

Public Notice

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

Applicant: The Richard
D. Jacobs Group LLC.

Published: August 5, 2016
Expires: September 5, 2016

Application No: 2015-01076
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:) Brian Swartz
240 Lake Street, Unit D
Oak Harbor, Ohio 43449

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. James Epprle of the Richard D. Jacobs Group, LLC.

WATERWAY & LOCATION: Wetland A, Wetland C and Wetland CR-5 on an approximate 7-acre site located south of Chester Road, east of 35685 Chester Road Avon, Lorain County, Ohio 44011 (Sheet 1 to 3 of 6).

LATITUDE & LONGITUDE: Latitude North: 41.466383
Longitude West: -82.010881

EXISTING CONDITIONS:

The project site is located on an approximate 7.0 acre property that is currently an agricultural field with three emergent wetlands located in the approximate center of the property (Sheet 3 of 6).

Description of delineation of waters of the US, if applicable: An approved jurisdictional determination (JD) is pending for: Wetland A (0.85 acre), Wetland CR-5 (0.42 acre) and 0.0007 acre of Wetland C.

PROPOSED WORK:

Discharge fill into 1.20 acre of jurisdictional wetland including 0.78 acres of Wetland A and 0.42 acre of Wetland CR-5 and 0.0007 acre of Wetland C.

PROJECT PURPOSE

Basic: Entertainment retail facility

Overall: Develop a new retail entertainment facility (Main Event) in Avon, Loraine County, Ohio.

Water Dependency Determination: The project does not require access or proximity to or siting within the 1.20 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's Minimum Degradation Alternative will avoid impacts to wetlands by constructing the storm water management area around 0.07 acre of Wetland A (Sheet 4 of 6). The applicant indicated the Non-Degradation Alternative that avoids all Waters of the U.S. but does not meet the applicant's design requirements as the proposed building and walkways would be constructed on piles (Sheet 5 of 6). The Preferred Alternative would require the discharge of fill into all the Waters of the U.S. on the property but approximately 0.09 acre of Wetland A (approximately 1/3 of Wetland A) would be re-established within the existing storm water management area (Sheet 6 of 6). The application reviewed five off site alternatives.

PROPOSED MITIGATION: To mitigate for the proposed 1.20 acres of federally jurisdictional wetland impacts the applicant has proposed to purchase 1.80 acres of credits at the North Coast In-Lieu Fee Program.

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 Brian Swartz, who can be contacted at the above address, by calling (419) 898-3491, or by e-mail at: brian.p.swartz@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 does 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 Sheets 3 of 6. Therefore, the Corps has determined the proposed project will have no effect on historic properties. This notice constitutes initiation of consultation with the Ohio History Connection State 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.

Based on preliminary findings, there does not appear to be any suitable or critical habitat for the following species: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), piping plover (*Charadrius melodus*), rufa red knot (*Calidris canutus rufa*), and the bald eagle (*Haliaeetus leucocephalus*). This notice constitutes initiation of consultation with the United States Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531). Additional information concerning endangered species should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the USFWS for their review.

