



# Public Notice

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

Applicant: Mark S. Massie  
Published: March 2, 2016  
Expires: April 1, 2016

Application No: 2015-01378  
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:) Michael W. Smith**  
**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: Mark S. Massie, 31668 Lake Road, Avon Lake, Ohio 44012

WATERWAY & LOCATION: Lake Erie, 31668 Lake Road, Avon Lake, Lorain County, Ohio 44012

LATITUDE & LONGITUDE: Latitude North: 41.50598  
Longitude West: 81.97066

**EXISTING CONDITIONS:**

Description of delineation of waters of the US, if applicable: The property contains 100 feet, 6 inches of Lake Erie shoreline. The shoreline at this location is a sheer cliff of approximately 56.3 feet in height and composed of clay and shale. The subject parcel consists of a single family residence.

Description of delineation of waters of the U.S., if applicable: Lake Erie is a Section 10 water of the U.S.

**PROPOSED WORK:** The proposed work involves the construction of a concrete shore structure and metal steps to allow access to Lake Erie from the upland property. The volume of fill material proposed to be discharged into Lake Erie includes 482.85 cubic yards of ODOT Type B Stone, 132.03 cubic yards of Redi-Rock, and 162.12 cubic yards of armor stone. The footprint of the structure is proposed to be approximately 0.06 acres in area.

**PROJECT PURPOSE**

Basic: Lake access

Overall: To provide safe recreational watercraft mooring and lake access at the subject parcel and to provide erosion protection.

**AVOIDANCE AND MINIMIZATION INFORMATION:** The design of the base foundation for access to the lake from a sheer cliff was developed for a stable foundation to support a safe stairway while minimizing the footprint and impact to Lake Erie.

**PROPOSED MITIGATION:** No mitigation is proposed.

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 reference the Application Number and be directed to the attention of Michael W. Smith, who can be contacted at the above address, by calling (716)-879-4262, or by e-mail at: [michael.w.smith@usace.army.mil](mailto:michael.w.smith@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 6 of 7. Therefore, the Corps has determined that the proposed project will have no effect on historic

properties. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), and rufa red knot (*Calidris canutus rufa*) 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

