



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

# Public Notice

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Applicant: Solon  
Business Park, L.P.

Published: September 16, 2015  
Expires: October 16, 2015

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Application No: 2002-00674  
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**

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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: Solon Business Park, L.P., 3100 Aurora Road, Solon Road, Ohio 44139

WATERWAY & LOCATION: Federally jurisdictional wetlands on a 5.8-acre parcel of land located at 30700 Aurora Road, Solon, Cuyahoga County, Ohio (Sheets 1-5 of 5).

LATITUDE & LONGITUDE: Latitude North: 41.036801  
Longitude West: -81.556485

**EXISTING CONDITIONS:**

Description of delineation of waters of the US, if applicable: A wetland delineation was completed in July 2014 and USACE Corps staff verified the delineated boundaries for two wetlands on August 14, 2014 as follows: Wetland A (0.339 acre) and Wetland B (0.093 acre). See Sheet 5 of 5. Wetlands A and B both have a traceable hydrologic connection to a downstream TNW, the Cuyahoga River and as such, they are regulated waters of the U.S. A preliminary jurisdictional determination was issued on September 22, 2014.

**PROPOSED WORK:** The applicant previously received Nationwide Permit affirmation on February 17, 1994 to construct an 81,125 square foot warehouse (NWP 26) and permanent concrete bridge (NWP 14). The NWP affirmation authorized impacts to 0.77 acre of Federal jurisdiction (Sheets 1 and 2 of 5). No wetland mitigation was required for these impacts. The applicant is currently proposing to permanently impact 0.339 acre of forested wetland for the construction of 12 additional loading docks and associated features at the existing warehouse facility (See Sheet 5 of 5).

#### **PROJECT PURPOSE**

**Basic:** Construct additional loading docks and associated features for an existing warehouse.

**Overall:** Construct 12 additional loading docks and associated features for an existing warehouse located in an industrial area in Solon, Cuyahoga County, Ohio.

**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 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 applicant will avoid impacts to 0.093 acre of scrub-shrub wetland (Sheet 5 of 5).

**PROPOSED MITIGATION:** No forested wetland mitigation credits are available from an approved wetland mitigation bank within the same 8-digit HUC watershed as where the Project is located. As such, the applicant proposes to purchase 0.9 acre of forested wetland mitigation credit at a 2.5:1 ratio from the Nature Conservancy's In-Lieu Fee Program to compensate for impacts to 0.339 acre of modified category 2 forested wetlands on the Project.

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](mailto: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 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

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 5 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 (*Setophaga kirtlandii*), Piping plover *Charadrius melodus*, and Red knot(Rufa) (*Calidris canutus rufa*) 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.

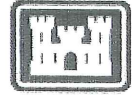
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits 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.

