



Public Notice

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

Applicant: Michael &
Susan Novak

Published: March 04, 2019
Expires: April 03, 2019

Application No: 2018-01440
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:) Keith C. Sendziak
1776 Niagara Street
Buffalo, NY 14207

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 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Michael & Susan Novak

WATERWAY & LOCATION: Lake Erie shoreline at 26108 Lake Road, Bay Village, Cuyahoga County, Ohio

LATITUDE & LONGITUDE: Latitude North: 41.48804
Longitude West: -81.90918

EXISTING CONDITIONS:

Description of delineation of waters of the US, if applicable: A delineation of waters of the US was not required. It was determined by the Corps of Engineers that Lake Erie is the only waterbody located within the project area.

PROPOSED WORK: Discharge below the ordinary high water elevation of Lake Erie (573.4 feet International Great Lakes Datum 1985) approximately 65 cubic yards (CY) of armor stone, 26 CY of concrete fill, and 66 CY of ODOT B stone in association with construction of an approximately 84.5 linear foot revetment, metal steps with concrete footers that will provide lake

access from the top of bluff, and a 12 foot by 30 foot open pile crib pier placed parallel to the revetment.

PROJECT PURPOSE

Basic: Bank stabilization and lake access

Overall: Provide safe lake access for active and passive recreation, and to stabilize the shoreline to prevent property loss/damage at 26108 Lake Road, Bay Village, Cuyahoga County, Ohio.

Water Dependency Determination (*describe only if project affecting Special Aquatic Site*): The proposed project is not affecting a special aquatic site.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has proposed to place 169 CY of sand prefill into the nearshore area immediately waterward of the proposed project, to excavate and relocate into the nearshore area any sand that would have otherwise been covered by the proposed project, and to construct the crib pier with an open design to allow fish and other aquatic organism access to voids and interstitial spaces.

PROPOSED MITIGATION: No compensatory mitigation has been proposed by the applicant.

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 Keith Sendziak, who can be contacted at the above address, by calling (716) 879-4339, or by e-mail at: keith.c.sendziak@usace.army.mil A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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:

Mr. John Kessler
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Rd.
Columbus, OH 43229-6605
phone: 614-265-6621
email: john.kessler@dnr.state.oh.us

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 5 of 8. Pursuant to Section 106 of the National Historic Preservation Act, the Corps of Engineers is consulting, under separate cover, with the State Historic Preservation Office (SHPO) to evaluate any potential impacts to historic properties / cultural resources. 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: (piping plover, rufa red knot, Indiana bat, northern long-eared bat, Kirtland's warbler) and to ensure that the proposed activity 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