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

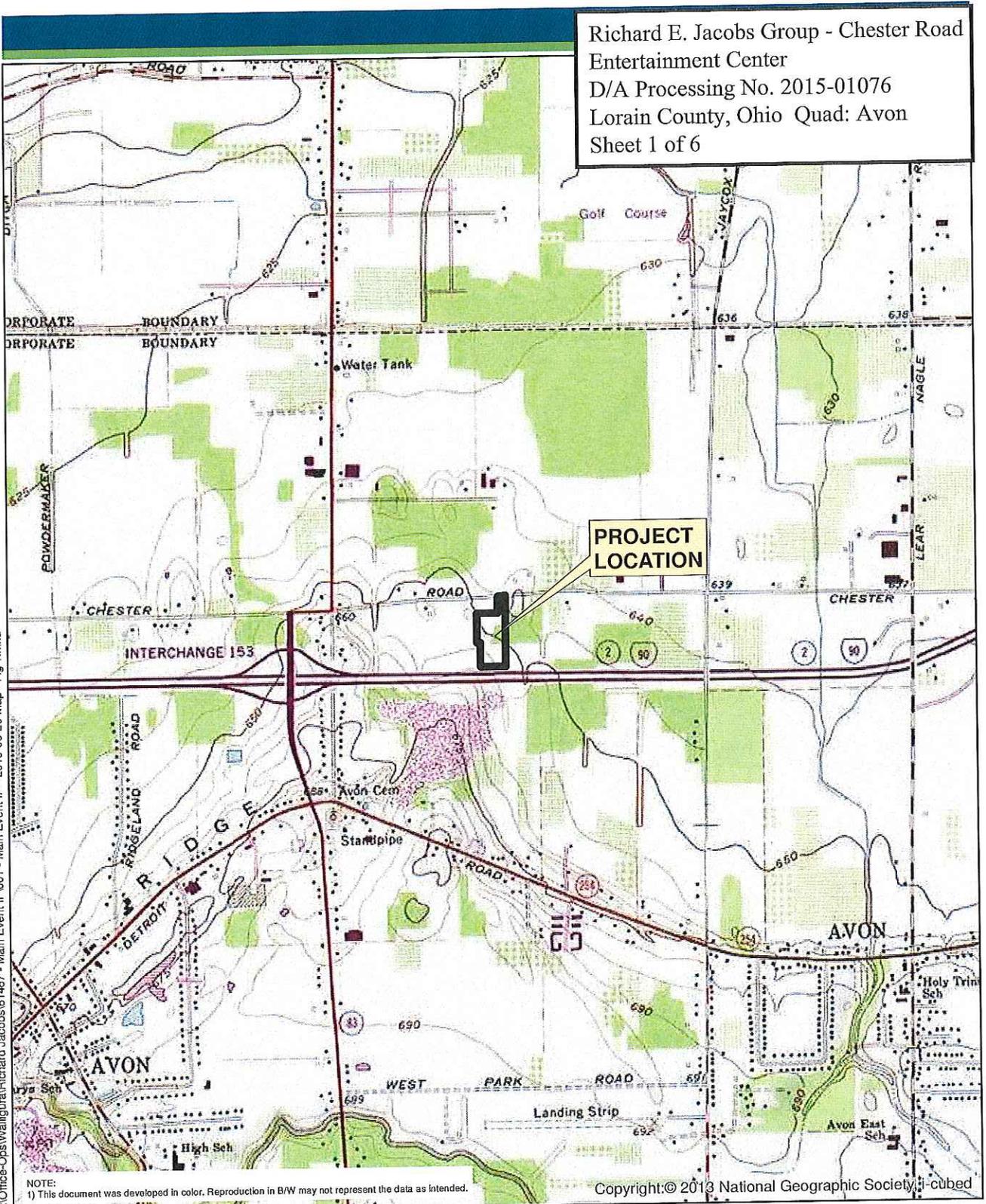
Diane C. Kozlowski
Chief, Regulatory Branch

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

Richard E. Jacobs Group - Chester Road
 Entertainment Center
 D/A Processing No. 2015-01076
 Lorain County, Ohio Quad: Avon
 Sheet 1 of 6

PLOTDATE: 06/20/16 onelijm

V:\Office-Op\Walligura\Richard.Jacobs\61467 - Main Event\IP001 - Main Event\IP - 2016-06-20 Map - Fig 1.mxd



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

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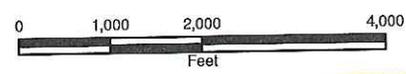


