



**Surface Water Enhancement, Restoration & Protection (SWERP)
Clearinghouse Application Form**



For assistance with completing this form, please refer to the *SWERP Clearinghouse Users Guide*. The users guide is available at: <http://www.epa.ohio.gov/dsw/swerp/index.aspx>.

I. Contact Information:

Name: Robert J. Karl, Esq. on behalf of Organization: Fox Hollow (Twinsburg) Inc.

Address: Ulmer & Berne LLP, 65 E. State Street, Suite 1100, Columbus, OH 43215

Street City State Zip Code

Phone Number: (614) 229-0000 Fax Number: (614) 229-0001

E-mail Address for Project Contact: bkarl@ulmer.com

OHIO EPA USE ONLY	Application Submission Date: _____
	Tracking Name _____ Tracking Number _____

II. Project Location Information¹:

1) Project Name: Fox Hollow

2) Address: 10393 Ravenna Road Twinsburg Ohio 44087
Street City State Zip Code

3) County: Summit

4) HUC Watershed: 04110002 (Cuyahoga) Latitude (d/m/s): 41.32459 Longitude (d/m/s): -81.45484

(For the HUC Watershed and the Latitude and Longitude, please visit this web link: <http://gis.epa.ohio.gov/map.php>)

5) Location Description (such as the nearest intersection):

The Fox Hollow project is located on Ravenna Road, Twinsburg, Ohio and to the south-east of Whitewood Parkway.

6) Land Ownership: Fox Hollow (Twinsburg) Inc.

¹ Note: The latitude and longitude will be used to map the location of your project and should be as accurate as possible.

III. Project Description:

1) Project is available for (check all that may apply):

401 Mitigation/Isolated Wetland Mitigation Supplemental Environmental Project

2) Please indicate the opportunities available on your site (check all that may apply):

Restoration Creation Enhancement Preservation

3) What mechanism is acceptable to protect the project in the future?

Conservation Easement Environmental Covenant Fee Simple Transfer

Comments: _____

A – Streams resources **PROPOSED** on your site:

Stream ID	Stream Type Ephemeral Intermittent Perennial	Headwater Stream? Yes/No	Linear Feet	Water Quality Benefit Restoration Enhancement Preservation	Current Stream Designation MWH WWH CWH EWH Unknown	Riparian Width (linear feet) LDB/RDB
Stream 1	Intermittent	Not Known	109.70	Preservation	RPW (Relatively Permanent Water)	3.0

B – Wetland resources **PROPOSED** on your site:

Wetland ID	Restoration (Acres)	Enhancement (Acres)	Preservation (Acres)	Creation (Acres)
Wetland A			3.080	
Buffer/Green Space			2.000	

Buffer/Riparian Width Proposed: _____

C – Lake resources **PROPOSED** on your site:

Lake/Pond ID	Restoration (Linear Feet)	Enhancement (Linear Feet)	Preservation (Linear Feet)	Creation (Linear Feet)

Buffer/Riparian Width Proposed: _____

D – Please provide a text description of your site and the type of resources that are available. Please limit this description to 250 words or less. Look to the SWERP Clearinghouse Users Guide for any project.

See Attachment A

E – Please indicate any special conditions that would restrict or enhance potential projects on your site or restrict any restoration, protection or enhancement project on your site.

F – Is this project in accordance with a Total Maximum Daily Load Project? Yes ___ No X
If yes, please explain: _____

G – Is this project in accordance with an endorsed Watershed Action Plan? Yes ___ No X
If yes, please explain: _____

H – Does this project address a source water protection plan? Yes ___ No X
If yes, please explain: _____

I – What are the estimated funds being requested? \$ To be negotiated.

J – Are there matching funds? Yes ___ No X

K – What is the status of the project? Ready to go X Estimated date of readiness _____

Attachment A

Fox Hollow is a currently existing wetland and stream area which has been documented and confirmed by a wetlands delineation and associated jurisdictional verification from the Army Corps of Engineers (copy of Army Corps jurisdictional determination included with this Attachment). The wetland system (3.080 Acres) forms at the southern edge of the site, along Ravenna Road. A small stream (109.7 Linear feet) enters the site draining through the wetland system for a short distance before losing defined bed and bank. In addition to these two features, there is over 2.0 acres of buffer and greenspace available surrounding the wetlands and stream features. Below is a more detailed explanation of the wetland characteristics of Fox Hollow.

