



Public Notice

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

Applicant: Scannell Properties

Published: July 28, 2020
Expires: August 27, 2020

Application No: 2020-00698
Section: OH

All written comments should reference the above Application No. and be addressed to:

Attn: Brian Swartz

U.S. Army Corps of Engineers, Buffalo District

Regulatory Branch

240 Lake Street, Unit D

Oak Harbor, Ohio 43449

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: Mr. Zachary Zweifler, 8801 River Crossing Blvd, Suite 300, Indianapolis, IN 46240

WATERWAY & LOCATION:

Wetlands A, B, C, D and E and Streams 1 and 2, located south of Erico Drive, Town of Solon, Cuyahoga County, Ohio (Sheet 1 of 4).

LATITUDE & LONGITUDE: Latitude North: 41.39273
Longitude West: -81.43057

EXISTING CONDITIONS:

The project site is located on an approximate 21.7 acre parcel that includes an existing road with a cul-de-sac. The undeveloped areas of the property are mainly open with some thickets and successional woods and an existing storm water pond (Sheet 2 of 4).

Description of delineation of waters of the US, if applicable:

A preliminary jurisdictional determination (Pre-JD) was issued for this site on 23 July 2020 which identified seven jurisdictional waters including five wetlands and two streams including

emergent Wetland A (1.462 acres), emergent Wetland B (0.033 acre), forested/scrub-shrub Wetland C (0.50 acre), forested Wetland D (0.122 acre), emergent Wetland E (0.084 acre), perennial Stream 1 (1,625 linear feet (LF) and Stream 2 (602 LF). An approved JD was issued on 23 July 2020 identifying the 0.575 acre Storm Water Pond as an excluded water.

PROPOSED WORK:

Place fill into 1.554 acres of wetland including the entirety of emergent Wetland A (1.462 acres), 0.092 acre of forested Wetland D and the entire 602 LF of Stream 2 (Sheet 3 of 4).

PROJECT PURPOSE:

Basic: Commercial/industrial development

Overall: To construct a 300,000 square foot (sf) distribution building with 30 dock doors, a foot truck court, spaces for trailers and automotive parking in close proximity of the I-480 and I-271 interchange in the Solon, Cuyahoga County, Ohio.

Water Dependency Determination:

The project does not require access or proximity to or siting within the 1.554 acres of proposed wetland and 602 LF of stream impacts to fulfill its basic purpose. Thus, it is not a water dependent activity and practicable alternatives that do not involve wetlands, or other special aquatic sites, are presumed to be available unless clearly demonstrated otherwise.

AVOIDANCE AND MINIMIZATION INFORMATION:

The applicant has also indicated the proposed 1.554 acres of wetland impacts and 602 LF fills are the minimal necessary to complete the desired project and is the Least Environmental Damaging Practicable Alternative (LEDPA). The applicant has reduced impacts by 0.13 acre from the originally proposed 1.768 acres of wetland and 1,144 LF of stream impacts (Sheet 4 of 4). The applicant reviewed 53 off site alternative and two onsite alternatives.

PROPOSED MITIGATION:

The application proposed to purchase 2.5 credits of wetland credits at the Stream and Wetland Foundation Pine Brook Wetland Mitigation Bank. The proposed mitigation for 602 LF of Stream impacts are to include the onsite relocation/realignment and floodplain enhancement of approximately 776 LF of Stream 2. The floodplain along approximately 1,107 LF of Stream 1 is to be enhanced and expanded.

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 Brian Swartz, who can be contacted at the above address, by calling (419) 898-3491, or by e-mail at: brian.p.swartz@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

Pursuant to Section 106 of the National Historic Preservation Act, the Corps of Engineers is consulting, under separate cover, with the Ohio Historic Preservation Office (SHPO) to evaluate any potential impacts 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 2 of 4. 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 (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*) – endangered; piping plover (*Charadrius melodus*) – endangered; northern long-eared bat (*Myotis septentrionalis*) – threatened; and the rufa red knot (*Calidris canutus rufa*) – threatened 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.

