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Public Notice

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

Applicant:
Avon Realty
Holding, LLC

Published: November 16, 2017
Expires: December 18, 2017

Application No: 2017-01261
Section: OH

RECEIVED
LORDSBURY
2017 NOV 22 10 3 16
BUFFALO DISTRICT

All written comments should reference the above Application No. and be addressed to:
**US Army Corps of Engineers, Buffalo District
Regulatory Branch (Attn:) Keith C. Sendziak
1776 Niagara Street
Buffalo, NY 14207**

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Avon Realty Holding, LLC

WATERWAY & LOCATION: Federally jurisdictional wetlands on an approximately 11-acre parcel of land located east of Nagle Road in the city of Avon, Lorain County, Ohio (Sheets 1-2 of 3)

LATITUDE & LONGITUDE: Latitude North: 41.477275
Longitude West: -81.983605

EXISTING CONDITIONS:

Description of delineation of waters of the US, if applicable: The Corps of Engineers (Corps) issued an approved jurisdictional determination on June 30, 2014 for the eastern four (4) acres of the project area. For the remaining portion of the project area, the Corps conducted a site visit October 25, 2017, to confirm wetland boundaries. It was determined that the wetland boundaries as identified on Sheet 3 of 3 are accurate. A preliminary jurisdictional determination will be issued.

PROPOSED WORK: The applicant proposes to permanently place fill material into 0.79 acres of

forested Category I wetland and 0.02 acres of forested Category II wetland, for a total of 0.81 acres of wetland impact, in association with the construction of the Avon Skilled Nursing and Rehabilitation Facility, to include 82 units, a courtyard driveway, parking lots, utilities, and two (2) stormwater basins (Sheet 3 of 3).

PROJECT PURPOSE

Basic: To construct a skilled nursing and rehabilitation unit.

Overall: To construct a skilled nursing and rehabilitation center to serve the need for senior care in Avon and surrounding communities.

Water Dependency Determination (*describe only if project affecting Special Aquatic Site*): The proposed project is not a water dependent activity. Thus, it is presumed that upland practicable alternatives exist that do not involve the discharge of fill material into Special Aquatic Sites, unless clearly demonstrated otherwise.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has proposed to avoid 0.07 acres of on-site forested wetland. This results in avoidance of 8% of onsite wetlands.

PROPOSED MITIGATION: The applicant proposes to compensate for wetland impacts at a mitigation ratio of 1.5:1 for impacts to 0.79 acres of Category I wetland and 2.5:1 for impacts to 0.02 acres of Category II wetland. This would result in 1.235 acres of required compensatory wetland mitigation. The applicant proposes to purchase 1.3 forested wetland credits from North Coast Regional Council of Park Districts' In-Lieu Fee Program for the Black-Rocky River (HUC 04110001) watershed.

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 A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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, or eligible for listing, on the National Register of Historic Places within the permit area as shown on Sheet 3 of 3. The applicant hired EMH&T to conduct a cultural resources literature review. Based on the information obtained within the literature review, EMH&T concluded that there is a low probability of the project area containing significant, undisturbed archaeological sites. Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470), the Corps of Engineers has determined that the proposed undertaking will have no effect on cultural properties. This initiates the Section 106 consultation process with the Ohio Historic Preservation Office

(SHPO). All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*), and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership,

