



Public Notice

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

Applicant:
Brent Sedon

Published: JUNE 7, 2012
Expires: JULY 6, 2012

Application No: **2010-01696**
Section: Ohio

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Regulatory Branch (Attn: Keith C. Sendziak)
1776 Niagara Street
Buffalo, New York 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).**

Brent Sedon, 1296 Dover Drive, Medina, Ohio 44256 is proposing to construct a new single-family residential building with attendant features and a private marina on an approximately 4.5-acre parcel of land located to the east of Willow Beach Road and west of LaCarpe Creek, in Erie Township, Ottawa County, Ohio (Sheet 1 of 5). The private marina will consist of six permanent boatlifts (A-F) and sixteen (1-16) temporary docks that will be removed seasonally (Sheets 2-3 of 5). The marina will have a 75 linear foot (LF) long entrance to LaCarpe Creek and will be able to accommodate vessels up to 40 LF long. The applicant has indicated that LaCarpe Creek currently provides sufficient draft depth and will not be dredged.

The project purpose is to provide a suitable building pad on the northern third of the parcel for a single-family residential building with attendant features and to excavate a wetland and upland area to create a private marina for use by the applicant and his friends and family. The applicant has indicated that the proposed marina will provide a safe harbor for boaters on Lake Erie as there is no safe harbor between Port Clinton to the east and Beef Creek Marina which is approximately 4 miles to the west. The applicant has indicated that the existing marina, approximately 1000 feet upstream on LaCarpe Creek is only able to accommodate a 21 LF long vessel.

During a site visit conducted on July 27, 2011 it was determined that four wetlands, Wetland 1 (0.22 acres), Wetland 2 (0.109 acres), and Wetland 3-4 (1.48 acres), totaling 1.81 acres, and one stream, LaCarpe Creek, totaling 660 LF, were found to be waters of the U.S., and are subject to regulation under

Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. A preliminary jurisdictional determination was issued to the applicant on August 24, 2011 (Sheet 4 of 5).

Mr. Sedon submitted an application on April 16, 2012, requesting a Department of the Army permit to discharge fill material into 0.051 acres of Wetland 4 to construct a single family residential house with attendant features. Mr. Sedon also requested a Department of the Army permit to excavate approximately 0.446 acres of Wetland 3 (Identified as Area A on Sheet 2 of 5) to create a marina, and 0.003 acres of Wetland 1 (Identified as Area C on Sheet 2 of 5) to provide access to LaCarpe Creek. The construction of the marina will result in the conversion of 0.449 acres of emergent and scrub shrub wetland into open water habitat. The applicant estimates that approximately 10,455 cubic yards of silt will be removed by an excavator to create the marina and that all of the excavated material will be placed on and graded in upland areas of the parcel. Mr. Sedon has indicated that access to and from the seasonal docks will be restricted to foot traffic only through a remaining portion of Wetland 3. He indicated that there will be no additional fill material placed into Wetland 3 to construct an access road/path. The boat lifts will be supported by 7 inch diameter pilings and installed using a crane and pile driver. The boat lifts will be constructed using steel cable and I-beams. The seasonal docks will be constructed using vertical galvanized piles to which a treated wood dock will attach. The docks will float on plastic barrels. The areas around the docks and boatlifts will not be dewatered during construction.

To compensate for these impacts the applicant has proposed to enhance Wetland 3 (0.446 acres) through the removal of *Phragmites australis* within the area to be excavated for the marina and then allowing native vegetation, such as water milfoil, coontail, elodea, chara, najas, curly leaf pondweed, floating pondweed, and sago pondweed to naturally colonize the marina (Sheets 2 and 5 of 5). In addition, the applicant has proposed to allow the above listed native vegetation to colonize Areas B (0.058 acres) and D (0.182 acres) which are the two upland areas that will be excavated to create the marina (Sheets 2 and 5 of 5). In total, the applicant proposes to enhance 0.449 acres of wetland and create 0.260 acres of wetland for a wetland mitigation ration of 1.4:1. The Corps does have concerns that the proposed mitigation plan will result in a conversion - which is defined as a loss of waters - of wetland habitat to open water habitat. The Corps also has concern over the amount, location and monitoring of the proposed mitigation.

