(R) Complete Application - Review Document

Revised from Original Application Submitted in May 2009;SWIMS ID 093507

APPLICATION FOR OHIO EPA SECTION 401 WATER QUALITY CERTIFICATION

Effective October 1, 1996
Revised August, 1998

This application must be completed whenever a proposed activity requires an individual Clean Water Act Section 401 Water Quality Certification (Section 401 certification) from Ohio EPA. A Section 401 certification from the State is required to obtain a federal Clean Water Act Section 404 permit from the U.S. Army Corps Engineers, or any other federal permits or licenses for projects that will result in a discharge of dredged or fill material to any waters of the State. To determine whether you need to submit this application to Ohio EPA, contact the U.S. Army Corps of Engineers District Office with jurisdiction over your project, or other federal agencies reviewing your application for a federal permit to discharge dredged or fill material to waters of the State, or an Ohio EPA Section 401 Coordinator at (614) 644-2001.

The Ohio EPA Section 401 Water Quality Certification Program is authorized by Section 401 of the Clean Water Act (33 U.S.C. 1251) and the Ohio Revised Code Section 6111.03(P). Ohio Administrative Code (OAC) Chapter 3745-32 outlines the application process and criteria for decision by the Director of Ohio EPA. In order for Ohio EPA to issue a Section 401 certification, the project must comply with Ohio's Water Quality Standards (OAC 3745-1) and not potentially result in an adverse long-term or short-term impact on water quality. Included in the Water Quality Standards is the Antidegradation Rule (OAC Rule 3745-1-05), effective October 1, 1996, revised October, 1997 and May, 1998. The Rule includes additional application requirements and public participation procedures. **Because there is a lowering of water quality associated with every project being reviewed for Section 401 certification, every Section 401 certification applicant must provide the information required in Part 10 (pages 3 and 4) of this application.** In addition, applications for projects that will result in discharges of dredged or fill material to wetlands must include a wetland delineation report approved by the Corps of Engineers, a wetland assessment with a proposed assignment of wetland category (ies), official documentation on evaluation of the wetland for threatened or endangered species, and appropriate avoidance, minimization, and mitigation as prescribed in OAC 3745-1-50 to 3745-1-54. Ohio EPA will evaluate the applicant's proposed wetland category assignment and make the final assignment.

Information provided with the application will be used to evaluate the project for certification and is a matter of public record. If the Director determines that the application lacks information necessary to determine whether the applicant has demonstrated the criteria set forth in OAC Rule 3745-32-05(A) and OAC Chapter 3745-1, Ohio EPA will inform the applicant in writing of the additional information that must be submitted. The application will not be accepted until the application is considered complete by the Section 401 Coordinator. An Ohio EPA Section 401 Coordinator will inform you in writing when your application is determined to be complete.

Please submit the following to "Section 401 Supervisor, Ohio EPA/DSW, P.O. Box 1049, Columbus, Ohio 43216-1049:

- Four (4) sets of the completed application form, including the location of the project (preferably on a USGS quadrangle) and 8-1/2 x 11" scaled plan drawings and sections.
- One (1) set of original scaled plan drawings and cross-sections (or good reproducible copies).

(See Application Primer for detailed instructions)

1. The federal permitting agency has determined this project: (check appropriate box and fill in blanks)

   a. X requires an individual 404 permit/401 certification- Public Notice # (if known) 2007-01679

   b. ____ requires a Section 401 certification to be authorized by Nationwide Permit #_____

   c. ____ requires a modified 404 permit/401 certification for original Public Notice #_____

   d. ____ requires a federal permit under _____ jurisdiction identified by #_____

   e. ____ requires a modified federal permit under_____ jurisdiction identified by #_____

Click to clear all entered information (on all 4 pages of this form) CLEAR

Revised from Original Application Submitted in May 2009; SWIMS ID 093507

2. Application number (to be assigned by Ohio EPA):

3. Name and address of applicant:

Village of Put-in-Bay
Attn:Doug Knauer, Village Administrator
157 Concord Avenue, PO Box 481
Put-in-Bay, Ohio 43456

Telephone number during business hours:

(419) 344-7034 (~~Residence~~) cell

(419) 285-8545 (Office)

3a. Signature of Applicant: Doug Knauer Date: JULY 12, 2011

4. Name, address and title of authorized agent:

Poggemeyer Design Group, Inc.
Attn:Doug Nusser
1168 North Main Street
Bowling Green, Ohio 43402

Telephone number during business hours:

(419) 308-1884 (Residence)

(419) 352-7537 (Office)

4a. Statement of Authorization: I hereby designate and authorize the above-named agent to act in my behalf in the processing of this permit application, and to furnish, upon request, supplemental information in support of the application.

Signature of Applicant: Doug Knauer Date: JULY 12, 2011

5. Location on land where activity exists or is proposed. Indicate coordinates of a fixed reference point at the impact site (if known) and the coordinate system and datum used.

Address:

Village Docks A & C-Bayview Ave btwn Hartford & Catawba Aves. IGLD 1985 Datum. Lat 41-39-14 N, Long 82-49-05 W
Street, Road, Route, and Coordinates, or other descriptive location

04120200 Erie Islnds	Ottawa	Put-in-Bay	Put-in-Bay	Ohio	43456
Watershed	County	Township	City	State	Zip Code

6. Is any portion of the activity for which authorization is sought complete? _____ Yes __X__ No
If answer is "yes," give reasons, month and year activity was completed. Indicate the existing work on the drawings.

7. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharge or other activities described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
USACE	Individual 404	2007-01679	7/15/11Resubmitted	TBD	7/30/2009
ODNR	Shore Structure		TBD		"Denial without
ODNR	Submerged Lease		TBD		Prejudice"
OEPA	Water PTI		3/31/11	4/13/11	

8. **DESCRIPTION OF THE ACTIVITY (fill in information in the following four blocks - 8a, 8b, 8c & 9)**

8a. Activity: Describe the Overall Activity:

Project will include renovation/replacement of 458.77' Dock A existing dock being replaced with 430' new steel crib breakwater dock with 2 bridges of 17.42' and 15' in length, renovation of 151' of existing steel crib bridge dock with new decking, and 155' new floating dock. Dock C includes replacement of 305.33' of existing bridge and pile dock with new steel crib breakwater dock, redecking of 445.75' of existing sheet pile dock, and 424.0' of new floating docks for total Dock A & C structure and deck improvements of 1943.5'. Additionally all new docks will have new electrical, water, lighting, and fire protection improvements.

8b. Purpose: Describe the purpose, need and intended use of the activity:

The existing docks are deteriorating and offer obsolete, insufficient water and electrical service to transient boaters and no on dock fire protection. Current on/above dock service lines and extensions create tripping hazards and are an eye-sore. During peak season boats are rafted 3-4 deep due to the limited docking space and less than efficient use of the marina area. Existing pile supported Pier C of Dock C does not offer protection from northeast wind/wave action. Replacement with steel crib & bridges will offer protection and increase usage. This project will include expanded dock space via new floating docks, new on dock water, electric facilities/services, fire protection facilities, and ADA accessibility improvements. New/replacement portions of Dock A & C will include dock bridge sections to maintain/improve lake flow through, and improve water quality within, the marina.

8c. Discharge of dredged or fill material: Describe type, quantity of dredged material (in cubic yards), and quantity of fill material (in cubic yards). **(OAC 3745-1-05(B)(2)(a))**

OHW=573.4; Dock A existing fill is wood timbers & stone fill; New fill is steel crib & stone fill; New fish habitat is stone fill. Dock A-remove 873 CY (below OHW) of existing fill, replace with 1311 CY (below OHW) new fill & 45 CY fish habitat=1356 CY. Net increase in fill is 483 CY (below OHW). Existing fill area is 5158 SF, new fill area is 6737 SF. Net loss of lake bottom is 1579 SF. New fish habitat area is 3054 SF.
Dock C - New fill=740 CY (below OHW) & 82 CY fish habitat=822 CY (below OHW) increase in fill. Existing fill area=5657 SF. New fill area=8360 SF. Net loss of lake bottom is 2703 SF . New fish habitat area is 5711 SF.
Dock A/C Totals: remove 873 CY (below OHW) of existing fill, install 2051 CY (below OHW) new fill & 128 CY fish habitat. Net increase in fill=1306 CY (below OHW). Existing fill area =10815 SF, new fill area is 15097 SF. Net loss of lake bottom is 4282 SF. New fish habitat area is 8765 SF.

9. Waterbody and location of waterbody or upland where activity exists or is proposed, or location in relation to a stream, lake, wetland, wellhead or water intake (if known). Indicate the distance to, and the name of any receiving stream, if appropriate.

Docks A and C form the perimeter of Put-in-Bay Marina in Put-in-Bay Harbor at South Bass Island. It appears this is within the Western Basin area of Lake Erie. Project will occur within existing marina footprint in Put-in-Bay Harbor.

10. To address the requirements of the Antidegradation Rule, your application must include a report evaluating the:

- Preferred Design (your project) and Mitigative Techniques
- Minimal Degradation Alternative(s) (scaled-down version(s) of your project) and Mitigative Techniques
- Non-Degradation Alternative(s) (project resulting in avoidance of all waters of the state)

At a minimum, item a) below must be completed for the Preferred Design, the Minimal Degradation Alternative(s), and the Non-Degradation Alternative(s), followed by completion of item b) for each alternative, and so on, until all items have been discussed for each alternative (see Primer for specific instructions). (Application and review requirements appear at **OAC 3745-1-05(B)(2), OAC 3745-1-05(C)(6), OAC 3745-1-05(C)(1) and OAC 3745-1-54**).

10a) Provide a detailed description of any construction work, fill or other structures to occur or to be placed in or near the surface water. Identify all substances to be discharged, including the cubic yardage of dredged or fill material to be discharged to the surface water. **(OAC 3745-1-05(B)(2)(b))**

10b) Describe the magnitude of the proposed lowering of water quality. Include the anticipated impact of the proposed lowering of water quality on aquatic life and wildlife, including threatened and endangered species (include written comments from Ohio Department of Natural Resources and U.S. Fish and Wildlife Service), important commercial or recreational sport fish species, other individual species, and the overall aquatic community structure and function. Include a Corps of Engineers approved wetland delineation. **(OAC 3745-1-05(C)(6)(a, b) and OAC 3745-1-54)**

10c) Include a discussion of the technical feasibility, cost effectiveness, and availability. In addition, the reliability of each alternative shall be addressed (including potential recurring operational and maintenance difficulties that could lead to increased surface water degradation.) **(OAC 3745-1-05(C)(6)(h, j-k) and OAC 3745-1-54)**

10d) For regional sewage collection and treatment facilities, include a discussion of the technical feasibility, cost effectiveness and availability, and long-range plans outlined in state or local water quality management planning documents and applicable facility planning documents. **(OAC 3745-1-05(C)(6)(i))**

10e) To the extent that information is available, list and describe any government and/or privately sponsored conservation projects that exist or may have been formed to specifically target improvement of water quality or enhancement of recreational opportunities on the affected water resource. **(OAC 3745-1-05(B)(2)(g))**

10f) Provide an outline of the costs of water pollution controls associated with the proposed activity. This may include the cost of best management practices to be used during construction and operation of the project. **(OAC 3745-01-05(C)(6)(g))**

10g) Describe any impacts on human health and the overall quality and value of the water resource. **(OAC 3745-1-05(C)(6)(c) and OAC 3745-1-54)**

10h) Describe and provide an estimate of the important social and economic benefits to be realized through this project. Include the number and types of jobs created and tax revenues generated and a brief discussion on the condition of the local economy. **(OAC 3745-1-5(B)(2)(e), and OAC 3745-1-05(C)(6)(i))**

10i) Describe and provide an estimate of the important social and economic benefits that may be lost as a result of this project. Include the effect on commercial and recreational use of the water resource, including effects of lower water quality on recreation, tourism, aesthetics, or other use and enjoyment by humans. **(OAC 3745-1-05(B)(2)(e,f), and OAC 3745-1-05(C)(6)(e))**

10j) Describe environmental benefits, including water quality, lost and gained as a result of this project. Include the effects on the aquatic life, wildlife, threatened or endangered species. **(OAC 3745-1-05 (B)(2)(e,f), OAC 3745-1-05 (C)(6)(b) and OAC 3745-1-54)**

10k) Describe mitigation techniques proposed (except for the Non-Degradation Alternative):

- Describe proposed Wetland Mitigation (see **OAC 3745-1-54** and Primer)
- Describe proposed Stream, Lake, Pond Mitigation (see Primer)

11. Application is hereby made for a Section 401 Water Quality Certification. I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

Signature of Applicant | JULY 12, 2011 Date | Signature of Agent

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 3 has been filled out and signed.

