



Public Notice

Applicant: City of Solon

Published: December 10, 2019

U.S. Army Corps
of Engineers

Expires: January 9, 2020

Buffalo District
CELRB-TD-R

Application No: 1997-4940013
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:) Andy Francisco
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: City of Solon

WATERWAY & LOCATION: Federally jurisdictional wetlands on a 40 acre parcel of land located at 35000 Portz Parkway in the City of Solon, Cuyahoga County, Ohio.

LATITUDE & LONGITUDE: Latitude North: 41.376931
Longitude West: -81.429780

EXISTING CONDITIONS:

Description of delineation of waters of the US, if applicable: The existing Solon Senior Center comprises approximately 12.5 acres of the eastern portion of the parcel. Construction of the senior center resulted in the placement of permanent fill in 3.04 acre of federally jurisdictional wetlands which was authorized by the Corps on September 28, 2001 under Department of Army No 1997-494-0013(1). Undisturbed wetlands on site total 14.12 acres (Wetland A – 13.95 ac, Wetland B – 0.17 ac), of which 7.1 acres of Wetland A were enhanced and placed in a conservation easement held by the Western Reserve Land Conservancy as partial mitigation for the above impacts. Additional mitigation included the creation/restoration of 3.03 acres of wetland off-site at the Blue Heron Rookery approximately 2 miles south of the senior center.

PROPOSED WORK: The applicant is proposing to discharge fill material in 0.45 acre of Wetland A (used as partial mitigation for impacts incurred under the 2001 permit) for the purpose of expanding the existing parking lot and extending an existing path. The Public Notice for this project was first published on August 24, 2018; however, project impacts (discharge of fill material in 0.25 acre of Wetland A) were calculated incorrectly.

PROJECT PURPOSE

Basic: Commercial Development Expansion

Overall: To provide adequate additional parking facilities for users of the senior center.

Water Dependency Determination (*describe only if project affecting Special Aquatic Site*): The proposed project 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 more alternate sites that are less environmentally damaging that would allow the applicant to accomplish their project purpose. As part of the permit application, the applicant has considered one on-site alternative.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has indicated that the proposed project (Preferred Alternative), which includes the construction of 52 additional parking spaces, is the Maximum Build Alternative (MBA) which will result in permanent fill placed in 0.45 acre of wetland. The Minimum Degradation Alternative (MDA) reduces the number of additional parking spaces to 32 and permanent impacts to 0.30 acre; however, it does not meet the overall project purpose.

PROPOSED MITIGATION: To compensate for impacts to 0.45 acre of Wetland A, the applicant proposes to purchase a total of 2.3 wetland credits (0.5 wetlands credit at 1:1 ratio and 1.8 wetland preservation credits) from the Pine Brook Wetland Mitigation Bank, which is in the Chagrin River watershed.

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 **Andy Francisco**, who can be contacted at the above address, by calling (716) 879-4121, or by e-mail at:

Ernest.a.francisco@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. A Section 401 Water Quality Certification for the previously proposed project (0.25 acre of impact) on August 23, 2019 (Reference OEPA ID No. 186066).

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. In response to the August 14, 2108 Public Notice, SHPO responded in a letter dated September 13, 2018, that the proposed undertaking will have no effect on properties listed in or eligible for listing in the National Register of Historic Places (Reference 2018-CUY-42867).

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers consulted, under separate cover, with the U.S. Fish and Wildlife Service (USFWS) to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*) (E), northern long-eared bat (*Myotis septentrionalis*) (T), Kirtland's warbler (*Setophaga kirtlandii*) (E), piping plover (*Charadrius melodus*) (E), and the rufa red knot (*Calidris canutus rufa*) (T) 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.

In a letter dated September 24, 2019, the USFWS concurred with the Corps determination that the project would result in no effect to the Kirtland's warbler, Piping plover, and Rufa red knot. Additionally, they concurred with the Corps determination that the project may affect but is not likely to adversely affect the Indiana and Northern long-eared bats, provided the applicant adhered to seasonal tree clearing between November 15 – March 15 (Reference TAILS No. OE315000-2019-I-1980).

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.