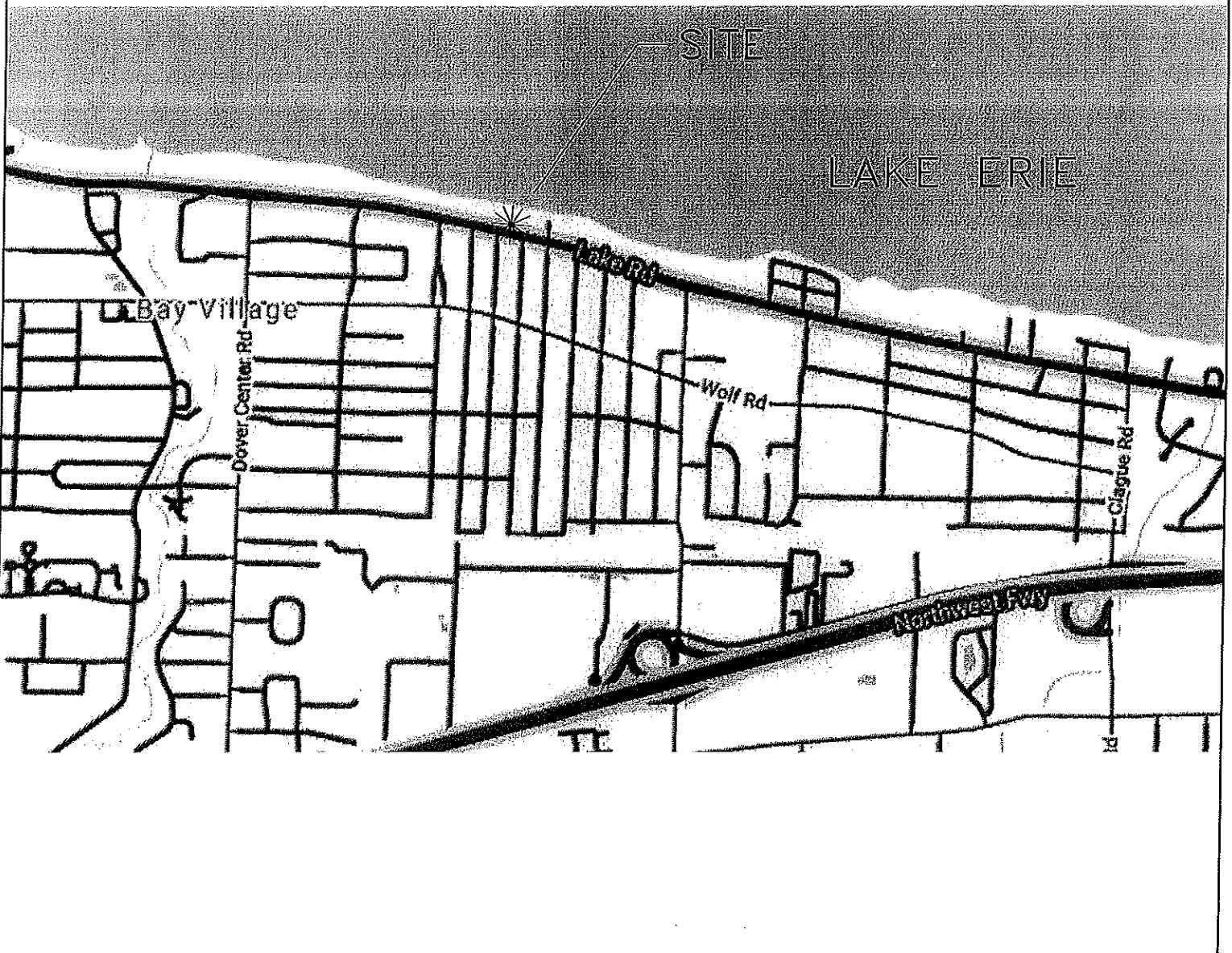
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

SHEET LIST

- EN-1 COVER SHEET
- EN-2 EXISTING SURVEY
- EN-3 EXISTING SECTIONS A-A' & B-B'
- EN-4 EXISTING SECTION C-C'
- EN-5 PROPOSED PLAN
- EN-6 PROPOSED SECTIONS A-A' & B-B'
- EN-7 PROPOSED SECTION C-C'
- EN-8 PROPOSED ELEVATION



Novak, Michael & Susan
 D/A Processing No. 2018-01440
 Cuyahoga County, Ohio
 Quad: North Olmsted
 Sheet 1 of 8



DWG. NO.:
EN-1
 ISSUE:
APPL-2

DWG. TITLE:
COVER SHEET
LOCATION MAP

PROJECT: <u>NOVAK RESIDENCE</u>	SCALE: <u>NTS</u>	REVISIONS: <u>10-2-18</u>
<u>26108 LAKE RD</u>	DATE: <u>12-19-18</u>	<u>12-3-18</u>
LOCATION <u>BAY VILLAGE, OH 44140</u>	DRAWN BY: <u>R.A.S.</u>	
	CHECKED BY: <u>J.A.S.</u>	

