

***OHIO ENVIRONMENTAL PROTECTION AGENCY  
SECTION 401 WATER QUALITY CERTIFICATION  
APPLICATION***

**Cedar Creek Estates, Phase II**

*February 2015*

Prepared on behalf of:

Triple Properties, LLC  
Albion Place, Suite A-2  
10950 Pearl Road  
Strongsville, Ohio 44136

Prepared by:



HZW ENVIRONMENTAL  
CONSULTANTS, LLC

6105 Heisley Road ♦ Mentor, Ohio 44060  
440-357-1260 ♦ Fax 440-357-1510

**Table of Contents**

<b>Item 1: Application for Section 401 Water Quality Certification</b> .....	<b>1</b>
<b>Item 2: Wetland and Stream Impact Tables</b> .....	<b>2</b>
<b>Item 3: Waters Delineation Report</b> .....	<b>3</b>
<b>Item 4: Correspondence</b> .....	<b>4</b>
<b>Item 5: Proposed Project Antidegradation Analysis</b> .....	<b>5</b>
<b>5.1: Description of the Activity</b> .....	<b>5</b>
Preferred Alternative .....	5
Minimal Alternative.....	5
Non-Degradation Alternative.....	5
<b>5.2: Avoidance</b> .....	<b>6</b>
<b>5.3: Minimization</b> .....	<b>6</b>
<b>5.4: Magnitude of the Proposed Lowering of Water Quality</b> .....	<b>6</b>
Preferred Alternative and Minimal Alternative .....	6
Non-Degradation Alternative.....	7
<b>5.5: Technical Feasibility and Cost Effectiveness</b> .....	<b>7</b>
Preferred Alternative and Minimal Alternative .....	7
Non-Degradation Alternative.....	7
<b>5.6: Economic Considerations</b> .....	<b>7</b>
Preferred Alternative and Minimal Alternative .....	7
Non-Degradation Alternative.....	8
<b>5.7: Cumulative Impacts</b> .....	<b>8</b>
Preferred Alternative and Minimal Alternative .....	8
Non-Degradation Alternative.....	8
<b>5.8: Indirect Impacts</b> .....	<b>8</b>
Preferred Alternative and Minimal Alternative .....	8
Non-Degradation Alternative.....	9
<b>5.9: Construction Storm Water Management Plans</b> .....	<b>9</b>
Preferred Alternative and Minimal Alternative .....	9
Non-Degradation Alternative.....	9
<b>5.10: Post-Construction Storm Water Management Plans</b> .....	<b>9</b>
Preferred Alternative and Minimal Alternative .....	9
Non-Degradation Alternative.....	9
<b>Item 6: Section 1 - Existing Conditions Mapping</b> .....	<b>10</b>
<b>Item 6: Section 2 - Alternative Analysis Mapping</b> .....	<b>11</b>
<b>Item 7: Proposed Mitigation and Monitoring Plan</b> .....	<b>12</b>
<b>Section 1: Mitigation Overview</b> .....	<b>12</b>
<b>Section 2: Wetland Mitigation Bank</b> .....	<b>12</b>
<b>Section 3: In-Lieu Fee Mitigation</b> .....	<b>13</b>
<b>Section 4: On-Site Permittee-Responsible Mitigation Project</b> .....	<b>13</b>
<b>Section 5: Protection in Perpetuity</b> .....	<b>13</b>
<b><u>Tables</u></b>	
<b>Table 1 – Proposed Credit Purchases</b> .....	<b>12</b>

**Item 1: Application for Section 401 Water Quality Certification**



# Application for Section 401 Water Quality Certification

Division of Surface Water 401 Water Quality Certification and Isolated Wetland Permitting Unit

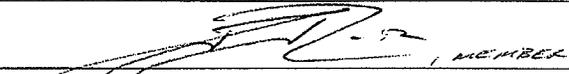
Section 1: Applicant and Agent Information		
	Applicant:	Agent:
Company/ Agency Name:	Triple Properties, LLC	HZW Environmental Consultants, LLC
Name of Contact:	Jeffrey J. Lutz	Mr. Benjamin Latoche
Title:	Member	Environmental Scientist I
Technical Point of Contact:	N/A	N/A
Address:	10950 Pearl Road, Albion Place, Suite A-2	6105 Heisley Road
City, State, Zip:	Strongsville, Ohio 44136	Mentor, Ohio 44060
Phone Number(s):	(440) 227-5980	(440) 357-1260
Email Address:	jeff@lutzlawoffice.com	BLatoche@hzwenv.com

Section 2: Project Information		
<b>A. Project Name:</b> Cedar Creek Estates Phase II		
<b>B. Has Pre-App. Coordination occurred?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>Indicate the 401 reviewer:</b> Choose an item. <b>DATE:</b> Click here to enter a date.		
<b>C. Brief Project Description/Purpose:</b> Cedar Creek Estates Phase II (the Project) is a residential sub-division phase located within the City of Strongsville, Ohio that aims to address the local demand for larger residential lots in a more natural and unique setting. The Project entails the combination of two previously separate lots for the site grading and construction of a 7,000 square foot home on approximately one (1) acre of land as well as a preparation of a third lot for another residence.		
<b>D. Construction Timeframe (Provide ~start and end dates):</b> April 2015 April 2016		
<b>E. Is any portion of the activity complete now?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>Is this an "After-The-Fact" permit application?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>If YES to either, describe the extent of completed portion of the activity below and the unauthorized impacts on waters of the state:</b> *While no physical work on the Project has occurred to date, please note that Phase I of Cedar Creek Estates has been permitted and is currently under construction. This will be described in more depth in the completed 401 application package.		
<b>F. Coordinates (degree, minutes, seconds):</b> 41°20' 20.925" N - 81° 51' 34.0488" W		
<b>G. Project Address:</b> Street: Cedar Creek Drive		<b>City or Town:</b> Strongsville
Zip Code: 44149	Township: N/A	County: Cuyahoga
<b>H. 12 Digit HUC No.:</b> 041100010108	<b>I. Watershed Name:</b> Rocky River	<b>J. Corps District:</b> Buffalo
<b>K. Proposed impacts to "waters of the state":</b>		<b>L. Other water related permits issued or required include:</b>
<input type="checkbox"/> Beach Nourish <input type="checkbox"/> Levees/Berms <input type="checkbox"/> Blasting <input type="checkbox"/> Mine Through <input type="checkbox"/> Breakwater <input type="checkbox"/> Revetment <input type="checkbox"/> Bulkhead <input type="checkbox"/> Bank Stabilization <input type="checkbox"/> Bridge/Culvert <input type="checkbox"/> Stream Channeliz. <input type="checkbox"/> Dam <input type="checkbox"/> Stream Relocation <input type="checkbox"/> Dredge <input type="checkbox"/> Water Body Cross <input checked="" type="checkbox"/> Fill <input type="checkbox"/> Weirs <input type="checkbox"/> Groin/Jetty <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Individual 404 Permit – Public Notice # 2009-00955 <input type="checkbox"/> Nationwide Permit # Choose an item. Choose an item. Click here to enter a date. <input type="checkbox"/> Section 10 Permit - Choose an item. Click here to enter a date. <input type="checkbox"/> Section 9 Permit - Click here to enter text. <input type="checkbox"/> Iso. Wetland Permit Choose an item. Click here to enter a date. Choose an item. <input type="checkbox"/> NPDES Permit – Choose an item. Choose an item. Click here to enter a date. <input type="checkbox"/> Permit to Install – Choose an item. : Click here to enter a date. <input type="checkbox"/> ODNR Choose an item. Permit - Choose an item. Click here to enter a date. <input type="checkbox"/> ODNR Coastal Permit - Choose an item. Click here to enter a date. <input type="checkbox"/> Regional Permit - Choose an item. Click here to enter a date.

Section 3: Fees			
Are you exempt from fees? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If YES, leave fee section blank)			
<b>Application Fee =</b>			\$ 200.00
<b>Review Fee</b>			
Wetland	Acres Impacted	0.25 x \$500 =	\$ 125.00
Ephemeral Stream	Linear Feet Impacted	x \$5.00 =	\$ 0.00 (\$200.00 minimum)
Intermittent Stream	Linear Feet Impacted	x \$10.00 =	\$ 0.00 (\$200.00 minimum)
Perennial Stream	Linear Feet Impacted	x \$15.00 =	\$ 0.00 (\$200.00 minimum)
Lake	Cubic Yards	x \$3.00 =	\$ 0.00
<b>Total Review Fees =</b>			<b>\$ 125.00</b>
<b>Total Fees (\$200 Application Fee + Total Review Fees) = \$ 325.00</b>			
Standard Applicant - Is the fee cap (\$25,000) exceeded? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If YES, \$12,500 (\$12,700) is due with application and \$12,500 (\$12,300) is due at time of 401 WQC issuance			
County, Township or Municipal Corp. – Is the fee cap (\$5,000) exceeded? <input type="checkbox"/> YES <input type="checkbox"/> NO			
If YES, \$2,500 (\$2,700) is due with application and \$2,500 (\$2,300) is due at time of 401 WQC issuance			
If fee cap is not exceeded:			
DUE AT TIME OF 401 WQC APP. SUBMITTAL – APPLICATION FEE AND ½ OF REVIEW FEE =			\$ 262.50
DUE AT TIME OF 401 WQC ISSUANCE – ½ OF REVIEW FEE (Invoice will be sent) =			\$ 62.50
<b>PLEASE MAKE FEE CHECK PAYABLE TO: "TREASURER, STATE OF OHIO"</b>			

Section 4: Submitted Documentation		
Check all documents/items that have been submitted:		
<input checked="" type="checkbox"/> U.S. ACOE JD letter	<input checked="" type="checkbox"/> A specific & detailed mitigation plan	<input checked="" type="checkbox"/> US FWS & ODNR T&E Coordination
<input checked="" type="checkbox"/> 10 page ORAM forms - impacted wetlands	<input checked="" type="checkbox"/> Applicable fees	<input checked="" type="checkbox"/> Investigation report of "waters of the US"
<input type="checkbox"/> A DoEU for each undesignated stream *	<input checked="" type="checkbox"/> Site photographs	<input checked="" type="checkbox"/> US ACOE 404 Permit Public Notice
<input checked="" type="checkbox"/> Descriptions, schematics & appropriate economic information for <u>all three alternatives</u> (Preferred, Minimal Degradation and Non Degradation)		

\*DoEU – Determination of Existing Use (See pages 6 and 11 in the Instructions)

Section 5: Applicant and Agent Signature			
I hereby designate and authorize the agent/consultant identified in Section 1 to act on my behalf in the processing of this permit application, and to furnish, upon request, supplemental information in support of the application:			
Applicant Name	Jeffrey J. Lutz	Applicant Signature	
Application is hereby made for a Section 401 Water Quality Certification. I certify that the information provided on this form and all attachments related to this project are true and accurate to the best of my knowledge:			
Applicant Name	Jeffrey J. Lutz	Applicant Signature	
Agent Name	Benjamin Latoche	Agent Signature	

For Internal Ohio EPA Use	
Reviewer:	
Project ID #	
Date Received:	
CR Due:	

**Item 2: Wetland and Stream Impact Tables**



# Application for Section 401 Water Quality Certification — Proposed Wetland Impacts and Mitigation

Division of Surface Water 401 Water Quality Certification and Isolated Wetland Permitting Unit

Wetlands Onsite and Proposed Impacts											
Wetland ID	ORAM Score	Category	Cat. Verified by Ohio EPA?	Ohio EPA Reviewer who Verified	Acreage Onsite	Preferred Alternative			Minimal Degradation Alternative		
						Impact Acreage		Impact Type	Impact Acreage		Impact Type
						Forested	Non		Forested	Non	
Wetland D	51.00	2	<input type="checkbox"/>	Choose an item.	0.60	0.25	0.00	Fill	0.23	0.00	Fill
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
		1	<input type="checkbox"/>	Choose an item.				Choose an item.			Choose an item.
<b>Wetland Acreage Totals</b>						0.60	0.25	0.00		0.23	0.00
<b>Totals – Category 1 Wetlands</b>						0.00	0.00	0.00		0.00	0.00
<b>Totals – Category 2 Wetlands</b>						0.60	0.25	0.00		0.23	0.00
<b>Totals – Category 3 Wetlands</b>						0.00	0.00	0.00		0.00	0.00

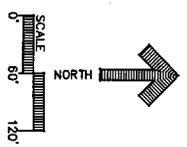
Proposed Wetland Mitigation (Check All That Apply) Preferred Alternative			
<input checked="" type="checkbox"/> <b>Wetland Mitigation Bank</b> Mitigation Bank: Edison Woods	Number of Forested Credits: 0.70 Number of Non-Forested Credits: 0.00 Number of Buffer Credits: 0.00	Type of Credits (if applicable): Creation Type of Credits (if applicable): Choose an item. Type of Credits (if applicable): Choose an item.	Proof of Reservation? <input type="checkbox"/>
<input type="checkbox"/> <b>In-Lieu Fee Program</b>	ILF Sponsor: Choose an item.	Number of Wetland Credits: Number of Buffer Credits:	
<input type="checkbox"/> <b>On-Site Permittee-Responsible Mitigation</b>	<input type="checkbox"/> <b>Restoration/Creation</b> Choose an item. Acres <input type="checkbox"/> <b>Preservation</b> Choose an item. Acres	<input type="checkbox"/> <b>Enhancement</b> Choose an item. Acres <input type="checkbox"/> <b>Other</b> Click here to enter text.	
<input type="checkbox"/> <b>Off-Site Permittee-Responsible Mitigation</b>	<input type="checkbox"/> <b>Restoration/Creation</b> Choose an item. Acres <input type="checkbox"/> <b>Preservation</b> Choose an item. Acres	<input type="checkbox"/> <b>Enhancement</b> Choose an item. Acres <input type="checkbox"/> <b>Other</b> Click here to enter text.	
Proposed Wetland Mitigation (Check All That Apply) Minimal Degradation Alternative			
<input checked="" type="checkbox"/> <b>Wetland Mitigation Bank</b> Mitigation Bank: Edison Woods	Number of Forested Credits: 0.60 Number of Non-Forested Credits: 0.00 Number of Upland Buffer Credits: 0.00	Type of Credits (if applicable): Creation Type of Credits (if applicable): Choose an item. Type of Credits (if applicable): Choose an item.	Proof of Reservation? <input type="checkbox"/>
<input type="checkbox"/> <b>In-Lieu Fee Program</b>	ILF Sponsor: Choose an item.	Number of Wetland Credits: Number of Buffer Credits:	
<input type="checkbox"/> <b>On-Site Permittee-Responsible Mitigation</b>	<input type="checkbox"/> <b>Restoration/Creation</b> Choose an item. Acres <input type="checkbox"/> <b>Preservation</b> Choose an item. Acres	<input type="checkbox"/> <b>Enhancement</b> Choose an item. Acres <input type="checkbox"/> <b>Other</b> Click here to enter text.	
<input type="checkbox"/> <b>Off-Site Permittee-Responsible Mitigation</b>	<input type="checkbox"/> <b>Restoration/Creation</b> Choose an item. Acres <input type="checkbox"/> <b>Preservation</b> Choose an item. Acres	<input type="checkbox"/> <b>Enhancement</b> Choose an item. Acres <input type="checkbox"/> <b>Other</b> Click here to enter text.	

