



Public Notice

Applicant:

Ohio Department of
Natural Resources

Date:

Published: December 15, 2005
Expires: January 13, 2006

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

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 2001-00701(6) **Section:** OH 10 and 404

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).

The Ohio Department of Natural Resources (ODNR), 2045 Morse Road, Building F-3, Columbus, Ohio 43229 has applied for Department of the Army authorization to expand and enhance an existing State owned marina and to construct campground facilities on Middle Bass Island in Lake Erie. The project is located on the southern end of Middle Bass Island, Put-in-Bay Township, Ottawa County, Ohio.

In 2003, the Corps (CE) determined that two wetland areas were isolated and not subject to jurisdiction under Section 404 of the Clean Water Act (CWA) based on an in-office resource review. In 2005, based on a site visit, CE concluded that the two areas were hydrologically linked to Lake Erie and subject to regulation under Section 404 CWA. As a result of ODNR construction activities, 0.77 acre of wetlands was filled prior to the 2005 determination. LRB officially stated that ODNR would not be held responsible for this fill. Later in 2005, a final jurisdictional determination concluded that the entire project parcel contains 23.14 acres of undisturbed jurisdictional wetlands (Sheet 2 of 15) and approximately 9.6 acres of submerged aquatic beds (including 3.73 acres of vegetated shallows) (Sheet 3 of 15).

The applicant is proposing to expand the marina to 360 boat slips and construct a campground. The proposed dock sizes are: 18 - 52 linear foot (LF) slips, 22 - 48 LF slips, 60 - 44 LF slips, 94 - 40 LF slips (8 ADA accessible), 68 - 36 LF slips, and 98 - 32 LF slips. The marina expansion would result in the permanent impacts to 4.24 acres of wetlands and 3.73 acres of vegetated shallows or 7.97 acres of special aquatic sites. The campground will not involve any additional fills to special aquatic sites than those already described above (Sheets 5, 7-8 of 15). The marina expansion will require excavation of upland areas and removal of the existing peninsula which currently contains 3.83 acres of wetlands. The marina expansion would also result in permanently filling approximately 0.39 acre of wetlands, 0.4 acre of vegetated shallows and dredging approximately 0.03 acre of wetlands, 3.33 acres of vegetated shallows, 5.87 acres of vegetated deep water habitat, and 6.46 acres of deepwater habitat for a total of 19.92 acres or 121,367 cubic yards of dredging. This material is



proposed to be disposed of in upland areas on the project parcel. Additionally, approximately 2,100 linear feet of steel crib bulkhead would be placed around the inside of the marina on the west, south, and east sides. Approximately 300 linear feet of stone revetment would be placed on the northwest side of the marina near a new concrete boat ramp 93 feet long by 30 feet wide. The marina would also include a gas dock and pumpout station that is 10 feet wide and 110 feet long. Another stone revetment of approximately 515 linear feet would be constructed along the north edge of the marina just inside of the newly relocated entrance channel.

To offset the permanent impacts to 4.24 acres of wetlands, the applicant has submitted a conceptual mitigation plan which includes restoration of approximately 0.30 acre of coastal wetlands, on-site preservation of at least 15.06 acres of avoided wetlands, 7.73 acres of these preserved wetlands will be enhanced through the removal of phragmites and improved hydrology. The applicant is also proposing to provide a 1:1 or higher ratio of replacement of deepwater aquatic vegetation beds on-site. The 3.73 acres of vegetated shallows proposed to be impacted will not be mitigated on-site. The vegetated shallows and additional wetland mitigation are proposed to occur at the Middle Harbor Habitat Restoration Unit (HRU). This is associated with East Harbor Dredging Project [DA# 96-479-0013(4)]. If this proves unacceptable they are proposing to purchase approximately 9 acres of credit at an approved inland Wetland Mitigation Bank.

The applicant has applied for and been selected to receive funding for a portion of this project from the Division of Federal Assistance, Region 3: U.S. Fish and Wildlife Service (USFWS). The project was selected for funding under both Tier 1 and Tier 2 of the Boating Infrastructure Grant Program. An Environmental Assessment (EA) is being conducted and must be completed by USFWS prior to ODNR being able to be reimbursed for construction costs.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Richard J. Ruby, who can be contacted by calling (716) 879-4109, or by e-mail at: richard.j.ruby@lrb01.usace.army.mil

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:

Ms. Mindy Bankey
Ohio Department of Natural Resources
Consistency Coordinator
Office of Legislative Services
1930 Belcher Drive, Bldg D-3
Columbus, Ohio 43224-1387
Telephone (614) 265-6836
FAX (614) 261-9601
e-mail: mindy.bankey@dnr.state.oh.us

The following authorization(s) may be required for this project:

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

Based on preliminary findings, it appears that a portion of the Golden Eagle Wine Cellars or Lonz Winery (#8600868) which is listed in the National Register of Historic Places (NRHP) is located within the permit area as shown on Sheet 6 of 15. At this time, the Corps does not have enough information to make an effects determination for the Dormitory and Press House which are NRHP's and are proposed to be modified. Once this information is obtained, an effects determination will be made and consultation will be initiated with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act pursuant to 36 CFR Part 800. 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. In addition, this information will be forwarded to the Division of Federal Assistance, Region 3: USFWS, for inclusion in their EA.

In addition, the Division of Federal Assistance, Region 3: USFWS has already developed a timeline to initiate formal consultation with USFWS, Ecological Services Field Office, Reynoldsburg, OH under Section 7 of the Endangered Species Act (50 CFR 402; 16 U.S.C. 1536 (c)). The Corps will forward any information pertaining to threatened and endangered species obtained from this public notice to USFWS for inclusion in their coordination.

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 should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Richard J. Ruby, or by e-mail at: richard.j.ruby@lrb01.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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.

