

Public Notice

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

Applicant: Toledo-Lucas
County Port Authority

Published: March 8, 2019
Expires: March 25, 2019

Application No: 2007-01594
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: Joseph W. Krawczyk)
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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Toledo-Lucas County Port Authority (TLCPA), One Maritime Plaza, Toledo, Ohio, 43604.

WATERWAY & LOCATION: 4.75 acres of federally jurisdictional wetlands and 9,822 linear feet of federally jurisdictional drainage-ways, which drain into Zaleski Ditch (Lower Swan Creek, and the Maumee River), located on the 177 acre *South Airfield Road Industrial Park*, parcel situated south of the Toledo Express Airport, and north of Sager Road, in Swanton Township, Lucas County, Ohio 43558.

LATITUDE & LONGITUDE: Latitude North: 41.578 N
Longitude West: 83.812 W

EXISTING CONDITIONS: An Approved Jurisdictional Determination (AJD) was initially issued for the original 166 acre project parcel on June 2, 2010. The initial AJD expired on June 2, 2015 and a new AJD was issued on May 8, 2018. A Preliminary Jurisdictional Determination (PJD) was subsequently issued on December 6, 2018. A copy of the AJD and PJD are available upon request.

PROPOSED WORK: The TLCPA has requested a Department of the Army permit to permanently impact 3.03 acres of federal wetlands (out of 4.75 acres of federal wetlands located on-site), and to impact 5,844 linear feet of jurisdictional drainage-ways (out of 9,822 linear feet of jurisdictional drainage-ways located on-site) [Alternative 5 below]. All impacts are associated with the construction of the *South Airfield Road Industrial Park* and improvements to the existing Whitehouse-Spencer Road.

Site History: On May 30, 2013 the TLCPA received Corps Standard Permit authorization to: “Permanently impact 3.03 acres of federal jurisdiction wetlands and 4,596 linear feet of federal jurisdiction drainage-ways, located on a 166 acre parcel*, in order to construct the, *South Airfield Road Industrial Park* project...” The original Corps authorization expired on May 30, 2016, necessitating the re-noticing of this project.

* Since the original authorization, the TLCPA acquired two new areas adjacent to the 166 acre parcel (a 4.5 acre area located west of Whitehouse-Spencer Road and north of Sager Road or Alternate US 20; and a 6.5 acre area located to the east of Whitehouse-Spencer Road). These two new areas – which are upland areas that do not contain Waters of the United States (WoUS) - have increased the original parcel size to 177 acres.

PROJECT PURPOSE:

Basic: Commercial Development

Overall: Air cargo and distribution related operations affiliated with the Toledo Express Airport.

Water Dependency Determination: The discharge of fill material into 3.03 acres of federal wetlands for the purpose of developing the new air cargo and distribution facilities is not a water dependent activity because it does not require access or siting within a special aquatic site (Wetlands 2, 3, 5, 25, 29, and 30) to fulfill its basic purpose. Therefore, practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise.

AVOIDANCE AND MINIMIZATION INFORMATION:

Off-site alternatives: TLCPA has investigated six (6) off-site alternatives (see attached sheets 2 and 3 of 9).

On-site alternatives: TLCPA has also analyzed five (5) on-site alternatives (see attached sheets 4 through 9 of 9) to include:

- **Alternative 1 (Non-degradation Alternative):** Would avoid the entire 4.75 acres of federal wetlands and 9,822 linear feet of regulated drainage-ways.
- **Alternative 2 (Maximum Build-Out):** Would impact the entire 4.75 acres of federal

wetlands and 7,400 linear feet of regulated drainage-ways.

- **Alternative 3 (Avoidance of Wetlands 2 and 7):** Would impact 0.75 acre of federal wetlands and 5,422 linear feet of regulated drainage-ways.
- **Alternative 4 (Avoidance of Wetlands 2 and 3):** Would impact 1.42 acres of federal wetlands and 5,422 linear feet of regulated drainage-ways.
- **Alternative 5 (Preferred Alternative):** Would impact 3.03 acres of federal wetlands and 5,844 linear feet of regulated drainage-ways.

PROPOSED MITIGATION:

- TLCPA proposes the purchase of 7.6 acres of forested wetland mitigation credits from the Pearson Metropark Mitigation Bank (for a 2.5:1 wetland mitigation ratio), to offset the proposed 3.03 acres of impact to federal wetlands.
- TLCPA proposes the placement of conservation easements on all remaining, non-impacted wetland resources.
- TLCPA proposes the creation of 9,315 linear feet of new on-site drainage channels (see Figure 5 on attached sheet 9 of 9), to be placed into conservation easements (for a stream mitigation ratio of 1.59:1), to offset impacts to 5,844 linear feet of jurisdictional drainage-ways.