### **Item 3: Waters Delineation Report**

A wetland delineation of the 2.56 acre Cedar Creek Estates, Phase II Project Area (Project Area) was included in the original delineation report of the entire 27-acre (approximate) parcel performed in 2009 by Flickinger Wetland Services Group. Unfortunately, most of this original document has been lost. The document was, however, submitted to the Corps the same year and a Jurisdictional Determination letter (JD) for the parcel (including the Project Area) was issued on October 2, 2009 (see **Item 4a**). Additionally, HzW tenders the attached information, described below, to aid the Ohio Environmental Protection Agency (Ohio EPA) in their decision-making process:

Included Items (attached behind this list):

- **Item 3a** – Wetland Delineation Map
  - As included in the October 2, 2009 JD.
- **Item 3b** – National Wetland Inventory (NWI) Map
- **Item 3c** – National Resources Conservation Service (NRCS) Soil Survey Map
- **Item 3d** – Resource Photographs
  - Includes photographs from both the original delineation as well as HzW's February 25, 2015 site visit.
- **Item 3e** – Ohio Rapid Assessment Method (ORAM) Data Forms



EF LOCATION POINT  
 ⑦ SAMPLE POINT  
 WETLAND AREA = 4.166 ACRES  
 STREAM AREA = 0.098 ACRES  
 1428.68 FEET

Triple Properties, LLC  
 D/A Processing No. 2009-00955  
 Cuyahoga County, Ohio  
 Quad: Berea  
 Sheet 2 of 2



CLIENT	TRIPLE PROPERTIES, LLC
PROJECT	PROSPECT ROAD, 27 ACRES
TITLE	WETLAND DELINEATION
SCALE	1" = 60'
DATE	02-08
JOB NO.	4008
DRAWN BY	PLICKINGER
CHECKED BY	PLICKINGER
SCALE	1" = 60'
SHEET NO.	1 of 1



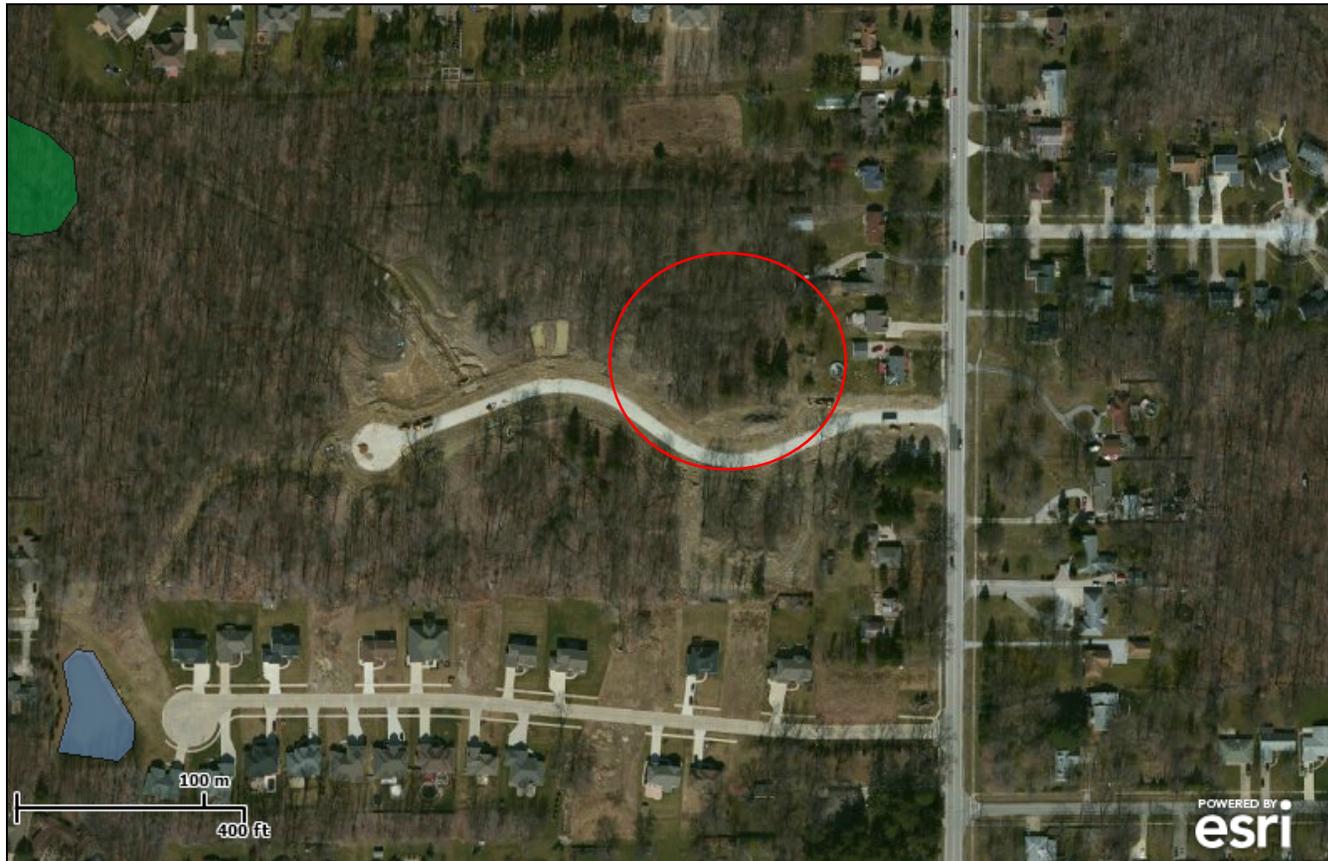
Plickinger Wetland Services Group, Inc.  
 554 WHITE POND DRIVE, SUITE D  
 FARLAWN, OHIO 44320 (330) 865-0688



# U.S. Fish and Wildlife Service National Wetlands Inventory

## Cedar Creek Estates, Phase II NWI Map

Feb 27, 2015



### Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

 Approximate Project Area

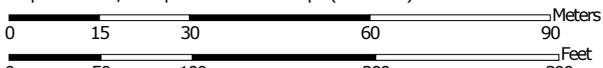
User Remarks:

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Soil Map—Cuyahoga County, Ohio  
(Cedar Creek Estates, Phase II NRCS Soil Survey)



Map Scale: 1:1,250 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cuyahoga County, Ohio  
Survey Area Data: Version 13, Sep 19, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 3, 2012—Mar 14, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Cuyahoga County, Ohio (OH035)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ct	Condit silty clay loam	0.0	0.3%
MgA	Mahoning silt loam, 0 to 2 percent slopes	6.8	93.0%
MgB	Mahoning silt loam, 2 to 6 percent slopes	0.5	6.7%
<b>Totals for Area of Interest</b>		<b>7.3</b>	<b>100.0%</b>





## Background Information

Name:	Benjamin Latoche
Date:	02/25/2015
Affiliation:	HzW Environmental Consultants, LLC
Address:	6105 Heisley Road
Phone Number:	440-357-1260
e-mail address:	BLatoche@HzWEnv.com
<b>Name of Wetland:</b>	<b>Wetland D</b>
Vegetation Communit(ies):	Forested, Shrub, Emergent
HGM Class(es):	Depression (I) Surface Water (A)
Location of Wetland include map, address, north arrow, landmarks, distances, roads, etc.  See PJD.	
Lat/Lon or UTM Coordinate	
USGS Quad Name	
County	Cuyahoga
Township	Strongsville
Section and Subsection	
Hydrologic Unit Code	
Site Visit	Yes
National Wetland Inventory Map	Yes
Ohio Wetland Inventory Map	No
Soil Survey	No
Delineation Report/Map	Yes

Name: Wetland D		
Wetland Size (acres, hectares)	0.604	
<p>Sketch (include north arrow, relationship with other surface waters, vegetation zones, etc.)</p> <p>See PJD.</p>		
<p>Comments, Narrative Discussion, Justification of Category Changes</p> <p>This ORAM was completed outside of appropriate field season due to extenuating circumstances. Prior authorization for such action was given verbally by Ms. Rachel Taulbee and Mr. Joe Loucek of the Ohio EPA 401 Department via conference call on 02/24/15. HzW understands the limitations of performing the ORAM with snow cover, but does not expect Ohio EPA's affirmation to lead to a drastic deviation (i.e., a category difference) from these scores.</p>		
<b>Final Score:</b>	<b>51.0</b>	<b>Category</b> 2

## Scoring Boundaries Worksheet

INSTRUCTIONS: The initial step in completing the ORAM is to identify the “scoring boundaries” of the wetland being rated. In many instances this determination will be relatively easy and the scoring boundaries will coincide with the “jurisdictional boundaries.” For example, the scoring boundary of an isolated cattail marsh located in the middle of a farm field will likely be the same as that wetland’s jurisdictional boundaries. In other instances, however, the scoring boundary will not be as easily determined. Wetlands that are small and isolated from surface waters often form large contiguous areas or heterogeneous complexes of wetland and upland. In separating wetlands for scoring purposes, the hydrologic regime of the wetland is the main criterion that should be used. Boundaries between contiguous or connected wetlands should be established where the volume, flow, or velocity of water moving through the wetland changes significantly. *Areas with a high degree of hydrologic interaction should be scored as a single wetland.* In determining a wetland’s scoring boundaries, use the guidelines in the ORAM Manual Section 5.0. In certain instances, it may be difficult to establish the scoring boundary for the wetland being rated. These problem situations include wetlands that form a patchwork on the landscape, wetlands divided by artificial boundaries like property fences, roads, or railroad embankments, wetlands that are contiguous with streams, lakes, or rivers, and estuarine or coastal wetlands. These situations are discussed below, however, it is recommended that rater contact Ohio EPA, Division of Surface Water, 401/Wetlands Unit if there are additional questions or a need for further clarification of the appropriate scoring boundaries of a particular wetland.

#	Steps in properly establishing scoring boundaries	done?	not applicable
<b>Step 1</b>	Identify the wetland area of interest. This may be the site of a proposed impact, a mitigation site, conservation site, etc.	Yes	
<b>Step 2</b>	Identify the locations where there is physical evidence that hydrology changes rapidly. Such evidence includes both natural and human-induced changes including, constrictions caused by berms or dikes, points where the water velocity changes rapidly at rapids or falls, points where significant inflows occur at the confluence of rivers, or other factors that may restrict hydrologic interaction between the wetlands or other parts of a single wetland.	Yes	
<b>Step 3</b>	Delineate the boundary of the wetland to be rated such that all areas of interest that are contiguous to and within the areas where the hydrology does not change significantly, i.e. areas that have a high degree of hydrologic interaction are included within the scoring boundary.	Yes	
<b>Step 4</b>	Determine if artificial boundaries, such as property lines, state lines, roads, railroad embankments, etc., are present. These should not be used to establish scoring boundaries unless they coincide with areas where the hydrologic regime changes.	Yes	
<b>Step 5</b>	In all instances, the Rater may enlarge the minimum scoring boundaries discussed here to score together wetlands that could be scored separately.	N/A	
<b>Step 6</b>	Consult ORAM Manual Section 5.0 for how to establish scoring boundaries for wetlands that form a patchwork on the landscape, divided by artificial boundaries, contiguous to streams, lakes, or rivers, or for dual classifications.	Yes	

## Narrative Rating

**INSTRUCTIONS:** Answer each of the following questions. Questions 1, 2, 3, and 4 should be answered based on information obtained from the site visit or the literature *and* by submitting a Data Services Request to the Ohio Department of Natural Resources, Division of Natural Areas and Preserves, Natural Heritage Data Services, 1889 Fountain Square Court, Building F-1, Columbus, Ohio 43224, 614-265-6453 (phone), 614-265-3096 (fax), <http://www.dnr.state.oh.us/odnr/dnap/>. The remaining questions are designed to be answered primarily from the results of the field visit. Refer to the User's Manual for descriptions of these wetland types. Note: "Critical habitat" is legally defined in the Endangered Species Act and is the geographic area containing physical and biological features essential to the conservation of a listed species or as an area that may require special management considerations or protection. The Rater should contact the Region 3 Headquarters or the Reynoldsburg Ecological Services Office for updates as to whether critical habitat has been designated for other federally listed threatened or endangered species. "Documented" means the wetland is listed in the appropriate State of Ohio database.

#	Question	Circle One	
1	<b>Critical Habitat.</b> Is the wetland in a township, section, or subsection of a United States Geological Survey 7.5 minute Quadrangle that has been designated by the U.S. Fish and Wildlife Service as "critical habitat" for any threatened or endangered plant or animal species? Note: as of January 1, 2001 of the federally listed endangered or threatened species which can be found in Ohio, the Indiana Bat has had critical habitat designated (50 CFR 17.95(a)) and the piping plover has had critical habitat proposed (65 FR 41812 July 6, 2000).	YES  Wetland should be evaluated for possible Category 3 status  Go to Question 2	<input checked="" type="radio"/> NO  Go to Question 2
2	<b>Threatened or Endangered Species.</b> Is the wetland known to contain an individual of, or documented occurrences of federally or state-listed threatened or endangered plant or animal species?	YES  Wetland is a Category 3 wetland.  Go to Question 3	<input checked="" type="radio"/> NO  Go to Question 3
3	<b>Documented High Quality Wetland.</b> Is the wetland on record in Natural Heritage Database as a high quality wetland?	YES  Wetland is a Category 3 wetland.  Go to Question 4	<input checked="" type="radio"/> NO  Go to Question 4
4	<b>Significant Breeding or Concentration Area.</b> Does the wetland contain documented regionally significant breeding or non breeding waterfowl, neotropical songbird, or shorebird concentration areas?	YES  Wetland is a Category 3 wetland.  Go to Question 5	<input checked="" type="radio"/> NO  Go to Question 5
5	<b>Category 1 Wetlands.</b> Is the wetland less than 0.5 hectares (1 acre) in size and <b>hydrologically isolated</b> and either 1) comprised of vegetation that is dominated (greater than eighty per cent areal cover) by <i>Phalaris arundunacea</i> , <i>Lythrum salicaria</i> , or <i>Phragmites australis</i> , or 2) an acidic pond created or excavated on mined lands that has little or no vegetation?	YES  Wetland is a Category 1 wetland.  Go to Question 6	<input checked="" type="radio"/> NO  Go to Question 6
6	<b>Bogs.</b> Is the wetland a peat-accumulating wetland that 1) has no significant inflows or outflows, 2) supports acidophilic mosses, particularly <i>Sphagnum</i> spp., 3) the acidophilic mosses have >30% cover, 4) at least one species from Table 1 is present, and 5) the cover of invasive species (see Table 1) <25%?	YES  Wetland is a Category 3 wetland.  Go to Question 7	<input checked="" type="radio"/> NO  Go to Question 7
7	<b>Fens.</b> Is the wetland a carbon accumulating (peat, muck) wetland that is saturated during most of the year, primarily by a discharge of free flowing, mineral rich, ground water with a circumneutral pH (5.5-9.0) and with one more plant species listed in Table 1 and the cover of invasive species listed in Table 1 is <25%?	YES  Wetland is a Category 3 wetland.  Go to Question 8a	<input checked="" type="radio"/> NO  Go to Question 8a