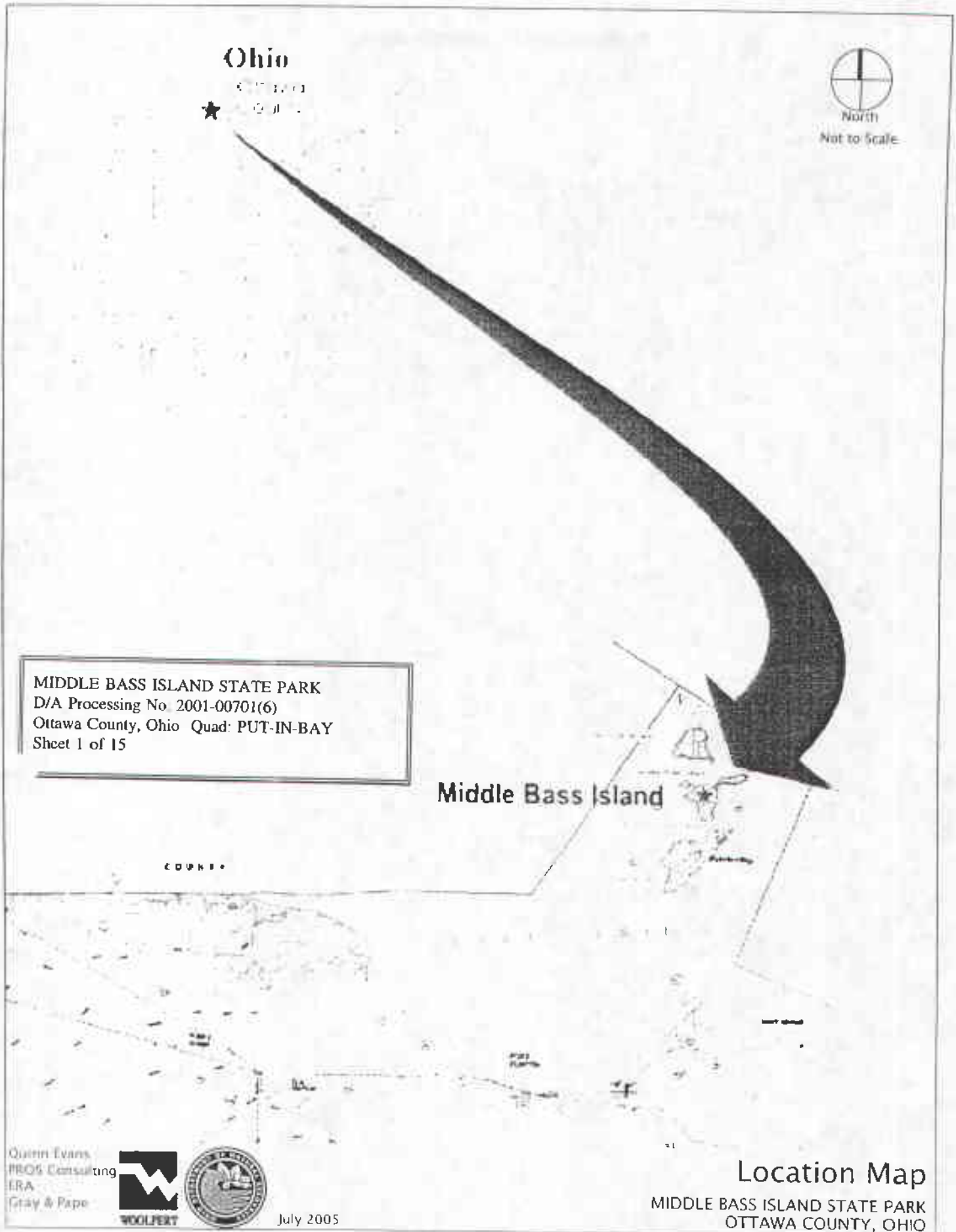
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

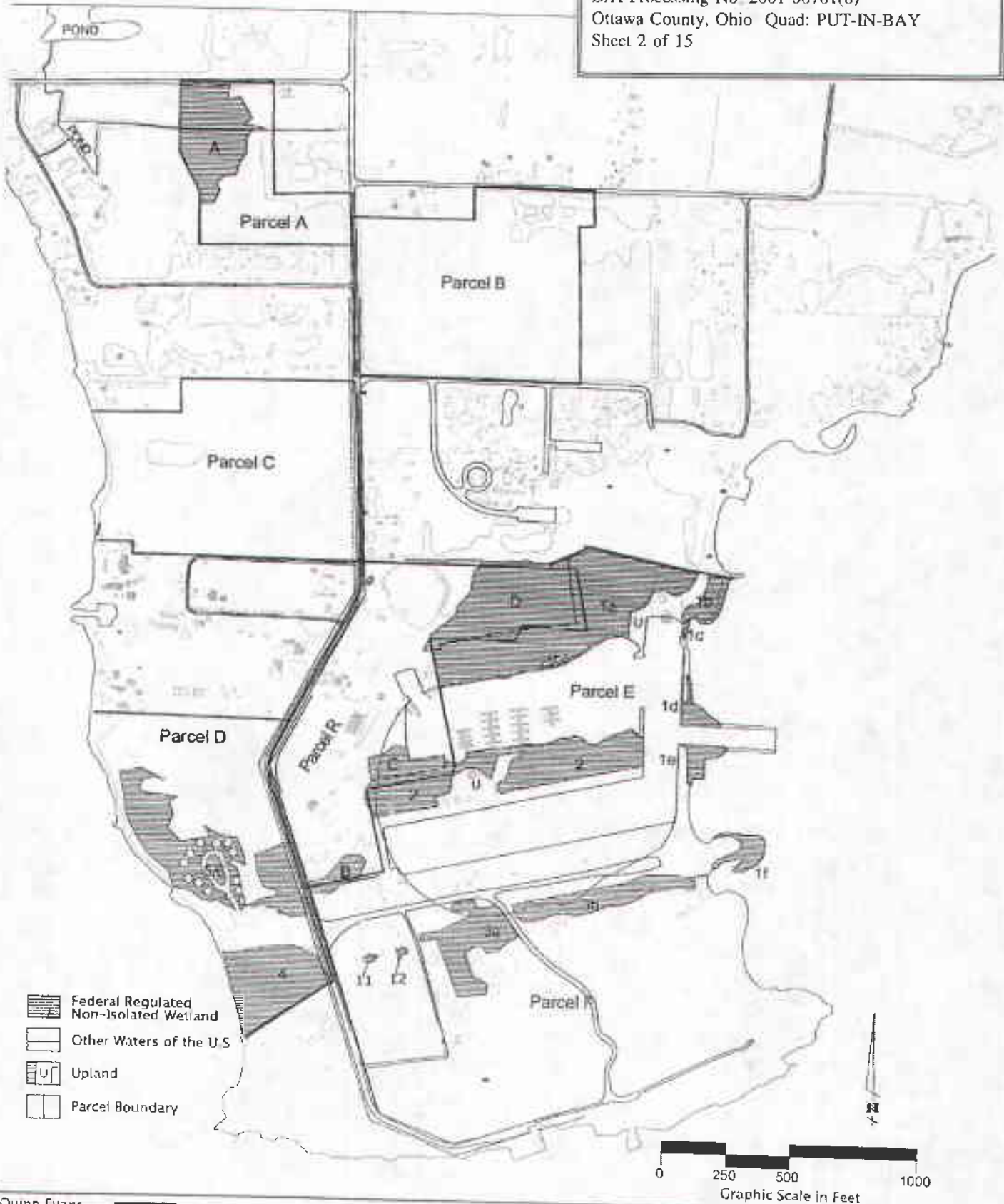
Thomas C. Switala
Chief, Regulatory Branch

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

Figure 1



MIDDLE BASS ISLAND STATE PARK
 D/A Processing No. 2001-00701(6)
 Ottawa County, Ohio Quad: PUT-IN-BAY
 Sheet 2 of 15



