Public Notice

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

Applicant: Ottawa
Shooting Club

Published December 22, 2015
Expires: January 21, 2016

Application No: 1985-781616
Section: OH

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
Regulatory Branch (Attn:) Brian Swartz
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 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Ottawa Shooting Club, P.O. Box 564, Castalia, Ohio 44824

WATERWAY & LOCATION: Approximately 17 acres of the Sandusky River, a Section 10 Water, including approximately 11.87 of open water and 4.69 acres federally jurisdictional wetlands in Rice Township, Sandusky County, Ohio (Sheets 1 to 2 of 5).

LATITUDE & LONGITUDE: Latitude North: 41.43625
Longitude West: -83.03906

EXISTING CONDITIONS:
Description of delineation of waters of the US, if applicable: The project area consists of 17 acres including 11.87 acres of open water and 4.69 acres of emergent wetlands and approximately 0.44 acres of forested remnant dikes (upland). The wetlands are situated along the southern bank of the Sandusky River and around the remnant of an existing berm. At this location the Sandusky River is below the ordinary high water of Lake Erie of 573.4 International Great Lakes Datum (IGLD), 1985 and considered a Section 10 navigable water per a December 19, 2010 jurisdictional determination.

PROPOSED WORK: To reconstruct an approximate 17 acre Rice Pond that was washed out in the 1970s by permanently constructing a 2,100 linear feet (0.40 mile) of earthen berm in the Sandusky River and abutting wetlands (Sheets 3 to 5 of 5). The overall foot print of the berm will be approximately 1.7 acres including the discharge of fill into approximately 1.1 acres of existing river bed (open water), 0.4 acres of emergent wetland and approximately 0.02 acre of the remnant berm.

The proposed berm will have a 12 foot top width, a bottom width of approximately 40 feet, a 2:1 outside slope, a 3:1 inside slope, a height of 577.5 IGLD, 1985. The earthen material to construct the core of the berm will require the excavation approximately 13,378 cubic yards (CY) of silt and clay material from an approximate 30 foot wide and 1,785 long dredge channel along the outside of the proposed berm. Approximately 6,882 CY of the excavated materials will be discharged below the ordinary high water of Lake Erie of 573.4 IGLD, 1985. Portions of the berm will be covered with approximately 875 CY of rock of which approximately 295 CY will be placed below 573.4, IGLD.

The proposed berm will include two emergency spillways on either end of the unit. The top of the emergency spillways will be constructed at 573.5 IGLD. The spillway on the eastern end of the proposed impoundment will include a concrete water control/fish passage structure with a carp exclusion gate (Sheet 5 of 5).

PROJECT PURPOSE
Basic: Wetland restoration/creation Overall: To construct a wetland management unit to facilitate water level management that will allow for the restoration of wetland and wildlife habitat and providing resources in the Sandusky River.

Water Dependency Determination *(describe only if project affecting Special Aquatic Site)*: The project is water dependent activity. Therefore, it is presumed there is no practicable upland alternatives exist that is less environmentally damaging.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has reduced the size of the berm. The preferred alternative would have included a berm with a 15 foot top width with 4:1 outside slopes, a bottom width of approximately 50 feet and overall footprint of approximately 2.8 acres, therefore reducing the footprint of the berm by 1.1 acres.

PROPOSED MITIGATION: The applicant has not proposed mitigation.

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 Brian Swartz, who can be contacted at the above address, by calling (419) 898-3491, or by e-mail at: brian.p.swartz@usace.army.mil A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. John Kessler
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Rd.
Columbus, OH 43229-6605
phone: 614-265-6621
email: john.kessler@dnr.state.oh.us

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 1 of 5. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Kirtland's warbler (*Dendroica kirtlandii*), piping plover (*Charadrius melodus*), eastern prairie fringed orchid (*Platanthera leucophaea*), Lakeside daisy (*Hymenoxy acaulis var. glabra*), rufa red knot (*Calidris canutus rufa*), eastern massasauga (*Sistrurus catenatus*), 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.