#	Question	Circle One	
8a	<b>"Old Growth Forest."</b> Is the wetland a forested wetland and the forest is characterized by, but not limited to, the following characteristics: overstory canopy trees of great age (exceeding at least 50% of a projected maximum attainable age for a species); little or no evidence of human-caused understory disturbance during the past 80 to 100 years; an all-aged structure and multilayered canopies; aggregations of canopy trees interspersed with canopy gaps; and significant numbers of standing dead snags and downed logs?	YES  Wetland is a Category 3 wetland.  Go to Question 8b	<b>NO</b>  Go to Question 8b
8b	<b>Mature forested wetlands.</b> Is the wetland a forested wetland with 50% or more of the cover of upper forest canopy consisting of deciduous trees with large diameters at breast height (dbh), generally diameters greater than 45cm (17.7in) dbh?	YES  Wetland should be evaluated for possible Category 3 status.  Go to Question 9a	<b>NO</b>  Go to Question 9a
9a	<b>Lake Erie coastal and tributary wetlands.</b> Is the wetland located at an elevation less than 575 feet on the USGS map, adjacent to this elevation, or along a tributary to Lake Erie that is accessible to fish?	YES  Go to Question 9b	<b>NO</b>  Go to Question 10
9b	Does the wetland's hydrology result from measures designed to prevent erosion and the loss of aquatic plants, i.e. the wetland is partially hydrologically restricted from Lake Erie due to lakeward or landward dikes or other hydrological controls?	YES  Wetland should be evaluated for possible Category 3 status.  Go to Question 9d	<b>NO</b>  Go to Question 9c
9c	Are Lake Erie water levels the wetland's primary hydrological influence, i.e. the wetland is hydrologically unrestricted (no lakeward or upland border alterations), or the wetland can be characterized as an "estuarine" wetland with lake and river influenced hydrology. These include sandbar deposition wetlands, estuarine wetlands, river mouth wetlands, or those dominated by submersed aquatic vegetation.	YES  Go to Question 9d	<b>NO</b>  Go to Question 9d
9d	Does the wetland have a predominance of native species within its vegetation communities, although non-native or disturbance tolerant native plant species can also be present?	YES  Wetland is a Category 3 wetland.  Go to Question 10	<b>NO</b>  Go to Question 9e
9e	Does the wetland have a predominance of non-native or disturbance tolerant native plant species within its vegetation communities?	YES  Wetland should be evaluated for possible Category 3 status.  Go to Question 10	<b>NO</b>  Go to Question 10
10	<b>Lake Plain Sand Prairies (Oak Openings).</b> Is the wetland located in Lucas, Fulton, Henry, or Wood Counties and can the wetland be characterized by the following description: the wetland has a sandy substrate with interspersed organic matter, a water table often within several inches of the surface, and often with a dominance of the gramineous vegetation listed in Table 1 (woody species may also be present). The Ohio Department of Natural Resources Division of Natural Areas and Preserves can provide assistance in confirming this type of wetland and its quality.	YES  Wetland is a Category 3 wetland.  Go to Question 11	<b>NO</b>  Go to Question 11
11	<b>Relict Wet Prairies.</b> Is the wetland a relict wet prairie community dominated by some or all of the species in Table 1? Extensive prairies were formerly located in the Darby Plains (Madison and Union Counties), Sandusky Plains (Wyandot, Crawford, and Marion Counties), northwest Ohio, Erie County, and portions of western Ohio Counties (e.g. Darke, Mercer, Miami, Montgomery, etc.).	YES  Wetland should be evaluated for possible Category 3 status.  Go to Question 6	<b>NO</b>  Complete Quantitative Rating

**Table 1. Characteristic plant species.**

<b>invasive/exotic spp.</b>	<b>fen species</b>	<b>bog species</b>	<b>Oak Opening species</b>	<b>wet prairie species</b>
<i>Lythrum salicaria</i>	<i>Zygadenus elegans</i> var. <i>glaucus</i>	<i>Calla palustris</i>	<i>Carex cryptolepis</i>	<i>Calamagrostis canadensis</i>
<i>Myriophyllum spicatum</i>	<i>Cacalia plantaginea</i>	<i>Carex atlantica</i> var. <i>capillacea</i>	<i>Carex lasiocarpa</i>	<i>Calamagrostis stricta</i>
<i>Najas minor</i>	<i>Carex flava</i>	<i>Carex echinata</i>	<i>Carex stricta</i>	<i>Carex atherodes</i>
<i>Phalaris arundinacea</i>	<i>Carex sterilis</i>	<i>Carex oligosperma</i>	<i>Cladium mariscoides</i>	<i>Carex buxbaumii</i>
<i>Phragmites australis</i>	<i>Carex stricta</i>	<i>Carex trisperma</i>	<i>Calamagrotis stricta</i>	<i>Carex pellita</i>
<i>Potamogeton crispus</i>	<i>Deschampsia caespitosa</i>	<i>Chamaedaphne calyculata</i>	<i>Calamagrotis canadensis</i>	<i>Carex sartwellii</i>
<i>Ranunculus ficaria</i>	<i>Eleocharis rostellata</i>	<i>Decodon verticillatus</i>	<i>Quercus palustris</i>	<i>Gentiana andrewsii</i>
<i>Rhamnum frangula</i>	<i>Eriophorum viridicarinatum</i>	<i>Eriophorum virginicum</i>		<i>Helianthus grosseserratus</i>
<i>Typha angustifolia</i>	<i>Gentianopsis</i> spp.	<i>Larix laricina</i>		<i>Liatrix spicata</i>
<i>Typha xglauca</i>	<i>Lobelia kalmii</i>	<i>Nemopanthus mucronatus</i>		<i>Lysimachia quadriflora</i>
	<i>Parnassia glauca</i>	<i>Scheuchzeria palustris</i>		<i>Lythrum alatum</i>
	<i>Potentilla fruticosa</i>	<i>Sphagnum</i> spp.		<i>Pycnanthemum virginianum</i>
	<i>Rhamnus alnifolia</i>	<i>Vaccinium macrocarpon</i>		<i>Silphium terebinthinaceum</i>
	<i>Rhynchospora capillacea</i>	<i>Vaccinium corymbosum</i>		<i>Sorghastrum nutans</i>
	<i>Salix candida</i>	<i>Vaccinium oxycoccos</i>		<i>Spartina pectinata</i>
	<i>Salix myricoides</i>	<i>Woodwardia virginica</i>		<i>Solidago riddellii</i>
	<i>Salix serissima</i>	<i>Xyris difformis</i>		
	<i>Solidago ohioensis</i>			
	<i>Tofieldia glutinos</i>			
	<i>Triglochin maritimum</i>			
	<i>Triglochin palustre</i>			

**End of Narrative Rating. Begin Quantitative Rating on next page.**

<b>Site: Wetland D</b>	<b>Rater(s): BDL</b>	<b>Date: 02/25/15</b>
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<b>2</b>	<b>2</b>
max 6 pts.	Subtotal

**Metric 1. Wetland Area (size).**

Select one size class and assign score.

- >50 acres (>20.2ha) (6 pts)
- 25 to <50 acres (10.1 to <20.2ha) (5 pts)
- 10 to <25 acres (4 to <10.1ha) (4 pts)
- 3 to <10 acres (1.2 to <4ha) (3 pts)
- 2 0.3 to <3 acres (0.12 to <1.2ha) (2 pts)
- 0.1 to <0.3 acres (0.04 to <0.12ha) (1 pt)
- <0.1 acres (<0.04ha) (0 pts)

<b>8</b>	<b>10</b>
max 14 pts.	Subtotal

**Metric 2. Upland buffers and surrounding land use.**

2a. Calculate average buffer width. Select only one and assign score. Do not double check.

- WIDE. Buffers average 50m (164ft) or more around wetland perimeter (7)
- 4 MEDIUM. Buffers average 25m to <50m (82 to <164ft) around wetland perimeter (4)
- NARROW. Buffers average 10m to <25 m (32 to <82ft) around wetland perimeter. (1)
- VERY NARROW. Buffers average <10m (<32ft) around wetland perimeter. (0)

2b. Intensity of surrounding land use. Select one or double check and average.

- VERY LOW. 2<sup>nd</sup> growth or older forest, prairie, savannah, wildlife area, etc. (7)
- 5 LOW. Old field (>10 years), shrubland, young second growth forest. (5)
- 3 MODERATELY HIGH. Residential, fenced pasture, park, conservation tillage, new fallow field. (3)
- HIGH. Urban, industrial, open pasture, row cropping, mining, construction. (1)

<b>19</b>	<b>29</b>
max 30 pts.	Subtotal

**Metric 3. Hydrology.**

3a. Sources of Water. Score all that apply.

- High pH groundwater (5)
- Other groundwater (3)
- 1 Precipitation (1)
- Seasonal/Intermittent surface water (3)
- Perennial surface water (lake or stream) (5)

3b. Connectivity. Score all that apply.

- 1 100 year floodplain (1)
- 1 Between stream/lake and other human use. (1)
- 1 Part of wetland/upland (e.g. forest) complex (1)
- Part of riparian or upland corridor (1)

3c. Maximum water depth. Select only one and assign score.

- >0.7 (>27.6in) (3)
- 0.4 to 0.7m (15.7 to 27.6in) (2)
- 1 <0.4m (<15.7in) (1)

3d. Duration inundation/saturation. Score 1 or dbl chk.

- Semi- to permanently inundated/saturated (4)
- Regularly inundated/saturated (3)
- 2 Seasonally inundated (2)
- Seasonally saturated in upper 30cm (12in) (1)

3e. Modifications to natural hydrological regime. Score one or double check and average.

- 12 None or none apparent (12)
- Recovered (7)
- Recovering (3)
- Recent or no recovery (1)

Check all disturbances observed	
<input type="checkbox"/> Ditch	<input type="checkbox"/> point source (nonstormwater)
<input type="checkbox"/> Tile	<input type="checkbox"/> filling/grading
<input type="checkbox"/> Dike	<input type="checkbox"/> road bed/RR track
<input type="checkbox"/> Weir	<input type="checkbox"/> Dredging
<input type="checkbox"/> stormwater input	<input type="checkbox"/> other:

<b>14</b>	<b>43</b>
max 20 pts.	Subtotal

**Metric 4. Habitat Alteration and Development.**

4a. Substrate disturbance. Score one or double check and average.

- 4 None or none apparent (4)
- Recovered (3)
- Recovering (2)
- Recent or no recovery (1)

4b. Habitat Development. Select only one and assign score.

- Excellent (7)
- Very good (6)
- Good (5)
- 4 Moderately good (4)
- Fair (3)
- Poor to fair (2)
- Poor (1)

4c. Habitat alteration. Score one or double check and average.

- None or none apparent (9)
- 6 Recovered (6)
- Recovering (3)
- Recent or no recovery (1)

Check all disturbances observed	
<input type="checkbox"/> Mowing	<input type="checkbox"/> Shrub/sapling removal
<input type="checkbox"/> Grazing	<input type="checkbox"/> Herbaceous/aquatic bed removal
<input checked="" type="checkbox"/> X Clearcutting	<input type="checkbox"/> Sedimentation
<input type="checkbox"/> selective cutting	<input type="checkbox"/> Dredging
<input type="checkbox"/> woody debris removal	<input type="checkbox"/> Farming
<input type="checkbox"/> toxic pollutants	<input type="checkbox"/> Nutrient enrichment

<b>43</b>
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Subtotal this page

<b>Site: Wetland D</b>	<b>Rater(s): BDL</b>	<b>Date: 02/25/15</b>
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**43**

Subtotal first page

<b>0</b>	<b>43</b>
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max 10 pts. Subtotal

**Metric 5. Special Wetlands.**

Check all that apply and score as indicated.

- Bog (10)
- Fen (10)
- Old growth forest (10)
- Mature forested wetland (5)
- Lake Erie coastal/tributary wetland-unrestricted hydrology (10)
- Lake Erie coastal/tributary wetland-restricted hydrology (5)
- Lake Plain Sand Prairies (Oak Openings) (10)
- Relict Wet Prairies (10)
- Known occurrence state/federal threatened endangered species (10)
- Significant migratory songbird/water fowl habitat or usage (10)
- Category 1 Wetland. See Question 1 Qualitative Rating (-10)

<b>8</b>	<b>51</b>
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max 20 pts. Subtotal

**Metric 6. Plant communities, interspersions, microtopography.**

6a. Wetland Vegetation Communities

Score all present using 0 to 3 scale.

- Aquatic Bed
- 1 Emergent
- 1 Shrub
- 2 Forest
- Mudflats
- Open water
- Other:

**Vegetation Community Cover Scale**

0	Absent or comprises <0.1ha (0.2471 acres) contiguous area
1	Present and either comprises small part of wetland's vegetation and is of moderate quality, or comprises a significant part but is of low quality
2	Present and either comprises significant part of wetland's vegetation and is of moderate quality or comprises a small part and is of high quality
3	Present and comprises significant part, or more, of wetland's vegetation and is of high quality

6b. horizontal (plan view) interspersions

Select only one.

- High (5)
- Moderately high (4)
- Moderate (3)
- Moderately low (2)
- 1 Low (1)
- None (0)

**Narrative Description of Vegetation Community**

low	Low spp diversity and/or predominance of nonnative or disturbance tolerant native species
mod	Native spp are dominant component of the vegetation, although nonnative and/or disturbance tolerant native spp can be present, and species diversity moderate to moderately high, but generally w/o presence of rare threatened or endangered spp
high	A predominance of native species, with nonnative spp and/or disturbance tolerant native spp absent or virtually absent, and high spp diversity, and often, but not always, the presence of rare, threatened, or endangered spp

6c. Coverage of invasive plants.

Refer to Table 1 ORAM long form for List. Add or deduct points for coverage

- Extensive >75% cover (-5)
- Moderate 25-75% cover (-3)
- 1 Sparse 5-25% cover (-1)
- Nearly absent <5% cover (0)
- Absent (1)

**Mudflat and Open Water Class Quality**

0	Absent <0.1ha (0.247 acres)
1	Low 0.1 to <1ha (0.247 to 2.47 acres)
2	Moderate 1 to <4ha (2.47 to 9.88 acres)
3	High 4ha (9.88 acres) or more

6d. Microtopography.

Score all present using 0 to 3 scale.

- 1 Vegetated hummocks/tussucks
- 1 Coarse woody debris >15cm (6in)
- 1 Standing dead >25cm (10in) dbh
- 1 Amphibian breeding pools

**Microtopography Cover Scale**

0	Absent
1	Present very small amounts or if more common of marginal quality
2	Present in moderate amounts, but not of highest quality or in small amounts of highest qualities
3	Present in moderate or greater amounts and of highest qualities

**51.0 GRAND TOTAL (max 100 pts)**

CATEGORY: 2

Refer to the most recent ORAM Score Calibration Report for scoring breakpoints b/w wetland categories at the following address:

<http://www.epa.state.oh.us/dsw/401/401.html>

last revised 1 February 2001 jjm

## ORAM Summary Worksheet

		Circle answer or insert score	
Narrative Rating	Question 1. Critical Habitat	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 2. Threatened or Endangered Species	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 3. High Quality Natural Wetland	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 4. Significant bird habitat	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 5. Category 1 Wetlands	YES	<input checked="" type="radio"/> NO If yes, Category 1.
	Question 6. Bogs	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 7. Fens	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 8a. Old Growth Forest	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 8b. Mature Forested Wetland	YES	<input checked="" type="radio"/> NO If yes, evaluate for Category 3: may be 1 or 2.
	Question 9b. Lake Erie Wetlands - Restricted	YES	<input checked="" type="radio"/> NO If yes, evaluate for Category 3: may be 1 or 2.
	Question 9d. Lake Erie Wetlands – Unrestricted	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 9e. Lake Erie Wetlands – Unrestricted with invasive plants	YES	<input checked="" type="radio"/> NO If yes, evaluate for Category 3: may be 1 or 2.
	Question 10. Oak Openings	YES	<input checked="" type="radio"/> NO If yes, Category 3.
	Question 11. Relict Wet Prairies	YES	<input checked="" type="radio"/> NO If yes, evaluate for Category 3: may be 1 or 2.
Quantitative Rating	Metric 1. Size	2	
	Metric 2. Buffers and surrounding land use	8	
	Metric 3. Hydrology	19	
	Metric 4. Habitat	14	
	Metric 5. Special Wetland Communities	0	
	Metric 6. Plant communities, interspersions, microtopography	8	
	TOTAL SCORE Consult most recent score calibration report at <a href="http://www.epa.state.oh.us/dsw/401/401.html">http://www.epa.state.oh.us/dsw/401/401.html</a> to determine the wetland's category based on its quantitative score	51.0	Category based on score breakpoints  Category 2

