



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

---

# Public Notice

---

Applicant: Perpetual  
Development

Published: October 3, 2016  
Expires: November 2, 2016

---

Application No: 2014-00744  
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: Melissa Tarasiewicz)  
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: Perpetual Development, 39093 Case Road, Avon, Ohio 44011

WATERWAY & LOCATION: Wetlands adjacent to Heider Ditch in the Black-Rocky River watershed. The approximately 48 acre (ac.) subject parcel is located northeast of the intersection of Jaycox Road and Detroit Road in the City of Avon, Lorain County, Ohio.

LATITUDE & LONGITUDE: Latitude North: 41.459431°  
Longitude West: -81.998231°

**EXISTING CONDITIONS:**

Approximately 35.8 acres of the 48-acre subject parcel consists of wetlands. The subject parcel also includes one perennial stream and one intermittent stream, upland field and scrub-shrub areas, and small upland woodlots along the northern and eastern parcel boundaries. Land adjacent to the subject parcel includes residential development, agricultural land, and undeveloped forest. A Nationwide Permit was affirmed April 20, 2015 for the permanent filling of 0.2 acre (ac.) of federal emergent wetlands associated with Norton Place Subdivision Phase I, located immediately west of the subject parcel. The fill authorized in 2015 and the currently proposed fill are considered part of a single and complete project.

Description of delineation of waters of the US, if applicable: A jurisdictional determination for the subject parcel was issued May 26, 2016 identifying the following on-site waters as waters of the U.S.: 0.38 ac. Wetland A (emergent), 14.8 ac. Wetland E (emergent), 20.65 ac. Wetland F (emergent), 1,382 linear feet (LF) Stream 1 (perennial), and 309 LF Stream 2 (intermittent).

PROPOSED WORK: The applicant proposes to place fill in waters of the U.S. for the purpose of expanding the Norton Place residential subdivision. Specifically, the applicant seeks authorization for the permanent fill of 0.19 ac. of Linear Wetland A, 0.01 ac. of Wetland B, 5.38 acres of Wetland C, and 1.23 acres of Wetland D for a total of 6.81 acres of permanent wetland fill proposed. The fill would result from the construction/grading of lots, roadways, stormwater management basins, and other appurtenances.

#### PROJECT PURPOSE

Basic: Residential Development

Overall: To provide additional single family housing in the City of Avon, Lorain County, Ohio.

Water Dependency Determination: The proposed activity is not a water dependent activity.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant's chosen alternative would avoid 29.03 acres of on-site federal jurisdictional wetlands and 1,691 LF of streams. By comparison, the applicant's preferred design alternative would require the permanent fill of 15.85 acres of federally jurisdictional wetland and 50 LF of stream there-by avoiding 19.99 acres of wetland and 1,641 LF of stream.

PROPOSED MITIGATION: The applicant proposes to designate 10.3 acres of restored wetlands at the Charlemont Reservation mitigation area at Lorain County Metro Parks for this project (Sheet 5 of 5). The Charlemont Reservation mitigation area is located east of the intersection of New London Eastern Road and Quarry Road, in Rochester and Huntington Townships, Lorain County, Ohio (Sheet 4 of 5).

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 reference the Application Number and be directed to the attention of Melissa Tarasiewicz, who can be contacted at the above address, by calling (716) 879-4159, or by e-mail at: melissa.j.tarasiewicz@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 3 of 5. 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 (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), and rufa red knot (*Calidris canutus rufa*), 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.