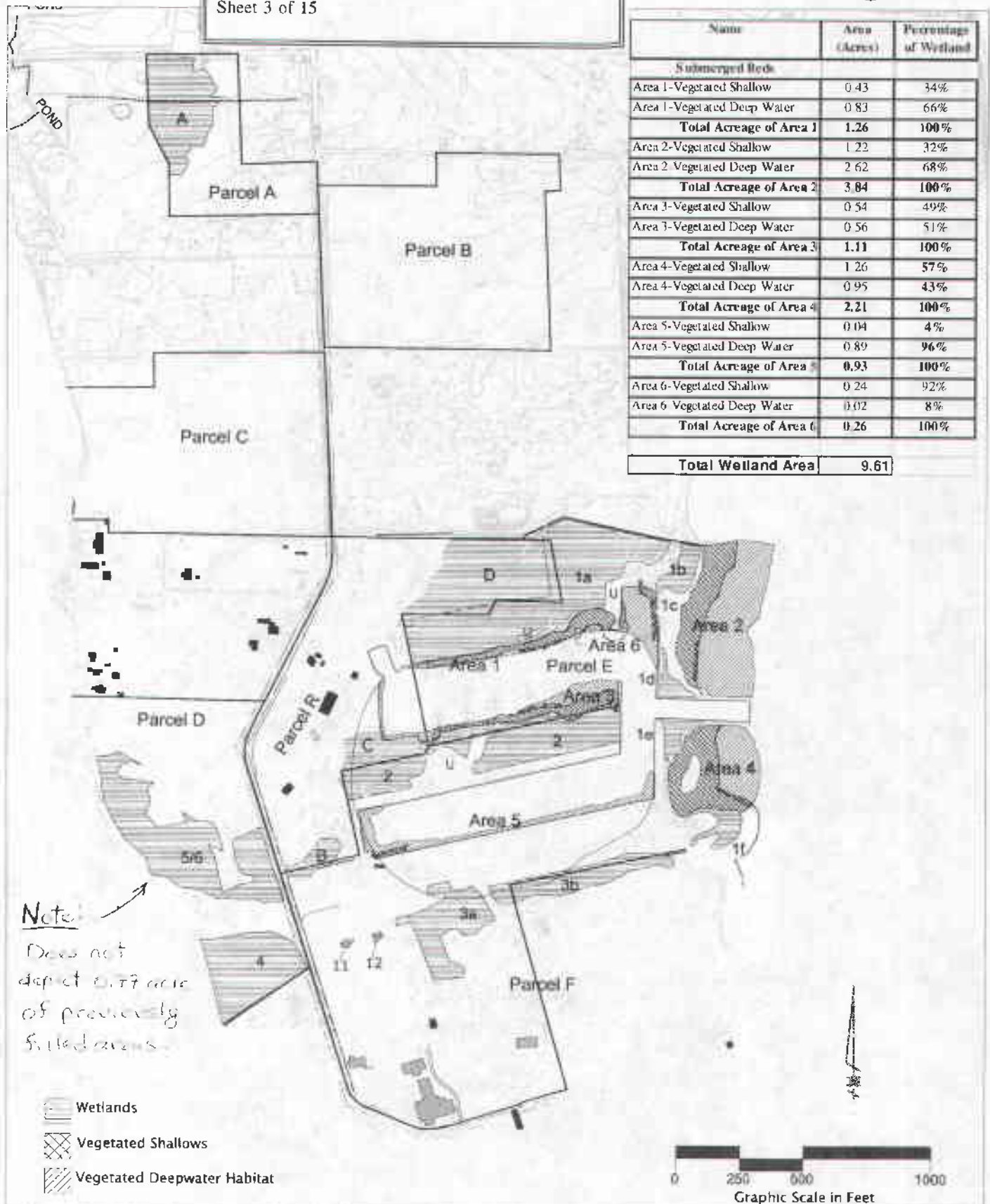
Quinn Evans
 PROS Consulting
 ERA
 Gray & Pape



July 2005 - Revised August 23, 2005

Jurisdictional Wetlands
 MIDDLE BASS ISLAND STATE PARK
 OTTAWA COUNTY, OHIO

Figure 5a



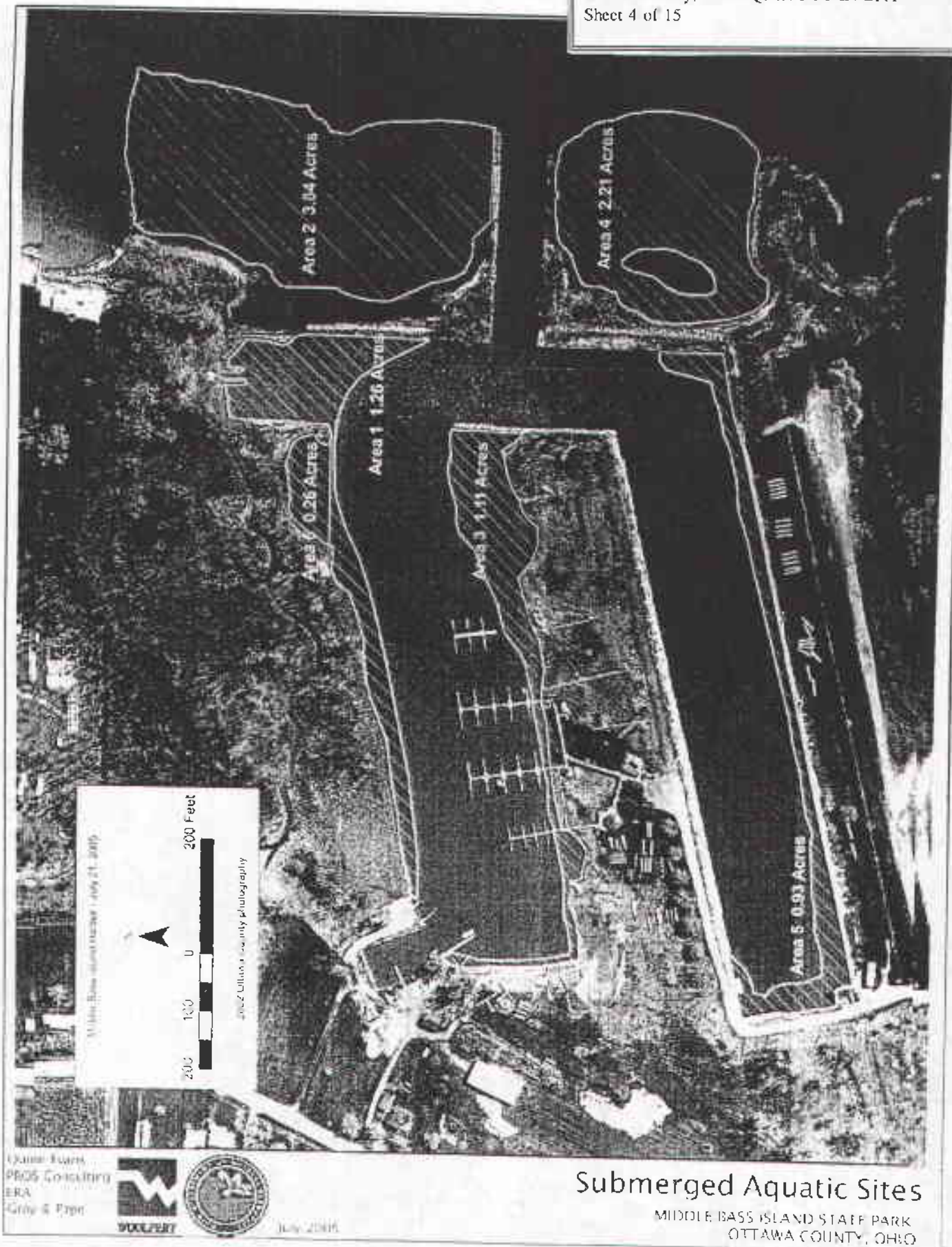
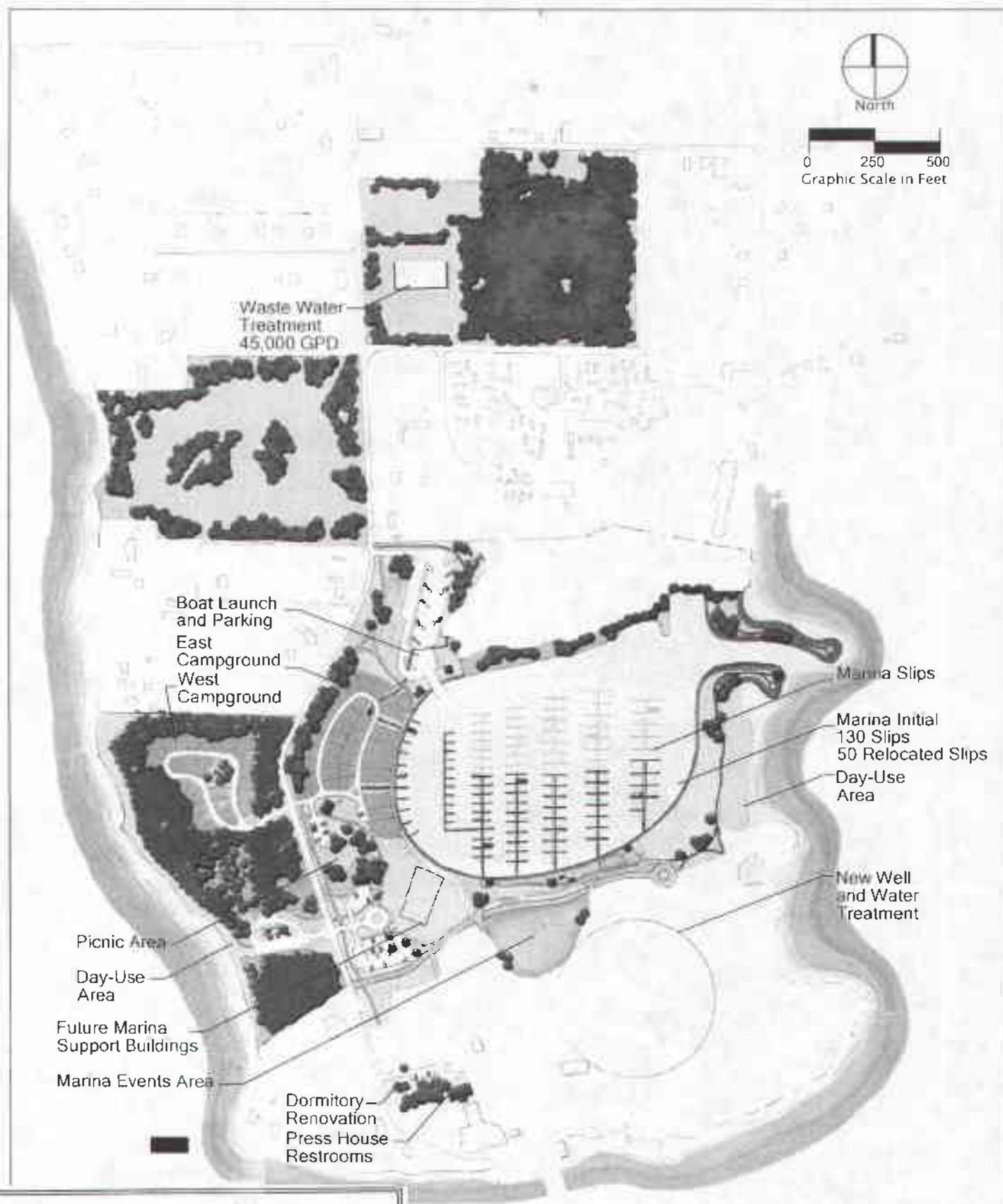