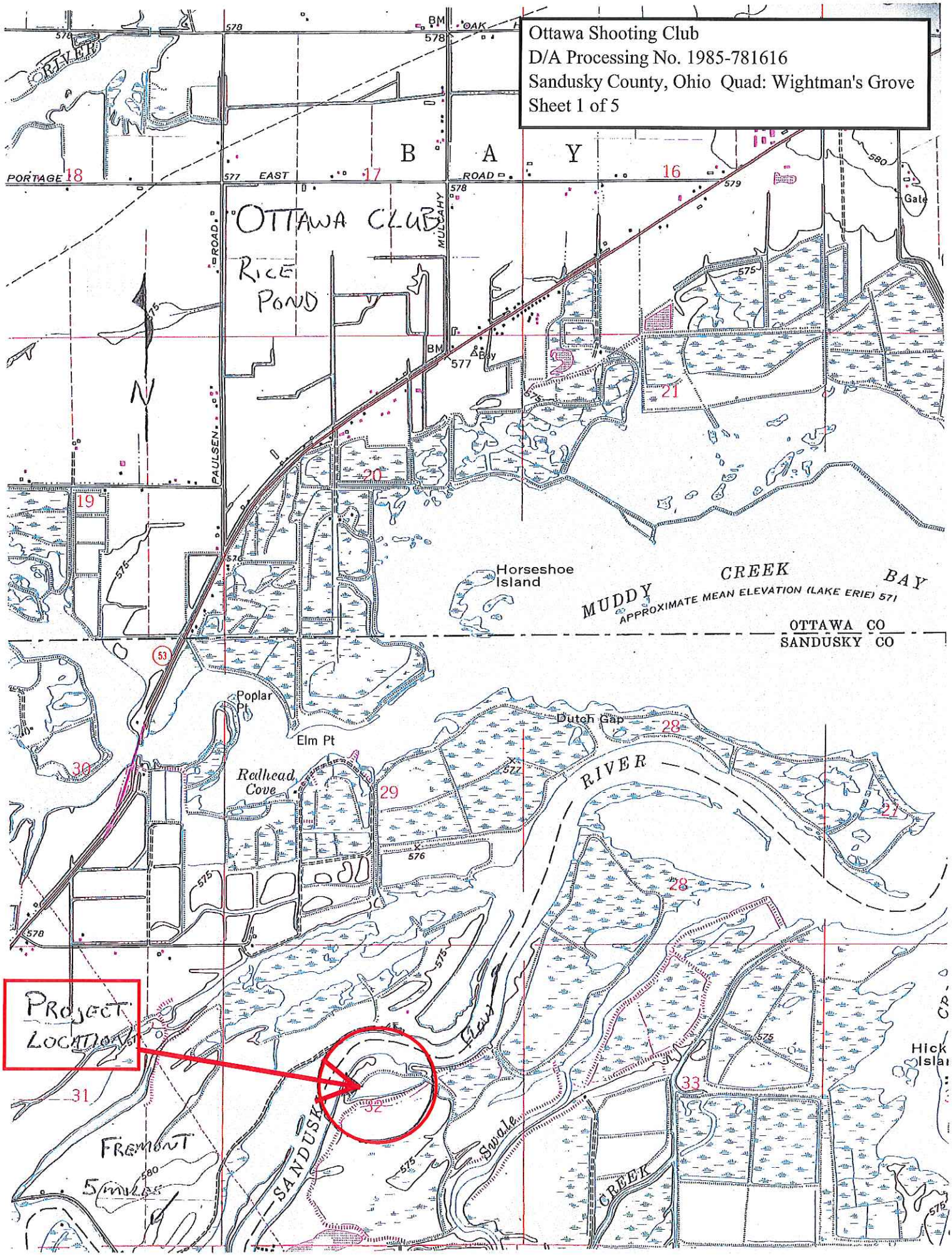
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

