



Public Notice

U.S. Army Corps
Of Engineers
Buffalo District

Issued: January 24, 2013
Expires: February 22, 2013

Application No: **2012-00825** CELRB-TD-R - Section: OH

All written comments should reference the above Application No. and be addressed to: US Army Corps of Engineers, Buffalo District Regulatory Branch, 1776 Niagara Street, Buffalo, NY 14207-3199

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: Arthur R. Shamakian, 1664 North Shore Drive, Painesville, Ohio 44077

WATERWAY & LOCATION: Lake Erie at 1664 and 1668 North Shore Drive, in Painesville Township, Lake County, Ohio 44077

LATITUDE & LONGITUDE: Latitude North: 41.77283
Longitude West: -81.21413

EXISTING CONDITIONS:

Description of delineation of waters of the US, if applicable: Lake Erie is a water body regulated under Section 10 of the River and Harbors Act.

The proposed project involves two tax parcels: 11B050A000130 and 11B050A000140. 1664 North Shore Drive, tax parcel number 11B050A000130, consists of 0.5133 acre of land with approximately 130 linear feet of Lake Erie shoreline. 1668 North Shore Drive, tax parcel number 11B050A000140, consists of 0.4678 acre of land with approximately 80 linear feet of Lake Erie shoreline. Both parcels have armor stone revetments along the Lake Erie shoreline which were installed during the residential subdivision construction, which was authorized by Department of the Army authorization No. 1999-01340.

Currently along the shoreline of 1664 North Shore Drive, a 23 foot wide by 69 foot long off-shore armor stone breakwater with approximately 194 cubic yards of fill material below the Ordinary High Water mark (OHW) of Lake Erie, 573.4 feet International Great Lakes Datum (IGLD) and precast concrete stairs that extend beyond the shoreline with approximately 3 cubic yards of fill material below the Lake Erie OHW are existing. The armor stone breakwater and precast concrete stairs were installed in 2012 without proper Department of the Army authorization. Therefore, the applicant is seeking Department

of the Army authorization to maintain these structures.

PROPOSED WORK:

The proposed project includes maintaining 3 cubic yards of fill discharged below the OHW of Lake Erie for precast concrete stairs installed along the shoreline and a 23 foot wide by 60 linear foot long off-shore armor breakwater (approximately 194 cubic yards). The proposed project also includes relocating approximately 9 linear feet of the existing off-shore armor stone breakwater (approximately 46 cubic yards) 25 linear feet to the east to construct a 30.5 foot wide by 50 linear foot long armor breakwater (approximately 282 cubic yards). The entire project consists of 479 cubic yards of fill material being discharged below the OHW of Lake Erie.

PROJECT PURPOSE:

Basic: Lake access, beach creation and protection.

Overall: To retain a permanent sand beach area along approximately 210 linear feet of Lake Erie shoreline by maintaining one armor stone breakwater and precast concrete stairs for lake access and constructing a new armor stone breakwater.

Avoidance and Minimization Information:

The applicant is proposing to install 408 cubic yards of sand prefill to minimize impacts to Lake Erie's littoral drift.

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 Shaina Souder, who can be contacted at the above address, by calling (716) 879-4240, or by e-mail at: shaina.r.souder@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. Glen Cobb
Ohio Department of Natural Resources
Environmental Policy Coordinator
Office of Legislative Services
2045 Morse Road, Building D-3
Columbus, Ohio 43229
Phone: (614)265-6888
FAX: (614) 267-4764
glen.cobb@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 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 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 soladis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), snuffbox (*Epioblasma triquetra*) 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.