ENGINEERED TECHNICAL SOLUTIONS
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 Erosion Control
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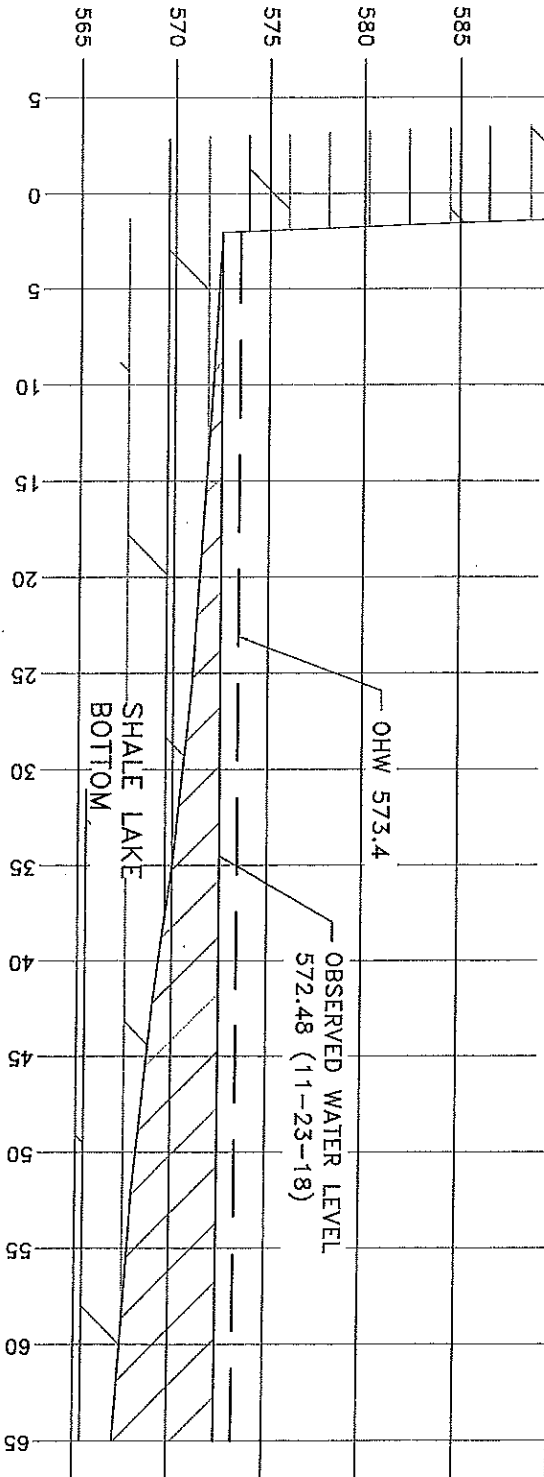
27330 Center Ridge Road
 Westlake, Ohio 44145
 Phone: (440) 899-8880
www.engineeredtechnicalolutions.com

GENERAL NOTES:
1. ALL ELEVATIONS REFERENCE 1985

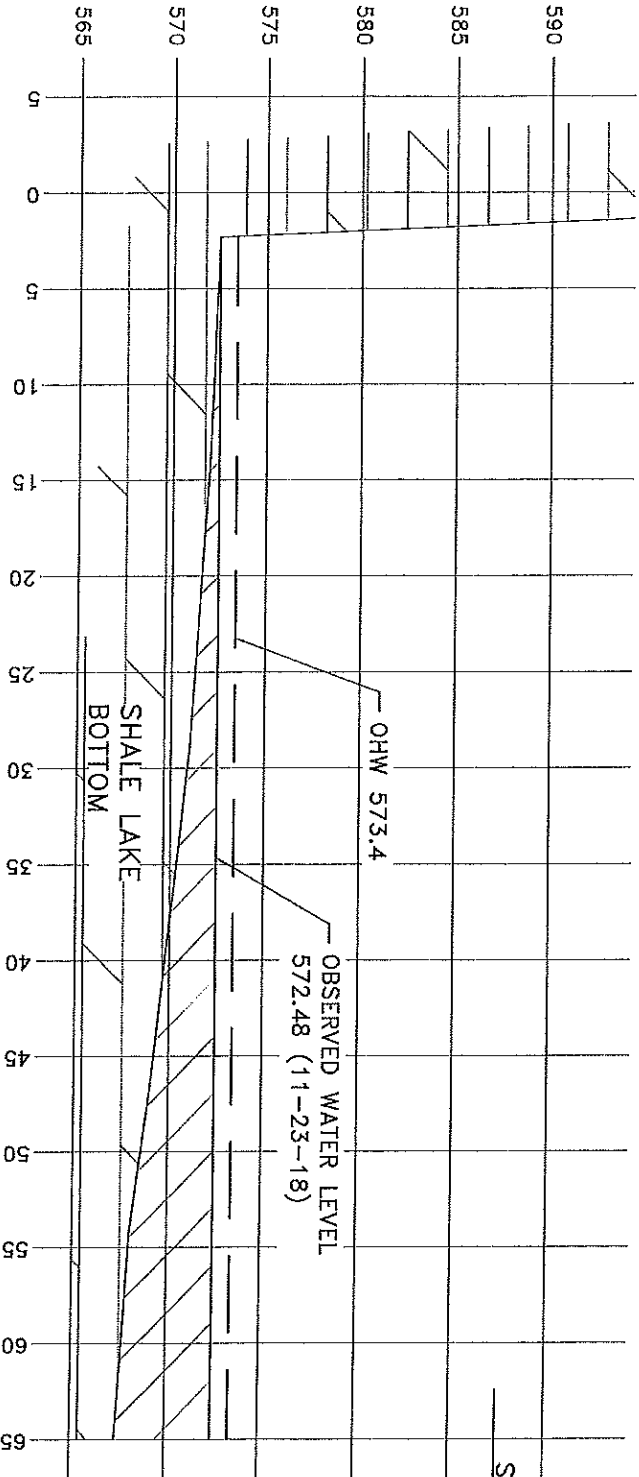
Novak, Michael & Susan
D/A Processing No. 2018-01440
Cuyahoga County, Ohio
Quad: North Olmsted
Sheet 3 of 8



