

Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200200564

Date: June 21, 2004

Notice No. 04-30

Closing Date: July 12, 2004

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. APPLICANT: Bay Harbor Marina Limited Partnership
9620 Donation Road
Waterford, PA 16441

AGENT: Urban Engineers of Erie, Inc.
1319 Sassafras Street
Erie, PA 16501-1720
3. LOCATION: Cherry Street Marina, located on the southern shore of Presque Isle Bay, waters of Lake Erie, in Erie County, Pennsylvania .
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to rehabilitate the Cherry Street Marina to enhance recreational activities along the waterfront. The proposed rehabilitation project would consist of the following: replacement of the existing fixed docks with a new floating dock system; removal of approximately 7,600 square feet of existing breakwall inside the marina basin; removal and filling of the existing liftwell (approximately 2,400 square feet of fill); installing a new liftwell and hoist crane; installation of a riprap wall along the southern end of the marina, replacing the existing steel sheet wall; filling of approximately 23,000 square feet of the southern end of the marina for realignment purposes; and construction of a parking lot. The material generated from the removal of the existing breakwall is proposed for use as fill in the realignment of the southern marina wall. The approximate total project area is 10.5 acres (mostly marina basin) and earth disturbance would be less than one acre. Construction activities would take place either on previously disturbed land or within the existing basin. Drawings of the proposed project are attached to this notice.
5. ENCROACHMENT PERMIT: The applicant is required to obtain an encroachment permit which includes State 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Northwest Regional Office
Soils and Waterways Section
230 Chestnut Street
Meadville, Pennsylvania 16335

Telephone: 814-332-6942

6. COASTAL ZONE MANAGEMENT CONSISTENCY: The Applicant is required to certify that the proposed activity complies with the Commonwealth of Pennsylvania's Coastal Zone Management Program. Any comments on the Consistency of the proposed activity with the State's Coastal Management Program should be forwarded to:

Coastal Zone Management Office
Office of Resources Management
Pennsylvania Department of Environmental protection
Post Office Box 8555
Harrisburg, Pennsylvania 17120

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

9. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

10. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit 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 benefit which reasonably may be expected to accrue from the proposals 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 those 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 overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

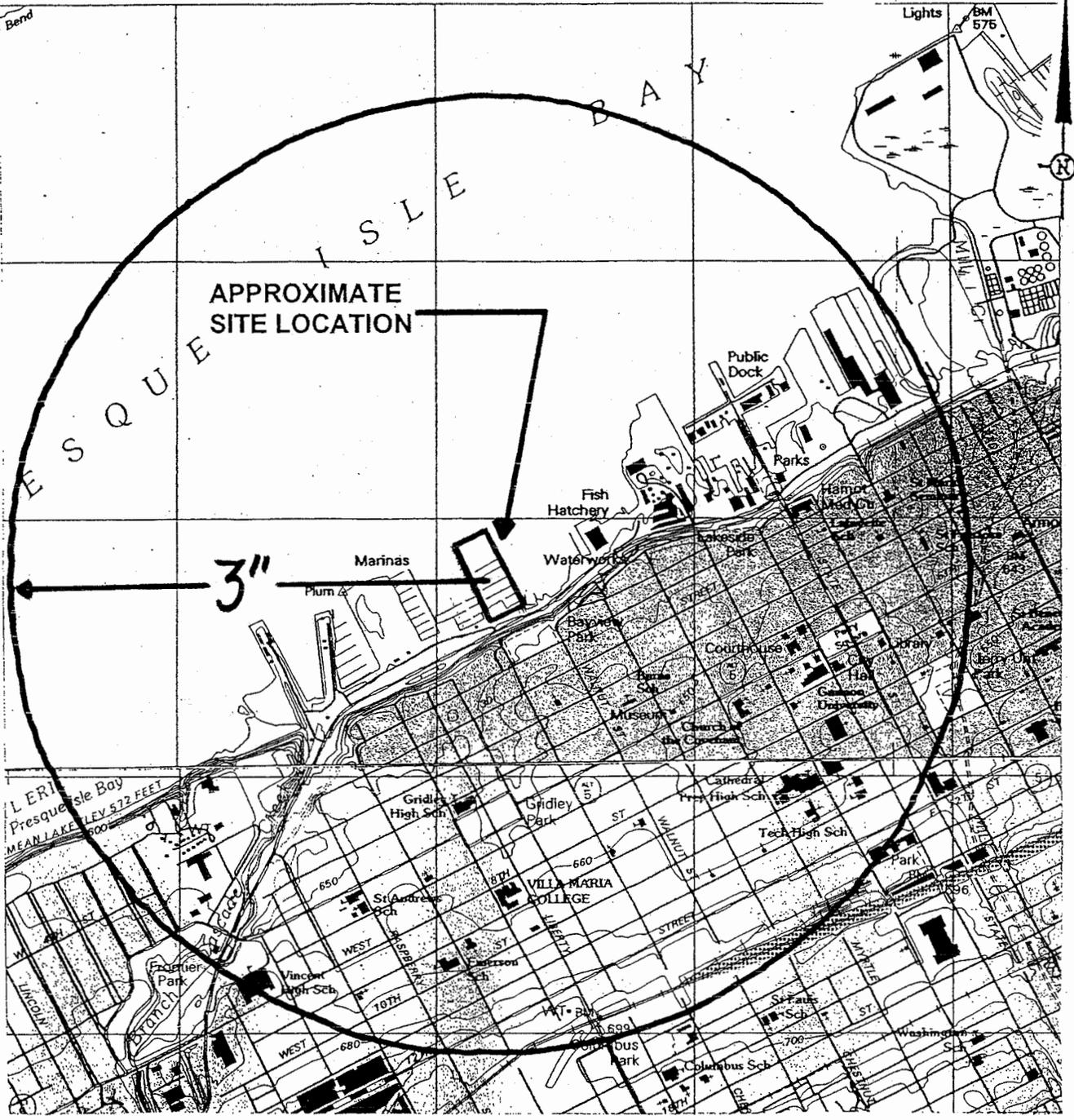
11. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Linda Malsch, at the above address, by telephoning (412) 395-7157, or by e-mail at linda.m.malsch@usace.army.mil. Please refer to CELRP-OR-F 200200564 in all responses.