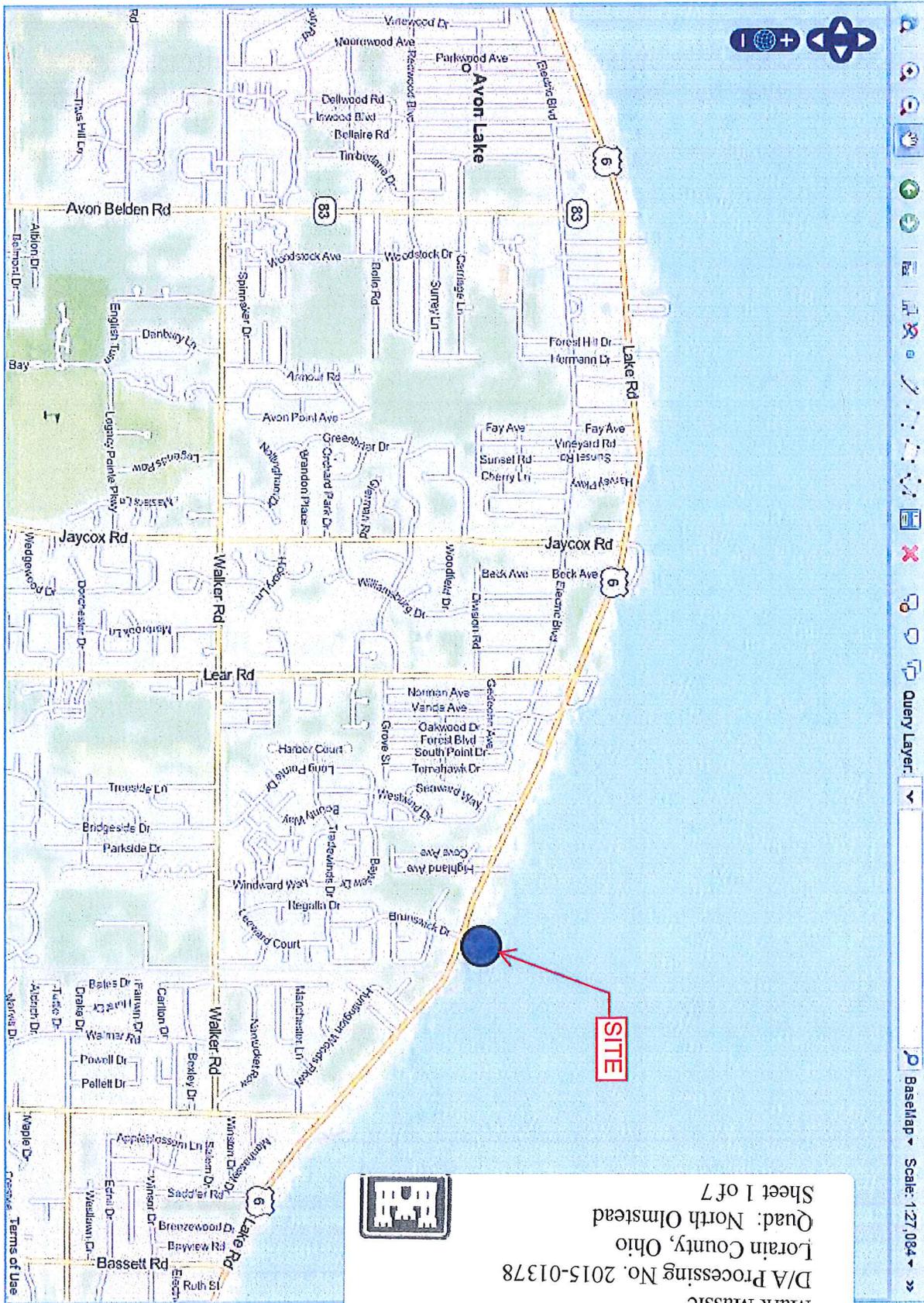
proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, 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.



Mark Massie  
 D/A Processing No. 2015-01378  
 Lorain County, Ohio  
 Quad: North Olmstead  
 Sheet 1 of 7

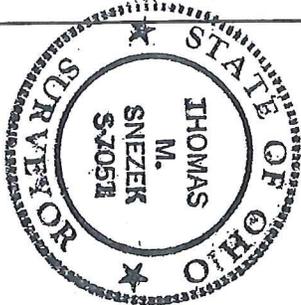


Basemap Scale: 1:27,084

Query Layer

SURVEYING PROVIDED BY:  
 TOM SNEZEK & ASSOC. LLC  
 (216) 971-4902

Mark Massie  
 D/A Processing No. 2015-01378  
 Lorain County, Ohio  
 Quad: North Olmstead  
 Sheet 2 of 7

