

# Public Notice

Applicant:  
Truck World, Inc.

Published: February 7, 2019  
Expires: March 11, 2019

U.S. Army Corps  
of Engineers  
Buffalo District  
CELRB-TD-R

Application No: 2018-00058  
Section: OH

All written comments should reference the above Application No. and be addressed to:  
**US Army Corps of Engineers, Buffalo District**  
**Regulatory Branch (Attn: Shaina Souder)**  
**1776 Niagara Street**  
**Buffalo, NY 14207**

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

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

APPLICANT: Truck World, Inc. – CEO, J. Gary Burke

WATERWAY & LOCATION: 3.99 acres of a wetland identified as Wetland A/B that is 13.99 acres in size and 250 linear feet intermittent stream (impacted in 2018), located east of Route 7 and north of East Under Ridge Road, in the City of Conneaut, Ashtabula County, Ohio.

LATITUDE & LONGITUDE: Latitude North: 41.915344  
Longitude West: -80.56615

EXISTING CONDITIONS: A 29-acre parcel that was de-forested and cleared of all vegetation in March 2018, which resulted in a layer of fill material in approximately 13.9 acres of federally jurisdictional wetland and 240 linear feet of intermittent stream. A second stream that has not been impacted exists on the eastern extent of the subject parcel, flowing from south to north.  
Description of delineation of waters of the US, if applicable:

- Wetland A/B - 13.9 acres; prior to clearing in March 2018, the wetland was forested/scrub-shrub.
- Wetland C – 0.1 acre; forested

- Stream 1 – 250 linear feet; filled in the spring of 2018. The flow from Stream 1 was re-routed through a recently deepened roadside ditch and directed into Stream 2.
- Stream 2 – 1034 linear feet; has not been impacted exists on the eastern extent of the subject parcel, flowing from south to north.

PROPOSED WORK: To maintain and discharge fill material into 3.99 acres of federally jurisdictional wetland (Wetland A/B) and 240 linear feet of Stream 1 to bring up the grade of a 12-acre area for the construction of a truck stop to include the following elements: a restaurant/store building, an automobile fuel dispenser, a truck/diesel fuel dispenser, truck parking area, expansion area for a future motel, and a stormwater management area. Specifically, the wetland & stream impacts will result from the truck parking area and stormwater area.

#### PROJECT PURPOSE

Basic: Commercial development

Overall: To develop/construct a truck stop facility adjacent to Interstate-90 in eastern Ohio.

Water Dependency Determination (*describe only if project affecting Special Aquatic Site*): The proposed truck stop is not a water dependent activity. Therefore, it is presumed that practicable upland alternatives exist that are less environmentally damaging. It is the applicant's responsibility to demonstrate that there are no alternate sites that are less environmentally damaging that would allow the applicant to accomplish their project purpose.

#### AVOIDANCE AND MINIMIZATION INFORMATION:

- Original design alternative: The original truck stop design included three additional elements including a truck wash, a truck repair facility, truck scales and the total wetland impacts would have been 13.99 acres of federal jurisdictional wetland and 1050 linear feet of stream impacts (250 linear feet of Stream 1 and 800 linear feet of Stream 2).
- No-Degradation Alternative: Complete avoidance of wetland and cannot develop the truck stop due to approximately 7-acres available to develop along Ohio Route 7 without impacting the wetlands.

PROPOSED MITIGATION: Truck World is proposing to mitigate for this permanent loss of wetland area via either off-site wetland creation or wetland bank or in-lieu fee credits. Stream mitigation has not been proposed at this time. A stream mitigation proposal has been requested.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Shaina Souder, who can be contacted at the above address, by calling (716) 879-4240, or by e-mail at:

**shaina.r.souder@usace.army.mil**

A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is 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.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to:

Indiana bat (E), northern long-eared bat (T), Kirtland's warbler (E), piping plover (E), clubshell (E), snuffbox (E), rufa red knot (T), and eastern massasauga (T), and to ensure that the proposed is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

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 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.