FOR THE DISTRICT ENGINEER:

/signed/

Scott A. Hans
Acting Chief, Regulatory Branch

Bend



USGS 7.5' QUADRANGLE:
Erie North, PA

Scale: 1" = 2000'

Urban Project Number 2004102.00

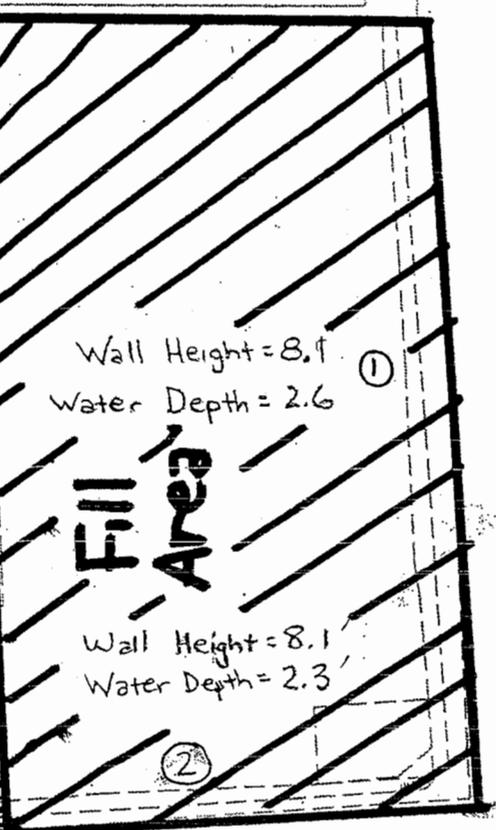
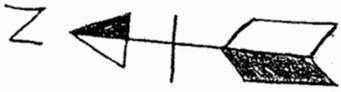


Urban Engineers of Erie, Inc.
 1319 Sassafras Street
 Erie, Pennsylvania 16501-1720
 (814) 453-5702 Fax (814) 453-2020

Joint Permit Application
 Marina Rehabilitation
 Cherry Street Marina
 City of Erie, Erie County, Pennsylvania

SITE LOCATION MAP

#200200564



Limits
of RipRap

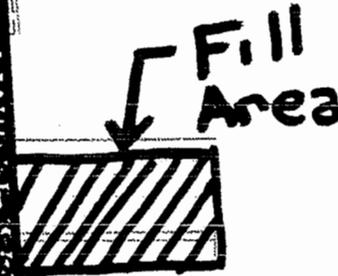
Wall Height = 9.7
Water Depth = 4.0 (3)