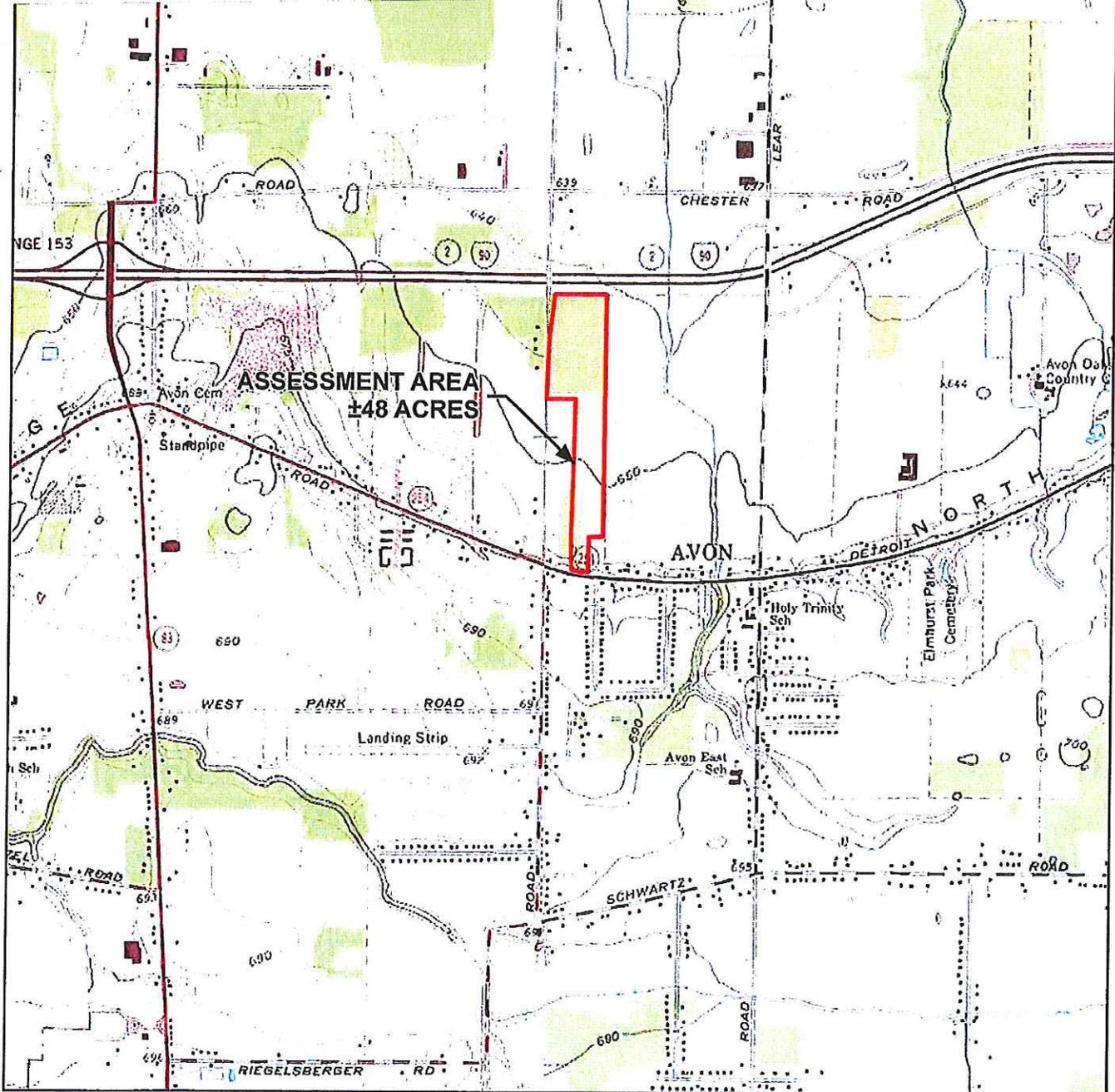
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

Perpetual Development  
 D/A Processing No. 2014-00744  
 USGS Quad: North Olmsted, OH  
 Lorain County, OH  
 Sheet 1 of 4

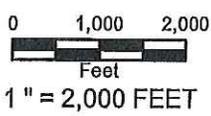


 ASSESSMENT AREA (±48 AC.)