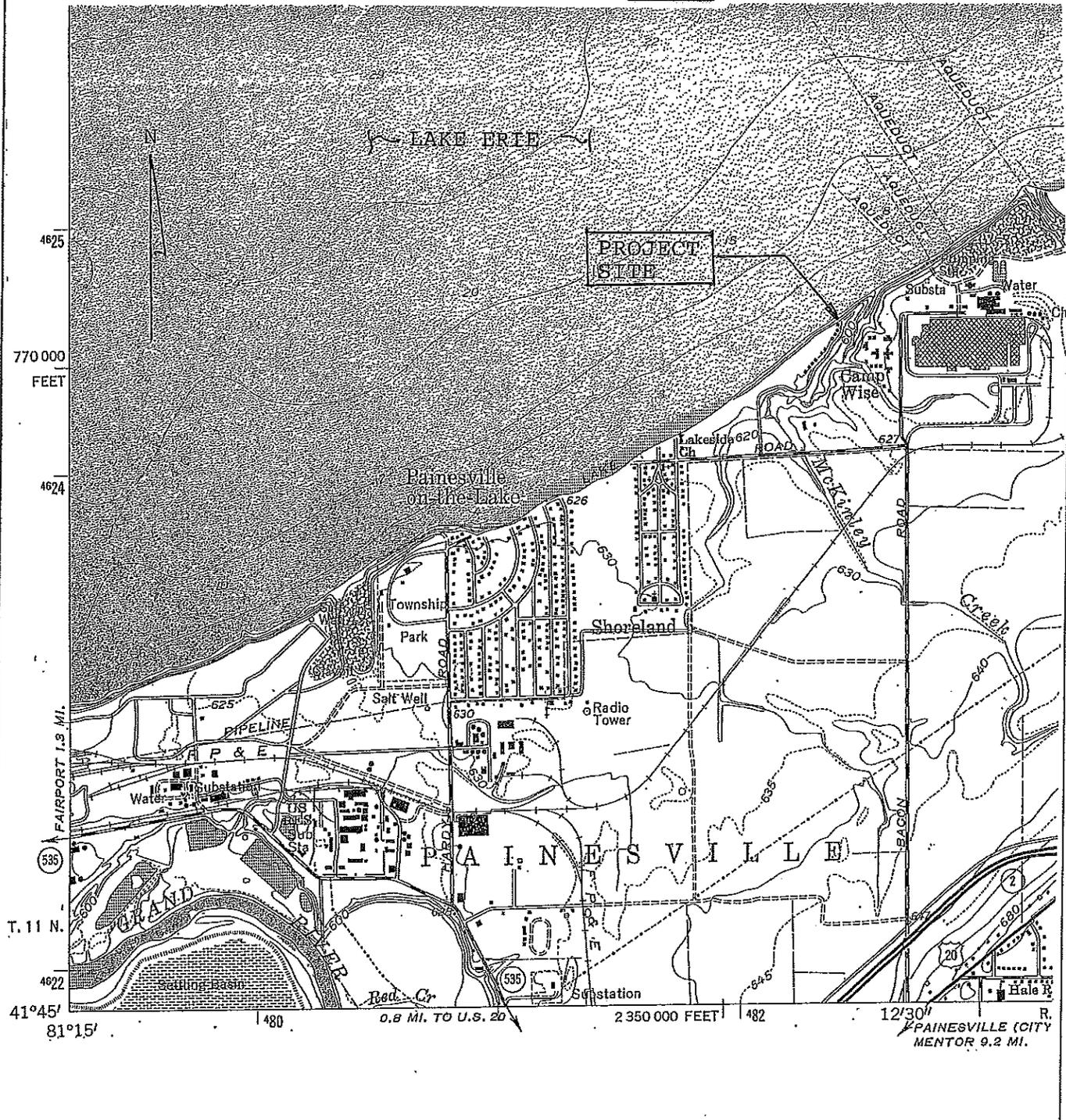
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