Emergent Wetland

The Fox Hollow wetland is dominated by herbaceous vegetation. Observed growing within the wetland were reed canary grass (*Phalaris arundinacea*), cattails (*Typha spp.*), soft rush (*Juncus effuses*), sedge species (*Carex spp.*), woolgrass (*Scirpus cyperinus*), moneywort (*Lysimacchia nummularia*), sensitive fern (*Onoclea sensibilis*), tearthumb (*Polygonum sagittatum*), tall ironweed (*Vernonia gigantea*), goldenrods (*Solidago spp.*), asters (*Aster spp.*) and rice cutgrass (*Leersia oryzoides*).

Scrub/Shrub, Wetland

The perimeter of the wetland is dominated by dense shrubs. Some of the plants found within this community area as follows: arrowwood (*Viburnum dentatum*), silky dogwood (*Cornus amomum*), stiff dogwood (*C. foemina*), European buckthorn (*Frangula alnus*), swamp rose (*Rosa palustris*), willows (*Salix spp.*), and poison ivy (*Toxicodendron radicans*).

Mixed Hardwoods, Wetland

Scattered trees are growing within the wetland as well as a strand of trees on the west side. Some of the plants found within this community are as follows: black willow (*Salix nigra*), cottonwood (*Populus deltoids*), red maple (*Acer rubrum*), American elm (*Ulmus Americana*), eastern sycamore (*Platanus occidentalis*), arrowwood (*Viburnum dentatum*), dogwoods (*Cormus spp.*), European buckthorn (*Frangula alnus*), and poison ivy (*Toxicodendron radicans*).



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

April 10, 2013

Regulatory Branch

SUBJECT: Department of the Army Application No. 2006-02376

Ms. Deirdre Salois
Carnegie Companies, Inc.
6190 Cochran Road, Suite A
Solon, Ohio 44139

Dear Ms. Salois:

I have reviewed the wetland delineation map you submitted for an approximately 10-acre parcel located northeast of Ravenna Road and east of Whitewood Parkway, in the City of Twinsburg, Summit County, Ohio (Sheet 1 of 2).

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

I am hereby verifying the Federal wetland boundary as shown on the attached wetland delineation map. This verification will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new wetland delineation will be required if a project has not been completed on this property and additional impacts are proposed for waters of the United States. Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Based upon my review of the submitted delineation and on-site observations, I have determined that wetland A, totaling 3.08 acres, and stream 1, totaling 109.7 linear feet, on the subject parcel are part of a surface water tributary system to a navigable water of the United States as noted on the attached Jurisdictional Determination (JD) form. Therefore, the wetland

Regulatory Branch

SUBJECT: Department of the Army Application No. 2006-02376

and stream are regulated under Section 404 of the Clean Water Act. Department of the Army authorization is required if you propose a discharge of dredged or fill material in this/these area(s).

I encourage you to contact the appropriate state and local governmental officials to ensure that the proposed work complies with their requirements.

Finally, this letter contains an approved JD for the subject parcel. If you object to this JD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Attn: Appeal Review Officer
Great Lakes and Ohio River Division
CELRD-PDS-O
550 Main Street, Room 10524
Cincinnati, OH 45202-3222
Phone: 513-684-6212; FAX 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by June 10, 2013.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

A copy of this letter has been sent to the Ohio Environmental Protection Agency.

Questions pertaining to this matter should be directed to me by calling 716-879-4339, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: keith.c.sendziak@usace.army.mil