SITE LOCATION MAP  
 NORTON PLACE SUBDIVISION  
 CITY OF AVON LORAIN  
 COUNTY, OHIO

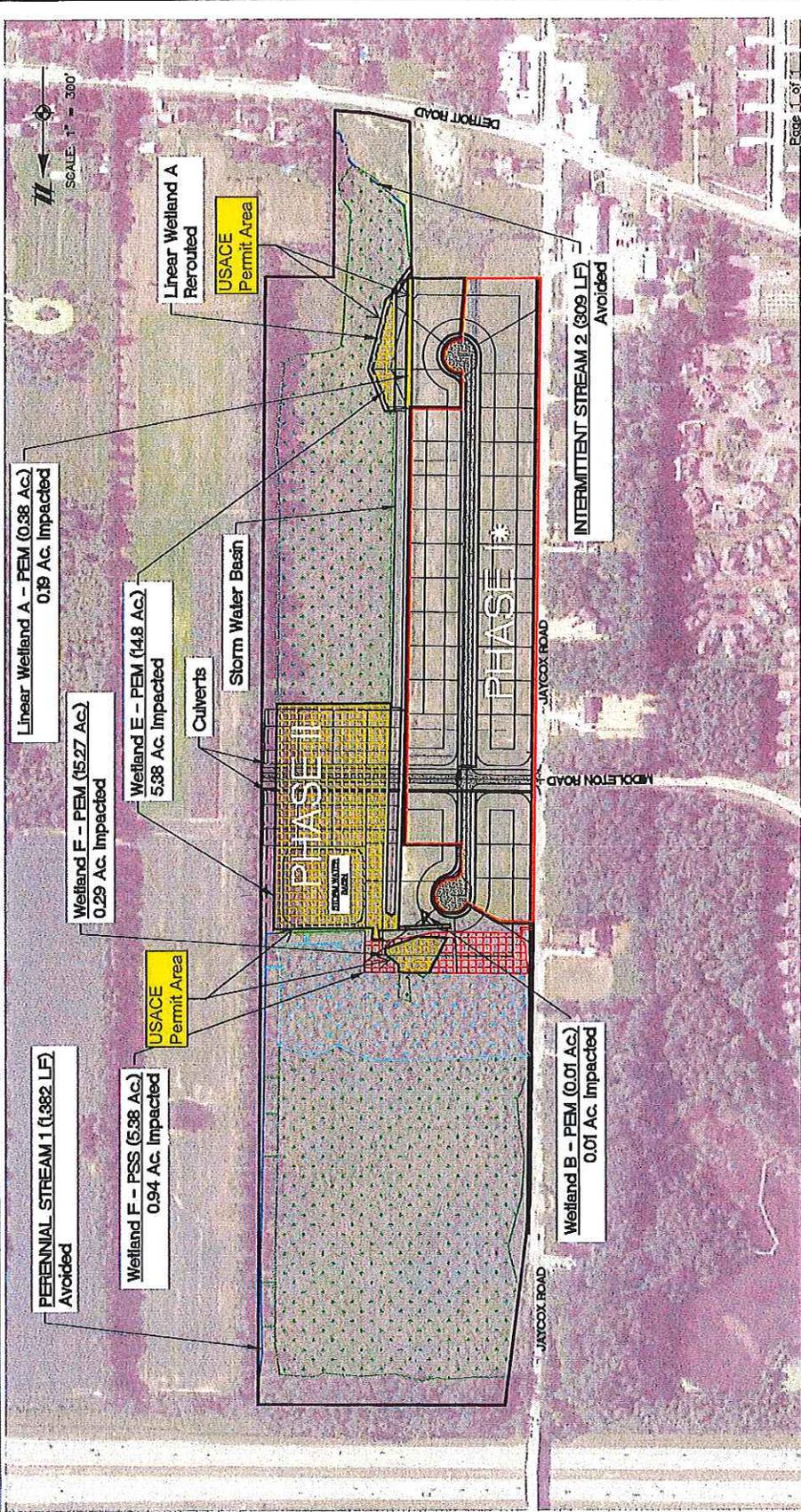
REFERENCE:  
 USGS 7.5 MIN TOPO QUAD  
 NORTH OLMS TED, OHIO QUAD (1994)

DATE: 3/24/2016  
 DR: ML  
 GIS FILE: 15001936\_01\_SITE




**ATWELL**  
 866.850.4200 | www.atwell-group.com

Perpetual Development  
 D/A Processing No. 2014-00744  
 USGS Quad: North Olmsted, OH  
 Lorain County, OH  
 Sheet 2 of 4



Phase I impacts were permitted under NWP 29 issued on April 10, 2015.

866.850.4200 www.atwell-group.com  
 7100 E. PLEASANT VALLEY RD., SUITE 220  
 INDEPENDENCE, OH 44131  
 440.349.2000

PROJECT NO.: 15001936  
 DATE: May 24, 2016  
 DR: BS

MINIMAL DEGRADATION ALTERNATIVE  
 NORTON PLACE SUBDIVISION PHASE II  
 AVON, OHIO

PEM WETLAND IMPACTS (5.68 ACRES)  
 PSS WETLAND IMPACTS (0.94 ACRES)  
 LINEAR PEM WETLAND IMPACTS (0.19 ACRES)

- LEGEND**
- PHASE II PROJECT AREA (48 ACRES)
  - PHASE I PROJECT AREA (15 ACRES)
  - PERENNIAL STREAM (1,382 LF)
  - INTERMITTENT STREAM (309 LF)
  - DRAINAGE CHANNEL (TO BE CONSTRUCTED)
  - AVOIDED PEM WETLANDS (24.40 ACRES)
  - AVOIDED PSS WETLANDS (4.44 ACRES)
  - AVOIDED LINEAR PEM WETLANDS (0.19 ACRES)