### Complete Wetland Categorization Worksheet

#### Wetland D

## Wetland Categorization Worksheet

Choices	Circle one		
<p>Did you answer "Yes" to any of the following questions:</p> <p>Narrative Rating Nos. 2, 3, 4, 6, 7, 8a, 9d, 10</p>	<p>Yes</p> <p>Wetland is categorized as a Category 3 wetland</p>	<input checked="" type="radio"/> No	<p>Is quantitative rating score <i>less</i> than the Category 2 scoring threshold (<i>excluding</i> gray zone)? If yes, reevaluate the category of the wetland using the narrative criteria in OAC Rule 3745-1-54(C) and biological and/or functional assessments to determine if the wetland has been over-categorized by the ORAM.</p>
<p>Did you answer "Yes" to any of the following questions:</p> <p>Narrative Rating Nos. 1, 8b, 9b, 9e, 11</p>	<p>Yes</p> <p>Wetland should be evaluated for possible Category 3 status</p>	<input checked="" type="radio"/> No	<p>Evaluate the wetland using the 1) narrative criteria in OAC Rule 3745-1-54(C) and 2) the quantitative rating score. If wetland is determined to be a Category 3 wetland using either of these, it should be categorized as a Category 3 wetland. Detailed biological and/or functional assessments may also be used to determine the wetland's category.</p>
<p>Did you answer "Yes" to:</p> <p>Narrative Rating Nos. 5</p>	<p>Yes</p> <p>Wetland is categorized as a Category 1 wetland</p>	<input checked="" type="radio"/> No	<p>Is quantitative rating score <i>greater</i> than the Category 2 scoring threshold (<i>including</i> any gray zone)? If yes, reevaluate the category of the wetland using the narrative criteria in OAC Rule 3745-1-54(C) and biological and/or functional assessments to determine if the wetland has been under-categorized by the ORAM.</p>
<p>Does the quantitative score fall within the scoring range of a Category 1, 2, or 3 wetland?</p>	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<p>If the score of the wetland is located within the scoring range of a particular category, the wetland should be assigned to that category. In all instances however, the narrative criteria described in OAC Rule 3745-1-54(C) can be used to clarify or change a categorization based on a quantitative score.</p>
<p>Does the quantitative score fall within the "gray zone" for Category 1 or 2 or Category 2 or 3 wetlands?</p>	<p>Yes</p> <p>Wetland is assigned to the higher of the two categories or assigned to a category based on detailed assessments and the narrative criteria.</p>	<input checked="" type="radio"/> No	<p>Rater has the option of assigning the wetland to the higher of the two categories or to assign a category based on the results of the non-rapid wetland assessment method, e.g. functional assessment, biological assessment, etc. and a consideration of the narrative criteria in OAC Rule 3745-1-54(C).</p>
<p>Does the wetland otherwise exhibit <i>moderate</i> OR <i>superior</i> hydrologic OR habitat, OR recreational functions AND the wetland was <i>not</i> categorized as a Category 2 wetland (in the case of moderate functions) or a Category 3 wetland (in the case of superior functions) by this method ?</p>	<p>Yes</p> <p>Wetland was under-categorized by this method. A written justification for recategorization should be provided on Background Information Form</p>	<input checked="" type="radio"/> No	<p>A wetland may be under-categorized using this method, but still exhibit one or more superior functions, e.g. a wetland's biotic communities may be degraded by human activities, but the wetland may still exhibit superior hydrologic functions because of its type, landscape position, size, local regional significance, etc. In this circumstance, the narrative criteria in OAC Rule 3745-1-54(C)(2) and (3) are controlling, and the under-categorization should be corrected. A written justification with supporting reasons or information for this determination should be provided.</p>

### Final Category

Choose one
Category 1
 Category 2
Category 3

**End of Ohio Rapid Assessment Method for Wetlands.**

**Wetland D**

#### **Item 4: Correspondence**

As part of the 404 permitting process, the proposed Cedar Creek Estates, Phase II (the Project) has been coordinated with several agencies. A summary of these correspondences can be found below:

Included Items (attached behind this list):

- **Item 4a** – U.S. Army Corps of Engineers (USACE) Jurisdictional Determination
  - Note: Although this JD was issued on October 2, 2009 and has since expired, Triple Properties, LLC (the Applicant) started the process of obtaining the appropriate permits for Phase II before the expiration date (October 2, 2014). USACE deemed this JD acceptable and issued a provisional Individual Permit (IP) and thus the Applicant request the Ohio EPA does so as well.
- **Item 4b** – USACE Public Notice and Provisional IP
  - A public notice for the Project was issued on September 12, 2014 and a provisional IP was subsequently issued on December 9, 2014. The impact footprint authorized by the provisional IP corresponds with the Preferred Design listed in this application.
- **Item 4c** – Ohio Department of Natural Resources (ODNR) Correspondence
  - Formal consultation with ODNR was not completed. However, Mr. Joe Loucek of Ohio EPA informed HzW that since a USACE Public Notice was issued and no ODNR comments were received, the 401 application could be processed without such. An email from Mr. Loucek dated January 6, 2015 stating this is included.
- **Item 4d** – United States Fish & Wildlife Service (USFWS) Threatened and Endangered Species Coordination
  - USACE coordinated with USFWS as part of their 404 permit application review. A record of this coordination is included.



**DEPARTMENT OF THE ARMY**  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO

October 2, 2009

Regulatory Branch

SUBJECT: Jurisdictional Determination for Department of the Army Application No. 2009-00955

Mr. Ed Lechler  
Triple Properties, LLC  
10950 Pearl Road, Suite A2  
Strongsville, Ohio 44136

Dear Mr. Lechler:

I am writing to you in regard to your request for verification and jurisdictional determination of a 27 acre parcel located east of Prospect Road in the City of Strongsville, Cuyahoga County, Ohio.

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

I am hereby verifying the Federal wetland boundary as shown on the attached wetland delineation map. This verification was confirmed and will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new wetland delineation will be required if a project has not been completed on this property and additional impacts are proposed for waters of the United States. Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Based upon my review of the submitted delineation and on-site observations, I have determined that ten wetlands, Wetland A (0.085 acres), Wetland B (1.309 acres), Wetland C (0.228 acres), Wetland D (0.604 acres), Wetland E (1.382 acres), Wetland F (0.103 acres), Wetland G (0.137 acres), Wetland H (0.115 acres), Wetland I (0.005 acres), and Wetland J (0.199 acres) totaling 4.167 acres and one stream, Stream 1 (1,428.68 lf), on the subject parcel are part of a surface water tributary system to a navigable water of the United States as noted on

Regulatory Branch

SUBJECT: Department of the Army Application No. 2009-00955

the attached Jurisdictional Determination form. Therefore, the wetlands are regulated under Section 404 of the Clean Water Act. Department of the Army authorization is required if you propose a discharge of dredged or fill material in these areas.

Finally, this letter contains an approved jurisdictional determination for the subject parcel. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Regulatory Review Officer  
Great Lakes and Ohio River Division  
CELRD-PDS-O  
550 Main Street, Room 10032  
Cincinnati, OH 45202-3222  
Phone: 513-684-7261

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **December 2, 2009**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

A copy of this letter has been sent to Laura Sayre, Flickinger Wetland Services Group.

Regulatory Branch

SUBJECT: Department of the Army Application No. 2009-00955

Questions pertaining to this matter should be directed to me by calling (716) 879-4339, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [keith.c.sendziak@usace.army.mil](mailto:keith.c.sendziak@usace.army.mil)

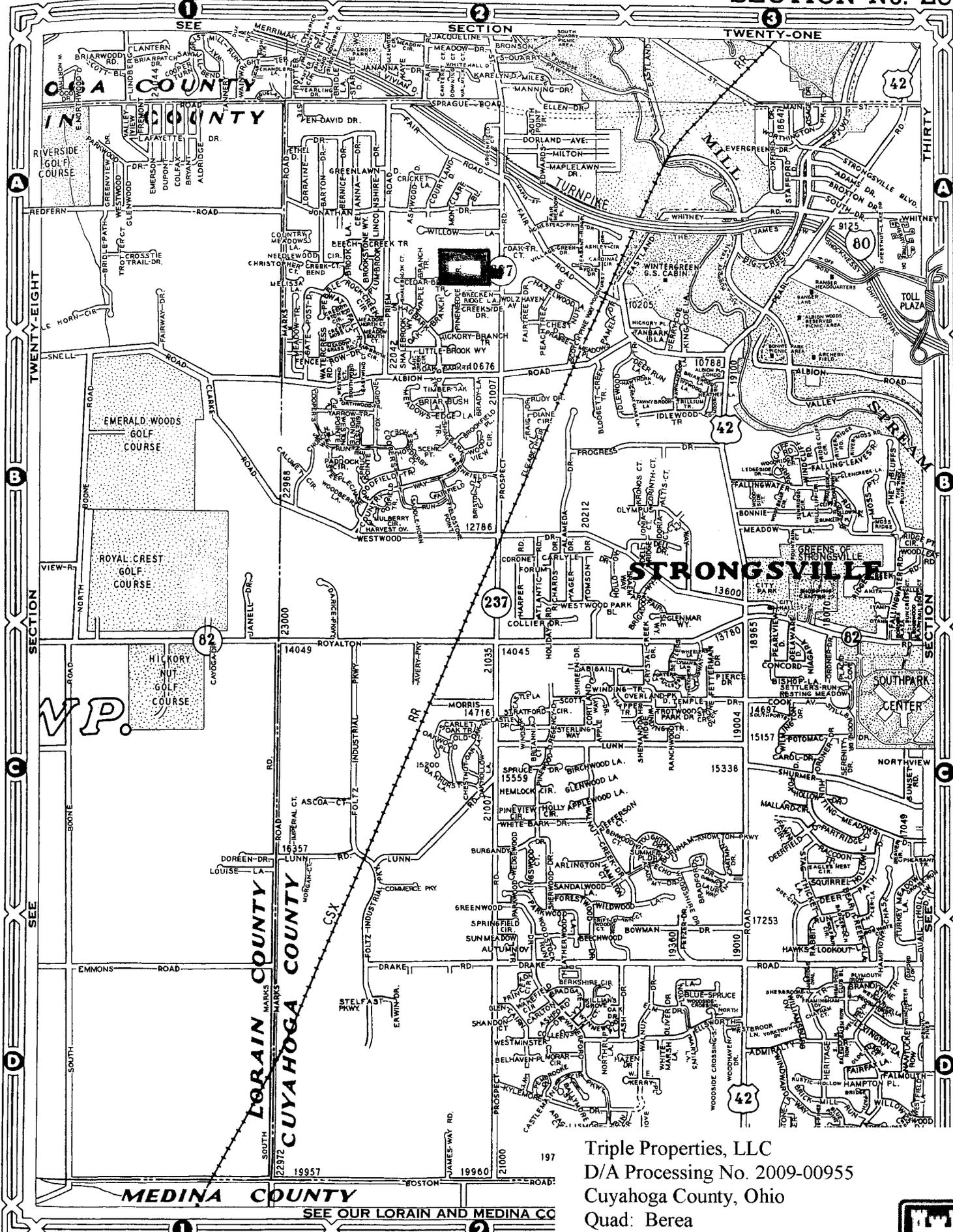
Sincerely,

**SIGNED**

Keith C. Sendziak  
Biologist

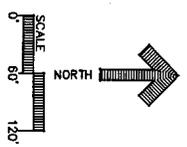
Enclosures

SECTION No. 29



Triple Properties, LLC  
D/A Processing No. 2009-00955  
Cuyahoga County, Ohio  
Quad: Berea  
Sheet 1 of 2





EF LOCATION POINT  
 ⑦ SAMPLE POINT  
 WETLAND AREA = 4.166 ACRES  
 STREAM AREA = 0.098 ACRES  
 1428.68 FEET

Triple Properties, LLC  
 D/A Processing No. 2009-00955  
 Cuyahoga County, Ohio  
 Quad: Berea  
 Sheet 2 of 2



CLIENT	TRIPLE PROPERTIES, LLC
PROJECT	PROSPECT ROAD, 27 ACRES
TITLE	WETLAND DELINEATION
SCALE	1" = 60'
DATE	02-08
JOB NO.	4008
DRAWN BY	PLICKINGER
CHECKED BY	PLICKINGER
DATE	02-08
SHEET NO.	1 of 1



Plickinger Wetland Services Group, Inc.  
 554 WHITE POND DRIVE, SUITE D  
 FARLAWN, OHIO 44320 (330) 865-0688



# Public Notice

Triple Properties, LLC

ISSUED: September 12, 2014  
EXPIRES: September 29, 2014

U.S. Army Corps  
of Engineers  
Buffalo District

**Application No: 2009-00955 Section: OH**

All written comments should reference the above Application No. and be addressed to:  
US Army Corps of Engineers, Buffalo District Regulatory Branch, 1776 Niagara Street  
Buffalo, NY 14207-3199

**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. Ed Lechler, Triple Properties, LLC, 10950 Pearl Road, Suite A2,  
Strongsville, Ohio 44136.

**WATERWAY & LOCATION:** Federal jurisdictional wetlands and streams on an  
approximately 19-acre parcel located west of Prospect Road, and north of Breckenridge Lane, in  
the City of Strongsville, Cuyahoga County, Ohio (Sheet 1 of 4).

**LATITUDE & LONGITUDE:** Latitude North: 41.33880  
Longitude West: -81.85975

**EXISTING CONDITIONS:**

Description of delineation of waters of the US, if applicable: A jurisdictional determination (JD) was issued October 2, 2009. This JD identified ten wetlands, Wetland A (0.085 acres), Wetland B (1.309 acres), Wetland C (0.228 acres), Wetland D (0.604 acres), Wetland E (1.382 acres), Wetland F (0.103 acres), Wetland G (0.137 acres), Wetland H (0.115 acres), Wetland I (0.005 acres), and Wetland J (0.199 acres) totaling 4.167 acres and one stream, Stream 1 (1,428.68 linear feet (lf)), on the subject parcel that are part of a surface water tributary system to a navigable water of the United States (Sheet 2 of 4).

**PROPOSED WORK:** The applicant previously received Nationwide Permit (NWP) 29 affirmation July 12, 2010 to construct a 12-lot residential subdivision. The NWP affirmation authorized impacts to 0.49 acres of Federal jurisdiction wetland and 146.90 lf of Federal jurisdictional stream (Sheets 2 of 4). Wetland mitigation for these impacts included the purchasing of 1.0 acre of credit from the Edison Woods Mitigation Bank, and placing Block B and C, for a total of 5.14 acres, including approximately 1.6 acres of wetland, into a conservation easement (Sheet 4 of 4). In addition, 1.0 acres of remaining open space was placed into an environmental deed restriction (Sheet 4 of 4). The applicant is currently proposing an additional 0.246 acres of impacts to Federal jurisdictional wetlands in order to construct three of the

previously authorized 12 lots (Sheets 2-4 of 4). Therefore, for this single and complete project the applicant is proposing to impact a total of 0.736 acres of Federal jurisdictional wetlands and 146.90 lf of Federal jurisdictional stream channel.

### **PROJECT PURPOSE**

**Basic:** To construct residential homes on three lots within an existing 12-lot residential subdivision.

**Overall:** To prepare the lots for residential construction such that the lots can be evenly graded. The applicant has indicated that the current configuration affirmed under NWP 29 substantially reduces the usable area within lots 10-12, as grading would result in a grade difference of 4-6 feet between Wetland D and the surrounding upland area. Therefore, the applicant is requesting that these portions of Wetland D be filled to even the grade and to maximize space.

**Water Dependency Determination:** The project does not require access or proximity to or siting within the 0.246 acres of proposed forested wetland 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 not provided information on avoidance and minimization.

**Proposed Mitigation:** To compensate for wetland impacts the applicant is proposing to purchase an additional 0.6 acres of wetland mitigation credit at the Edison Woods Mitigation Bank. The conservation easement and environmental deed restricted areas will remain in place.