Ottawa Shooting Club
D/A Processing No. 1985-781616
Sandusky County, Ohio Quad: Wightman's Grove
Sheet 1 of 5



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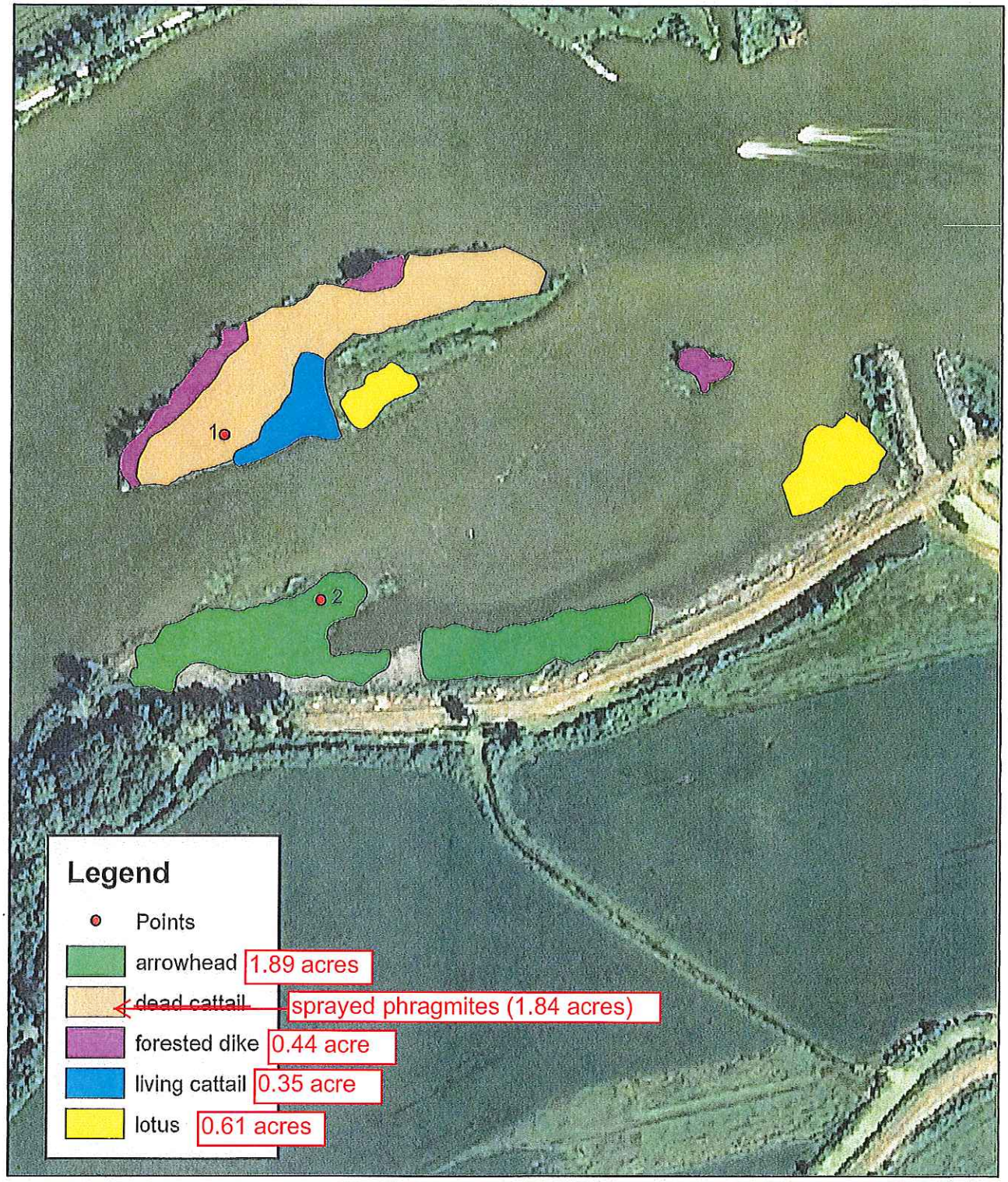
Sheet 2 of 5