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 **Keith C. Sendziak**, who can be contacted at the above address, by calling (716) 879-4339, or by e-mail at: keith.c.sendziak@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. Tony Celebrezze
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

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there are no properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 2 of 5. Based on a description of the proposed undertaking, and the absence of historic properties within the permit area, the Corps has determined that this project, if authorized, will have no effect on any property listed in, or eligible for listing in, the National Register of Historic Places. 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.

In addition, this office has determined the project is within the range of the Indiana bat (*Myotis sodalis*), Kirtland's warbler (*Setophaga kirtlandii*), rayed bean (*Villosa fabalis*), Lakeside daisy (*Plantanthera leucophaea*), eastern massasauga (*Sistrurus catenatus*), prairie fringed orchid (*Hymenoxys herbacea*), and piping plover (*Charadrius melodus*). Available evidence indicates that the proposed work will not affect the Indiana bat, rayed bean, Lakeside daisy, eastern massasauga, prairie fringed orchid, or piping plover, as designated by the U.S. Department of the Interior (DOI) as threatened or endangered, nor will it affect the critical habitat of any such species. Available evidence indicates that there is suitable onsite habitat for the Kirtland's warbler. The applicant has not performed a Kirtland's warbler habitat survey. Therefore, the quantity and quality of onsite habitat is unknown. Thus, the applicant may be required to perform additional monitoring for the Kirtland's warbler to determine its presence or likely absence prior to the Corps making a Section 7 of the Endangered Species Act effects determination.

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.

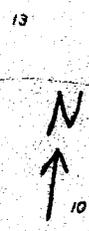
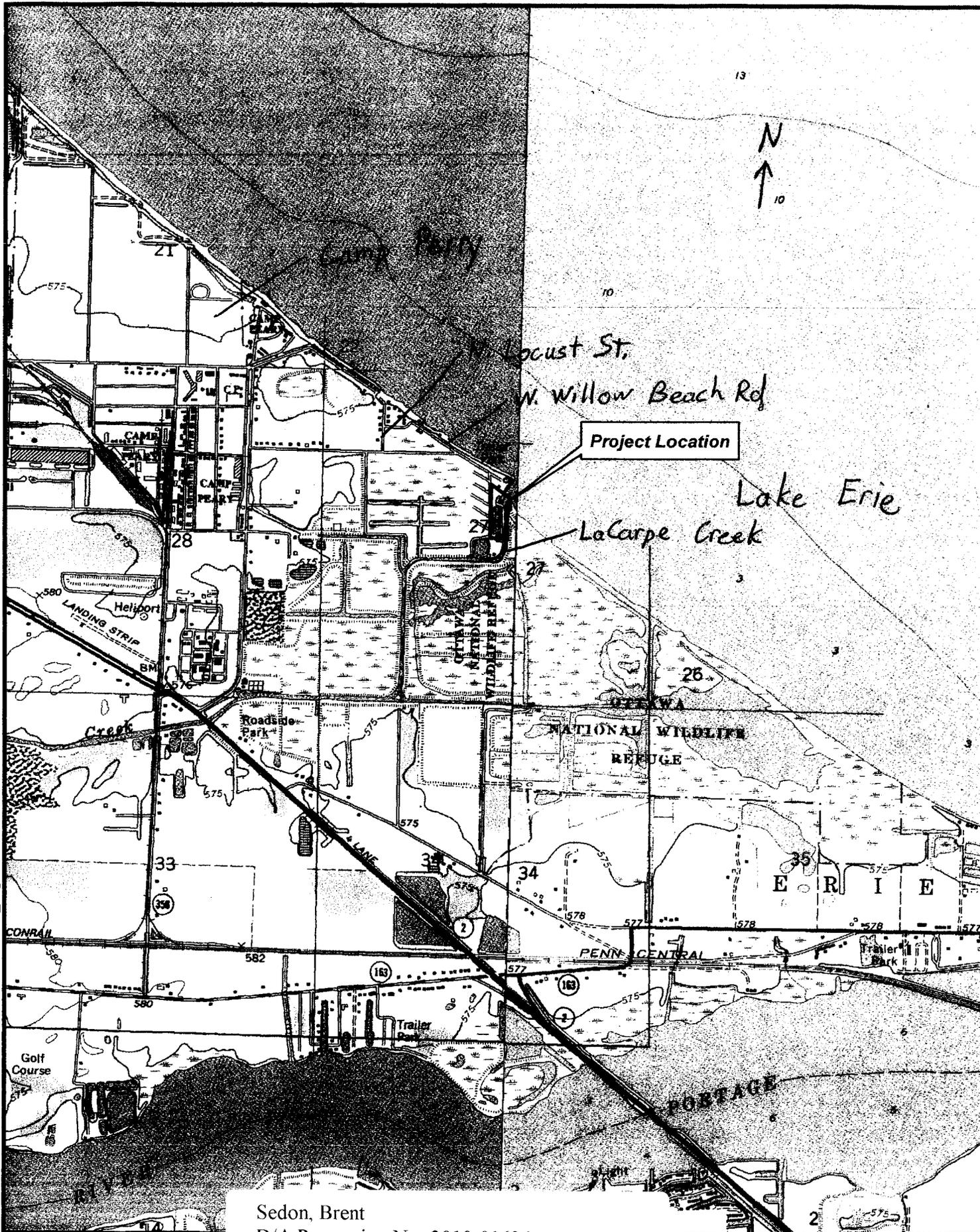
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits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