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 Keith C. Sendziak, who can be contacted at the above address, by calling (716) 879-4339, or by e-mail at: [keith.c.sendziak@usace.army.mil](mailto:keith.c.sendziak@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 2 of 4. 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 United States Fish and Wildlife Service (USFWS) to evaluate any potential impacts to: northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*) 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.

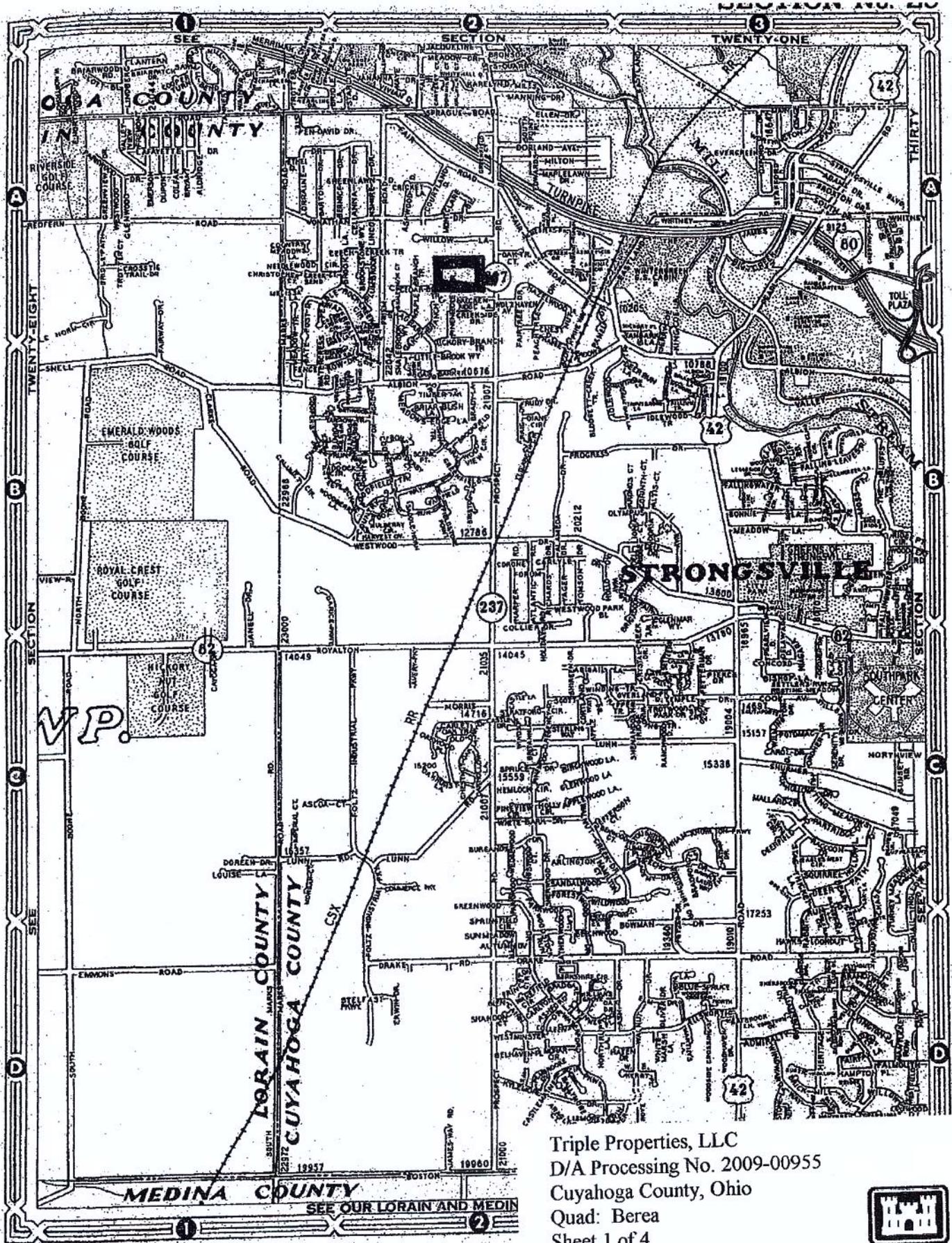
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits 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 **15** days from the date of issuance.



Triple Properties, LLC  
 D/A Processing No. 2009-00955  
 Cuyahoga County, Ohio  
 Quad: Berea  
 Sheet 1 of 4











DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

FILE COPY

REPLY TO  
ATTENTION OF:

December 9, 2014

Regulatory Branch

SUBJECT: Transmittal of PROVISIONAL Department of the Army Permit No. 2009-00955

Mr. Ed Lechler  
Triple Properties, LLC  
10950 Pearl Road, Suite A2  
Strongsville, Ohio 44136

Dear Mr. Lechler:

This pertains to your proposal to construct 3 lots within an existing 12-lot residential subdivision within an approximately 19-acre parcel located west of Prospect Road, and north of Breckenridge Lane, in the City of Strongsville, Cuyahoga County, Ohio.

Enclosed is a **Provisional Department of the Army Permit**. The provisional permit is **NOT VALID and does not authorize you to do your work**. The provisional permit describes the work that will be authorized, and the General and Special Conditions which will be placed on your final Department of the Army (DA) permit if the State of Ohio requirements are satisfied as described below. **No work is to be performed in the waterway or any wetlands until you have received a validated copy of the DA permit.**

By Federal law no Department of the Army permit can be issued until a Section 401 Water Quality Certification (WQC), or waiver thereof, has been issued by the Ohio Environmental Protection Agency. As of **December 9, 2014** neither WQC, or waiver thereof, nor the CZM have been issued for your project. If the State fails or refuses to act by September 12, 2015 on the WQC, the WQC requirement will be waived.

Conditions contained in the WQC will be incorporated into the final DA permit. Should the State's action preclude validation of the provisional permit in its current form, a modification to the provisional permit will be evaluated and you will be notified as appropriate. Substantial changes may require a new permit evaluation process, including issuing a new public notice.

When you have obtained a WQC, please return this copy of the Provisional DA permit, a copy of the WQC and, if appropriate, a list of any inconsistencies you note between the WQC, and a list of any objections you have to the terms and conditions of the permit. In the event that

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Regulatory Branch

SUBJECT: Transmittal of PROVISIONAL Department of the Army Permit No. 2009-00955

the State fails or refuses to act by September 12, 2015 on the WQC, please return this copy of the provisional DA permit and an outline of any objections to the terms and conditions of the permit.

If the State denies the required WQC, then your DA permit is denied without prejudice. Should you subsequently obtain the WQC, you should contact this office to determine how to proceed with your permit application.

If you have any questions concerning your State requirements, please contact:

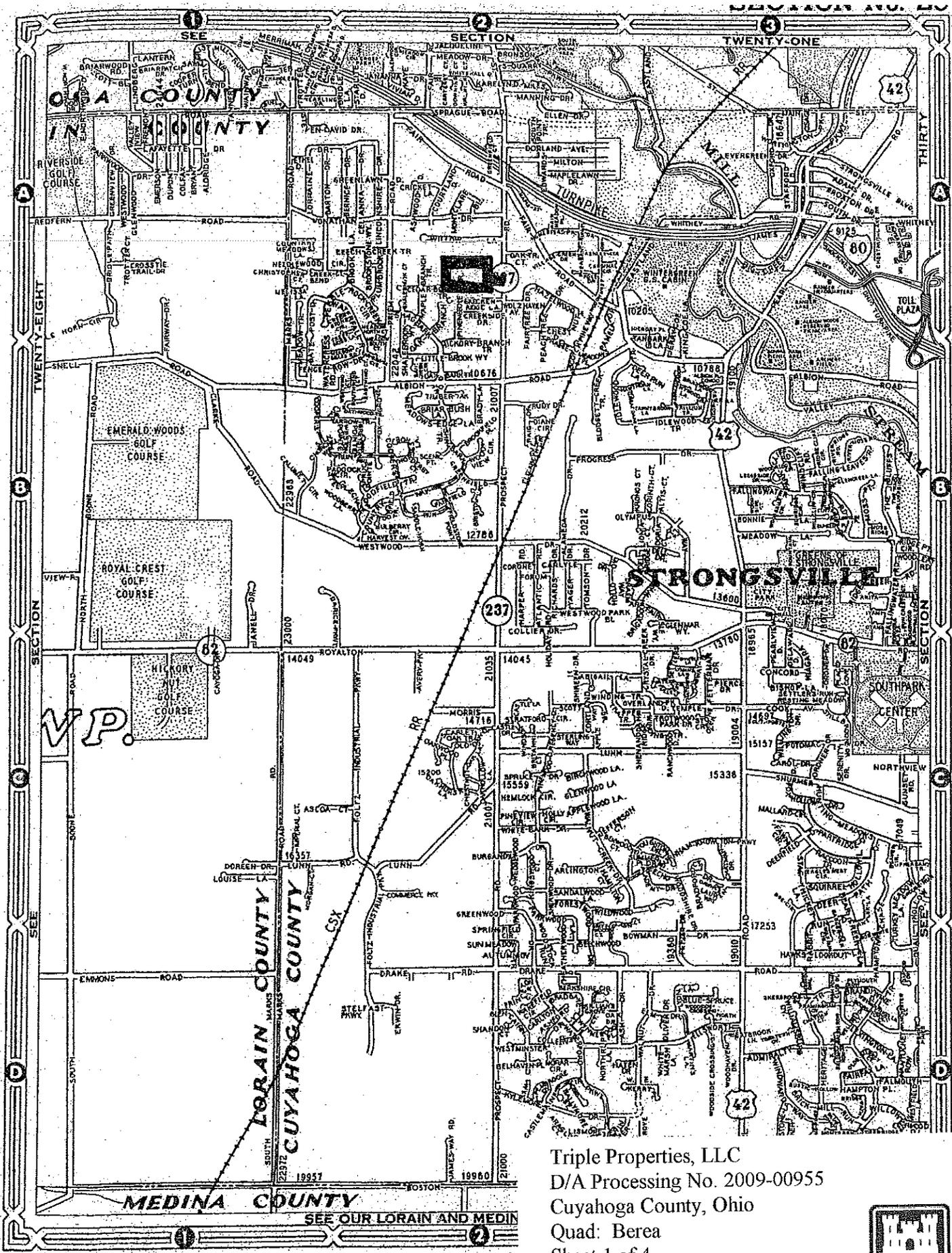
Ms. Rachel Taulbee  
Section 401 Certification Unit  
50 West Town Street, Suite 700  
PO Box 1049  
Columbus, Ohio 43216-1049

Questions pertaining to this matter should be directed to Keith C. Sendziak, who may be contacted by calling 716-879-4339, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: keith.c.sendziak@usace.army.mil

Sincerely,

**SIGNED** 

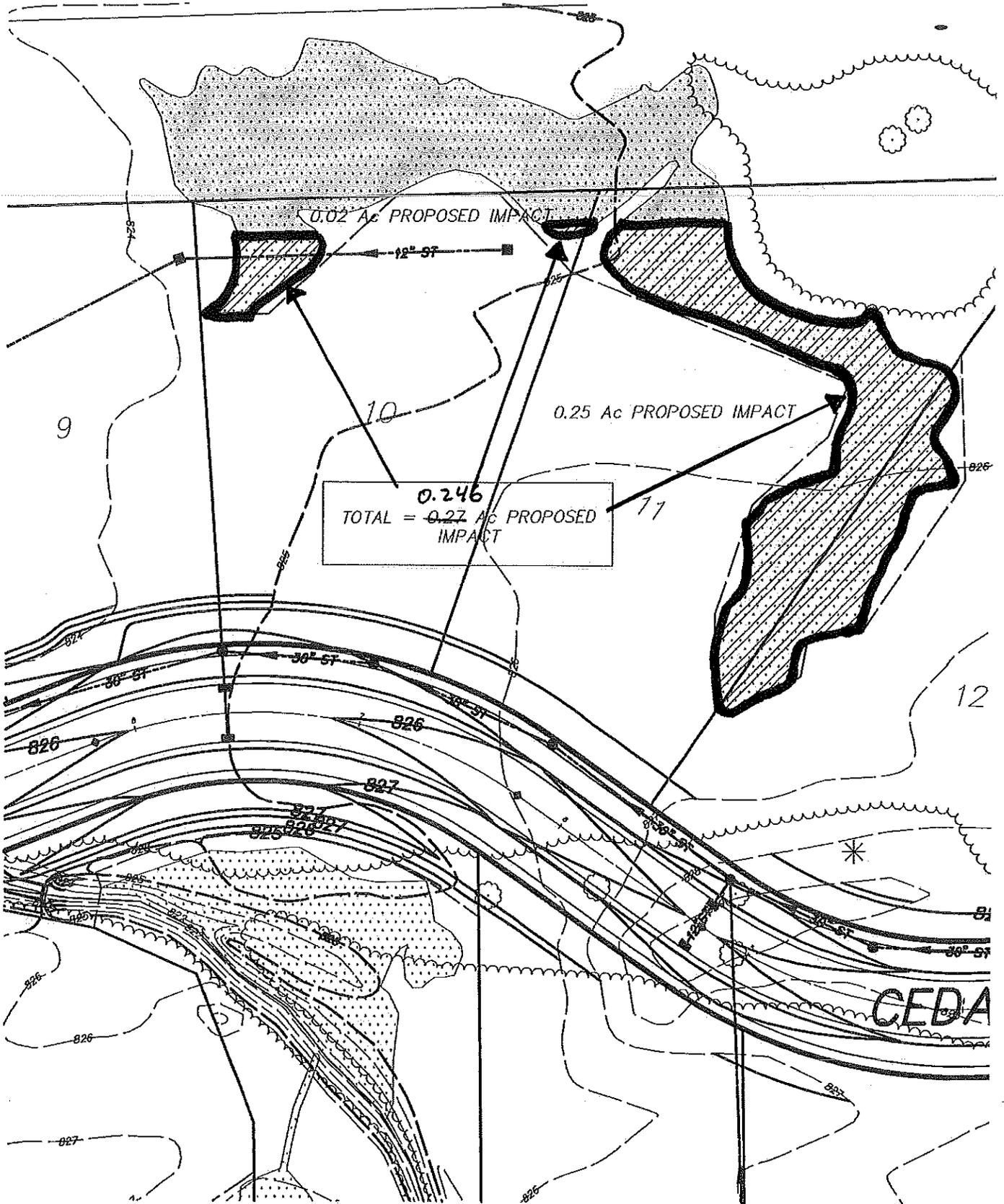
 Diane C. Kozlowski  
Chief, Regulatory Branch



Triple Properties, LLC  
 D/A Processing No. 2009-00955  
 Cuyahoga County, Ohio  
 Quad: Berea  
 Sheet 1 of 4











REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

PERMITTEE: Triple Properties, LLC

PERMIT NUMBER: 2009-00955

EFFECTIVE DATE: \_\_\_\_\_

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. (and continue on page 5)

**PROJECT DESCRIPTION: TRIPLE PROPERTIES, LLC, 10950 PEARL ROAD, SUITE A2, STRONGSVILLE, OHIO 44136, IS HEREBY AUTHORIZED BY THE SECRETARY OF THE ARMY TO: PERMANENTLY PLACE FILL MATERIAL INTO 0.246 ACRES OF FEDERAL JURISDICTIONAL WETLANDS TO CONSTRUCT 3 LOTS WITHIN AN EXISTING 12-LOT RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH THE GENERAL AND SPECIAL CONDITIONS, AND THE PLANS AND DRAWINGS AND ANY ADDITIONAL SPECIAL CONDITIONS ATTACHED HERETO WHICH ARE INCORPORATED IN AND MADE A PART OF THIS PERMIT.**