Wall Height = 10.3 (4)
Water Depth = 4.6

RECEIVED

FEB 20 2004

ENVIRONMENTAL PROTECTION
NORTHWEST REGIONAL OFFICE



Measurements on 2/4/04

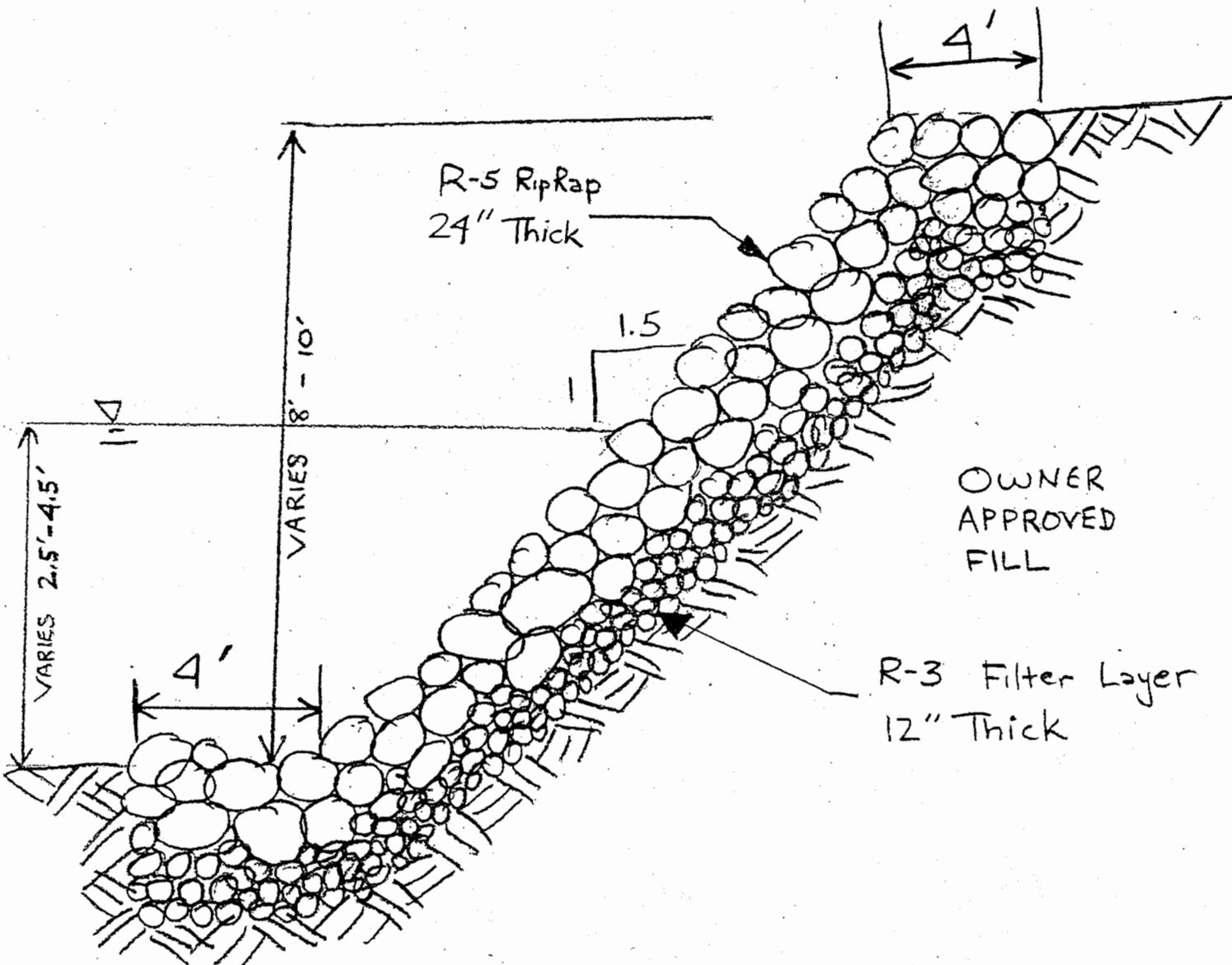
URBAN ENGINEERS OF ERIE, INC.
1319 Sassafras Street
Erie, Pennsylvania 16501
Phone : (814) 453-5702
Fax : (814) 453-2020

UEI/CAD#	200410200/ 200410200-Rip-Rap Wall
Drawn/Checked	TLP/JMM
Date	2/04/04
Scale	1"=50'