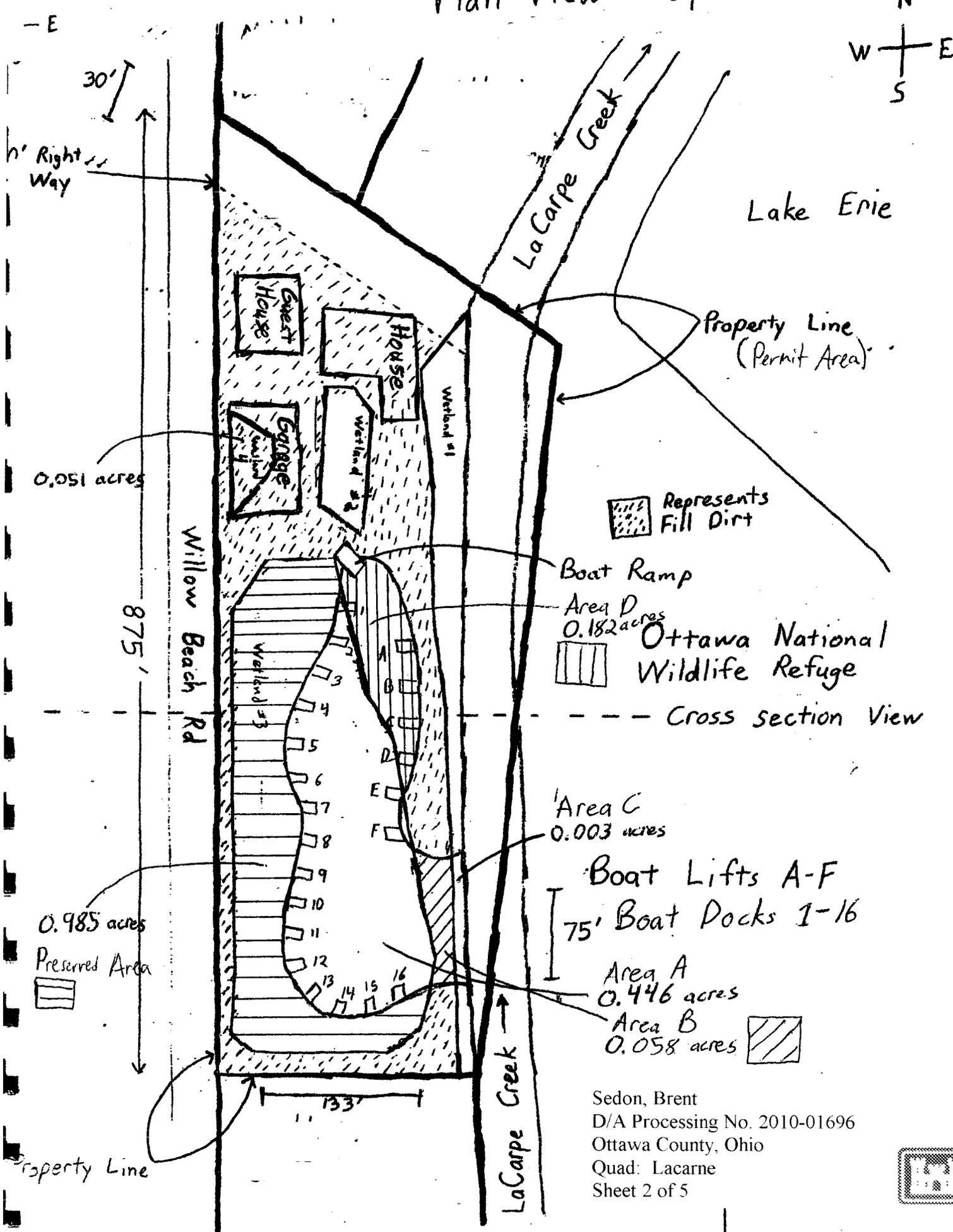
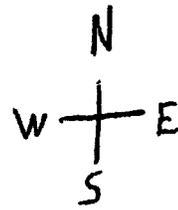