Figure 4



MIDDLE BASS ISLAND STATE PARK
D/A Processing No. 2001-00701(6)
Ottawa County, Ohio Quad PUT-IN-BAY
Sheet 5 of 15

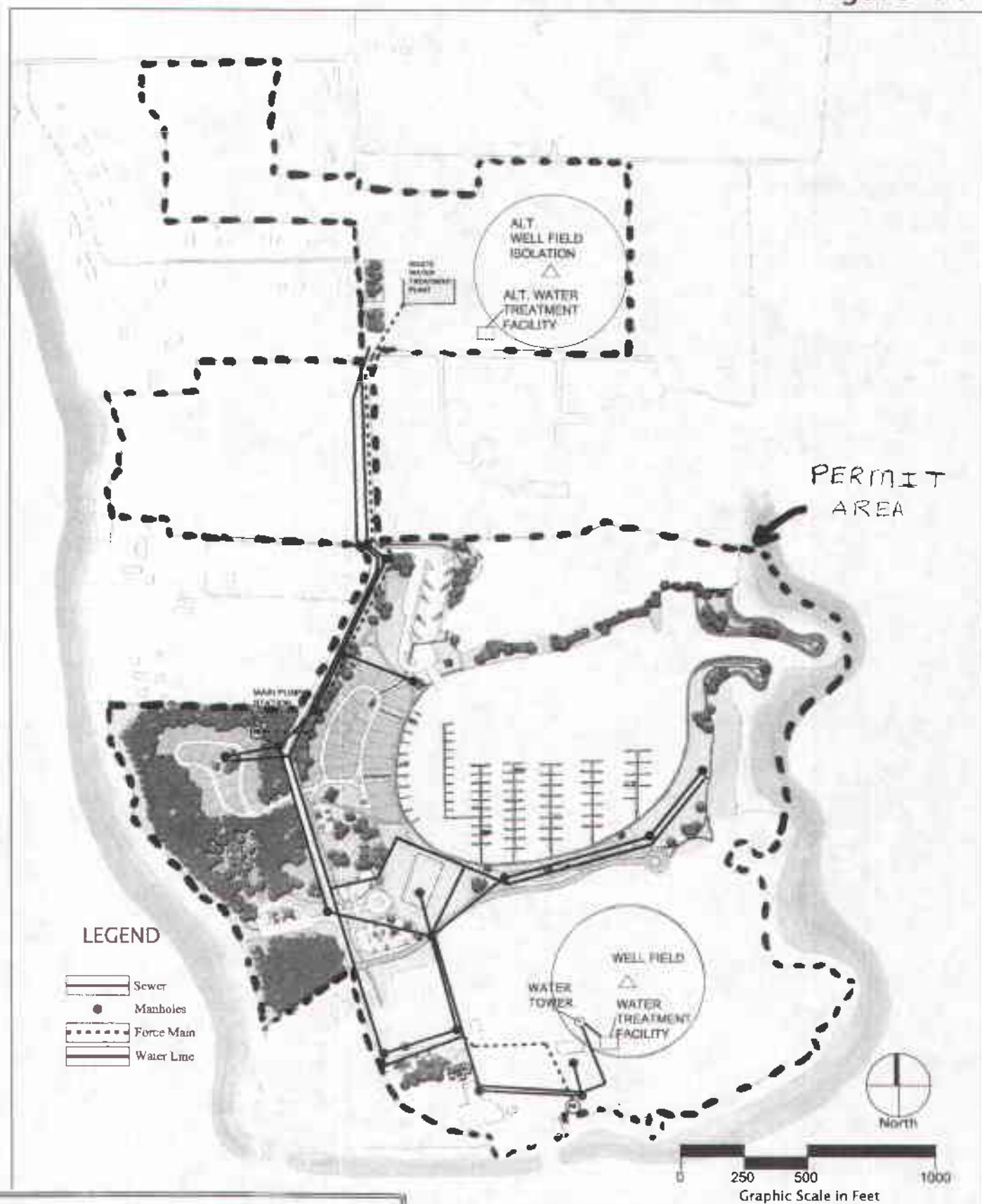
Marina and Campground Development

MIDDLE BASS ISLAND STATE PARK

Issued November 17, 2005

OTTAWA COUNTY, OHIO

Figure 14



MIDDLE BASS ISLAND STATE PARK
 D/A Processing No. 2001-00701(6)
 Ottawa County, Ohio Quad: PUT-IN-BAY
 Sheet 6 of 15

