



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

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# Public Notice

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Applicant: Winous Point  
Marsh Conservancy

Published: August 5, 2015  
Expires: September 3, 2015

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Application No: 2015-00129  
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:) Brian Swartz**  
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 10 of the Rivers and Harbors Act of 1899 and**  
**Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Winous Point Marsh Conservancy, 3300 S. Lattimore Road, Port Clinton, Ohio 43452

WATERWAY & LOCATION: Approximately 175 acres of Muddy Creek Bay, a Section 10 Water, including approximately 8.5 acres federally jurisdictional wetlands near the confluence of the Sandusky River Rice Township, Sandusky County, Ohio (Sheets 1 to 2 of 7).

LATITUDE & LONGITUDE: Latitude North: 41.45405  
Longitude West: -83.01695

**EXISTING CONDITIONS:**

Description of delineation of waters of the US, if applicable: The project area consists of 175 acres of open water and approximately 8.5 acres federally jurisdictional wetlands consisting of 3.0 acres of emergent wetlands and 5.5 forested/scrub shrub wetlands. The wetlands are located along approximately 0.8 acres of remnant dikes on the north side of the Sandusky River. The waters and adjacent wetlands of Muddy Creek Bay and the Sandusky River are below the ordinary high water of Lake Erie of 573.4 International Great Lakes Datum (IGLD), 1985 and

considered a Section 10 navigable water per a December 19, 2010 jurisdictional determination.

**PROPOSED WORK:** To reconstruct an approximate 115 acre Mud Hole management unit that was washed out in the 1970s by permanently constructing a 13,020 linear feet (2.47 miles) of earthen berm in Muddy Creek and abutting wetlands to create an approximate 175 acre wetland (0.27 square mile) management unit (Sheets 3 to 4 of 7). The overall foot print of the berm will be approximately 11.75 acres including the discharge of fill into approximately 9.76 acres of Muddy Creek Bay, 1.19 acres of forested and scrub/shrub wetlands and approximately 0.08 acre of the berm will be constructed on top of approximately 2,200 linear feet of remnant berms.

The proposed berm will have a 12 foot top width with 6 foot wide muskrat shelf, a bottom width of approximately 55 feet, a 2:1 outside slope, a 3:1 inside slope, a height of 577.5 IGLD, 1985 (Sheets 5 to 7 of 7). The earthen material to construct the core of the berm will require the excavation approximately 135,375 cubic yards (CY) of clay material excavated from Sandusky Bay. Approximately 100,433 CY of the excavated clay materials will be discharged below the ordinary high water of Lake Erie of 573.4 IGLD, 1985. The side slopes of the berm will be covered with approximately 12,683 CY of rock of which approximately 6,639 CY will be placed below 573.4, IGLD.

The proposed berm will include two emergency spillways, one along the Sandusky River and the second near the northeast corner of the proposed unit. The top of the emergency spillways will be constructed at 574.5 IGLD. Both spillways will include a concrete water control/fish passage structure with a carp exclusion gate (Sheets 6 to 7 of 7). Two stone berms with a top width of approximately 8 feet and a bottom width of approximately 45 feet will be constructed in the northeast corner of the structure to for boat access. The western stone pier will be approximately 75 feet long and the eastern L-shaped pier will be approximately 125 feet in length (Sheet 8 and 9 of 9).

The proposed marsh management plan is to rotate the Mud Hole Restoration Management Unit through three successional stages including: a moist-soil or dry marsh; a shallow hemimarsh or regenerating marsh; and a deep water or degenerating marsh. The rotation of the successional stages is to occur over an approximate 10 to 20 year cycle with varying amounts of time (years) spent in each stage. The proposed management goal is to maintain a wetland characterized by a dominance of palustrine emergent hemi-marsh conditions of 50% emergent aquatic plants or moist soil plants and 50% open water/submersed aquatic plants, in which natural marsh plants constitute 95% of the vegetation within the bermed wetland area. The goal is to promote a high degree of plant species and community diversity and interspersion. Nuisance plant species including purple loosestrife (*Lythrum salicaria*), giant reed (*Phragmites australis*), and reed canary grass (*Phalaris arundinacea*) and large areas (e.g. 25 acres) of monotypic vegetation are discouraged.