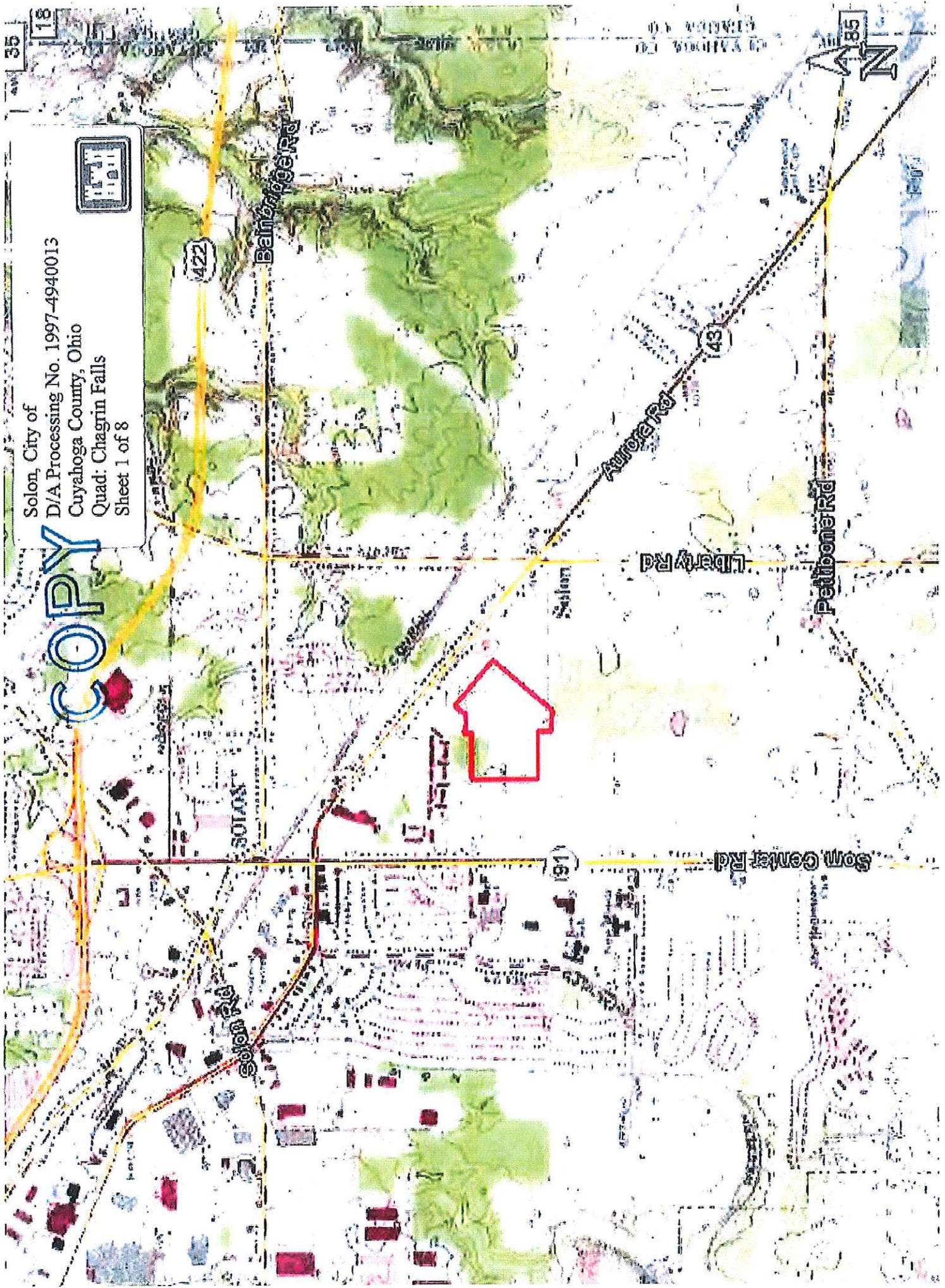
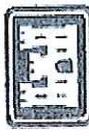
Signed

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.

Solon, City of
D/A Processing No. 1997-4940013
Cuyahoga County, Ohio
Quad: Chagrin Falls
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COPY