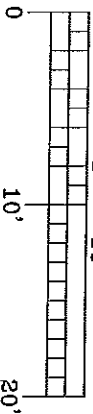
SECTION A-A'
SCALE: 1"=10'



SECTION B-B'
SCALE: 1"=10'



GRAPHIC SCALE
1" = 10'



DWG. NO.:
EN-3
ISSUE:
APPL-2

DWG. TITLE:
EXTG. SECTIONS

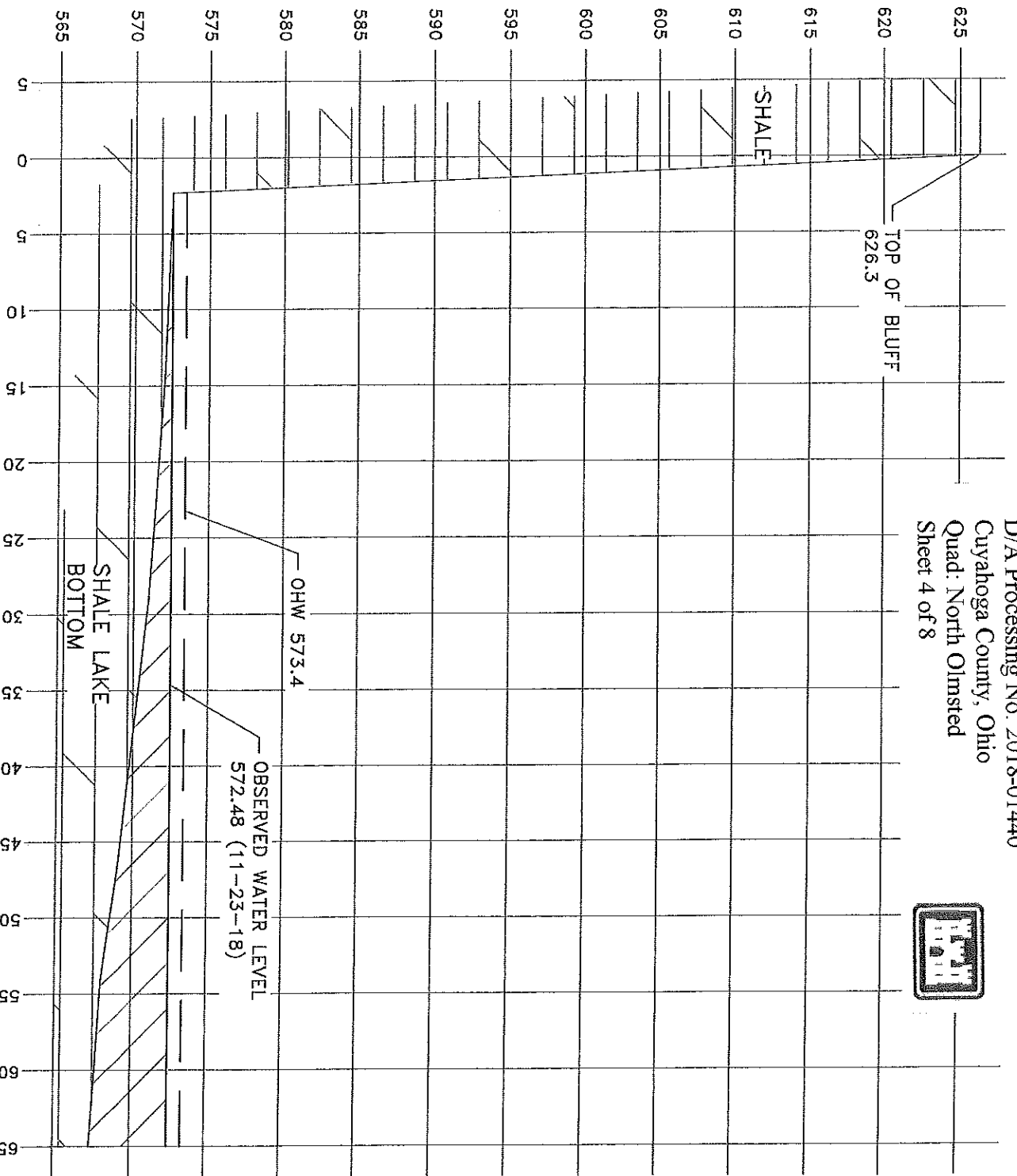
PROJECT: NOVAK RESIDENCE	SCALE: 1"=10'	REVISIONS: 10-2-18
28108 LAKE RD	DATE: 12-19-18	12-3-18
LOCATION BAY VILLAGE, OH 44140	DRAWN BY: R.A.S.	
	CHECKED BY: J.S.	

