



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

December 5, 2019

Regulatory Branch

SUBJECT: Transmittal of PROVISIONAL Department of the Army Permit No. LRB-2019-01382, Nationwide Permit No. 13 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 125 cubic yards (CY) of boulders, 24.6 CY of riprap (Type A and C), and 38 CY of C/DGA stone below the ordinary high water mark of approximately 130 linear feet of West Creek in association with a stream bank stabilization project located at 5553 Broadview Road, in Parma, Cuyahoga County, Ohio (Sheets 1-16 of 16).

I have determined that your project satisfies the terms and conditions of the attached Nationwide Permit (NWP). However, your project does not conform to all of the conditions contained in the Section 401 Water Quality Certification (WQC) associated with this NWP.

Before you may commence work under this NWP you first need to obtain an activity specific WQC from Ohio Environmental Protection Agency (OEPA):

Mr. Jeffrey Boyles, 401 WQC Supervisor
Ohio EPA, Division of Surface Water
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, Ohio 43215

Once you have successfully completed the state process, you must forward a copy of the project specific WQC to this office. The conditions of the project specific WQC will supersede the WQC conditions included with the NWP attached to this transmittal. If the project remains unchanged you may commence work under the attached NWP without any further coordination with this office. However, if your project is modified during the OEPA review you will need to contact this office to determine if the modified project is still authorized by the attached NWP. If this situation arises, you may need to furnish a revised permit application, and you may not commence work until you receive Department of the Army authorization.

Regulatory Branch

SUBJECT: Transmittal of PROVISIONAL Department of the Army Permit No. LRB-2019-01382, Nationwide Permit No. 13 as Published in the Federal Register, Volume 82, No. 4, on Friday, January 6, 2017.

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.

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 AND 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. 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.
3. 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.
4. 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 2020 only, the permittee may perform in-water work during the entire restriction period.

Regulatory Branch

SUBJECT: Transmittal of PROVISIONAL Department of the Army Permit No. LRB-2019-01382, Nationwide Permit No. 13 as Published in the Federal Register, Volume 82, No. 4, on Friday, January 6, 2017.

5. 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.
6. 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.
7. The permittee must obtain, or a waiver of, an Individual Section 401 Water Quality Certification (WQC) from the State of Ohio prior to the use of this Nationwide Permit. Once issued, the WQC is part of this permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitation or requirements stated in the WQC may be the basis for suspension, revocation or modification of this permit. To obtain the WQC you must contact the Ohio Environmental Protection Agency, Section 401 Certification Unit, PO Box 1049, Columbus, Ohio 43216-1049, or by phone at (614) 644-2494.

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 Ms. Sarah Anderson and Sarah Rehner (Northeast Ohio Regional Sewer District).

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 Regulatory Branch, 1776 Niagara Street, Buffalo, NY 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:
Kyle Dreyfuss-Wells
Northeast Ohio Regional Sewer
District
3900 Euclid Avenue
Cleveland, Ohio 44115

POINT OF CONTACT:
Same as applicant

File No.: LRB-2019-01382
File Closed: December 5, 2019
NWP No.: 13

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.

Kyle Dreyfuss-Wells

Date

Permittee Telephone Number: _____

Project location: The project is located at 5553 Broadview Road, in Parma, Cuyahoga County, Ohio.

Project Description: permanently discharge approximately 125 cubic yards (CY) of boulders, 24.6 CY of riprap (Type A and C), and 38 CY of C/DGA stone below the ordinary high water mark of approximately 130 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

