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Sec 404/ sec 401 narrative

SEC 404 REVIEW

**Proposed Package Processing Facility
Bedford Heights, Ohio**

Performed for and at the instance of:

The applicant:

**Glazer Marotta Realty Company
29325 Chagrin Boulevard, Suite 100
Pepper Pike, Ohio 44122**

Performed by:

**FLICKINGER WETLAND SERVICES GROUP, INC.
853 North Boyle Parkway
Twinsburg, Ohio 44087**

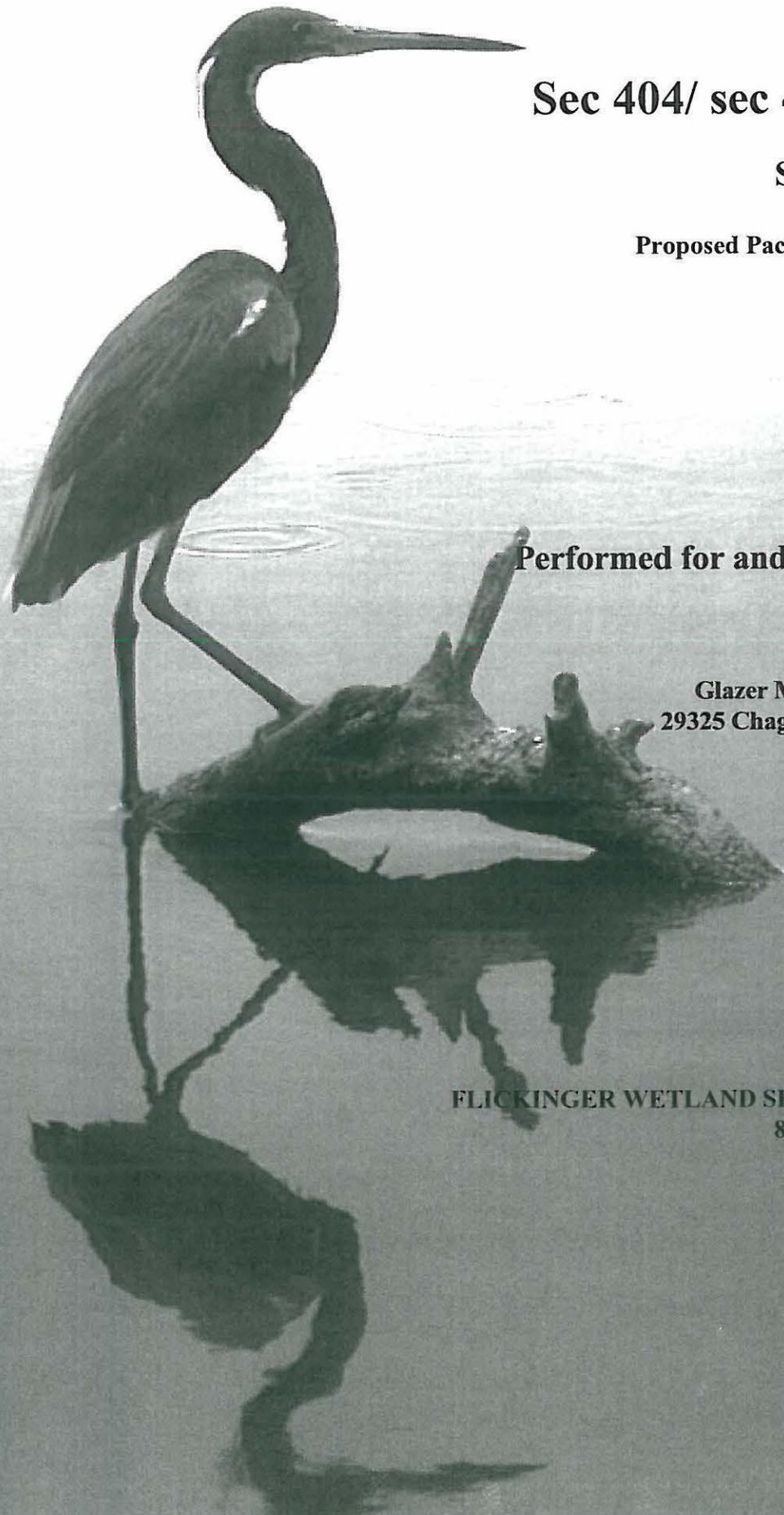


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FLICKINGER

WETLAND COMPANY, LLC

8530 NORTH BOYLE PARKWAY • TWINSBURG, OHIO 44087

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April 28, 2014

Mr. Keith C. Sendziak
U.S. Army Corps of Engineers
Buffalo District Office
1776 Niagara Street
Buffalo, New York 14207-3199

RE: Individual Permit Application
Proposed Package Process Facility (Facility)
Bedford Heights, Ohio
Corps No. 2011-01181, 2011-01330

Dear Mr. Sendziak:

This Application document has been prepared as an attachment to the U.S. Army Corps of Engineers 404 application for a permit to fill jurisdictional waters of the U.S. In the construction of the Facility, impacts are proposed to 2.06 acres of federally regulated wetland and 5.05 acres of Isolated or State of Ohio regulated wetland. This report provides the information to show compliance with the terms and conditions of Nationwide Permit (NWP) 39. With these documents, we are requesting verification from the district engineer that this project complies with NWP 39 prior to commencing the proposed work.

Included in this report is an evaluation for alternatives, endangered species, potential designation of onsite streams, 100 year floodplain determinations, water quality management and erosion control methods, assessments of wetlands, and a mitigation proposal.

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NAME & LOCATION of PROJECT

The project property is approximately 34.77 acres in size and is located in the City of Bedford Heights, Cuyahoga County, Ohio. The property is bordered to the north by the balance of the property fronting Miles Road; to the south by The Existing Giant Eagle Facility; to the west by the Existing Lowes home improvement store. The site is located at 41°25'12.63"North by 81°30'17.21"West, latitude/longitude. See the Location Map (Appendix A) for details.

PROJECT DESCRIPTION

See the Wetland Fill Map in Appendix B for details.

NAMES & ADDRESSES of RESPONSIBLE PARTIES

Applicant: Glazer-Marotta Realty Company
29325 Chagrin Boulevard, Suite 100
Pepper Pike, Ohio 44122
Attn: Mr. Vincent Marotta
(216) 464- 3500

Biological Consultant: Erik Flickinger
Flickinger Wetland Services Group, Inc.
1680 Akron Peninsula Road
Akron, Ohio 44313
(330) 865-0688

Engineer:

EXISTING SITE DESCRIPTION

This 34.77 acre site will be developed where industrial development, The Mr. Coffee Manufacturing and World Headquarters, previously existed. The former facility was razed and all hazardous materials and wastes removed and mitigated.

The site is nearly level to gently sloping, with slopes ranging from zero (0) to six (6) percent. The Southern undeveloped portion of the property consists of somewhat poorly drained to very poorly drained disturbed (recovering) non-hydric soils with hydric inclusions. The only jurisdictional wetlands in this area are W-N and W-J which form a part of a surface drainage system which actually has macro flows west to east, this water resource extends westward where additional flow westward does in fact occur. This wetland is currently crossed by several culverts on the study site. The balance of wetlands, which are in fact isolated; present are the result of grading and construction practices which occurred on the property concurrent with the construction of the original (ca 1970's) Mr. Coffee manufacturing facility which occupied the Northern portion of the property. These wetlands have formed in lower areas where buildings once stood, or material was removed as part of the original demolition.

There are only very few large trees Cottonwood (*Populus deltoides*) on this property with typical shrub sapling understory. The large trees present are located primarily in the west half of the site and are associated with Wetlands L, K, M and N. The northern portion of wetland R is wooded and dominated by Cottonwood (*Populus deltoides*); Pin Oak, (*Quercus palustris*) and Red Maple, (*Acer rubrum*). on a small knoll in the north central portion of the property.

The property is surrounded on all sides by intensive industrial and commercial site use. (See aerial photo in appendix A)

ALTERNATIVE SITE REVIEW

This site is ideal for this industrial development because it **has all** of the following criteria:

- 30 acres or greater, based on industrial building requirements
- Immediate highway access, I-90, I-80.
- Regulated (traffic light) intersection, 5 lane roadway
- Existing infrastructure (water, sewer, main roadways)
- Appropriate zoning
- Reasonable (practicable) land cost

This Property is exactly the appropriate size (34.77 acres) for the proposed use and practicable needs of the user

This site will be developed where an industrial development, The Mr. Coffee Manufacturing and World Headquarters, previously existed, the property is zoned SC-1.

The site has immediate highway access due to the existing ramp from State Route 422, a major highway. This ramp terminates at Miles Road, a 5 lane roadway, where an existing traffic signal is located for access to the property. Miles Road is of sufficient size and scope to handle any increase in traffic. Close proximity to the highway both increases visibility and minimizes traffic disruption to secondary roads, travel time, and fuel consumption.

The proposed property has access to city water, sewer and all other required utilities.

