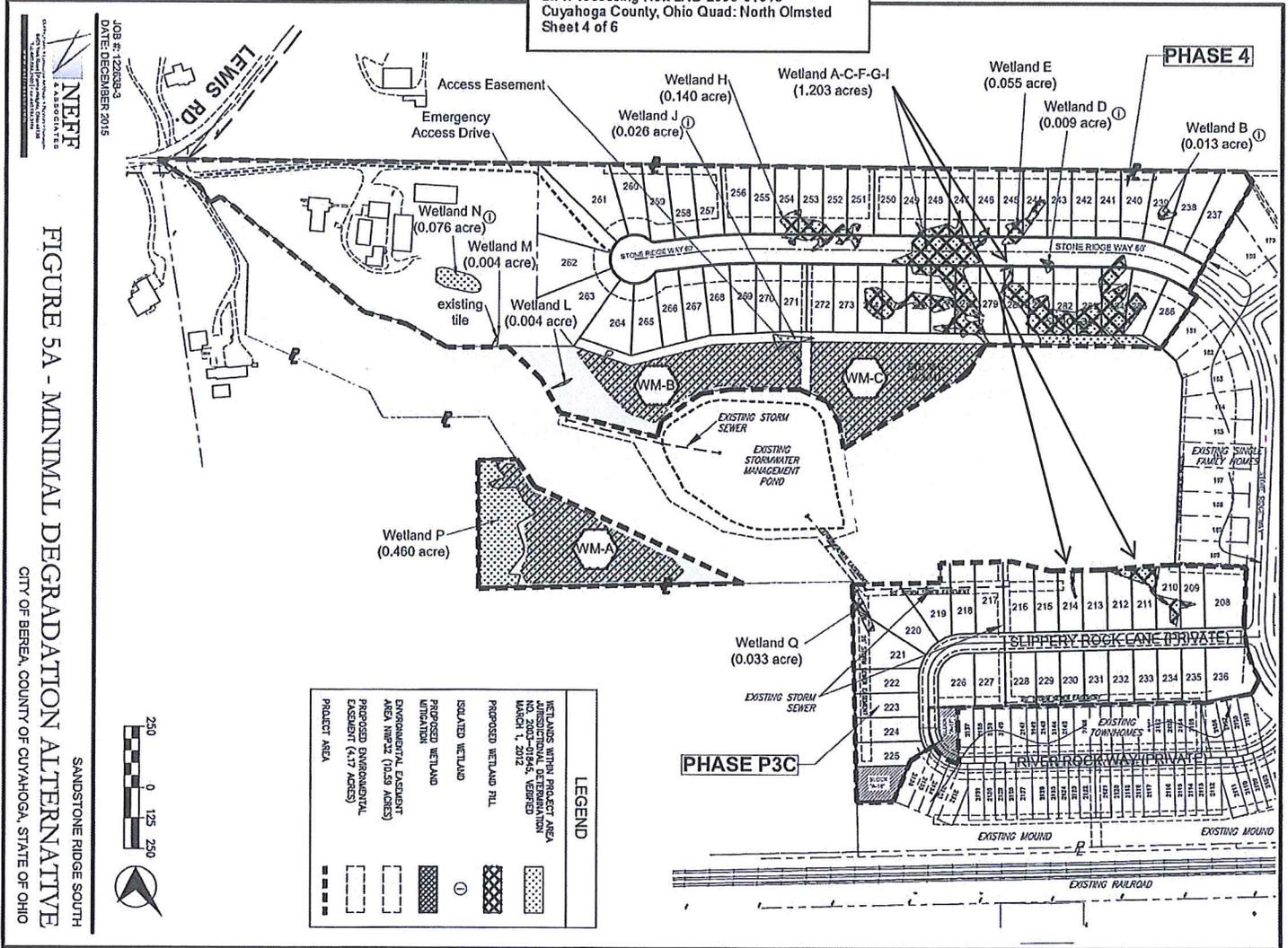
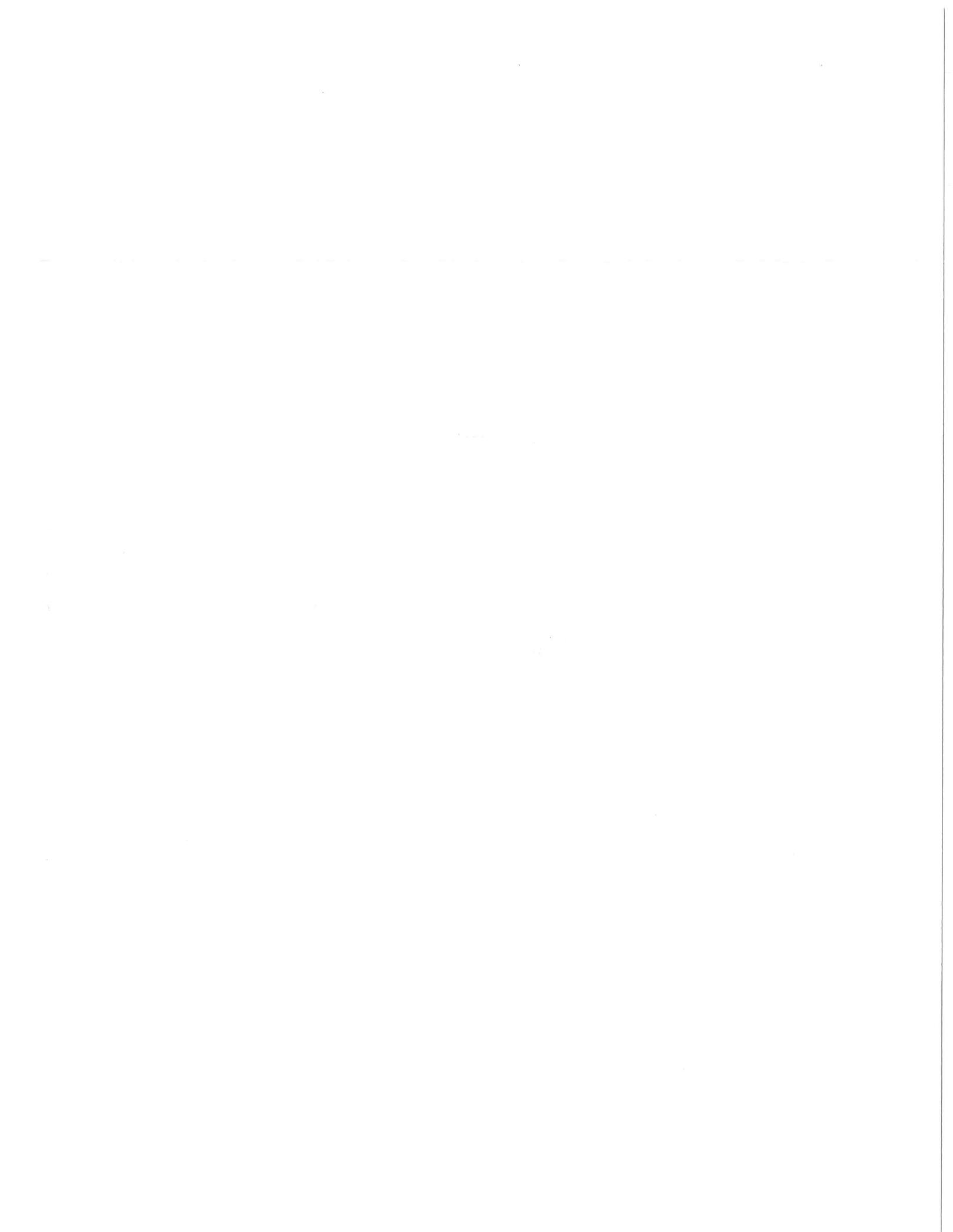
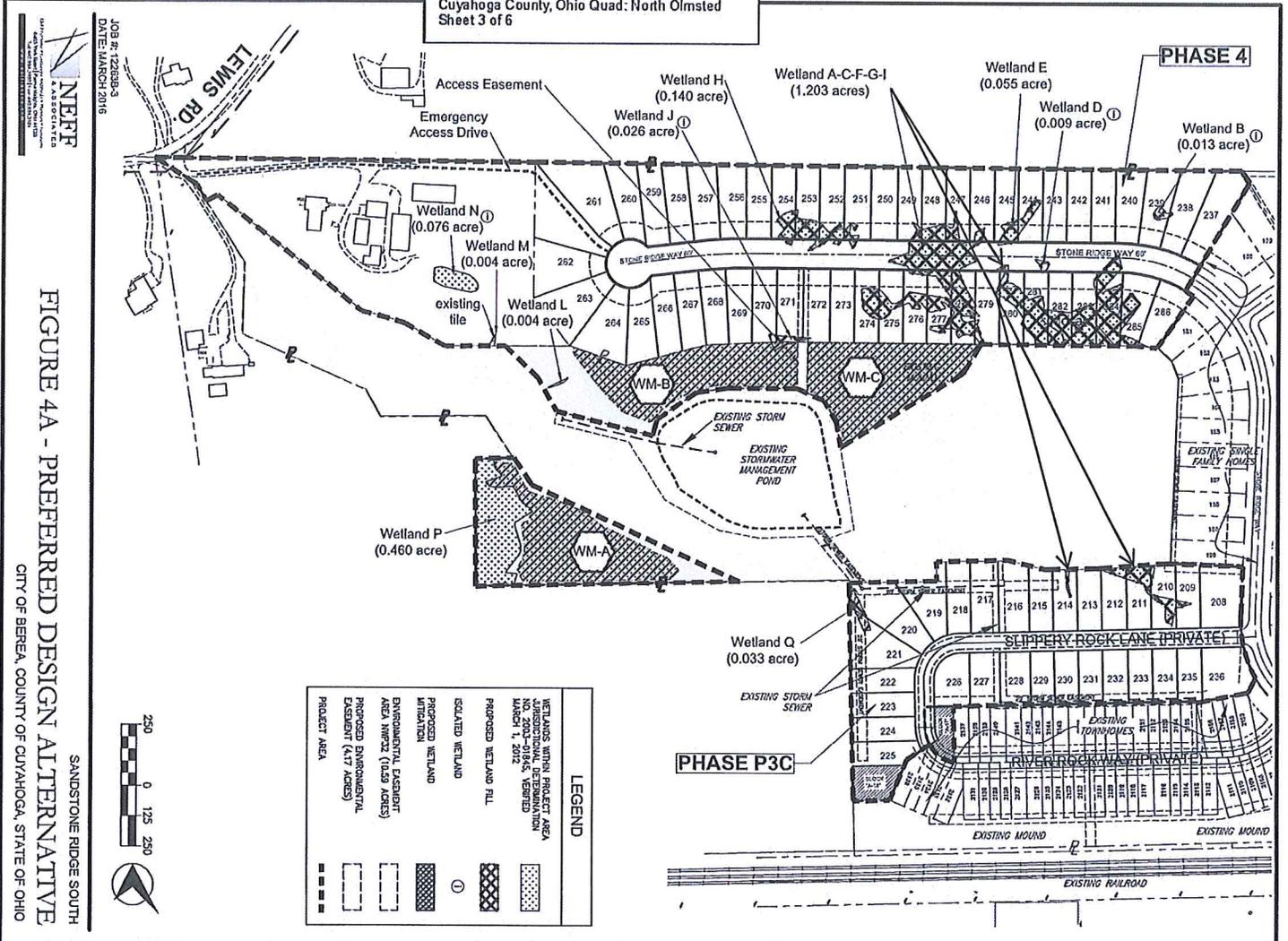


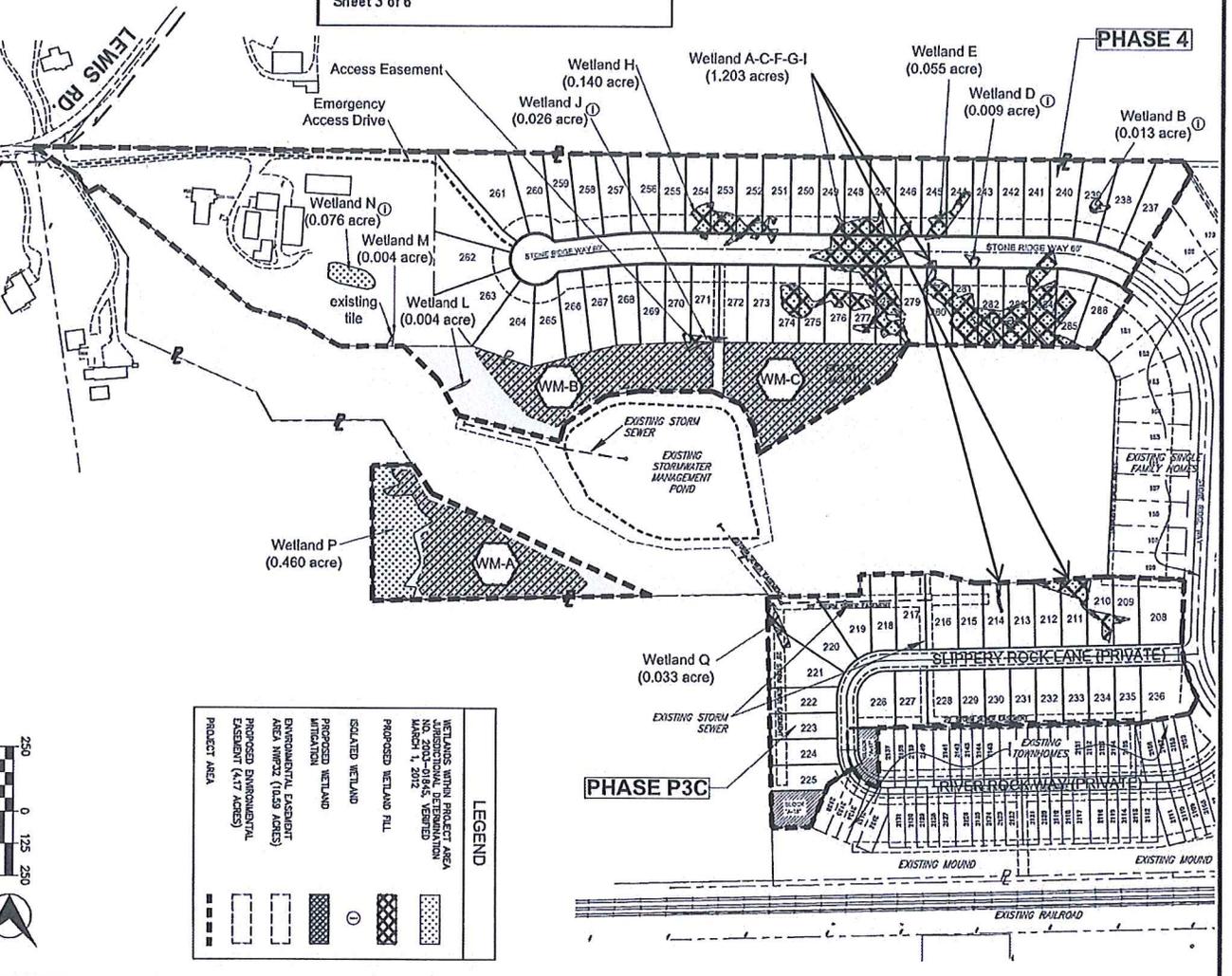