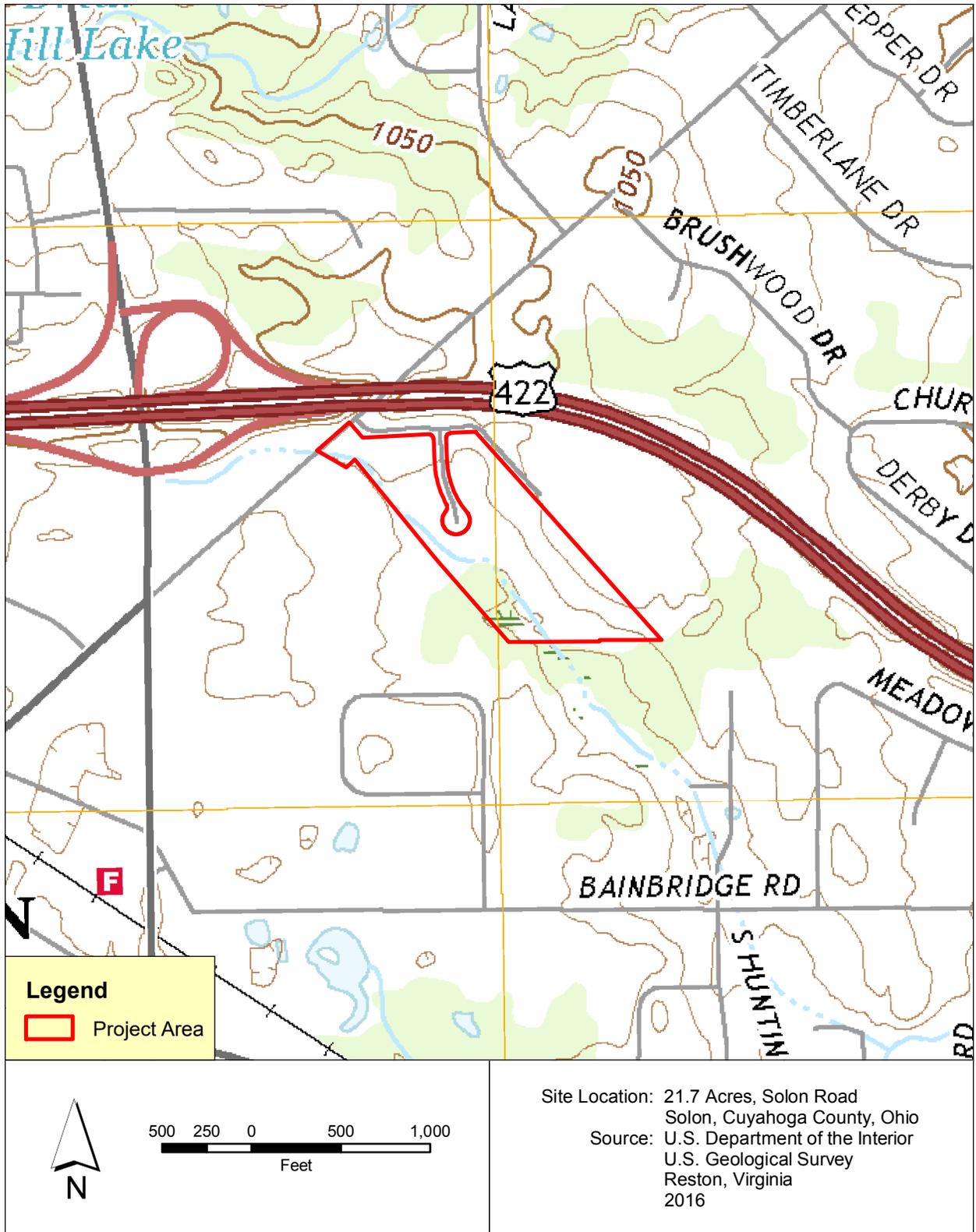
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

Appendix A, Figure 2
Location of Project Area on
USGS 7.5-Minute Topographic Map
(Chagrin Falls Quadrangle)