Location and details of the work described above are shown on the attached maps and drawings, and in a copy of the application submittal saved as an Adobe PDF document located at: <http://www.lrb.usace.army.mil/Missions/Regulatory/Public-Notices/>.

Additionally, the full, unabridged, *Mannik Smith Group Incorporated (MSG)* Section 404 Application packet can be downloaded from:

<https://webtran.manniksmithgroup.com/?ShareToken=1213838592919957A56A18A71B37ED44F85D94C7>

Comments or questions pertaining to the work described in this notice should reference the Application Number **2007-01594** and be directed to the attention of Joseph W. Krawczyk, who can be contacted at the above address, by calling (716) 879-4186, or by e-mail at: joseph.w.krawczyk@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 previous findings, there are no properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area. On April 26, 2012 the Ohio Historic Preservation Office (SHPO) concurred with the Corps of Engineers Section 106 National Historic Preservation Act (NHPA) effects determination of *No Historic Properties Affected*, dated January 27, 2012. The Area of Potential Affect (APE) remains unchanged for this renoticing. This notice constitutes initiation of consultation with the SHPO per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project will be provided 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 (*Myotis sodalis*) (Endangered); Northern long-eared bat (*Myotis septentrionalis*) (Threatened); Karner blue butterfly (*Lycaeides melissa samuelis*) (Endangered); Kirtland's Warbler (*Setophaga kirtlandii*) (Endangered); Piping Plover (*Charadrius melodus*) (Endangered); Rayed bean mussel (*Villosa fabalis*) (Endangered); Eastern prairie fringed orchid (*Platanthera leucophaea*) (Threatened); Rufa red knot (*Calidris canutus rufa*) (Threatened); and the Eastern massasauga rattlesnake (*Sistrurus catenatus*) (Threatened).

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.

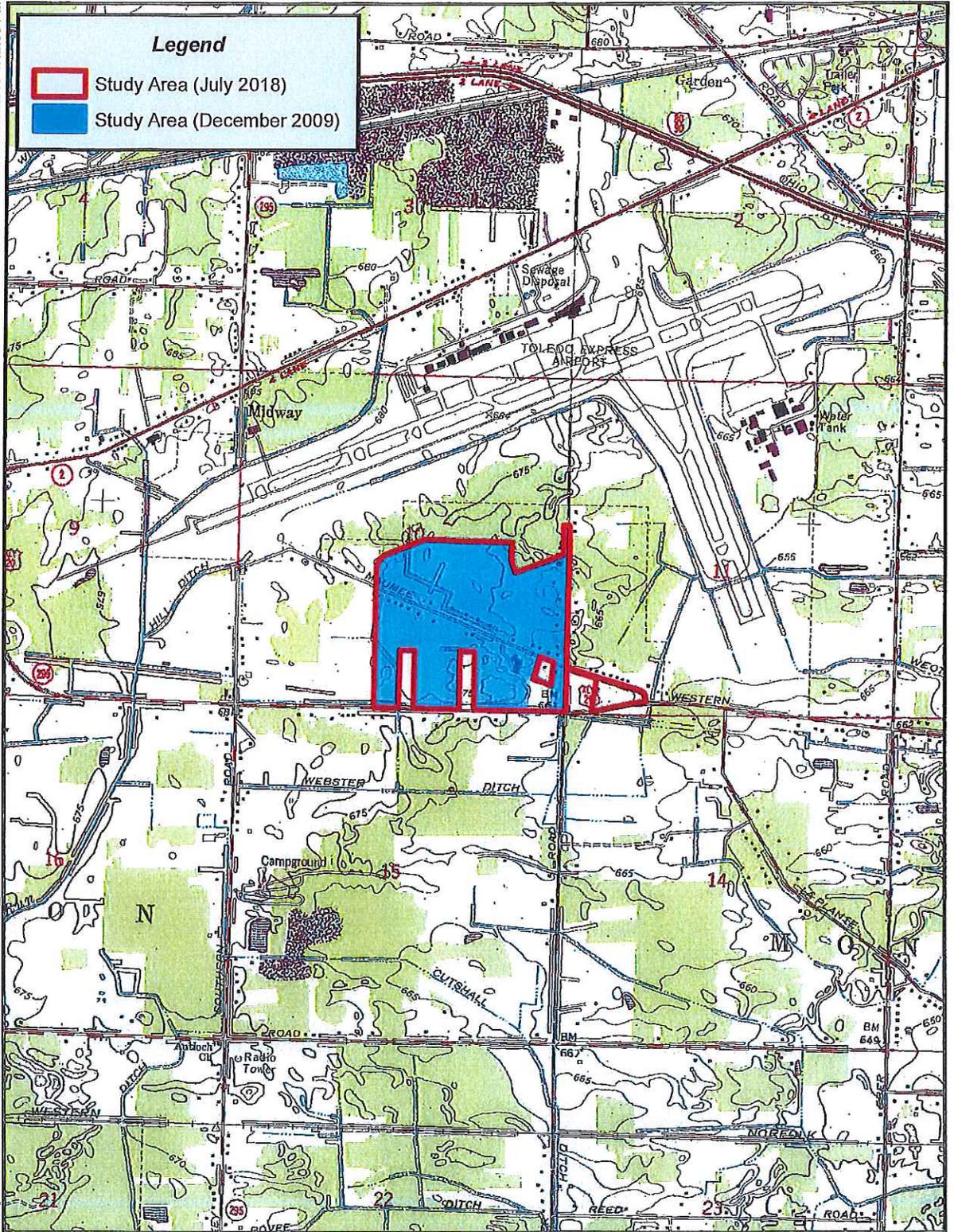
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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 15 days from the date of issuance.