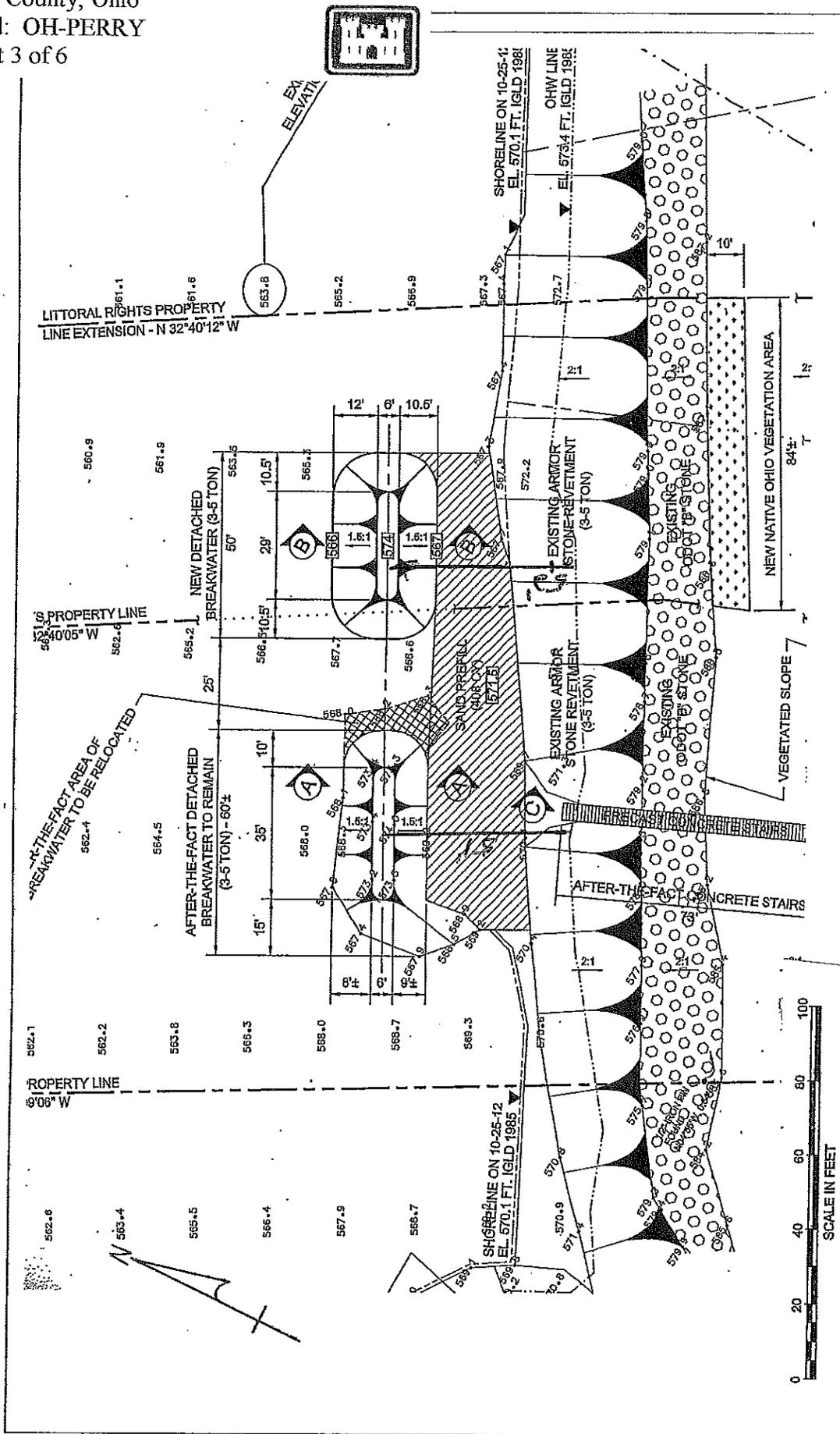
Diane C. Kozlowski
Chief, Regulatory Branch

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

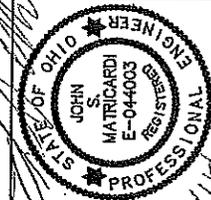
Shamakian, Arthur
 D/A Processing No. 2012-00825
 Lake County, Ohio
 Quad: OH-PERRY
 Sheet 1 of 6