The property is proposed to be purchased for \$6,500,000.00 or \$168,782.00/acre

As this project is not a water dependent activity (as described in the Section 404(b)(1) guidelines) alternative sites were reviewed based on the above criteria. The following properties (shown in Attachment 12) were considered within the region using the above criteria:

1. Transportation Boulevard, Garfield Heights, Ohio: This property meets the minimum size, but is actually a little small for usable area. This site has highway access and is in a pre-existing industrial area, however, this property has a greater access length of 0.9 miles to highway and is located more centrally with much greater access times to I-80, I-90. The property does have a regulated intersection. This property does have similar zoning but is in an office/retail area, likely to remain office or retail. The price on this property is \$12,000,000 which is \$400,000/acre, more than twice the subject property per acre.
2. Rio Nero Drive, Independence, Ohio: This site is of appropriate size and provides the desired utilities. Slopes on the eastern 1/3 of the site are so extreme that only 20 acres are usable, leaving insufficient land to construct the necessary facility. In addition, due to distance and 2-3 lane surface roads this site does not provide the ready access to highways I-80 and I-90. There is no regulated access or turn lane. While cheaper than the Mr. Coffee property (\$4,800,000) the usable acreage value of the land is \$240,000, much greater than that of the Subject property.

3. Olde Egbert Dr, Bedford Heights, Ohio: This 30 acre site was of appropriate size yet has been subdivided and thus has had two parcels sold off. This property has mediocre highway access, 1.7 miles over poorly developed 2 lane and busy suburban roadways. No regulated access or intersection. Existing utilities are available. However, it has proper zoning, and the price is reasonable (\$4,800,000) or \$125,000/a

STATE HISTORICAL PRESERVATION OFFICE REVIEW

To determine if this property is listed in the National Register of Historic Places, a search of the State Historical Preservation Office (SHPO) National Register was done. No listings for this site or immediate surrounding area were found.

ENVIRONMENTAL RESOURCE REVIEW

To determine if this parcel may contain federally listed threatened or endangered species or critical habitat, the Ohio Department of Natural Resources (ODNR) was contacted. The ODNR has reviewed the Natural Heritage maps and files and has found that they have no rare species records with a legal status for this site. Additionally, no existing or proposed state nature preserves or scenic rivers occur at this location. For additional information, refer to the response from the ODNR in Appendix C.

To further investigate if this parcel may contain a federally listed threatened or endangered species or critical habitat within the vicinity of the proposed site, information from the U.S. Fish and Wildlife was reviewed. The proposed project lies within the range of the Indiana bat, a federally listed endangered species; Kirtlands Warbler, a Federally-listed endangered species; and the Piping plover, a Federally-listed endangered species. Due to the wooded, non-shoreline nature of the project site, only the Indiana bat is of concern on this property. The information from the Fish and Wildlife Service is located in Appendix D. An Indiana bat habitat survey was conducted and a report has been prepared. This will be sent to the US Fish and Wildlife Service for further coordination. Notably, the report concludes that there is no critical habitat for the Indiana bat on this property, based on the factors of the HIS Model (Romme et al. 1995),

No streams are located within or adjacent to the property. This site is partially drained by existing stormwater culverts located west of the property which pass under I-271. the Jurisdictional wetland (W-N) is connected by low quality (*Phalurus arundinacea*) vegetated wetlands to these culverts.. The site is within the Cuyahoga River watershed. The Cuyahoga River is designated as warm-water habitat.

100 YEAR FLOODPLAIN

No 100-year floodplains occur on this site, as depicted on the Federal Emergency Management Agency's (FEMA) map in Appendix E.

WETLAND DELINEATION

A Wetland Delineation was performed on this property in fall of 2011. A jurisdictional determination was issued for the Southern Property (No. 2011-01181) property on November 29, 2011. A JD was issued for the Northern property (No. 2011-01330) on December 7, 2011. A copy of both jurisdictional determinations is attached in Appendix G.

As stated previously, the jurisdictional determinations for the site encompass two separate wetland delineations. The first delineation was prepared on approximately 15 acres of land (App. No. 2011-01181); this property is called the "south property" and comprises the majority of the permit property. The second delineation was prepared on the "north property" comprising about 20 acres (No. 2011-01330). The parcel to be developed on behalf of Giant Eagle for the project consists of the original southern 15 acres, plus an additional 1.45 acres of the adjacent north property and 2.12 acres of road Right-Of-Way out to Miles. The resulting project thus totals 18.57 acres in size.

WETLAND ASSESSMENT METHODOLOGY

To determine the categorization of the wetlands on this property, the Ohio Rapid Assessment Method: Version 5.0 (ORAM) was used. This assessment method has been prepared to appraise the quality of wetlands in the field. This categorization is based on an assessment of the functions and values of the wetlands. The assessment is based on wetland size, hydrology, surrounding land use, buffer width, plant communities, micro topography, and modifications to hydrology, substrate and/or habitat. Using this information, a numeric quantification of each wetland is determined. This number is then used to determine a categorization of the wetlands, using the criteria established by the Ohio Rapid Assessment Method Workgroup. The ranges determining these categories can be found below in Table 1. The objective in categorizing wetlands is to make the degree of wetland protection commensurate with the quality of the resource, as wetlands vary significantly in their ecological functions.

Table 1. Interim scoring breakpoints for wetland regulatory categories for ORAM scores.

category	ORAM v. 5.0 score
1	0-29.9
1 or 2 gray zone	30-34.9
modified 2	35-44.9
2	45-59.9
2 or 3	60-64.9
3	65-100

The categories range from 1-3, with a category 3 wetland being categorized as having the highest functional value. Wetlands assessed as category 1 have been determined as “Limited quality waters” per the Ohio Wetland Water Quality Standards. That is, these wetlands support minimal habitat, hydrological or recreational/educational functions. This category will have low species diversity, and a predominance of non-native vegetation. The Wetland Water Quality Standards have designated Category 2 and 3 wetlands as “General high quality waters.” Category 2 wetlands support moderate habitat, hydrological or recreational/educational functions. Wetlands in this category will include those with dominance of native vegetation and without the presence of threatened or endangered species, and the potential for restoration. Category 3 wetlands support superior habitat, hydrological or recreational/educational functions. These wetlands have high levels of diversity, a high proportion of native species, or the presence of threatened or endangered species. This category includes bogs and fens, Lake Erie Coastal wetlands, and high quality forested wetlands.

Using the above-mentioned assessment method, the desktop review was determined using the ODNR-Natural Heritage Program, for the entire site. The response from the data request from the Ohio Department of Natural Resources can be found in Appendix C. For each wetland, the field assessments were completed to determine a numeric quantification for each wetland. The Wetland Delineation Map (Appendix H) illustrates the location of the wetlands. Charts of the wetlands scores and the results of each assessment can be found in Appendix F.

Photographs were taken of the wetlands and are included in Appendix G.

WATER RESOURCE DISCUSSION

The wetlands on the property have been heavily impacted by both the surrounding industrial and commercial development and the historical development of the site itself. Wetland W-R is an isolated forested vernal pool wetland of moderate quality in the north ½ and very low quality marsh dominated by invasive species toward the south. Wetlands-N, Y and Z are a convoluted mix of swamp in the western end then forming a channel (man-made) as it connects to the east then forming a mixed shrub-scrub/marsh. Wetlands-J, K, L and M all consist of essentially isolated recently forested (*Populous deltoides*, +/- 40 years) Vernal pools, and have been heavily impacted about their perimeters by dumping, old construction and grading. W-O, P and Q, are formed in what appear to be old depressions formed by historical construction and grading. These wetlands are dominated by a mix of shrub-scrub and invasive herbaceous species. Wetlands G, H and I have formed in place of former building pads and parking areas and are dominated by (*Populous deltoides*) saplings and Reeds (*Phragmites communis*).

The wetlands on the subject property are typical of many disturbed wetland areas within the eastern Cuyahoga County area and are neither unique nor of high quality. However, they are providing some wildlife habitat, food chain support, flood control, groundwater recharge, water quality improvement, and nutrient retention.

STORMWATER MANAGEMENT

The development of the Giant Eagle Expansion will result in an increase in the amount of impervious surfaces as compared to pre-development conditions. Therefore, if the development is not designed and managed correctly, the additional impervious surfaces have the potential to cause an increase in the amount of rainfall reaching the receiving water in the form of direct runoff. As a result, the runoff volume and flow peaks to receiving waters could increase. Suspended sediments found in stormwater runoff could also increase during construction. In association with this, conductivity could increase as well. Conductivity is related to the total dissolved solids that are found in stormwater runoff.

To address these concerns of changing hydrologic conditions and water quality, Giant Eagle's consulting engineer will develop a comprehensive Stormwater Management Plan for the project. The Stormwater Management Plan will utilize Best Management Practices (BMPs). These methods will be designed to control storm water and sediment loads and will include, but not limited to: silt fencing, straw, geo-textile mats on steep grades, seeding soils within 45 days of soil exposure, and establishing vegetation in drainage swales. The stormwater will flow into the proposed stormwater basins (Appendix B).

This will help to manage the flow of water to the receiving waters such that post-development flows will be consistent with pre-development conditions. Most pollutants (conductivity) in urban runoff are settleable and are associated with total suspended solids. As a result, BMPs designed to remove suspended solids from the runoff will remove the majority of other pollutants as well. These measures will control the volume of water and sediment flowing off the site post-development.