Put-in-Bay Dock A & C Improvements
Application for Ohio EPA Section 401 Water Quality Certification *Revised 3/14/11 and 7/9/11
SWIMS ID 093507
Item 10 – To address requirements of the Antidegradation Rule:

Brief project description and analysis summary:

The Put-in-Bay Village Dock A & C Improvements will replace/renovate the existing municipal docks in Put-in-Bay Harbor. Finger/floating dock additions to main docks A & C are also planned to increase/maintain docking/slip capacity within the marina and increase boater safety.

In conformance with OEPA Section 401, Part 10, three alternatives are requested. Alternative No. 1 is the Preferred Design (PD), Alternative 2 is the Minimal Degradation Alternative (MDA), Alternative 3 is the Non-Degradation Alternative. Since the Non-Degradation Alternative would not meet the Village's goal of replacing or repairing existing Docks A & C together with improving boater safety, services, and accessibility, this alternative will not be addressed as part of this response to Item 10.

As the Preferred Design, Alternative 1 is the most expensive to construct. This Alternative is not affordable for the Village unless additional grant funding sources could be secured by the Village.

The Minimum Degradation Alternative (Alternative 2) will accomplish the goals of the Village, as well as the Ohio Department of Natural Resources, and is the design being advanced for permitting. With the grant funding sources currently available to assist with the cost, the Village believes this alternative to be affordable.

10a) **Preferred Design:** Includes replacement/renovation of 776.5' of existing docks to be replaced with 562.5' of steel crib breakwater dock with 40' bridge approaches (2) and 122' of steel crib pier and bridge docks, 153' of new steel crib breakwater dock, 150' of new steel crib pier and bridge docks, and 370' of new floating docks for total dock structure and deck improvements of 1437.5'. Additionally all new docks will have new electrical, water, lighting, and fire protection improvements. See Plan Alternative 1

Fill/Dredged Material:
Dock A - remove 2805 CY (below OHW) of existing timber crib/fill, replace with 2186 CY (below OHW) new open steel crib/fill & 55 CY fish habitat fill. Net decrease in fill is -564 CY (below OHW). Crib removal area is 5652 SF, new crib area is 4404 SF, net gain of lake bottom is 1248 SF.

Dock C - 2341 CY (below OHW) of new crib/fill & 78 CY fish habitat fill=2419 CY (below OHW) increase in fill. New crib area and loss of lake bottom is 4,716 SF .

Dock A/C Totals: remove 2805 CY (below OHW) of existing timber crib/fill, install 4660 CY (below OHW) new open steel crib/fill & fish habitat fill. Net increase in fill=1855 CY (below OHW). Crib removal area is 5652 SF. Crib installation area is 9,120 SF. Net loss of lake bottom is 3468 SF. New fish habitat area is 3578 SF

Minimal Degradation Alternative: Dock A - utilize most of the existing 425'x12' timber crib structure below OHW removing the upper 2' to 3' of timber cribbing and decking, then rebuilding by encapsulating the existing timber crib structure with 430' of new open steel cribbing and deck materials with 2 bridge sections of 17.42' and 15' in length. A new 155'x8' floating dock will be added and an existing 151' open steel crib and bridge finger dock will be renovated with new decking. 3,054 SF of stone for fish habitat will be included with Dock A.

Dock C – remove existing 305.33'x10' steel pipe pile supported steel deck replacing with 12' wide open steel crib sections 35' long (2 each) and 30' long (5 each), 12' wide bridge/flow sections 5' long (1 each), 7' long (5 each), 15.33' long (1 each), and 30' long (1 each). The existing 445.75'x12' steel sheet pile/concrete deck dock will remain having a new deck "cap" installed to allow for concealment of water and electrical improvements. 3 new floating docks will be added off Dock C, 1 ~ 8' wide x 114' long and 2 ~ 8' wide x 155' long. 5711 SF of stone for fish habitat will be included with Dock C. See Plan Alternative 2 (*revised 3/14/11 & 7/9/11)

Fill/Dredged Material:
Existing fill removed is wood timbers & stone fill; New fill is steel crib & stone fill; New fish habitat is stone fill.
Dock A-remove 873 CY (below OHW) of existing fill, replace with 1311 CY (below OHW) new fill & 45 CY fish habitat. Net increase in fill is 483 CY (below OHW). Existing fill area is 5158 SF, new fill area is 6737 SF. Net loss of lake bottom is 1579 SF.

Dock C - New fill=740 CY (below OHW) & 82 CY fish habitat=822 CY (below OHW) increase in fill. Existing fill area=5657 SF. New fill area=8360 SF. Net loss of lake bottom is 2703 SF .

Dock A/C Totals: remove 873 CY (below OHW) of existing fill, install 2051 CY (below OHW) new fill & 128 CY fish habitat. Net increase in fill=1306 CY (below OHW). Existing fill area =10815 SF, new fill area is 15097 SF. Net loss of lake bottom is 4282 SF. New fish habitat area is 8765 SF

10b) No significant lowering of water quality impacting aquatic life, wildlife, or threatened/endangered species is anticipated with either the Preferred Design or the Minimal Degradation Alternative. Both alternatives include measures to maintain or improve water quality within the marina (bridge/pier installations)

and aquatic life (new fish habitat areas). The use/installation of open steel cribbing should provide increased habitat area for the endangered/threatened Lake Erie Water Snake. USACE Public Notice for Application No. 2007-01679 includes the following statement:

> "...available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of Interior as threatened or endangered, nor will it affect the critical habitat of any such species."

If determined necessary, protective guidelines prescribed by the U.S. Department of Interior and the Ohio Department of Natural Resources will be implemented during construction of any improvements. USACE Public Notice comment correspondence from the U.S. Department of Interior and the Ohio Department of Natural Resources is included herewith for reference.

Please note the above referenced correspondence is from the original submittal/review of the USACE Section 404 Application submittal. Due to repeated plan changes by the applicant, USACE has issued a "denial without prejudice" and has offered to reevaluate the original application once plans are finalized and submittals to other permitting agency are underway.

10c) Probable project costs for the Preferred Design are approximately $6,981,000. This alternative will only be economically feasible if additional grant funding sources can be secured.

Probable project cost for the Minimal Degradation Alternative is approximately $5,100,560. The Village is securing U.S. Fish and Wildlife Boating Infrastructure Grant Program Funding, to be administered by ODNR, in the amount of approximately $2,246,000 and will use local funding and future dock/mooring revenues for the balance of the project costs.

Both Alternatives are anticipated to have a useful life in excess of 20 years without significant maintenance.

10d) Not Applicable, there are no sewage components associated with either alternative of this project.

10e) Other government and/or privately sponsored conservation projects are not known to exist, or be in the planning stages, to specifically target improvement of water quality or enhance recreational opportunities within Put-in-Bay Harbor.

10f) We are not aware of any water pollution controls and/or pollution prevention plans that could be implemented/necessary for a replacement/renovation project, such as this, which will occur most entirely within the harbor/marina area.

10g) The overall quality of water is not anticipated to be significantly impacted by either alternative; therefore the impact on human health resulting from either alternative is not anticipated to be significant.

10h) Tourism, the only industry in the Village, brings an estimated 700,000 visitors to the Island in a summer season, while a peak weekend can bring up to 30,000 visitors to the Island.

The modernization and rebuilding of the Village docks is a major priority as the Village relies heavily on the fishing and recreational boating visitors to generate other revenue throughout the Village. The Village marina is the largest marina on the island and the continued deterioration of the marina is having a negative impact on the safety and convenience of the transient boater as well as the economy of the entire Village.

The Village docks are also a main source of revenue for the Village. In 2003 the docks accounted for 28.6% of the Village's general fund revenue. Since then there has been a steady decline in revenue from the docks and in 2007 the docks accounted for only 15.6% of the Village's general fund revenue.

The objective of this project is to modernize and rebuild the entire Village dock system while increasing on-dock safety, mooring safety, and slip capacity. Currently, boats are required to raft as many as four boats deep on busy days. The new docks will provide more dock side docking with rafting of two boats deep, which we believe will provide a dramatic increase in dockside safety over the current four boat rafting scenario. With the addition of the floating finger docks slip capacity should be increased from 129, to 201 boats, rafting 2 deep.

10i) If this project is not constructed, the positive social and economic impacts addressed in Item 10h) will not be realized. Either Alternative should not lower water quality significantly (except possibly during construction) and should actually have a long term benefit of improving water quality within the marina area due to increased water circulation resulting from the installation of dock bridge sections.

The expanded and improved facilities should also improve recreation, tourism, enjoyment, and use of the facility.

10j) Neither Alternative should result in a loss of environmental benefit. Both Alternatives should improve environmental benefits for water quality, aquatic life, and endangered or threatened species.

10k) Formal mitigation techniques are not anticipated to be necessary for either Alternative. Incorporating new fish habitat areas and open steel cribbing for Lake Erie Water Snake habitat areas is intended to mitigate/improve aquatic/wild life habitat that could possibly otherwise be affected by the proposed improvements.

The Preferred Design plan includes mitigation and enhancement of habitat for both fish and the Lake Erie Water Snake.

Fish habitat, in the form of ODOT Type C Rock Fill (6" to 12" aggregate size), will be placed along portions of Dock A and Dock C at the outer perimeter of the marina. Existing Dock A will receive 1,485 sf of fish habitat adjacent to the west side, south end, of Dock A (297' long x 5' wide). Existing Dock C will receive 1,327.5 sf of fish habitat adjacent to the east side, south end, of Dock C (265.5' long x 5' wide). The proposed extension of Dock C will receive 765 sf of fish habitat adjacent to the north side of the proposed Dock C extension (153' long x 5' wide). Total fish habitat proposed for Dock A and C is 3,577.5 sf.