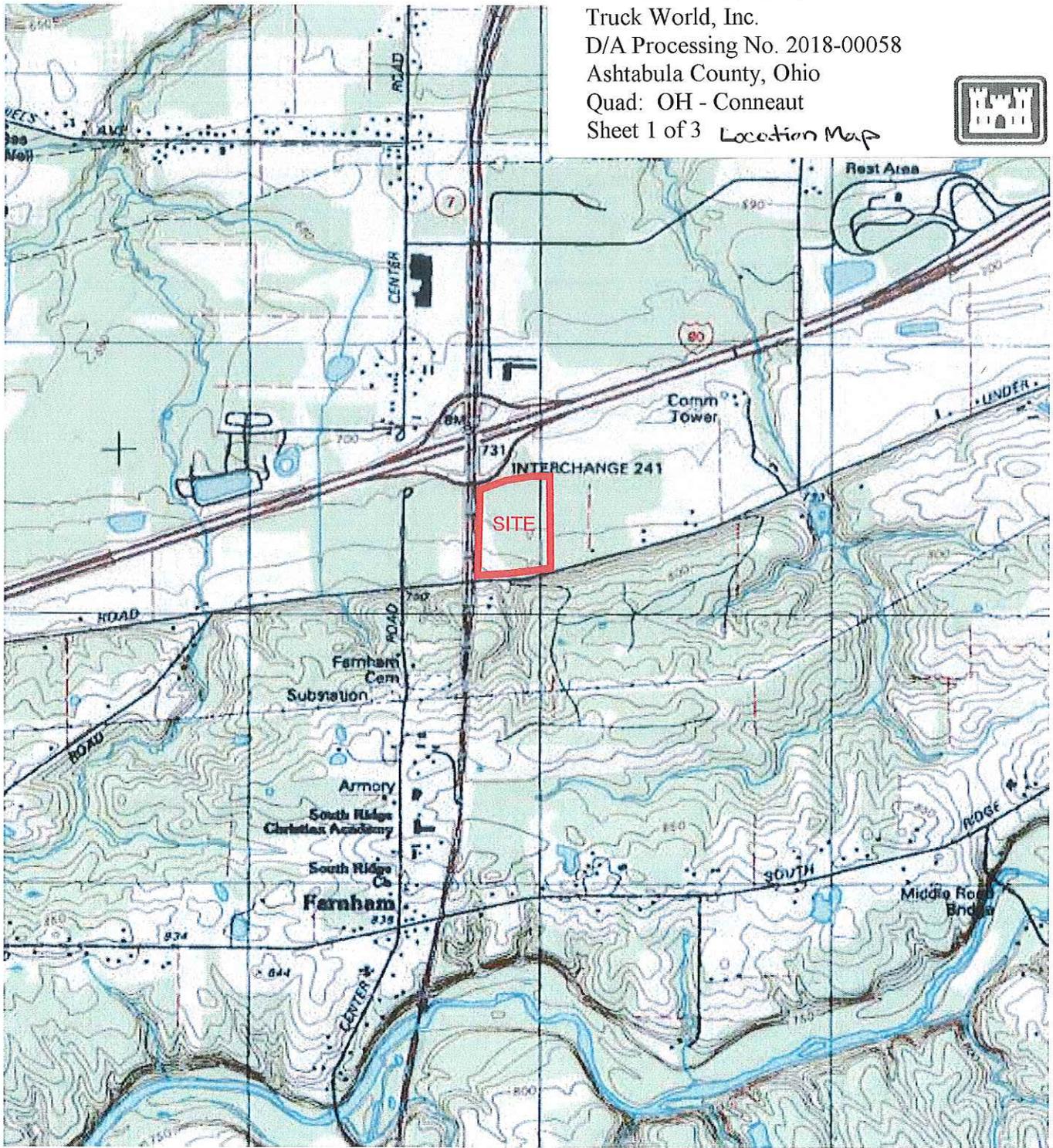
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

Diane C. Kozlowski  
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.

Truck World, Inc.  
D/A Processing No. 2018-00058  
Ashtabula County, Ohio  
Quad: OH - Conneaut  
Sheet 1 of 3 Location Map



**29 Acre Property**  
**SR 7 & I-90, Ashtabula County, Ohio**

**Figure 1**

**SITE LOCATION MAP**  
(1994, Conneaut, Ohio Topo Map)





**29-Acre Property**  
SR 7 and I-90, Ashtabula County, Ohio

**Figure 2**  
**Wetland Map (Revised)**

August 22, 2018

**Figure 2. Jurisdictional Waters Boundary Delineation Map**  
(2012 Aerial Photo)



