



Public Notice

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

Applicant: Royalton
Place Ltd.

Published: December 4, 2015
Expires: January 4, 2015

Application No: 2005-01960
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:) Peter Krakowiak
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: Royalton Place Ltd.

WATERWAY & LOCATION: Wetlands and streams on 24.85-acre parcel located north of State Route 82 in the City of North Royalton, Cuyahoga County, Ohio

LATITUDE & LONGITUDE: Latitude North: 41.31386
Longitude West: -81.75444

EXISTING CONDITIONS: The subject parcel contains areas of successional woods, upland old field, emergent wetlands, forested wetlands, and intermittent streams.

Description of delineation of waters of the US, if applicable: Preliminary Jurisdictional Determination dated December 18, 2014

PROPOSED WORK: The project proposed includes the placement of fill within 2.547 acres of federal wetlands (0.210 acre of forested wetlands and 2.337 acres of emergent wetlands) and 524 linear feet of federal intermittent streams in association with the construction of a senior housing facility. The development will include four apartment buildings, a recreational facility, two commercial/retail buildings, and attendant features such as parking, interior roads, utilities and

stormwater management facilities.

PROJECT PURPOSE

Basic: Residential Development

Overall: Construct a senior housing facility within the southwest Cleveland suburbs

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 responsibility to demonstrate that there are no alternate sites that are less environmentally damaging that would allow the applicant to accomplish their project purpose. The applicant has performed an off-site alternative analysis and two on-site alternative analyses that are available upon request.

AVOIDANCE AND MINIMIZATION INFORMATION: The project was designed to avoid 49.9% of the on-site wetlands and 63.5% of the on-site streams. Stream 5, the highest quality stream on-site, will be avoided in its entirety.

PROPOSED MITIGATION: The applicant has proposed to purchase 4.7 non-forested and 0.6 forested wetland mitigation credits and 786 stream mitigation credits from the North Coast Regional Council of Park Districts In-lieu Fee Program's Black-Rocky (04110001 HUC) Service Area.

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 Peter Krakowiak, who can be contacted at the above address, by calling 716-879-4363, or by e-mail at: Peter.j.krakowiak@usace.army.mil A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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 2. Therefore, the Corps has determined that the proposed project will have no effect on historic properties. 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 (*Setophaga kirtlandii*), Piping plover *Charadrius melodus*), and Rufa red knot (*Calidris canutus rufa*) 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.

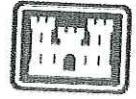
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

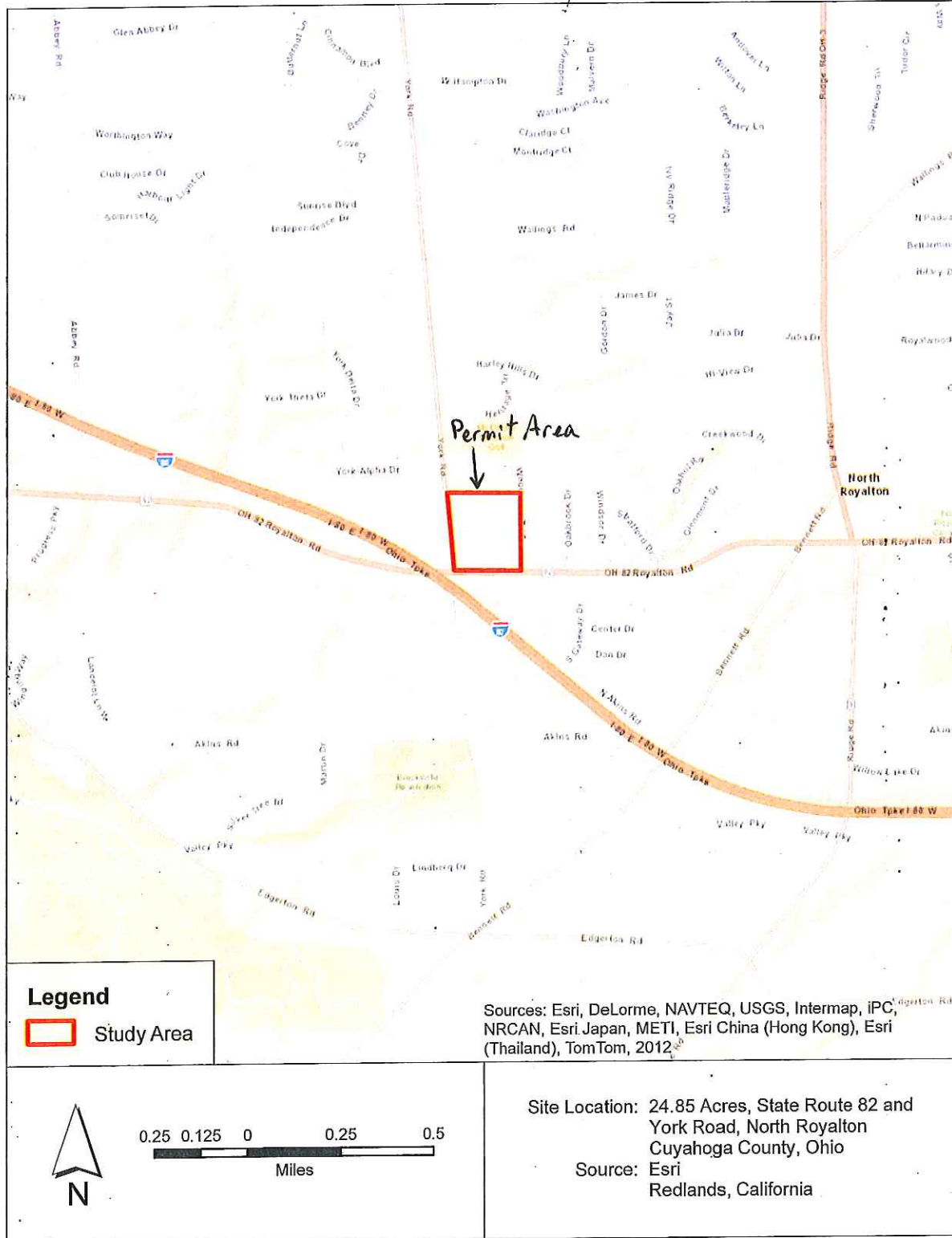
SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

