



Public Notice

Applicant:

Adrien Elliott; King James
Residential/D.E.R.
Consulting

Date:

Published: May 11, 2004
Expires: June 9, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE: 2003-01129(1)** **Section: OH 404**

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Ms. Adrien Elliott, King James Residential/D.E.R. Consulting, 24650 Center Ridge Road #165, Cleveland, Ohio 44145, has requested a Department of the Army permit to fill wetlands during the construction of a residential subdivision. The project is located north of Lorain Road, west of I-151, and south of I-90 in the City of Avon, Lorain County, Ohio.

The approximately 35-acre site contains 7 wetlands totaling 1.78 acres. The wetland delineation for the site was verified on February 12, 2004. Approximately 1.78 acres of wetlands (A, B, C&G, D&E, F, H, and I) are adjacent to or contiguous with Kline Ditch or French Creek, part of the Black River watershed, and therefore subject to regulation by the Department of the Army, verified under Action (0) of this file.

Approximately 0.95 acre of wetlands subject to Federal jurisdiction are proposed to be filled during the construction of buildings, roadways, driveways, and landscaping. As mitigation for the filling of 0.95 acre of wetlands, the applicant proposes to purchase 2.4 acres of wetland credit at the Blue Heron Reserve mitigation bank located in the Blue Heron Metropolitan Park, Sandusky County, Ohio. The applicant also proposes to place a conservation easement on 0.62 acre of wetland that joins into a neighboring conservation easement on the adjacent subdivision site.