#### PROJECT PURPOSE

Basic: Wetland restoration/creation Overall: To construct a wetland management unit to facilitate water level management that will allow for the restoration of wetland and wildlife habitat, emulating historical conditions and providing resources in Muddy Creek Bay.

Water Dependency Determination (*describe only if project affecting Special Aquatic Site*): The project is water dependent activity. Therefore, it is presumed there is no practicable upland alternatives exist that is less environmentally damaging.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has reduced the size of the berm and will be utilizing approximately 2,200 linear feet of remnant berms. The preferred alternative would have included a berm with an 18 foot top width with 3:1 outside slopes and 4:1 inside slopes, a bottom width of approximately 70 feet, a height of 578.5 IGLD, 1985 and overall foot print of approximately 20.5, therefore reducing the footprint of the berm by 8.75 acres.

PROPOSED MITIGATION: The applicant has not proposed mitigation.

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](mailto: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 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](mailto: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 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 (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Kirtland's warbler (*Dendroica kirtlandii*), piping plover (*Charadrius melodus*), eastern prairie fringed orchid (*Platanthera leucophaea*), rufa red knot (*Calidris canutus rufa*), eastern massasauga (*Sistrurus catenatus*), 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

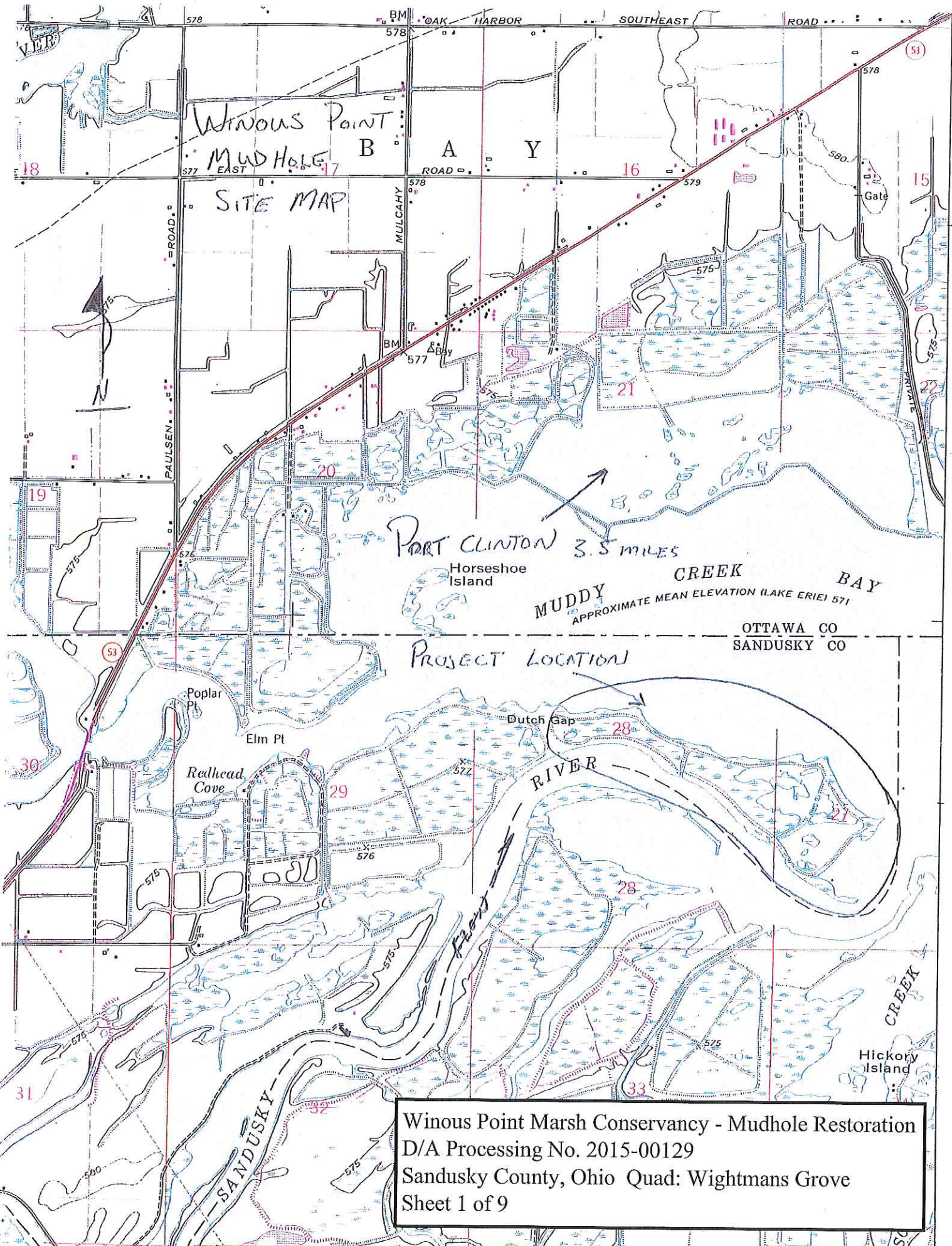
needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