Water and Sewer Systems
 MIDDLE BASS ISLAND STATE PARK

Issued August and November 17, 30, 2005

OTTAWA COUNTY, OHIO

Figure 17

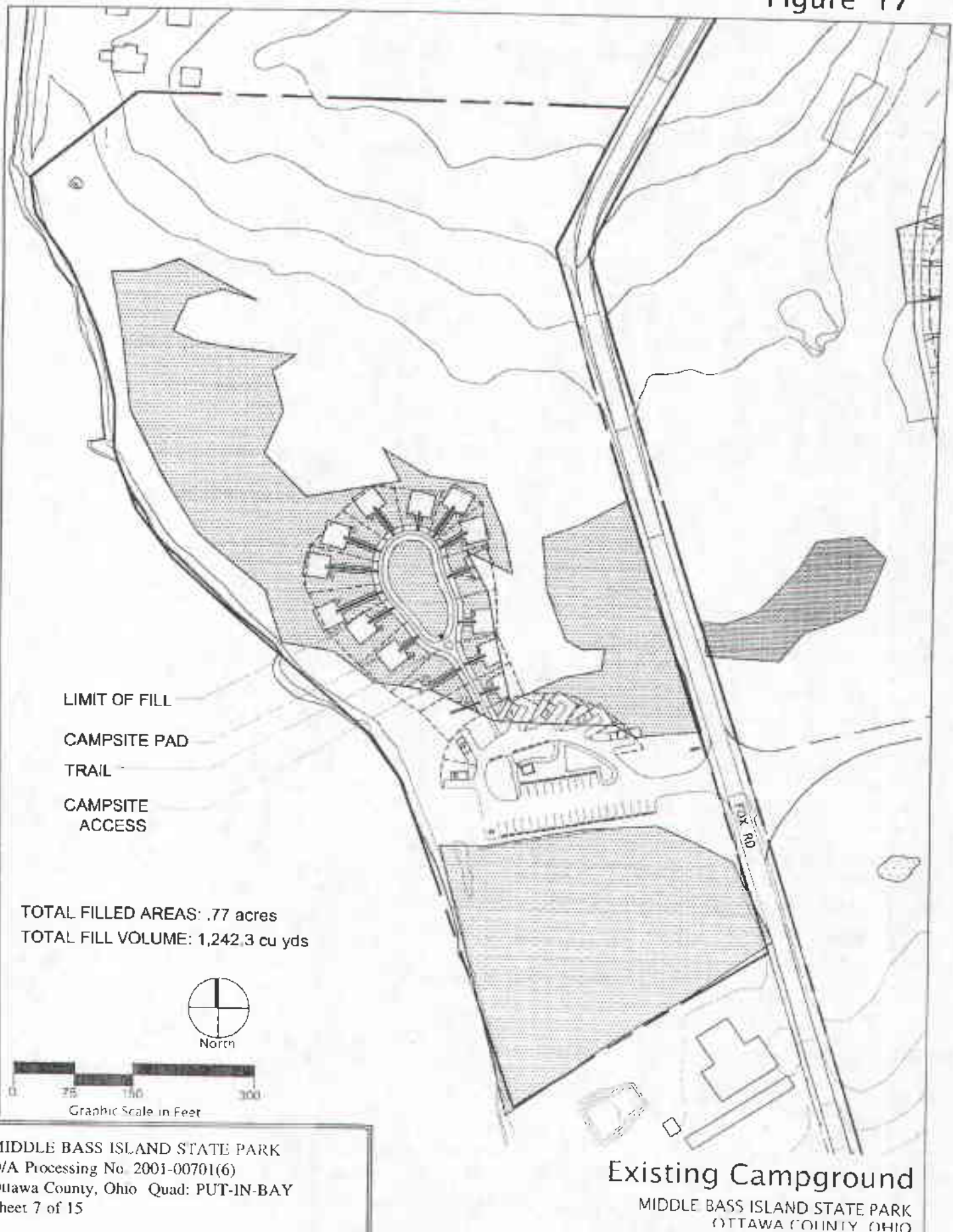
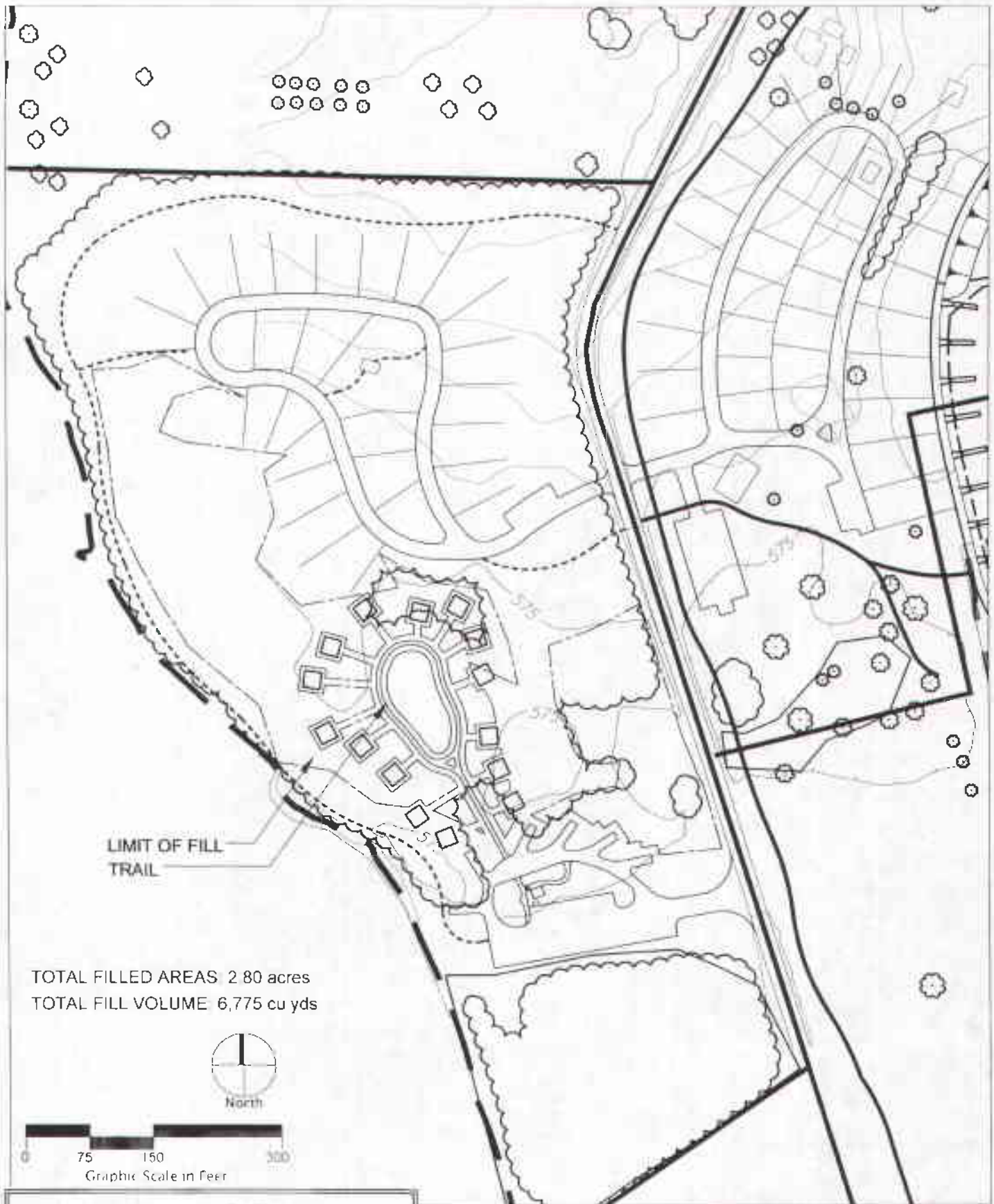