FIGURE 5A - MINIMAL DEGRADATION ALTERNATIVE  
 SANDSTONE RIDGE SOUTH  
 CITY OF BEREA, COUNTY OF CUYAHOGA, STATE OF OHIO

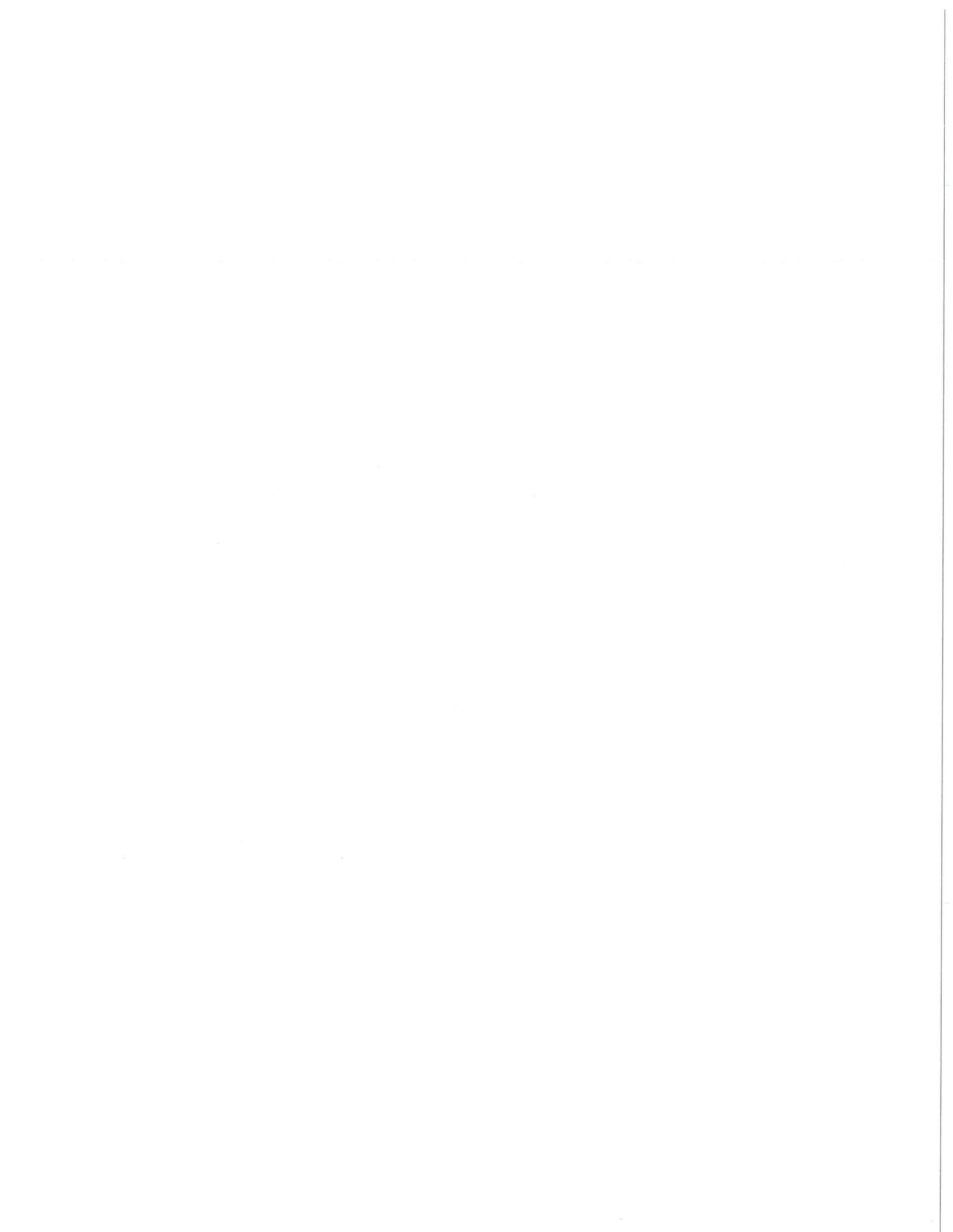


Sandstone Ridge South  