PROPOSED RIP-RAP WALL

CHERY STREET MARINA
ERIE, PENNSYLVANIA

#200200564



R-5 Riprap
24" Thick

OWNER
APPROVED
FILL

R-3 Filter Layer
12" Thick

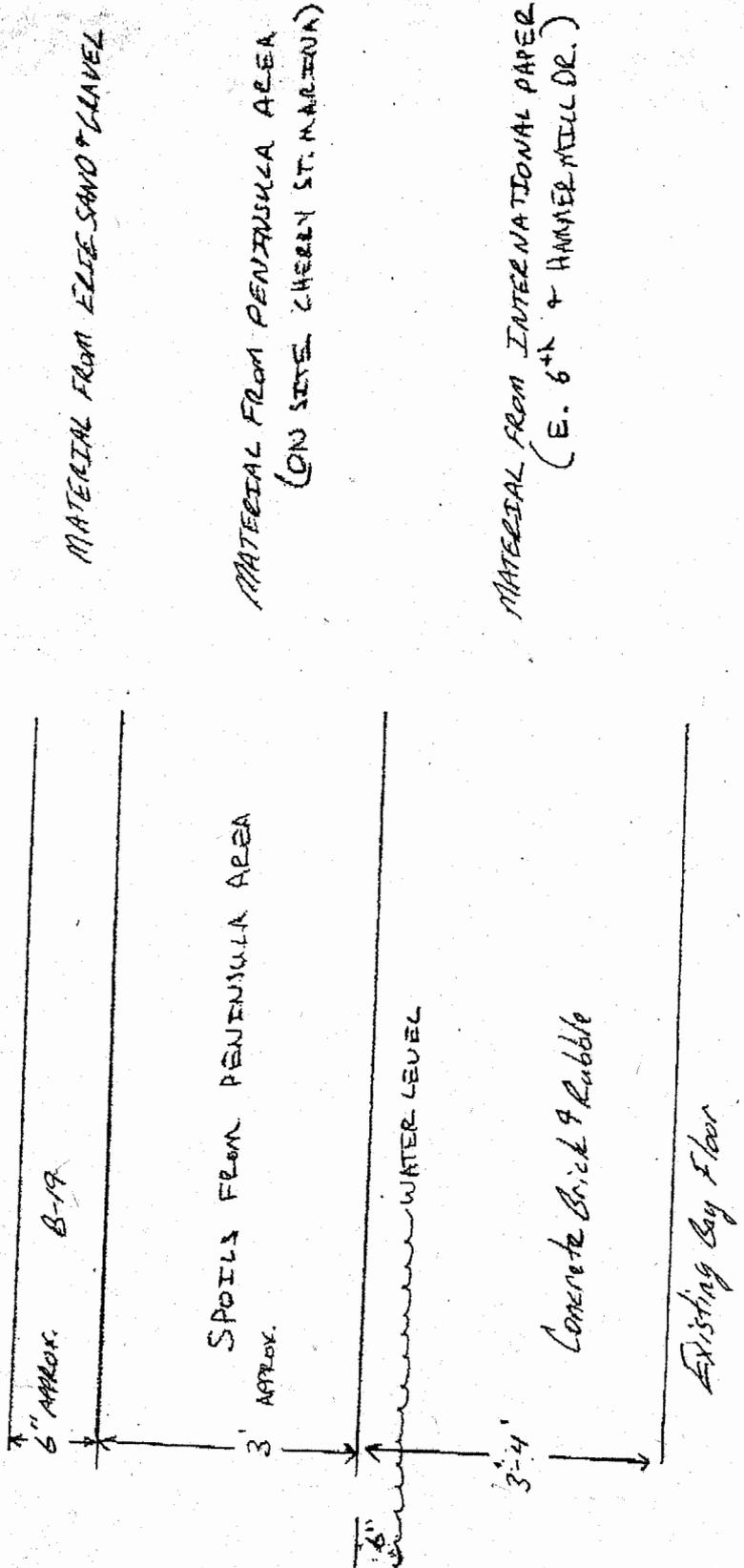
URBAN ENGINEERS OF ERIE, INC.
 1319 Sasparas Street
 Erie, Pennsylvania 16501
 Phone : (814) 453-5702
 Fax : (814) 453-2020

UEE/CAD: 200410200-Rip-Rap Wall	2004102.00/
Drawn/Checked: TLP/JMM	
Date: 2/04/04	
Scale: Not to Scale	

PROPOSED RIP-RAP WALL
 CHERY STREET MARINA
 ERIE, PENNSYLVANIA

200200564

CHERRY ST. MARINA FILL AREA DETAILS



MATERIAL FROM ELZE SAND & GRAVEL

MATERIAL FROM PENINSULA AREA
(ON SITE CHERRY ST. MARINA)

MATERIAL FROM INTERNATIONAL PAPER SITE
(E. 6th & HAMMER MILL DR.)

Exhibit - A

5-12-07