The project is a single and complete proposal, located northwest and southeast of two other development complexes. The Department of the Army authorized wetland fills at the adjacent properties under D.A. File Nos. 9350223 and 985020011, respectively.

The stated purpose of the project is to provide affordable housing to citizens over 55 years of age.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Pauline D. Thorndike, who can be contacted by calling

(716) 879-4237, or by e-mail at: pauline.d.thorndike@usace.army.mil

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 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 Sheet 3 of 3. 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, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

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 should be sent to the U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Pauline D. Thorndike, or by e-mail at: pauline.d.thorndike@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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

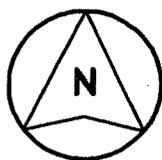
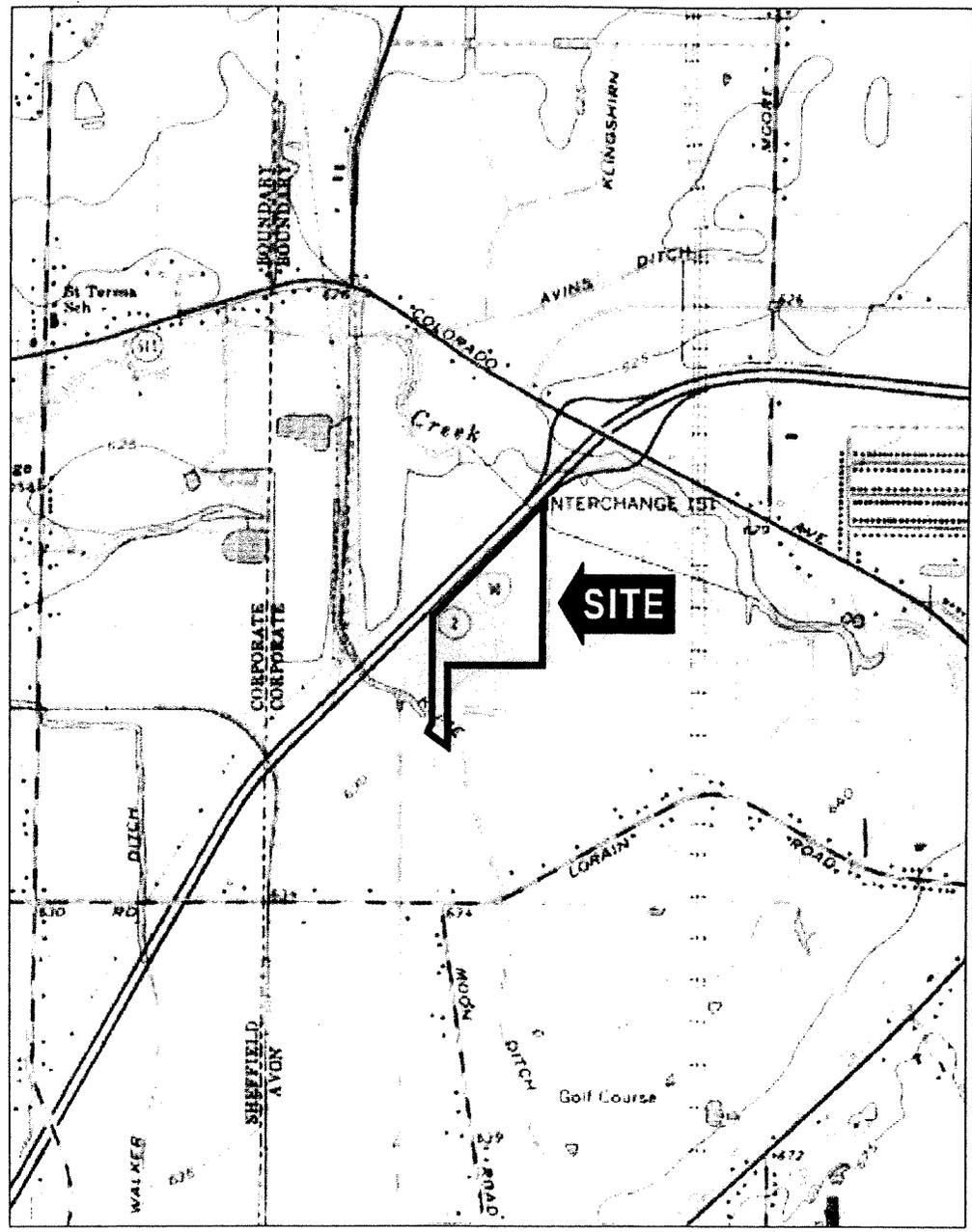
received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other 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

