



Public Notice

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

Applicant: Ray Fogg
Building Materials, Inc.

Published: September 7, 2016
Expires: October 7, 2016

Application No: 2007-01174
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. Mike Merle of the Ray Fogg Building Materials, Inc.

WATERWAY & LOCATION: Wetlands W-B, W-C, W-D, and W-E and Stream 1 (S-1) on an approximate 54-acre site located north of West Snowville Road, east of I-77 and south of Miller Road, in the City of Brecksville, Cuyahoga County, Ohio (Sheet 1 to 2 of 4).

LATITUDE & LONGITUDE: Latitude North: 41.286230
Longitude West: -81.639321

EXISTING CONDITIONS:

The project site is located on an approximate 54 acre undeveloped property that primarily consists of a mowed field with successional wooded areas. (Sheet 3 of 4).

Description of delineation of waters of the US, if applicable: A preliminary jurisdictional determination (pre-JD) was issued for this site on 31 May 2016. This pre-JD identified five wetlands, one stream and a pond including forested W-A (2.64 acres), emergent wetlands: W-B (1.31 acres); W-C (0.18 acre); W-D (0.03 acre); W-E (0.14 acre), ephemeral S-1 (261 linear feet (ft.)) and a 0.244 acre pond.

PROPOSED WORK:

Place fill into 1.66 acre of jurisdictional emergent wetlands including 1.31 acres W-B, 0.18 acre W-C, 0.03 acre W-D, and 0.14 acre W-E (Sheet 4 of 4).

PROJECT PURPOSE

Basic: Manufacturing and Office facilities

Overall: To prepare the site for future manufacturing and office facilities in Brecksville, Cuyahoga County, Ohio.

Water Dependency Determination: The project does not require access or proximity to or siting within the 1.66 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 has also indicated the no impact alternative on the proposal parcel would avoid impacts to all wetlands but it has been determined by the applicant not to be feasible as the project purpose could not be attained. The applicant has also provided three offsite alternative locations. However, all three of these locations do not enable the applicant to practicably perform their project purpose. The applicant has indicated that the proposed parcel is the only area where the project purpose can be practicably performed.

PROPOSED MITIGATION: To mitigate for the proposed 1.66 acres of federally jurisdictional wetland impacts the applicant has proposed to purchase 2.6 acres of credits at the Pearson Park Mitigation Bank in Lucas County, Ohio and place deed restriction on Wetland A and S-1.

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 the project area is part of a previously surveyed area and there are reported to be two historic structures and two archeological resources within approximately 0.10 to 0.20 miles of the project area. None of these sites are located within the project area. 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.

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), and rufa red knot (T) 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.

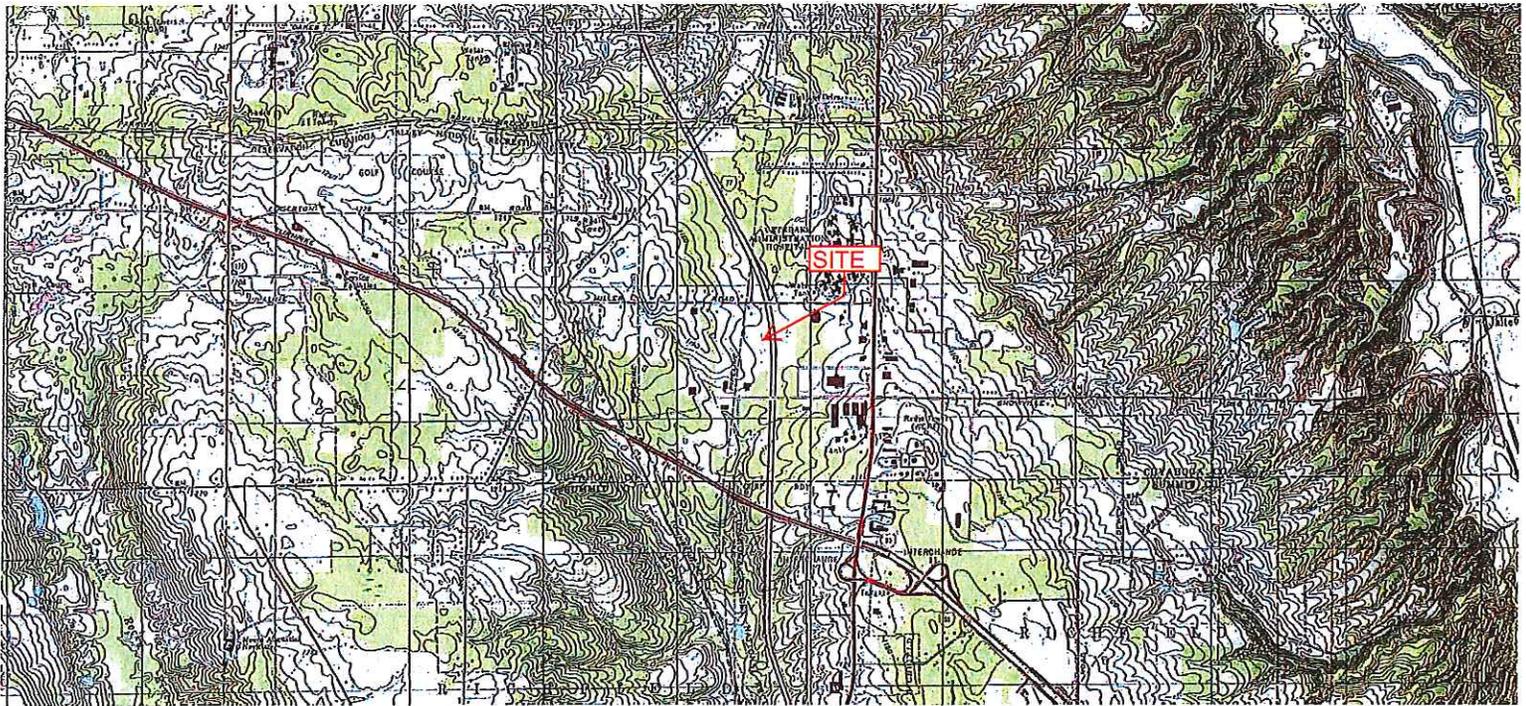
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits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

