



Public Notice

Applicant:

Norris Builders,
Incorporated

Date:

Published: September 15, 2004
Expires: October 14, 2004

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

In Reply Refer To:

Buffalo District **CELRB-TD-R RE:** 2002-01160(1) **Section:** OH 404

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

Mr. Darryl Norris, of Norris Builders, Inc., 170 Mallard Creek Run, La Grange, Ohio 44050 has requested a Department of the Army permit to construct Phase II of Mallard Creek Estates Subdivision. The project is located west of Oak Point Road, in the City of Lorain, Lorain County, Ohio.

On October 8, 2002, the applicant was issued a Nationwide Permit No. 39 for Phase I of the Mallard Creek Estates Subdivision (DA Permit No. 2002-01160-0). This authorized the applicant to place fill in 0.338 acres of Federal wetlands and 120 linear feet of stream. As mitigation for these impacts the applicant purchased 1 acre of credit at the North Coast Regional Mitigation Bank.

The applicant has requested Department of the Army authorization to place fill in an additional 1.41 acres of Federally jurisdictional wetlands for Phase II of Mallard Creek Subdivision. The total impacts on site (Phase I & Phase II) would be approximately 1.75 acres of Federal wetland.

At this time no mitigation has been proposed by the applicant.

The applicant's stated purpose is to complete the construction of the single-family home subdivision.

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 Scott L. Schlueter, who can be contacted by calling (716) 879-4325, or by e-mail at: scott.l.schlueter@usace.army.mil

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:

Ms. Mindy Bankey
Ohio Department of Natural Resources
Consistency Coordinator

Office of Legislative Services
1930 Belcher Drive, Bldg D-3
Columbus, Ohio 43224-1387
Telephone (614) 265-6836
FAX (614) 261-9601
e-mail: mindy.bankey@dnr.state.oh.us

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 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.

In addition, available evidence indicates that the proposed work may affect, but is not likely to adversely 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 Scott L. Schlueter, or by e-mail at: scott.l.schlueter@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

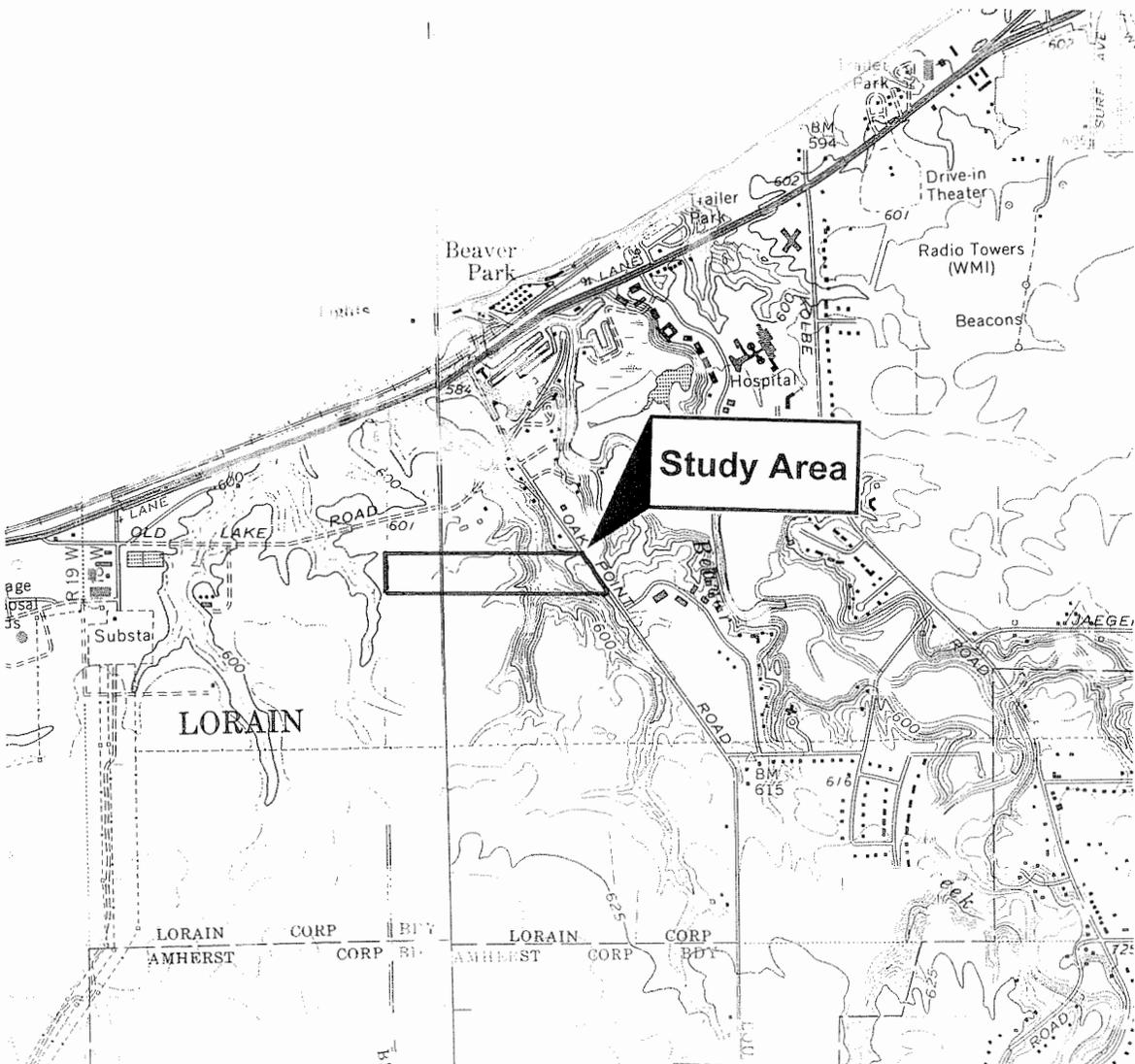
Thomas C. Switala
Chief, Regulatory Branch