35

18

85

191

43

422

Bainbridge Rd

Aurora Rd

Liberty Rd

Pettibone Rd

Solon

Solon

Solon Center Rd

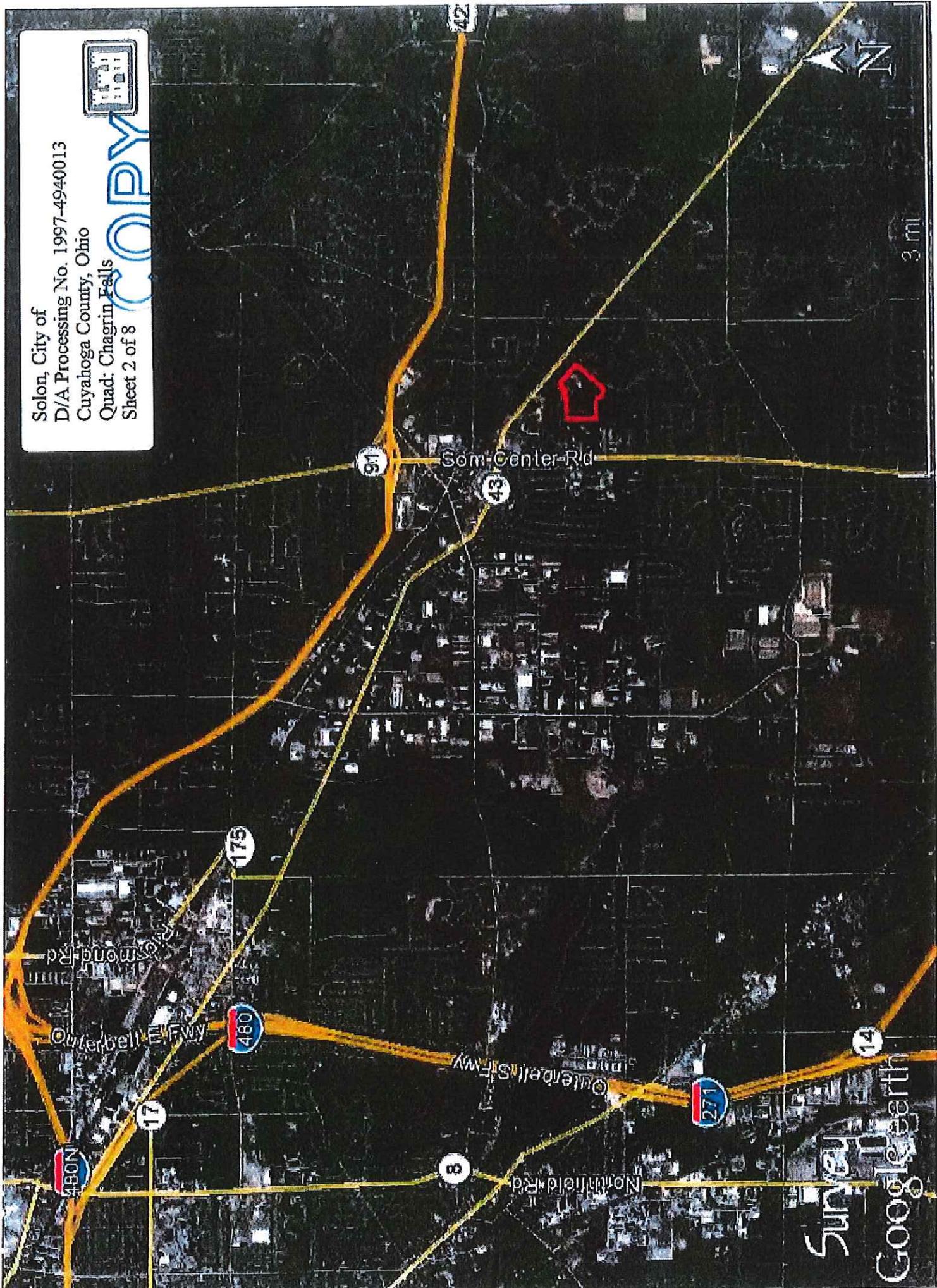