± 7.0 ACRE UNDEVELOPED SITE
 MAIN EVENT
 CHESTER ROAD, AVON, OHIO

PROJECT LOCATION



JUNE 2016

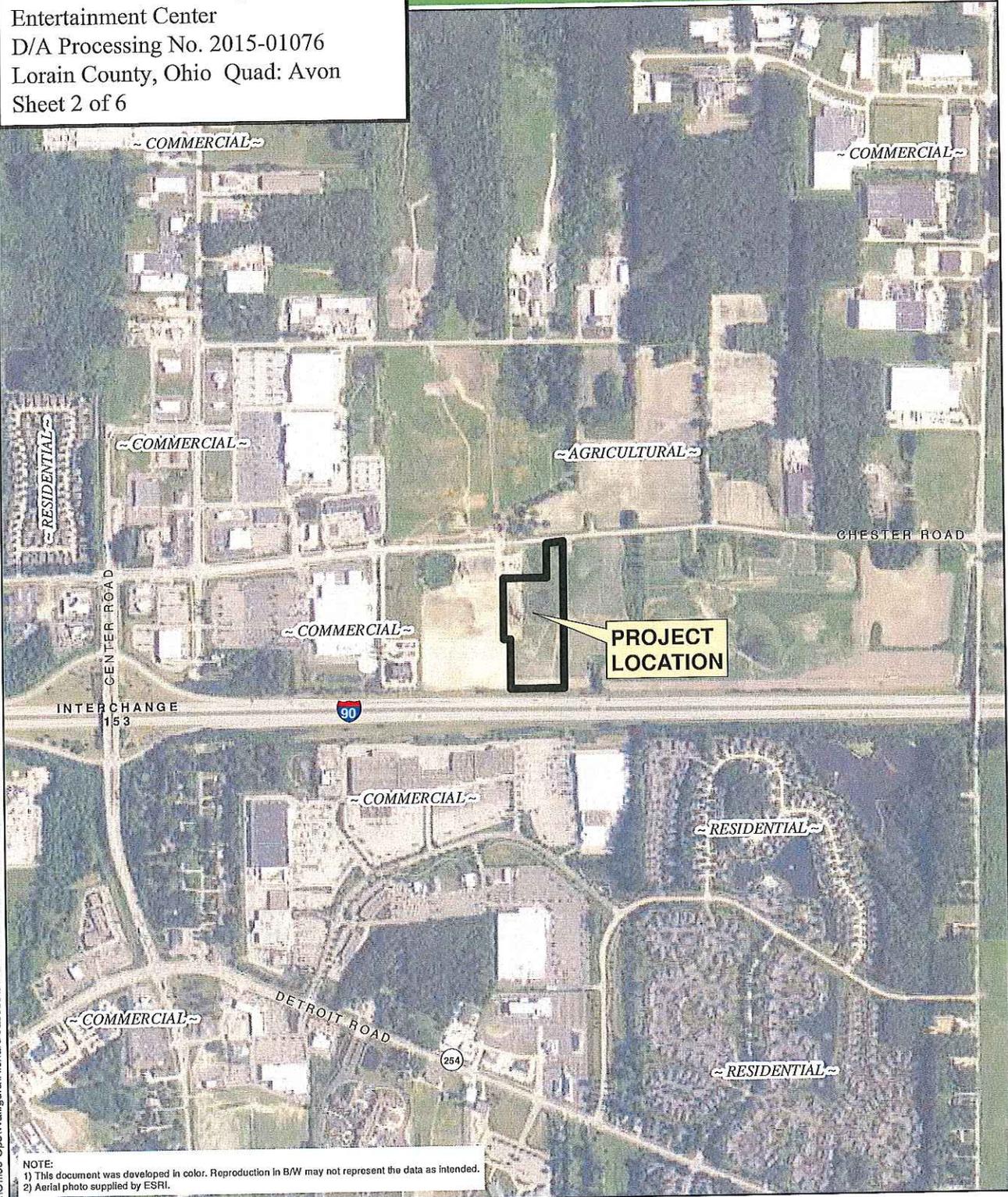


Richard E. Jacobs Group - Chester Road
 Entertainment Center
 D/A Processing No. 2015-01076
 Lorain County, Ohio Quad: Avon
 Sheet 2 of 6

FIGURE 2

PLOTDATE: 06/20/16 onellijn

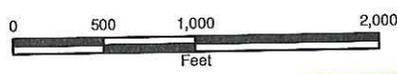
V:\Office-Ops\Walligura\Richard Jacobs\61467 - Main Event\IP002 - Main Event\IP - 2016-06-20 Map - Fig 2.mxd



NOTE:
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 2) Aerial photo supplied by ESRI.