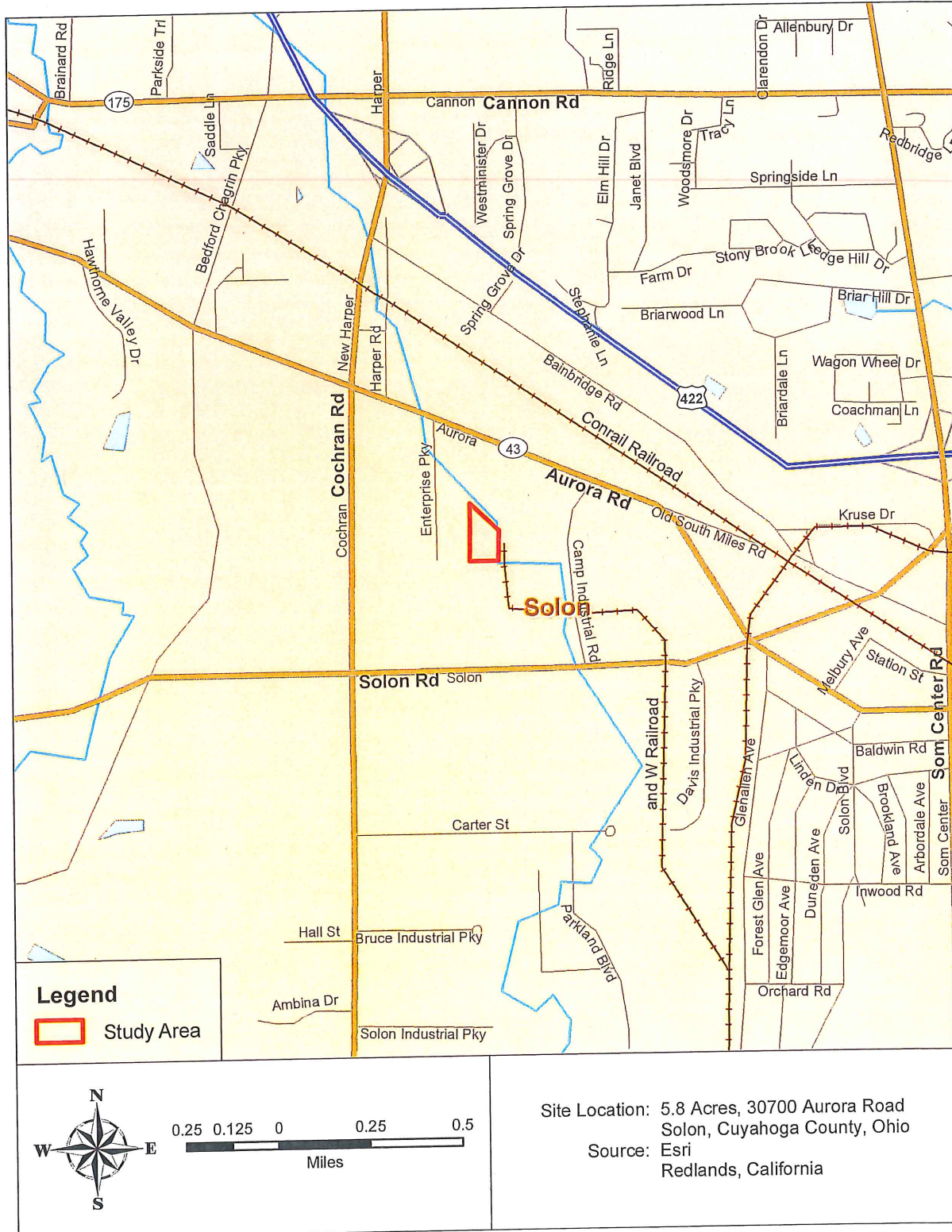
## **SIGNED**

Diane C. Kozlowski  
Chief, Regulatory Branch

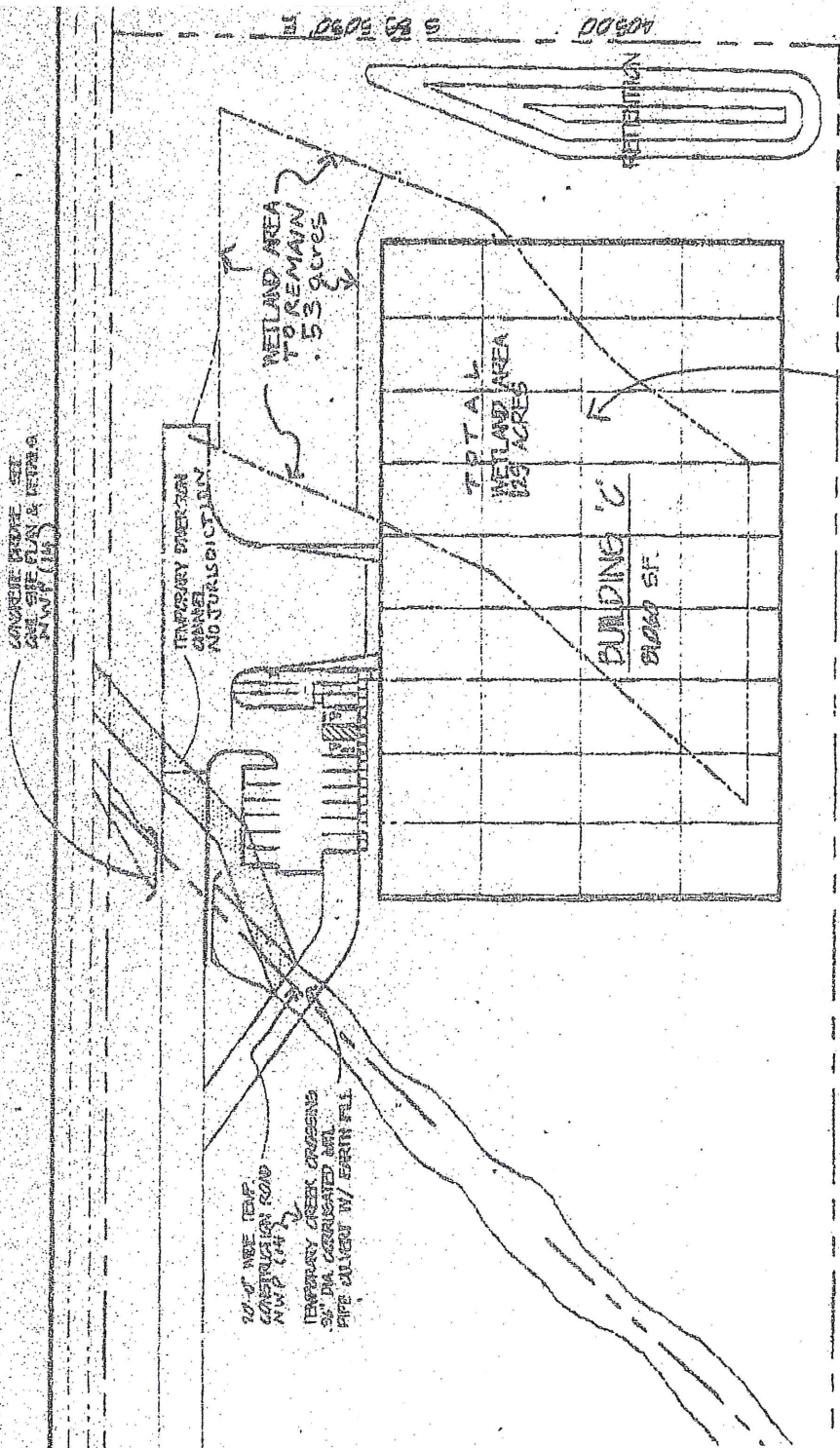
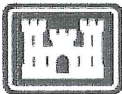
**NOTICE TO POSTMASTER:** It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



**Appendix A, Figure 1**  
**Location of Project Site on Highway Map**



Solon Business Park, L.P  
D/A Processing No. 2002-00674  
Cuyahoga County, Ohio  
Quad: Chagrin Falls OH  
Sheet 2 of 5



PROPOSED WETLAND  
FILL 0.77 ACRES  
AUTHORIZED BY NWP(26)

CONCRETE PAVEMENT SEE  
PLAN SHEET PLAN & DETAIL  
2002-00674

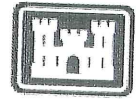
TEMPORARY EROSION  
CONTROL NO TURF RESTRICTION

20'-0" WIDE TEMP.  
CONSTRUCTION ROAD  
NWP (14)  
TEMPORARY CREEK CROSSINGS  
32" DIA. CORRUGATED METAL  
PIPE COVERED W/ EARTH FILL