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

Appendix C
Location of Study Area on
USGS 7.5-Minute Topographic Maps (Lorain and Vermilion East
Quadrangles)



Site: Mallard Creek Estates, 20 Acres, Oak Point Road, Lorain, Ohio **Scale:** 1" = 2,000'



MALLARD CREEK ESTATES
D/A Processing No. 2002-01160(1)
Lorain County, Ohio Quad: LORAIN
Sheet 1 of 4

Appendix G
General Plant Communities on the Site from Field Data

Prepared for

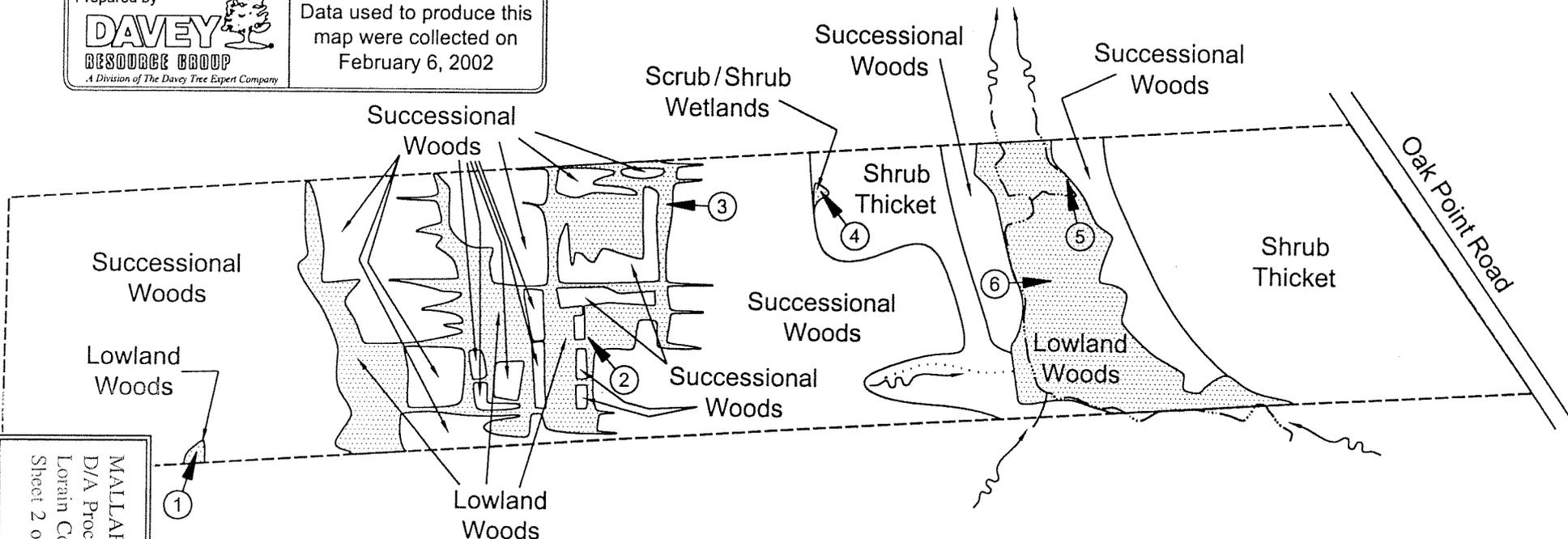
Norris Builders, Inc.