These storm water control measures shall be installed in accordance with city ordinances to ensure that peak post-development rates of surface water runoff from the site do not exceed the peak pre-development rates of runoff. Additionally, preparation of a Storm Water Pollution Prevention Plan (SWPPP) and submittal of a Notice of Intent (NOI) for coverage under the Ohio EPA General Construction Storm Water Permit is required for city approval of the development. Due to the implementation of the foregoing BMPs, no offsite impacts are anticipated as a result of the development of this site.

IMPACTS & AVOIDANCE OF WATER RESOURCES

It is proposed to fill a portion of Wetland-N, (0.452 acres-jurisdictional); and all of Wetland-Y, (0.036 acres), for total jurisdictional losses due to filling of 0.488 acres. Isolated wetland impacts consist of the complete filling/loss of Wetlands-K, L, M, P and Q on the original South parcel and Wetlands- H, and I on the original North parcel. Wetland-R can be partially avoided (0.748 acres filled), (0.461 acres preserved) and still meet project purposes, while Wetland-G can be avoided/preserved in its entirety (0.113 acres) as well as Jurisdictional Wetland-J (0.015 acres).

Avoidance of the all wetland areas located within the project site is not practicable. As indicated on Conceptual Plan No.4-Wetland Impacts and narrative (Appendix B), the proposed development requires minimum space to accomplish project goals on-site.

The preserved/avoided wetlands will have their hydrology maintained via the introduction of roof water and storm water outlet feed. The preservation of the balance of Wetland-N can be more easily accommodated; study by the consulting engineer indicates that the hydrology to this wetland comes from the west thus no impact to this area's hydrology will occur.

To minimize ecological impacts from this development, material used for construction will be free from toxic pollutants in toxic amounts. No trash or other unsuitable material will be discharged into waters of the U.S. The project shall be constructed per engineering standards. Post-construction maintenance will be conducted as needed per county or township requirements.

Furthermore, no activities will occur in the proximity of a public water supply intake, nor will impoundments of water be created. No effect on navigation will occur with the construction of this project.

MITIGATION PLAN

The following chart gives a breakdown of the proposed fill and the mitigation as determined using the OEPA offsite mitigation ratios for each of the fill areas.

Table 3. Wetland Impacts and Mitigation.

	Proposed Fill (ac)	ORAM Category	Plant Cover	Miti Ratio	Mitigation (ac)
	1.688	2	Shrub/Scrub	2	3.4
	0.370	Mod 2	Forested	2.5	1
Total	2.06	--	--	--	4.4 (4.4ac.)

To address the fill of these water resources, it is proposed to purchase 4.4 acres of mitigation credit from the Mitigation Bank operated by the Ohio Wetlands Foundation compensate for the Jurisdictional and Isolated wetland impacts.

I hope the preceding information will be of help to you as you review the permit application for this important project. Kindly review the application and this PCN at your earliest convenience. Thereafter, please contact me to discuss the permitting of the project in more detail.

Sincerely,

Erik A. Flickinger, President
FLICKINGER WETLAND SERVICES GROUP, INC.

Sources

- Army Corps of Engineers Wetland Delineation Manual. *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*. Cooperative Technical Publication, Washington D.C., 1987.
- Braun, E. Lucy. *Deciduous Forests of North America*. The Free Press, MacMillan Publishing, 1950.
- Braun, E. Lucy. *The Monocotyledoneae*. Ohio State University Press, 1967.
- Braun, E. Lucy. *The Woody Plants of Ohio*. Ohio Flora Committee of the Ohio Academy of Science, Ohio State University Press, 1989.
- Brown, Lauren. *Grasses, An Identification Guide*. Houghton Mifflin Company, 1979.
- Cowardin, L., V. Carter, F.C. Golet, and E.T. LaRoe. *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Department of Interior. Washington D.C., 1979.
- Mack, John J., 2001. *Ohio Rapid Assessment Method for Wetlands v. 5.0, User's Manual and Scoring Forms*. Ohio EPA Technical Report WET/2001-1. Ohio Environmental Protection Agency, Division of Surface Water. 401/Wetland Ecology Unit, Columbus, OH.
- Mitsch, William J. and Gosselink, James G. *Wetlands, 2nd Edition*. Van Nostrand Reinhold, New York, N.Y., 1993.
- Newcomb, Lawrence. *Newcombs Wildflower Guide*. Little, Brown and Company, 1977.
- Water Resource Inventory (305b Report)*. State of Ohio Environmental Protection Agency. 1997.
- Petrides, George A. *A Field Guide to Trees & Shrubs*. Houghton Mifflin Company, 1986.
- Soil Conservation Service. *Soil Survey of Cuyahoga County, Ohio*. U.S. Department of Agriculture, 1990.
- U.S. Fish and Wildlife Service. *National Wetland Inventory Map, U.S.G.S., North Olmsted, Ohio, 7.5" Quad*. Twin Cities, MN.
- U.S. Fish and Wildlife Service, 1977. *U.S.G.S., North Olmsted, Ohio 7.5" Quad*. Twin Cities, MN.
- U.S. Fish and Wildlife Service. *National List of Plant Species that occur in Wetlands: 1988 Ohio*. Inland Freshwater Ecology Section. U.S. Department of Interior St. Petersburg, Florida, 28 pp., 1988.
- Wetland Ohio Water Quality Standards*. State of Ohio Environmental Protection Agency. 1997.

APPENDIX A



Google earth





Google earth



187 acres (SSURGO) {oh035} 0.08 seconds [0.71 cache ratio]

Mmi

Miles Rd

Eastlawn Rd

Outerbelt E Fwy

Ua

Ub

H st Ave

MgA

Ct

Google earth

271

557 ft

© 2014 Google

Google earth





VRGO) (oh035) 0.08 seconds [0.71 cache ratio]

Mmi

les Rd

Eastlawn Rd

Outerbelt Fwy

Ua

Ub

MgA

Hst Ave

PEM1C

Ct

Google earth

Wetland Types

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

357 ft

Status Map

-  Digital (vector data)
-  Scan (raster data)
-  Non-Digital (hardcopy only)
-  No Data

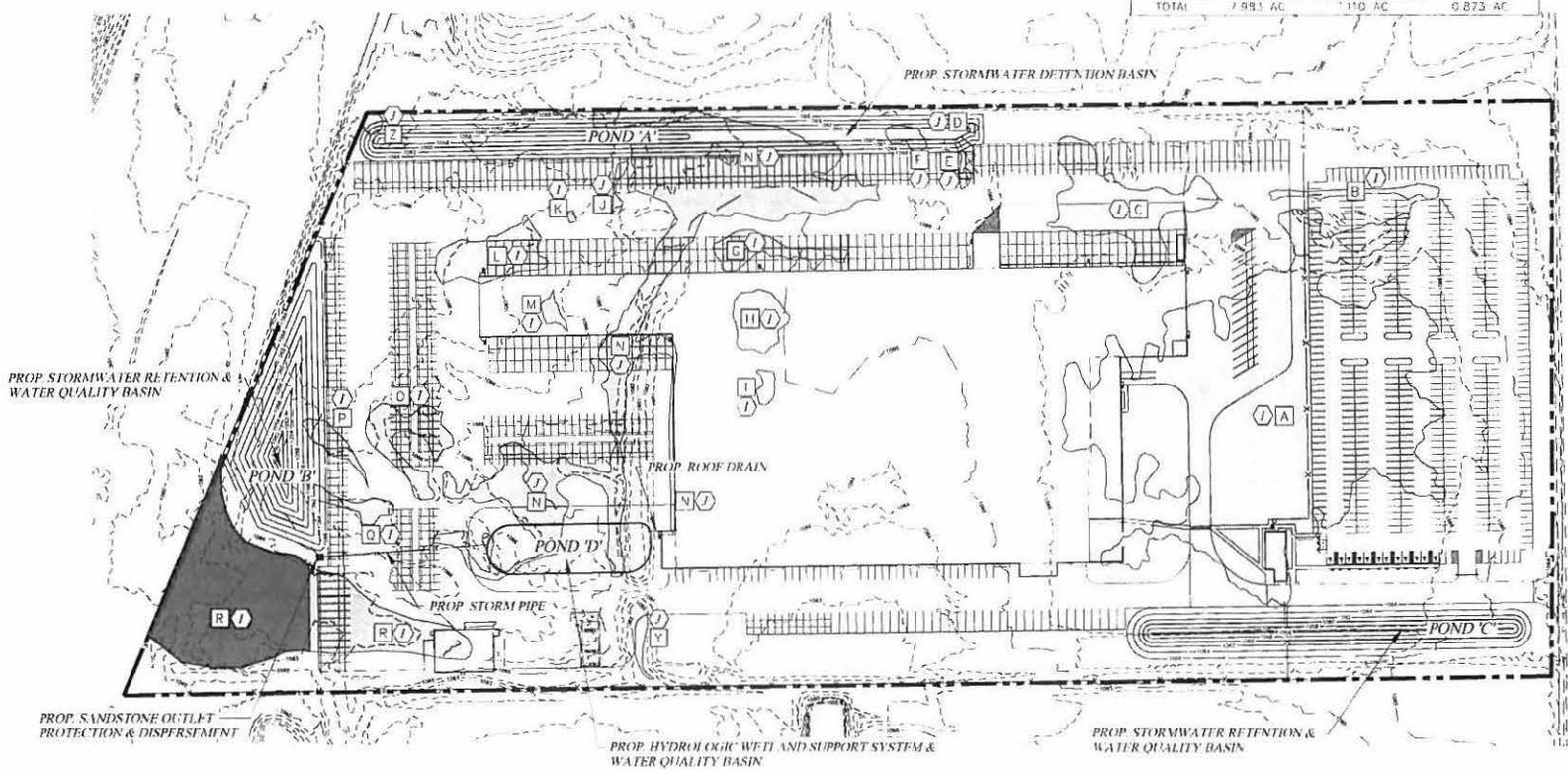
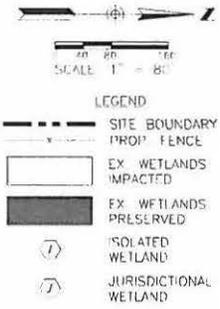
© 2014 Google