Date Saved: 8/9/2018 4:12:33 PM



Path: W:\Projects\Projects F-TTLCP0032\ENG\APPS\GIS\TTLCP0032_site\loc.mxd

Mannik Smith GROUP
 TECHNICAL SKILL. CREATIVE SPIRIT.
 www.MannikSmithGroup.com

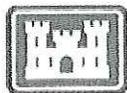
Figure 1: Project Location
S. Airfield Road Industrial Park
Swanton Township, Lucas County, Ohio

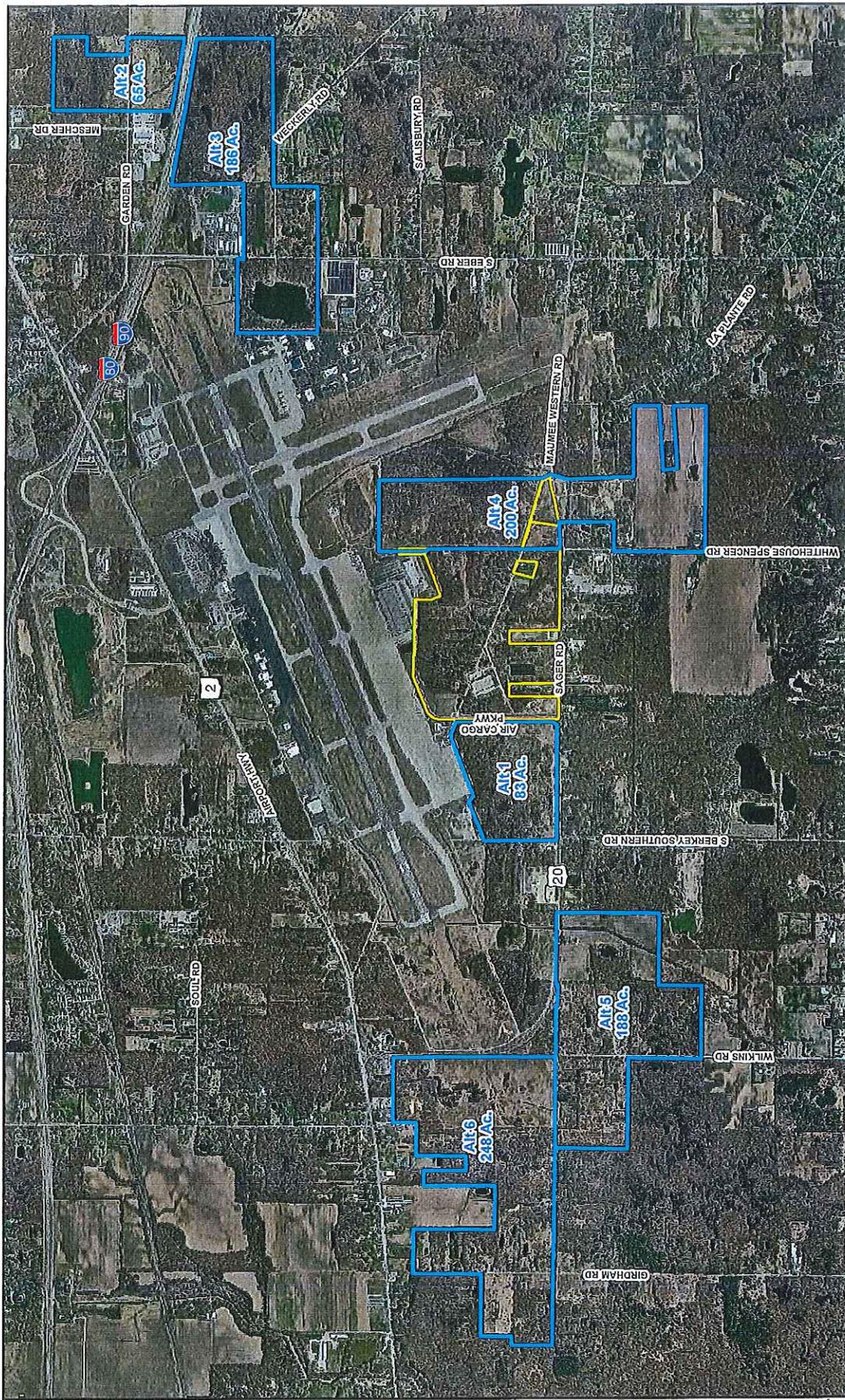
Notes
 USGS Quadrangle, 7.5' Series Topographic
 Whitehouse, Lucas Co., OH 1964
 Photorevised 1980