Solon Rd

Star Highway

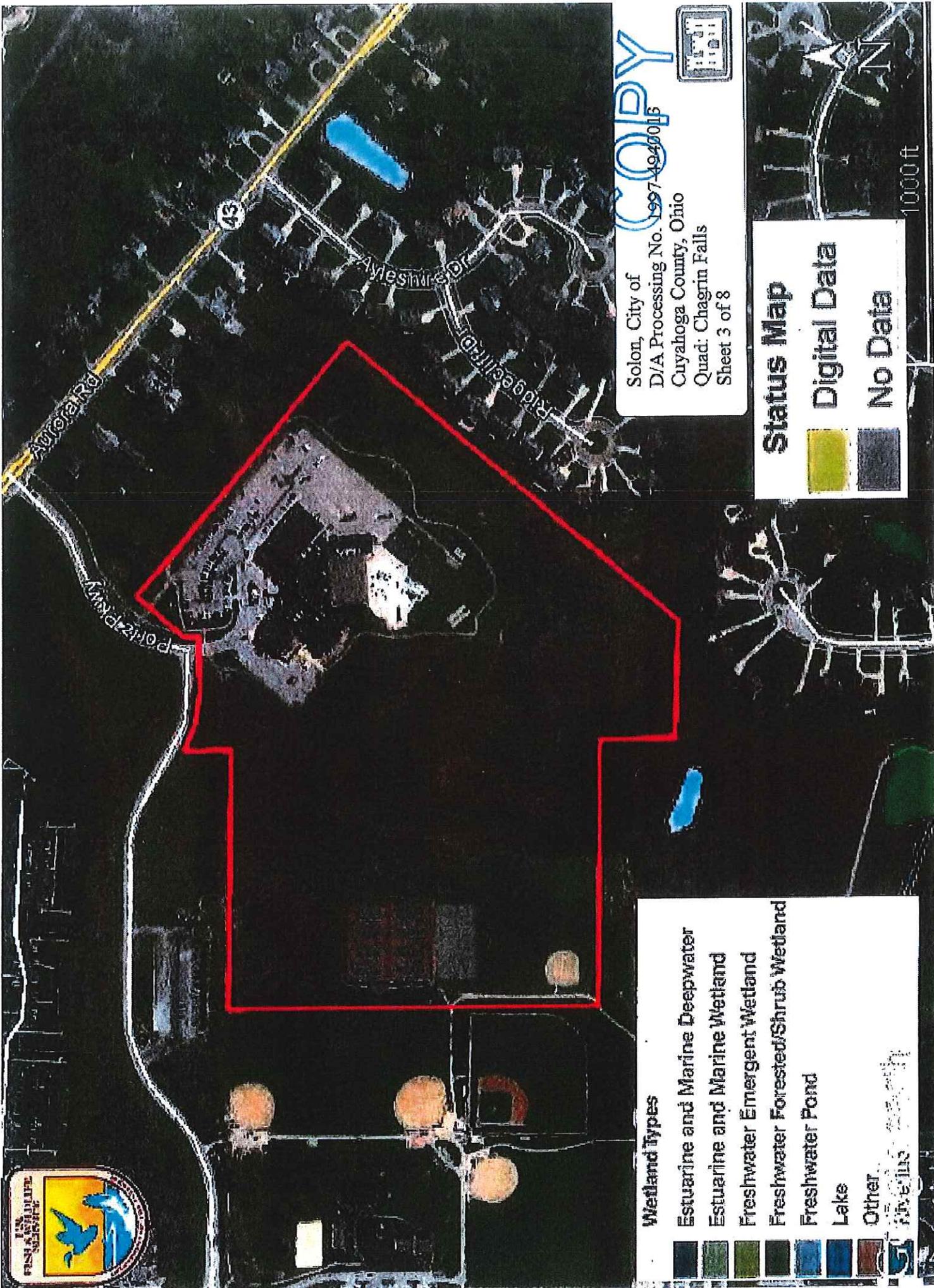
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COPY