Google earth



APPENDIX B

WETLAND DATA			
WETLAND MARK	WETLAND AREA	IMPACTED WETLAND AREA	PRESERVED WETLAND AREA
A	3.676 AC	3.676 AC	0.000 AC
B	0.060 AC	0.060 AC	0.000 AC
C	0.451 AC	0.451 AC	0.000 AC
D	0.004 AC	0.004 AC	0.000 AC
E	0.025 AC	0.025 AC	0.000 AC
F	0.032 AC	0.032 AC	0.000 AC
G	0.113 AC	0.113 AC	0.000 AC
H	0.122 AC	0.122 AC	0.000 AC
I	0.021 AC	0.021 AC	0.000 AC
J	0.015 AC	0.015 AC	0.000 AC
K	0.094 AC	0.094 AC	0.000 AC
L	0.202 AC	0.202 AC	0.000 AC
M	0.022 AC	0.022 AC	0.000 AC
N	1.688 AC	1.688 AC	0.000 AC
O	0.167 AC	0.167 AC	0.000 AC
P	0.055 AC	0.055 AC	0.000 AC
Q	0.054 AC	0.054 AC	0.000 AC
R	1.243 AC	0.376 AC	0.873 AC
S	0.036 AC	0.036 AC	0.000 AC
T	0.016 AC	0.016 AC	0.000 AC
TOTAL	7.983 AC	7.150 AC	0.873 AC



WETLAND AREAS TAKEN FROM DELINEATION PERFORMED BY EICKINGER WETLAND SERVICES GROUP, INC. DATED 10-4-2013

TOPOGRAPHIC CONTOURS PROVIDED BY FUYHONCA COUNTY GIS

GBC DESIGN, INC.
 300 White Pond Drive Akron, OH 44320-1228
 Phone: 330.442.2222 Fax: 330.442.2222

MAROTTA GLAZER REALTY COMPANY, LLC
 29325 CHAGRIN BLVD., SUITE 100
 PEPPER PIKE, OH 44124

24700 MILES ROAD
 CITY OF BEDFORD HEIGHTS, OH
 MINIMAL DEGRADATION SITE PLAN

DRAWN BY: BAW
 DATE: 3/15/2014
 PROJECT NO: 47011
 DRAWING NO: 2 OF 3

FORMWATER RETENTION & QUALITY BASIN

POND 'B'

POND 'A'

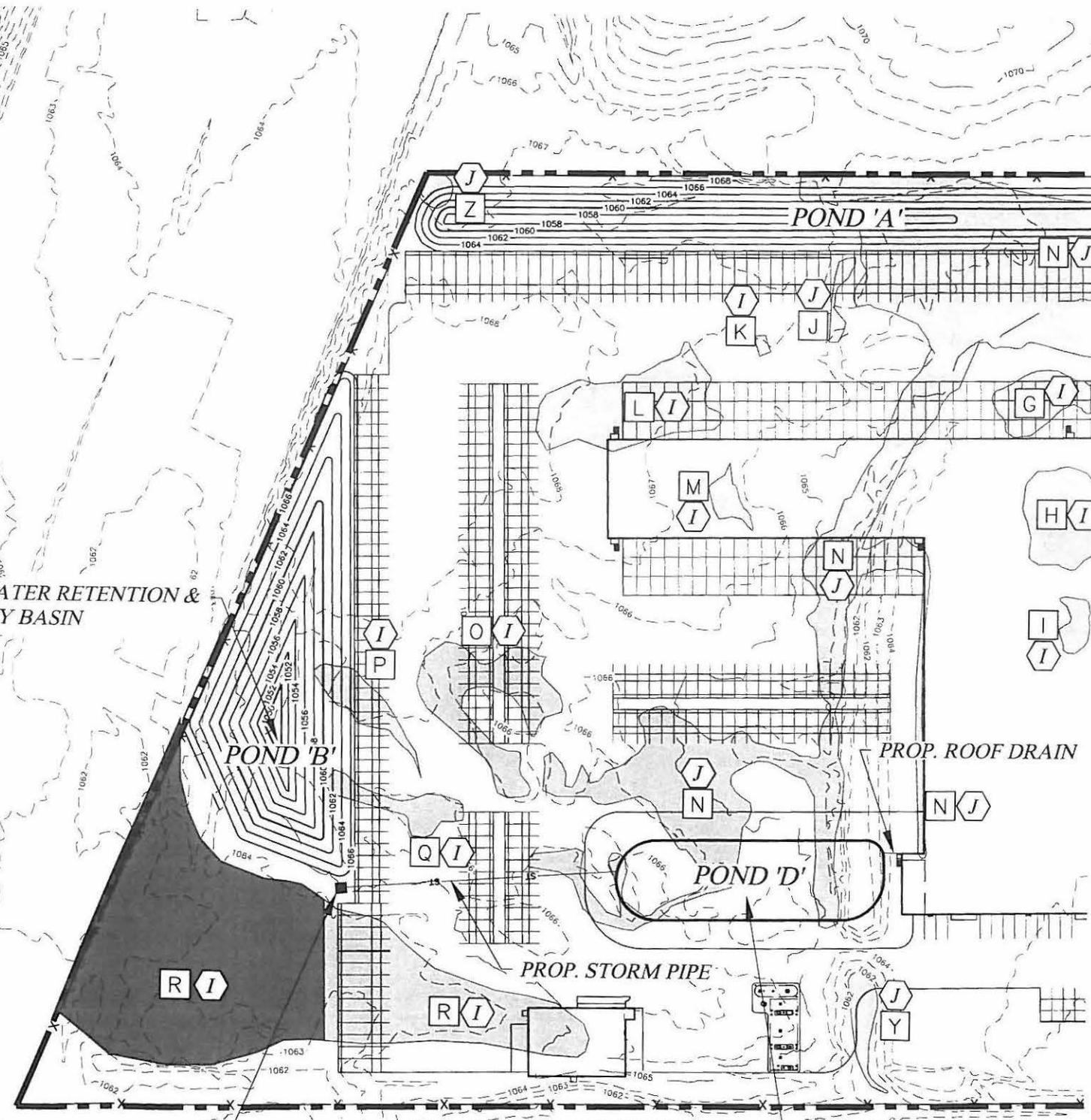
POND 'D'

PROP. ROOF DRAIN

PROP. STORM PIPE

PROP. SANDSTONE OUTLET
PROTECTION & DISPERSEMENT

PROP. HYDROLOGIC WETLAND
WATER QUALITY BASIN



APPENDIX C



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Ohio Division of Wildlife
Scott Zody, Chief
2045 Morse Rd., Bldg. G
Columbus, OH 43229-6693
Phone: (614) 265-6300

March 30, 2012

Mr. Erik Flickinger
Flickinger Wetland Services Group
1680 Akron Peninsula Road, Suite 201
Akron, OH 44313

Dear Mr. Flickinger,

After reviewing the Biodiversity Database, I find the Division of Wildlife has no records of rare or endangered species in the Giant Eagle Expansion project area, including a one mile radius, at 5300 Richmond Road, in the City of Bedford Heights, Cuyahoga County, Ohio, and on the Chagrin Falls Quad. We are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, nature preserves, parks or forests, national wildlife refuges, parks or forests or other protected natural areas within a one mile radius of the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although we inventory all types of plant communities, we only maintain records on the highest quality areas.