Rice Pond - Ottawa Shooting Club
Wetland Delineation



Ottawa Shooting Club
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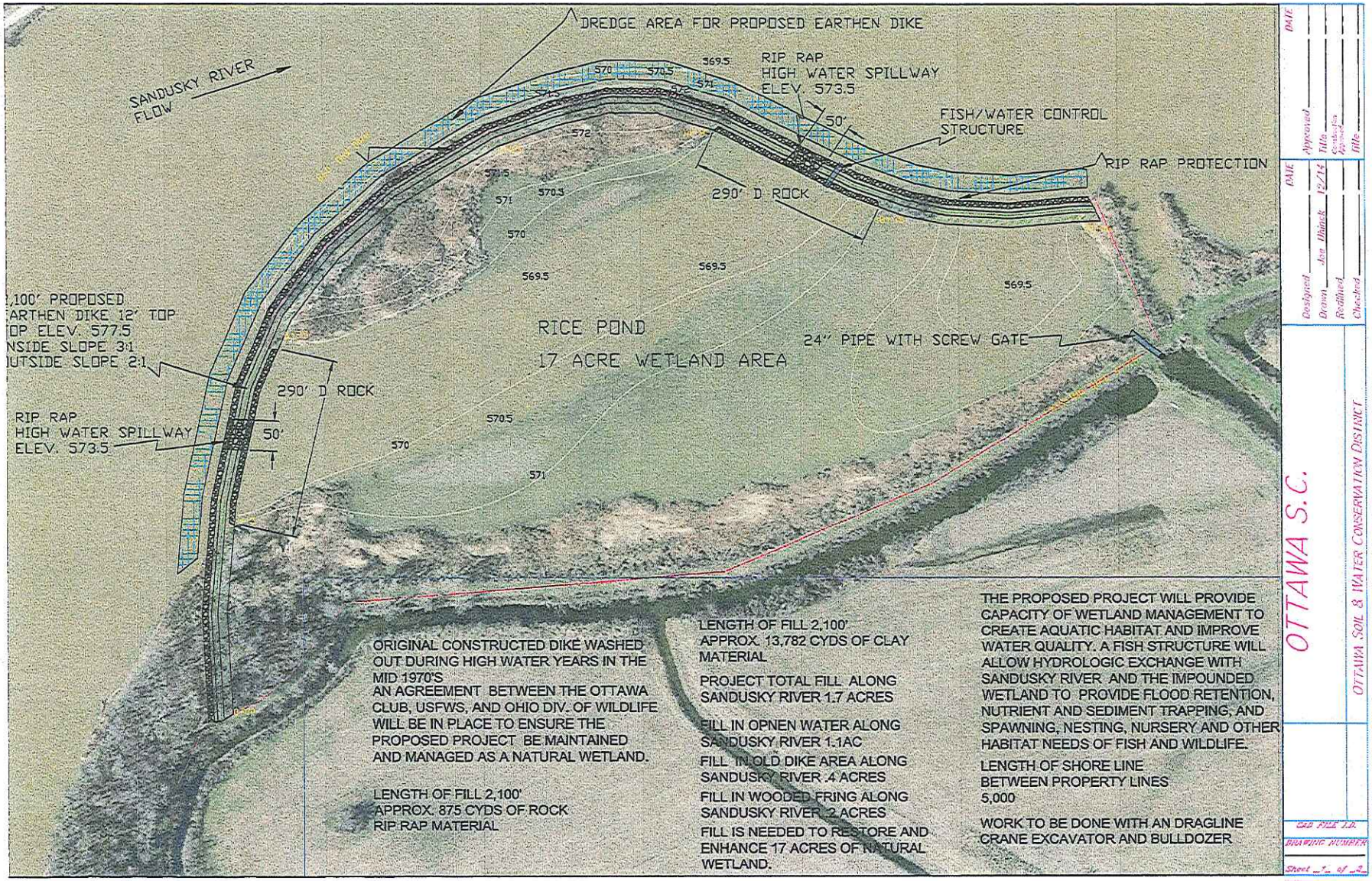
Sandusky County, Ohio Wightman's Grove
Sheet 3 of 5