± 7.0 ACRE UNDEVELOPED SITE
 MAIN EVENT
 CHESTER ROAD, AVON, OHIO
PROJECT VICINITY



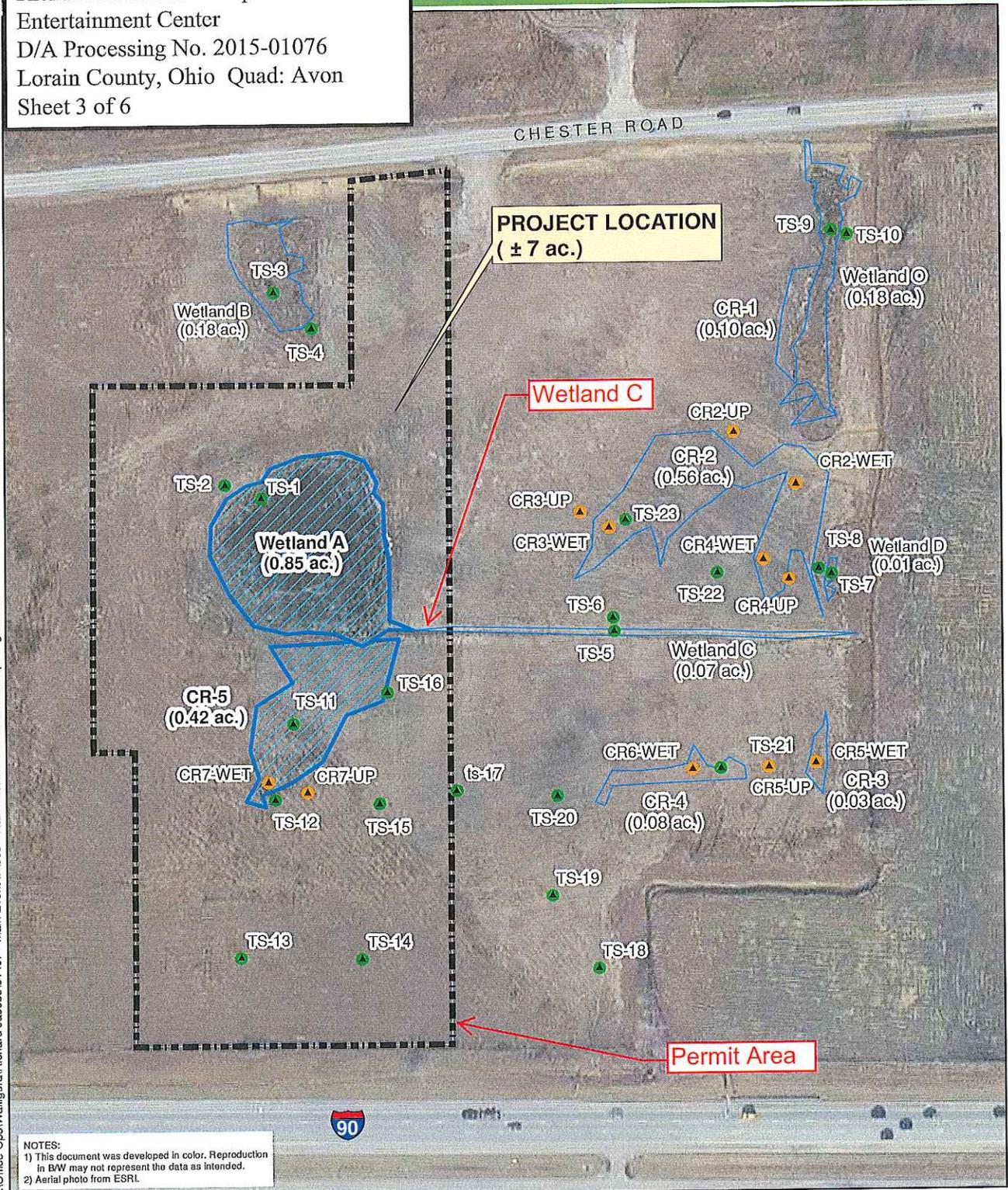
JUNE 2016



Richard E. Jacobs Group - Chester Road
 Entertainment Center
 D/A Processing No. 2015-01076
 Lorain County, Ohio Quad: Avon
 Sheet 3 of 6

PLOTDATE: 06/20/16 onelljm

V:\Office-Ops\Wellfigural\Richard_Jacobs\61467 - Main Event IP\003 - Main Event IP - 2016-06-20 Map - Fig 3.mxd



NOTES:
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 2) Aerial photo from ESRL

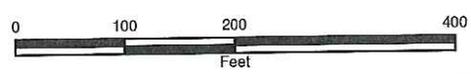
LEGEND

- DELINEATED WETLAND (Within Project Area)
- DELINEATED WETLAND (Outside Project Area)
- OBG TEST POINT
- USACE TEST POINT