 D/A Processing No.: LRB-2003-01845  
 Cuyahoga County, Ohio Quad: North Olmsted  
 Sheet 3 of 6

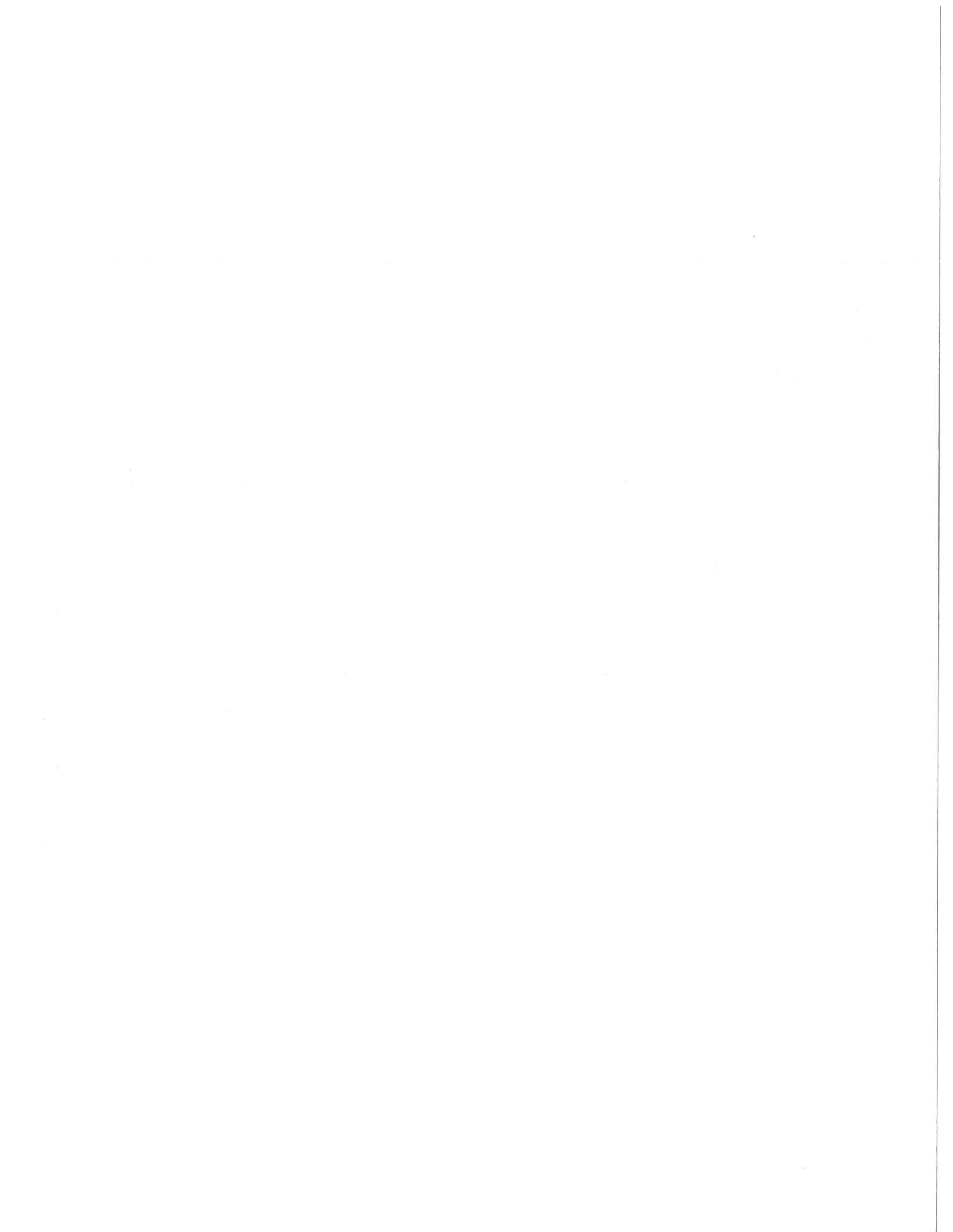


JOB #: 122639-3  
 DATE: MARCH 2016