Sedon, Brent
 D/A Processing No. 2010-01696
 Ottawa County, Ohio
 Quad: Lacarne
 Sheet 1 of 5



Notes:
 USGS Quadrangles, 7.5' Series Topographic
 Lacarne, Ottawa Co., OH 1967 Photorevised 1980
 Port Clinton, Ottawa Co., OH 1969

Plan View Map #1



Lake Erie

Property Line
(Permit Area)

Represents
Fill Dirt

Boat Ramp

Area D
0.182 acres

Ottawa National
Wildlife Refuge

--- Cross section View

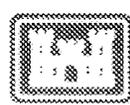
Area C
0.003 acres

Boat Lifts A-F
75' Boat Docks 1-16

Area A
0.446 acres

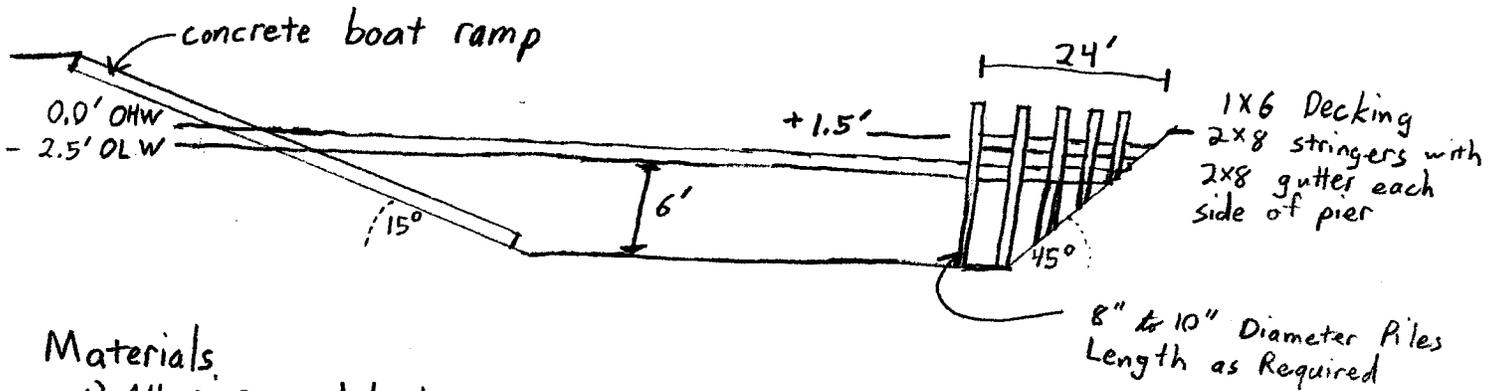
Area B
0.058 acres

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Sheet 2 of 5



Cross Section Maps

Figure 1



Materials

- 1) All piers and lumber pressure treated
- 2) All nails, bolts and hardware galvanized

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Sheet 3 of 5



Date Saved: 6/14/2011 10:49:33 AM

Sedon, Brent
D/A Processing No. 2010-01696
Ottawa County, Ohio
Quad: Lacarne
Sheet 4 of 5



Subject Property
~ 4.5 Ac.

Wetland 2
0.109 Ac.

Wetland 4
0.051 Ac.

Approximate
wetland connection
between Wetland 3
and 4

Wetland 1
0.194 Ac.
Open to Channel

Wetland 3
1.431 Ac.

Approximate limits
of Wetland 1 on the
Sedon property

WILLOW BEACH ROAD

Path: S:\Projects\Projects P-T\3590001\ENGAPP\GIS\3590001_aerial.mxd

Mannik & Smith
1800 Indian Wood Circle
Mairree, Ohio 43537
Civil Engineering, Surveying And Environmental Consulting
MAUMEE • CLEVELAND • MONROE • CANTON

(419) 891-2222
Fax: (419) 891-1595

Wetland Delineation
3489 Willow Beach rd.
Port Clinton, Ohio

Notes:
USGS Quadrangles, 7.5' Series Topographic
Lacarne
Port Clinton

0 50 100 Feet

Mitigation Proposal

Project: 3489 W. Willow Beach Rd. Port Clinton, OH 43452