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.



Winous Point  
MUD HOLE B A Y  
SITE MAP

PORT CLINTON 3.5 MILES

Muddy CREEK  
APPROXIMATE MEAN ELEVATION (LAKE ERIE) 571

PROJECT LOCATION

OTTAWA CO  
SANDUSKY CO

Winous Point Marsh Conservancy - Mudhole Restoration  
D/A Processing No. 2015-00129  
Sandusky County, Ohio Quad: Wightmans Grove  
Sheet 1 of 9

**Mudhole**  
ORAM

**Legend**  
Project Boundary

Peach Island



1 mi

Winous Point Marsh Conservancy - Mudhole Restoration  
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Sandusky County, Ohio Quad: Wightmans Grove  
Sheet 2 of 9

Google earth

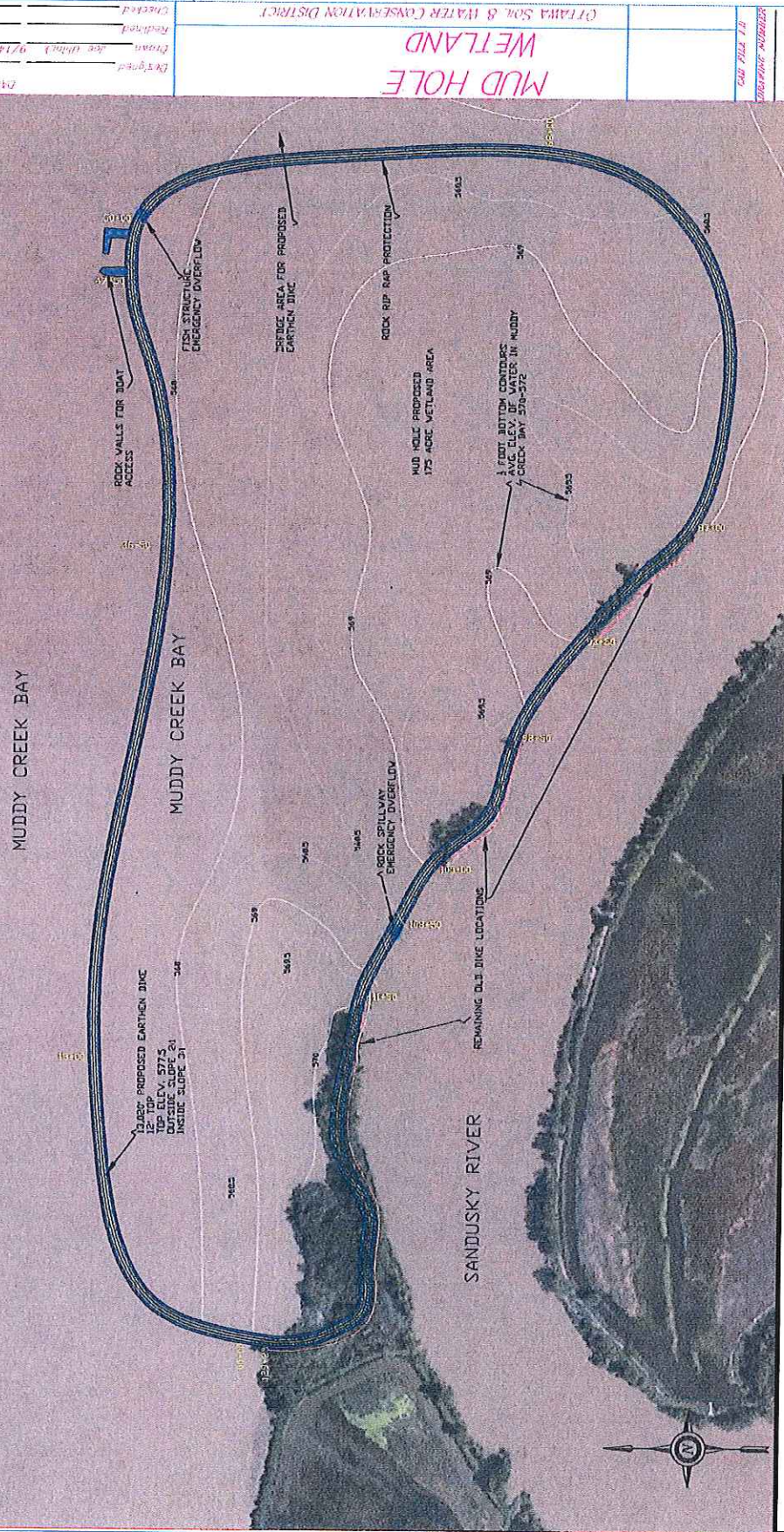
© 2015 Google



PROJECT MAP



DATE	APPROVED	DESIGNED	PROJECT NO.
04/15/14	[Signature]	[Signature]	15-00129



MUD HOLE WETLAND

OTTAWA SOIL & WATER CONSERVATION DISTRICT

DATE	APPROVED	DESIGNED	PROJECT NO.
04/15/14	[Signature]	[Signature]	15-00129

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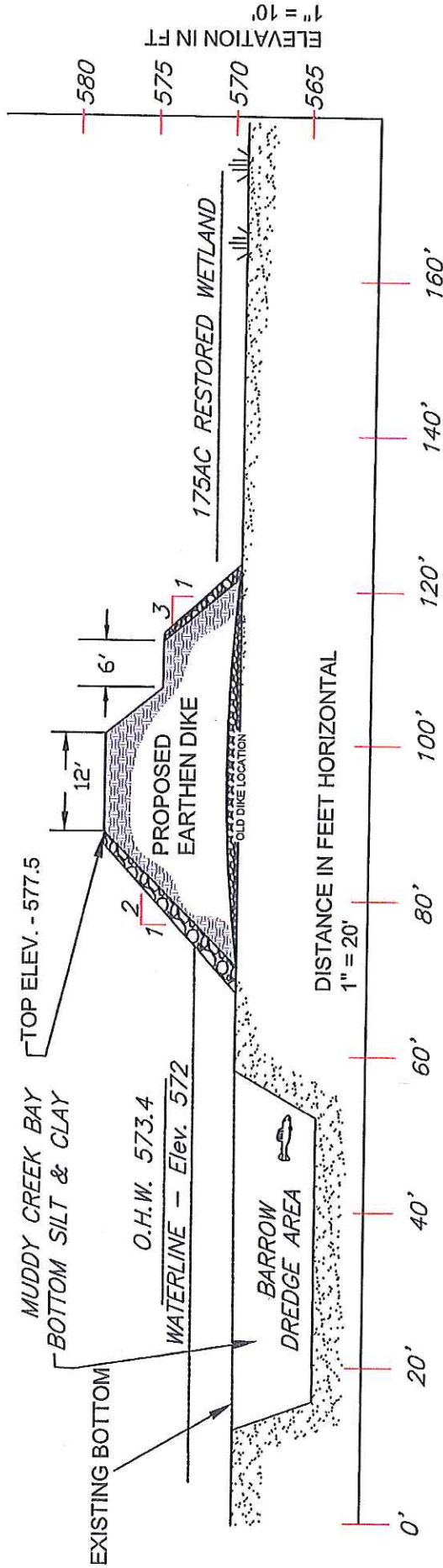