Mallard Creek Estates
 20 Acres, Oak Point Road
 Lorain, Ohio

Prepared by

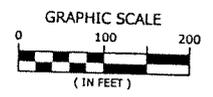


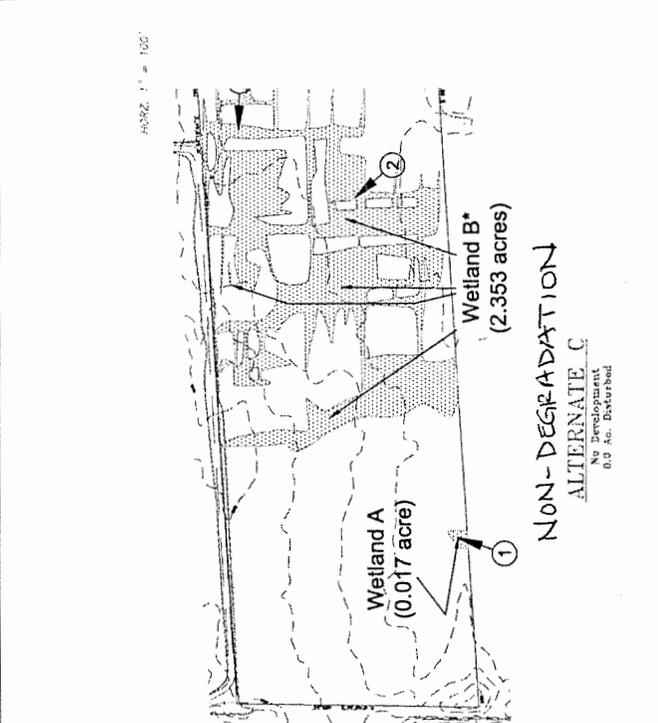