Survey
Google Earth



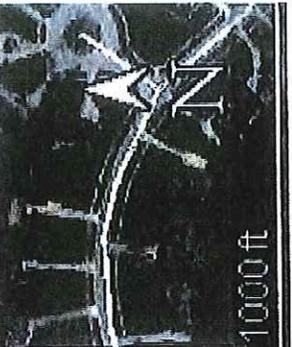
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 Solon, City of
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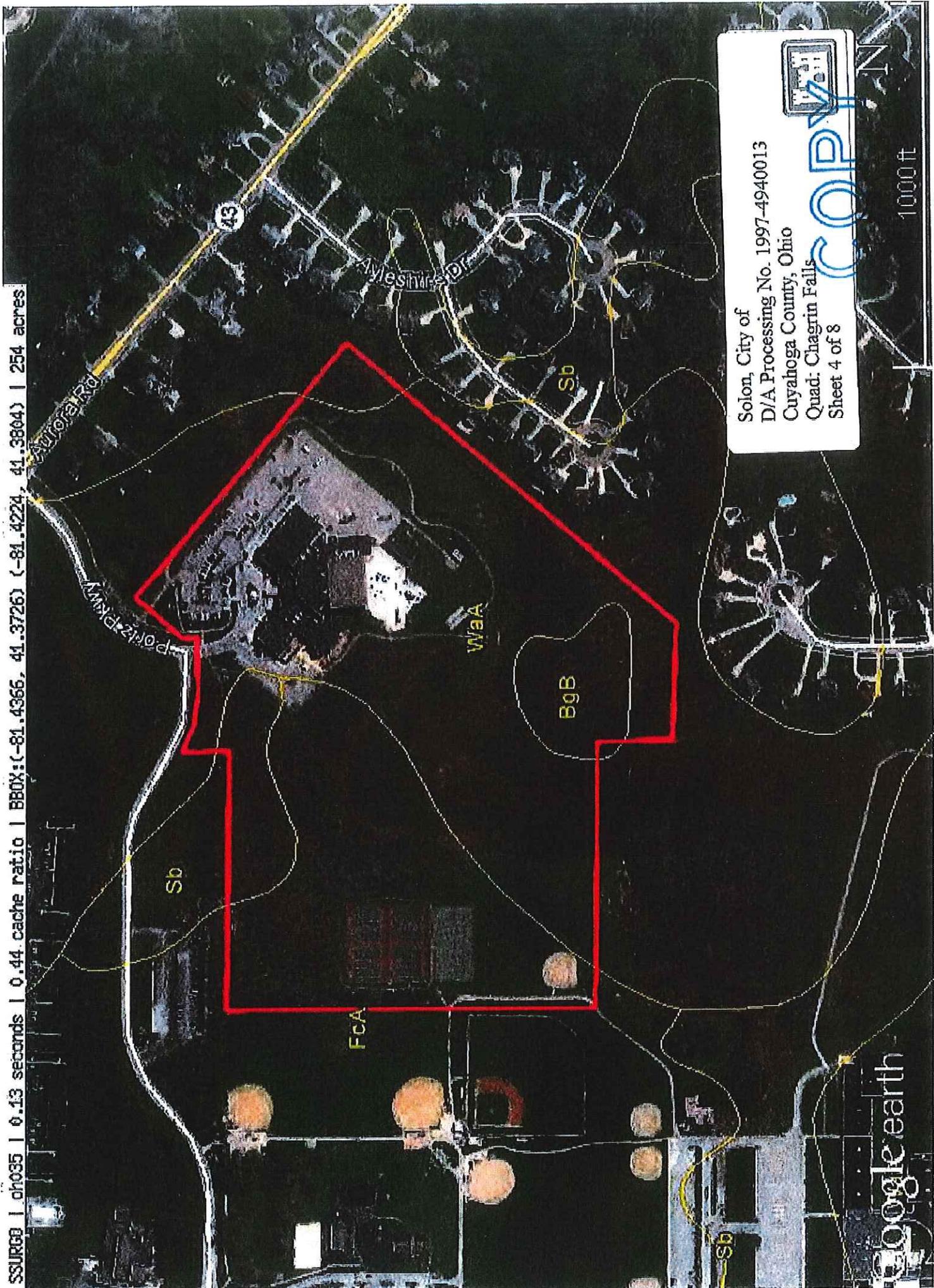
- Wetland Types**
-  Estuarine and Marine Deepwater
 -  Estuarine and Marine Wetland
 -  Freshwater Emergent Wetland
 -  Freshwater Forested/Shrub Wetland
 -  Freshwater Pond
 -  Lake
 -  Other

Status Map

-  Digital Data
-  No Data



SSURGO | 01035 | 0.13 seconds | 0.44 cache ratio | BBOX:(-81.4365, 41.3726) (-81.4224, 41.3804) | 254 acres