# Mudhole Delineation 6/4/2015

Winous Point Marsh Conservancy - Mudhole Restoration  
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Sandusky County, Ohio Quad: Wightmans Grove  
Sheet 4 of 9



WINOUS PT. MARSH CONSERVANCY  
MUD HOLE  
DIKE CROSS SECTION  
WITH SHORELINE PROTECTION  
TYPICAL FOR STA: 00+00-87+00



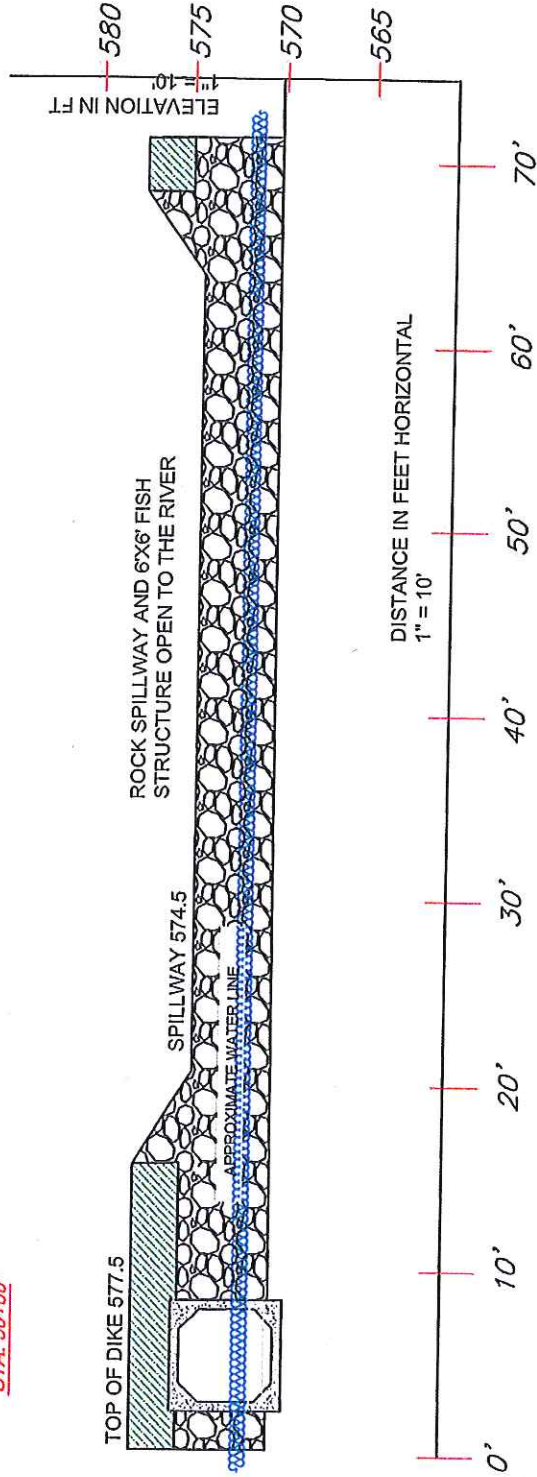
ORIGINAL CONSTRUCTED DIKE WASHED OUT DURING HIGH WATER YEARS IN THE MID 1970'S  
 A WRITTEN CONTRACT BETWEEN WINOUS POINT MARSH CONSERVANCY, USFWS, AND OHIO DIV. OF WILDLIFE WILL BE IN PLACE TO ENSURE THE PROPOSED PROJECT BE MAINTAINED AND MANAGED AS A NATURAL WETLAND.  
 LENGTH OF FILL 13,020'  
 APPROX. 12,683 CYDS OF ROCK RIP RAP MATERIAL  
 BELOW O.H.W. 6,639 CYDS OF ROCK

LENGTH OF FILL 13,020'  
 APPROX. 135,375 CYDS OF CLAY MATERIAL  
 BELOW O.H.W. 100,483 CYDS OF CLAY MATERIAL  
 FILL ALONG MUDDY CREEK BAY 11.75 ACRES  
 LENGTH OF SHORE LINE BETWEEN PROPERTY LINES 3,000