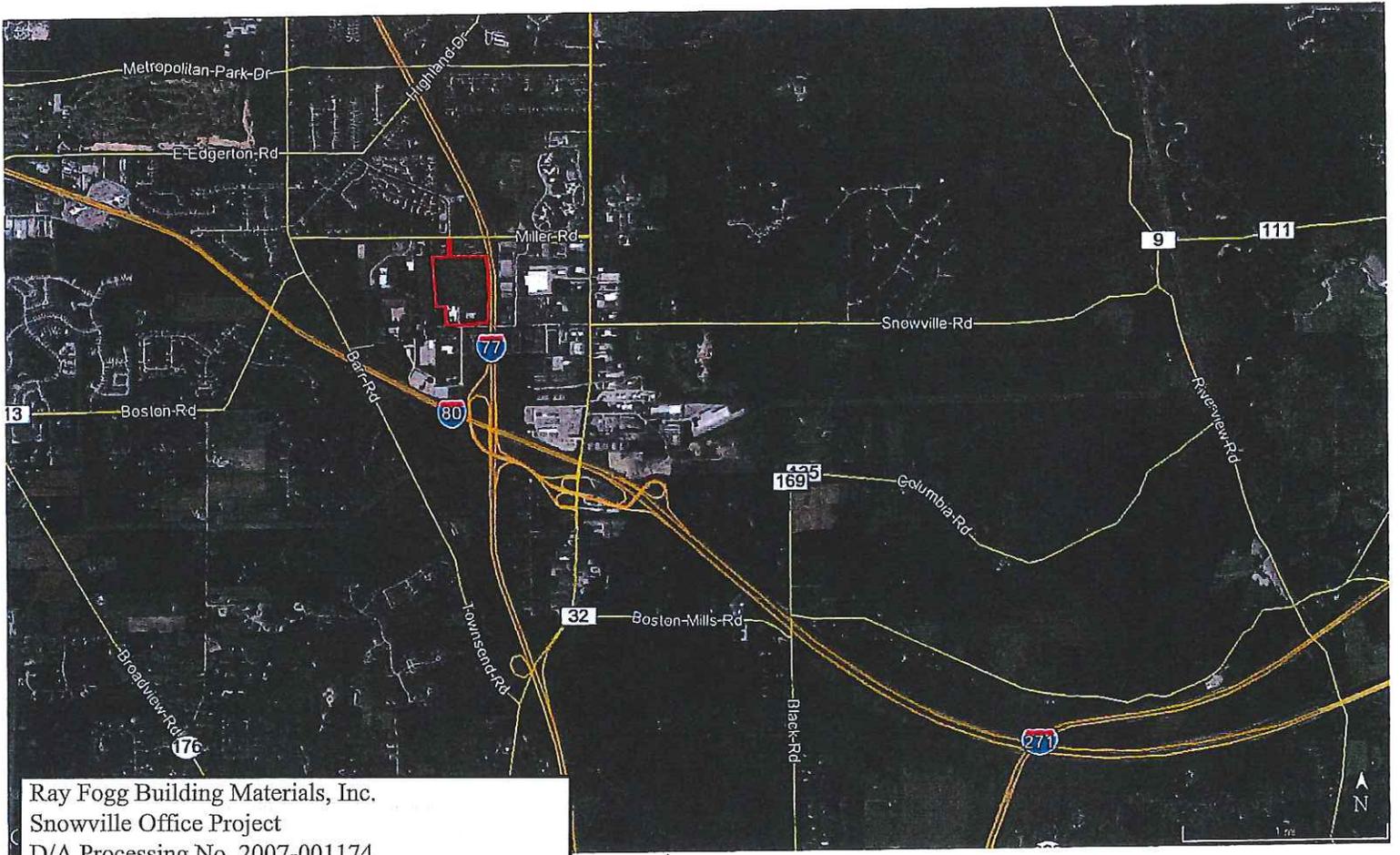
SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