W:\15001936\DWG\Ecological\15001936\_MIN\_PSS.dwg, 9/15/2016 3:12:25 PM

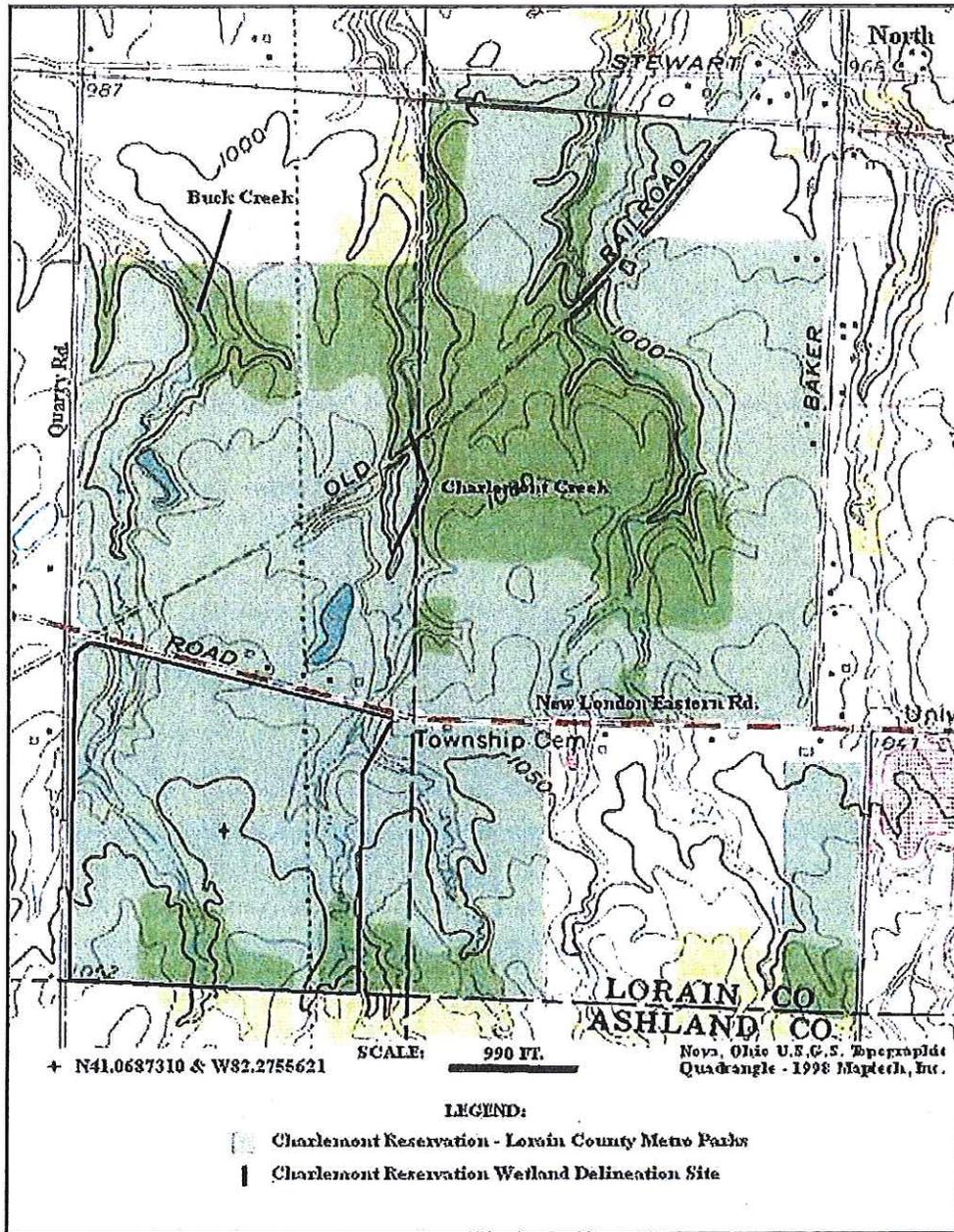


Figure 2: USGS Topographic Map

Perpetual Development  
 D/A Processing No. 2014-00744  
 USGS Quad: North Olmsted, OH  
 Lorain County, OH  
 Sheet 3 of 4