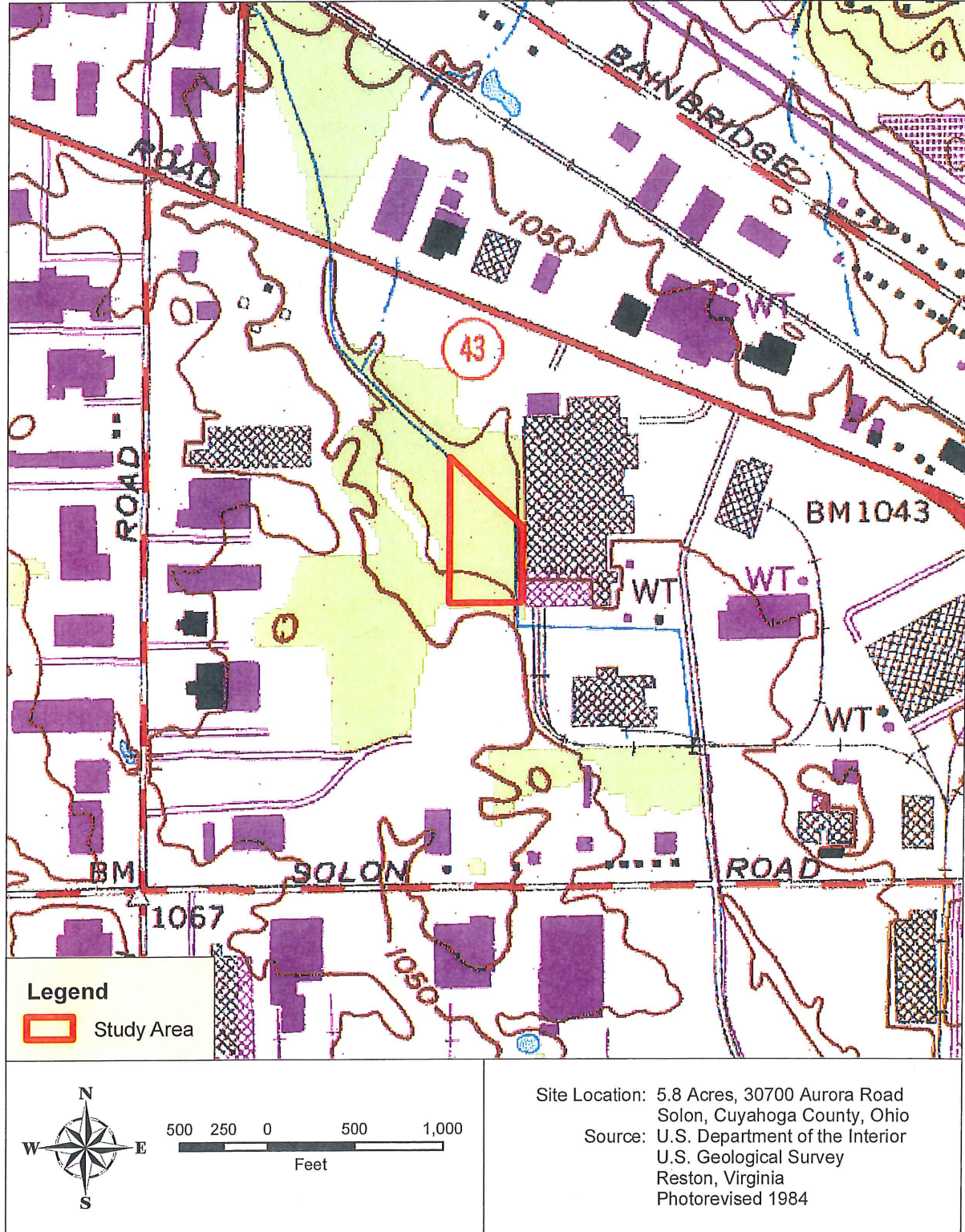
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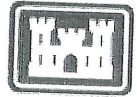
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Sheet 2 of 6