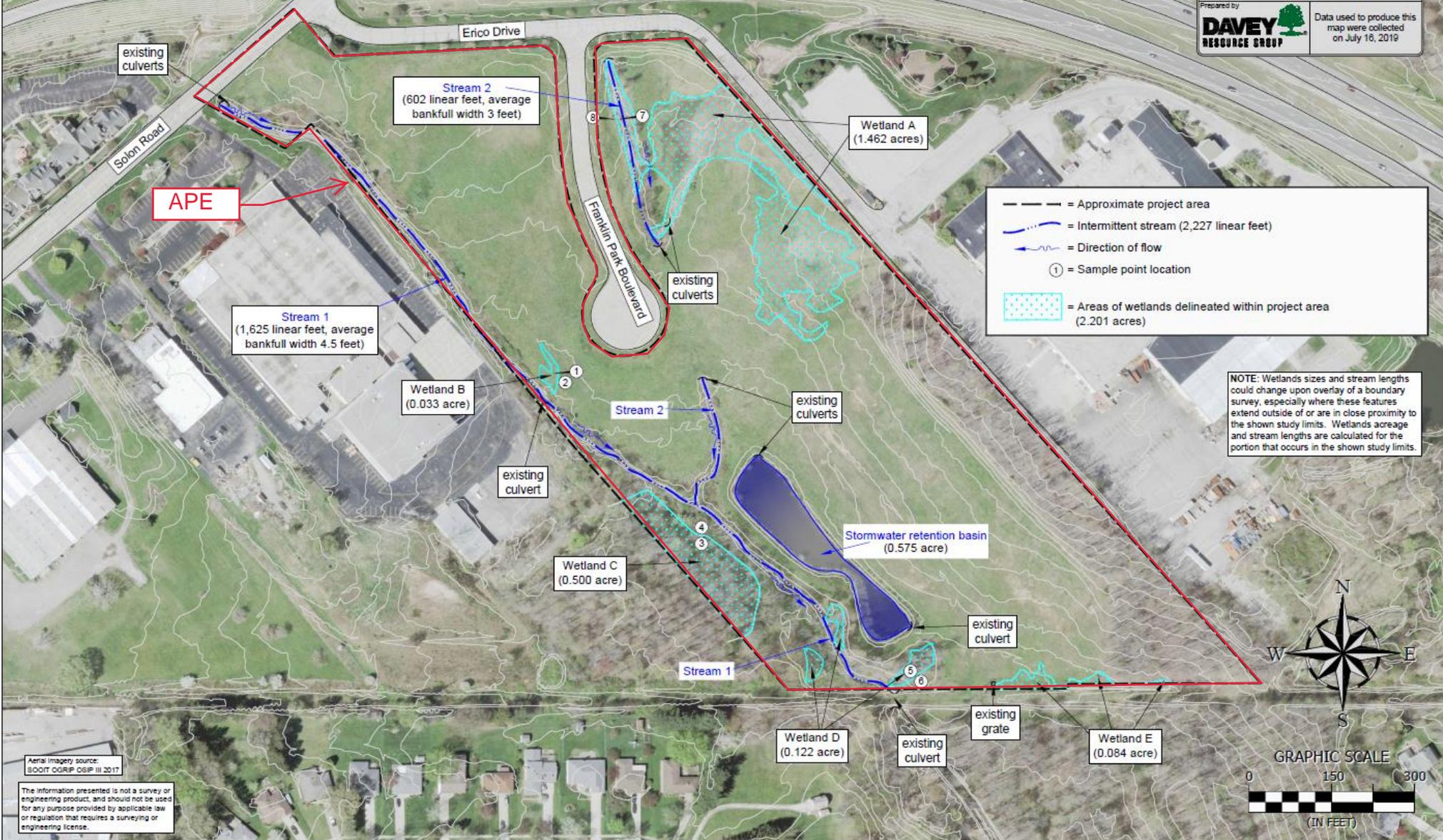


Appendix A, Figure 5
Water Resources Map

Prepared for
Scannell Properties
21.7 Acres, Solon Road
Solon
Cuyahoga County, Ohio