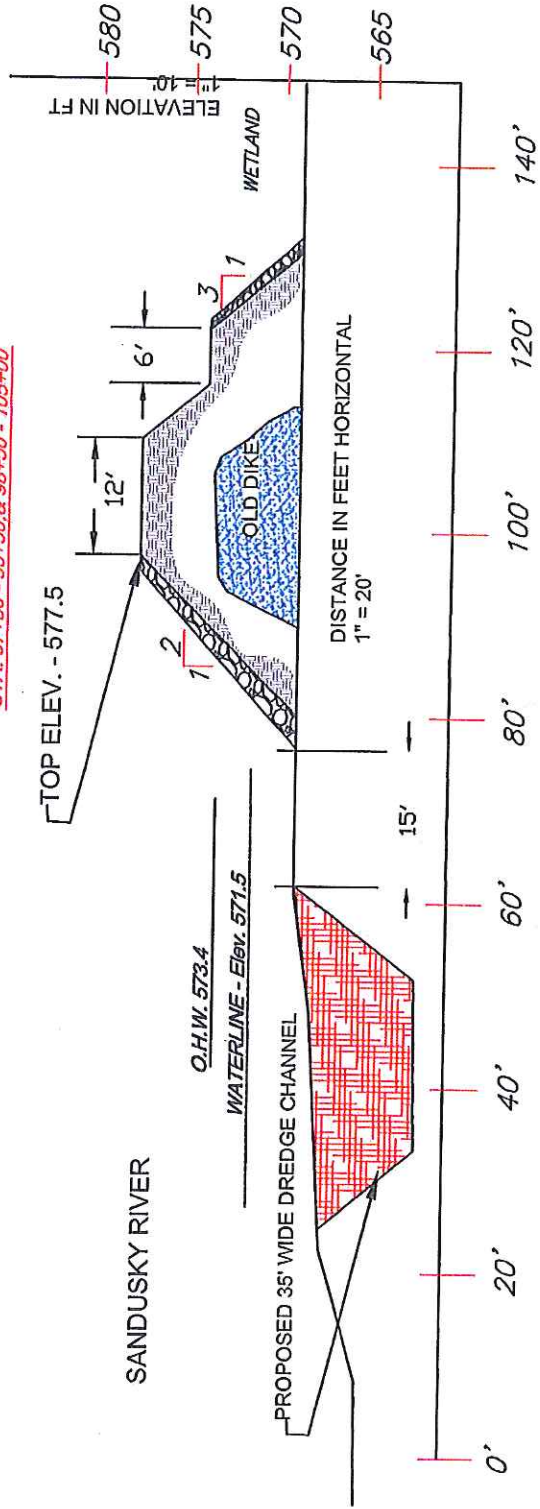
WORK TO BE DONE WITH AN DRAGLINE CRANE EXCAVATOR AND BULLDOZER

THE PROPOSED PROJECT WILL PROVIDE CAPACITY OF WETLAND MANAGEMENT TO CREATE AQUATIC HABITAT AND IMPROVE WATER QUALITY. A FISH STRUCTURE WILL ALLOW HYDROLOGIC EXCHANGE WITH MUDDY CREEK BAY AND THE IMPOUNDED WETLAND TO PROVIDE FLOOD RETENTION, NUTRIENT AND SEDIMENT TRAPPING, AND SPAWNING, NESTING, NURSERY AND OTHER HABITAT NEEDS OF FISH AND WILDLIFE..