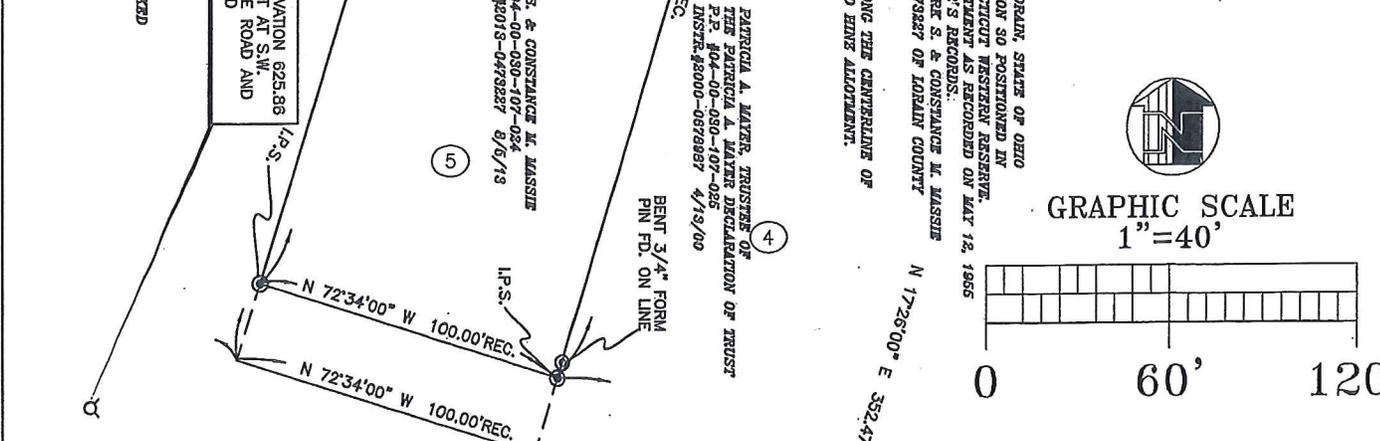


**SURVEYOR'S STATEMENT**  
 DISTANCES ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF. PERMANENT MONUMENTS WERE FOUND OR SET AS INDICATED HEREON. ALL OF WHICH I DECLARE TO BE CORRECT TO THE BEST OF MY ABILITIES AND BELIEF.  
 THOMAS M. SNEZEK P.E. NO. 7051  
 DATE: 12/21/15

**RECORDS USED:**  
 O.C.D. MANUAL SAMPLE Pg.61 (DATED 2/1/11)  
 LORAIN COUNTY DEED INSTRUMENT #2013-0473227 DATED 8/5/13  
 LORAIN COUNTY DEED INSTRUMENT #2000-0678987 DATED 4/18/00  
 LORAIN COUNTY DEED INSTRUMENT #2013-04682787 DATED 6/24/13  
 HINZ ALLOTMENT SUBDIVISION PLAT VOL.18, P.C.S DATED 5/12/55  
 FOR HISTORIC REFERENCE OF THE NORTH SHORE LINE.  
 \*LORAIN COUNTY GAS ORTHOPHOTOGRAPHIC DATED 1995  
 \*GOOGLE EARTH ORTHOPHOTOGRAPHIC DATED 2/28/06

**LEGEND:**  
 BENCHMARK ELEVATION 625.58  
 TOP OF HYDRANT AT S.W. CORNER OF LAKE ROAD AND BRUNSWICK ROAD

INDICATES AN EXISTING MONUMENT FOUND AS DESCRIBED  
 6/8" IRON PIN WITH IDENTIFICATION CAP MARKED T. SNEZEK-S-7051 SET  
 INDICATES A 12" X 12" YARD DRAIN ROUND  
 INDICATES LANDSCAPING BORDERS