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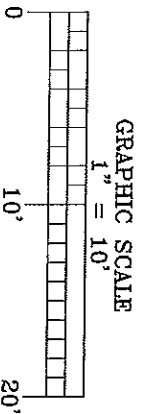
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D/A Processing No. 2018-01440
Cuyahoga County, Ohio
Quad: North Olmsted
Sheet 4 of 8



SECTION C-C'
SCALE: 1"=10'



DWG. NO.:
EN-4
ISSUE:
APPL-2

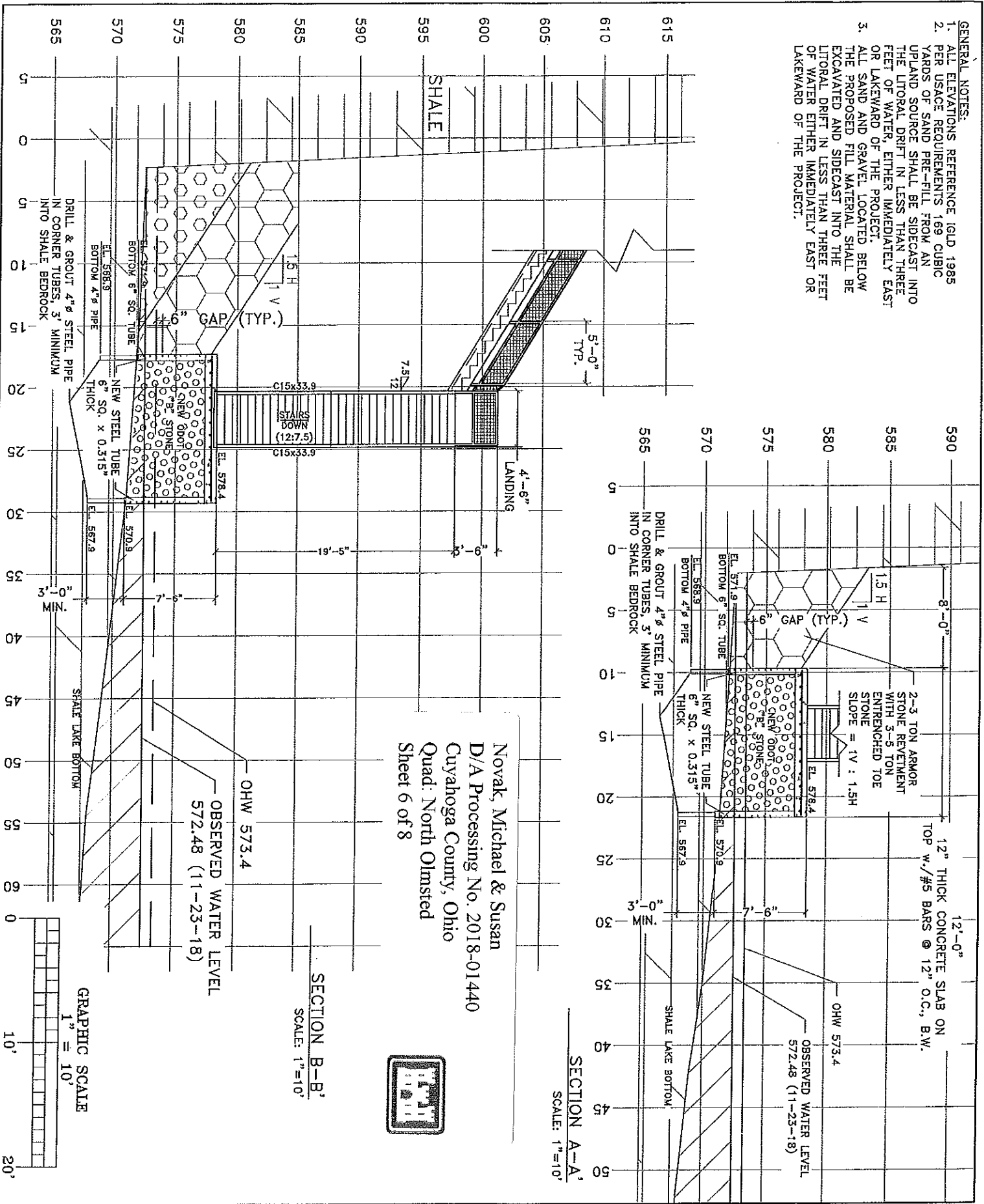
DWG. TITLE:
EXTG. SECTION
C-C'