<p>DATUM: 0.0 L.W.D. = 569.2 IGLD 1985</p>	<p>VICINITY MAP</p>	<p>PREPARED BY: MATRIX ENGINEERING, INC.</p>
<p><small>ADJACENT PROPERTY OWNERS:</small></p> <ol style="list-style-type: none"> LAKE ERIE SHORES HOMEOWNERS ASSOCIATION DENISE M. STAVOLE 	<p>ARTHUR R. & CAROL S. SHAMAKIAN CO-TRUSTEES OF THE PHYNANCIAL PHYSICIANS TRUST 1664 NORTH SHORE DRIVE PAINESVILLE, OHIO 44077</p>	<p>SHORELINE IMPROVEMENTS AT 1664 NORTH SHORE DRIVE PAINESVILLE, OHIO</p> <p>SHEET 1 OF 6 12-18-12</p>



SCALE: 1" = 40'



PREPARED BY: **MATRIX ENGINEERING INC.**
 SHORELINE IMPROVEMENTS AT
 1664 NORTH SHORE DRIVE
 PAINESVILLE, OHIO

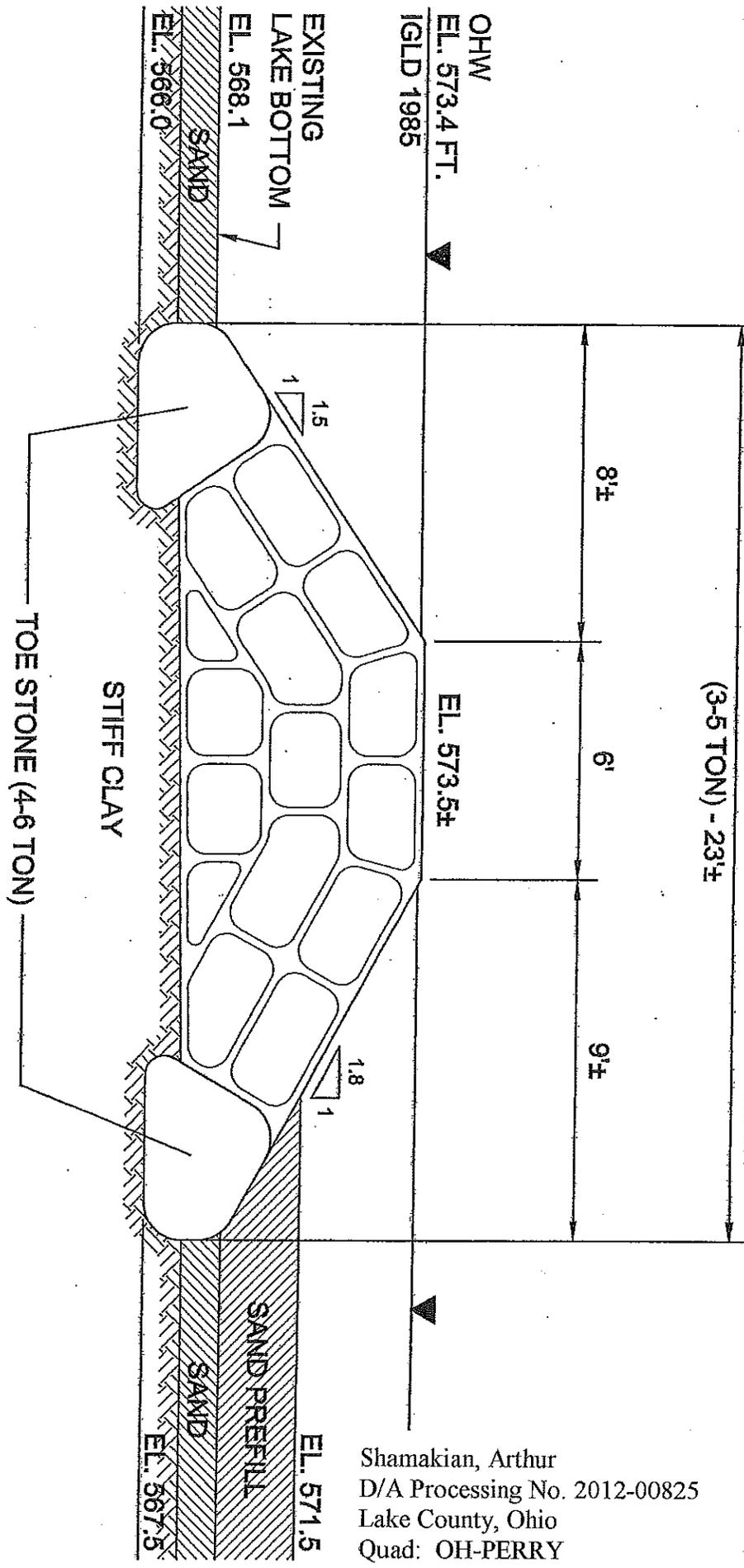
SITE PLAN
 ARTHUR R. & CAROL S. SHAMAKIAN
 CO-TRUSTEES OF THE PHYNANCIAL
 PHYSICIANS TRUST
 1664 NORTH SHORE DRIVE
 PAINESVILLE, OHIO