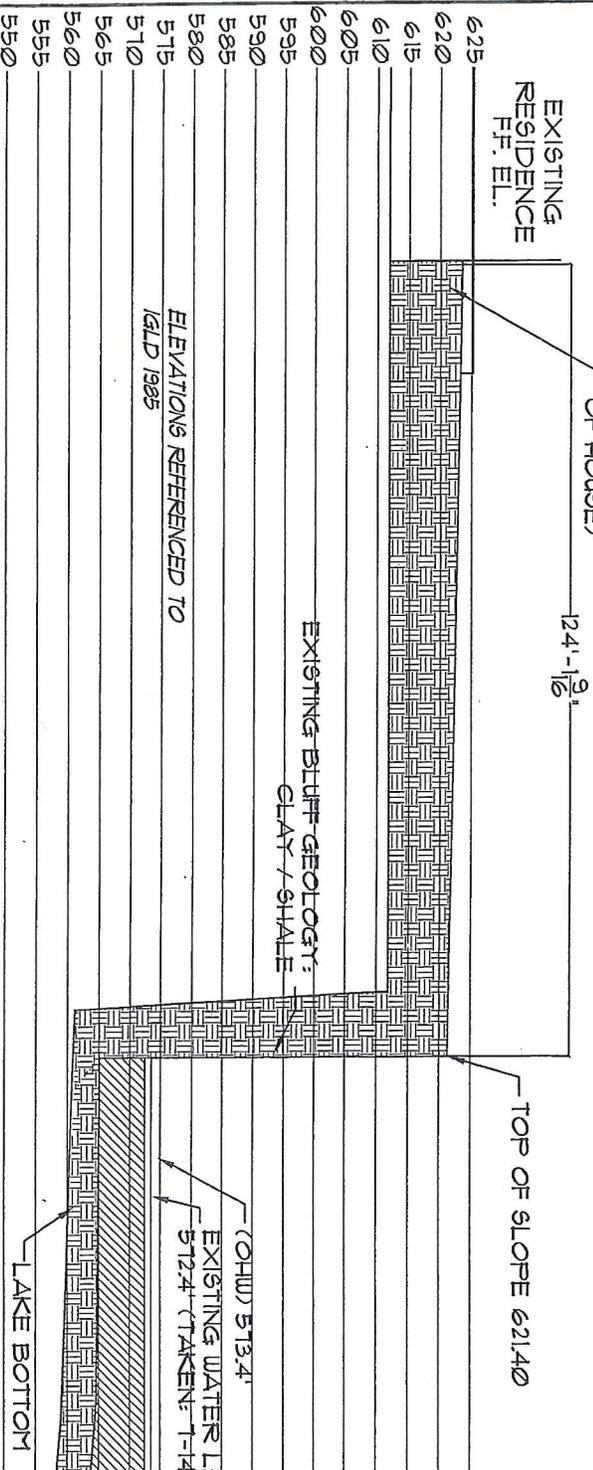
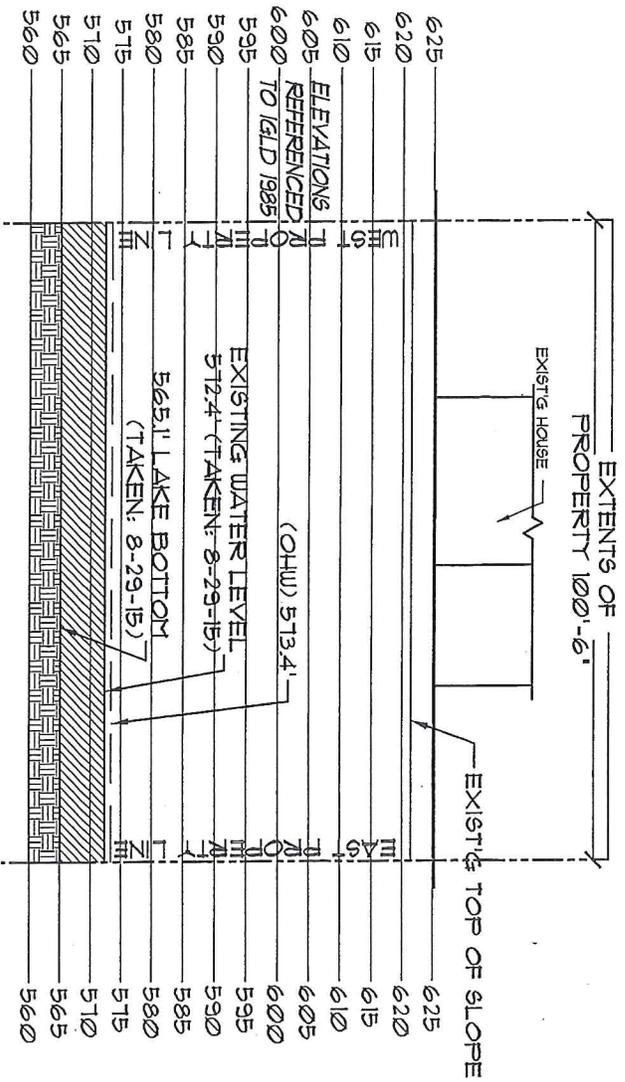
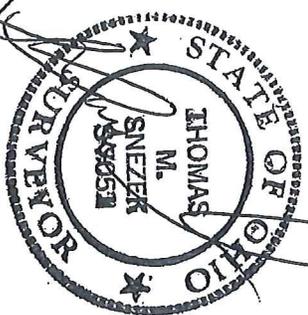