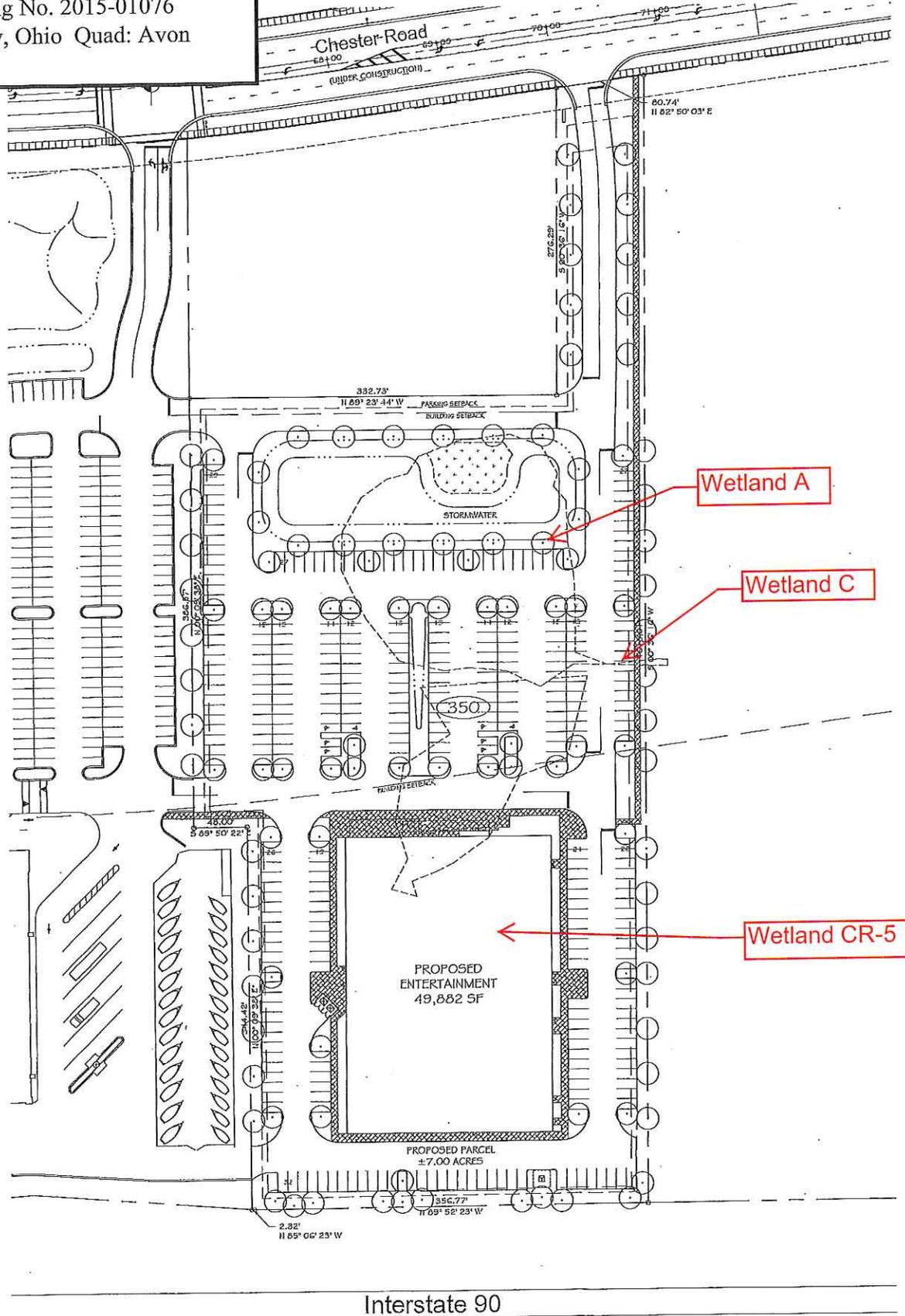
± 7.0 ACRE UNDEVELOPED SITE
 MAIN EVENT
 CHESTER ROAD, AVON, OHIO

DELINEATION MAP

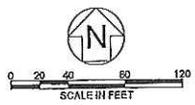
JUNE 2016



Richard E. Jacobs Group - Chester Road
 Entertainment Center
 D/A Processing No. 2015-01076
 Lorain County, Ohio Quad: Avon
 Sheet 4 of 6



