



# Public Notice

**Applicant:**

J.J.J. Properties and Ohio  
General Partnership

**Date:**

Published: September 23, 2004  
Expires: October 22, 2004

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

**In Reply Refer To:**

Buffalo District **CELRB-TD-R RE:** 2000-00599(1) **Section:** OH 404

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

J.J.J. Properties and Ohio General Partnership, 5585 Canal Road, Valley View, Ohio 44125, is proposing to construct an industrial park containing one large office/warehouse product distribution center, two smaller office/warehouse buildings, and their associated access roadways, parking, sidewalks and landscaping on a 50 acre parcel located east of State Route 21, west of Dewey Road, and north of Stubbins Road, in Richfield Township, Summit County, Ohio.

The applicant is seeking authorization from the Department of the Army to fill 0.64 acre of Federal jurisdictional wetlands and 866 linear feet (LF) of intermittent streams that are part of the Cuyahoga River watershed. Previously, 0.33 acre of wetland and 30 LF of intermittent stream were filled under Nationwide Permit No. 26 [Application #2000-00599(0)] to construct a concrete batch plant. The plant was never completed at this site because an alternate location closer to the Ohio Turnpike was chosen.

To compensate for the 896 LF [866 LF (proposed) + 30 LF (previously authorized)] of intermittent stream impacts, the applicant is proposing to purchase 1,344 LF of stream channel credits from the Taylor Well Conservation Easement (1.5:1 replacement ratio). The Taylor Wells Conservation Easement protects in perpetuity, the 1,344 LF of the West Branch of the Cuyahoga River and the contiguous average 200 feet of buffer area above the ordinary high water mark of the east bank of the Cuyahoga River.

To compensate for the 0.97 acre [0.64 (proposed) + 0.33 acre (previously authorized)] of Federal jurisdictional wetlands, the applicant is proposing to purchase 2.90 acres of wetland credits (3:1 replacement ratio) from the Carlisle Reserve Wetland Mitigation Bank, located in Lorain County.

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 Richard J. Ruby, who can be contacted by calling (716) 879-4109, or by e-mail at: richard.j.ruby@lrb01.usace.army.mil

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 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.

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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 Richard J. Ruby, or by e-mail at: richard.j.ruby@lrb01.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.

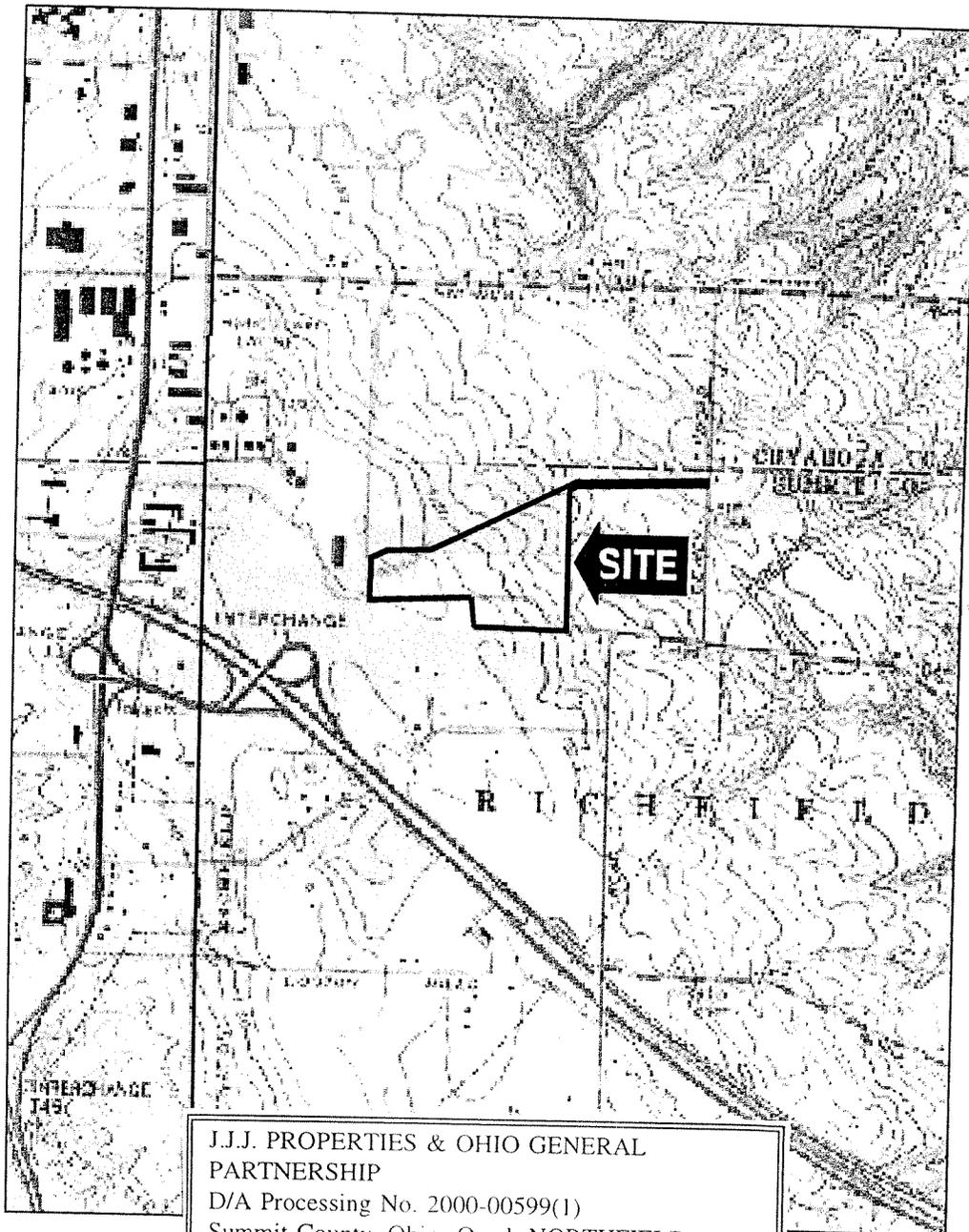
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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