**Mud Hole**  
STA: 50+00

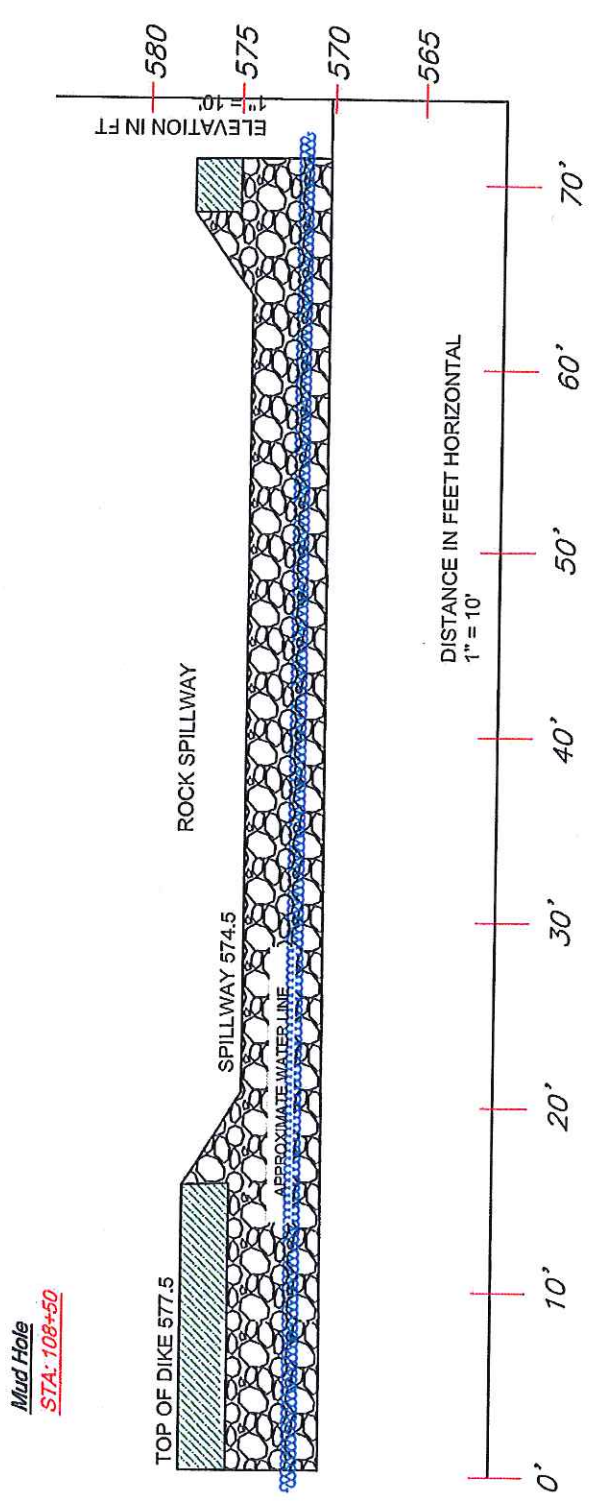
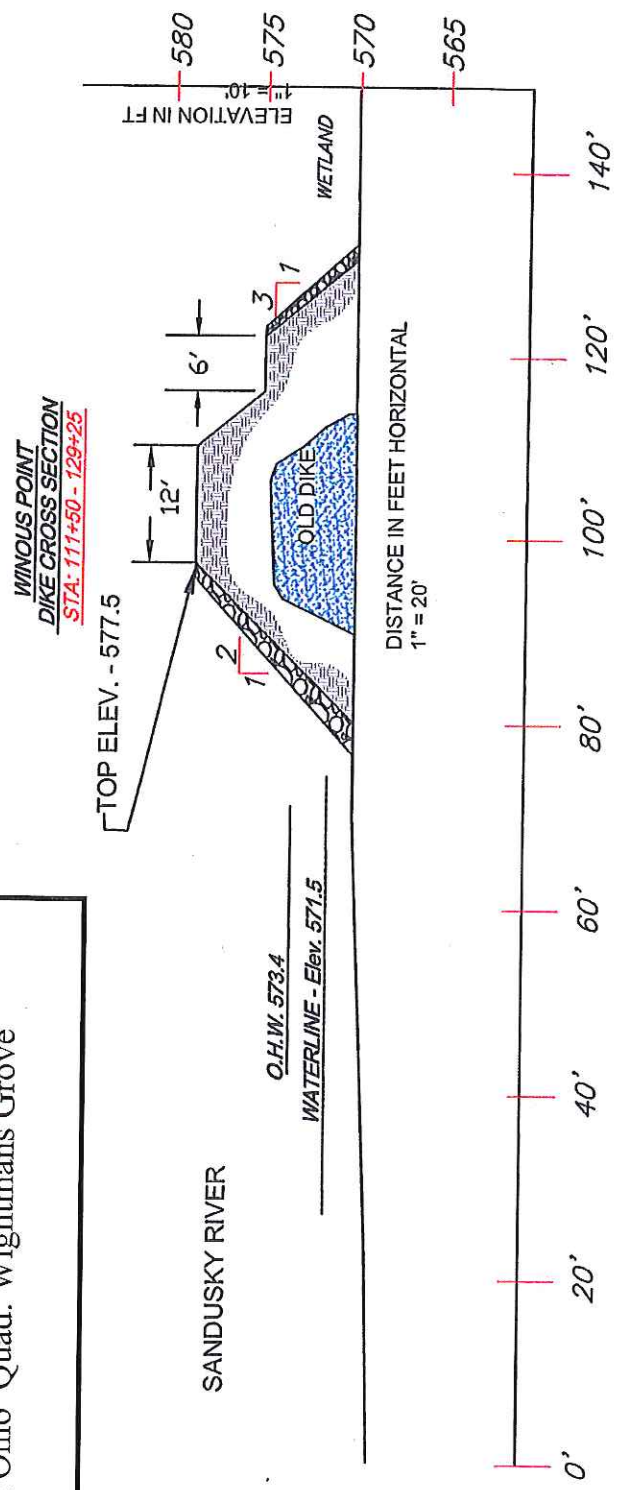