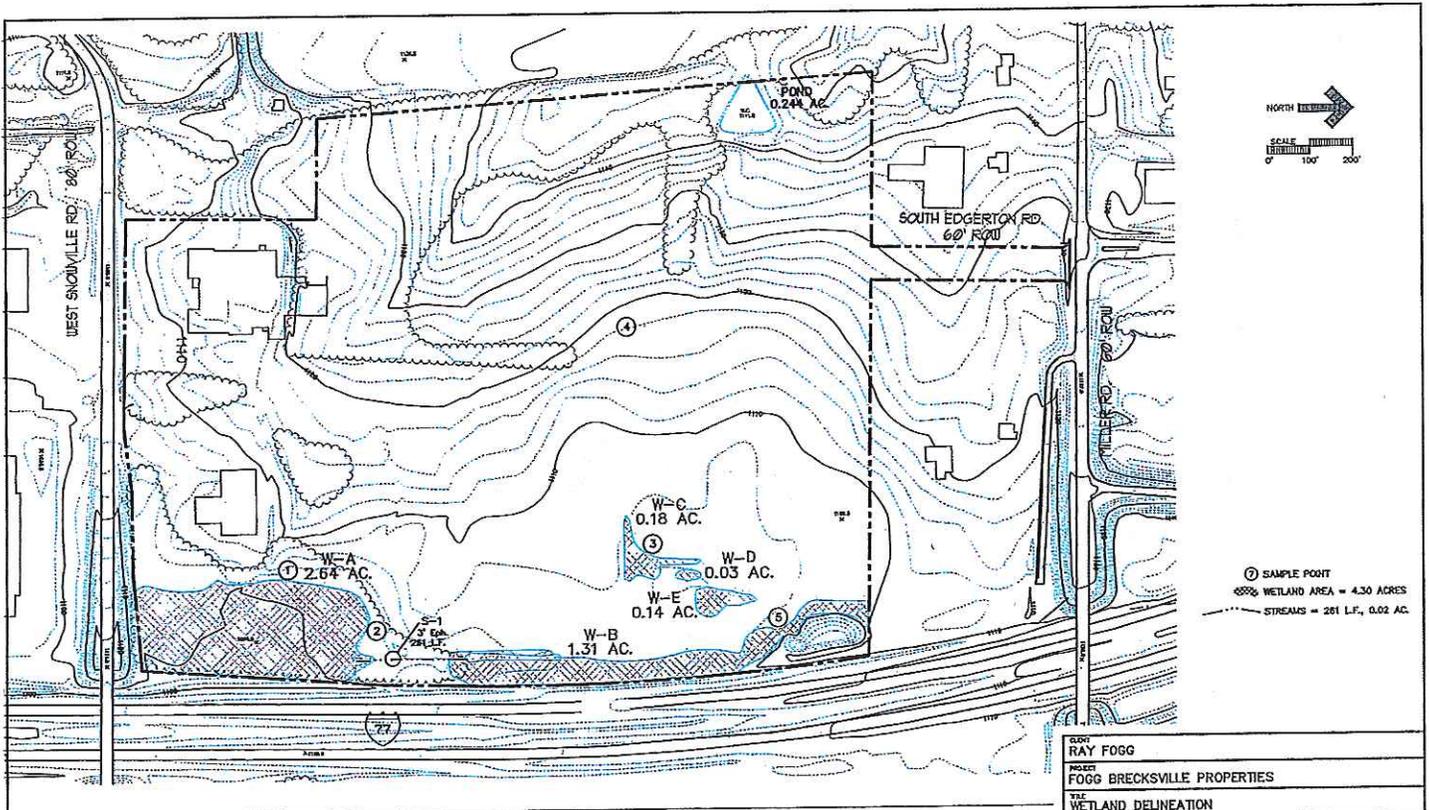
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