Thomas C. Switala
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.

ELLIOTT, ADRIEN KING JAMES
RESIDENTIAL/D.E.R. CONSULTING
D/A Processing No. 2003-01129(1)
Lorain County, Ohio Quad: AVON
Sheet 1 of 3



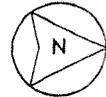
QUADRANGLE LOCATION

AVON QUADRANGLE
OHIO - LORAIN
7.5 MINUTE SERIES (TOPOGRAPHIC)



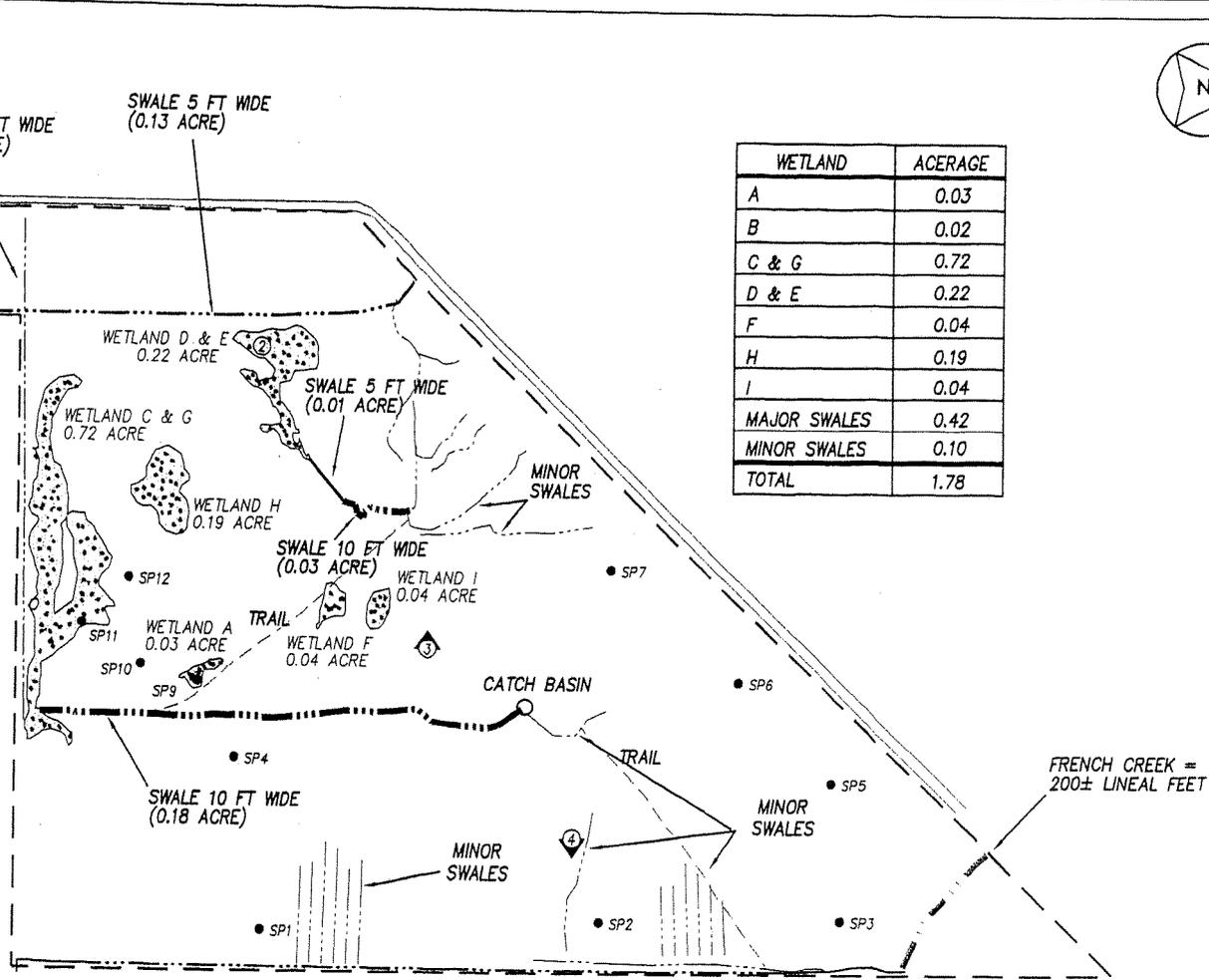
PROJECT: CARMEL AT STONEBRIDGE
LOCATION: AVON, OHIO

U.S.G.S. MAP

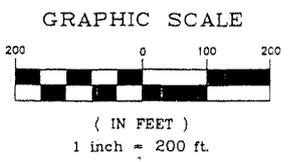


WETLAND	ACERAGE
A	0.03
B	0.02
C & G	0.72
D & E	0.22
F	0.04
H	0.19
I	0.04
MAJOR SWALES	0.42
MINOR SWALES	0.10
TOTAL	1.78

- LEGEND**
- SWALE
 - STREAM
 - - - AREA DELINEATED
 - ~ ~ ~ TREE LINE
 - WETLAND BOUNDARY
 - - - TRAIL
 - ⑥ PHOTOGRAPH LOCATION
 - SP3 SAMPLE POINT