**JAMES A. SCHILENS & ASSOCIATES**  
 Land Planning-Landscape Architecture

**JAS** 27330 Center Ridge Road  
 Westlake, Ohio 44145  
 Phone: (440) 899-1840  
 Fax: (440) 899-0930  
 E-Mail: jschilens@aol.com

**EXISTING PLAN VIEW**  
 PROJECT: MARK & CONSTANCE MASSIE SCALE: 1"=40'  
 LOCATION: 31668 LAKE ROAD DATE: 11-3-15  
 AVON LAKE, OH 44012 DRAWN BY: T.S.  
 CHECKED BY: T.S.

REVISIONS:	
8-12-15	9-28-15
8-13-15	10-5-15
8-15-15	10-23-15
9-3-15	10-29-15
9-16-15	
DWG. NO.: 2 OF 7	



Mark Massie  
D/A Processing No. 2015-01378  
Lorain County, Ohio  
Quad: North Olmstead  
Sheet 3 of 7

BY: **LLC**

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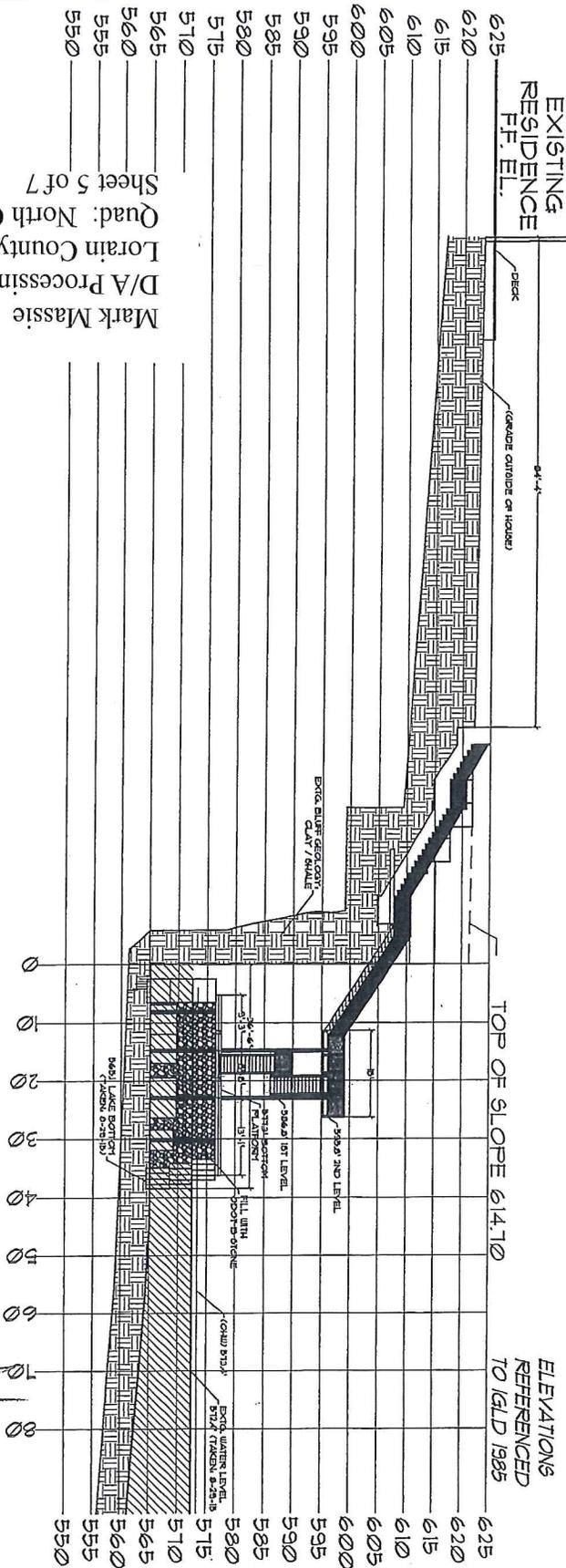
**EXISTING NORTH ELEVATION & SECTION A-A'**