DATUM: 0.0 L.W.D. = 569.2 IGLD 1985
 1.) LAKE ERIE SHORES HOMEOWNERS ASSOCIATION
 2.) DENISE M. STAVOLE

SHEET 3A OF 6

DATE: 12-18-12

AFTER-THE-FACT DETACHED BREAKWATER TO REMAIN
(3-5 TON) - 23'±



NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.



DATUM: 0.0 L.W.D. = 569.2 IGLD 1985

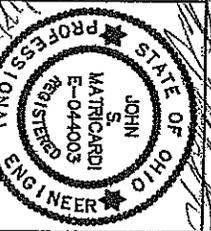
ADJACENT PROPERTY OWNERS
1.) LAKE ERIE SHORES HOMEOWNERS ASSOCIATION
2.) DENISE M. STAVOLE

SECTION A-A

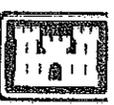
ARTHUR R. & CAROL S. SHAMAKIAN
CO-TRUSTEES OF THE PHYNNANCIAL
PHYSICIANS TRUST
1684 NORTH SHORE DRIVE
PAINESVILLE, OHIO

MATRIX ENGINEERING INC.

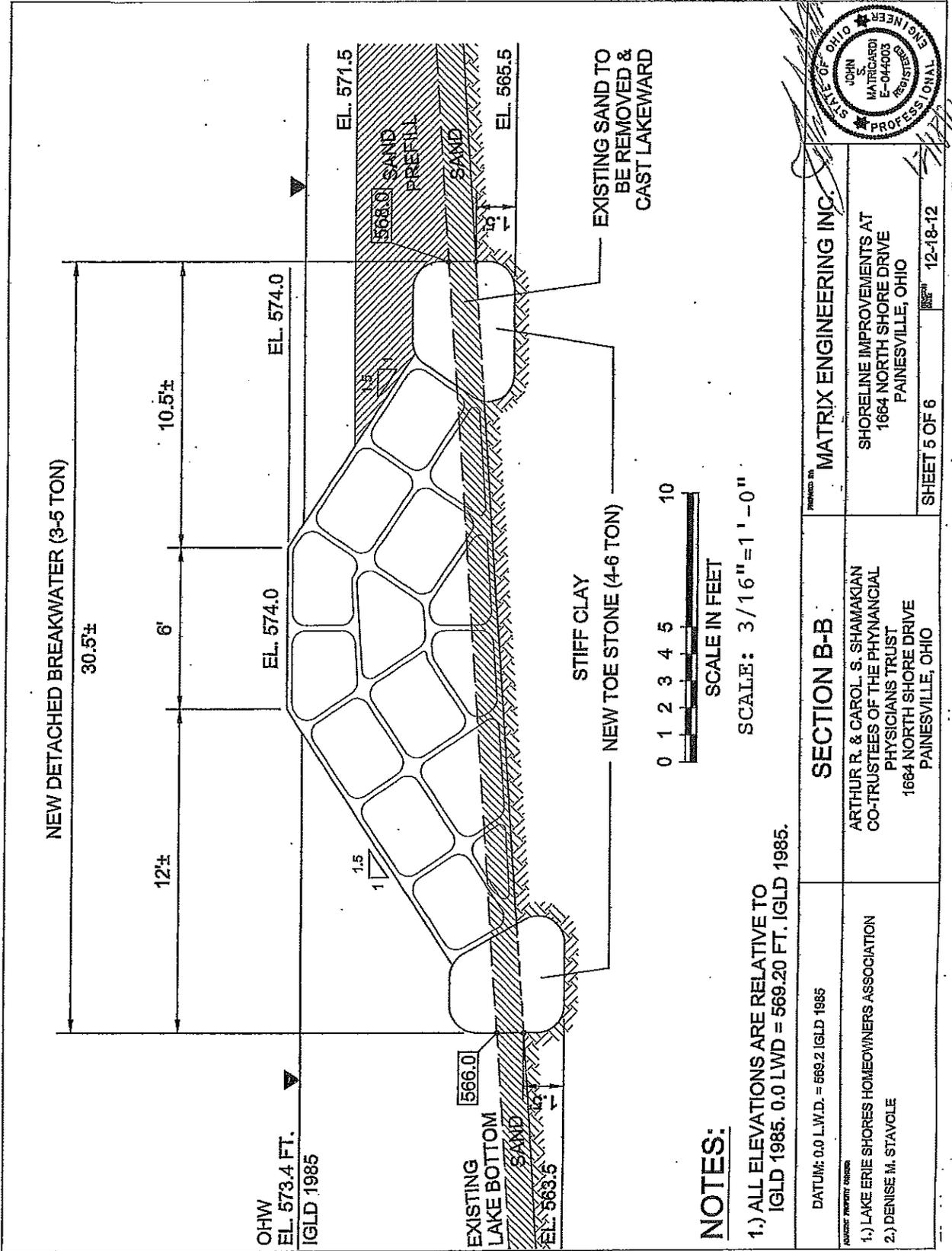
SHORELINE IMPROVEMENTS AT
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PAINESVILLE, OHIO



Shamakian, Arthur
D/A Processing No. 2012-00825
Lake County, Ohio
Quad: OH-PERRY
Sheet 4 of 6



Shamakian, Arthur
 D/A Processing No. 2012-00825
 Lake County, Ohio
 Quad: OH-PERRY
 Sheet 5 of 6