PROJECT: NOVAK RESIDENCE 26108 LAKE RD BAY VILLAGE, OH 44140	SCALE: 1"=10'	REVISIONS: 10-2-18 12-3-18
DATE: 12-19-18	DRAWN BY: R.A.S.	CHECKED BY: T.S.

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27930 Center Ridge Road
Westlake, Ohio 44145
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www.etsinc.com

- GENERAL NOTES:**
1. ALL ELEVATIONS REFERENCE IGLD 1985
 2. PER USAGE REQUIREMENTS 169 CUBIC YARDS OF SAND PRE-FILL FROM AN UPLAND SOURCE SHALL BE SIDECAST INTO THE LITORAL DRIFT IN LESS THAN THREE FEET OF WATER, EITHER IMMEDIATELY EAST OR LAKEWARD OF THE PROJECT.
 3. ALL SAND AND GRAVEL LOCATED BELOW THE PROPOSED FILL MATERIAL SHALL BE EXCAVATED AND SIDECAST INTO THE LITORAL DRIFT IN LESS THAN THREE FEET OF WATER EITHER IMMEDIATELY EAST OR LAKEWARD OF THE PROJECT.



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 Cuyahoga County, Ohio
 Quad: North Olmsted
 Sheet 6 of 8



SECTION B-B'
 SCALE: 1"=10'

SECTION A-A'
 SCALE: 1"=10'

OHW 573.4
 OBSERVED WATER LEVEL
 572.48 (11-23-18)

OHW 573.4
 OBSERVED WATER LEVEL
 572.48 (11-23-18)

GRAPHIC SCALE
 1" = 10'

DWG. NO.:
 EN-6
 ISSUE:
 APPL-2

DWG. TITLE:
 PROP. SECTIONS
 A-A' & B-B'