Lake Erie Water Snake habitat will be enhanced by the removal of all existing Dock A solid timber cribbing and replacing it with open steel cribbing to be filled with ODOT Type D Rock Fill (3" to 12" aggregate size). There are some areas of existing Dock A timber cribbing that have deteriorated above the water surface and currently provide snake habitat although these areas have not yet been quantified. Dock A replacement/new open steel cribbing area is 4,300 sf which also allows a gain of lake bottom area of 1,225 sf compared to existing Dock A area of 5,525 sf. Dock C new snake habitat area totals 4,716 sf provided by new open steel cribbing to be filled with ODOT Type D Rock Fill, where no habitat/cribbing currently exists. Total new snake habitat area for Dock A and C is 9,017 sf

The Minimal Degradation plan includes mitigation and enhancement of habitat for both fish and the Lake Erie Water Snake.

Fish habitat, in the form of washed No. 57 aggregate, will be placed along portions of Dock A and Dock C at the outer perimeter of the marina. Existing Dock A will receive 595 sf of fish habitat adjacent to the west side, south end, of Dock A (238' long x 2.5' wide). Existing Dock C will receive 662.5 sf of fish habitat adjacent to the east side, south end, of Dock C (265' long x 2.5' wide) and 382.5 sf adjacent to the north side, west end, of Dock C (153' long x 2.5' wide). Additionally 6" cobbles will be scattered at a rate of 0.25 sf/sf of lake bottom under all new/existing dock bridge sections and new floating docks (7,125 sf). Total fish habitat proposed for Dock A and C is 8,765 sf.

Lake Erie Water Snake habitat will be enhanced by the removal of existing Dock A solid timber cribbing to 2' to 3' below the ordinary high water mark and encapsulating the remaining timber cribbing with open steel cribbing (6,450 sf) to be filled with ODOT Type D Rock Fill (3" to 12" aggregate size). There are some areas of existing Dock A timber cribbing that have deteriorated above the water surface and currently provide snake habitat although these areas have not been quantified. Dock A new open steel cribbing area is 6,737 sf which should result in a new snake habitat area of 1,579 sf compared to existing Dock A area of 5,158 sf. Dock C new snake habitat area totals 2,703 sf to be provided by new

open steel cribbing piers, to be filled with ODOT Type D Rock Fill, where no habitat/cribbing currently exists. Total new snake habitat area for Dock A and C is 4,282 sf

All proposed dock improvements and fish habitat areas will be within a Submerged Lands Lease area to be secured from the Ohio Department of Natural Resources Office of Costal Management. We believe this mechanism will offer protection of constructed habitat areas.

Both design alternatives will also incorporate protective measures during construction as recommend by the U.S. Department of Interior Fish and Wildlife Service and Ohio Department of Natural Resources Division of Wildlife. Any additional protective/mitigative measures identified by other reviewing agencies that are applicable to design and/or construction of the project will also be incorporated as required."

Lake Area and Fill Analysis
Village Marina Improvements
Village of Put-in-Bay, Ottawa County, Ohio
05/10/11

Dock A Existing Lake Bottom Foot Print Area:

Pier A	Length		Width			
Existing Main Pier Timber Crib 1	16 lf	x	12.00 lf	=	192	SF
Existing Main Pier Timber Crib 2	238.83 lf	x	12.00 lf	=	2865.96	SF
Existing Main Pier Timber Crib 3	163.75 lf	x	11.00 lf (avg)	=	1801.25	SF
Existing Finger/Fixed Dock						
Existing Finger/Fixed Dock Crib 1	10.16 lf	x	6.30 lf (avg)	=	64.008	SF
Existing Finger/Fixed Dock Crib 2	7.83 lf	x	6.30 lf (avg)	=	49.329	SF
Existing Finger/Fixed Dock Crib 3	7.58 lf	x	6.30 lf (avg)	=	47.754	SF
Existing Finger/Fixed Dock Crib 4	7.33 lf	x	6.30 lf (avg)	=	46.179	SF
Existing Finger/Fixed Dock Crib 5	7.5 lf	x	6.30 lf (avg)	=	47.25	SF
Existing Finger/Fixed Dock Crib 6	7.16 lf	x	6.30 lf (avg)	=	45.108	SF
Subotal Dock A Existing Lake Bottom Foot Print Area					5158.838	SF

Dock A Proposed Lake Bottom Foot Print Area:

Pier A	Length		Width			
Proposed Main Pier Timber Crib A1	15 lf	x	15.00 lf	=	225	SF
Proposed Main Pier Timber Crib 2	245 lf	x	15.00 lf	=	3675	SF
Proposed Main Pier Timber Crib 3	170 lf	x	15.00 lf	=	2550	SF
Existing Finger/Fixed (to remain)						
Existing Finger/Fixed Dock Crib 1 (adjusted to fit new Pier A)	8.2 lf	x	6.30 lf (avg)	=	51.66	SF
Existing Finger/Fixed Dock Crib 2	7.83 lf	x	6.30 lf (avg)	=	49.329	SF
Existing Finger/Fixed Dock Crib 3	7.58 lf	x	6.30 lf (avg)	=	47.754	SF
Existing Finger/Fixed Dock Crib 4	7.33 lf	x	6.30 lf (avg)	=	46.179	SF
Existing Finger/Fixed Dock Crib 5	7.5 lf	x	6.30 lf (avg)	=	47.25	SF
Existing Finger/Fixed Dock Crib 6	7.16 lf	x	6.30 lf (avg)	=	45.108	SF
Subtotal Dock A Proposed Lake Bottom Foot Print Area					6737.28	SF
Total Dock A Net Loss of Lake Bottom					1578.442	SF

Dock C Existing Lake Bottom Foot Print Area:

Pier C						
Existing 4"x4" Wood Pile Column Supports	88 each	x	0.11 SF/Each	=	9.7768	SF
Pier D	Length		Width			
Existing Steel Sheet Pile Pier with Concrete Deck	146 lf	x	12.65 lf (avg)	=	1846.9	SF
	300.42 lf	x	12.65 lf (avg)	=	3800.313	SF
Subtotal Dock C Existing Lake Bottom Foot Print Area					5656.99	

Dock C Proposed Lake Bottom Foot Print Area:

Pier C	Length		Width				
Crib C1	35 lf	x	12.00 lf	=	420	SF	
Crib C2	35 lf	x	12.00 lf	=	420	SF	
Crib C2 Extension for Floating Dock C1	7.3 lf (avg)	x	10.00 lf	=	73	SF	
Crib C3	30 lf	x	12.00 lf	=	360	SF	
Crib C4	30 lf	x	12.00 lf	=	360	SF	
Crib C5	30 lf	x	12.00 lf	=	360	SF	
Crib C6	30 lf	x	12.00 lf	=	360	SF	
Crib C7	30 lf	x	12.00 lf	=	360	SF	2713
Pier D							
Existing Steel Sheet Pile Pier with Concrete Deck	146 lf	x	12.65 lf (avg)	=	1846.9	SF	
(to remain)	300.42 lf	x	12.65 lf (avg)	=	3800.313	SF	5647.213
Subtotal Dock C Proposed Lake Bottom Foot Print Area					8360.213	SF	
Total Dock C Net Loss of Lake Bottom					2703.223	SF	
Total Dock A and Dock C Net Loss of Lake Bottom					**4281.665**	**SF**	

Fish Habitat:	SF	SF		Vol. - CY	Vol. - CY
Pier A	595		595	22.03704	
Pier A Bridges	487				
Pier A Fixed Finger	689				
Float Dock A1	1283	3054	614.75	22.76852	44.8056
Pier C	663		663	24.55556	
Pier D	382		382	14.14815	
Pier C Bridges	1024				
Float Dock C1	1405				
Float Dock C2	1282				
Float Dock D1	955	5711	1166.5	43.2037	81.9074
Total	8765	8765		126.713	CY

Dock A Existing Fill Volume: (from OHW=573.4)

Pier A	Length		Width				Avg Depth	Vol - CY		Dredged/Removed & Replaced Dock Avg Depth	Vol - CY	
Existing Main Pier Timber Crib 1	16 lf	x	12.00 lf	=	192	SF x	4.34	30.86222		4.34	30.8622222	
Existing Main Pier Timber Crib 2	238.83 lf	x	12.00 lf	=	2865.96	SF x	7.82	830.0669		4.87	516.934267	
Existing Main Pier Timber Crib 3	163.75 lf	x	11.00 lf (avg)	=	1801.25	SF x	9.7	647.1157	1508.045	4.87	324.89213	
											872.688619	
Existing Finger/Fixed Dock												635.35628
Existing Finger/Fixed Dock Crib 1	10.16 lf	x	6.30 lf (avg)	=	64.008	SF x	5.55	13.1572				
Existing Finger/Fixed Dock Crib 2	7.83 lf	x	6.30 lf (avg)	=	49.329	SF x	6.25	11.41875				
Existing Finger/Fixed Dock Crib 3	7.58 lf	x	6.30 lf (avg)	=	47.754	SF x	6.21	10.98342				
Existing Finger/Fixed Dock Crib 4	7.33 lf	x	6.30 lf (avg)	=	46.179	SF x	6.81	11.64737				
Existing Finger/Fixed Dock Crib 5	7.5 lf	x	6.30 lf (avg)	=	47.25	SF x	6.96	12.18				
Existing Finger/Fixed Dock Crib 6	7.16 lf	x	6.30 lf (avg)	=	45.108	SF x	6.68	11.16005	70.54679			
Subotal Dock A Existing Lake Bottom Foot Print Area					5158.838	SF		1578.592	CY			

Dock A Proposed Fill Volume: (from OHW=573.4)

Pier A	Length		Width				Avg Depth	Vol - CY	
Proposed Main Pier Timber Crib A1	15 lf	x	15.00 lf	=	225	SF x	4.34 x	36.16667	
Proposed Main Pier Timber Crib 2	245 lf	x	15.00 lf	=	3675	SF x	7.82	1064.389	
Proposed Main Pier Timber Crib 3	170 lf	x	15.00 lf	=	2550	SF x	9.7	916.1111	2016.667
					6450	SF		2016.667	CY
Subtotal Dock A Net Increase In Lake Fill								438.075	CY

Dock C Existing Fill Volume: (from OHW=573.4)

Pier C							Avg Depth	Vol - CY	
Existing 4"x4" Wood Pile Column Supports	88 each	x	0.11 SF/Each	=	9.7768	SF	6.42 x	2.324706	CY

Pier D	Length		Width			
Existing Steel Sheet Pile Pier with Concrete Deck	146 lf	x	12.65 lf (avg)	=	1846.9	SF
	300.42 lf	x	12.65 lf (avg)	=	3800.313	SF
Subtotal Dock C Existing Lake Bottom Foot Print Area					5656.99	