Interstate 90

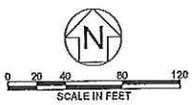
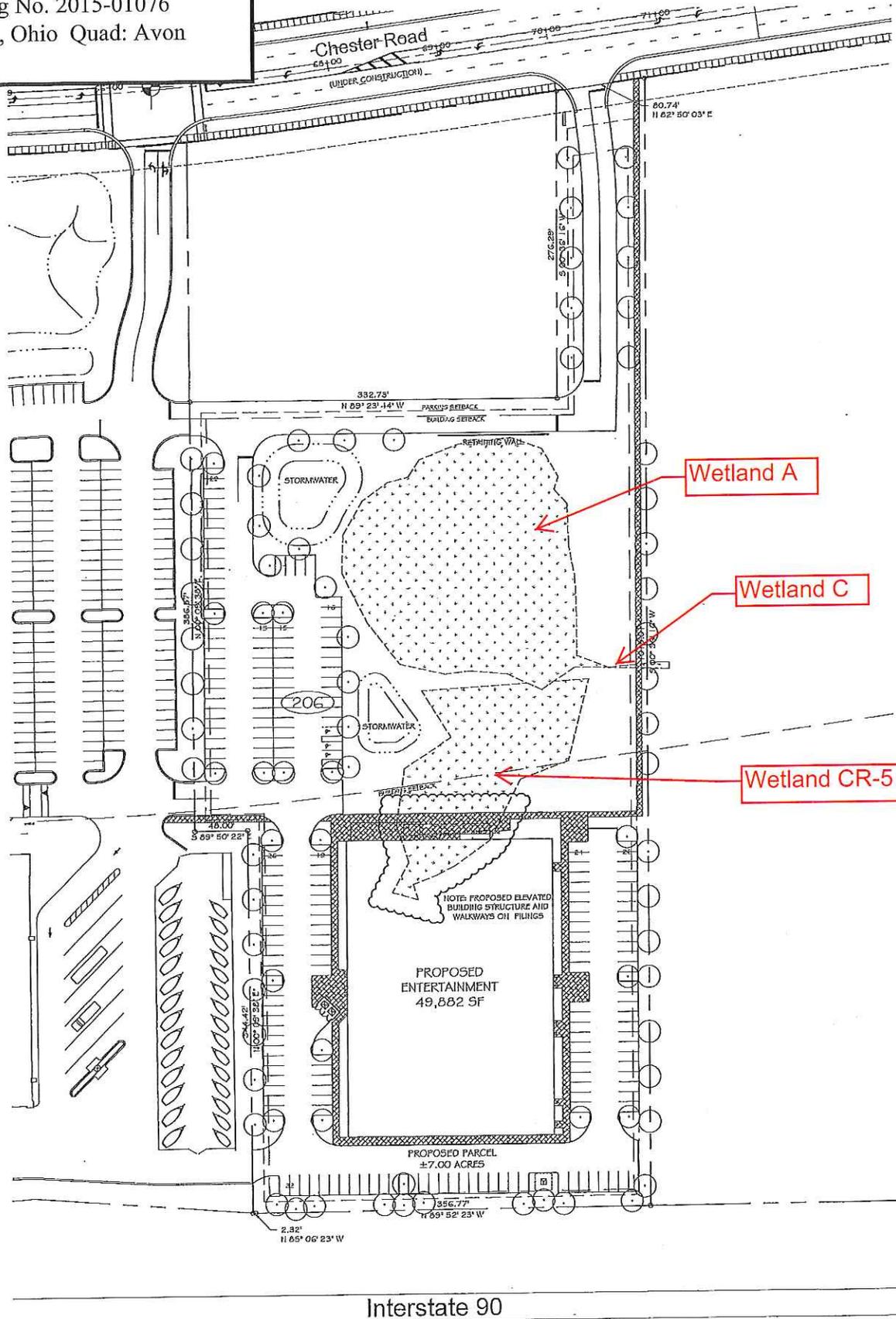


Min-Degradation Site Plan
 Avon, Ohio

The Richard E. Jacobs Group
 25155 Centre Ridge Road, Cleveland, Ohio 44145-4122
 Phone: 419.871.1500

PROJECT NO. SP-05	SCALE 1/8" = 1'-0"	DATE 1/11/2016
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Richard E. Jacobs Group - Chester Road
 Entertainment Center
 D/A Processing No. 2015-01076
 Lorain County, Ohio Quad: Avon
 Sheet 5 of 6