0 1,000 2,000 Feet

Toledo-Lucas County Port Authority - South Airfield Road Industrial Park
Corps Processing Number 2007-01594

Public Notice Attachment 1 – Off-Site Alternatives





Notes
 The photography, dated April 2014, is provided by Aerial Images, Lucas County Auditor, as part of the Lucas county GIS

Legend
 Off-Site Alternative
 Study Area (177 Ac.)

Figure 1: Off-Site Alternatives
 S. Airfield Road Industrial Park
 Lucas County, Ohio

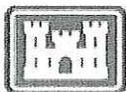


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**Toledo-Lucas County Port Authority - South Airfield Road Industrial Park
Corps Processing Number 2007-01594**

Public Notice Attachment 2 – On-Site Alternatives



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EXISTING APRON

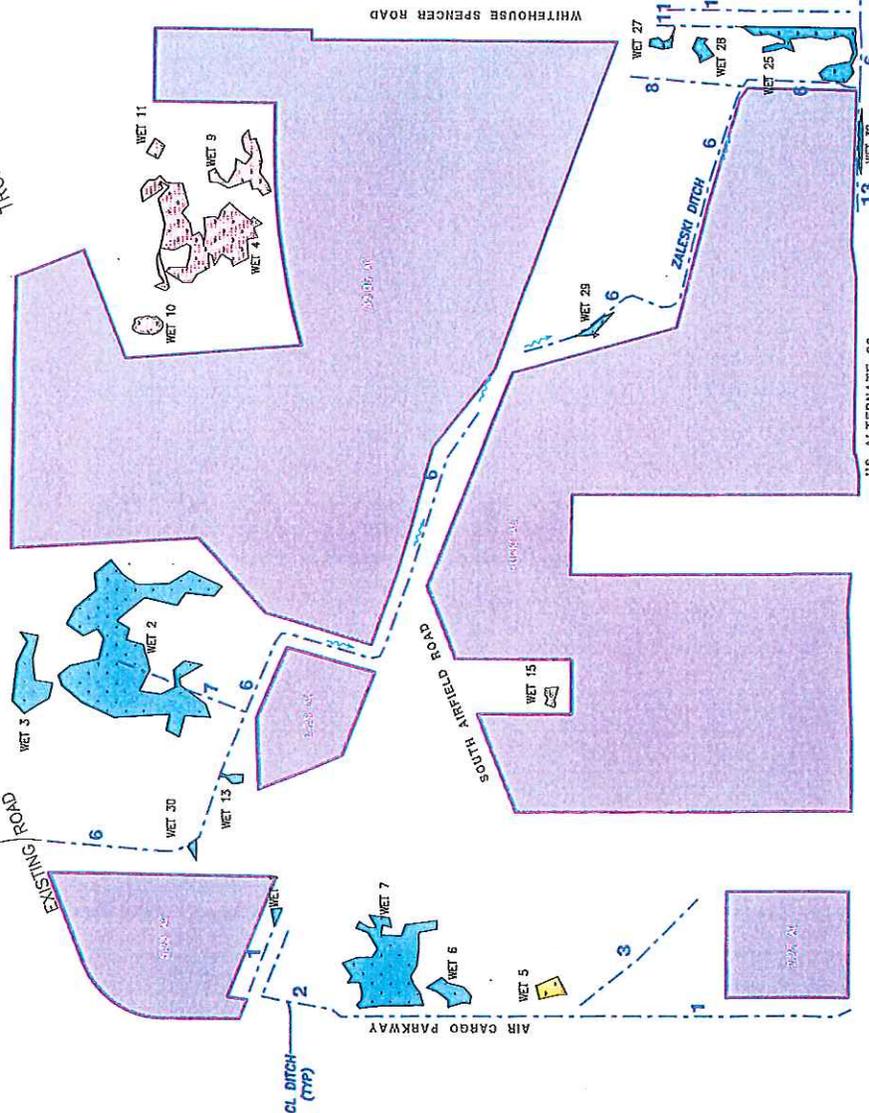
1 AIR CARGO
TRONAIR INC.