No Change in Volume

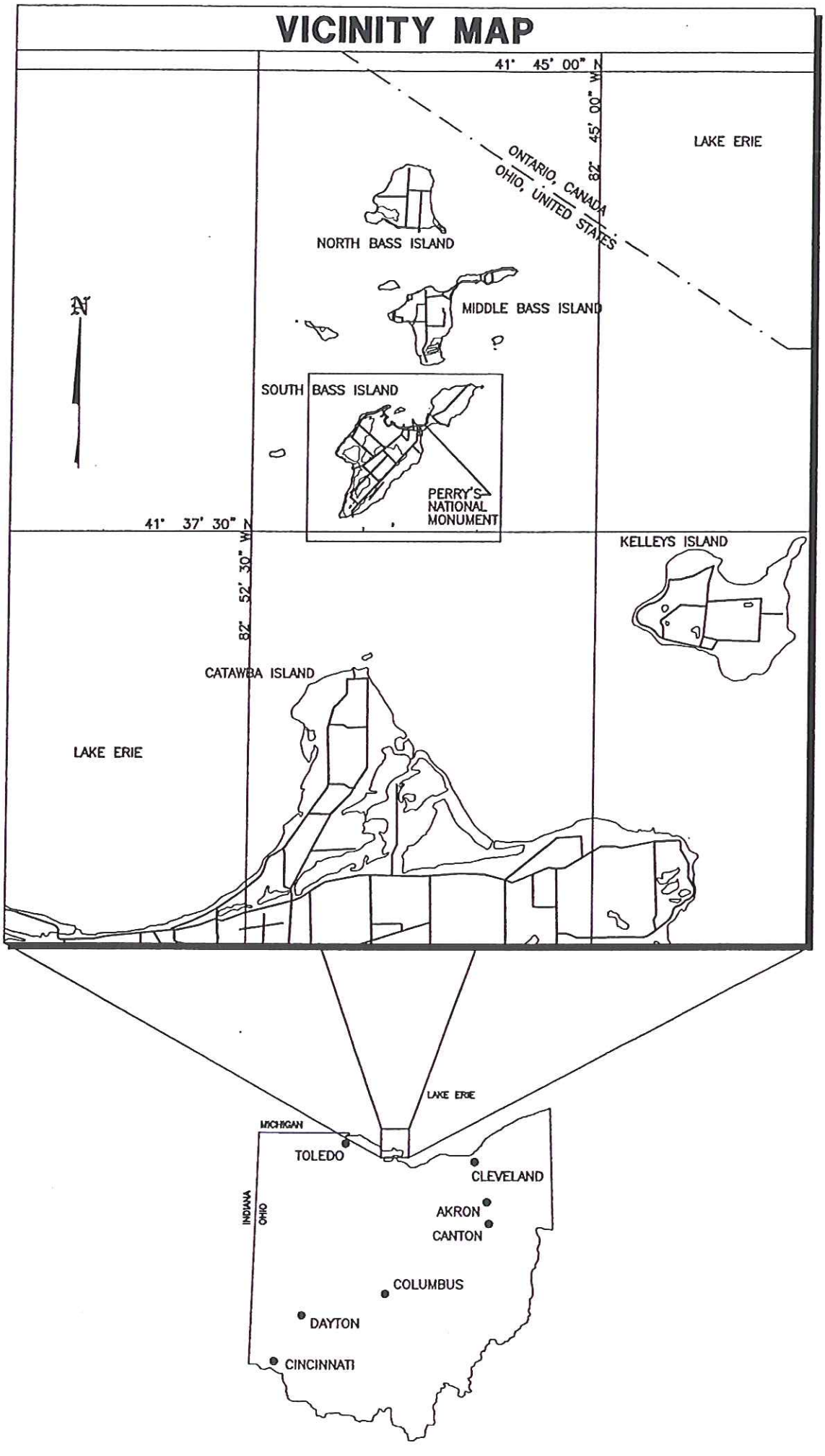
Dock C Proposed Fill Volume: (from OHW=573.4)

Pier C	Length		Width				Avg Depth	Vol - CY	
Crib C1	35 lf	x	12.00 lf	=	420	SF	5.69 x	88.51111	
Crib C2	35 lf	x	12.00 lf	=	420	SF	6.36 x	98.93333	
Crib C2 Extension for Floating Dock C1	7.3 lf (avg)	x	10.00 lf	=	73	SF	6.36 x	17.19556	
Crib C3	30 lf	x	12.00 lf	=	360	SF	6.9 x	92	
Crib C4	30 lf	x	12.00 lf	=	360	SF	7.16 x	95.46667	
Crib C5	30 lf	x	12.00 lf	=	360	SF	7.72 x	102.9333	
Crib C6	30 lf	x	12.00 lf	=	360	SF	8.67 x	115.6	
Crib C7	30 lf	x	12.00 lf	=	360	SF	9.91 x	132.1333	
Subtotal Dock C Pier C Net Increase In Lake Fill								742.7733	CY

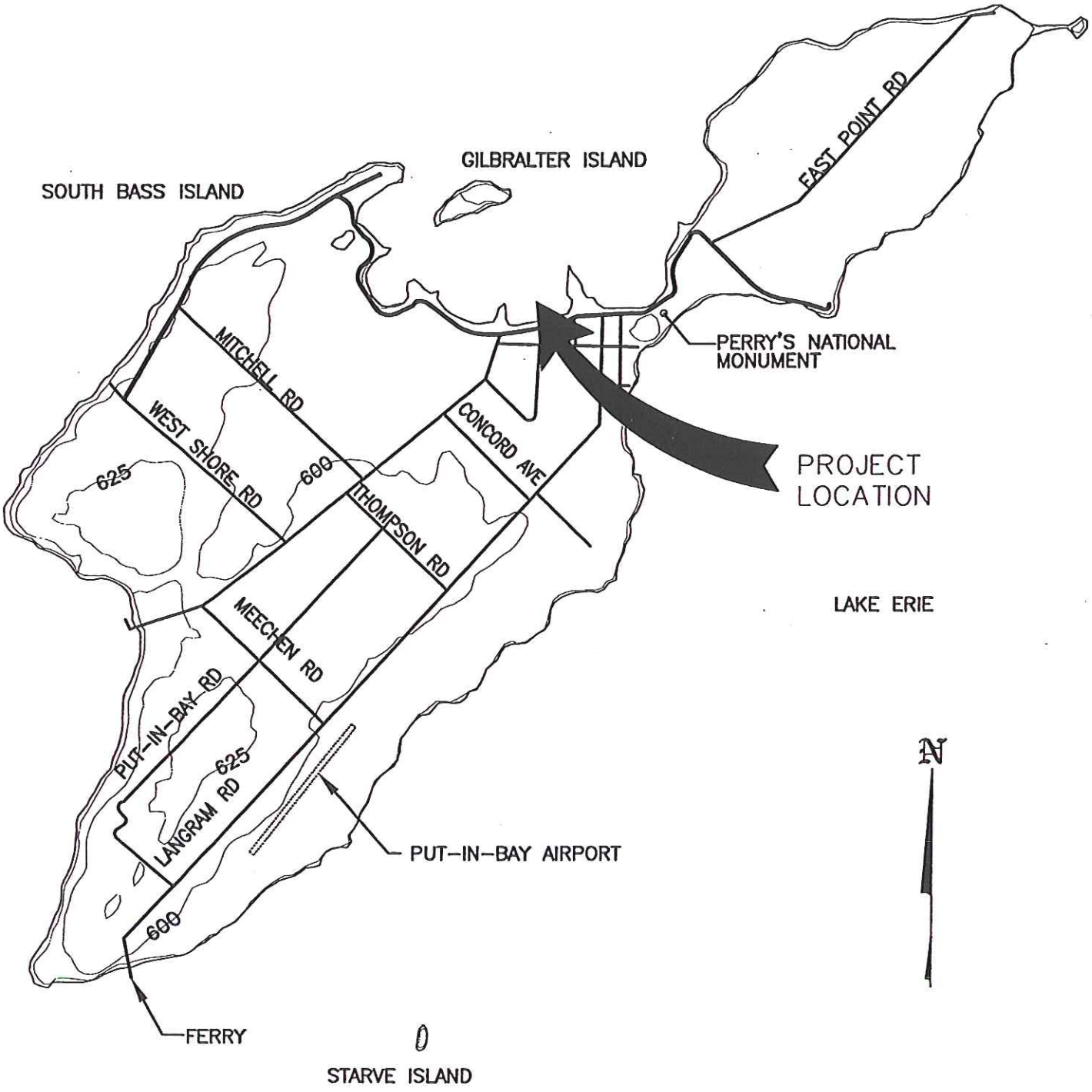
Pier D	Length		Width					
Existing Steel Sheet Pile Pier with Concrete Deck	146 lf	x	12.65 lf (avg)	=	1846.9	SF		
(to remain)	300.42 lf	x	12.65 lf (avg)	=	3800.313	SF	No Change in Volume	5647.213
Subtotal Dock C Pier D Net Increase In Lake Fill							0	CY

Total Dock A and Dock C Net Increase in Lake Fill	1178.524	CY
With Fish Habitat	1305.237	CY

VICINITY MAP



LOCATION MAP



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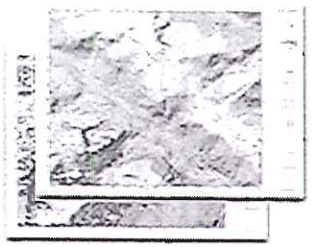

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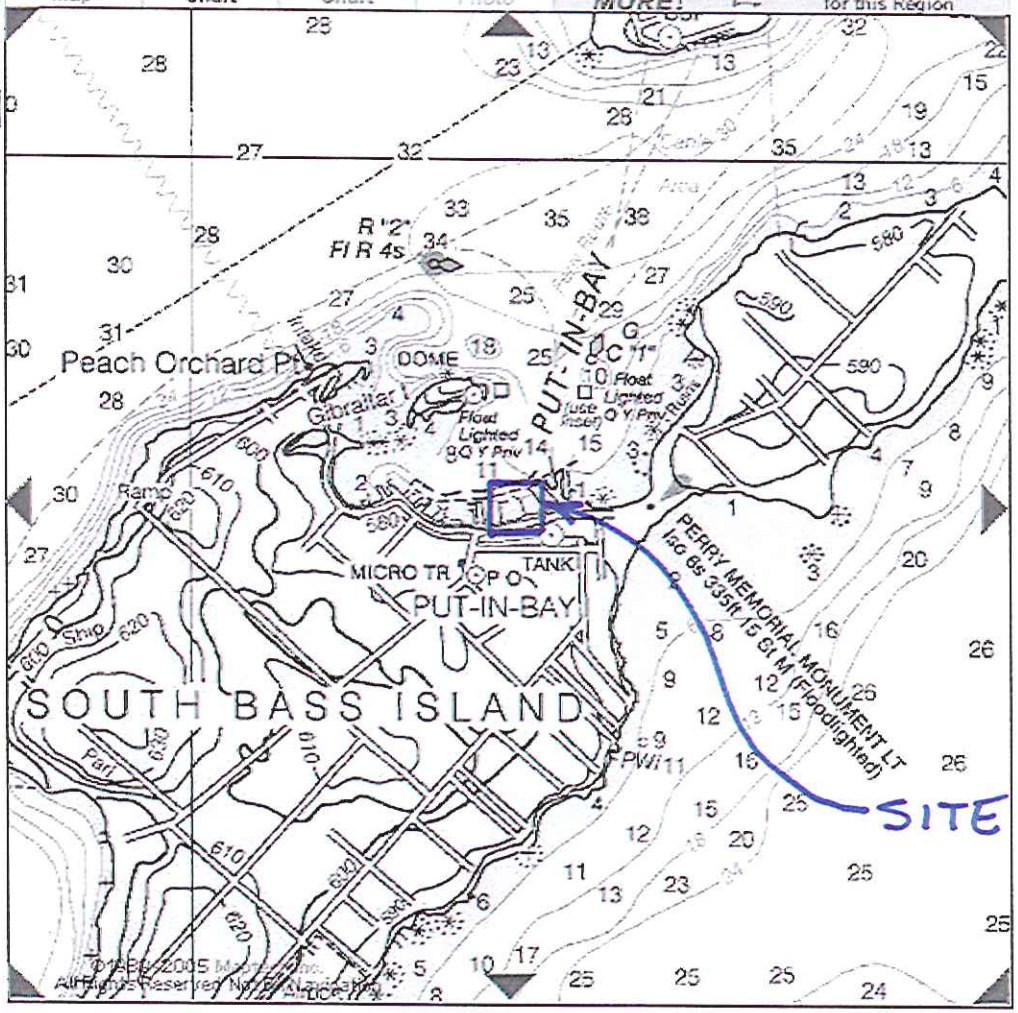