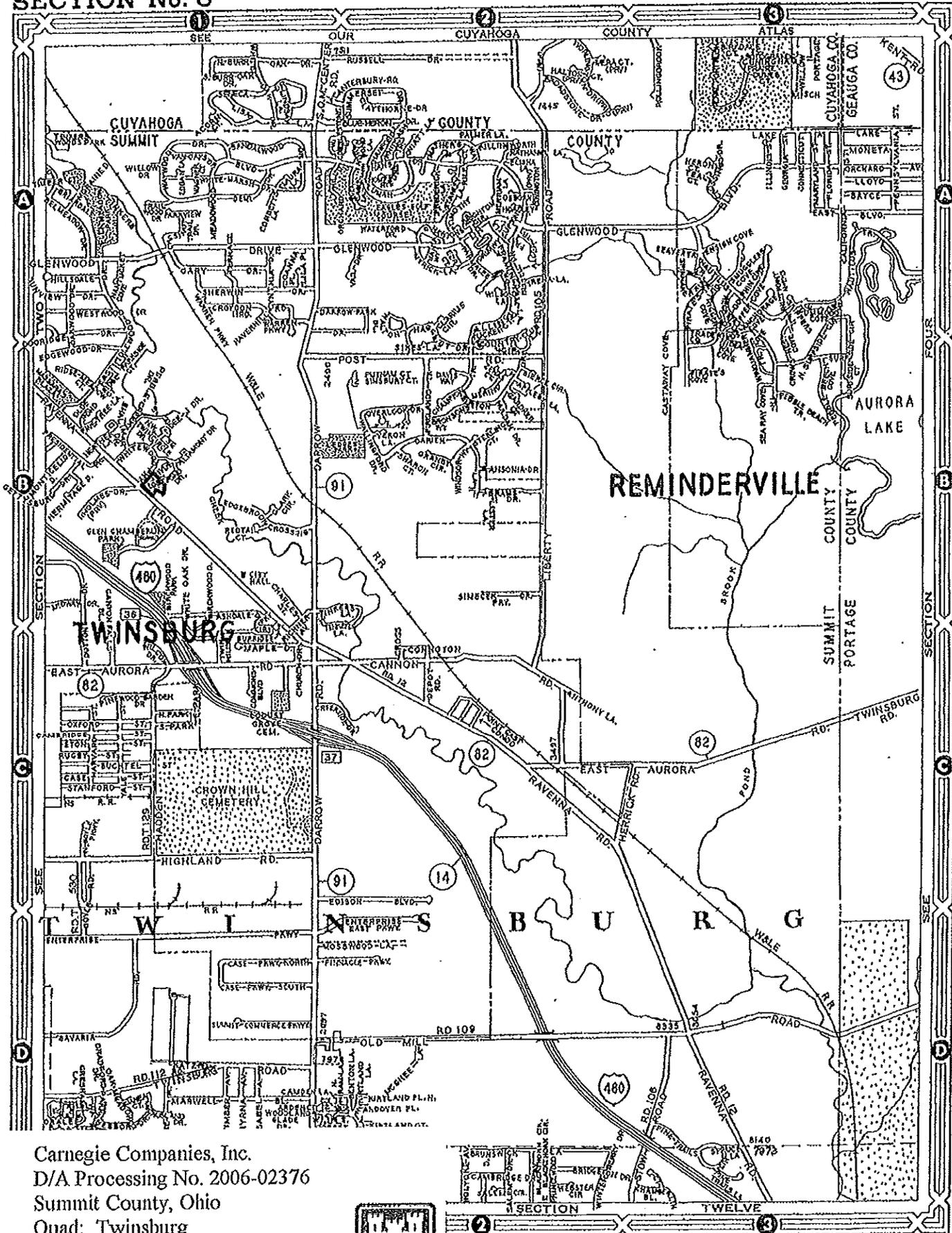
Sincerely,



Keith C. Sendziak
Biologist

Enclosures

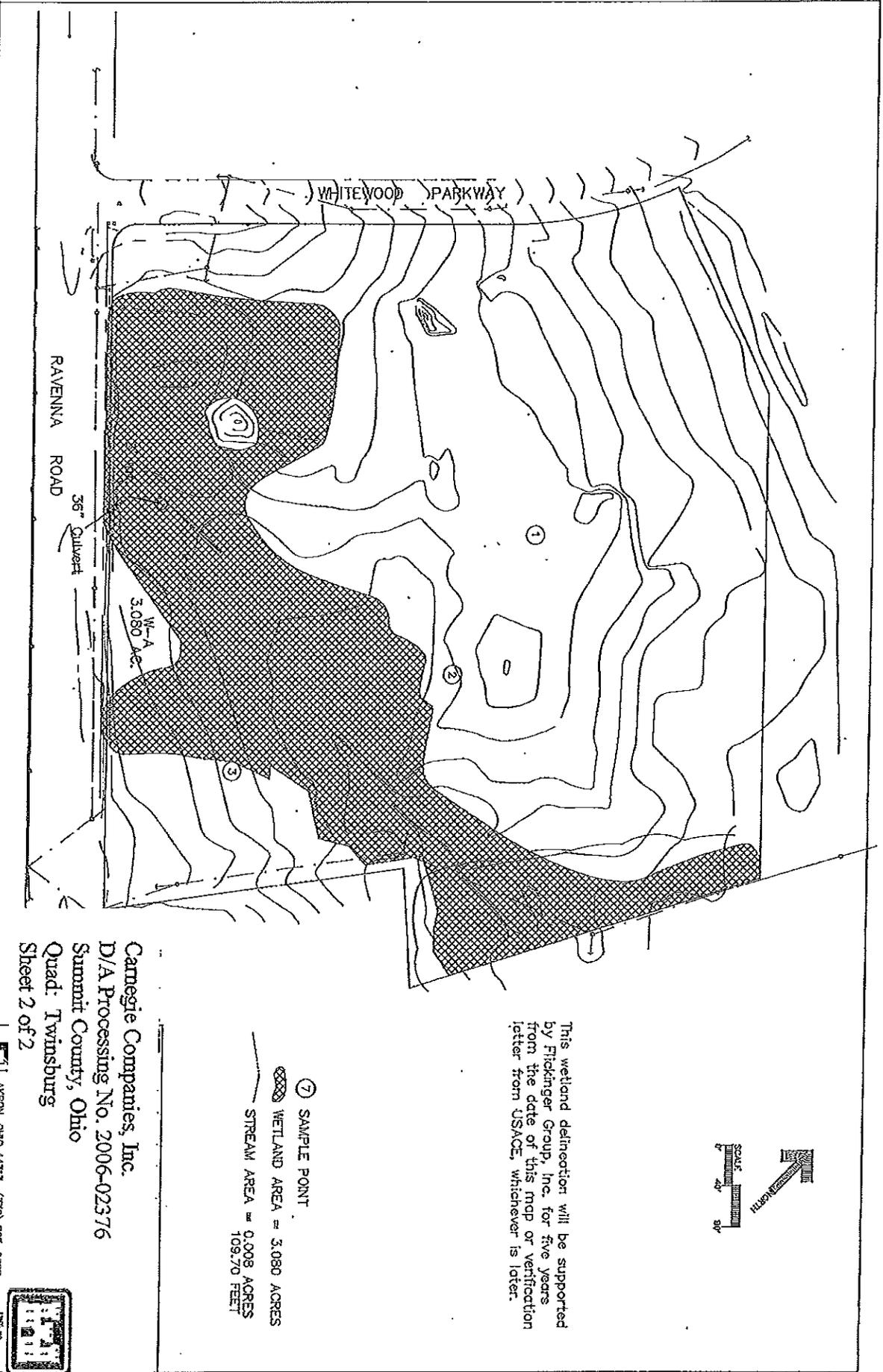
SECTION No. 3



Carnegie Companies, Inc.
 D/A Processing No. 2006-02376
 Summit County, Ohio
 Quad: Twinsburg
 Sheet 1 of 2



ITS RESERVED

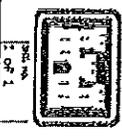


This wetland delineation will be supported by Fickinger Group, Inc. for five years from the date of this map or verification letter from USACE, whichever is later.

- ⑦ SAMPLE POINT
- WETLAND AREA = 3.080 ACRES
- STREAM AREA = 109.70 FEET

Carnegie Companies, Inc.
 D/A Processing No. 2006-02376
 Summit County, Ohio
 Quad: Twinsburg
 Sheet 2 of 2

ARCON, OHIO 44313 (330) 865-0888



**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Carnegie Companies, Inc.		File Number: 2006-02376	Date: April 10, 2013
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Keith C. Sendziak
United States Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207
716-879-4339
keith.c.sendziak@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