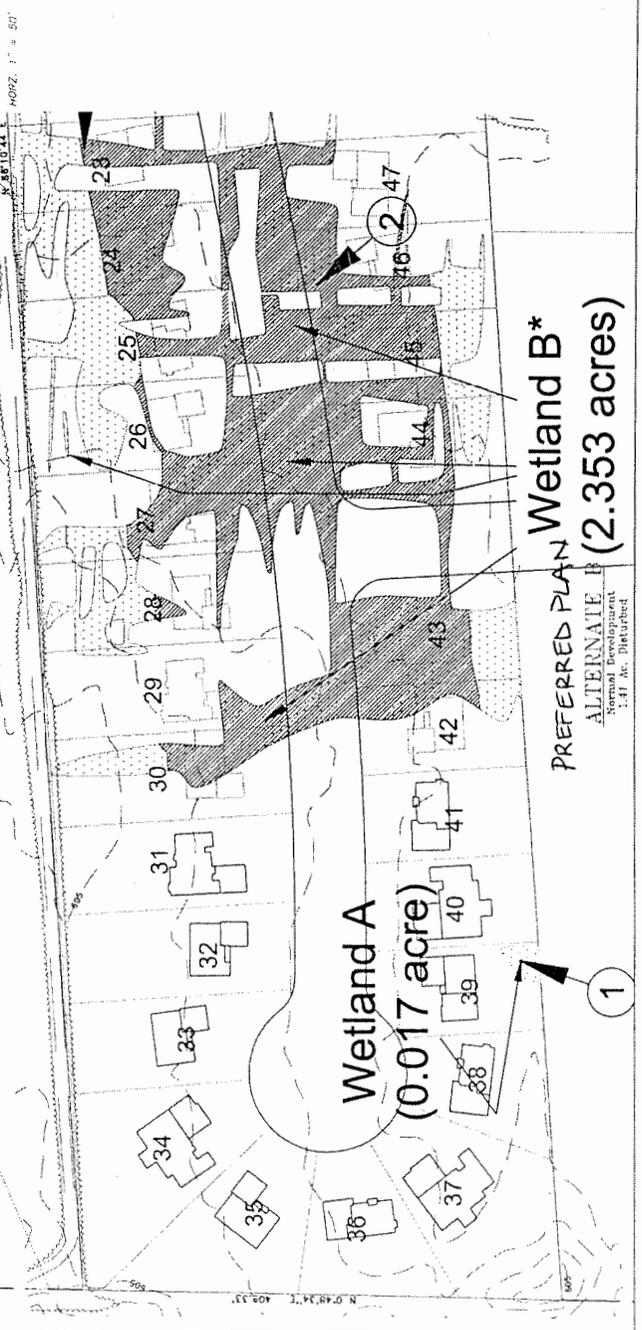
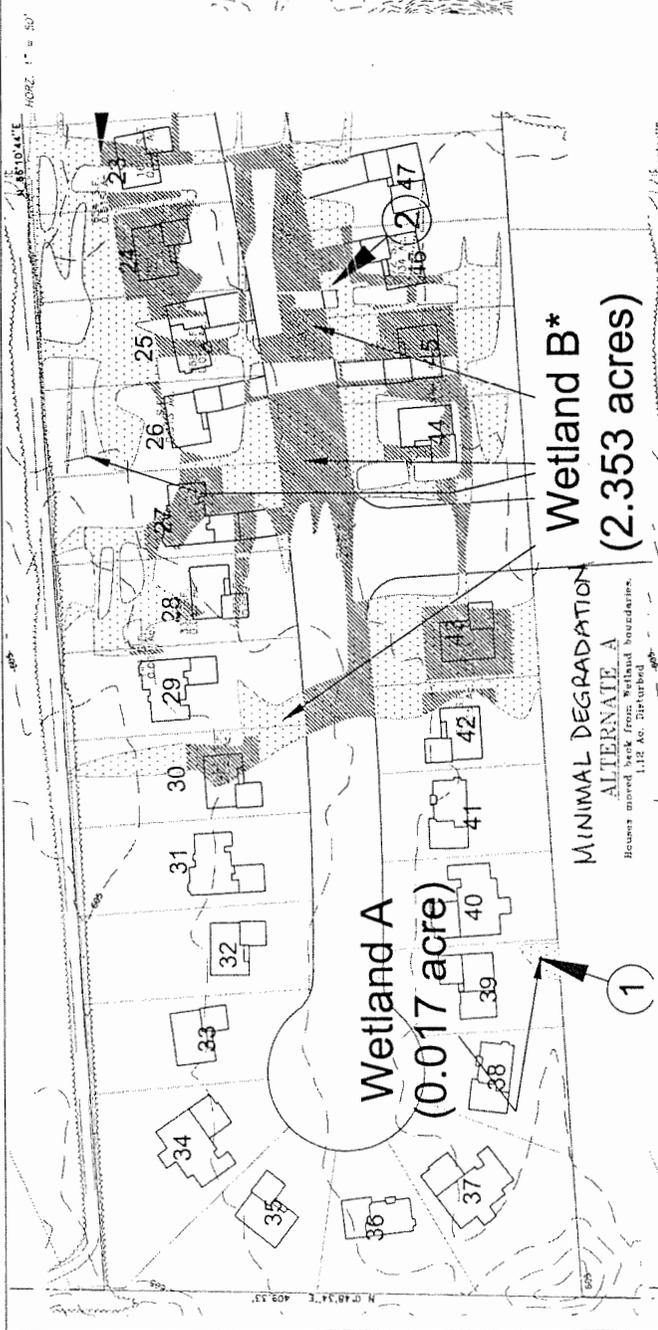
Data used to produce this map were collected on February 6, 2002