J.J.J. PROPERTIES & OHIO GENERAL PARTNERSHIP  
 D/A Processing No. 2000-00599(1)  
 Summit County, Ohio Quad: NORTHFIELD  
 Sheet 1 of 3



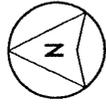
QUADRANGLE LOCATION

BRAODVIEW HEIGHTS QUADRANGLE  
 OHIO - SUMMIT  
 7.5 MINUTE SERIES (TOPOGRAPHIC)

U.S.G.S. MAP FIGURE 1

PROJECT: J.J.J. PROPERTIES SITE  
 LOCATION: RICHFIELD TWP., OHIO





WETLAND	ACERAGE	IMPACTED
B	1.15	---
D	0.05	0.05
F	0.08	0.08
F	0.48	0.48
G	0.15	---
H	0.31	---
SWALES	0.03	0.03
TOTAL	2.25 AC.	0.64 AC.
STREAM	L.F.	IMPACTED
1	68	68
2	798	798
3	74	---
TOTAL	940 L.F.	866 L.F.

PREVIOUSLY AUTHORIZED NATIONWIDE 26  
 IMPACTS = 0.33 ACRE WETLAND  
 AND 30 L.F. OF STREAM (NOT INCLUDED  
 IN THE TABLE ABOVE)

**LEGEND**

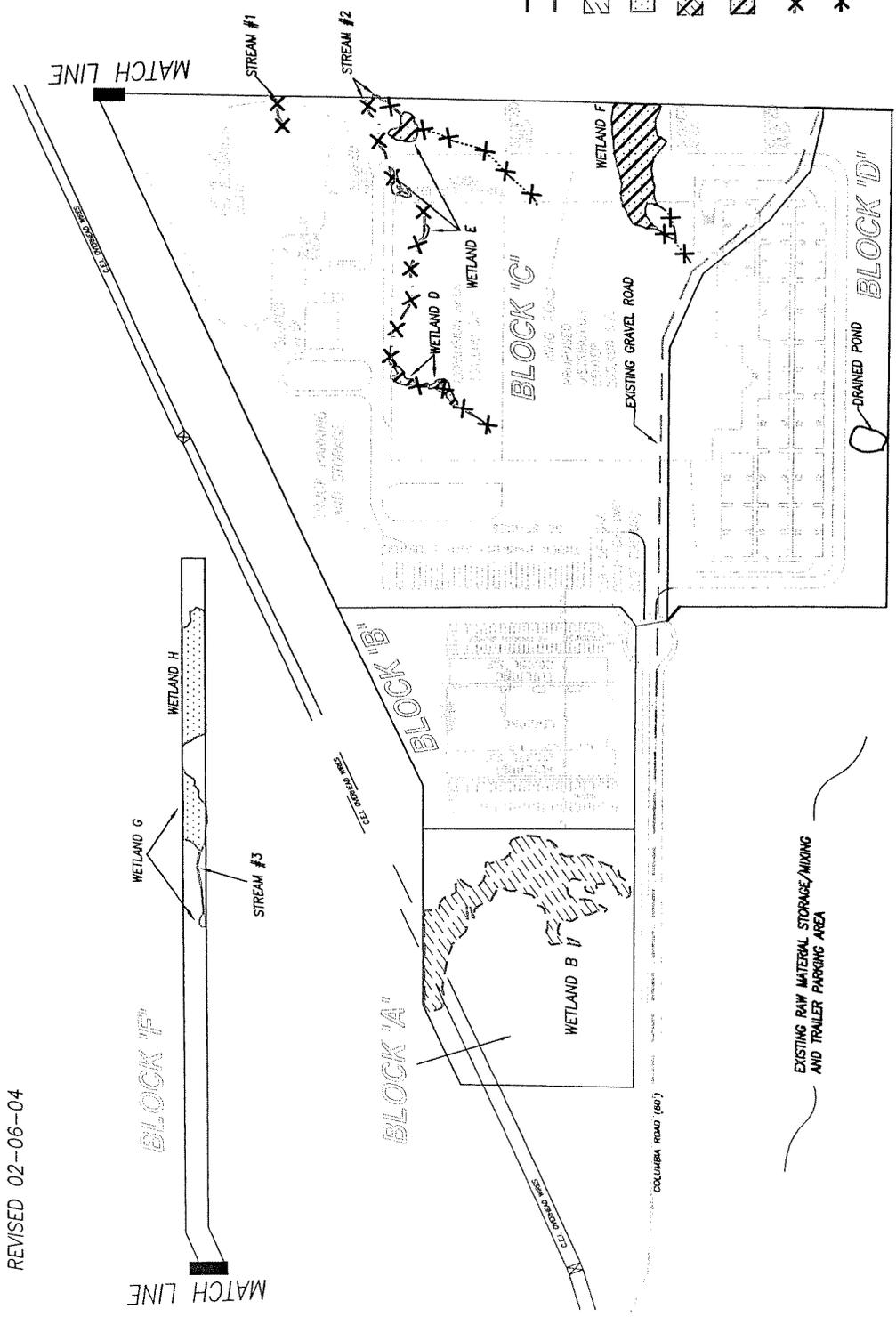
- SWALE
- - - STREAM
- [Hatched Box] STATE WETLANDS (1.15 ACRES)
- [Dotted Box] FEDERAL WETLANDS (INCLUDING 0.03 ACRE SWALE) = 1.10 ACRES
- [Cross-hatched Box] STATE WETLANDS IMPACTED (0.00 ACRE)
- [Diagonal-hatched Box] FEDERAL WETLANDS IMPACTED (Including 0.03 Acre of Swales) = 0.61 ACRE
- [X-X-X] IMPACTED STREAM (866 LINEAL FEET)
- [X-X-X] IMPACTED SWALE