2 AIR CARGO
TRONAIR INC.



STATE OF ZALESKI DITCH
(FLOW LINE ELEV. = 875.27)

EXISTING ROAD



- WETLANDS LEGEND**
- ISOLATED WETLAND (1.61 AC TOTAL)
 - NON-ISOLATED WETLAND (4.75 AC TOTAL)
 - AVOIDED WETLANDS (6.36 AC TOTAL)
 - WETLANDS PART OF 404 (PENDING APPROVAL) (0.0 AC TOTAL)
 - WETLANDS THAT MUST BE AVOIDED BASED ON HIGH QUALITY (1.61 AC TOTAL)
 - POTENTIAL BUILDING SITES (83.32 AC TOTAL)
 - USAGE REGULATED DITCH (9.822 LF TOTAL)

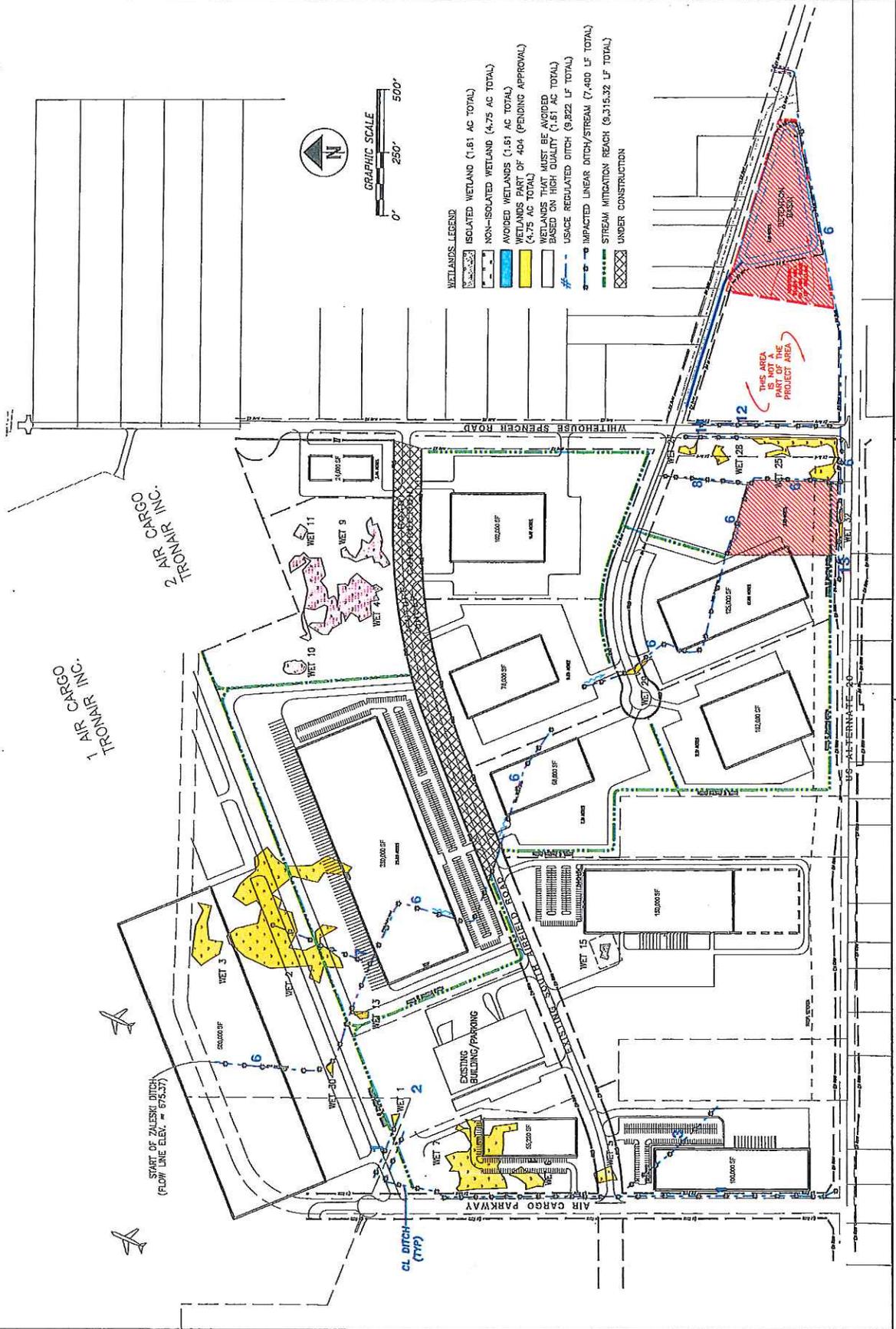
FIGURE 1
CONCEPTUAL LAYOUT
ALTERNATIVE 1
(NON-DEGRADATION)