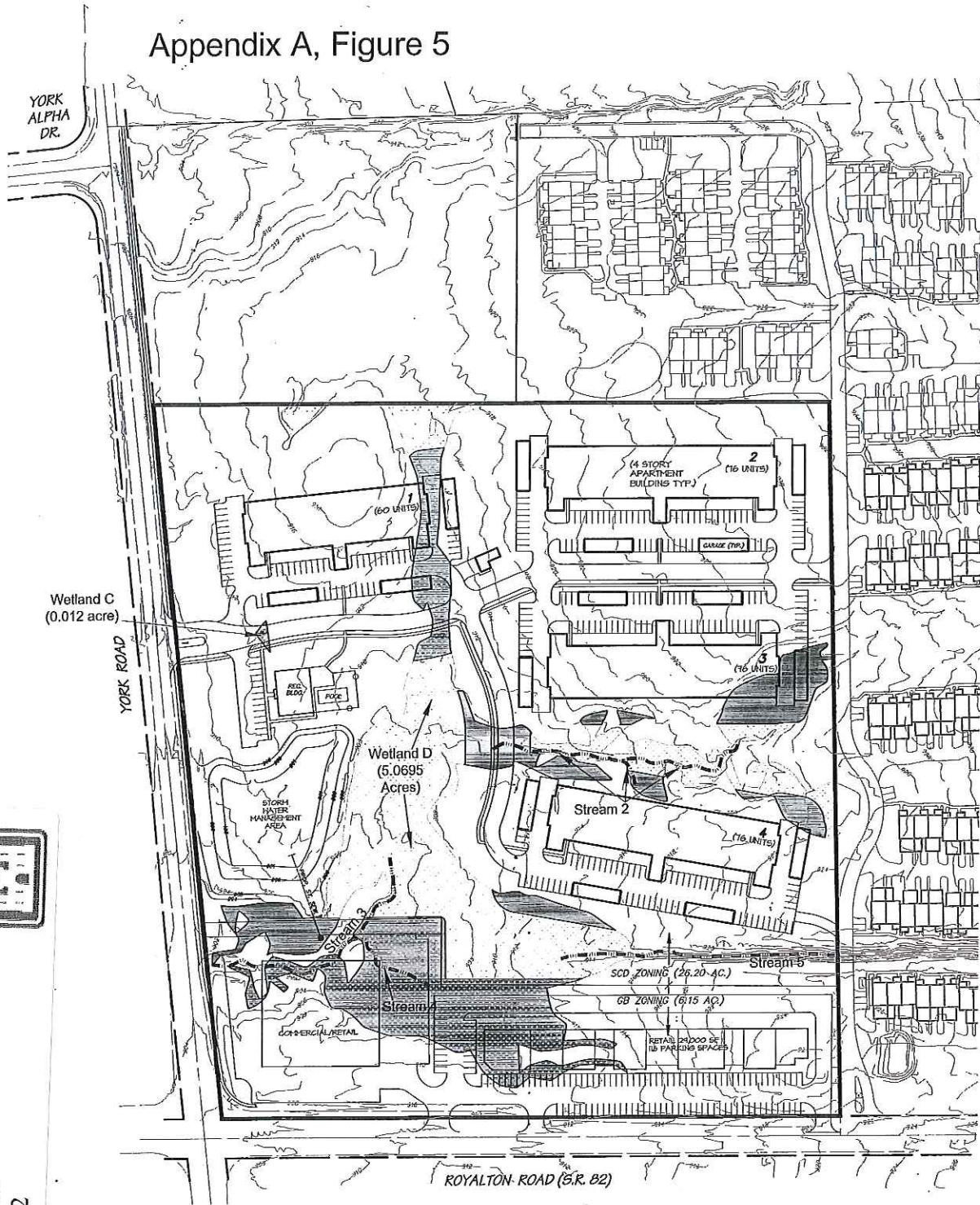
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



Appendix A, Figure 1
Location of Study Area on Highway Map

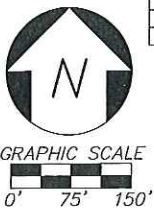


Appendix A, Figure 5



Royalton Place Ltd.
 D/A Processing No. 2005-01960
 Cuyahoga County, Ohio
 Quad: Berea
 Sheet 2 of 2

EXISTING WATER RESOURCE DATA:		
Wetlands:	Existing:	Impacted:
Wetland 'C'	0.012 Ac.	0.0120 Ac.
Wetland 'D'	5.0895 Ac.	2.5352 Ac.
Total	5.0815 Ac.	2.5472 Ac.
Streams:	Existing:	Impacted:
Stream 2	456 L.F.	63 L.F.
Stream 3	400 L.F.	289 L.F.
Stream 4	152 L.F.	152 L.F.
Stream 5	427 L.F.	0 L.F.
Total	1435 L.F.	524 L.F.



PREFERRED DEVELOPMENT ALTERNATIVE
ROYALTON PLACE
 York Road, North Royalton, Cuyahoga County, Ohio
 Or. No. 3795-2-W Date: September, 2015
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