PROJECT: **MARK & CONSTANCE MASSIE** SCALE: 1"=30'  
LOCATION: **31668 LAKE ROAD** DATE: 12-17-15  
**AVON LAKE, OH 44012** DRAWN BY: **T.S.**  
CHECKED BY: **T.S.**

REVISIONS:	
8-12-15	9-28-15
8-13-15	10-5-15
8-15-15	10-23-15
9-3-15	11-3-15
9-16-15	11-3-15
DWG. NO.: <b>3 OF 7</b>	



Mark Massie  
 D/A Processing No. 2015-01378  
 Lorain County, Ohio  
 Quad: North Olmstead  
 Sheet 5 of 7



ENGINEERED BY:  
 IRON CLAW ENGINEERING LLC  
 (216) 644-7927



JAMES A. SCHILENS & ASSOCIATES  
 Land Planning - Landscape Architecture



27330 Center Ridge Road  
 Westlake, Ohio 44145  
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PROPOSED SECTION A-A'

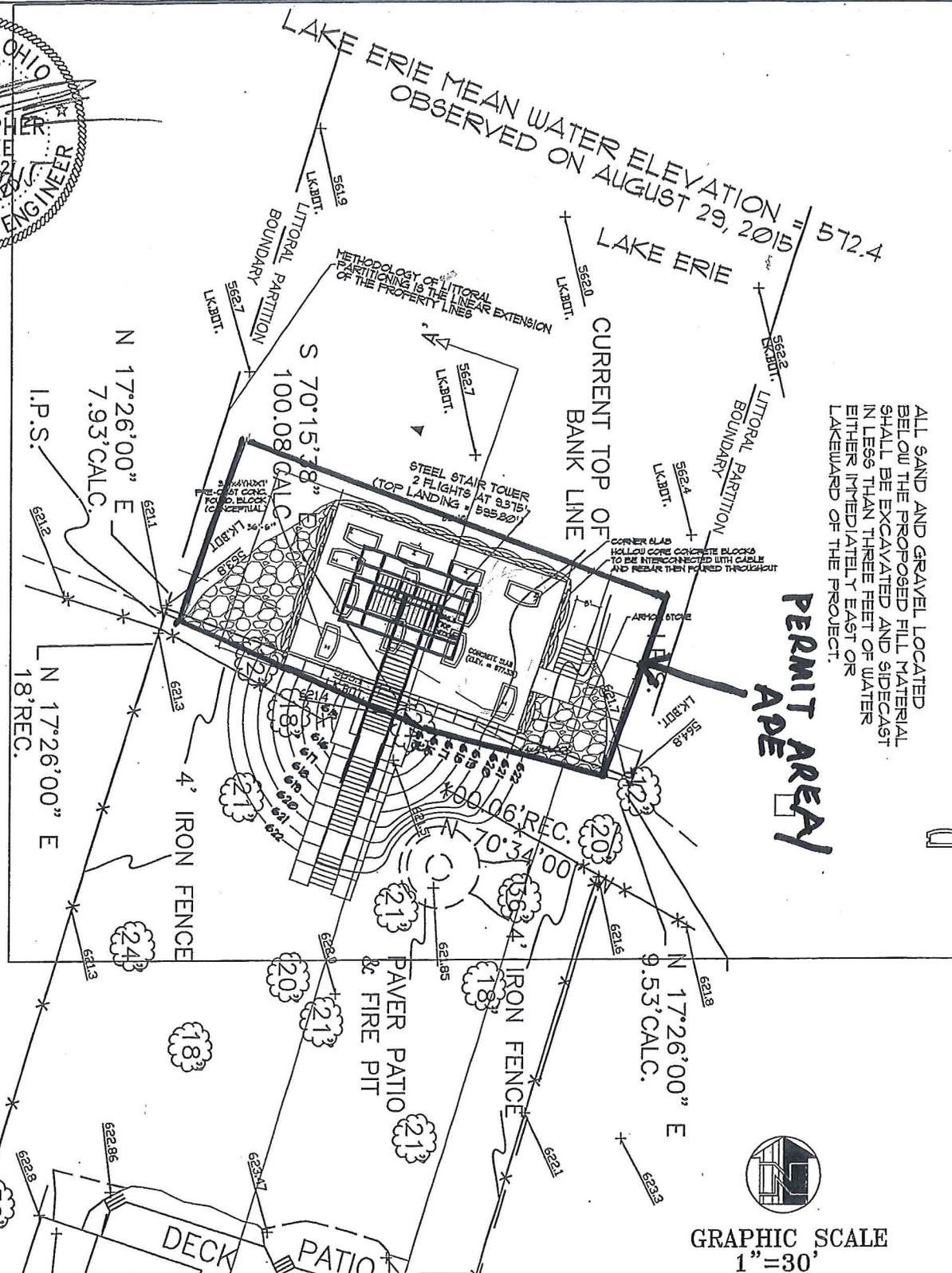
PROJECT: MARK & CONSTANCE MASSIE SCALE: 1"=30'  
 LOCATION: 31668 LAKE ROAD DATE: 12-17-15  
 AVON LAKE, OH 44012 DRAWN BY: R.A.S.  
 CHECKED BY: C.H.