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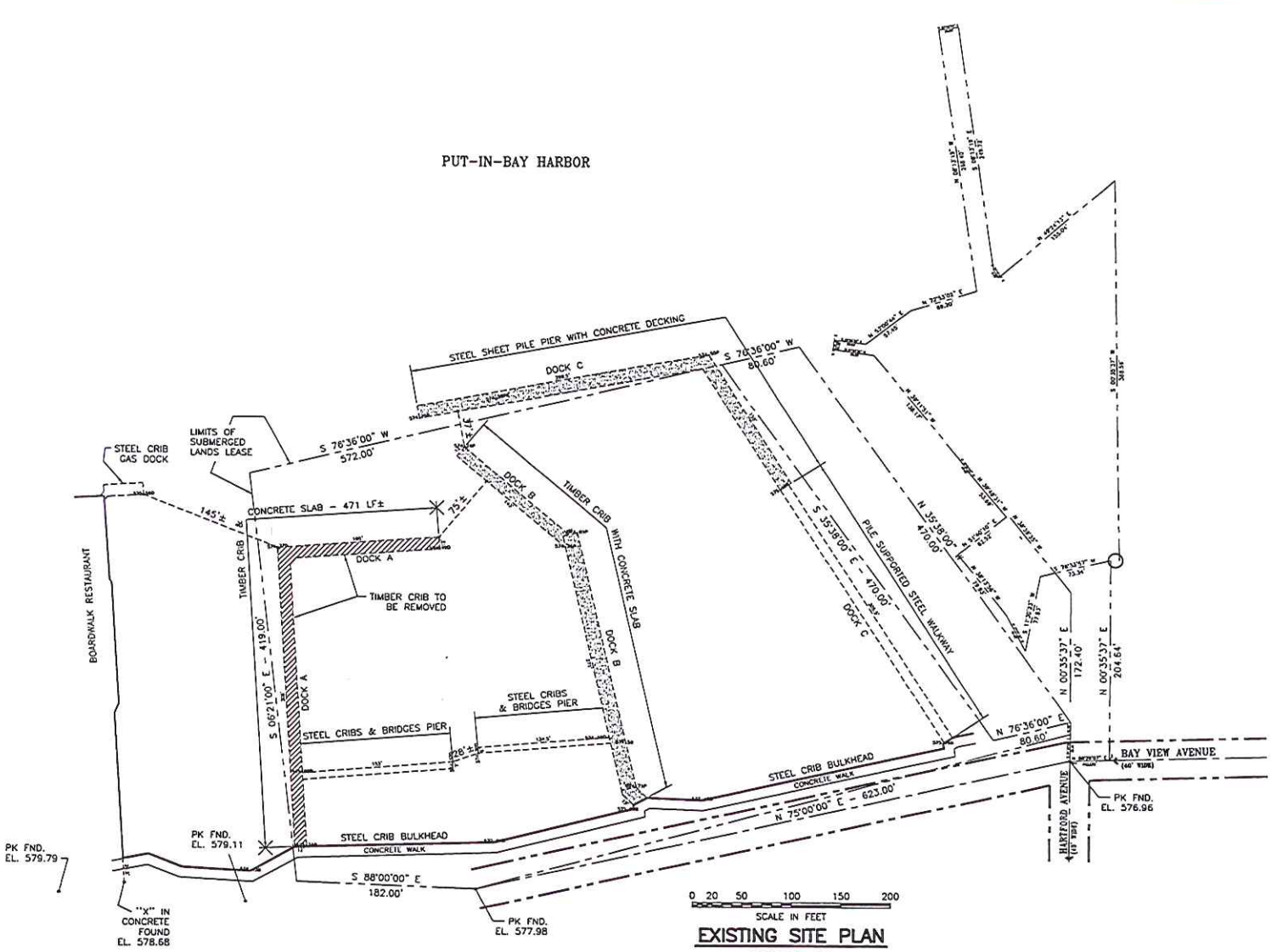


EXISTING SITE PLAN

SCALE: 1"= 50'

NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

REV. No:	REVISION:

NOTES:

EXISTING SITE PLAN

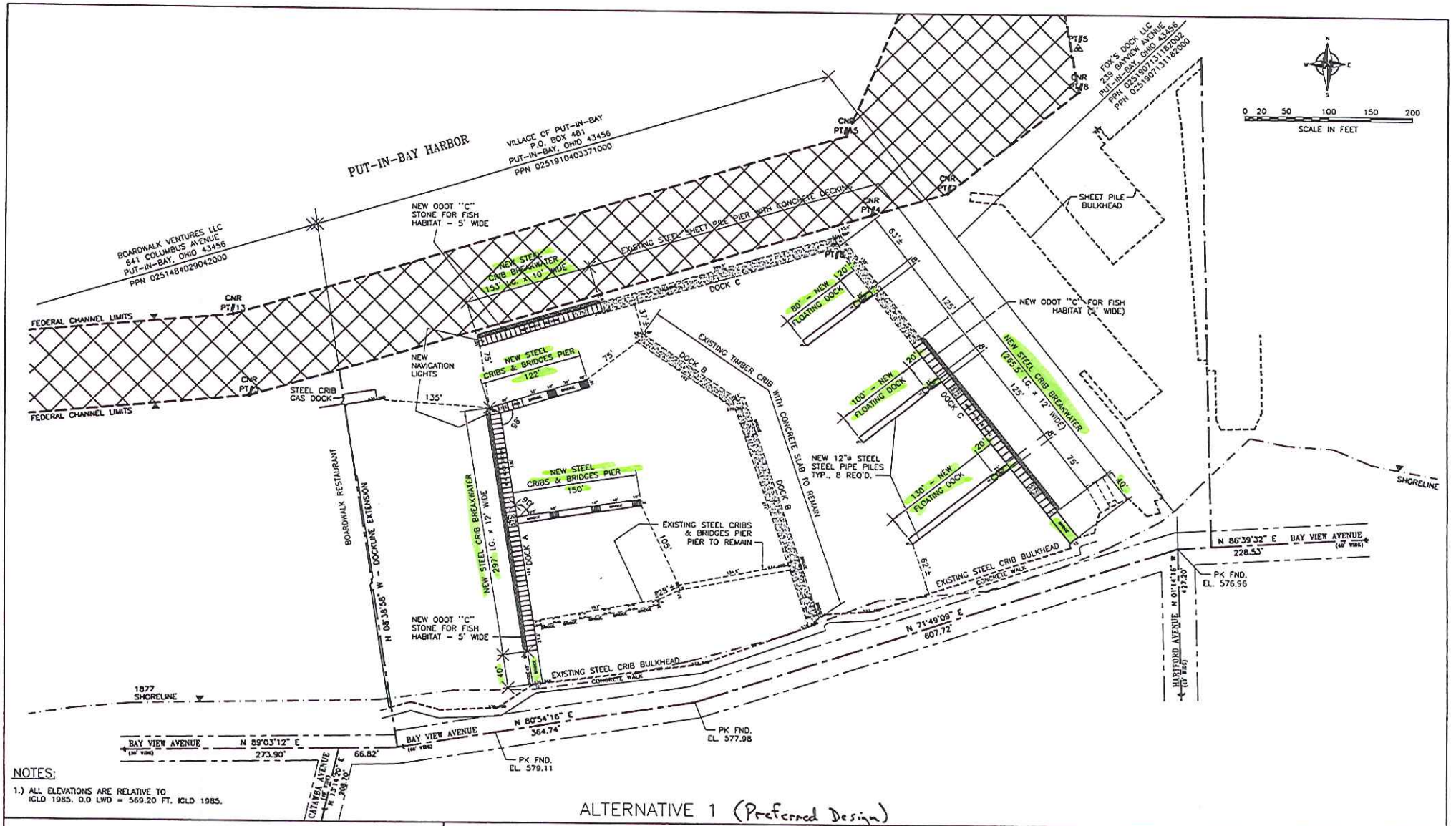
PUT-IN-BAY HARBOR IMPROVEMENTS
PUT-IN-BAY, OHIO

MATRIX ENGINEERING INC.
16817 MADISON AVENUE, LAKEWOOD, OHIO 44107
PHONE No: (216) 228-6520
E-MAIL: MATRIXENGINEERINC.COM

1"= 50'	07-16-07
O.C.J.	
J.S.M.	1606-1

STATE OF OHIO
JOHN S. MATRICARDI
E-044003
REGISTERED
PROFESSIONAL ENGINEER

Same as old app.