**PROJECT LOCATION: THE PROJECT IS LOCATED WEST OF PROSPECT ROAD, AND NORTH OF BRECKENRIDGE LANE, IN THE CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO.**

## PERMIT CONDITIONS

### GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **3 YEARS**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

### FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

#### **Section 404 of the Clean Water Act (33 U.S.C. 1344).**

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity

authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

---

(PERMITTEE)

---

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Karl D. Jansen, Lieutenant Colonel, Corps of Engineers  
(DISTRICT COMMANDER)

---

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of this signed permit and statement shall be forwarded to the Buffalo District at the following address:

U.S. Army Corps of Engineers  
Buffalo District  
Regulatory Branch  
1776 Niagara Street  
Buffalo, New York 14207

---

(TRANSFEREE)

---

(DATE)

## SPECIAL CONDITIONS:

1. You are responsible for ensuring that the contractor and/or workers executing the activities authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
2. At the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, the permittee must allow access to the project site to determine compliance with the conditions of this permit.
3. As mitigation for the permanent and unavoidable loss of 0.246 acres of Federal jurisdictional wetlands, the permittee must purchase 0.6 credits from the Edison Woods Wetland Mitigation Bank. Prior to commencing the work authorized by this permit, the permittee must supply this office with a copy of the Edison Woods Wetland Mitigation Bank executed mitigation agreement and verification of the transfer of funds to the Edison Woods Wetland Mitigation Bank. The executed agreement and verification of funds must be sent to the attention of Mr. Harold Keppner, Chief, Monitoring & Enforcement Section, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199.
4. To reduce any potential adverse effects on the federally endangered Indiana bat (*Myotis sodalis*), trees (woody stems greater than 5 inches Diameter at Breast Height and greater than 10 feet tall) must not be cut between April 1 and September 30, of any year.
5. The Water Quality Certification issued for this project by the State of Ohio is part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation or modification of this permit.
6. Should human remains be encountered during any phase of the proposed project, such person or persons encountering the human remains shall immediately cease work and will make a reasonable effort to refrain from disturbing or removing the human remains, protect the exposed portions of the human remains from inclement weather and vandalism, and immediately notify the applicant. The applicant will immediately notify the U.S. Army Corps of Engineers and the Ohio State Historic Preservation Office. If the human remains are not subject to a criminal investigation by local, state, or Federal authorities, the Ohio SHPO's Policy Statement on Treatment of Human Remains (1977) will be used as guidance.
7. That the mechanical equipment used to execute the work authorized herein shall be operated in such a way as to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life.
8. All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place until construction is completed and the area is stabilized.
9. That the fill material shall be free of fines, oil and grease, debris, wood, general refuse, plaster, and other pollutants, and shall contain no broken asphalt.

**From:** [Loucek, Joseph](#)  
**To:** [Ben Latoche](#); [Taulbee, Rachel](#)  
**Cc:** [Blasick, Richard](#); [Jason McKenney](#)  
**Subject:** RE: Cedar Creek Estates 401  
**Date:** Tuesday, January 06, 2015 3:01:43 PM

---

Who was the original consultant, Ben (Firm and actual staffer)? What were the dates? Does the Corps have the Ohio EPA/Corps ORAM Verification cover sheet? If so, what is the date that Lauren signed off on it? What is the Corps NWP No.?

We generally consider ORAM verifications to be good for 5 years unless we have reason to believe there is compelling reason to reconsider (like the Corps with delineations).

That will be good for ODNR and USFWS consultation, so long as they are for this new permit and not the original NWP.

Fees are based on the 401 permit impacts, not the previous NWP impacts. So it would be the impacts (arbitrarily) from 0.5 acres to 0.75 acres (or put another way, assessed on 0.25 acres).

---

**From:** Ben Latoche [mailto:BLatoche@hzwenv.com]  
**Sent:** Tuesday, January 06, 2015 2:34 PM  
**To:** Taulbee, Rachel  
**Cc:** Loucek, Joseph; Blasick, Richard; Jason McKenney  
**Subject:** Cedar Creek Estates 401

Hello Rachel,

We are working with Triple Properties to achieve a 401 WQC for the Cedar Creek Estates Subdivision in Strongsville, Ohio. This project was originally permitted under a NWP (those lots have been permitted, mitigated, and constructed) but has since expanded and now requires a WQC/IP. Triple Properties has worked with the Corps and a provisional IP is imminent. It is now up to HzW to procure the WQC, but I have a few questions first:

- We do not have color photos of the resources to be impacted. The delineation report has been converted to microfilm (B&W) at the Corps and Triple Properties does not have any other copies. It is my understanding that this report, including photos, was sent to Ms. Lauren McEleney of Ohio EPA for ORAM verification purposes. Any chance this document is still in a file somewhere? Let me know, we can travel to the project area and take new pictures if need be.
- It is also my understanding that Ms. Eleney concurred with the originally submitted ORAM

forms (another item we do not have). If I can retrieve the 1-page form sent to the Corps affirming these scores, will this suffice for the WQC submittal? The full forms may have also made their way into the same file that the delineation report is in, if your office still retains it.

- We intend to submit USFWS' comments to the Corps regarding the project to fulfill a portion of the agency coordination requirement. Additionally, I am in the process of finding out whether a public notice has been issued for the project. If this public notice has been issued and ODNR notified, can we consider this as coordination, or should I begin a separate consultation with ODNR?
- In regards to the permitting/fees, are we permitting only the additional impacts (~0.25ac) or the entire project since inception (~0.75ac)? As I've said, Triple Properties is in compliance with the NWPs that have been issued. However, I am unsure how Ohio EPA assesses the fees.

Sorry to burden you with all these questions, but we are essentially starting from scratch as we cannot retrieve the information from the previous consultant. We are hoping the Corps will be able to provide us with the information to fill all the gaps so that we may submit a complete WQC permit to your office when it is ready.

Thanks!

-Ben

Benjamin Latoche, M.S.  
Environmental Scientist I  
HzW Environmental Consultants, LLC  
6105 Heisley Road  
Mentor, Ohio 44060  
Phone: 440-357-1260  
Fax: 440-357-1510  
Email: [BLatoche@hzwenv.com](mailto:BLatoche@hzwenv.com)



**DEPARTMENT OF THE ARMY**  
 BUFFALO DISTRICT, CORPS OF ENGINEERS  
 1776 NIAGARA STREET  
 BUFFALO, NEW YORK 14207-3199

To: U.S. Fish and Wildlife Service, Reynoldsburg Ohio Ecological Services Office

FAX: 614-469-6919 or  
 E-mail: [Megan\\_Seymour@fws.gov](mailto:Megan_Seymour@fws.gov)

**Request for review pursuant to:**

- Section 7(a)(2) of the Endangered Species Act of 1973
- Fish and Wildlife Coordination Act

*03E15000-2010-I-0638*

Date: September 29, 2014 DA. No.: 2009-00955

Project Name: Triple Properties, LLC - Prospect Road Site

County: Cuyahoga Corps Contact: Keith C. Sendziak (716) 879-4339

**Listed/candidate species and/or designated critical habitat with potential to occur in proposed project area:**

- |   |   |
|---|---|
| <input type="checkbox"/> Clubshell mussel               | <input type="checkbox"/> Lakeside daisy                 |
| <input type="checkbox"/> Copperbelly watersnake         | <input type="checkbox"/> Mitchell's satyr butterfly     |
| <input type="checkbox"/> Eastern massasauga rattlesnake | <input type="checkbox"/> Northern monkshood             |
| <input type="checkbox"/> Eastern prairie fringed orchid | <input type="checkbox"/> Northern riffleshell mussel    |
| <input checked="" type="checkbox"/> Indiana bat         | <input type="checkbox"/> Piping plover critical habitat |
| <input type="checkbox"/> Karner blue butterfly          | <input type="checkbox"/> Rayed bean mussel              |
| <input type="checkbox"/> Lake Erie watersnake           | <input type="checkbox"/> White cat's paw pearly mussel  |

**The U.S. Army Corps of Engineers has determined the proposed project:**

- will result in no effect to \_\_\_\_\_
- may affect \_\_\_\_\_
- may affect, but is not likely to adversely affect Indiana bat
- is likely to adversely effect \_\_\_\_\_

See attached project description (including any conservation measures that are part of the proposal), permit conditions, permit application details, and rationale for the above-listed determinations.

**The U.S. Army Corps of Engineer's requests:**

- USFWS concurrence with our determination
- Additional assistance to make our determination

**The U.S. Fish and Wildlife Service:**

- Requests additional time for review
- Concurs with your determination and has no further ESA comments
- Will provide FWCA comments separately
- Has no comments pursuant to FWCA

USFWS Contact (s): *Jay M. Gyzal, Jeromy M. Applegate*  
 Date: *10-1-2014*

## **Item 5: Proposed Project Antidegradation Analysis**

### ***5.1: Description of the Activity***

The Applicant is proposing the combination of two (2) separate lots for the site grading and construction of a 7,000 square foot home on approximately two (2) acres of land as well as preparation of a third lot for another residence in the Project Area. The Project was designed to supplement Phase I of Cedar Creek Estates by creating larger residential lots in a more natural and unique setting.

On July 12, 2010, the Applicant received Nationwide Permit 29 affirmation to construct a twelve (12)-lot residential subdivision (Phase I and Phase II), which authorized impacts to 0.49 acres of Federally-jurisdictional wetlands. As compensatory mitigation for these impacts, the Applicant proposed to place both uplands and wetlands in a durable conservation easement as well as purchase credits from an approved mitigation bank. Due to an increase in demand for larger residences, the Applicant is proposing to impact an additional 0.246 acres of wetlands in order to both combine two (2) sub-lots and build a home requested by a proposed buyer as well as prepare a third for a potential buyer. Currently no lots are available in the City of Strongsville to accommodate a house of this size.

#### **Preferred Alternative**

The Preferred Alternative requires filling 0.246 acres of Category 2 forested wetlands. Wetland D is located directly between Lots 11 and 12 and continues along the back portion of Lots 11 and 10. The Applicant has been unable to sell Lots 11 and 12 due to the location of the wetland on the sites. Potential purchasers have cited the wetland restriction as making the lots undesirable and several have cited the necessary grading requirements as reasons not to purchase. A buyer has offered to purchase both lots if the wetlands could be filled and eliminated in order to even the grade and maximize the space. Due to the position of the wetlands across the back of the lots, Wetland D on Lot 10 would also need to be filled in order to grade Lot 10 for future development and to create an efficient storm water management system.

#### **Minimal Alternative**

The Minimal Alternative involves incorporating the same features listed above for the Preferred Alternative; however, grading of the three (3) lots would not extend to the back of the property lines therefore reducing a small amount of impact to Wetland D. The Minimal Alternative reduces the impacts to Wetland D to 0.229 acre.

#### **Non-Degradation Alternative**

The Non-Degradation Alternative is not feasible for the Client as the buyer's proposed footprint of the house will not fit on the lots without impact to Wetland D.

Construction for this project is proposed to begin on April 1, 2015, and be completed by April 1, 2016. In addition, wetland mitigation will be conducted prior to or in concurrence with the filling of the aquatic resources.

## **5.2: Avoidance**

The project was initiated to address the lack of larger residential lots within the City of Strongsville. Currently, there are no developments with available lots of approximately one (1) acre or more. The purpose of the project is to create a large lot to accommodate the size of house that the proposed buyer requires to build within the City in order to stay close to his place of employment and keep their children in their current school district

In order to avoid impacts to all aquatic resources the project would be affected greatly. The desired layout of the home is not able to fit onto one (1) lot due to City set back regulations. In order to relocate the home onto one (1) lot, the square footage of the home would be greatly reduced. The proposed buyer of the two (2) lots is not willing to reduce the size of the desired home and the purchase of the lots is contingent upon approval of disturbance of the wetlands. The complete avoidance of water resource impacts would result in the lots not being sold and developed as proposed.

To summarize, based on the locations of the existing aquatic resources, there is no feasible (financial and logistically) way to full avoid impacting all of the aquatic resources and meet the Applicant's goals.

## **5.3: Minimization**

During generation of alternatives, the Applicant reduced the impacts so that the development could be considered functional while saving or preserving as much aquatic resource area as possible. The Applicant is proposing the grading of all three lots would not extend to the back of the property lines and the stormwater culvert along the back of the lots would not be installed. While full build out of the site would be ideal for the Applicant, the plan which is submitted for this permit minimizes the amount of wetland impacts and still meets the Applicant's standards.

## **5.4: Magnitude of the Proposed Lowering of Water Quality**

### *Preferred Alternative and Minimal Alternative*

Based on the Preferred Alternative design specifications, the wetland impacts total 0.246 acres of one (1) Category 2 wetland (emergent and forested) while 0.229 acre of Wetland D will be impacted for the Minimal Alternative. Wetland D lies directly on the property line of the two (2) lots and across the back portion of Lot 11. Wetland D is a mix of forested and emergent wetland. The habitat value of this wetland is generally low. The overall site provides very little habitat for terrestrial species and does not appear to contain a high quality amphibian habitat though some areas will support common frog species. This wetland is bordered by a road to the south and existing residential development to the north. The wetland has a narrow natural buffer, no recreational use, and no economic value.

To summarize, due to the low- to mid-quality of the impacted wetland, no significant ecological impacts are anticipated under this alternative. The primary function of the wetlands is to provide storm water detention and retention which will be addressed by installation of the storm sewer lines and re-grading of the site for storm water to flow through the storm sewer system. The non-impacted portions of the wetland will also continue to provide habitat for wildlife. It is also not likely that any rare, threatened, or endangered species or their habitat will be affected by this project, as discussed in Item 4, above.

### Non-Degradation Alternative

No impacts are expected in association with this alternative.

### **5.5: Technical Feasibility and Cost Effectiveness**

#### Preferred Alternative and Minimal Alternative

The Preferred Alternative and Minimal Alternative have been developed to be technically and financially feasible. The techniques utilized for design and construction are regularly used in the construction industry and are deemed reliable based on past performances. Long-term maintenance is not anticipated based on design. Best Management Practices (BMPs) will be implemented to ensure no permanent decrease in water quality throughout all phases of the project through project completion

### Non-Degradation Alternative

The Non-Degradation Alternative is technically feasible; however, it does not meet the needs of the Applicant and the end users of the project.

### **5.6: Economic Considerations**

#### Preferred Alternative and Minimal Alternative

The City of Strongsville is vibrant suburb of Cleveland and is easily accessible by interstate roadways from the north, south, east or west. I-71 and I-80, intersects Strongsville while I-480 is five (5) miles to the north, I-77 is five (5) miles to the east and I-90 is fifteen (15) miles to the north. Cleveland Hopkins International Airport is ten (10) minutes north on I-71. CSX rail services two business parks

The City of Strongsville is dedicated to promoting growth and development within the city's industrial community. The City has a diverse and successful industrial base consisting of four industrial parks, positioned on over 2,000 acres of land. Due to Strongsville's strategic location, local resources, incentive packages, and amenities, nearly two hundred businesses are located on the land within and surrounding the industrial parks.

There is an extensive selection of single-family home styles and price ranges in Strongsville, including innovative townhouse and cluster home designs. There are few undeveloped large lots zoned for residential development remaining within the City. Strongsville includes 2,000 acres of Cleveland Metropolitan Park and a variety of recreational opportunities are available through the Strongsville Recreation Department. The Strongsville Recreation and Senior Complex, a 150,000 square foot building, has swimming, track, weight training, and court facilities. There are also 86 acres of city parks, 10 general play fields, 18 baseball diamonds, tennis courts, and basketball courts.

The Strongsville school system offers challenging, diverse programs of learning. Strong academic programs have led to Strongsville students' ninth-grade test scores consistently being among the highest in the Greater Cleveland area and among the highest in the State of Ohio.