SOUTH AIRFIELD RD.
INDUSTRIAL PARK
LUCAS COUNTY, OHIO



10/19/2018

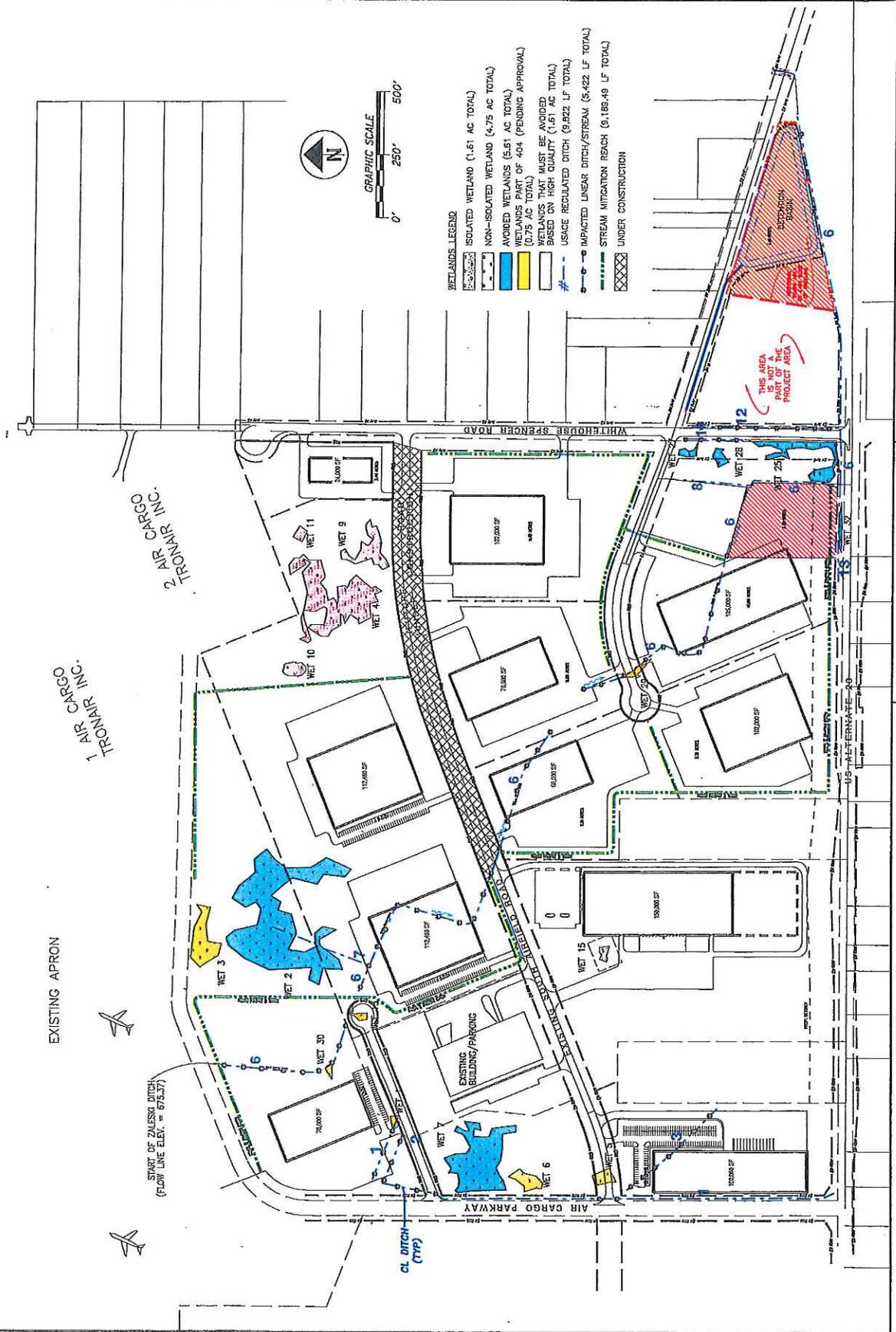
W:\Projects\Projects P-T\TLCPO032\CAO\WETLANDS\404 PERMITS\PLANS\TLCPO032_404_FIG 2_2018-1019.dgn