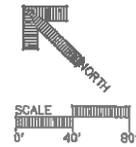
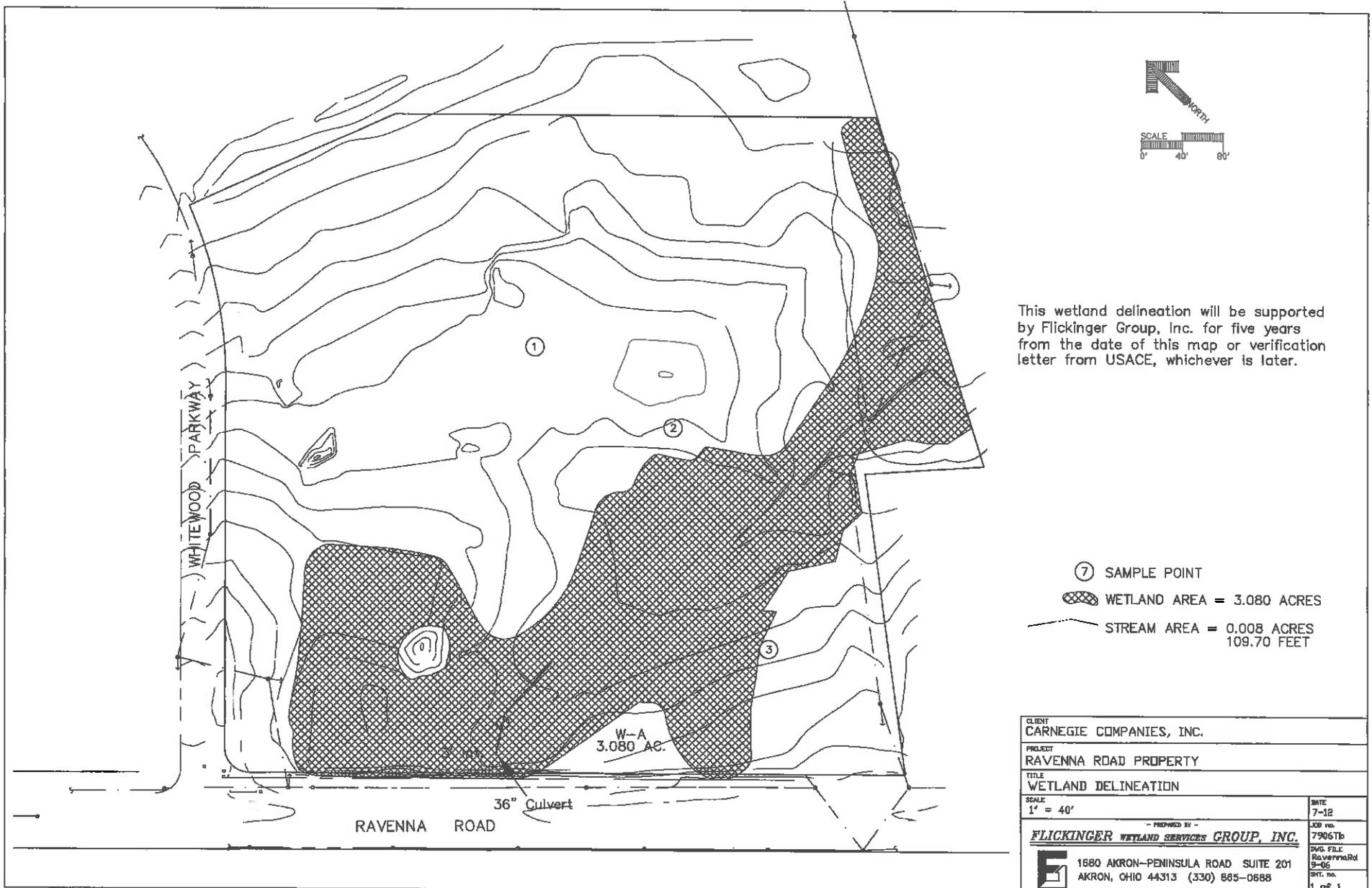
Attn: Appeal Review Officer
Great Lakes and Ohio River Division
CELRD-PD-REG
550 Main Street, Room 10524
Cincinnati, OH 45202-3222
513-684-6212; FAX 513-684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



This wetland delineation will be supported by Flickinger Group, Inc. for five years from the date of this map or verification letter from USACE, whichever is later.

- ⑦ SAMPLE POINT
- WETLAND AREA = 3.080 ACRES
- STREAM AREA = 0.008 ACRES
109.70 FEET

CLIENT CARNEGIE COMPANIES, INC.	
PROJECT RAVENNA ROAD PROPERTY	
TITLE WETLAND DELINEATION	
SCALE 1" = 40'	DATE 7-12
- PREPARED BY -	
FLICKINGER WETLAND SERVICES GROUP, INC.	
1680 AKRON-PENINSULA ROAD SUITE 201 AKRON, OHIO 44313 (330) 685-0888	
JOB no. 7906Tb	DWG FILE RavennaRd 9-06
SHEET no. 1 of 1	

Ravenna Road Property



This photograph was taken looking northwest from Sample Point 02N.



The dominant land cover of Wetland A is emergent vegetation, as can be seen looking southeast from Sample Point 02W.

Ravenna Road Property



Dense shrub/scrub vegetation is growing around portions of Wetland A. This photograph was taken looking southeast from Sample Point 03N.



Standing dead trees are common throughout Wetland A, as can be seen from Sample Point 03W.