



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

Public Notice

In Reply Refer to
Notice No. below

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

Application No. 2017-181

Date: April 5, 2019

Notice No. 19-23

Closing Date: April 19, 2019

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 404 of the Clean Water Act.
2. APPLICANT: Mack Industries, Inc.
1321 Industrial Parkway N. (Suite 500)
Brunswick, Ohio 44212
3. CONSULTANT: Nathaniel Grundy
Mine Services Company, Inc.
P.O. Box 2786
North Canton, Ohio 44720
4. LOCATION: Wetlands adjacent to South Branch Yankee Run in Fowler Township, Trumbull County, Ohio.
5. PURPOSE AND DESCRIPTION OF WORK: This Public Notice is an amendment to Public Notice 18-14 which closed on May 9, 2018. The amended application proposes to retain 2.56 acres of previously unauthorized wetland fill to continue to facilitate the stockyard associated with their concrete products and continue to utilize the two storm water ponds necessary to handle site runoff. Mitigation is proposed for this unauthorized activity by way of an In-Lieu Fee purchase of wetland credit at a 1:1.5 ratio. In addition, the applicant proposes to preserve a portion of two parcels of their property totaling 16 acres just west of the wetland impacts. The preservation area includes 3.84 acres of wetland of which 2.68 acres is Palustrine Emergent and 1.15 acres is Palustrine Shrub Scrub. Additionally this area includes 2,356 linear feet of perennial stream, 565 linear feet of intermittent, and 197 linear feet of ephemeral stream. All of these aquatic resources are buffered by approximately 12.16 acres of wooded upland. Drawings of the project are attached to this notice.
6. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
PO Box 1049
Columbus, Ohio 43266-0149
Telephone Number: 614-644-2001

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. The unauthorized fill did not result in cutting of trees. No tree cutting will be necessary at the preservation area either. 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

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

CELRP-RG

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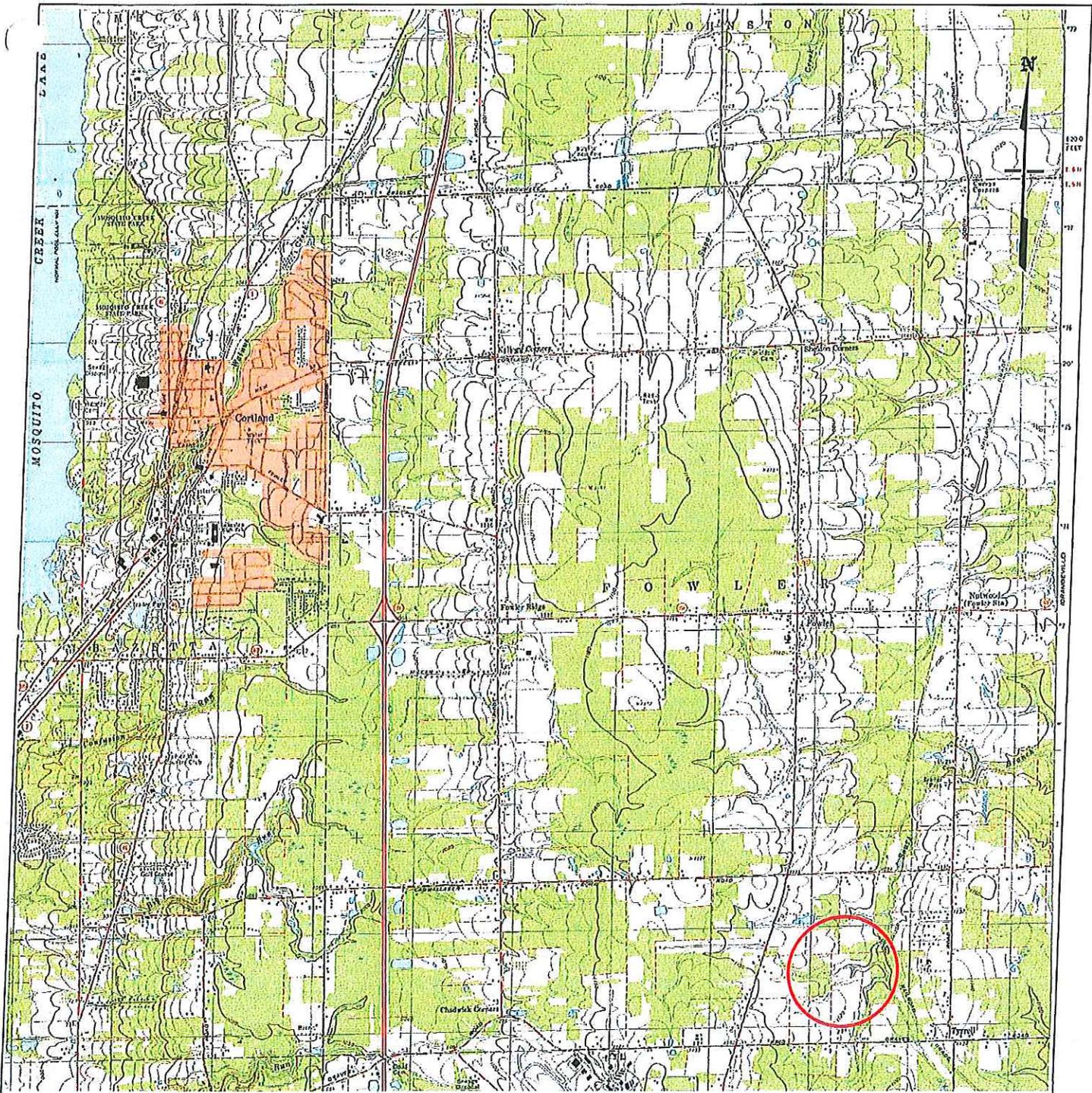
comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition 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 Division, attn. Michael Fodse at the above address, by telephoning (412) 395-7575, or by e-mail at Michael.M.Fodse@usace.army.mil. Please refer to CELRP-RG 2017-181 in all responses.