REVISIONS:	
8-12-15	9-28-15
8-13-15	10-5-15
8-15-15	10-23-15
9-3-15	10-29-15
9-16-15	11-3-15
DWG. NO.:	5 OF 7



Mark Massie  
 D/A Processing No. 2015-01378  
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 Sheet 6 of 7

LAKE ERIE MEAN WATER ELEVATION OBSERVED ON AUGUST 29, 2015 = 572.4



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 E-Mail: Jschilens@aol.com

PROPOSED SITE PLAN - PLAN VIEW

PROJECT:	MARK & CONSTANCE MASSIE	SCALE:	1"=30'
LOCATION:	31762 LAKE ROAD	DATE:	12-17-15
	AVON LAKE, OH 44012	DRAWN BY:	R.A.S.
		CHECKED BY:	C.H.

REVISIONS:

8-12-15	9-28-15
8-13-15	10-5-15
8-15-15	10-23-15
9-3-15	10-29-15
9-16-15	11-3-15
DWG. NO.: 6 OF 7	



17. DIRECTIONS TO THE SITE

Take 90 E to Cleveland. Exit on Lear/Nagel Road heading North. Take a Right onto Lake E, the site will be two and a half miles down the road on the North Side.

18. Nature of Activity (Description of project, include all features)

Construction of a shore structure.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Access to the lake from the property

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

To provide a stable platform for the construction of structure.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

22. Surface Area In Acres of Wetlands or Other Waters Filled (see instructions)

Acres  
or  
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- 31654 Lake Road

City - Avon Lake State - OH Zip - 44012

b. Address- 31680 Lake Road

City - Avon Lake State - OH Zip - 44012

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

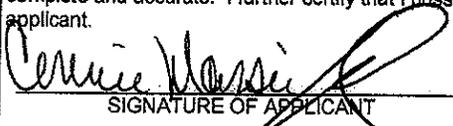
City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

  
SIGNATURE OF APPLICANT      10-30-15  
DATE

  
SIGNATURE OF AGENT      12-23-15  
DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.