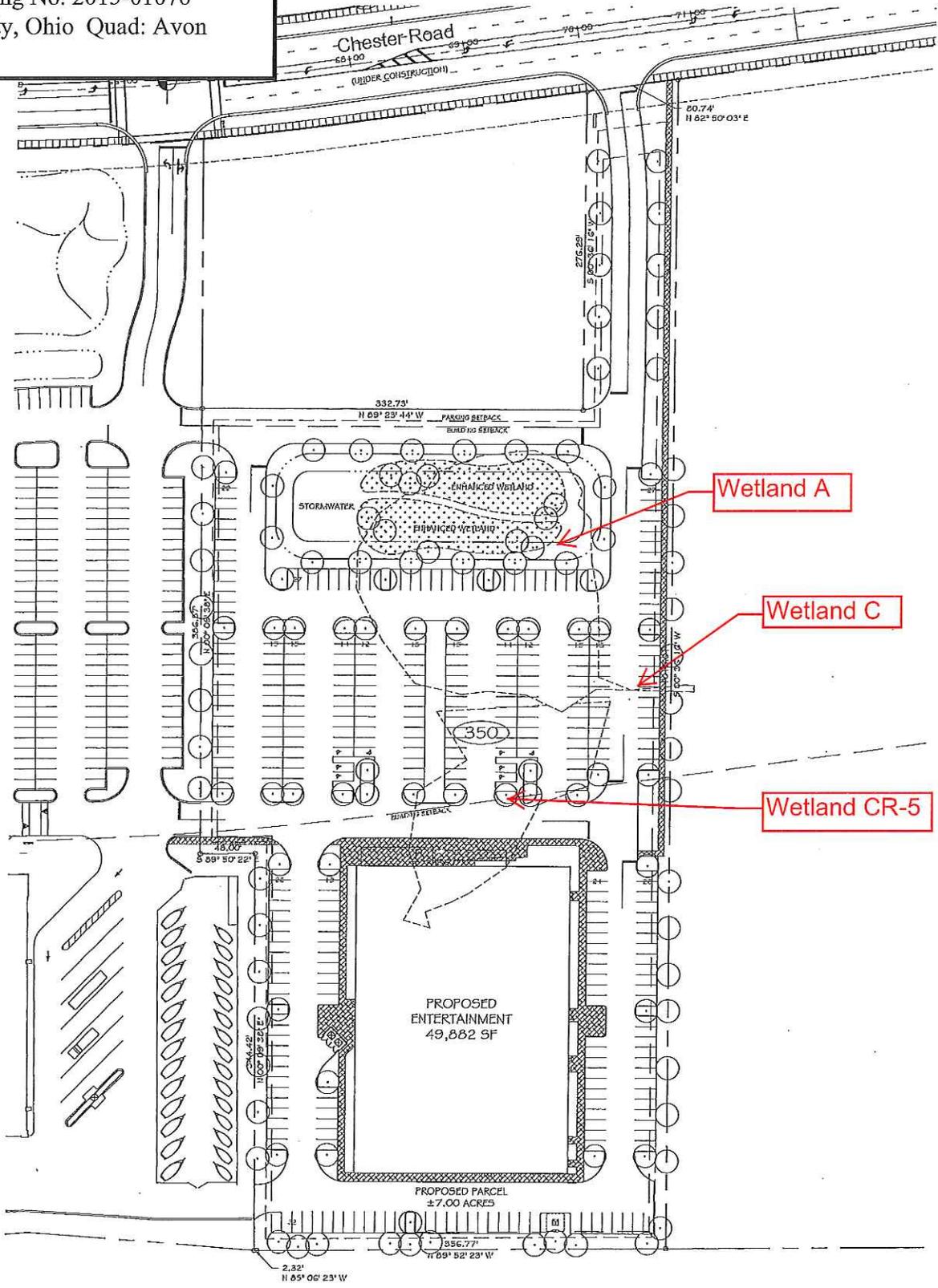
Non-Degradation Site Plan

Avon, Ohio

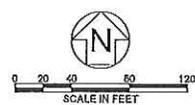
The Richard E. Jacobs Group
 5145 Center Ridge Road, Cleveland, OH 44115-4152
 Phone: 419.871.4000

PROJECT NUMBER	SP-05	DATE	1p-JUN-2018
DESIGNER		CLIENT	CFF

Richard E. Jacobs Group - Chester Road
 Entertainment Center
 D/A Processing No. 2015-01076
 Lorain County, Ohio Quad: Avon
 Sheet 6 of 6



Interstate 90



Preferred Site Plan
 Avon, Ohio

The Richard E. Jacobs Group
 35155 Cedar Ridge Road Cleveland, Ohio 44134-4139
 Phone: 440-871-4900

PROJECT NO.	DATE	BY
SP-05	1p-JUN-2018	CFF