Prepared by
DAVEY
RESOURCE GROUP

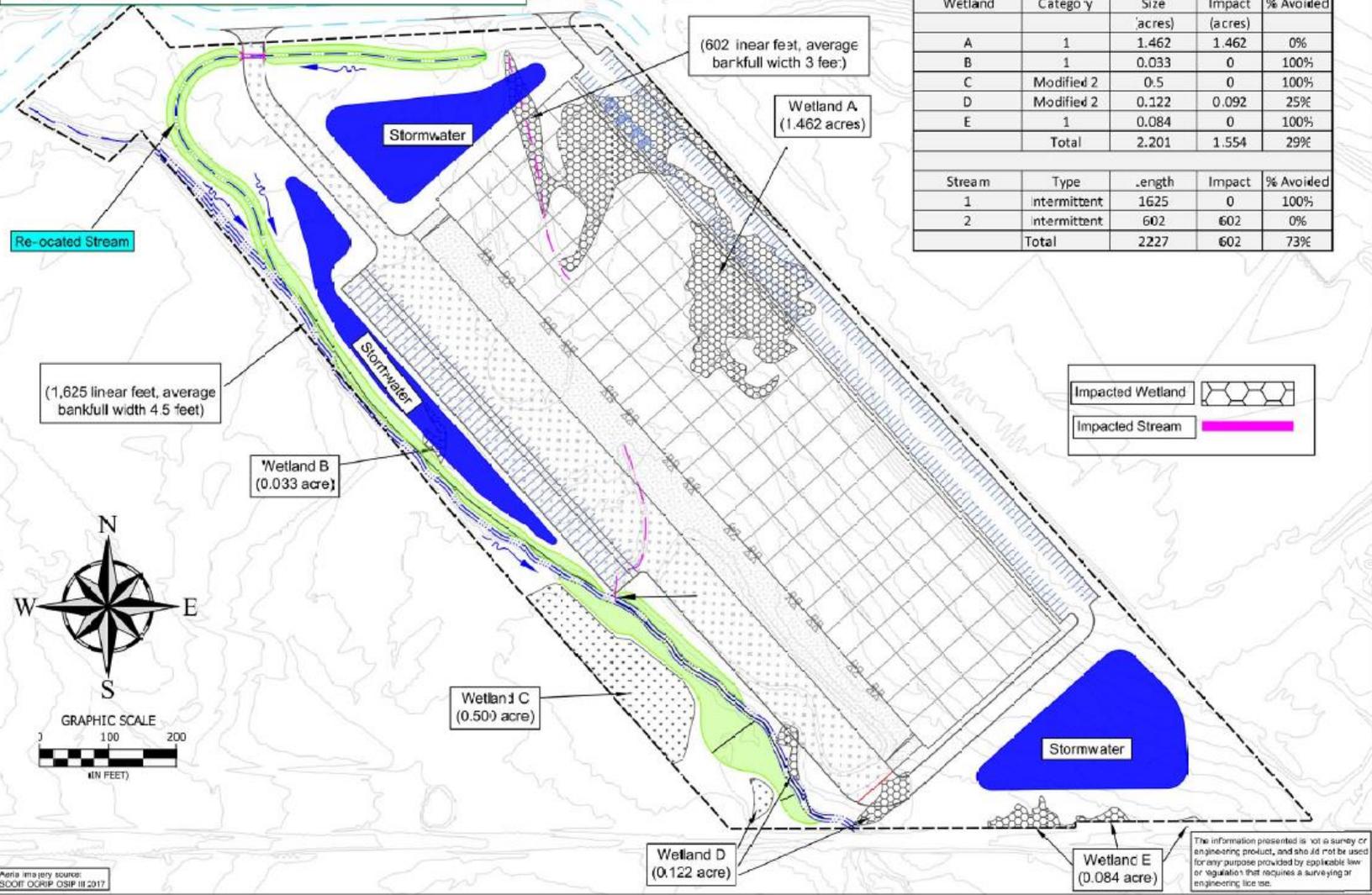
Data used to produce this map were collected on July 16, 2019



Aerial imagery source:
SOCIETY OF COASTAL AND ESTUARINE SCIENTISTS (SOCIETY OF COASTAL AND ESTUARINE SCIENTISTS) 2017

The information presented is not a survey or engineering product, and should not be used for any purpose provided by applicable law or regulation that requires a surveying or engineering license.