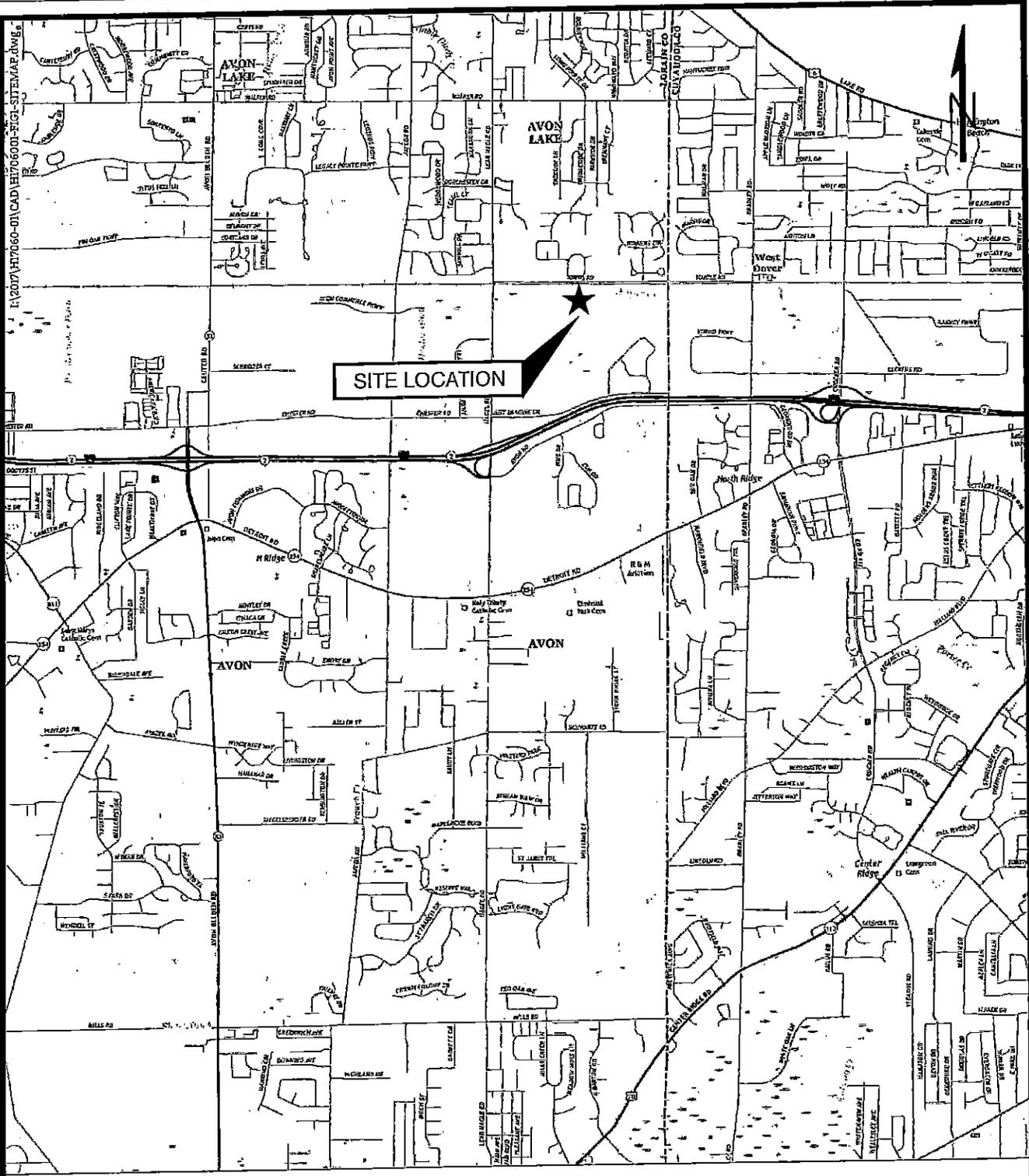
and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

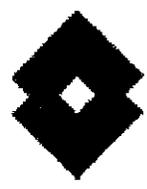
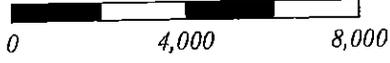
Diane C. Kozlowski
Chief, Regulatory Branch

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



SITE LOCATION

Scale: 1" = 4,000'