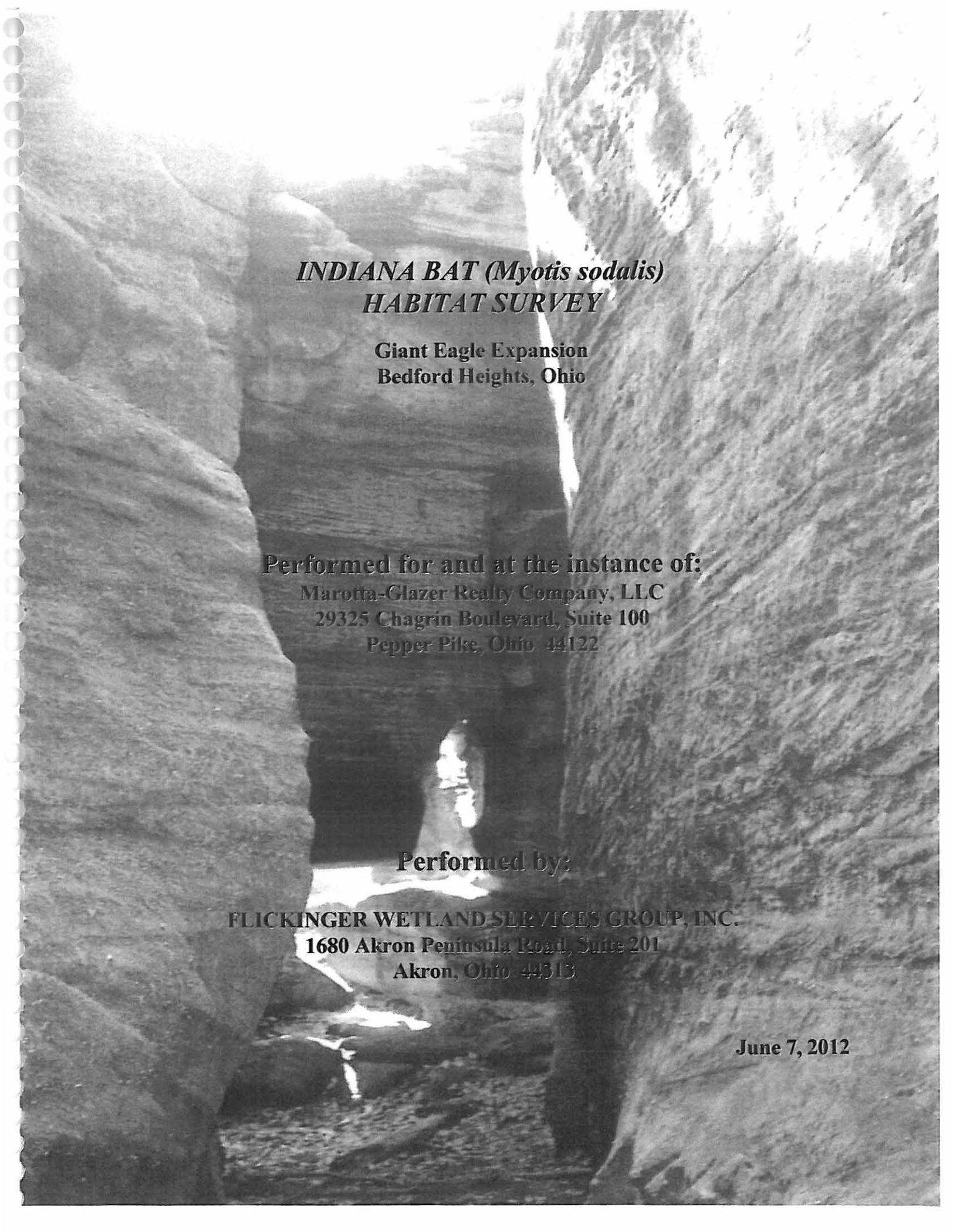
This letter only represents a review of rare species and natural features data within the Ohio Biodiversity Database. It does not fulfill coordination under the National Environmental Policy Act (NEPA) or the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S. C. 661 et seq.) and does not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Please contact me at 614-265-6452 if I can be of further assistance.

Sincerely,

Greg Schneider, Administrator
Ohio Biodiversity Database Program

APPENDIX D



***INDIANA BAT (*Myotis sodalis*)
HABITAT SURVEY***

**Giant Eagle Expansion
Bedford Heights, Ohio**

Performed for and at the instance of:

**Marotta-Glazer Realty Company, LLC
29325 Chagrin Boulevard, Suite 100
Pepper Pike, Ohio 44122**

Performed by:

**FLICKINGER WETLAND SERVICES GROUP, INC.
1680 Akron Peninsula Road, Suite 201
Akron, Ohio 44313**

June 7, 2012

June 7, 2012

Mr. Keith Sendziak
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

RE: Project: Giant Eagle Expansion
Location: City of Bedford Heights, Cuyahoga County, Ohio

Dear Mr. Sendziak:

Please find attached information in regards to the potential for existing habitat for the Indiana Bat, a federally listed endangered species on the above-listed site. The site is in the City of Bedford Heights, Cuyahoga County, Ohio. The property is bordered to the South by the existing Giant Eagle facility. The site is located at 41°25'12.63"North by 81°30'17.21"West, latitude/longitude.

HABITAT SUITABILITY

The summer range of Indiana bats includes southern Iowa, northern Missouri, northern Indiana, southern Michigan, and Ohio. Ohio counties where Indiana bats have been observed include Adams, Athens, Ashland, Ashtabula, Butler, Champaign, Clermont, Cuyahoga, Darke, Delaware, Greene, Hamilton, Hocking, Lake, Lawrence, Lucas, Madison, Miami, Paulding, Pike, Preble, Richland, Scioto, Summit, and Warren. Summer habitat for this animal includes wetlands, floodplains, riparian corridors, and upland forests. This species generally forages in and around the tree canopy, but the animal has also been observed using open field habitat and small wooded openings. The exfoliating bark of mature, living and/or dead and dying trees is favored for use as maternity roosts. Maternity colonies tend to use multiple trees and multiple locations on individual trees as alternate roost sites. The occurrence of these conditions and suitable roost sites has a greater potential to occur on larger wooded tracts.

According to the HSI Model (Romme et al. 1995) for the Indiana bats, the five most important factors for roosting habitat include:

- Amount of overstory canopy (60-80% optimal)
- Diameter of overstory trees (average dbh of 15.7 inches (32.3 cm.) – optimal)
- Density of potential live high quality roost trees (at least 16 per acre – optimal)
- Density of potential snag roost trees (at least 6 per acre with a dbh of at least 8.7 inches (22.1 cm) –optimal)
- Amount of understory cover (35% or less – optimal)

Additionally, the HSI model indicates that optimal foraging habitat consists of overstory canopy cover of 50% to 70% with 35% or less understory of trees between 2 and 5 inches dbh.

FINDINGS

There is no critical habitat for the Indiana bat on this property based on the factors of the HSI model. This bat uses wetlands associated with streams and upland forests. There are wetlands on the property surrounded by either young shrub/sapling immature hydrophytic forest or mature Cottonwood, *Populus deltoides*, stands. The site is about 2 acres of woods and the balance is shrub/scrub. The forested portion in the eastern area is younger and has a heavy shrub component throughout and is well over 35% understory cover. The majority of the site has no overstory canopy. Except for the mature Cottonwood trees none of the trees on the site are greater than 15 inches in diameter.

No potential snag roost trees, that is, trees with exfoliating bark, cracks and holes, are standing on site. The dominant trees observed growing on this site were: Cottonwood, *Populus deltoides*; Red Maple, *Acer rubrum*; Black Cherry, *Prunus serotina* and Pin Oak, *Quercus palustris*. In the shrub layer, there were tree saplings, Northern Arrowwood, *Viburnum recognitum*; Shrubby Dogwoods, *Cornus amomum* and *Cornus racemosa*; multiflora rose (*Rosa multiflora*), greenbrier (*Smilax glauca*) and European buckthorn (*Rhamnus frangula*). Poison ivy (*Toxicodendron radicans*), Jewel Weed, *Impatiens capensis*; Virginia creeper (*Parthenocissus quinquefolia*), and May apple (*Podophyllum peltatum*) were the dominant species on the ground.

The site is bordered on all sides by extensive industrial and commercial development with significant lighting of parking lots and environs. No flyways are available.

This site is proposed to contain the expansion of the warehouse, garages and utility infrastructure for the existing Giant Eagle facility located to the south. Due to the lack of critical habitat, no flyway access and minimal bat roost habitat, it is unlikely that any development on this site would result in adverse impacts to the Indiana bat.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Erik A. Flickinger, President
FLICKINGER WETLAND SERVICES GROUP, INC.