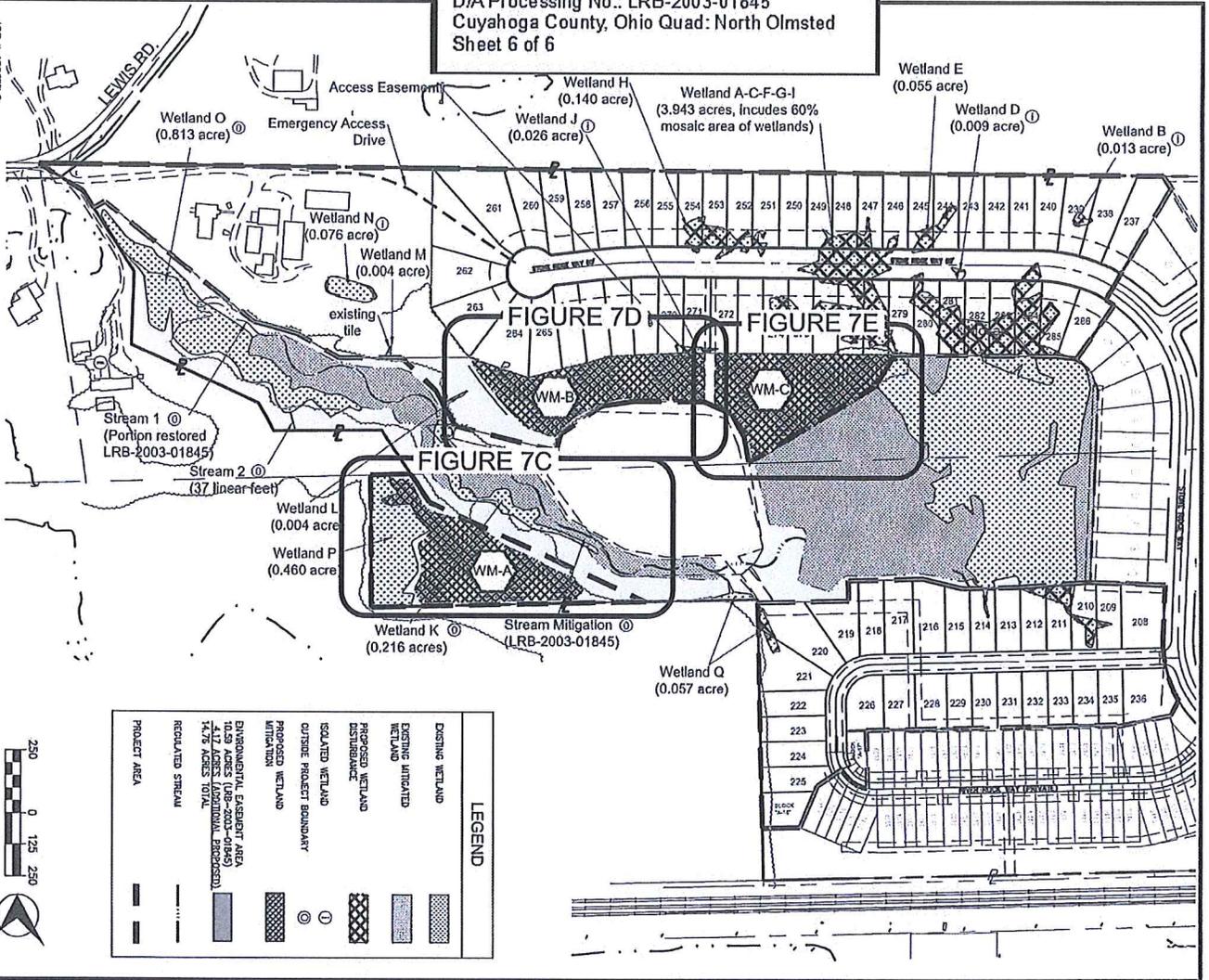




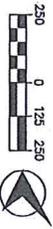
**Sandstone Ridge South**  
 D/A Processing No.: LRB-2003-01845  
 Cuyahoga County, Ohio Quad: North Olmsted  
 Sheet 6 of 6



JOB #: 12263B-3  
 DATE: DECEMBER 2015



**FIGURE 7A - CONCEPTUAL MITIGATION PLAN**  
 CITY OF BEREA, COUNTY OF CUYAHOGA, STATE OF OHIO



LEGEND	
[Pattern]	EXISTING WETLAND
[Pattern]	EXISTING UNMITIGATED WETLAND
[Pattern]	PROPOSED WETLAND DISTURBANCE
[Pattern]	ISOLATED WETLAND
[Pattern]	OUTSIDE PROJECT BOUNDARY
[Pattern]	PROPOSED WETLAND MITIGATION
[Pattern]	DIVISIONAL EASEMENT AREA (10.29 ACRES (LRB-2003-01845) 1.76 ACRES (INDIVIDUAL EASEMENTS))
[Pattern]	REGULATED STREAM
[Pattern]	PROJECT AREA

SANDSTONE RIDGE SOUTH