**WINOVS POINT**  
**DIKE CROSS SECTION**  
STA: 87+50 - 93+50 & 98+50 - 105+00



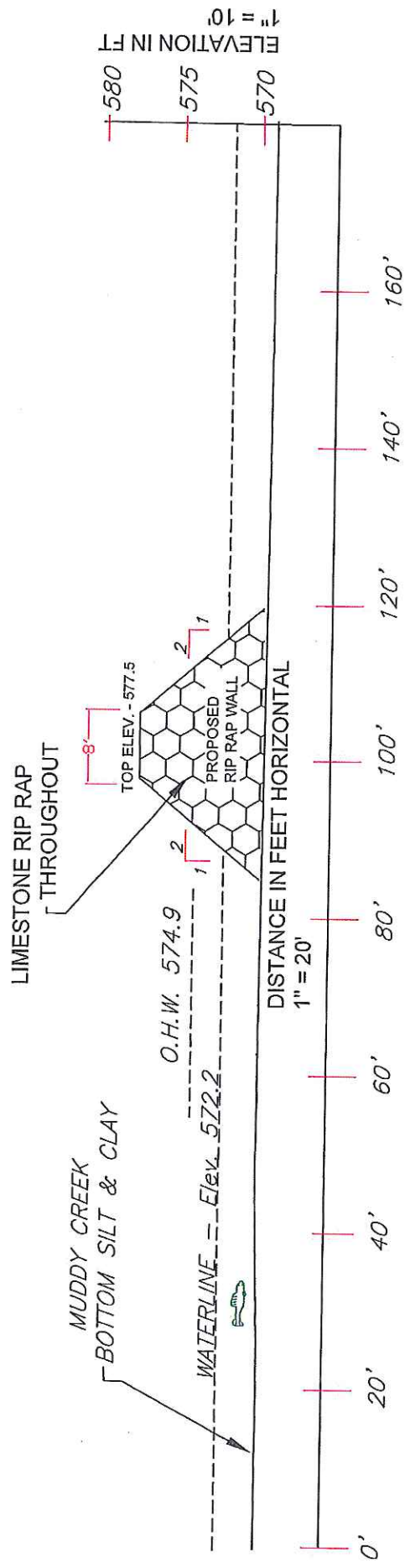
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WINOUS POINT MARSH CONSERVANCY  
ROCK WALL CROSS SECTION  
AT PROPOSED BOAT ACCESS LOCATION



TOTAL LENGTH OF WALLS 200'  
 AVG. BOTTOM WIDTH 45"

ROCK FILL INCLUDED IN 6,639 CY  
 TOTAL PROPOSED DISCHARGED  
 BELOW THE O.H.W.

Winous Point Marsh Conservancy - Mudhole Restoration  
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