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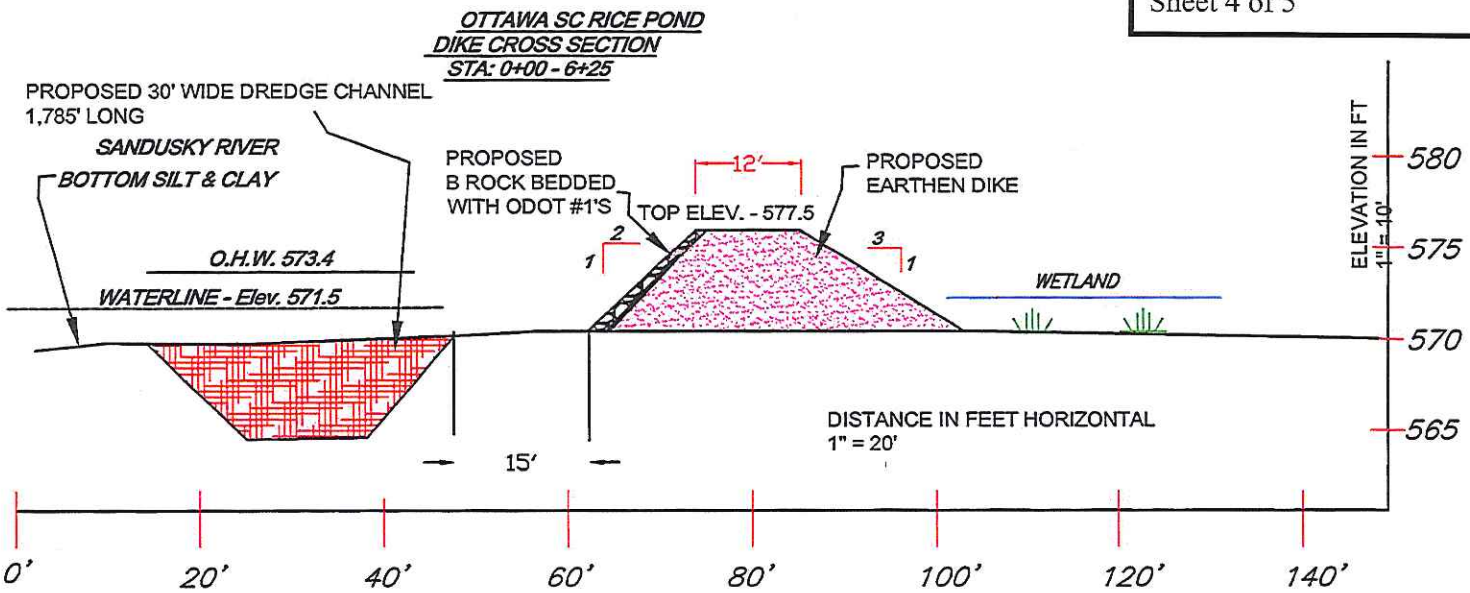