This project will allow the proposed buyer and family to remain in the City and school system. Keeping residents within the City helps generate revenue for Strongsville via the local income tax of two (2) percent. The construction of this home will create temporary jobs including all of the trades related to the architecture and construction. This project will also allow the two (2) lots, which have been deemed by the Applicant as “impossible to sell,” to be developed which will generate revenue for Strongsville via the residential property tax of 2.30 percent of market value of the home.

#### Non-Degradation Alternative

The local economy will not experience the increase in jobs or tax revenue with the Non-Degradation Alternative that the Preferred and Minimal Alternative will provide.

### **5.7: Cumulative Impacts**

#### Preferred Alternative and Minimal Alternative

The lots are sited within the City of Strongsville, which is home to 50,000 residents, lie within the Rocky River watershed. The Rocky River Watershed drains 294 square-miles. The watershed includes a network of neighborhoods, farms, forests, parks, roads and streams stretches from Medina to Lake Erie, and includes parts of Cuyahoga, Medina, Lorain and Summit Counties, including all or part of 32 municipalities and townships.

Major causes of impairment are nutrients, bacteria, organic enrichment, flow alteration and degraded habitats. Major sources of impairment include municipal and industrial point sources, urban run-off, home septic systems, and nonpoint source pollution and habitat degradation associated with farming practices and drainage improvements (Ohio EPA, 2009).

The Applicant is committed to an environmentally-friendly development and maintaining natural areas is part of what will make the proposed housing development a desirable environment to build a home. Though loss of non-wetland habitat is unavoidable, with extensive regulatory requirements by the Corps, full avoidance of wetland and streams is desired by most land occupants within the watershed. Due to the environmentally sound storm water regulations and the insignificant amount of additional impervious surface area, as compared to the surrounding area, negative impacts to water quality are not anticipated within this immediate watershed. In addition, due to the low- to mid-quality of the aquatic resources proposed to be impacted along with type of project, it is not anticipated that water quality will suffer from the proposed home.

#### Non-Degradation Alternative

There are no cumulative impacts based on the Non-Degradation Alternative.

### **5.8: Indirect Impacts**

#### Preferred Alternative and Minimal Alternative

Indirect impacts to wetland will consist of a loss of low quality wildlife habitat. However, most wildlife species that are found in areas of ongoing development are species that have adapted to urbanized areas; therefore, it is not likely that this project will significantly affect these species.

In general, both alternatives will call for removal of portions of an established aquatic system. In order to construct the project, only filling portions of the wetland and stream are proposed leaving enough of these systems intact so that each will continue to function properly.

*Non-Degradation Alternative*

There are no indirect impacts based on the Non-Degradation Alternative.

***5.9: Construction Storm Water Management Plans***

*Preferred Alternative and Minimal Alternative*

For the Preferred and Minimal Alternative, sediment and erosion controls will be placed and used at the discretion of the selected contractor in accordance with ODNR's *Rainwater and Land Development Manual*. At minimum, silt fencing and seeding will be utilized during construction. The Applicant has previously secured a NPDES General Permit for the Cedar Creek Subdivision.

*Non-Degradation Alternative*

There would be minimal pollution controls required for the Non-Degradation Alternative.

***5.10: Post-Construction Storm Water Management Plans***

*Preferred Alternative and Minimal Alternative*

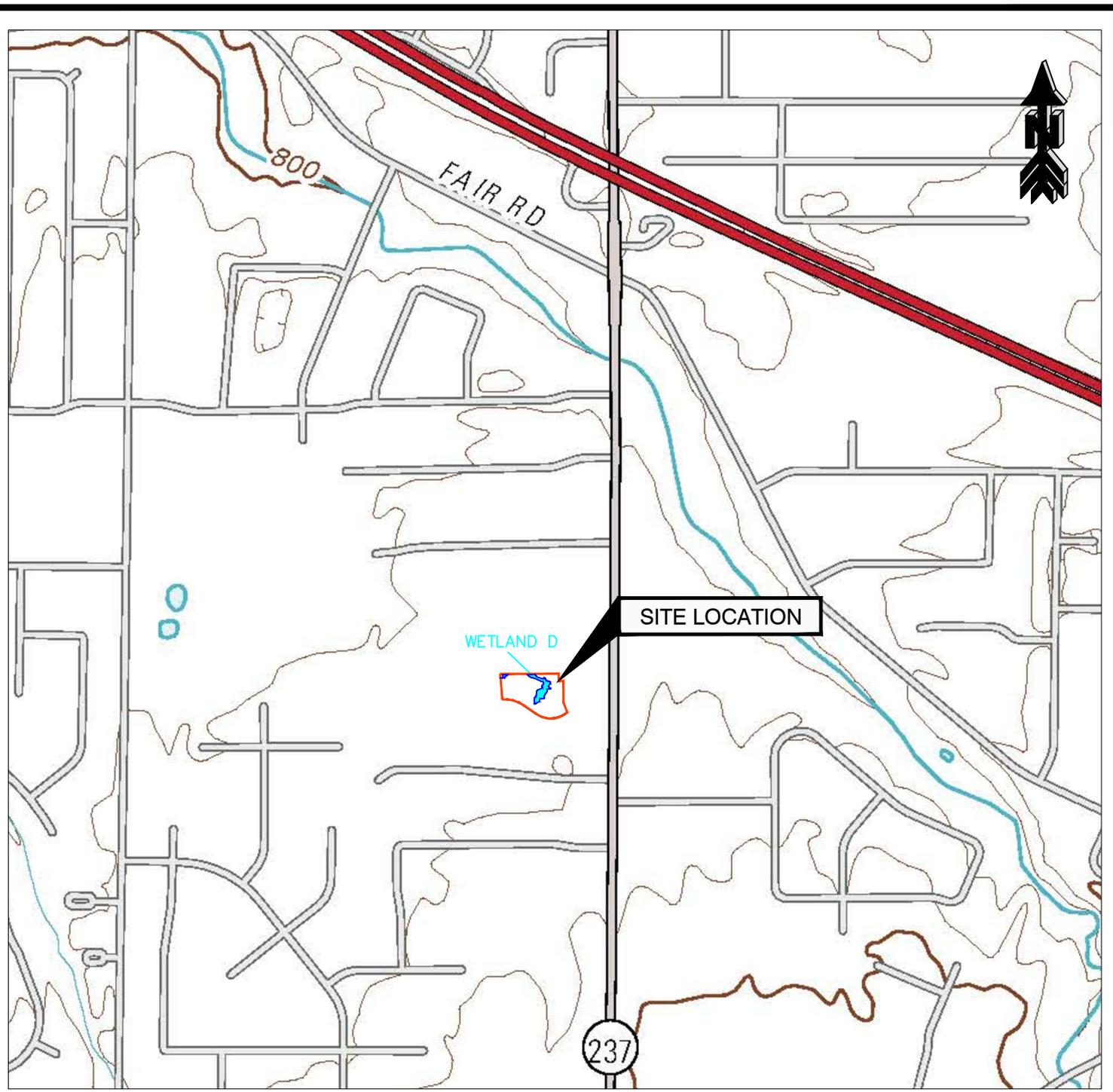
Post-construction storm water management of the proposed project, includes the grading of the sites to direct storm water into storm sewer lines which will be connected to the City's storm sewer system.

*Non-Degradation Alternative*

A post-construction storm water management plan will not change from the existing conditions based on the Non-Degradation Alternative.

**Item 6: Section 1 - Existing Conditions Mapping**

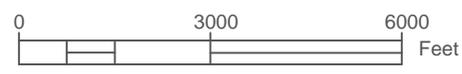
I:\2014\H14286\CADD\GSI\H14286-401 MAPPING-FIG-6.1.1.dwg idavis Feb 09, 2015



**LEGEND:**

-  WETLAND
-  PROPERTY BOUNDARY

USGS TOPOGRAPHIC MAP - BEREA, OHIO



**FIGURE 6.1.1**

TOPOGRAPHIC MAP  
CEDAR CREEK ESTATES PHASE II  
CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO



**HZW ENVIRONMENTAL**  
CONSULTANTS, LLC



**LEGEND:**



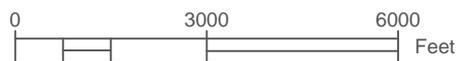
WETLAND



PROPERTY BOUNDARY

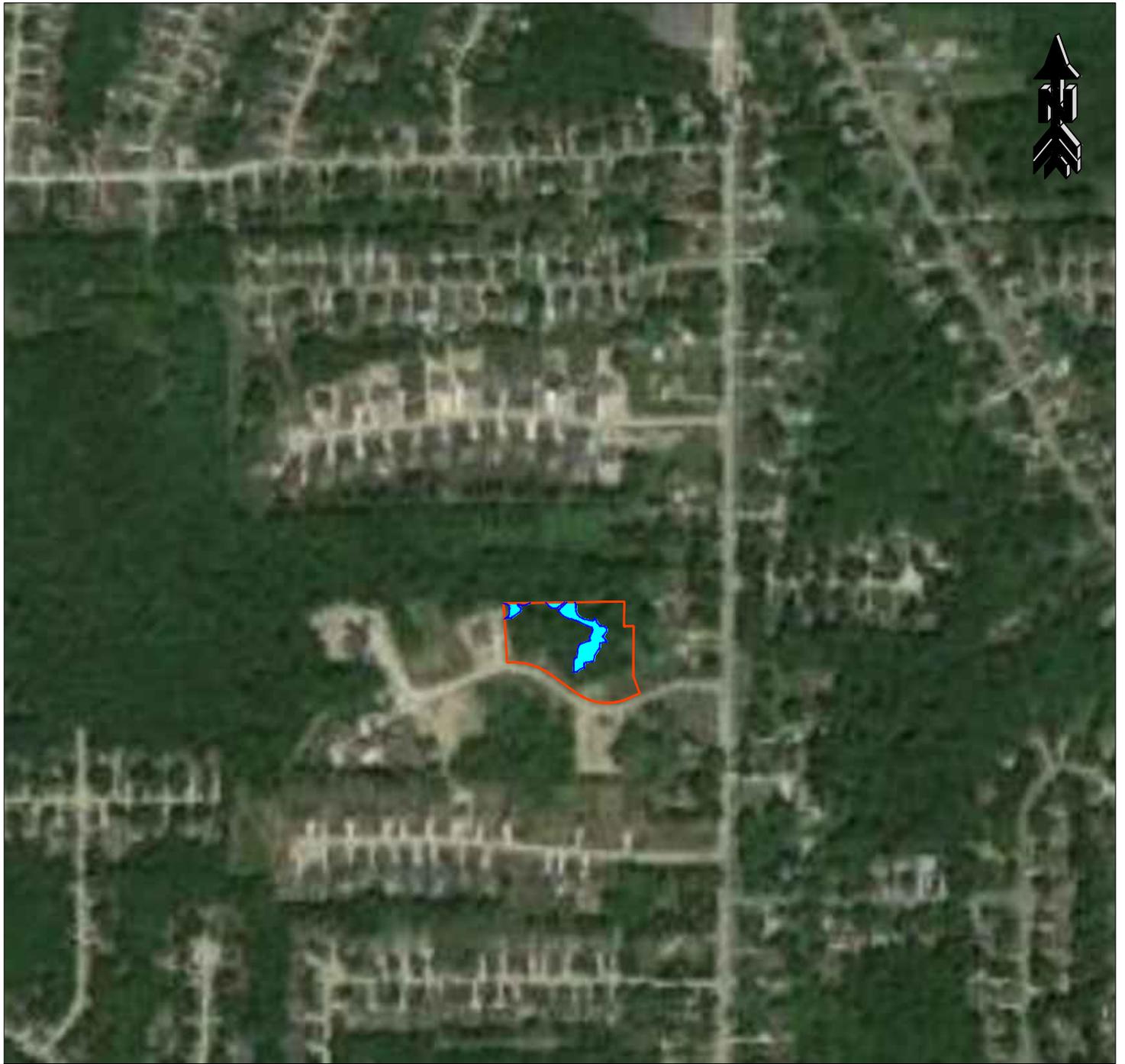


HzW ENVIRONMENTAL  
CONSULTANTS, LLC



**FIGURE 6.1.2**

AERIAL PHOTOGRAPH (2014) MAP  
CEDAR CREEK ESTATES PHASE II  
CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO



**LEGEND:**



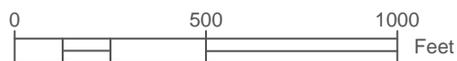
WETLAND



PROPERTY BOUNDARY



**HzW ENVIRONMENTAL**  
CONSULTANTS, LLC



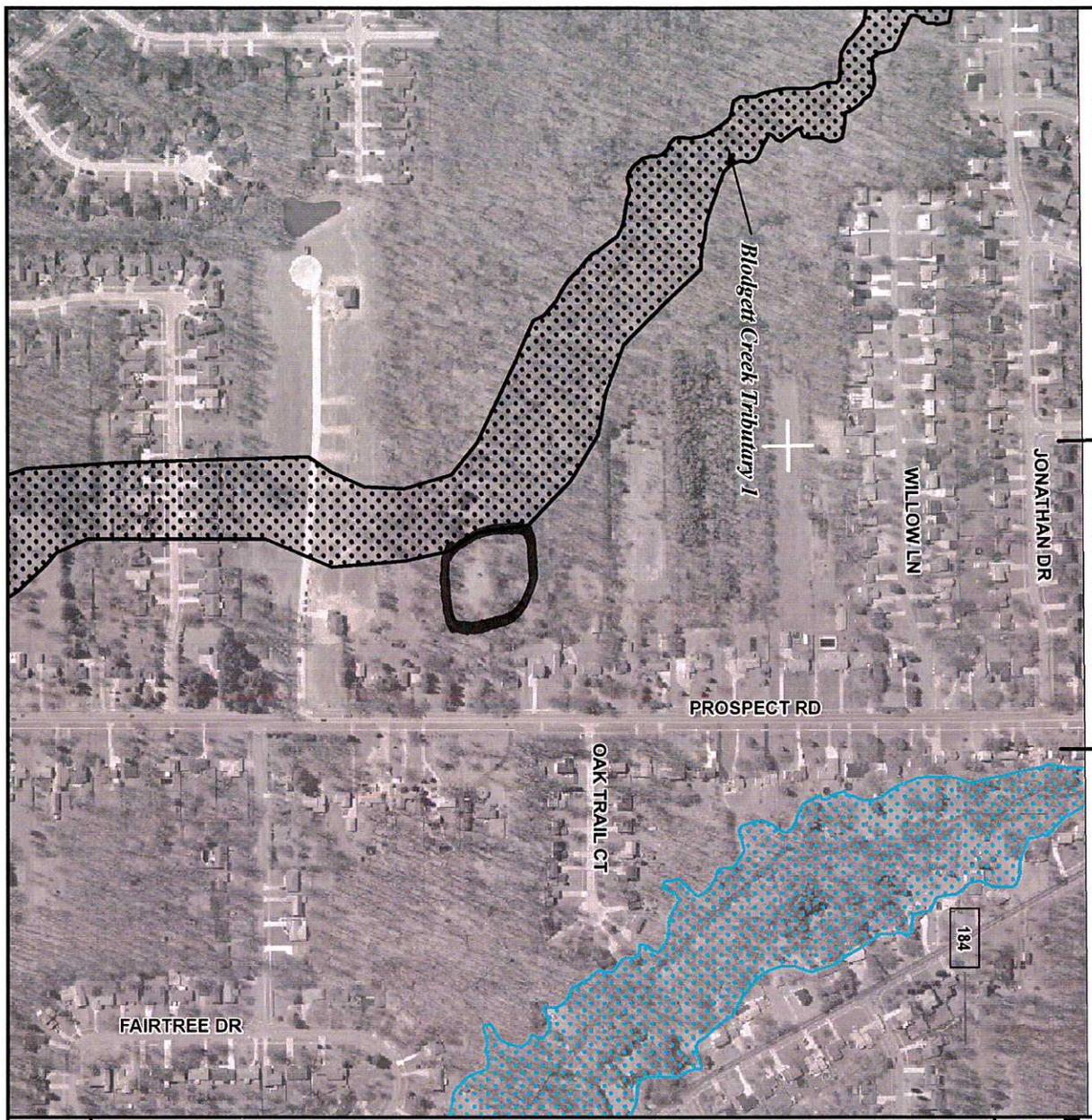
**FIGURE 6.1.3**

VICINITY MAP  
CEDAR CREEK ESTATES PHASE II  
CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO

Figure 6.1.4 - Flood Plain Map



- Approximate Property Boundary  
 JOINS PANEL 0276 2145000 FT



MAP SCALE 1" = 500'  
 0 500 1000  
 FEET

0 150 300  
 METERS

**NATIONAL FLOOD INSURANCE PROGRAM**

**NFIP**

PANEL 0278E

**FIRM**  
 FLOOD INSURANCE RATE MAP  
 CUYAHOGA COUNTY,  
 OHIO  
 AND INCORPORATED AREAS  
 PANEL 278 OF 375

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)  
 CONTAINS:  
 COMMUNITY NUMBER PANEL SUFFIX  
 STRONGSVILLE CITY OF 390132 0278 E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
 39035C0278E  
**EFFECTIVE DATE**  
 DECEMBER 3, 2010