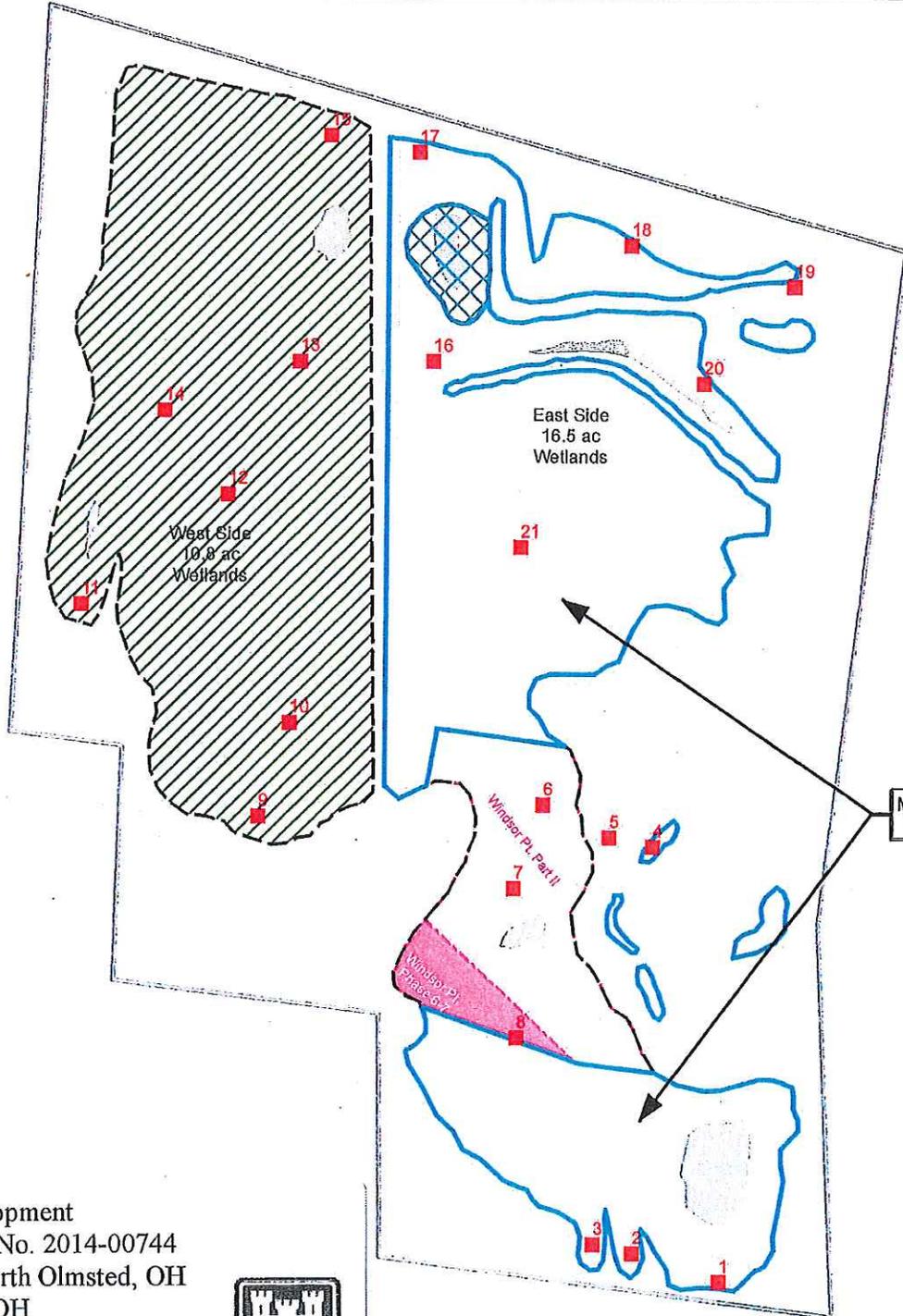


# Wetland Delineation

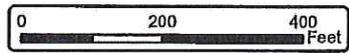
## Charlemont Reservation

Lorain County, Ohio

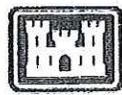
Approximate Depiction of Wetlands on Site  
Source: Envirotech Consultants, Inc.  
Modifications by Atwell, LLC



Mitigation designated for Norton Phase II



Perpetual Development  
D/A Processing No. 2014-00744  
USGS Quad: North Olmsted, OH  
Lorain County, OH  
Sheet 4 of 4



- Delineated Wetland Boundaries (Total Restored Wetlands 27.3 ac)
- Delineation Plots and Numbers
- ▲ VIBI Random Monitoring Plots
- Non-VIBI Random Monitoring Plots
- Inundated >24"
- ▨ Norton Place Phase I - Millgallon Area (0.4 Acres)
- ▨ Arlington Subdivision (10.8 ac)
- ▨ Windsor Pt. Part II (2.20 ac)
- ▨ Windsor Pt. Phase 6-7 (0.35 ac)
- ▨ Remaining Millgallon Area (10.3 Ac, designated to Norton Place Phase II)



866.850.4200 [www.atwell-group.com](http://www.atwell-group.com)