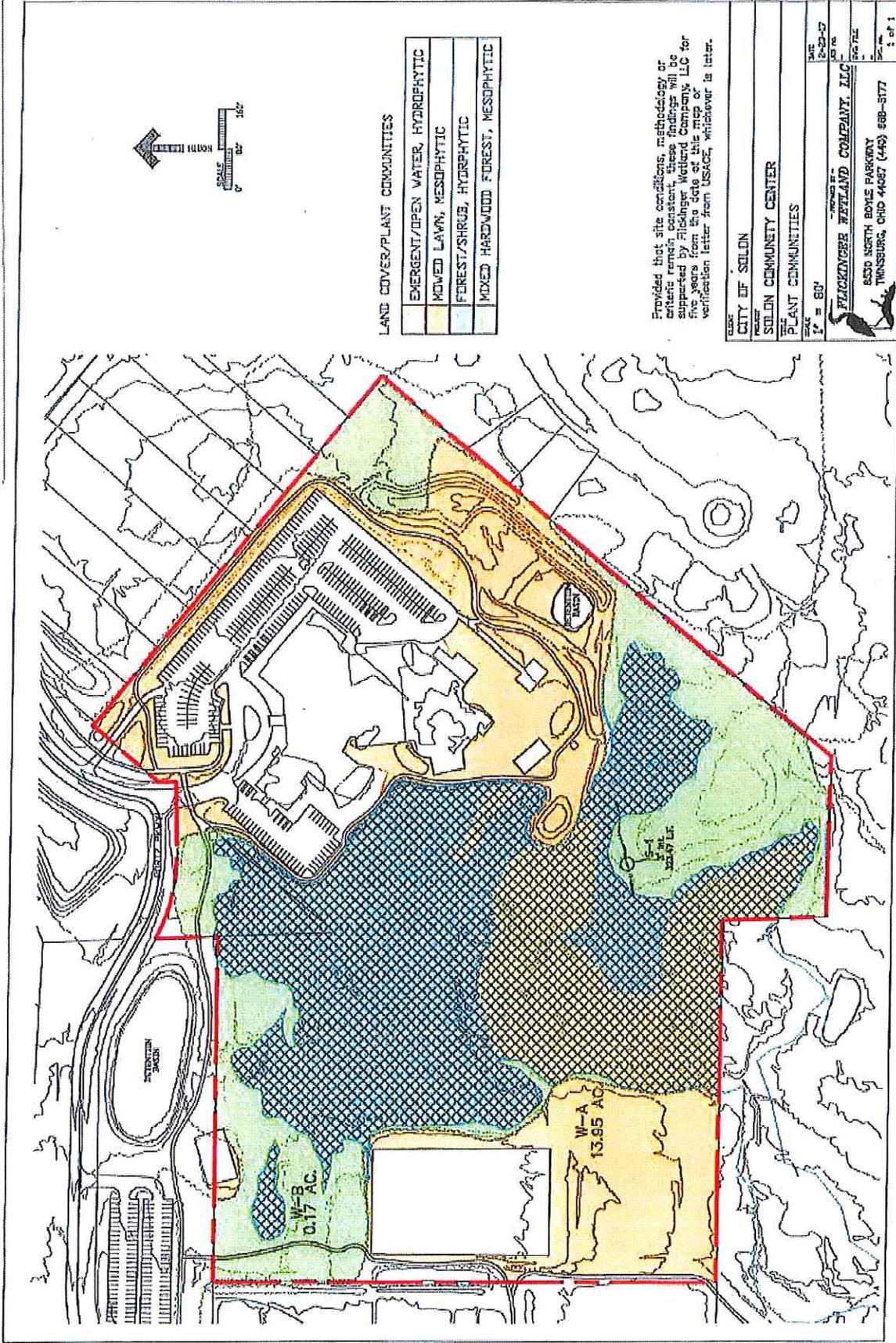
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Google earth

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LAND COVER/PLANT COMMUNITIES

	EMERGENT/OPEN WATER, HYDROPHYTIC
	MOWED LAWN, MESOPHYTIC
	FOREST/SHRUB, HYDROPHYTIC
	MIXED HARDWOOD FOREST, MESOPHYTIC

Provided that site conditions, methodology or criteria remain constant, these findings will be supported by Filings, Mettard Company, LLC for purposes from the date of this map or verification letter from USACE, whichever is later.

CITY OF SOLON

SOLON COMMUNITY CENTER

PLANT COMMUNITIES

1" = 80'

DATE

12-29-07

BY

12/29/07

SCALE

1" = 80'