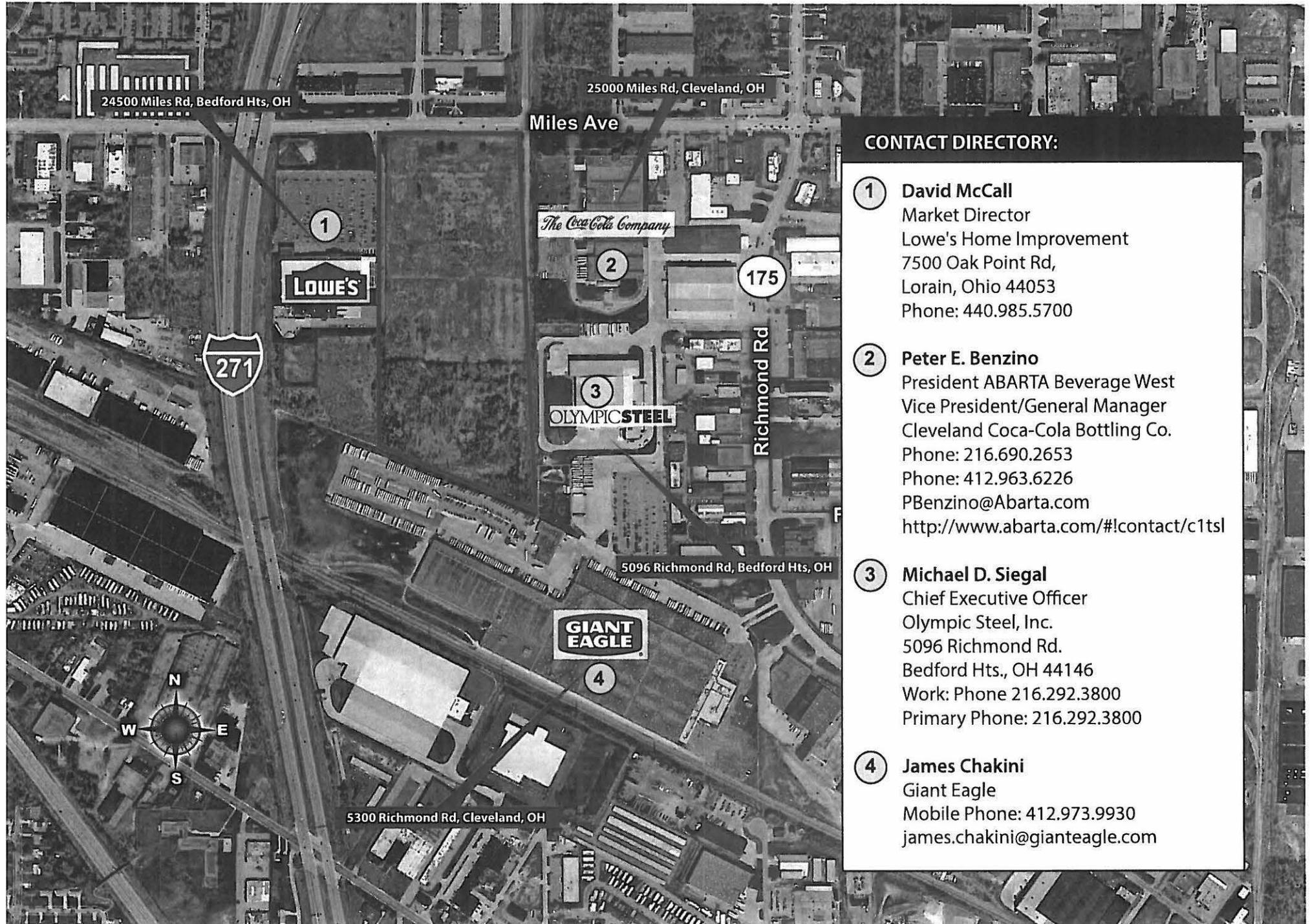
References

Rommé, R.C., K. Tyrell, and V. Brack. 1995. Literature summary and habitat suitability index model: components of summer habitat for the Indiana bat, *Myotis sodalis*. Unpublished report, U.S. Fish and Wildlife Service and Indiana Department of Natural Resources, Division of Fish and Wildlife. 38 pp + appendices.

U.S. Fish and Wildlife Service (USFWS). Indiana Bat (*Myotis sodalis*), Endangered Species Fact Sheet, Region 3. Fort Snelling, Minnesota.
www.fws.gov/midwest/Endangered/mammals/ind_bat.html

U.S. Fish and Wildlife Service, 1977. *U.S.G.S., Avon, Ohio 7.5" Quad*. Twin Cities, MN.

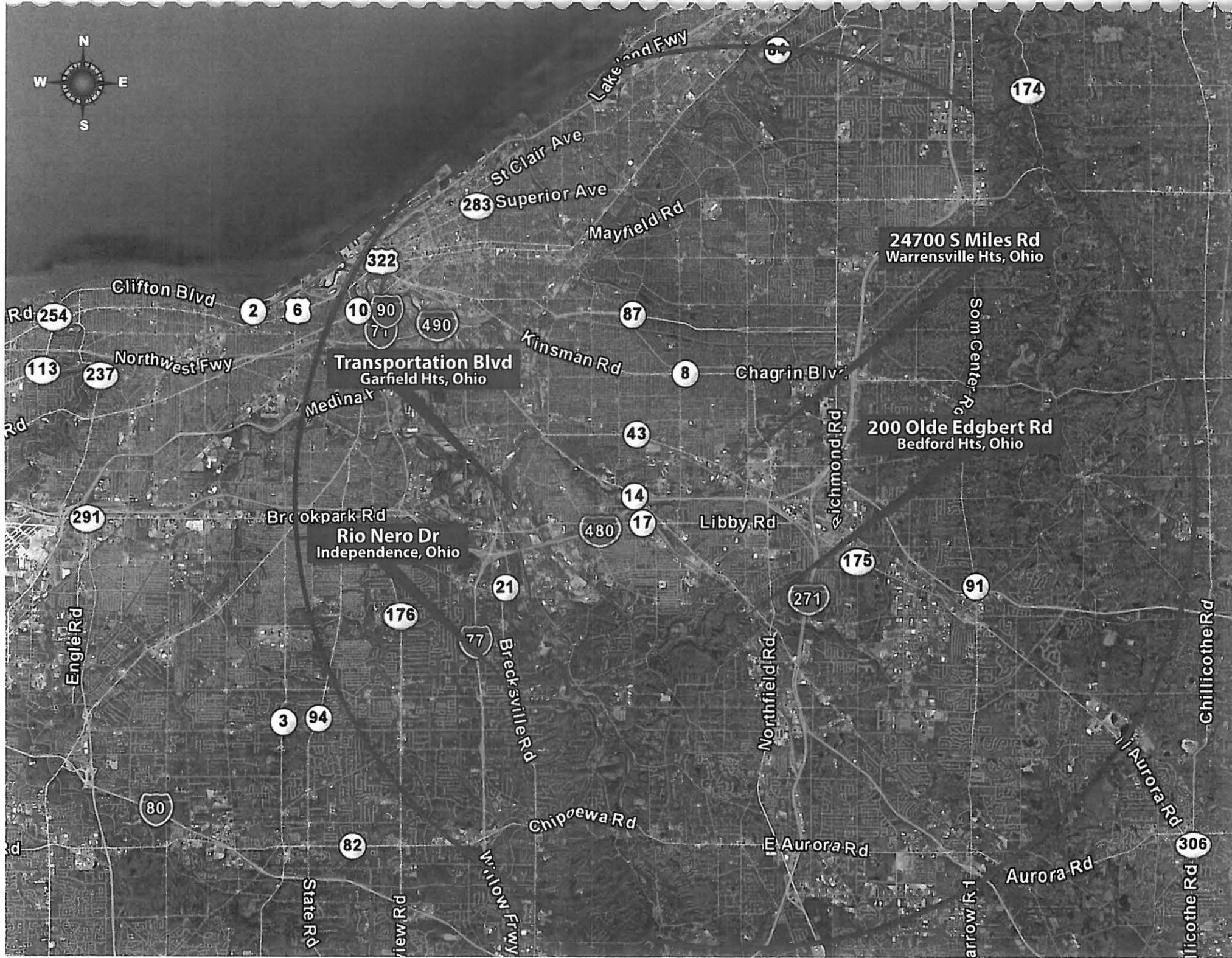
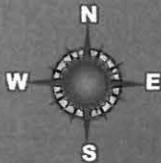
APPENDIX E



CONTACT DIRECTORY:

- 1 David McCall**
 Market Director
 Lowe's Home Improvement
 7500 Oak Point Rd,
 Lorain, Ohio 44053
 Phone: 440.985.5700
- 2 Peter E. Benzino**
 President ABARTA Beverage West
 Vice President/General Manager
 Cleveland Coca-Cola Bottling Co.
 Phone: 216.690.2653
 Phone: 412.963.6226
 PBenzino@Abarta.com
<http://www.abarta.com/#!/contact/c1tsl>
- 3 Michael D. Siegal**
 Chief Executive Officer
 Olympic Steel, Inc.
 5096 Richmond Rd.
 Bedford Hts., OH 44146
 Work: Phone 216.292.3800
 Primary Phone: 216.292.3800
- 4 James Chakini**
 Giant Eagle
 Mobile Phone: 412.973.9930
james.chakini@gianteagle.com

APPENDIX F



Lakeland Fwy
St Clair Ave
283 Superior Ave
Mayfield Rd

24700 S Miles Rd
Warrensville Hts, Ohio

Transportation Blvd
Garfield Hts, Ohio

200 Olde Edgbert Rd
Bedford Hts, Ohio

Rio Nero Dr
Independence, Ohio

Clifton Blvd
Northwest Fwy
Rd 254
113
237

Engle Rd
291

Kinsman Rd
87
8

Chagrin Blvd

Brookpark Rd

Libby Rd

176

21

Brecksville Rd
77

175

271

91

3

94

Chipewa Rd

Northfield Rd

E Aurora Rd

State Rd

View Rd

Willow Fwy

Arrow Rd

Aurora Rd

Chillicothe Rd

Aurora Rd

Chillicothe Rd

174

113

237

291

2

6

10

90

71

490

322

87

43

14

17

480

77

80

82

306

1 24700 Miles Road (subject Property)

City: Bedford Heights
Acres: 34.8
Price: \$6.5 mm (\$186,782 /acre)
Zoned: SC-1 District

Major Highways

Proximity: I-271/ I-422/ I-480
Distance: 0.30 / 0.30 / 0.30 miles

Stop light 4-way

2 Transportation Blvd

City: Independence
Acres: 30.00
Price: \$12.0 mm (\$400,000 /acre)
Zoned: Office/Commercial

Major Highways

Proximity: I-77/ I-480
Distance: 0.90 / 0.90

Stop light : 4-way

Other: : Likely to be office or retail.