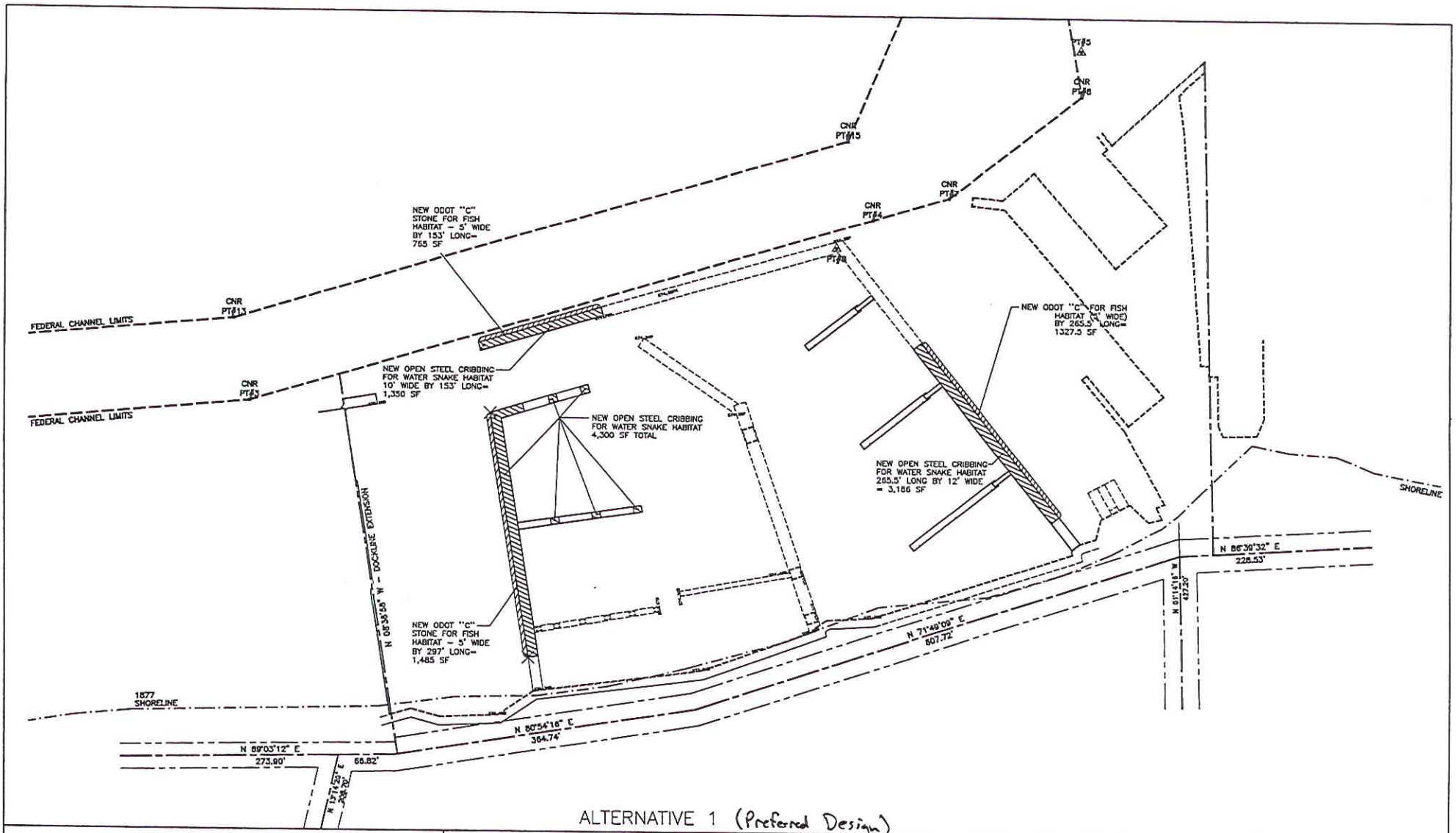
NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

ALTERNATIVE 1 (Preferred Design)

DATUM: 0.0 L.W.D. = 569.2 FT. IGLD 1985	PRELIMINARY SITE PLAN	PREPARED BY: MATRIX ENGINEERING INC.
ADJACENT PROPERTY OWNERS: 1.) FOX'S DOCK LCC 2.) BOARDWALK VENTURES LLC	VILLAGE OF PUT-IN-BAY P.O. BOX 481 PUT-IN-BAY, OHIO 43456	PUT-IN-BAY HARBOR IMPROVEMENTS PUT-IN-BAY, OHIO SHEET 3 OF 7 — REVISION DATE: 10-29-07

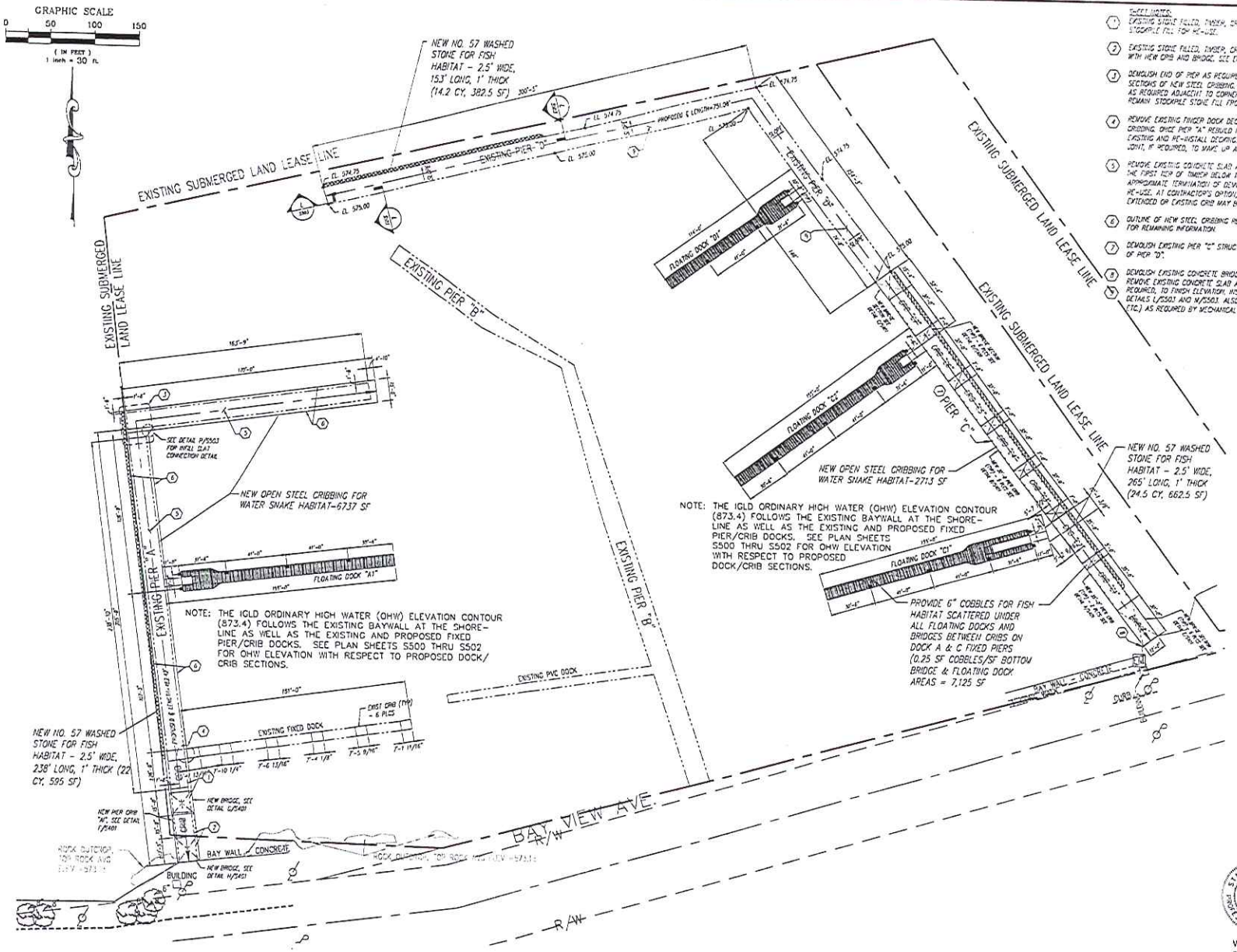
STATE OF OHIO — JOHN S. MATHICARD E-044003 REGISTERED PROFESSIONAL ENGINEER



ALTERNATIVE 1 (Preferred Design)

PRELIMINARY HABITAT PLAN

PUT-IN-BAY HARBOR IMPROVEMENTS
PUT-IN-BAY, OHIO



SHEET NOTES:

1. EXISTING STONE FILLED, TIMBER, CRIB AND CONNECTING BRIDGE. DEMOLISH CRIB AND BRIDGE AND STOCKPILE FILL FOR RE-USE.
2. EXISTING STONE FILLED, TIMBER, CRIB AND CONNECTING BRIDGE TO BE DEMOLISHED AND REPLACED WITH NEW CRIB AND BRIDGE. SEE ENLARGED PLAN AND DETAILS ON SHEETS S401, S501 AND S502
3. DEMOLISH END OF PIER AS REQUIRED TO INSTALL AND CONNECT EAST-WEST AND NORTH-SOUTH SECTIONS OF NEW STEEL CRIBBING. PROVIDE TEMPORARY BRACING AND/OR TEMPORARY FRAMING AS REQUIRED ADJACENT TO CORNER TO PREVENT UNRAVELING OF PORTIONS OF EXISTING PIER TO REMAIN. STOCKPILE STONE FILL FROM DEMOLITION FOR RE-USE.
4. REMOVE EXISTING TIMBER DOCK DECKING AND CUT BACK FRAMING AS REQUIRED TO NEW PIER "A" CRIBBING. ONCE PIER "A" REBUILD IS COMPLETE RECONNECT FINGER DOCK WITH FRAMING TO MATCH EXISTING AND RE-INSTALL DECKING. ALSO PROVIDE BENT-PLATE TRANSITION PIECE AT PIER/DOCK JOINT, IF REQUIRED, TO MAKE UP ANY ELEVATION DIFFERENCE.
5. REMOVE EXISTING CONCRETE SLAB AND DEMOLISH TIMBER CRIB DOWN TO AT LEAST THE BOTTOM OF THE FIRST TIER OF TIMBER BELOW THE IGLD LOW WATER ELEVATION (WHICH CORRESPONDS TO AN APPROXIMATE TERMINATION OF DEMO ELEVATION OF 568.53 FEET) AND STOCK PILE STONE FILL FOR RE-USE. AT CONTRACTOR'S OPTION, TO SIMPLIFY CONSTRUCTION DEPTH OF CRIB REMOVAL MAY BE EXTENDED OR EXISTING CRIB MAY BE REMOVED COMPLETELY.
6. OUTLINE OF NEW STEEL CRIBBING REPAIR OF EXISTING PIER "A". SEE DRAWINGS S501 AND S502 FOR REMAINING INFORMATION.
7. DEMOLISH EXISTING PIER "C" STRUCTURE, DOWN TO EXISTING LAKE BED, BETWEEN SHORE AND END OF PIER "D".
8. DEMOLISH EXISTING CONCRETE BRIDGE PIER AND REPLACE WITH PIER SHOWN ON SHEET 10/S502
9. REMOVE EXISTING CONCRETE SLAB AND SAW CUT PERIMETER EDGE OF EXISTING SHEET PILING, AS REQUIRED, TO FINISH ELEVATION. INSTALL BENT PLATE EDGING AND REPLACEMENT SLAB PER DETAILS L/S503 AND M/S503. ALSO FURNISH AND INSTALL EMBEDDED ITEMS (CONDUIT, PIPING, ETC.) AS REQUIRED BY MECHANICAL DRAWINGS.

ANY REPRODUCTION OR DATA ON THIS DRAWING IS NOT TO BE SCALED FOR USE IN EXCAVATION, FOR USE IN CONSTRUCTION, OR ANY OTHER PURPOSE EXCEPT AS SPECIFICALLY AUTHORIZED IN WRITING BY POGGEMEYER DESIGN GROUP, INC. ANY UNAUTHORIZED USE OF THIS PRINT OR ITS ARTWORK IN ANY FORM OR BY ANY METHOD WHATSOEVER, IN PART OR IN WHOLE, IS STRICTLY PROHIBITED AND WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER. PROTECTED BY COPYRIGHT LAWS.