SHEET

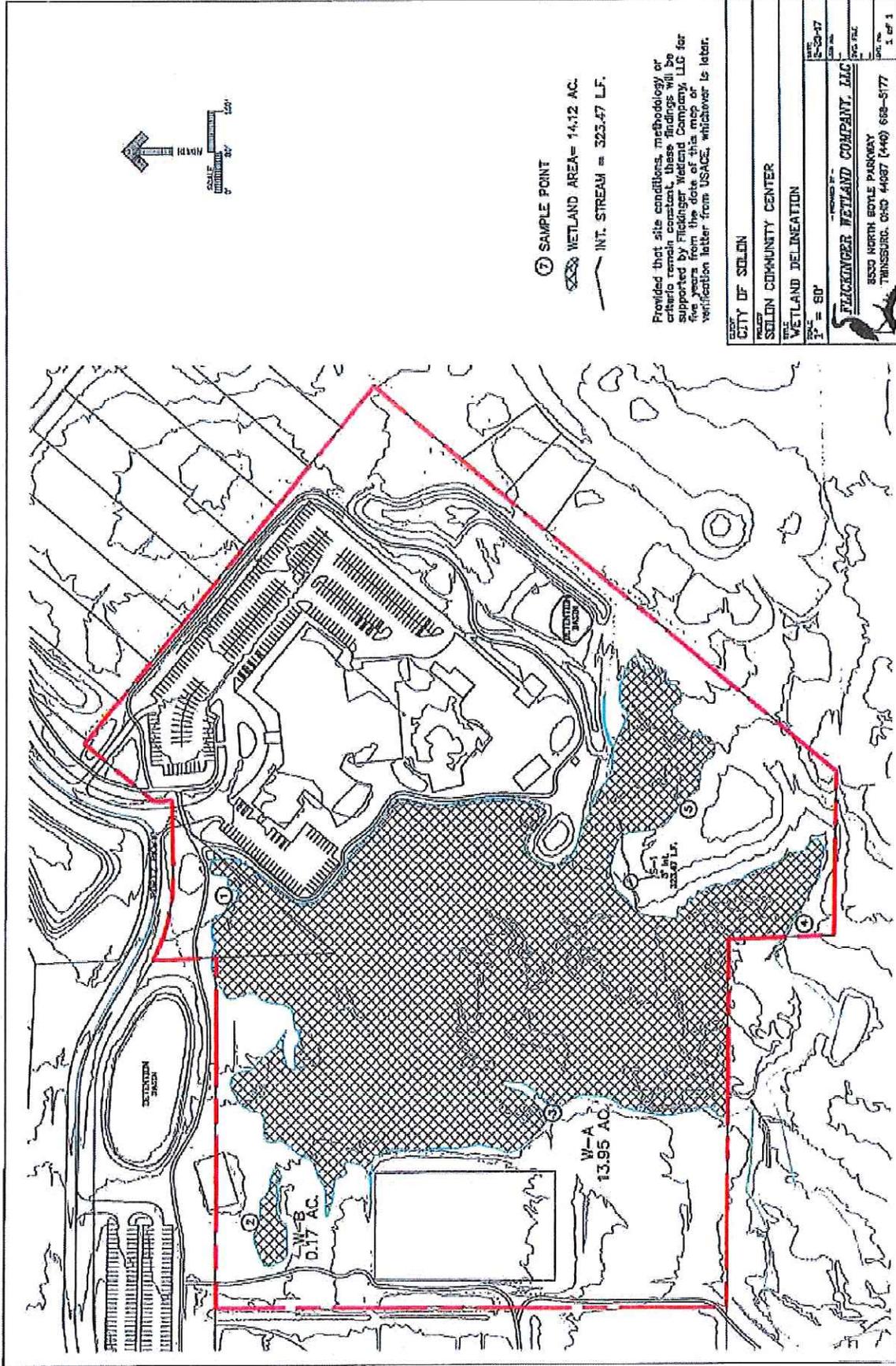
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PREPARED BY
FILINGS, METTARD COMPANY, LLC