MALLARD CREEK ESTATES
 D/A Processing No. 2002-01160(1)
 Lorain County, Ohio Quad: LORAIN
 Sheet 2 of 4

-  = Photograph location and direction of view
-  = Study area
-  = Drainageway
-  = Direction of flow
-  = Ephemeral drainageway





MALLARD CREEK ESTATES
D/A Processing No. 2002-01160(1)
Lorain County, Ohio Quad: LORAIN
Sheet 3 of 4

LEGEND

- EXISTING CONTOUR
- NEW CONTOUR
- FRESH GRADE
- TEMPORARY CONSTRUCTION
- RESERVED DRIVE
- INDICATES CONSTRUCTION LIMITS & AREA TO BE SLEEVED
- SILT FENCE

EROSION CONTROL NOTES

- CONTRACTOR WILL INSTALL AND MAINTAIN THE SILT FENCES & TEMPORARY SEDIMENT TRAPS AT GRADIENT AND JACOBA, CAROLINE AND JACOBA ROAD. THESE SHALL BE KEPT CLEAN AT ALL TIMES.
- CONTRACTOR IS RESPONSIBLE FOR INSTALLING TEMPORARY FILTER FABRIC BETWEEN THE FRAME AND GRATE OF ALL STORM INLETS.

RECOMMENDED CONSTRUCTION SEQUENCE

- INSTALL SLOPE PROTECTION AND SLEEVE FOR CONSTRUCTION, INCLUDING INSTALLING TEMPORARY STORM ACCESS DRIVE & SILT FENCE BARRIERS.
- INSTALL SANITARY SEWERS.
- INSTALL STORM SEWERS, INCLUDING FILTER FABRIC BETWEEN THE FRAME AND GRATE OF ALL INLETS AND EXHAUST RETENTION POND.
- INSTALL WALKER WORKS.
- INSTALL PAVEMENT AND ANY REMAINING STRUCTURAL ITEMS.
- COMPLETE ROUGH GRADING OF SITE AND SEED ALL DISTURBED AREAS.
- REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER SEEDING IS ESTABLISHED.

waters of the U.S.
 (0.338 acre + 120 lf. drainage)
 [Symbol] = temporary impacts to
 waters of the U.S.
 (0.05 acre)

Wetland C
 (0.010 acre)

(isolated)
 Ohio EPA permit

Wetland D
 (1.541 acres)
 (0.320 acre impact)

PHASE 2
 PHASE 1
 15' SANITARY SEWER
 EASEMENT

MALLARD CREEK ESTATES
 D/A Processing No. 2002-01160(1)
 Lorain County, Ohio Quad: LORAIN
 Sheet 4 of 4

DEED RESTRICTED PRESERVATION ZONE:
 WETLANDS AND STREAMS WITHIN THIS AREA
 ARE NOT TO BE FILLED OR GRADED; DEED
 RESTRICTION WILL BE FILED, RECORDED, AND
 MADE AVAILABLE TO THE ARMY CORPS.



7/20/02 1. REVISION PHASE 1.

REVISIONS

J.A.R. Engineering
 & Surveying, Inc.
 CONSULTING ENGINEERS / SURVEYORS
 24629 BETFORD ROAD WESTLAKE, OHIO 44145
 Phone: (440) 871-8345
 Fax: (440) 871-8346
 Proj. No. 20020002

GRADING PLAN
 MALLARD CREEK ESTATES
 PHASE 1
 MALLARD CREEK RUN
 LORAIN, OHIO

5
 7
 01/02

Oak Point Road