Federal Emergency Management Agency

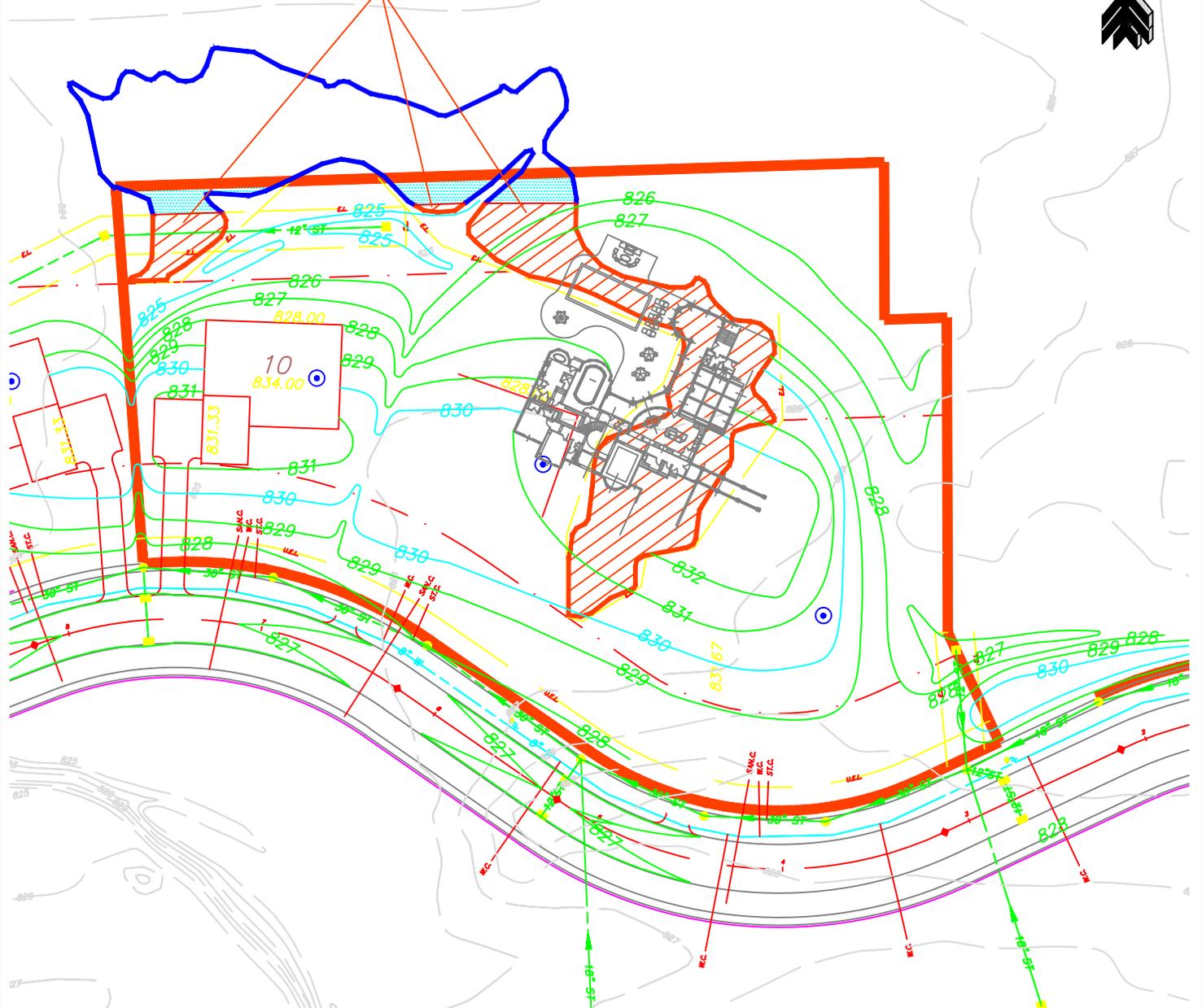
This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

**Item 6: Section 2 - Alternative Analysis Mapping**

\\2014\H14286\CADD\GSI\H14286-401 MAP\PING-FIG-6.2.1.dwg idavis Feb 09, 2015



WETLAND D  
IMPACTED AREA  
0.246 AC

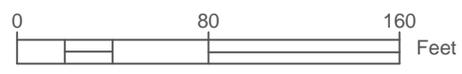


**LEGEND:**

-  IMPACT AREA
-  WETLAND
-  PROPERTY BOUNDARY



**HzW ENVIRONMENTAL**  
CONSULTANTS, LLC



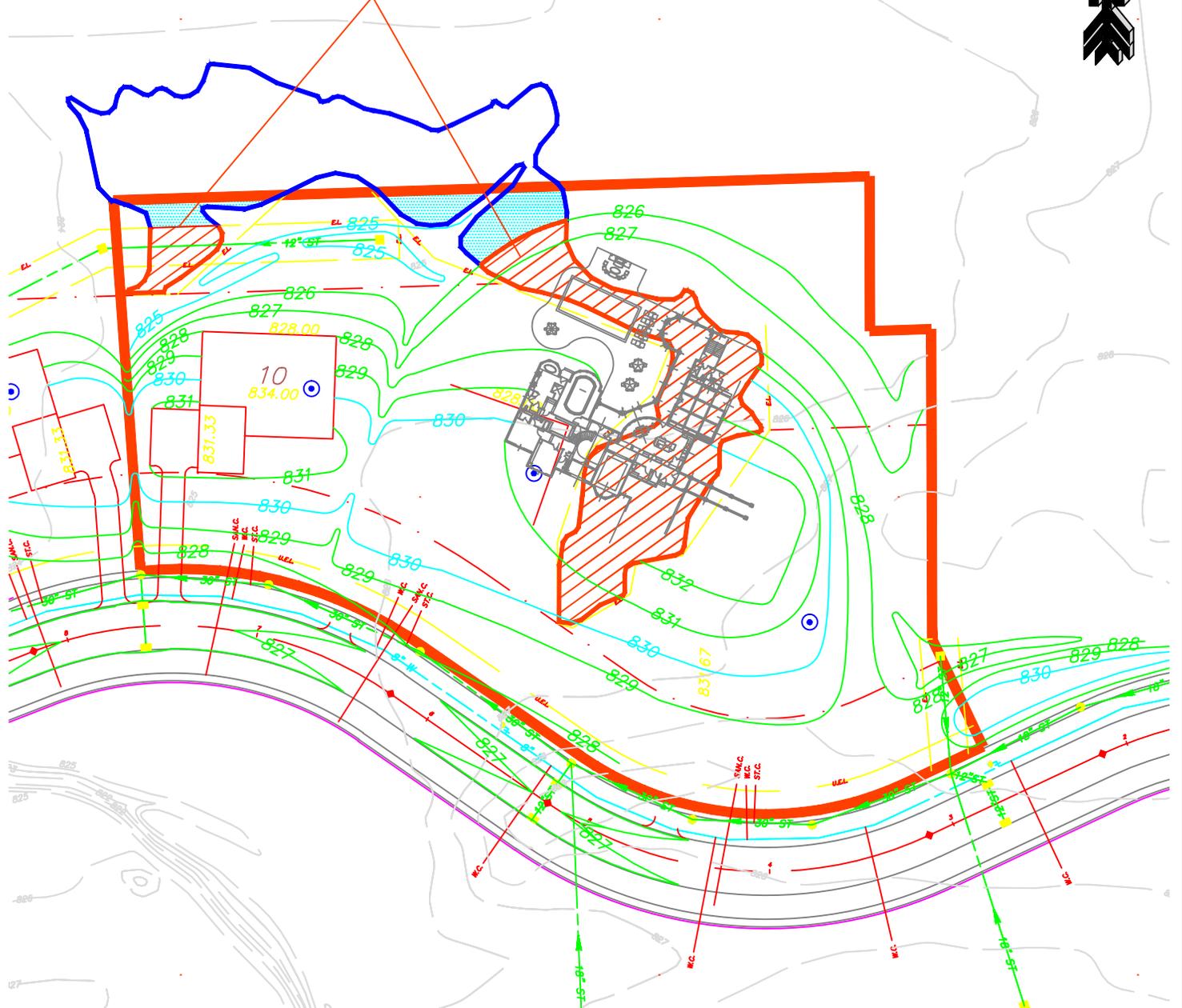
**FIGURE 6.2.1**

PREFERRED DESIGN MAP  
CEDAR CREEK ESTATES PHASE II  
CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO

1:2014\H14286\CADD\GSI\H14286-401 MAPPING\FIG-6.2.2.dwg idavis Feb 09, 2015



WETLAND D  
IMPACTED AREA  
0.229 AC



**LEGEND:**

-  IMPACT AREA
-  WETLAND
-  PROPERTY BOUNDARY



HzW ENVIRONMENTAL  
CONSULTANTS, LLC

**FIGURE 6.2.2**

MINIMAL DESIGN MAP  
CEDAR CREEK ESTATES PHASE II  
CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO

**Item 7: Proposed Mitigation and Monitoring Plan**

***Section 1: Mitigation Overview***

As a last resort for unavoidable impacts, the Applicant is proposing compensatory mitigation to avoid a net loss in the overall functions and values of the wider aquatic habitat. After evaluating the Ohio EPA’s preferred hierarchy of compensatory mitigation options, the Applicant has determined that purchase from an approved mitigation bank would be the most suitable for this project. The Applicant has come to this conclusion after taking into account the following facts:

- The intention of the Project is develop residential lots for the use of potential purchasers. The Applicant will not retain any land on-site thus rendering such compensatory mitigation impossible.
- The Applicant does not retain any other land within the same watershed where off-site compensatory mitigation could be performed.
- An Applicant-responsible compensatory mitigation project of this small size would not convey the same robust functions and values of a larger complex as is present at approved mitigation banks.

Therefore, the Applicant proposes compensatory mitigation in the form wetland credit purchase from an approved mitigation bank for both design alternatives. **Table 1**, below, illustrates the proposed type and amount of credits proposed to be purchased for each alternative.

**Table 1 – Proposed Credit Purchases**

<u>Design</u>	<u>Impact (Acres)</u>	<u>Habitat Type</u>	<u>Quality</u>	<u>OAC Ratio</u>	<u>Proposed Forested Credit Purchase</u>	<u>Resultant Ratio</u>
Preferred	0.246	Forested	Category 2	2.5:1	0.70	2.85:1
Minimal	0.229	Forested	Category 2	2.5:1	0.60	2.62:1

***Section 2: Wetland Mitigation Bank***

The Applicant intends to purchase compensatory mitigation for this project from the Edison Woods Preserve Mitigation Bank maintained by the North Coast Regional Council of Park Districts. While the Applicant has not yet reserved any forested credits, 36.8 were still available as of January 22, 2015 (see **Item 7a – Mitigation Correspondence** included after this section) signifying that the small proposed purchase should not be difficult in the near future.

The Applicant believes such potential purchases as described in **Table 1** to be appropriate to compensate for the unavoidable impacts to Federally-jurisdictional wetlands for the following reasons:

- The Edison Woods Preserve (HUC8: 04100012) is an approved mitigation bank with service area that includes the Black-Rocky watershed (i.e., the watershed of the proposed impacts)

- Edison Woods Preserve can provide in-kind mitigation (i.e., forested credits) for the proposed impacts.
- Mitigation banks provide an array of valuable aquatic functions and values due to their large and complex scopes

Again, as noted above, the Applicant intends to purchase 0.70 credits if the Preferred Design is approved (2.85 credit : 1.0 debit) and 0.60 credits if the Minimal Design is approved in it's stead.

***Section 3: In-Lieu Fee Mitigation***

The Applicant does not propose to purchase use any onsite mitigation credits from the an In-Lieu Fee Program

***Section 4: On-Site Permittee-Responsible Mitigation Project***

The Applicant does not propose to use any onsite mitigation.

***Section 5: Protection in Perpetuity***

Approved mitigation banks are required to protect their credits in perpetuity so the Applicant deems this condition met.

**From:** [Vicki Derr](#)  
**To:** [Ben Latoche](#)  
**Subject:** Re: Potential Mitigation Needed  
**Date:** Thursday, January 22, 2015 11:47:45 AM

---

Good Morning:

As of today, North Coast has 36.8 forested credits available at its Edison Woods Preserve mitigation banking site, which is located in the Huron Vermilion, with a service area that includes the Black/Rocky.

Thanks.

Vicki B. Derr  
Secretary/Treasurer  
General Counsel  
Envirotech Consultants, Inc.  
5380 Township Rd. 143 NE  
Somerset, OH 43783  
(740) 743-1669  
(740) 743-1644 (fax)  
[www.envirotechcon.com](http://www.envirotechcon.com)  
[vderr@envirotechcon.com](mailto:vderr@envirotechcon.com)

On 1/22/2015 11:05 AM, Ben Latoche wrote:

Hi Vicki,

Just wanted to see if the below email is still accurate. Are forested credits still available at Edison for \$25k/acre? Thanks in advance,

-Ben

---

**From:** Vicki Derr [<mailto:vderr@envirotechcon.com>]  
**Sent:** Friday, June 20, 2014 2:02 PM  
**To:** Ben Latoche  
**Subject:** Re: Potential Mitigation Needed

Good Afternoon:

There are no forested credits at Wellington. There are numerous forested credits at Edison Woods Preserve (\$25,000), which is located in the Huron Vermilion with a service area that includes the Black Rocky.

Thanks.

Vicki B. Derr  
Secretary/Treasurer  
General Counsel  
Envirotech Consultants, Inc.  
5380 Township Rd. 143 NE  
Somerset, OH 43783  
(740) 743-1669  
(740) 743-1644 (fax)  
[www.envirotechcon.com](http://www.envirotechcon.com)  
[vderr@envirotechcon.com](mailto:vderr@envirotechcon.com)

On 6/20/2014 1:58 PM, Ben Latoche wrote:

Hello Vicki,

We are currently working on a project that may require a few acres of forested mitigation in the Rocky River watershed. Can you let me know how many forested credits are left at Wellington? Also, are they still \$25k an acre?

Thanks!

-Ben

Benjamin Latoche, M.S.  
Environmental Scientist I  
HzW Environmental Consultants, LLC  
6105 Heisley Road  
Mentor, Ohio 44060  
Phone: 440-357-1260  
Fax: 440-357-1510  
Email: [BLatoche@hzwenv.com](mailto:BLatoche@hzwenv.com)