FOR THE DISTRICT ENGINEER:

/signed/

Tyler Bintrim
North Branch Chief, Regulatory Division



PREPARED BY:
 **MINE SERVICES**
 COMPANY, INC.

P.O. Box 2876
 North Canton, OH 44720

USGS Quadrangle 7.5' Topographic Series
 Cortland, Ohio

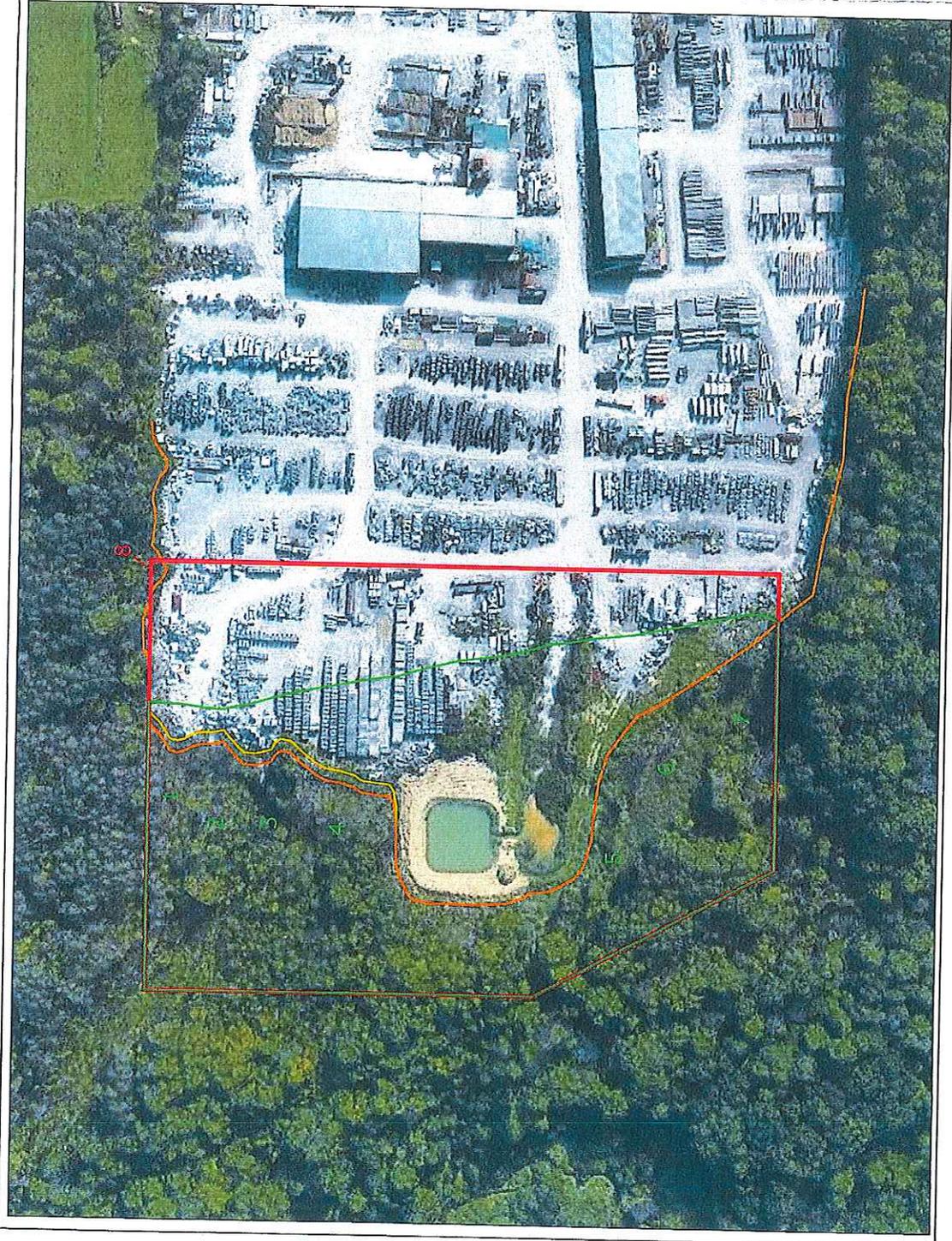
Scale: 1"=4500' Date: Jan. 4, 2019

LOCATION MAP
STUDY AREA

MACK INDUSTRIES
VIENNA, OH SITE



- Extent of Fill (2.56 ac.)
(Expanded by 15' in NW Corner)
- Study Area (9.0 ac.)
- Former Fill Estimate
- Delineated Wetland Area
(WD-A = 7.0 ac.)
- Wetland Data Point
X 1
- Upland Data Point
X 8



WETLAND RESOURCE MAP			
MACK INDUSTRIES, INC.			
TRUMBULL COUNTY FACILITY			
TRUMBULL	COUNTY	SEWER	TOWNSHIP
LOT 1	SECTION 11	SECTION 11	
DATE PREPARED:	CONTOUR INTERVAL:	COURT AND	U.S.D.S. GRID
12/20/08	5	TRUMBULL	18
DATE REVISION:	DATE REVISION:		
PREPARED BY:			
MINE SERVICES			
COMPANY, INC.			
P.O. Box 27164, New Canaan, Ohio 44220			
Phone: 334-451-5183			
Fax: 334-451-5184			