Figure 19



TOTAL FILLED AREAS 2.80 acres
TOTAL FILL VOLUME 6,775 cu yds



0 75 150 300
Graphic Scale in Feet

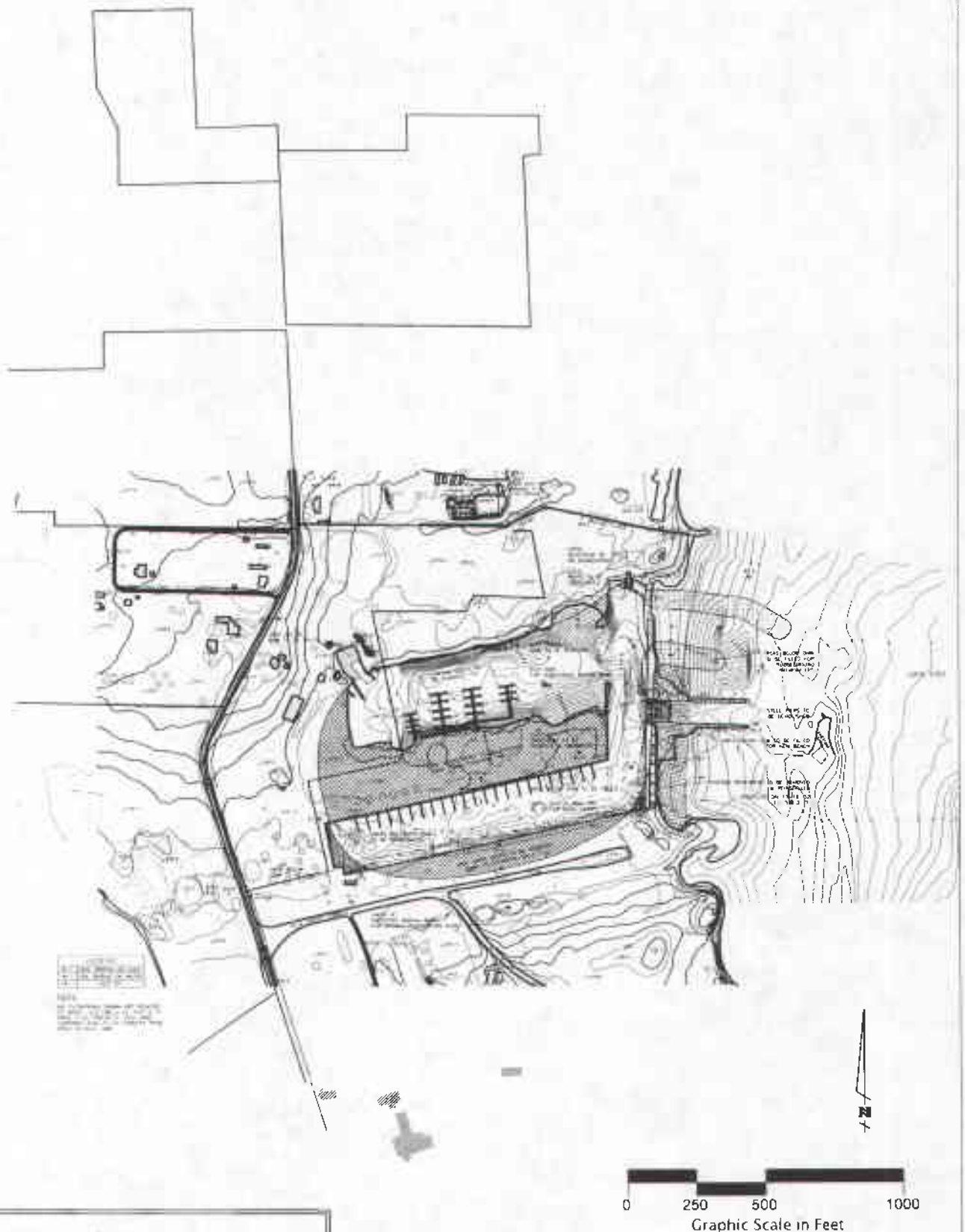
MIDDLE BASS ISLAND STATE PARK
D/A Processing No. 2001-00701(6)
Ottawa County, Ohio Quad: PUT-IN-BAY
Sheet 8 of 15

Campground Minimal Alternative
MIDDLE BASS ISLAND STATE PARK

August 11 and November 17, 2005

OTTAWA COUNTY, OHIO

Figure 9



MIDDLE BASS ISLAND STATE PARK
D/A Processing No. 2001-00701(6)
Ottawa County, Ohio Quad PUT-IN-BAY
Sheet 9 of 15

