



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

April 9, 2021

Regulatory Branch

SUBJECT: Department of the Army Permit No. LRB-2021-00377, Nationwide Permit No. 3, 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 183 cubic yards (CY) of rip rap and concrete, combined, and temporarily discharge approximately 8 CY of sandbags below the ordinary high water mark of approximately 120 linear feet of West Creek in association with replacement of a debris rack. The project is located adjacent to Lancaster Drive, in the Village of Brooklyn Heights, Cuyahoga County, Ohio (Sheets 1-12 of 12). 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 reverification.

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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 must notify the Regulatory Branch, in writing, at least one day prior to the date the activities authorized in Waters of the United States, including wetlands, are scheduled to begin. Notification shall either be by: 1) e-mail sent to [david.w.leput2@usace.army.mil](mailto:david.w.leput2@usace.army.mil) AND [LRB.Regulatory@usace.army.mil](mailto:LRB.Regulatory@usace.army.mil); or 2) mailed to the following address: Mr. David Leput, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo New York 14207-3199.
2. 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. For 2021 only, in-water work may occur during the restriction period.
3. 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.
4. 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.
5. 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.
6. 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.

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**

Mark W. Scalabrino  
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.: 2021-00377  
File Closed: 4/9/2021  
NWP No.: 3

**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: adjacent to Lancaster Drive, in the Village of Brooklyn Heights, Cuyahoga County, Ohio

Project Description: replacement of a debris rack

Authorized Impacts (Waters of the U.S. Impacted by Project): permanently discharge approximately 183 cubic yards (CY) of rip rap and concrete, combined, and temporarily discharge approximately 8 CY of sandbags below the ordinary high water mark of approximately 120 linear feet of West Creek.

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