3 Rio Nero Dr and Brecksville Rd

City: Independence
Acres: 38.2
Price: \$4.8 mm (\$125,720 /acre)

Zoned: U-5A

Major Highways

Proximity: I-77

Distance: 1.71 miles

Stop light : None

4 200 Egbert Rd

City: Bedford

Acres: 30

Price: \$4.8 mm (\$125,000 /acre)

Zoned: U-5A

Major Highways

Proximity: I-77

Distance: 1.7 miles

Stop light : None

Other: : Currently being subdivided with two pieces previously sold off. Brownfields site.

35 Acres for Sale

24700 Miles Road, Bedford Heights, OH



Property Highlights

- 34.77 acres of developed land
- All utilities to the site
- Zoning: Shopping Center District
- Frontage: 831 ft on Miles Road
- One mile from the I-277, East 422 & I-480 West interchanges
- Located off a 5-lane road
- Neighbors:
Coke Distribution Center
American Spring & Wire
the Giant Eagle Distribution Center
- **Sale Price: \$7,000,000**

Terry Coyne 216.453.3001 tcoyne@ngkf.com
Executive Managing Director

David Hollister 216.453.3089 dhollister@ngkf.com
Managing Director
Licensed Real Estate Salespersons

1350 Euclid Avenue, Suite 300, Cleveland, OH 44115

**Newmark Grubb
Knight Frank**

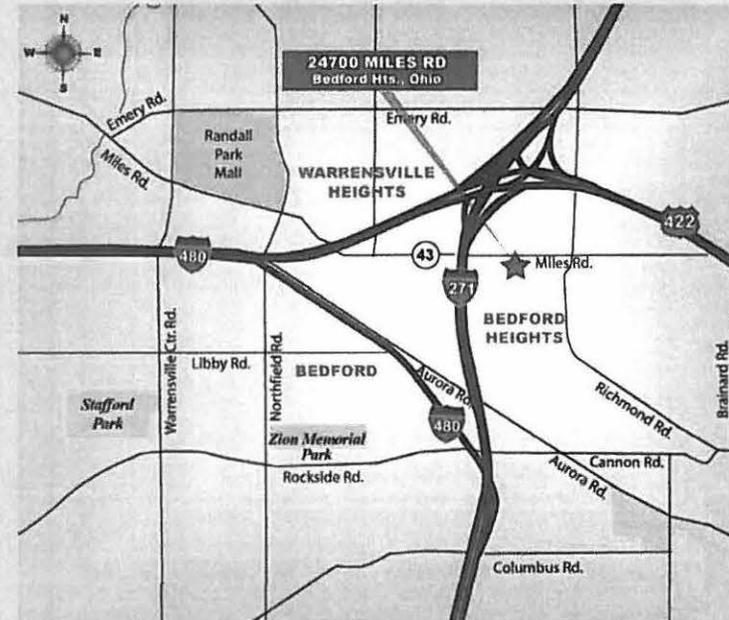
www.ngkf.com



Procuring broker shall only be entitled to a commission, calculated in accordance with the rates approved by our principal only if such procuring broker executes a brokerage agreement acceptable to us and our principal and the conditions as set forth in the brokerage agreement are fully and unconditionally satisfied. Although all information furnished regarding property for sale, rental, or financing is from sources deemed reliable, such information has not been verified and no express representation is made nor is any to be implied as to the accuracy thereof and it is submitted subject to errors, omissions, change of price, rental or other conditions, prior sale, lease or financing, or withdrawal without notice and to any special conditions imposed by our principal.

35 Acres for Sale

24700 Miles Road Bedford Heights, OH

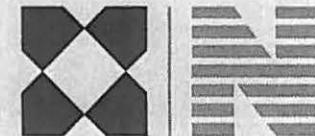


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35 Acres for Sale

24700 Miles Road, Bedford Heights, OH

Property Details

- Permanent Parcel No.: 791-01-010
- Auditor's Assessed Land Value: \$1,441,860
- Annual Tax: \$137.892
- OEPA NFA was filed February 25, expecting final approval in April or May. Covenant not to Sue expected June or sooner.
- HzW completed the field work on the North portion of land. Samples are in for testing at the EPA approved lab. Expecting results in mid-April.



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APPENDIX G



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

REPLY TO

August 10, 2012

Regulatory Branch

SUBJECT: Application No. 2011-01181, Nationwide Permit No. 39, as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012

Mr. Vincent Marotta
Marotta-Glazer Realty Company
29325 Chagrin Boulevard, Suite 100
Beachwood, Ohio 44122

Dear Mr. Marotta:

This pertains to Marotta Glazer Realty Company's application for a Department of the Army permit to permanently place fill material into approximately 0.452 acres of federally jurisdictional wetlands to construct a commercial development on an approximately 16.5-acre parcel located south of Miles Road, in the City of Bedford Heights, Cuyahoga County, Ohio (Sheets 1 and 2 of 2). As mitigation for unavoidable impacts to waters of the United States, Marotta Glazer Realty Company shall purchase 1.2 acres of mitigation credit from the Trumbull Creek wetlands mitigation bank.

Specifically, your project will entail the discharge of fill into approximately 0.452 acres of Wetland N and 0.036 acres of Wetland Y. I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permit 39 (Commercial and Institutional Developments) provided that the attached conditions are satisfied.

Verification of the applicability of this Nationwide Permit is valid for two years from the date of this correspondence unless the Nationwide Permit is modified, suspended or revoked, or your activity complies with any subsequent permit modification. Absent any changes to the current Nationwide Permits, reverification of the applicability of your project under the Nationwide Permit is not required if work is completed prior to March 19, 2017.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

Regulatory Branch

SUBJECT: Application No. 2011-01181, Nationwide Permit No. 39, as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012

This affirmation is limited to the attached Nationwide Permit and associated Water Quality Certification, and does not obviate the need to obtain any other project specific Federal, state, or local authorization.

In addition to the general conditions attached to the Nationwide Permit, your attention is directed to the following Special Conditions:

- 1 That you are responsible for ensuring that the contractor and/or workers executing the activity(s) 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 That as mitigation for the permanent loss of 0.488 acres of Federal jurisdictional wetlands you shall purchase 1.2 credits from the Trumbull Creek mitigation bank. Prior to commencing the authorized work, you must supply Harold Keppner at this office with a copy of the Trumbull Creek mitigation bank executed mitigation agreements and verification of the transfer of funds to the Trumbull Creek mitigation bank.
- 3 To maintain hydrology and avoid further impacts to Wetland N you shall install an appropriately sized culvert in the location identified on Sheet 2 of 2.
- 4 The disposal of trees, brush, construction debris, and other debris in any stream corridor, wetland or surface water is prohibited.
- 5 Best Management Practices (BMPs) must be employed throughout the course of the project to avoid the creation of unnecessary turbidity which may degrade water quality or adversely affect aquatic life outside of the project area. BMPs shall also be taken upon completion of the project to ensure bank stability. This may include, but is not limited to, bank seeding. Siltation fencing or hay bales shall be installed at the toe of the construction areas adjacent to undisturbed wetlands and streams in order to minimize damage to these waters of the U.S. All erosion and sediment control practices shall be in place prior to any grading or filling operations. The siltation fence shall be checked periodically to ensure that it is not damaged, repairs shall be completed promptly, and shall remain in place until the site is stabilized by the regrowth of vegetation. Immediately following construction all exposed banks and slopes shall be seeded and mulched to prevent erosion.
- 6 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.

Regulatory Branch

SUBJECT: Application No. 2011-01181, Nationwide Permit No. 39, as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012

- 7 Should human remains be encountered during any phase of the proposed project, such person or persons encountering the human remains must immediately cease work and must not disturb or remove the remains, must protect the exposed portions of the remains from inclement weather and vandalism, and immediately notify the permittee. The permittee must immediately notify (within 24 hours) (Keith Sendziak, 1776 Niagara Street, Buffalo, New York 14207, (716) 879-4339) and the Ohio State Historic Preservation Office (OHPO), 1982 Velma Avenue, Columbus, Ohio 43211-2497, (614) 298-2000. If the human remains are not subject to a criminal investigation by local, state, or Federal authorities, the OHPO's Policy Statement on Treatment of Human Remains (1977) will be used as guidance.

This affirmation is limited to the attached Nationwide Permit and associated Water Quality Certification, and does not obviate the need to obtain any other project specific Federal, state, or local authorization.

A copy of this letter has been sent to the Ohio Environmental Protection Agency and to Mr. Erik Flickinger (Flickinger Wetland Services Group).