**SOUTH AIRFIELD RD.
INDUSTRIAL PARK**
LUCAS COUNTY, OHIO

**FIGURE 2
CONCEPTUAL LAYOUT
ALTERNATIVE 2
(FULL BUILD-OUT)**





SOUTH AIRFIELD RD. INDUSTRIAL PARK
LUCAS COUNTY, OHIO

FIGURE 3
CONCEPTUAL LAYOUT
ALTERNATIVE 3
(AVOID WETLANDS 2, 7)

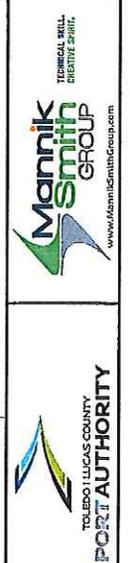
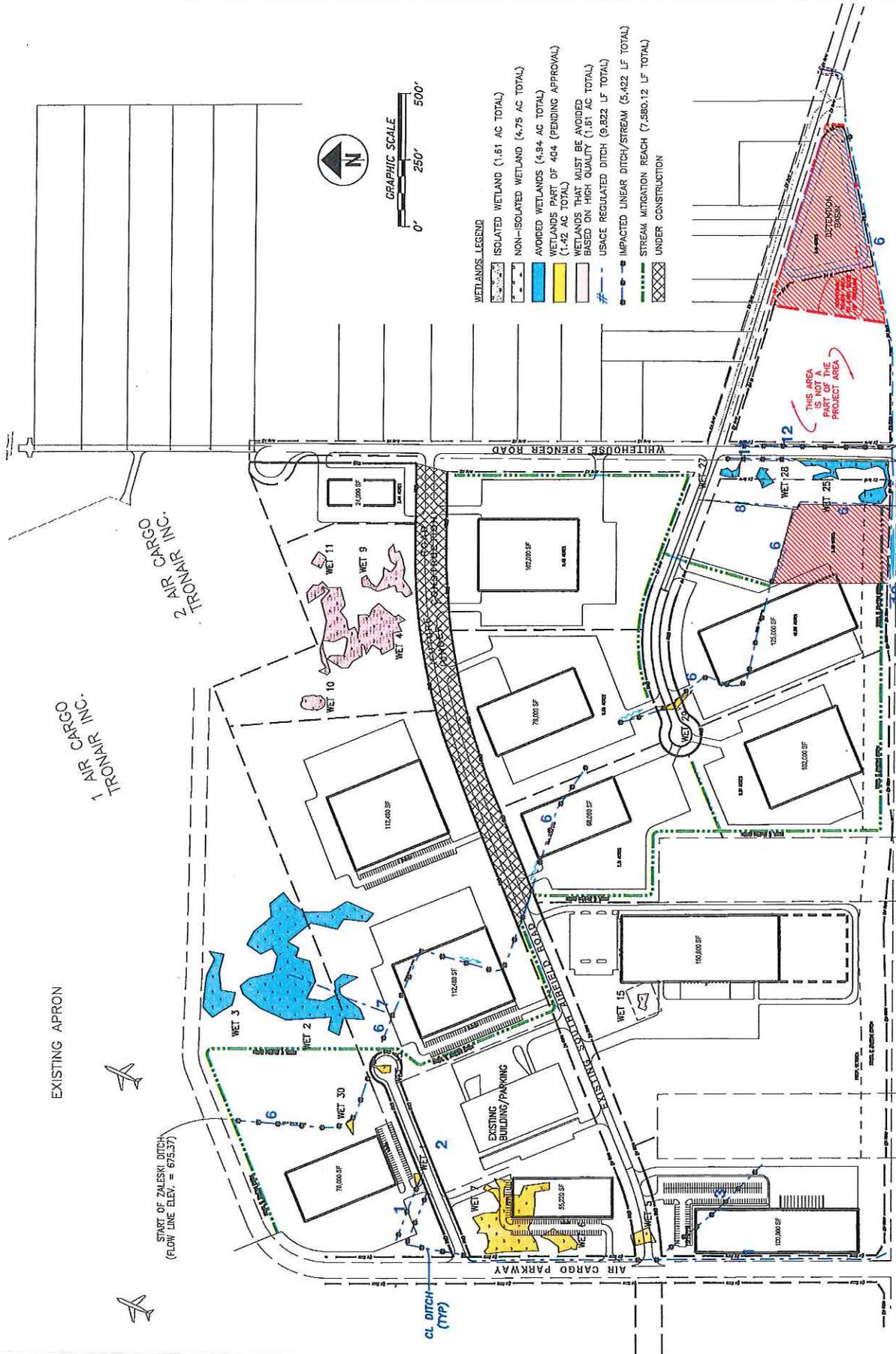