I plan to mitigate impacted wetlands by restoration, enhancement, creation, and preservation. Based on Plan view #1, areas A and C wetlands will be restored and enhanced to emergent wetlands by removing the invasive phragmite species and changing the terrain level totaling 0.449 acres. Area A, B, C, and D will be excavated to a depth of 6 feet below water line in order to establish a protected lacustrine fringe wetland. The US Fish and Wildlife Service, Environmental Protection Agency, Department of Natural Resources, and National Wetland Inventory all define a lacustrine wetland as "extending from the shoreward boundary of the system to a depth of 6.6 feet below low water." This enhancement will allow native Lake Erie vegetation to repopulate such as Water Milfoil, Coontail, Elodea, Chara, Najas, Curly Leaf Pondweed, Floating Leaf Pondweed, and Sago Pondweed. Native fish species include steelhead, walleye, smallmouth bass, perch, bass, trout, salmon, whitefish, smelt, and many others. Wetland areas A and C will be enhanced by increasing the biodiversity and removing a dominating invasive species (phragmites) which kills native wetland plants and fish by producing 2 different toxins. Emergent wetland will be created in areas B and D by lowering the terrain and creating a lacustrine wetland. This area will create 0.240 acres of new emergent wetlands. Wetland #1 will be preserved by minimizing impacts and not disturbing the soil.

The maintenance plan for mitigation will include monitoring, long-term management, and adaptive management. The wetlands will be monitored for 5 years and include annual reports produced by myself to include photos and analysis of the status of the wetlands. Long-term and adaptive management will include weeding out invasive species in created and enhanced wetlands if performance standards are not being met.

The wetland impactation will be minimized to 0.500 acres of wetlands. This impactation will be mitigated by the creation of 0.240 acres of wetland in areas B and D. This impactation will also be mitigated by the enhancement of 0.449 acres of wetlands. This totals to creation/enhancement of 0.689 acres of wetland and creates a positive mitigation ratio of 1 to 1.378.

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Sheet 5 of 5



Brent Sedon
4/11/12