



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

May 13, 2021

Regulatory Branch

SUBJECT: Department of the Army Permit No. LRB-2021-00506, Nationwide Permit No. 27, as Published in the Federal Register, Volume 82, No. 4, on Friday, January 6, 2017.

Kyle Dreyfuss-Wells
Northeast Ohio Regional Sewer District
3900 Euclid Avenue
Cleveland, Ohio 44115

Dear Ms. Dreyfuss-Wells:

This pertains to the Northeast Ohio Regional Sewer District's application for a Department of the Army permit to permanently discharge approximately 12,256 cubic yards (CY) of cobble, gravel and boulder substrate, rock toe protection, engineered fill and concrete, combined, and temporarily discharge approximately 24 CY of imported gravel below the ordinary high water mark of approximately 6,582 linear feet of West Creek and 0.15 acres of wetland in association with a stream restoration project. The project is located immediately downstream of the I-480 culvert in the City of Brooklyn Heights, Cuyahoga County, Ohio (Sheets 1-126 of 126). All temporarily placed material shall be removed within ten days of project completion and the area returned to preconstruction conditions.

I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permit (NWP) provided that the attached conditions are satisfied.

Verification of the applicability of this NWP is valid until March 18, 2022 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this Nationwide permit expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reevaluation.

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In addition to the general conditions attached to the NWP, your attention is directed to the following Special Conditions which are also appended at the end of the NWP General Conditions:

1. The permittee is prohibited from performing in-water work between April 15 and June 30 to preclude adverse impacts on the spawning, nursery, and feeding activities of indigenous fish species.
2. You are responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
3. At the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, the permittee must allow access to the project site to determine compliance with the conditions of this permit.
4. To reduce any potential adverse effects on the Federally endangered Indiana bat (*Myotis sodalis*), trees (woody stems greater than 5 inches Diameter at Breast Height) must not be cut between April 1 and September 30, of any year.
5. To reduce any potential adverse effects on the Federally threatened Northern long-eared bat (*Myotis septentrionalis*), trees (woody stems greater than 3 inches Diameter at Breast Height) must not be cut between April 1 and September 30, of any year.
6. All water in the stream must be immediately returned to the downstream portion of the project area so that sufficient flow of water is maintained at all times to sustain aquatic life downstream. Water must be diffused at the pump outlet. All temporary diffusing material must be removed upon completion of the project.

This affirmation is limited to the attached NWP and associated Water Quality Certification, and does not obviate the need to obtain any other project specific Federal, state, or local authorization.

A copy of this letter has been sent to the Ohio Environmental Protection Agency and to Ms. Sarah Rehner (Northeast Ohio Regional Sewer District).

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Questions pertaining to this matter should be directed to me at 716-879-4339, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: keith.c.sendziak@usace.army.mil

Sincerely,

SIGNED

Peter Krakowiak
Acting Chief, Ohio Application & Evaluation
Section

Enclosures

COMPLETION FORM / COMPLIANCE CERTIFICATION

Each permittee who receives a Nationwide Permit (NWP) verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any compensatory mitigation.

APPLICANT:

Northeast Ohio Regional Sewer
District
3900 Euclid Avenue
Cleveland, Ohio 44115

POINT OF CONTACT:

Kyle Dreyfuss-Wells
(same)

File No.: 2021-00506

File Closed: 513/2021

NWP No.: 27

Upon completion of the activity authorized by this permit and any required compensatory mitigation sign this certification and return it to the address listed below within 30 days of project completion.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, revocation, and/or assessment of administrative penalties.

The permittee shall certify the completion of the authorized work and mitigation:

- a. The authorized work was done in accordance with the NWP authorization, including any general, regional, or activity specific conditions.
- b. The implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, this certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits.

Northeast Ohio Regional Sewer District (Kyle
Dreyfuss-Wells)

Date

Permittee Telephone Number: _____

Project location: immediately downstream of the I-480 culvert in the City of Brooklyn Heights, Cuyahoga County, Ohio

Project Description: stream restoration

Authorized Impacts (Waters of the U.S. Impacted by Project): permanently discharge approximately 12,256 cubic yards (CY) of cobble, gravel and boulder substrate, rock toe protection, engineered fill and concrete, combined, and temporarily discharge approximately 24 CY of imported gravel below the ordinary high water mark of approximately 6,582 linear feet of West Creek and 0.15 acres of wetland in association with a stream restoration project.

Return completed form to:
Mr. David Leput
Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