Minimal Degradation Existing Site Plan

MIDDLE BASS ISLAND STATE PARK

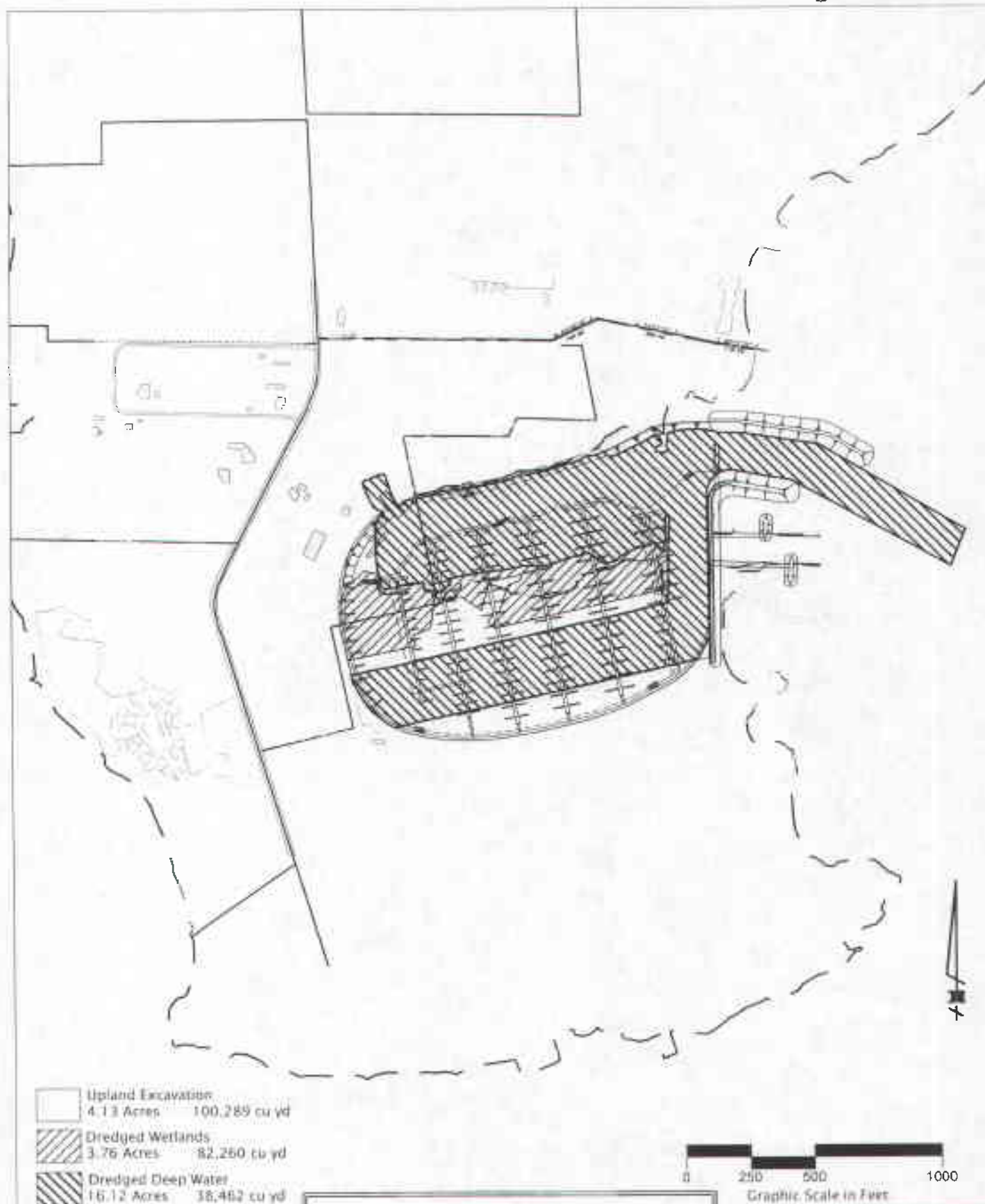
sed November 17, 2005

OTTAWA COUNTY, OHIO

Figure 10



Figure 10a



Quinn Evans
PROS Consulting
ERA
Gray & Page



MIDDLE BASS ISLAND STATE PARK
D/A Processing No. 2001-00701(6)
Ottawa County, Ohio Quad: PUT-IN-BAY
Sheet 11 of 15

Degradation Plan
MIDDLE BASS ISLAND STATE PARK
OTTAWA COUNTY, OHIO

Figure 10b

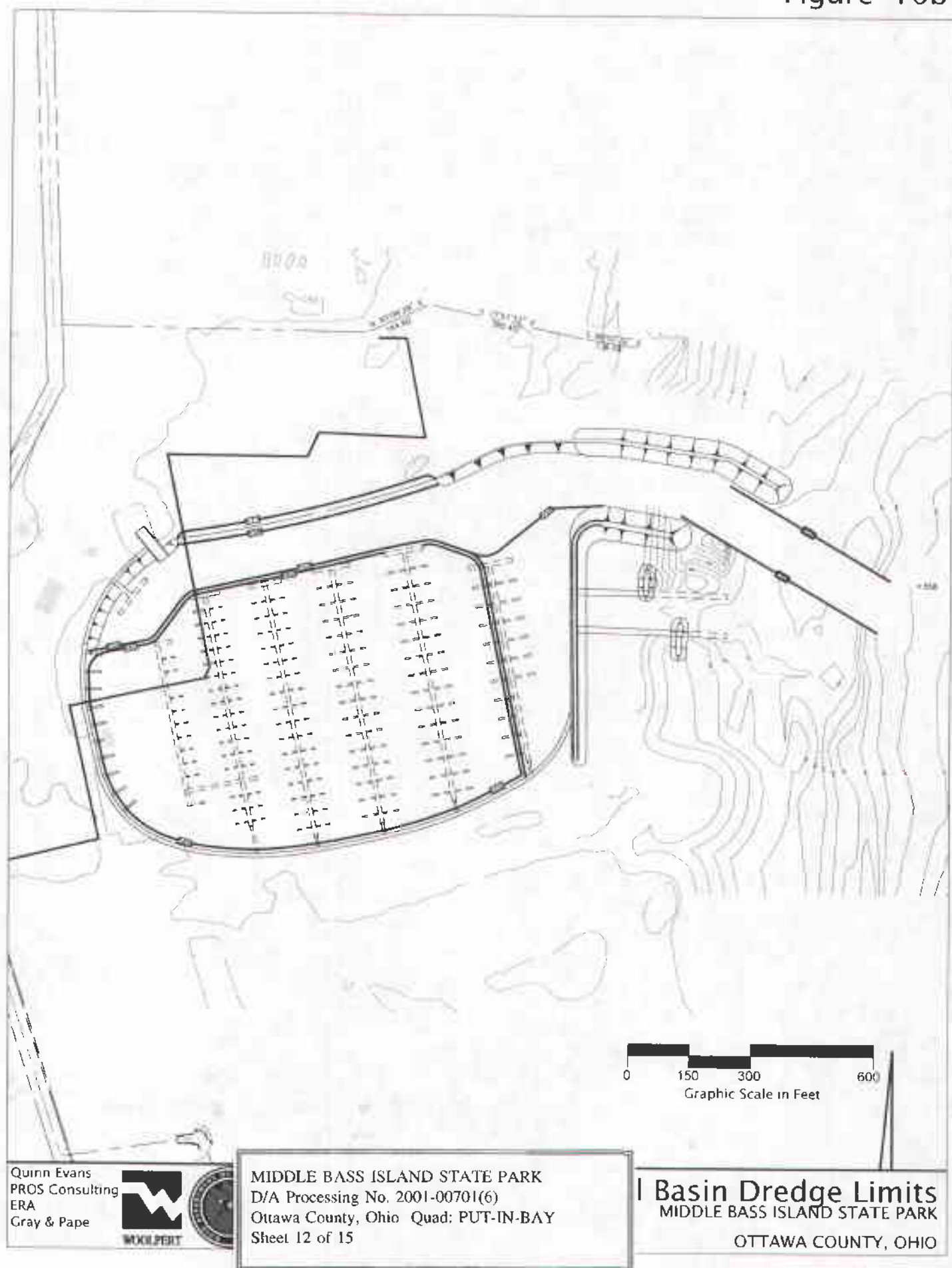
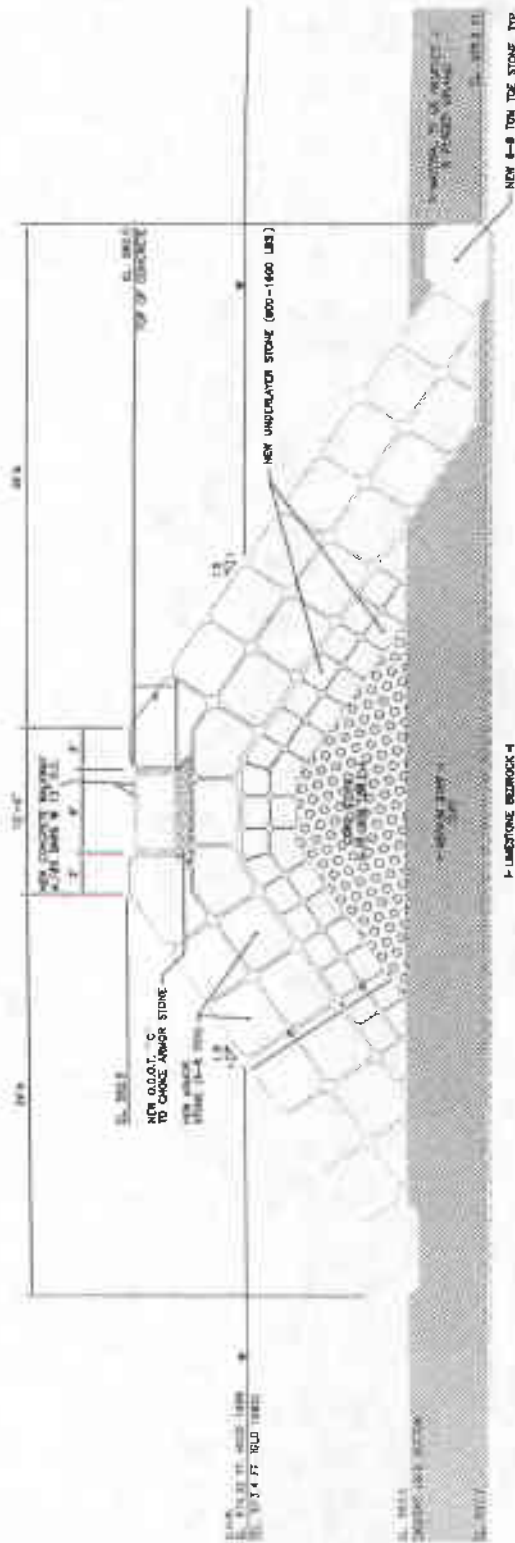
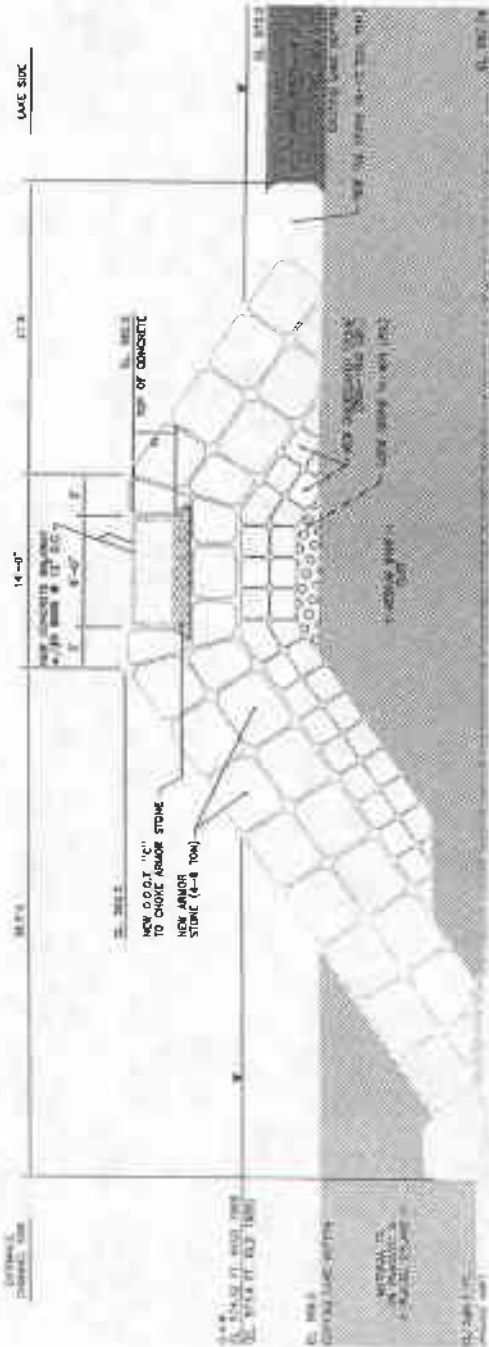