Ray Fogg Building Materials, Inc.
Snowville Office Project
D/A Processing No. 2007-01174
Cuyahoga County, Ohio Quad: Broadview Heights
Sheet 1 of 4



Ray Fogg Building Materials, Inc.
Snowville Office Project
D/A Processing No. 2007-001174
Cuyahoga County, Ohio Quad: Broadview Heights
Sheet 2 of 4



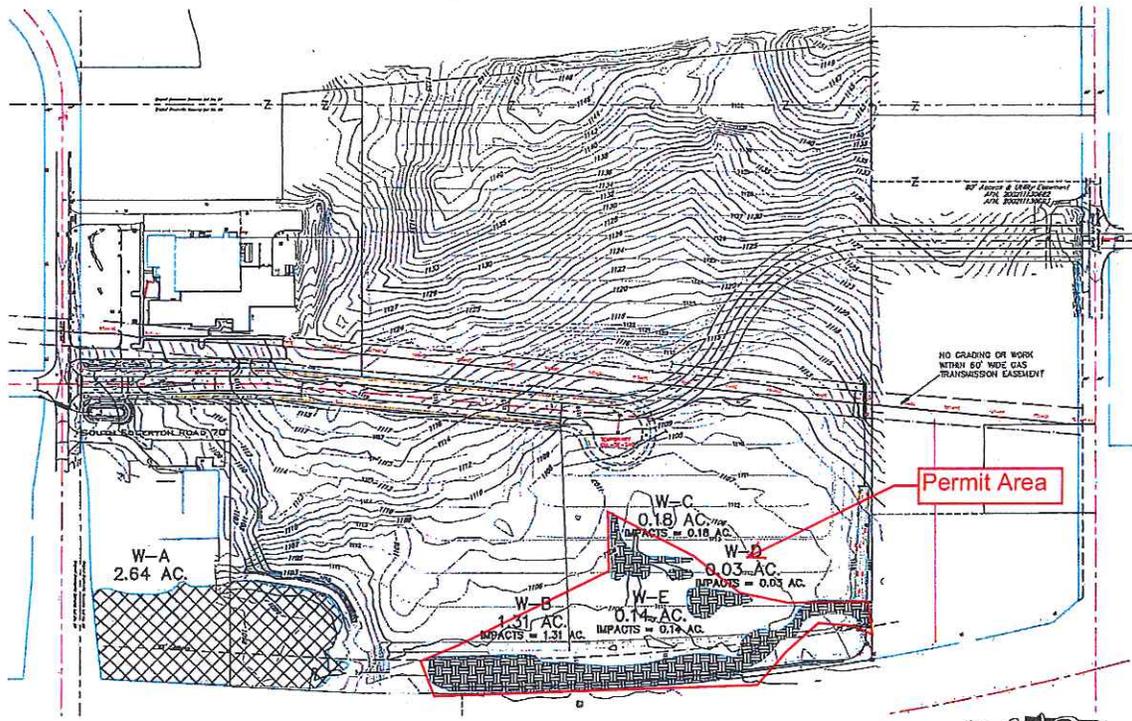
Ray Fogg Building Materials, Inc.
 Snowville Office Project
 D/A Processing No. 2007-001174
 Cuyahoga County, Ohio Quad: Broadview Heights
 Sheet 3 of 4

Provided that site conditions, methodology or
 criteria remain constant, these findings will be
 supported by Flickinger Wetland Company, LLC
 for five years from the date of this map or
 verification letter from USACE, whichever is later.

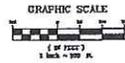
CLIENT RAY FOGG		DATE 11-02-2015
PROJECT FOGG BRECKSVILLE PROPERTIES		DWG. NO. -
TYPE WETLAND DELINEATION		DWG. FILE 1000-001174-01
SCALE 1" = 100'	DATE 11-02-2015	DATE 11-02-2015
DRAWN BY FLICKINGER WETLAND COMPANY, LLC		DATE 11-02-2015
8530 NORTH BOYLE PARKWAY TWINSBURG, OHIO 44087 (440) 668-5177		DATE 11-02-2015
		1 of 1

Ray Fogg Building Materials, Inc.
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 Sheet 4 of 4

**SOUTH EDBERTON ROAD
 GENERAL GRADING PLAN
 PLAN B: REDUCED IMPACTS**



Existing Wetlands = 4.30 AC.
 To Be Filled = 1.66 AC.



RIVERSTONE
 LAND SURVEYING • ENGINEERING • DESIGN
 2515 SUPERIOR AVENUE • SUITE 110
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13-263 SOUTH EDBERTON ROAD