Questions pertaining to this matter should be directed to me at (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,

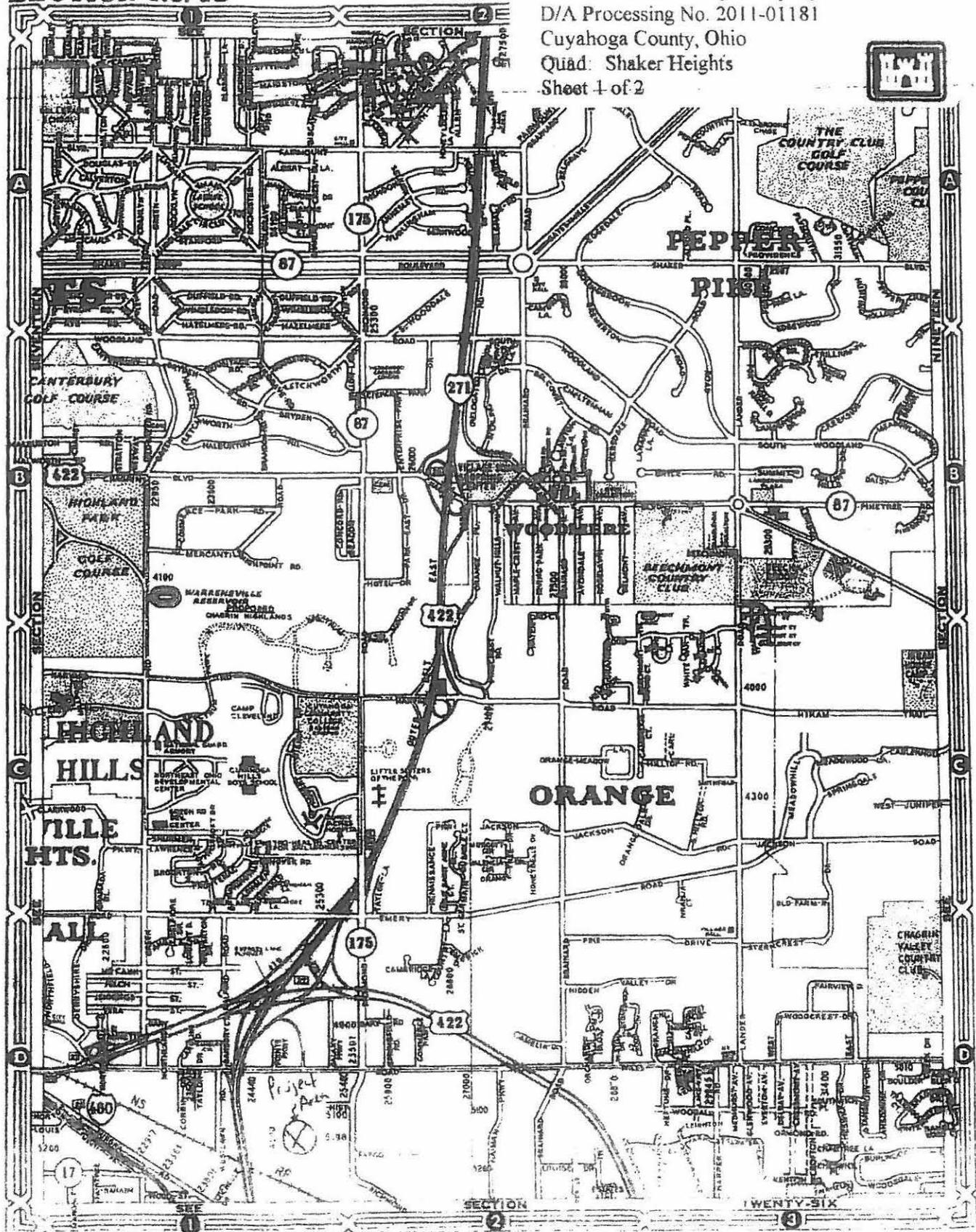


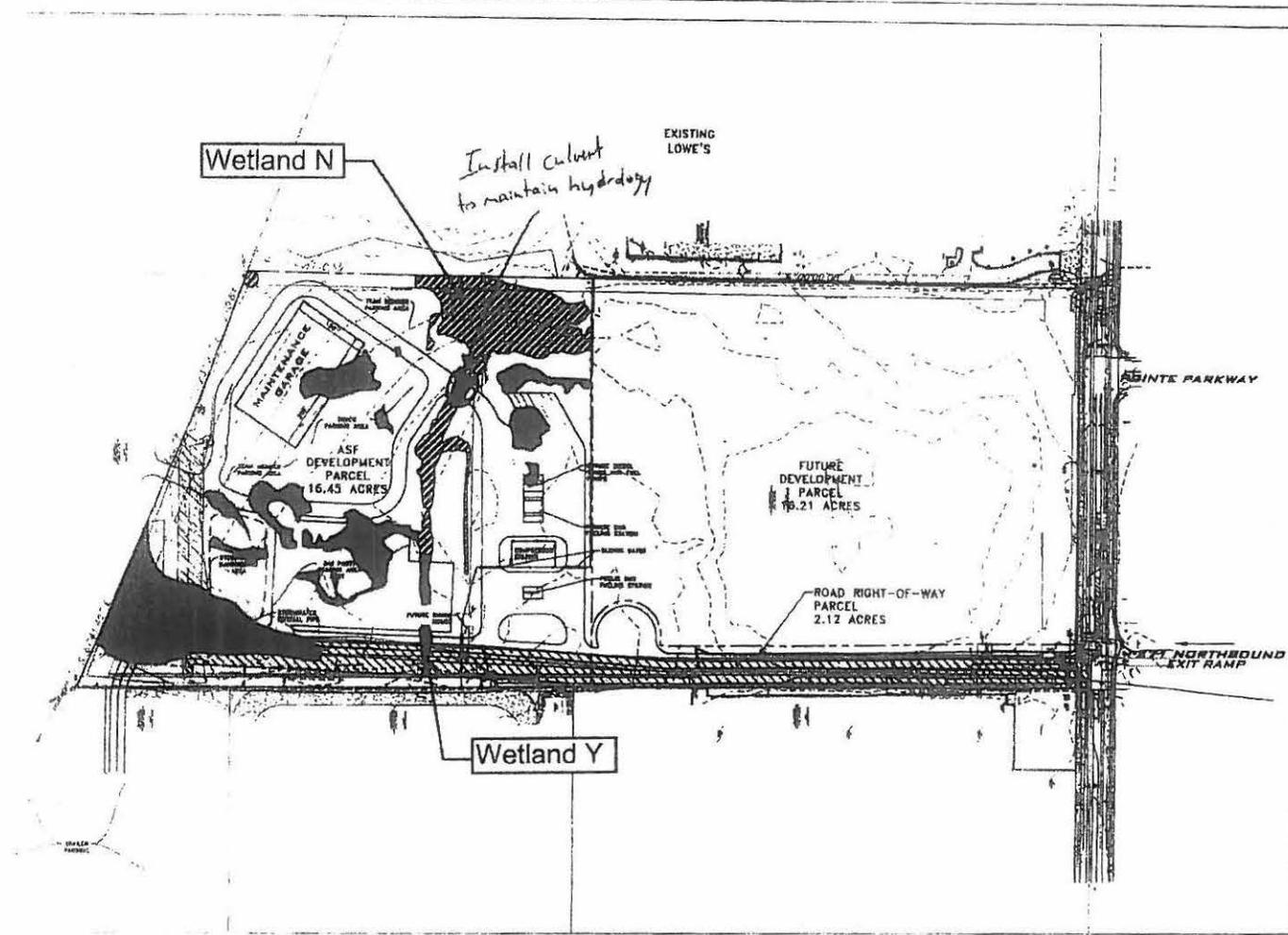
Keith C. Sendziak
Biologist

Enclosures

SECTION No. 18

Marotta-Glazer Realty Company
D/A Processing No. 2011-01181
Cuyahoga County, Ohio
Quad: Shaker Heights
Sheet 4 of 2





-  JURISDICTIONAL WETLAND PRESERVATION AREA - 1.23 ACRES (ARE TO BE DEED RESTRICTED)
-  JURISDICTIONAL WETLAND IMPACT AREA - 0.48 ACRES
-  NON-JURISDICTIONAL WETLAND PRESERVATION AREA - 0.73 ACRES (ARE TO BE DEED RESTRICTED)
-  NON-JURISDICTIONAL WETLAND IMPACT AREA - 1.24 ACRES

Marotta-Glazer Realty Company
 D/A Processing No. 2011-01181
 Cuyahoga County, Ohio
 Quad: Shaker Heights
 Sheet 2 of 2



Plan Note:
 Existing topographic and property information shown is based on the ALTA/ACSM Land Title Survey prepared by Mulvihill, DeRose & Co., L.L.C., dated 2-7-12 (Project No. 5120).
 Wetland boundaries shown based on Wetland Delineation prepared by Phibbs Wetland Services Group, Inc., dated 10-8-11 (Job No. 0409).



ISSUED FOR BID	---
ISSUED FOR PERMIT	---
ISSUED FOR PRELIM REVIEW	---
DESIGN BBS REVIEW MEETING	---
POCK-OFF REVIEW MEETING	---
Final Concept Plan (PB-1)	---

DATE	REV. NO.	REVISIONS	BY
Conceptual Plan No. 4 - Wetland Impacts PROJECT: <i>Shaker Blvd</i>			
ASF - CNG Facility LOCATION: <i>Shaker Blvd at 1871</i> <i>City of Shaker Heights, Cuyahoga County, Ohio</i>			
OWNER:	<i>Grand Engineering</i> <i>100 LAKESIDE BLVD</i> <i>PITTSBURGH, PA 15220</i>		
DESIGNER:	 Lennon, Smith, Goodrich <i>Engineers, Inc.</i> <i>10000 W. 12th St.</i> <i>Shaker Heights, OH 44120</i>		
DATE:	2011	DATE:	2011
TIME:	11:00 AM	TIME:	11:00 AM