Figure 11



SCALE 1/4" = 1'
SCALE IN FEET
0 1 2 3 4 5 10

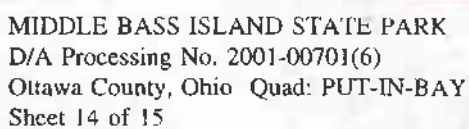


SCALE 1/4" = 1'
SCALE IN FEET
0 1 2 3 4 5 10

MIDDLE BASS ISLAND STATE PARK
D/A Processing No. 2001-00701(6)
Ottawa County, Ohio Quad: PUT-IN-BAY
Sheet 13 of 15

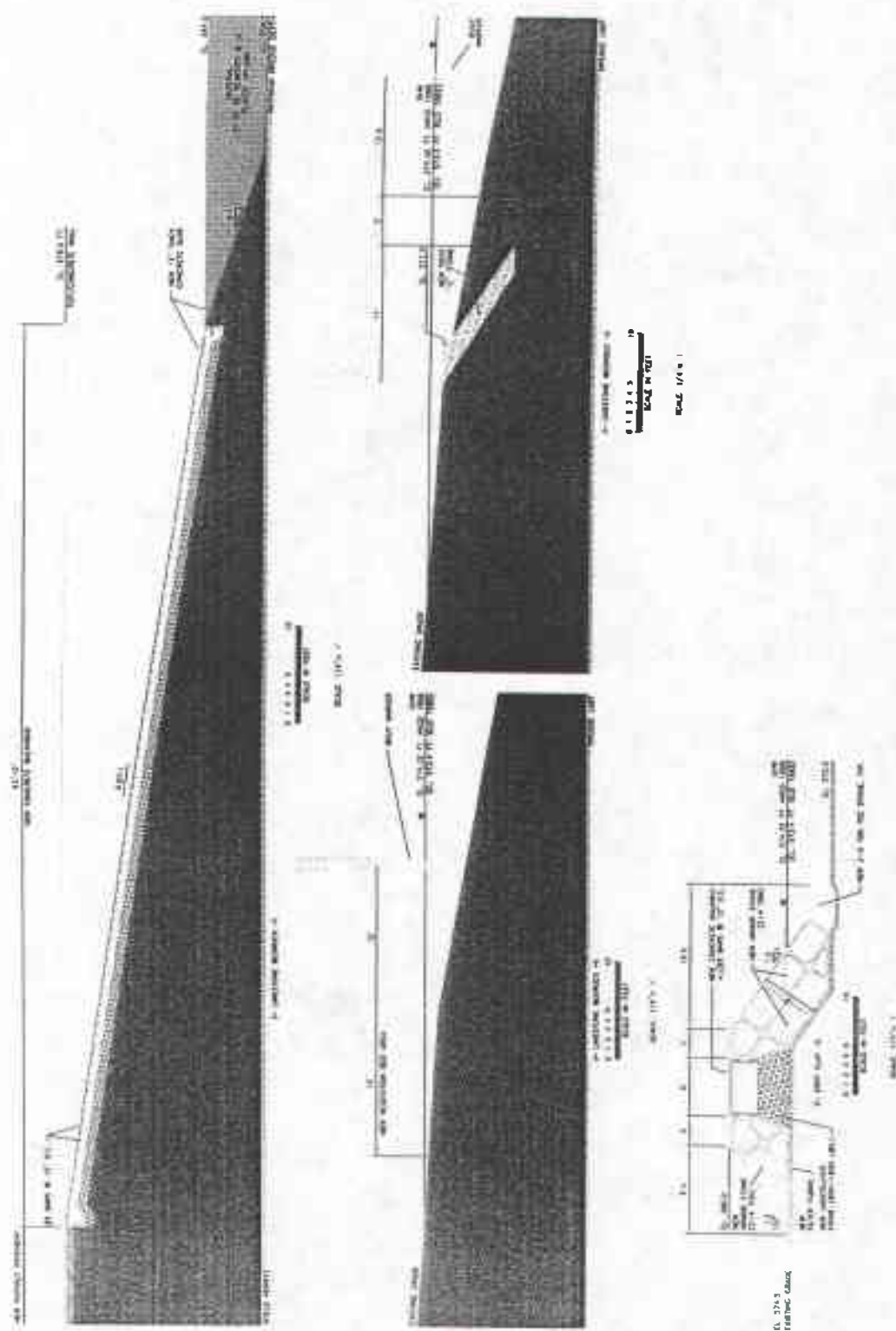
Typical Profile A
MIDDLE BASS ISLAND STATE PARK
OTTAWA COUNTY, OHIO

Figure 1



Typical Profile B
MIDDLE BASS ISLAND STATE PARK
OTTAWA COUNTY, OHIO

Figure 13



MIDDLE BASS ISLAND STATE PARK
D/A Processing No. 2001-00701(6)
Ottawa County, Ohio Quad: PUT-IN-BAY
Sheet 15 of 15

Typical Profile C
MIDDLE BASS ISLAND STATE PARK
OTTAWA COUNTY, OHIO