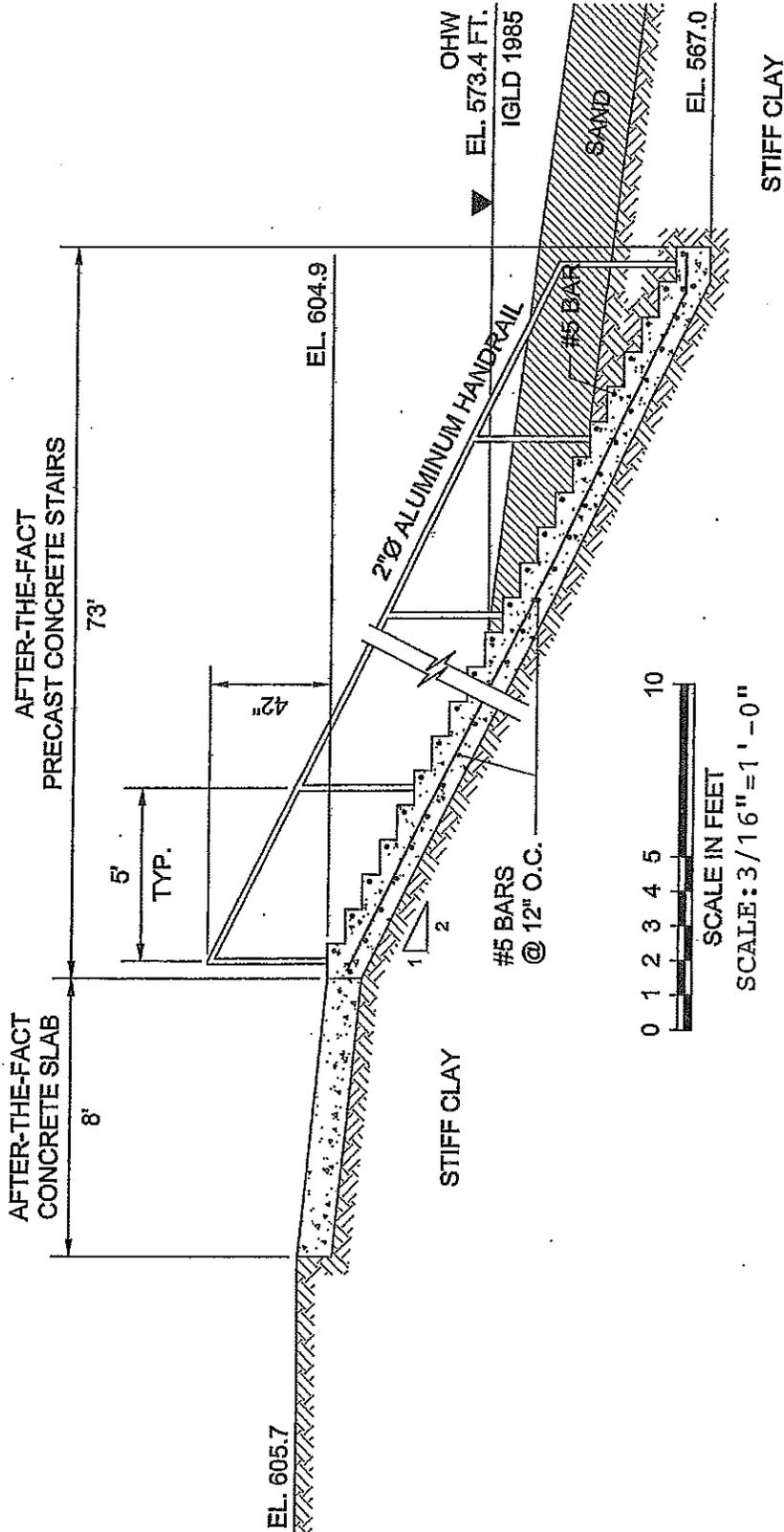


SCALE: 3/16" = 1'-0"
 SCALE IN FEET
 0 1 2 3 4 5 10

NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

DATUM: 0.0 L.W.D. = 669.2 IGLD 1985 1.) LAKE ERIE SHORES HOMEOWNERS ASSOCIATION 2.) DENISE M. STAVOLE	SECTION B-B ARTHUR R. & CAROL S. SHAMAKIAN CO-TRUSTEES OF THE PHYSNANCIAL PHYSICIANS TRUST 1664 NORTH SHORE DRIVE PAINESVILLE, OHIO	PROVIDED BY MATRIX ENGINEERING INC. SHORELINE IMPROVEMENTS AT 1664 NORTH SHORE DRIVE PAINESVILLE, OHIO SHEET 5 OF 6	REGISTERED PROFESSIONAL ENGINEER STATE OF OHIO JOHN S. MATRICARDI E-044003
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NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

DATUM: 0.0 L.W.D. = 569.2 IGLD 1985

AMOUNT PROJECT PRICE

1.) LAKE ERIE SHORES HOMEOWNERS ASSOCIATION
 2.) DENISE M. STAVOLE

SECTION C-C

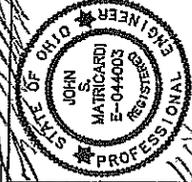
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SHORELINE IMPROVEMENTS AT
 1664 NORTH SHORE DRIVE
 PAINESVILLE, OHIO

SHEET 6 OF 6

12-18-12



Handwritten signature and date: 12/18/12