GRAPHIC SCALE



( IN FEET )

1 inch = 240 ft.

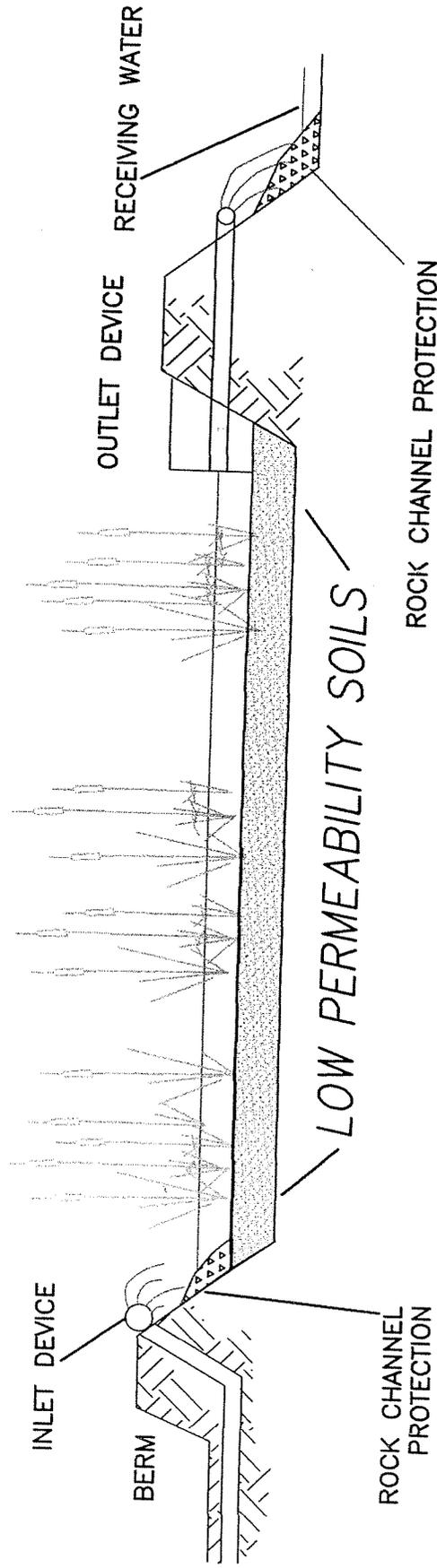


REVISED 02-06-04

THE WETLAND DELINEATION WAS APPROVED BY THE ARMY CORPS OF ENGINEERS REPRESENTATIVE RICHARD RUBY - JANUARY 15, 2004

J.J.J. PROPERTIES & OHIO GENERAL  
 PARTNERSHIP  
 D/A Processing No. 2000-00599(1)  
 Summit County, Ohio Quad: NORTHFIELD  
 Sheet 2 of 3

PROJECT No: 02137



TYPICAL BIO-RETENTION BASIN CROSS-SECTION  
 NTS

J.J.J. PROPERTIES & OHIO GENERAL  
 PARTNERSHIP  
 D/A Processing No. 2000-00599(1)  
 Summit County, Ohio Quad: NORTHFIELD  
 Sheet 3 of 3

PROPERTIES SITE  
 P., OHIO

**BIO-RETENTION BASIN CROSS-SECTION**