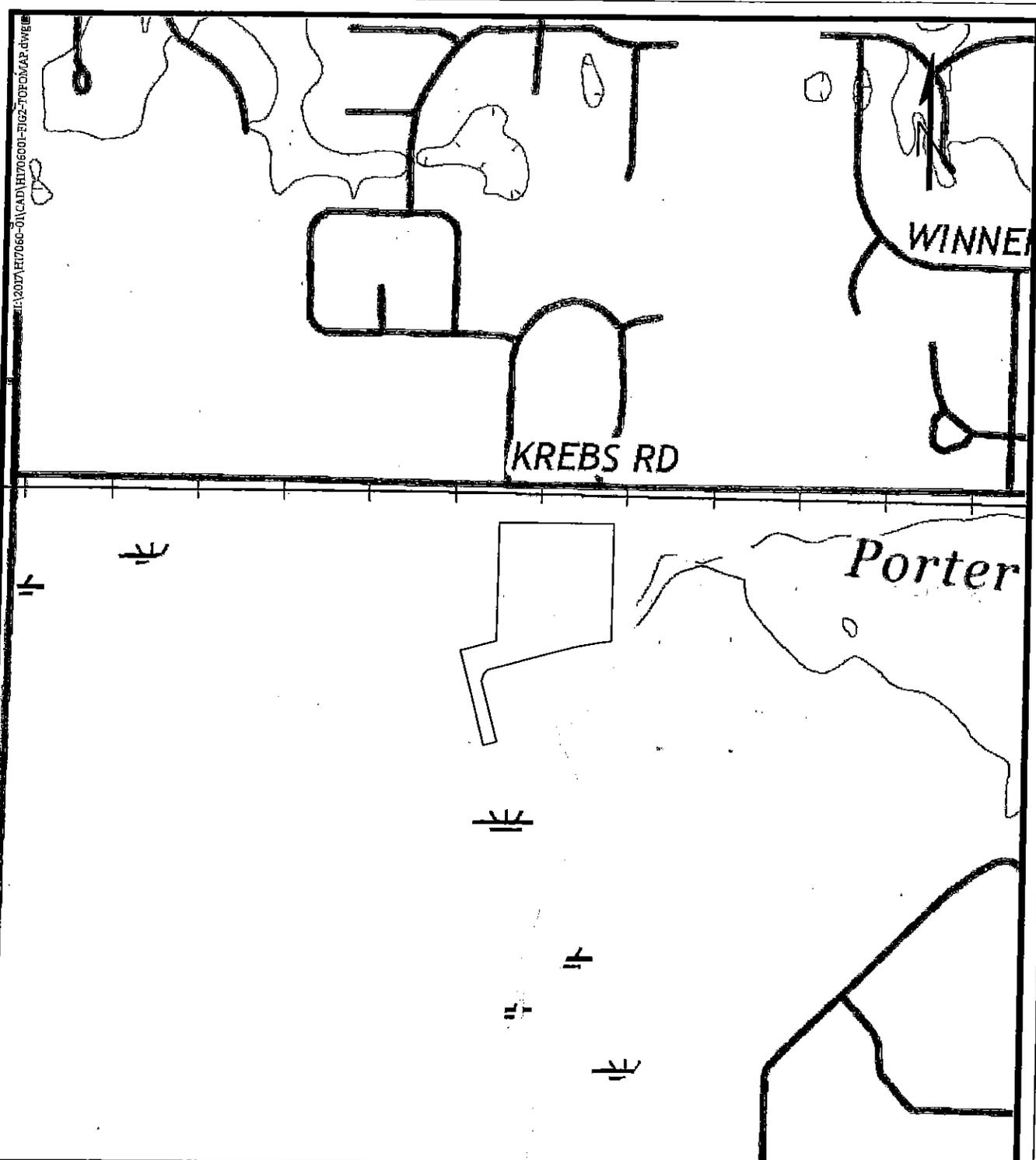
HZW Environmental
Consultants

AVOI

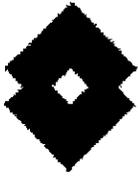
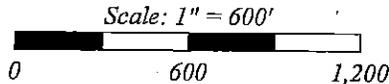
Avon Realty Holding, LLC
 DA Processing No.: 2017-01261
 Lorain County, Ohio
 Quad: North Olmsted
 Sheet 1 of 3



11/20/17, H17060-01(CAD), H1706001-0162-01, D:\MAP-01\0162



 - STUDY AREA



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Avon Realty Holding, LLC
DA Processing No.: 2017-01261
Lorain County, Ohio
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Sheet 2 of 3