FIGURE 4
CONCEPTUAL LAYOUT
ALTERNATIVE 4
(AVOID WETLANDS 2, 3)

SOUTH AIRFIELD RD.
INDUSTRIAL PARK
LUCAS COUNTY, OHIO

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10/19/2018

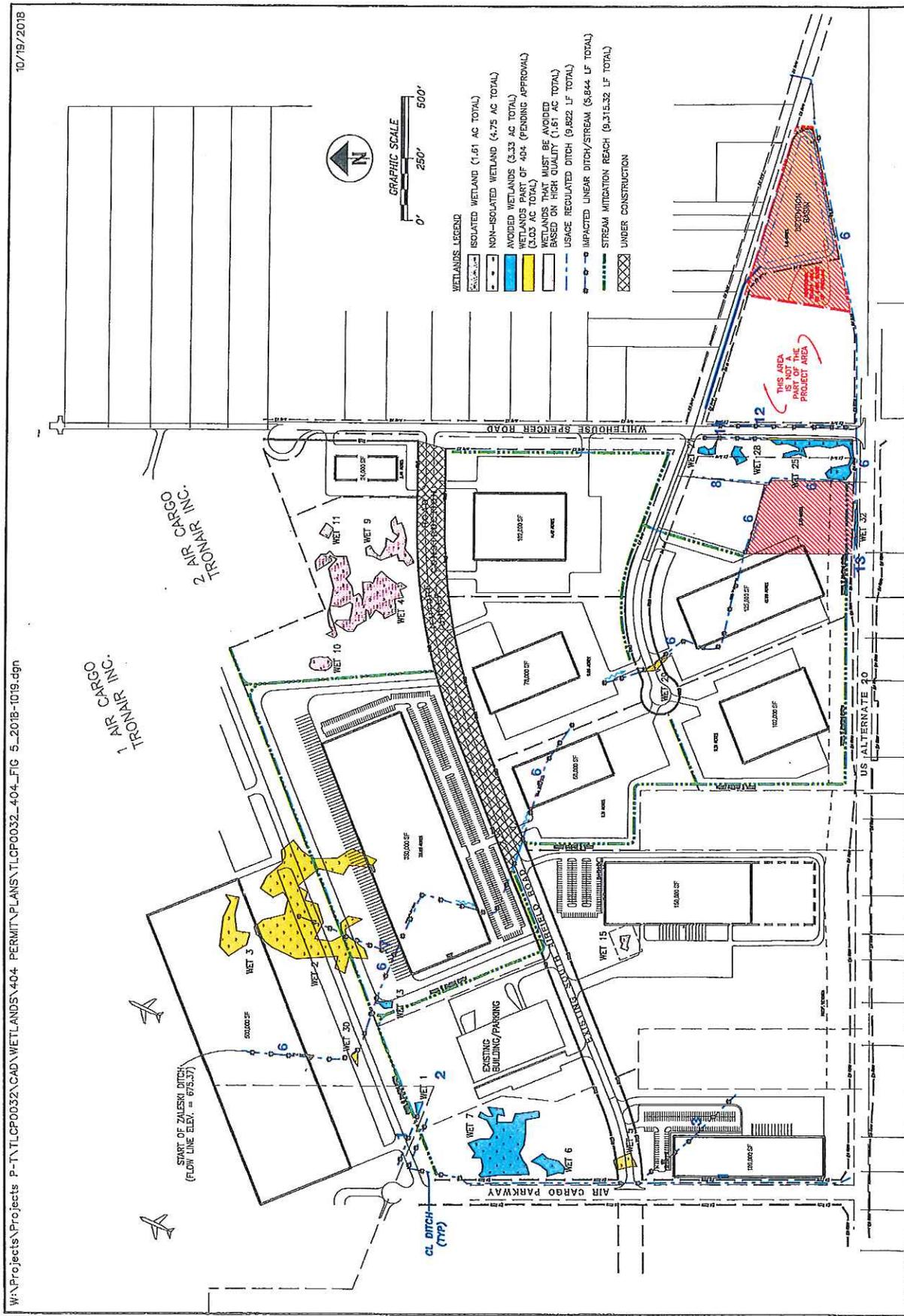


FIGURE 5
CONCEPTUAL LAYOUT
ALTERNATIVE 5 (PREFERRED)
(AVOID WETLANDS 6, 7)

SOUTH AIRFIELD RD.
INDUSTRIAL PARK
 LUCAS COUNTY, OHIO

Mannik Smith Group
 TOLEDO LUCAS COUNTY
 PORT AUTHORITY

www.manniksmithgroup.com