PROJECT:
 NOVAK RESIDENCE
 2810B LAKE RD
 LOCATION
 BAY VILLAGE, OH 44140

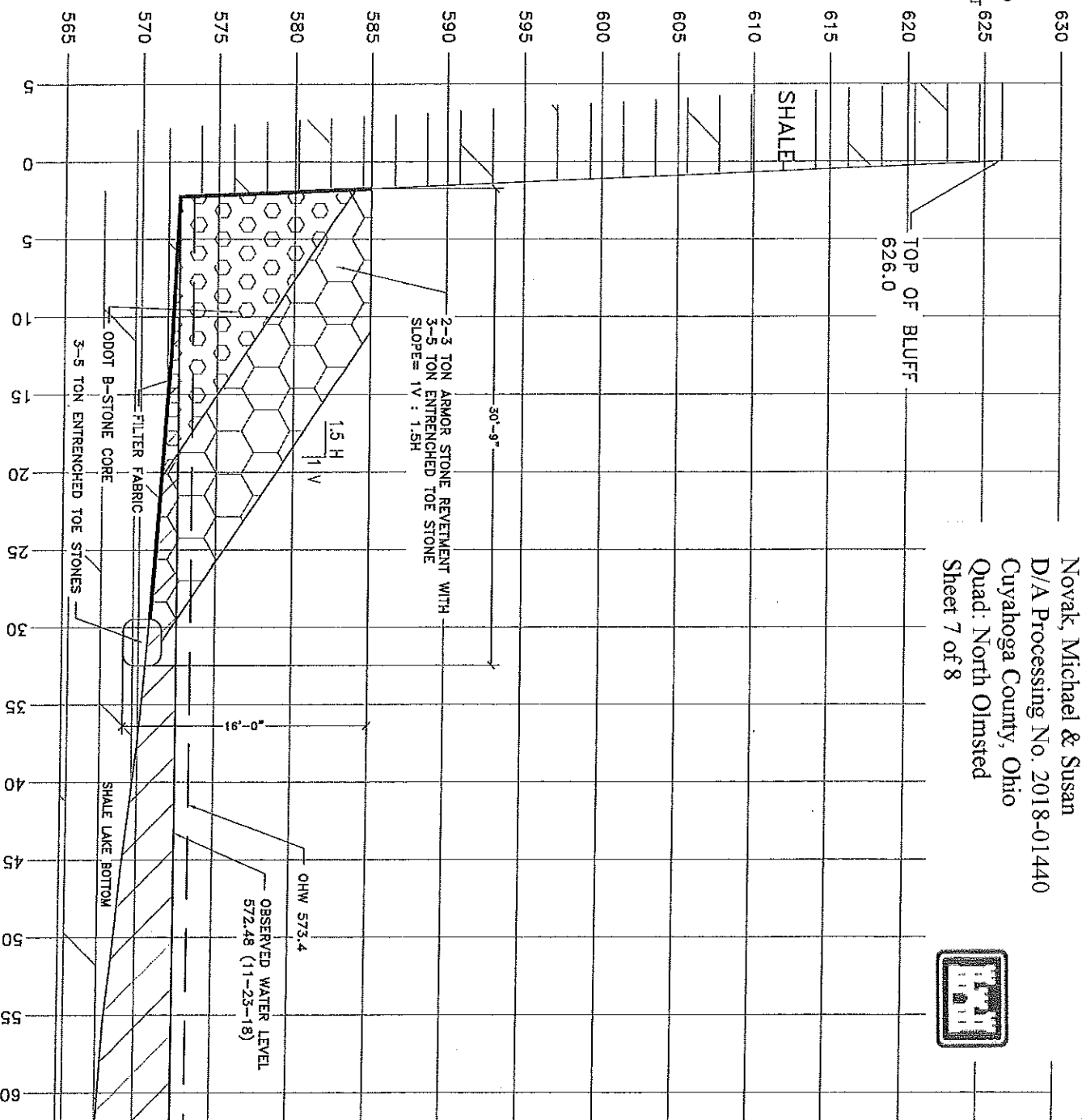
SCALE: 1"=10'
 DATE: 12-18-18
 DRAWN BY: R.A.S.
 CHECKED BY: J.A.S.

REVISIONS:
 10-2-18
 12-3-18

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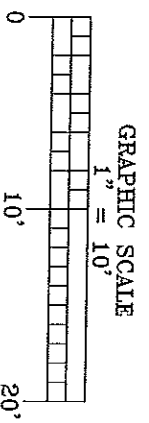
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 Quad: North Olmsted
 Sheet 7 of 8



SECTION C-C'
 SCALE: 1"=10'



DWG. NO.:
 EN-7
 ISSUE:
 APPL-2

DWG. TITLE:
 PROP. SECTION
 C-C'

PROJECT:
 NOYAK RESIDENCE
 2610B LAKE RD
 LOCATION
 BAY VILLAGE, OH 44140

SCALE: 1"=10'