3530 NORTH BOWEN PARKWAY
 TRUSSBURG, OHIO 44087 (440) 688-5177

Solon, City of
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 Cuyahoga County, Ohio
 Quad: Chagrin Falls
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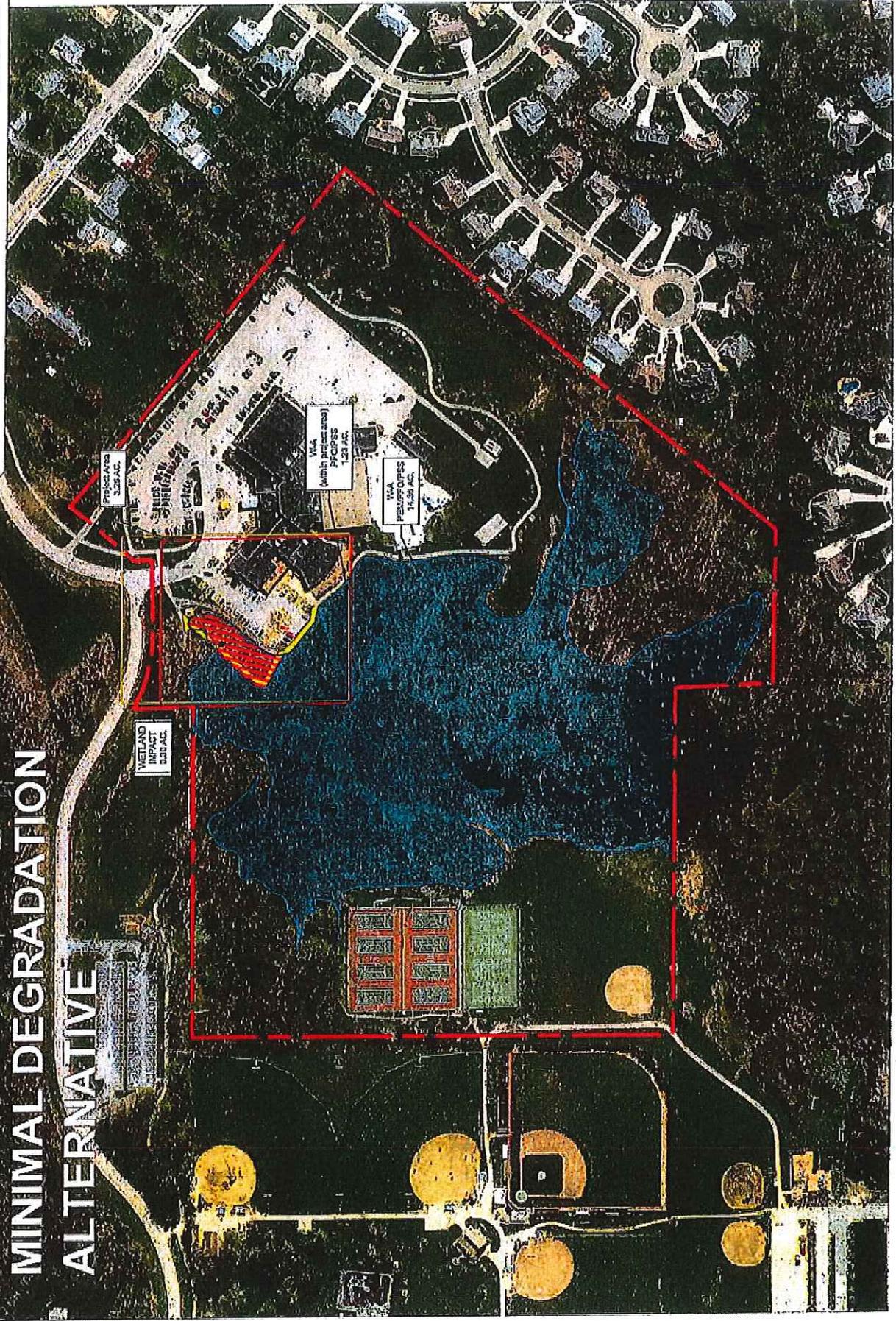
CITY OF SOLON	
SOLON COMMUNITY CENTER	
WETLAND DELINEATION	
DATE	5-20-17
SCALE	1" = 80'
DRAWN BY: FICKINGER WETLAND COMPANY, LLC	
1850 NORTH BOTTLE PARKWAY	
WINNSBORO, OHIO 44087 (440) 688-5177	
DATE	5-20-17
SCALE	1" = 80'
DRAWN BY: FICKINGER WETLAND COMPANY, LLC	
1850 NORTH BOTTLE PARKWAY	
WINNSBORO, OHIO 44087 (440) 688-5177	
DATE	5-20-17
SCALE	1" = 80'
DRAWN BY: FICKINGER WETLAND COMPANY, LLC	
1850 NORTH BOTTLE PARKWAY	
WINNSBORO, OHIO 44087 (440) 688-5177	

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SOLON COMMUNITY CENTER MINIMAL DEGRADATION ALTERNATIVE



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 Cuyahoga County, Ohio
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COPY



WETLAND DELINEATION

W1



WETLAND IMPACT TABLE		
WETLAND LABEL	IMPACT TYPE	ACRES (A/C)
WA	FL	0.80
TOTAL		0.85

WETLAND TABLE		
WETLAND LABEL	WETLAND TYPE	ACRES (A/C)
WA	PFO	1.23
TOTAL		1.23

NO POLLUTING FORBIDDEN
 PER POLLUTION EMITTER

SITE LEGEND:

- NON-POLLUTING WETLANDS
- PROJECT AREA (3.26 ACRES)

GENERAL NOTES:

1. PROVIDE THAT SITE CONDITIONS, METHODOLOGY OF ORIGINAL PLAN, AND THAT ALL FIELD DATA WILL BE SUPPORTED BY ORIGINAL PHOTO AERIALS AND GROUND TRUTH DATA. THE MAP IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR OTHER PURPOSES.



Solon Community Center

City of Solon Community Center
 Cuyahoga County, Ohio

Project Number: 1997-4940013
 Date: 08/15/97
 Author: J. G. GIBSON