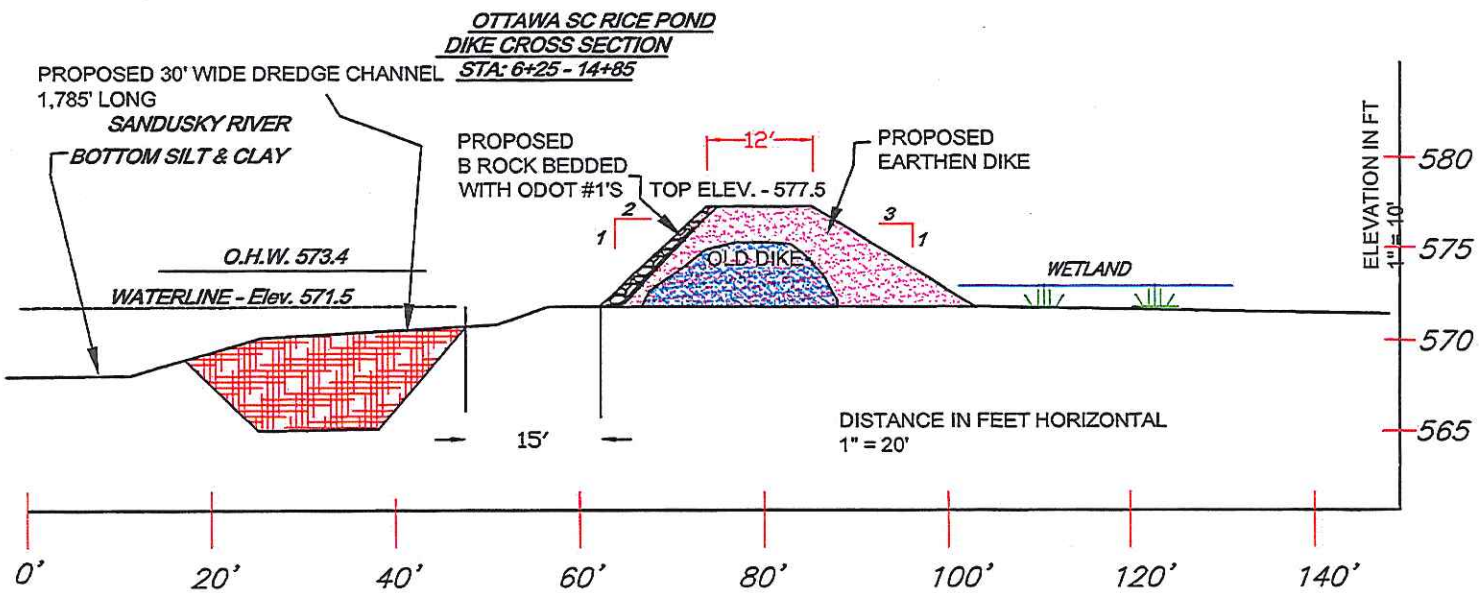
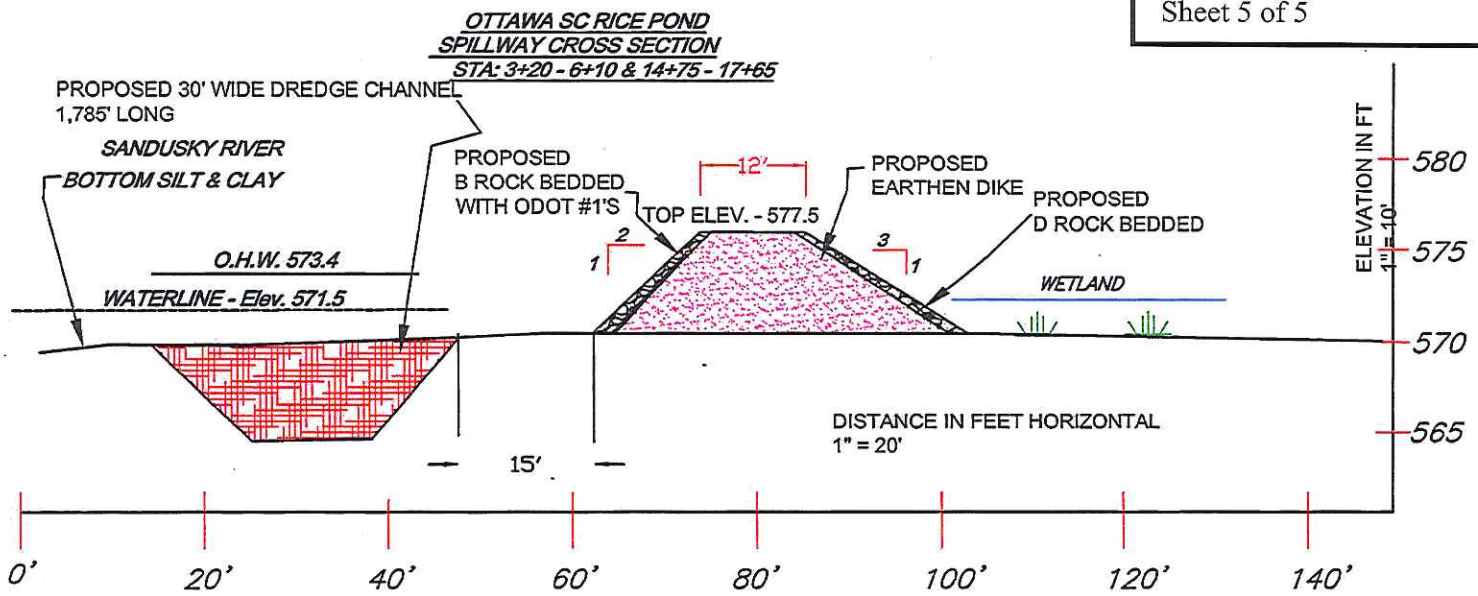