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ARCHITECTS • ENGINEERS • PLANNERS
1168 NORTH MAIN STREET (419) 352-7537 BOWLING GREEN, OHIO 43402

VILLAGE MARINA IMPROVEMENTS
VILLAGE OF PUT-IN-BAY
OTTAWA COUNTY, OHIO

DOCK LAYOUT AND CONSTRUCTION PLAN

DRAWN BY	CHECKED BY
RAD	DAN

REVISION
7/1/21-DAN

STATE OF OHIO
JACK A. JONES
E-41523
REGISTERED PROFESSIONAL ENGINEER

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Call 1-800-362-2764 (Toll Free)
OHIO UTILITIES PROTECTION SERVICE
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MUST BE CALLED DIRECTLY

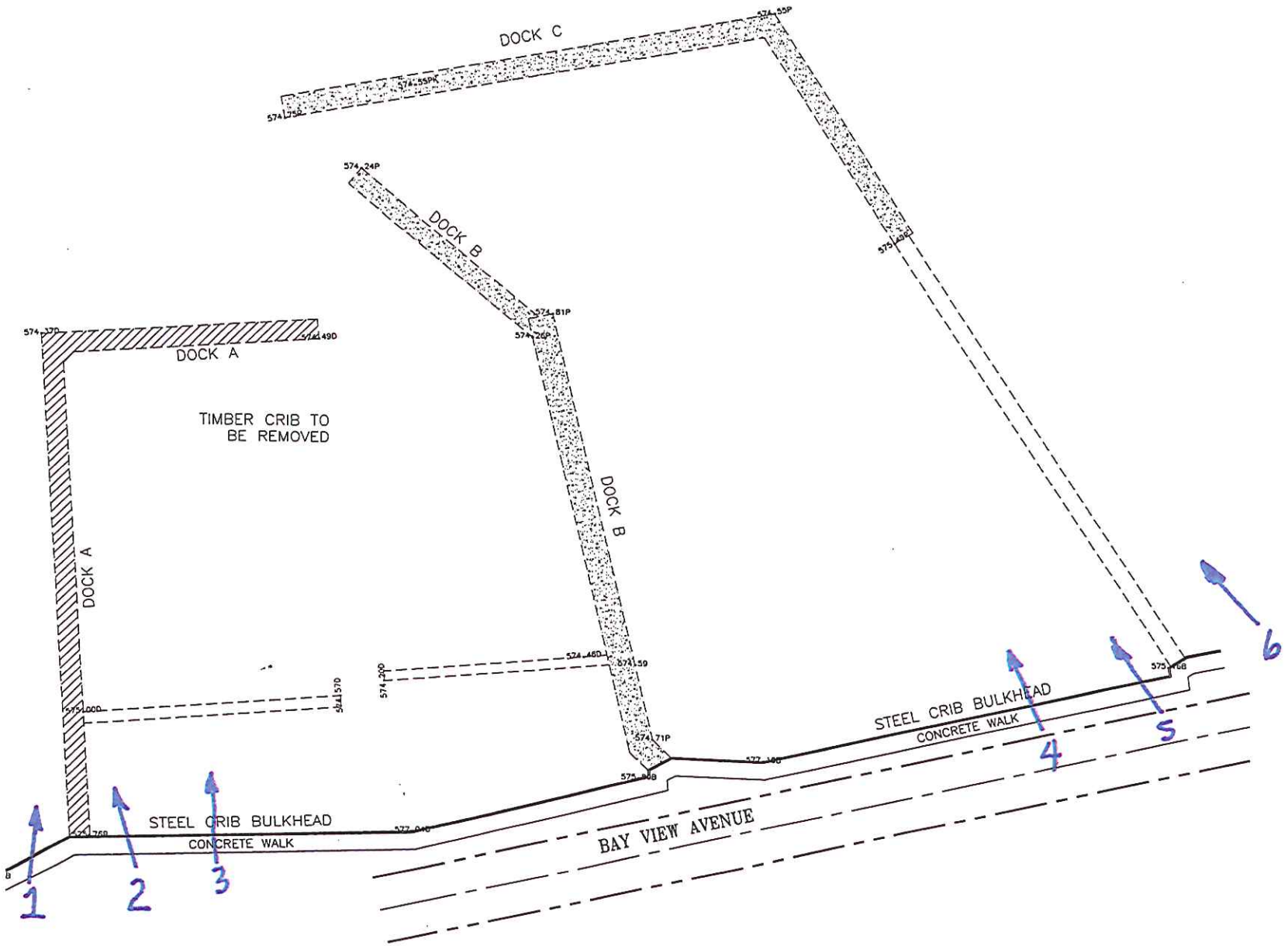
VERTICAL DATUM = IGLD (1985)
SITE LOCATION: BAYVIEW AVE BETWEEN CATAWBA AVE & HARTFORD AVE

ALTERNATIVE 2 SITE AND HABITAT PLAN

S101 of 27

JOB NUMBER 1011-049/050

Minimal Degradation Alternative



PK FND.
EL. 577.98

EXISTING SITE PLAN FOR PHOTO REFERENCE

1

2

3

4

5

6

Smith, Ben

From: Krakowiak, Peter J LRB <Peter.J.Krakowiak@usace.army.mil>
Sent: Tuesday, August 09, 2011 9:58 AM
To: Smith, Ben
Subject: Put-in-Bay Docks, DA No. 2007-01679
Signed By: peter.j.krakowiak@us.army.mil

Ben,

As discussed during our phone conversation, I wanted to outline the Corps' position on this project at this time. A Denial Without Prejudice letter was sent to the applicant in August 2009. In the letter, it states that " Therefore, your Department of the Army permit application is hereby denied without prejudice, however, should you receive subsequent approval from the State you may request re-evaluation of your permit application." The approval from the state referenced above includes a Submerged Lands Lease and Shore Structure Permit from ODNR and a 401 Water Quality Certification from OEPA. Until these approvals are received, the Corps will not reopen the file and begin to re-evaluate the project. Once they are received, the Corps will re-evaluate the project and determine if a permit will be issued. Depending on the proposed impacts, a new Public Notice may or may not be issued. If the proposed impacts have not substantially changed and the proposed project is similar to that included in the original Public Notice, a new Public Notice will likely not be issued. Please let me know if you have any questions or need additional information. Thank you.

Peter

Peter J. Krakowiak
Biologist, Regulatory Branch
U.S. Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, NY 14207
Phone: (716) 879-4363
E-mail: peter.j.krakowiak@usace.army.mil

Public Notice

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

Applicant:
Village of Put-in-Bay

Published: January 8, 2009
Expires: February 9, 2009

Application No: 2007-01679
Section: Ohio

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Regulatory Branch (Attn: Peter Krakowiak)
1776 Niagara Street
Buffalo, New York 14207-3199

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).**

The Village of Put-in-Bay, PO Box 481, Put-in-Bay, Erie County, Ohio, has applied for a Department of the Army permit to work in the waters of Lake Erie. The project site is located along Bayview Avenue between Catawba Avenue and Hartford Avenue, in the Village of Put-in-Bay, Erie County, Ohio.

The proposed project includes the demolition of 455 linear feet of 12' wide deteriorated Dock "A" timber crib and 305.5 linear feet of 10' wide pile supported steel walkway on Dock "C". Additionally, the proposed project includes the construction of 297 linear feet of 12' wide steel crib and 272 linear feet of steel crib and bridge piers on Dock "A", and 153 linear feet of 10' wide steel crib and 265.5 linear feet of 12' wide steel crib on Dock "C". Wood decking is proposed to be installed on both docks. Dock "A" improvements include the removal of 2,625 cubic yards (cy) (2,345 cy below Lake Erie's ordinary high water elevation (OHW) of 573.4' International Great Lakes Datum, 1985) of crib material, the placement of 1,965 cy (1,900 cy below OHW) of new crib ODOT "C" stone, and 83 cy of fish habitat ODOT "C" stone below OHW. Dock "A" crib removal will remove material from 5,460 square feet (sf) of lake bottom and the construction of the new cribs will occupy 4,524 sf of lake bottom. Dock "C" improvements include the placement of 2,050 cy (2,025 cy below OHW) of new crib ODOT "C" stone and 78 cy of fish habitat ODOT "C" stone. Dock "C" new cribs will impact 4,716 sf. The new net fill area is 3,780 sf of Lake Bottom. The Village of Put-in-Bay has proposed to create 3,978 sf of fish habitat using stone fill for mitigation.

The stated purpose is to remove the existing deteriorated timber cribs on Dock "A" and the steel

walkway on Dock "C" and to provide new steel cribs on Docks "A" and "C". Additionally, this project will provide additional transient dockage, improve the entrance to the harbor, and allow protected dockage along Dock "C".

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 Peter Krakowiak, who can be contacted at the above address, by calling (716) 879-4363, or by e-mail at: peter.j.krakowiak@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. Tony Celebrezze
Ohio Department of Natural Resources
Environmental Policy Coordinator
Office of Legislative Services
2045 Morse Road, Building D-3
Columbus, Ohio 43229
Phone: (614)265-6888
FAX: (614) 267-4764
tony.celebrezze@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, there does 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 2 of 9; however, the proposed project is located approximately 420 meters west of Perry's Victory and International Peace Memorial, a property listed in the National Register of Historic Places. The Corps is seeking comments regarding the proposed project's potential to effect historic properties. 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 Ohio Historic Preservation Office (SHPO) for their review. This notice constitutes initiation of consultation with the SHPO per Section 106 of the National Historic Preservation Act.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

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
Acting 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.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
614-416-8993 / FAX 614-416-8994

February 20, 2009

TAILS # 31420-2009-FA-0126

Buffalo District, Corps of Engineers
Regulatory Branch, (Attn: Peter Krakowiak)
1776 Niagara Street
Buffalo, New York 14207-3199

Dear Mr. Krakowiak:

The U. S. Fish and Wildlife Service has completed reviewing Public Notice No. 2007-01679, dated January 8, 2009. The applicant, Village of Put-in-Bay, is seeking authorization to remove existing timber crib docks and place fill in Lake Erie for the construction of new steel crib docks, floating docks, and associated rock for fish habitat. The project is located within Lake Erie along Bayview Avenue, Put-in-Bay, Ottawa County, Ohio.

Specifically, the Applicant proposes to:
1) Demolish 455 linear feet of Dock "A" (timber crib dock) and 305.5 linear feet of steel walkway on Dock "C."
2) Construct 297 linear feet of 12-foot wide, wood capped, steel crib and 272 linear feet of steel crib and bridge piers on Dock "A"
3) Construct 153 linear feet of 10-foot wide, wood capped, steel crib and 265.5 linear feet of 12-foot wide steel crib on Dock "C"
4) Installation of 3,978 square feet (sf) of ODOT "C" stone for fish habitat

Modifications to Dock "A" will result in a reduction in the existing lake-bottom footprint by 936 sf. Modifications to Dock "C" will result in an increase in the existing lake-bottom footprint by 4,716 sf. The new net fill area is 3,780 sf of lake bottom. The stated purpose is to remove the existing deteriorated timber cribs and steel walkways, and to provide new steel crib docks. Additionally, the project will provide additional transient dockage, improve the entrance to the harbor and allow protected dockage.

Lake Erie and its shoreline provide internationally valuable habitat for fish, birds, and wildlife, including Federally listed endangered and threatened species such as the Lake Erie Watersnake (see additional comments below), piping plover and bald eagle. Nearshore areas provide essential spawning and nursery habitat for interjurisdictional fish species, and help to support the local sport fishing industry. The shoreline provides essential resting, feeding, and nesting habitat for waterfowl, colonial nesting waterbirds, and migratory birds. Placing fill in the Lake and along the shore disturbs these important habitats. The Service strongly recommends that impacts to Lake Erie first be avoided and then minimized to the maximum extent practicable. No in-water work should occur from April 15 to June 30 to protect fish spawning activities.