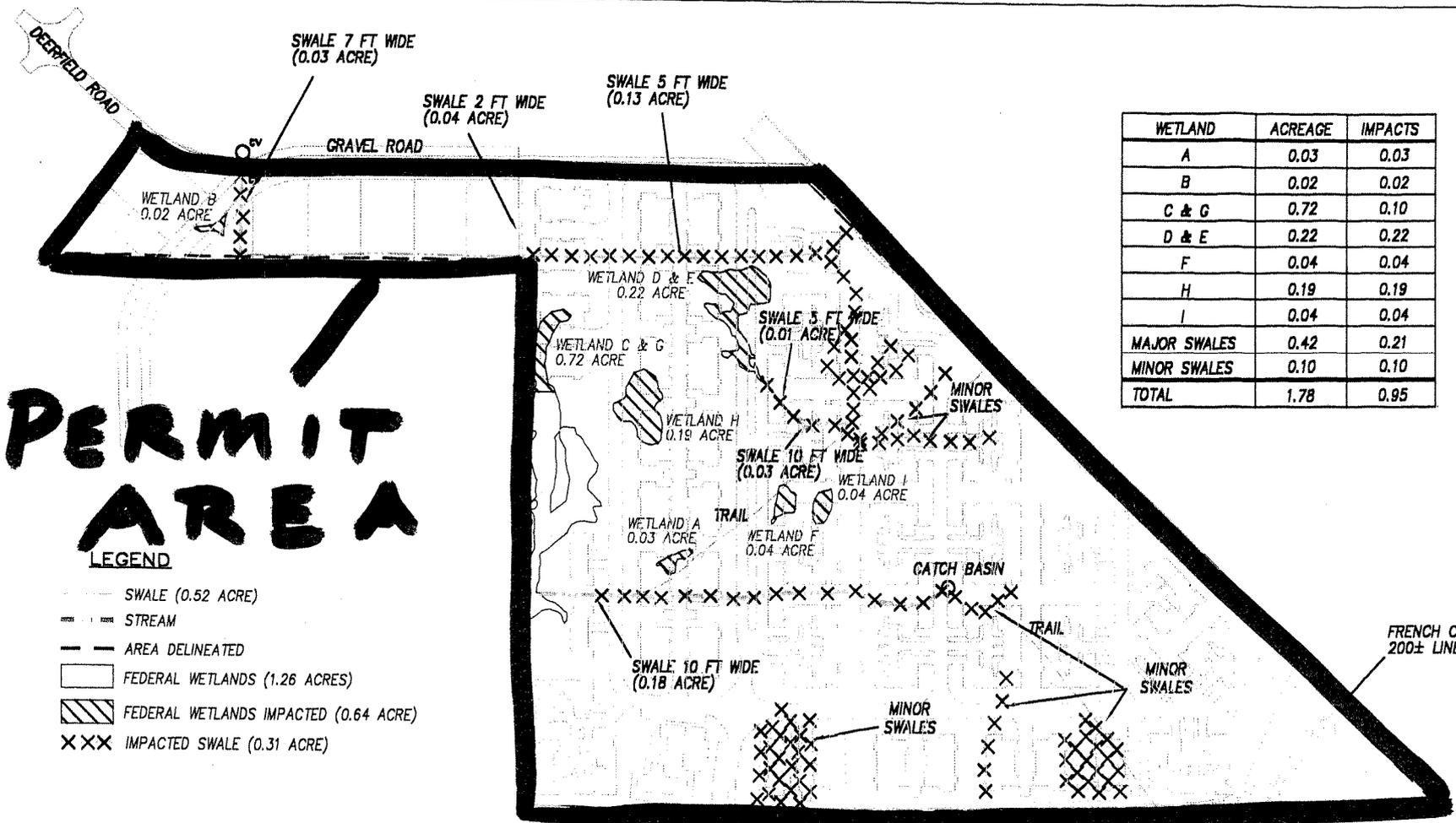


REVISED 2-05-04



THE WETLAND DELINEATION SHOWN IS NOT OFFICIAL UNTIL REVIEWED AND APPROVED BY THE ARMY CORPS OF ENGINEERS
 THE FINAL LIMITS AND JURISDICTIONAL STATUS OF THE WETLANDS WILL BE DETERMINED BY THE ARMY CORPS OF ENGINEERS

ELLIOTT, ADRIEN KING JAMES
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 Sheet 2 of 3



PERMIT AREA

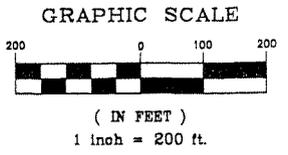
LEGEND

- SWALE (0.52 ACRE)
- STREAM
- AREA DELINEATED
- FEDERAL WETLANDS (1.26 ACRES)
- ▨ FEDERAL WETLANDS IMPACTED (0.64 ACRE)
- XXX IMPACTED SWALE (0.31 ACRE)

WETLAND	ACREAGE	IMPACTS
A	0.03	0.03
B	0.02	0.02
C & G	0.72	0.10
D & E	0.22	0.22
F	0.04	0.04
H	0.19	0.19
I	0.04	0.04
MAJOR SWALES	0.42	0.21
MINOR SWALES	0.10	0.10
TOTAL	1.78	0.95



REVISED 2-05-04



THE WETLAND DELINEATION SHOWN WAS REVIEWED AND APPROVED BY THE ARMY CORPS OF ENGINEERS 02/12/04 (2003-01129(0))

CHAGRIN VALLEY ENGINEERING, LTD. PROJECT: CARMEL AT STONEBRIDGE LOCATION: AVON, OHIO
PREFERRED DESIGN ALTERNATIVE

PROJECT No: 03237

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 Sheet 3 of 3