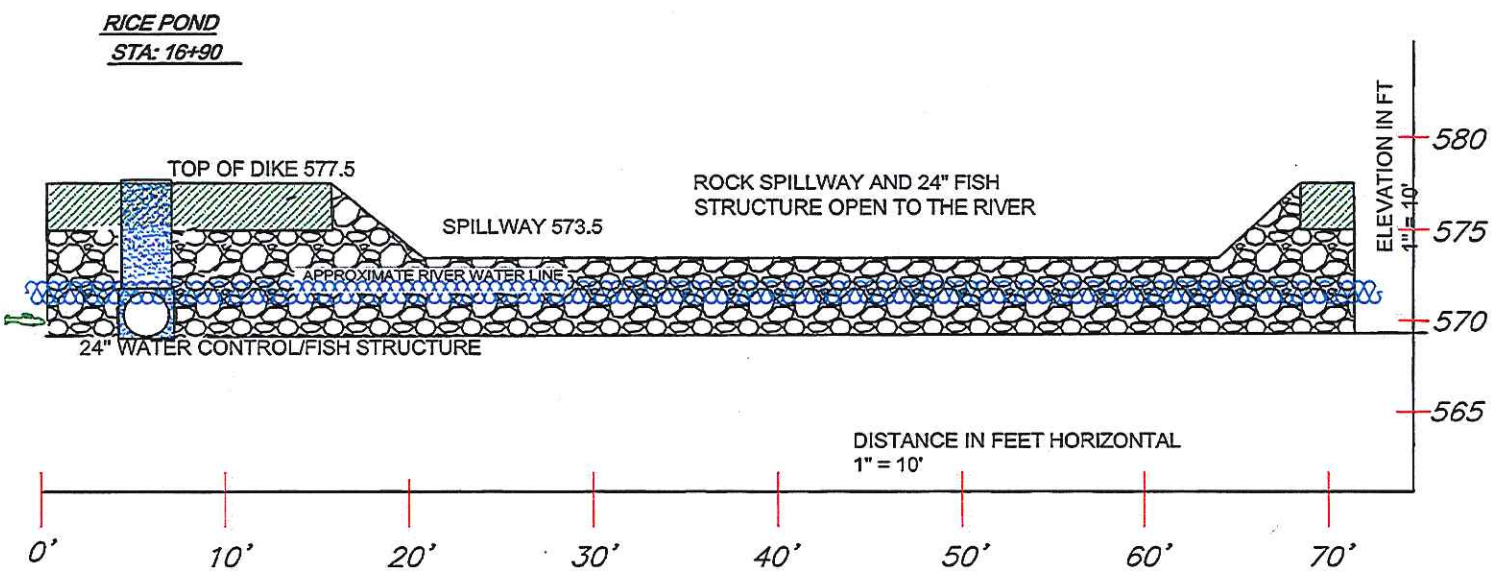
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