**Appendix A, Figure 7
Proposed Plan**



Solon Logisitcs Facility

Prepared by:
DAVEY
Resource Group

Prepared for:
Scannell Properties

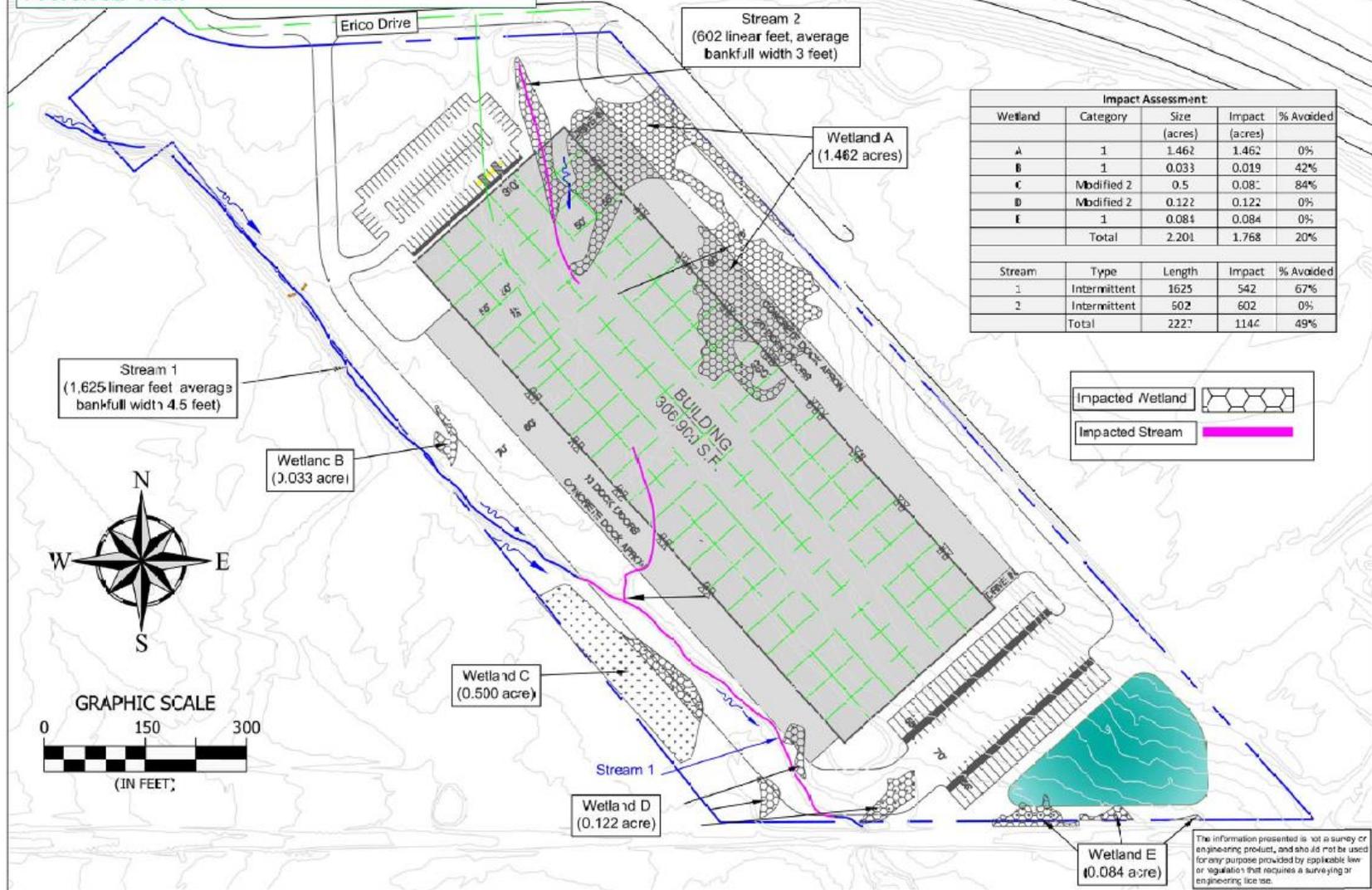
21.7 Acres, Solon Road
Solon
Cuyahoga County, Ohio

Data used to produce
this map were collected
on January 14, 2020

Map
Sheet 1
of 1

Scannell Properties
D/A Processing No. LRB 2020-00698
Cuyahoga County, Ohio Quad: Chagrin Falls
Sheet 3 of 4

**Appendix A, Figure 6
Preferred Plan**



Solon Logisitcs Facility

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DAVEY
Resource Group

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21.7 Acres, Solon Road
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D/A Processing No. LRB 2020-00698
Cuyahoga County, Ohio Quad: Chagrin Falls
Sheet 4 of 4