ENDANGERED SPECIES COMMENTS: The project lies within the range of the **Lake Erie Watersnake** (*Nerodia sipedon insularum*), a Federal threatened species. It is found on the offshore islands and in adjacent waters of Lake Erie. Watersnake summer habitat consists mainly of rocky shorelines with adjacent vegetation and shoreline structures such as crib docks. Winter hibernation

habitat for the watersnake includes the island interior and the shoreline/vegetation interface. Overall, the project area currently provides Lake Erie Watersnake summer habitat in the form of timber crib docks at Dock "A." No suitable hibernation habitat is present within the project area.

Lake Erie Watersnakes are known to use human-made structures such as crib docks and revetments for summer habitat. The proposed project will result in the loss of 455 linear feet of currently existing artificial LEWS habitat (timber crib docks), but will create a total of 987.5 linear feet of new artificial LEWS habitat (steel crib dock), therefore overall there is a net gain of 532.5 linear feet of artificial habitat. The overall character and use of the project area will not change; post-construction the area will remain a commercial marina. Therefore, in the long-term no loss of Lake Erie Watersnake habitat is anticipated. The Applicant should be advised that, due to the proposed new habitat, this project could increase the number of Lake Erie Watersnakes that occur onsite.

In order to avoid and minimize any impacts associated with construction of the project, we recommend that any **excavation or ground disturbance associated with installation of the docks or any associated structures be completed between April 16 and October 14**, and only then when the air temperature is above 60 degrees Fahrenheit for five consecutive days prior to excavation and on the day of excavation. These warm season temperatures allow the snakes to be warm enough to move out of harm's way if encountered during construction.

During construction, the project area should be actively monitored daily for Lake Erie Watersnakes. The monitoring should be conducted before and during construction by a person that can identify a Lake Erie Watersnake. If watersnakes are encountered within the project area during construction, operations should cease until the snake has moved from the project area. Any questions regarding the watersnake should be directed to the Service's Reynoldsburg, Ohio, office (614-416-8993 extensions 12, 16, or 22).

Because the project is expected to provide additional transient dockage that could support a number of visitors to the island, in an area where Lake Erie Watersnakes may be congregating and/or highly visible, we request that signage be posted in multiple locations throughout the harbor. These signs should indicate that the Lake Erie Watersnake is NOT venomous, is a protected species, and should not be harmed or harassed. The Service requests the opportunity to review the sign language prior to finalization.

We have provided a copy of the Service's Lake Erie Watersnake Management Guidelines for Construction, Development, and Land Management Activities for your reference. Please ensure that all contractors that will be working onsite have read these guidelines and are aware of the measures necessary to protect the snake. We recommend that a copy of this letter and the guidelines be kept onsite during construction.

We recommend that the Corps determine which of these measures can be implemented, and respond to us in writing with a determination of effects to the Lake Erie Watersnake.

The proposed project lies within the range of the Indiana bat, piping plover, lakeside daisy, eastern prairie fringed orchid, and eastern massasauga, Federally listed endangered, threatened, and candidate species. Due to the project type, location, and onsite habitat, none of these species would be expected within the project area, and no impacts to these species are anticipated.

MIGRATORY BIRD COMMENTS: The project lies within the range of the bald eagle, a species protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Due to the project type, location, and onsite habitat, this species would not be expected within the project area, and no impact to this species is expected. Relative to this species, this precludes the need for further action

on this project as required by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy. Please note that consultation under section 7 of the ESA may be warranted for this project since suitable habitat for the Lake Erie Watersnake may be impacted by this project. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

We appreciate this opportunity to provide the above comments. If you have questions, or if we may be of further assistance in this matter, please contact Megan Seymour at extension 16 in this office.

Sincerely,

Angela A. Boyer

for Mary Knapp, Ph.D.
Supervisor

Encl: USFWS Lake Erie Watersnake Management Guidelines for Construction, Development, and Land Management Activities

cc: ODNR, DOW, SCEA Unit, Columbus, OH
ODNR, Division of Real Estate & Land Management, Columbus, OH
Julie Morin, USFWS Region 3, Wildlife and Sport Fish Restoration, Fort Snelling, MN

Krakowiak, Peter J LRB

From: Mitch, Brian [Brian.Mitch@dnr.state.oh.us]
Sent: Thursday, February 12, 2009 3:32 PM
To: Krakowiak, Peter J LRB
Subject: 09-0017; CELRB-TD-R, 2007-01679, Village of Put-in-Bay
Attachments: oledata.mso

ODNR COMMENTS TO Peter J. Krakowiak, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, New York 14207

Location: The project site is located along Bayview Avenue between Catawba Avenue and Hartford Avenue, in the Village of Put-in-Bay, Erie County, Ohio.

Project: The applicant proposes to demolish 455 LF of 12-ft.-wide deteriorated timber cribbing at Dock A, and 305.5 LF of 10-ft.-wide pile-supported steel walkway on Dock C; construct 297 LF of 12-ft.-wide steel crib and 272 LF of steel crib and bridge piers on Dock A, and 153 LF of 10-ft.-wide steel crib and 265.5 LF of 12-ft.-wide steel crib on Dock C, with wooden decking on both docks. At Dock A, 2625 cy of crib material will be removed and 1965 cy of new crib stone (ODOT C) will be emplaced, with an additional 83 cy of fish habitat stone (ODOT C). Dock A crib work will remove material from 5460 sf of lake bottom and the new cribs will occupy 4524 sf of lake bottom. At Dock C, 2050 cy of new crib stone (ODOT C) and 78 cy of fish habitat stone (ODOT C) will be emplaced. The new cribs will occupy 4716 sf of lake bottom. The proposed new net fill area will be 3780 sf of lake bottom.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Rare and Endangered Species: The ODNR, Division of Natural Areas and Preserves, Natural Heritage Database contains records for rare species within Put-in-Bay harbor which could be impacted by this project. The records are as follows:

Nerodia sipedon insularum - Lake Erie Water Snake, federal threatened, state endangered; found island-wide on beaches and swimming off-shore. The timber crib piers that are the subject of this project are used by Lake Erie Water Snakes for hiding, resting and hibernating. Potential impacts to this snake are not addressed in the project documentation. We defer to Wildlife to make further comments and we support their recommendations.

Notropis heterolepis - Blacknose Shiner, endangered; collected in the bay

Esox masquinongy - Muskellunge, species of concern; caught in "Lake Erie at South Bass Island" (only this vague description was given)

Potamogeton richardsonii - Richardson's Pondweed, potentially threatened; several colonies found growing and fruiting throughout the harbor, with *Vallisneria*

Myriophyllum sibiricum - American Water-milfoil, threatened; Squaw Harbor at Put-in-Bay

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The ODNR, Division of Wildlife (DOW) has the following comments.

The DOW is concerned if the functions and values of Lake Erie's natural shoreline and nearshore areas are lost or degraded. Lake Erie and its shoreline provide valuable habitat for fish and wildlife. Nearshore areas provide spawning and nursery habitat for fish species. The DOW strongly recommends that the applicant avoid and minimize impacts to Lake Erie as much as possible and provide good mitigation if impacts are permitted.

This proposed project is within the range of the Lake Erie water snake (*Nerodia sipedon insularum*), a federally threatened species. Therefore, it is recommended the U.S. Fish and Wildlife Service be contacted prior to construction for guidelines on avoiding impacts to this species. In addition, it is recommended the applicant follow the guidelines outlined in the "U.S. Fish and Wildlife Service Lake Erie Water Snake Management Guidelines for Construction, Development, and Land Management Activities." This indicates no excavation is to be done from approximately October 15 to April 15. Both air and ground temperatures must be >60°F for five consecutive days prior to project disturbance. On the day of excavation, the air and ground temperatures also should be >60°F and excavation site should be actively monitored for Lake Erie water snakes. The area is to be monitored before and during construction by an individual trained to identify the species. If snakes are encountered during excavation, cease operations immediately and promptly contact the U.S. Fish and Wildlife Service. To further reduce impacts to the Lake Erie water snake, it is recommended no sheet piling be used in construction of the project.

The project must not have an impact on freshwater mussels in the area. If impacted, the applicant must work with ODNR personnel to determine the appropriate compensation for what will be considered a "takings" situation. This applies to both listed and non-listed species. Surveys and other information regarding the location of mussels in Ohio are limited. This includes information regarding the possibility of mussels being located in this area of Lake Erie. Therefore, the possibility of mussels within the area of the project cannot be eliminated. If mussels are encountered during construction, work should immediately be stopped and the DOW should be contacted.

The DOW recommends no in-water work April 15 to June 30 to reduce impacts to aquatic species and their habitat.

In addition to the Lake Erie water snake (*Nerodia sipedon insularum*), the Natural Heritage Database has records near the project area for the blacknose shiner (*Notropis heterolepis*), a state endangered species, and the muskellunge (*Esox masquinongy*), a state species of concern. To reduce impacts to these species, the DOW recommends no in-water work April 15 to June 30.

Geological Survey: The ODNR, Division of Geological Survey has the following comments.

The stated purpose of the proposed work is to remove existing deteriorated timber cribbing and steel walkway and provide new cribbing for additional transient dockage, improved harbor access, and protected dockage along Dock C.

The proposed project involves the replacement of existing cribbing with new cribbing. No dredging is proposed, and the project does not represent an expansion of the current marina footprint. Therefore, Geological Survey does not object to the project as proposed, with these limitations: Any littoral sediment (sand, gravel, or cobbles) encountered must not be buried by the structures or used as construction material. If any littoral sediment is to be dredged, it must be sidecast lakeward.

Coastal Management: The ODNR, Office of Costal Management comments that the proposed project will require a Shore Structure Permit pursuant to Section 1506.40 of the Ohio Revised Code. A Shore Structure Permit application has not been received for the project proposed in USACE Public Notice 2007-01679. A Submerged Lands Lease was issued to the Village of Put-in-Bay on July 18, 1973 which encompasses 7.18 acres of land. A Modification to Lease (File No. SUB-028-OT) was executed February 16, 1996, which reduced the lease area to 6.311 acres and modified the lease rental for the marina area. The existing lease is scheduled to expire on May 31, 2013. Per Provision No. 6 in the existing Lease, any future improvement or construction of facilities must be expressly approved in writing by the Director. A Submerged Lands Lease application has not been received for the project proposed in USACE Public Notice 2007-01679.

Pursuant to the Coastal Zone Management Act of 1972, as amended, and its corresponding federal regulations, the U.S. Army Corps of Engineers permit may not be issued until a Federal Consistency concurrence is issued by ODNR. Based on ODNR's receipt of necessary information, the Federal Consistency review (# 2009-004) began on January 8, 2009 and will last no longer than six months from that date. To ensure Consistency with the applicable enforceable policies of the Ohio Coastal Management Program, an ODNR *Shore Structure Permit*, State of Ohio *Submerged Lands Lease*, and an Ohio

Environmental Protection Agency *401 Water Quality Certification* are required for the proposed project.

Boating and Navigation: The ODNR, Division of Watercraft has reviewed this application and supports the project as proposed. The Division of Watercraft has been working with the Village of Put-in-Bay in the plans to make improvements to the facility at it directly and positively affects recreational boating opportunities in Ohio.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6378 if you have questions about these comments or need additional information.

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