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





### Appendix A, Figure 3 Location of Study Area on Aerial Photograph



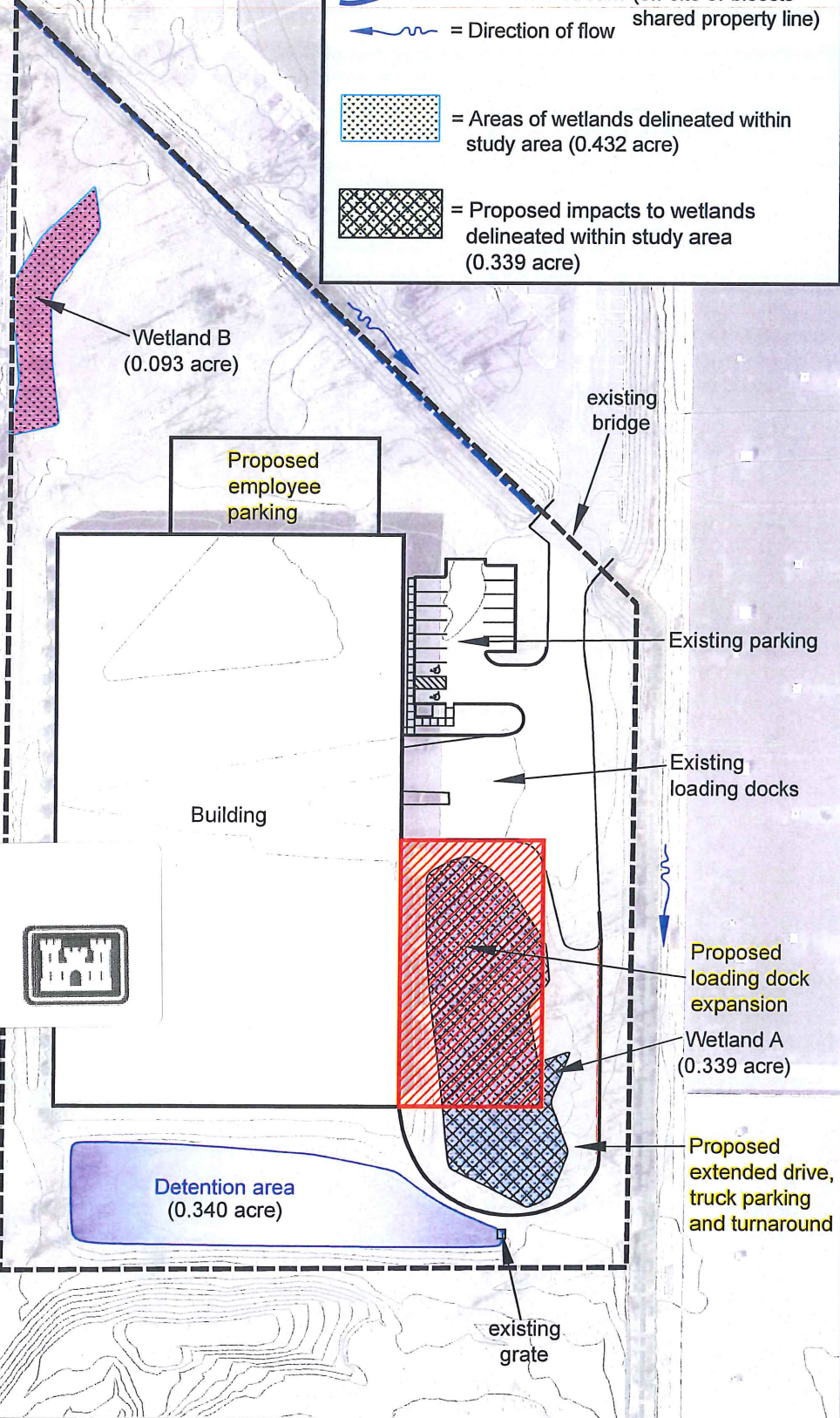


# Preferred Degradation Alternative

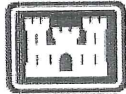


**NOTE:** Wetlands sizes and stream lengths could change upon overlay of a boundary survey, especially where these features extend outside of or are in close proximity to the shown study limits. Wetlands acreage and stream lengths are calculated for the portion that occurs in the shown study limits.

- = Study area
- = Perennial stream (off-site or bisects shared property line)
- = Direction of flow
- = Areas of wetlands delineated within study area (0.432 acre)
- = Proposed impacts to wetlands delineated within study area (0.339 acre)



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 Sheet 5 of 5



**Wetland Plant Communities**

- = Scrub/shrub wetlands
- = Forested wetlands