DATE: 12-19-18

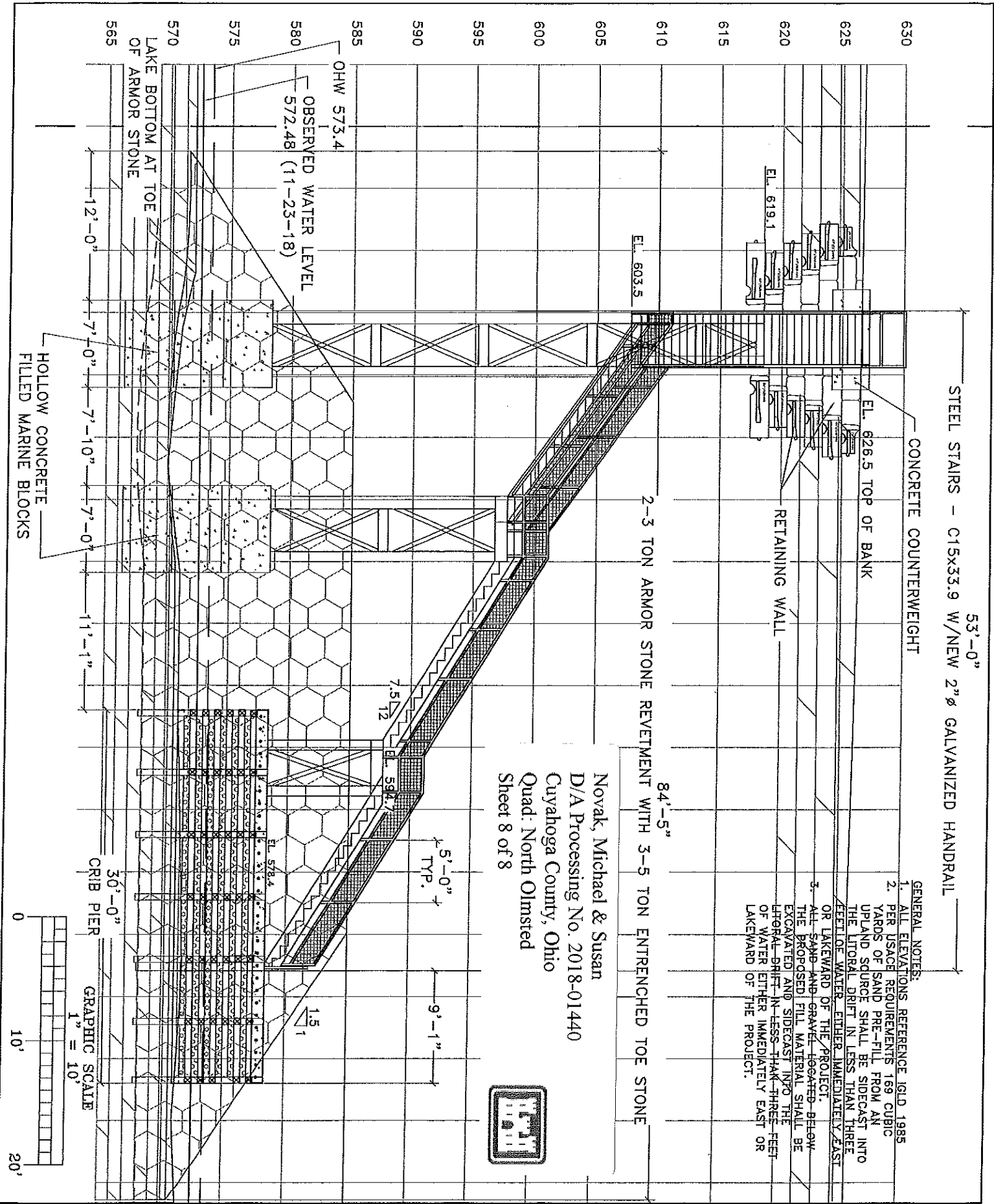
DRAWN BY: R.A.S.

CHECKED BY: J.A.S.

REVISIONS:
 10-2-18
 12-3-18

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 Sheet 8 of 8

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DWG. NO.: EN-8
 ISSUE: APPL-2

DWG. TITLE: PROPOSED ELEVATION

PROJECT: NOVAK RESIDENCE
 2810B LAKE RD
 LOCATION: BAY VILLAGE, OH 44140

SCALE: 1"=10'
 DATE: 12-19-18
 DRAWN BY: R.A.S.
 CHECKED BY: C.H.

REVISIONS:
 10-2-18
 12-3-18

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