



Public Notice

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

In Reply Refer to
Notice No. below

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

Application No. 2009-1024

Date: May 18, 2011

Notice No. 09-36A

Closing Date: June 6, 2011

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
2. APPLICANT: Erie-Western Pennsylvania Port Authority
208 East Bayfront Parkway, Suite 201
Erie, Pennsylvania 16507
3. LOCATION: Between Cherry and Walnut Street on the north side of the Bayfront Parkway on Presque Isle Bay in Erie, Erie County, Pennsylvania. Coordinates for the project are 42.13096N - 80.09916W.
4. PURPOSE AND DESCRIPTION OF WORK: This Public Notice (PN) amendment replaces PN 09-36 previously advertised on August 7, 2009. The Corps previously authorized the applicant to construct a 24 ft. wide, two-way roadway with 24 parallel parking spaces, and a 10ft. wide pedestrian bike path along the water, which would provide access to the existing pier on the east side of the Bay Harbor Marina. The plan included the construction of a soldier pile retaining wall along the north side of the roadway resulting in 0.16 acres of disturbance to Lake Erie.

The revised scope of work includes a 12 ft. wide, one-way west bound roadway with 28 parallel parking spaces on the south side of the facility, and a 12 ft. wide shared pedestrian/bike path on the north side of the facility along Presque Isle Bay. This revised scope now includes a rip-rap lined embankment on the north side of the facility in lieu of the soldier pile wall. The project also includes the construction of a 12' X 50' permanent fishing pier. No additional impacts are anticipated as a result of this change. Impacts to Lake Erie remain at 0.16 acres.

In summary, changes to the original approved plan are 1.) The soldier pile wall is replaced by the rip-rap embankment and 2.) Line striping is changed from a two-way roadway w/ 10 ft wide pedestrian path to a one-way roadway w/ 12 ft wide pedestrian path. Drawings of the proposed work are attached to this notice.

5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

*Pennsylvania Department of Environmental Protection
Northwest Regional Office
Soils and Waterways Section
230 Chestnut Street
Meadville, Pennsylvania 16335-3481*

Telephone: 814-332-6984

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. The original notice resulted in a comment from the U. S. Fish and Wildlife Service stating except for the occasional transient species, no federally listed species or proposed threatened or endangered species under their jurisdiction are known to occur within the project limits (USFWS #2009-1482). This Public Notice serves as a second request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. The original notice was coordinated with the Pennsylvania Historical and Museum Commission and by letter dated 21 October 2009 (ER#2009-1401-049-D), the Corps received notification that there is a high probability that archaeological resources are located in the project area however; the activity described should have no effect on such resources. The scope of work under the current proposal remains the same as the previous authorized work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

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

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including

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the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement

pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Allen R. Edris at the above address, by telephoning (412) 395-7158, or by e-mail at allen.r.edris@usace.army.mil. Please refer to CELRP-OP-F 2009-1024 on all responses.

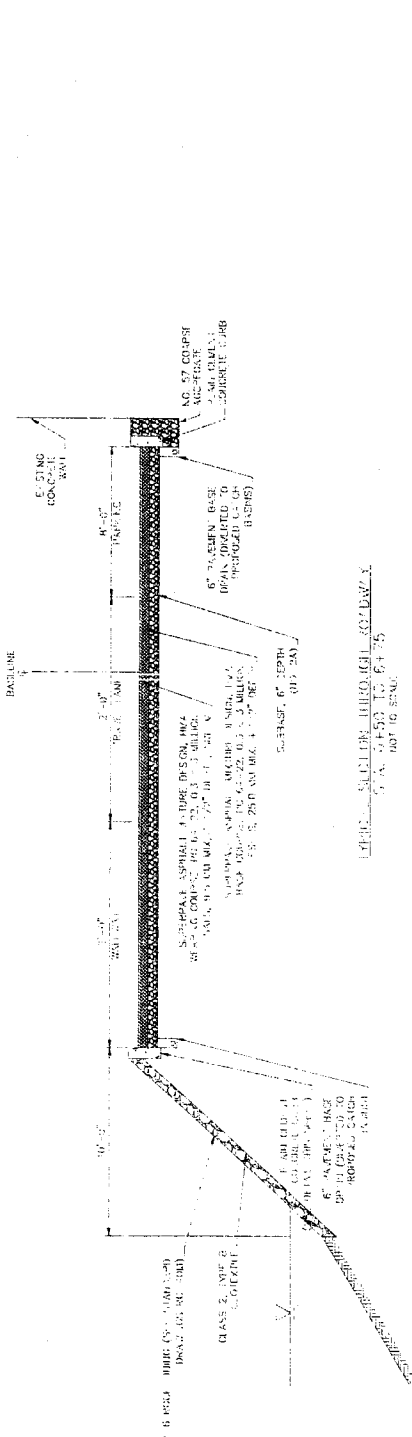
FOR THE DISTRICT ENGINEER:

~~SIGNED~~

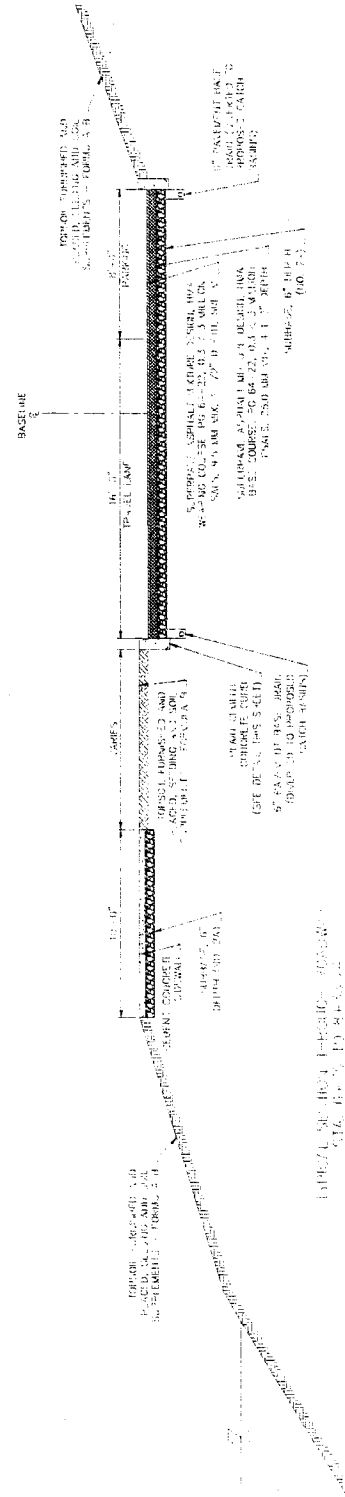
Nancy Mullen
Chief, Northern Section
Regulatory Branch



DATE	DESCRIPTION	BY	CHKD
10/1/68	ISSUED FOR CONSTRUCTION	J. H.
10/1/68	REVISION
10/1/68	REVISION
10/1/68	REVISION

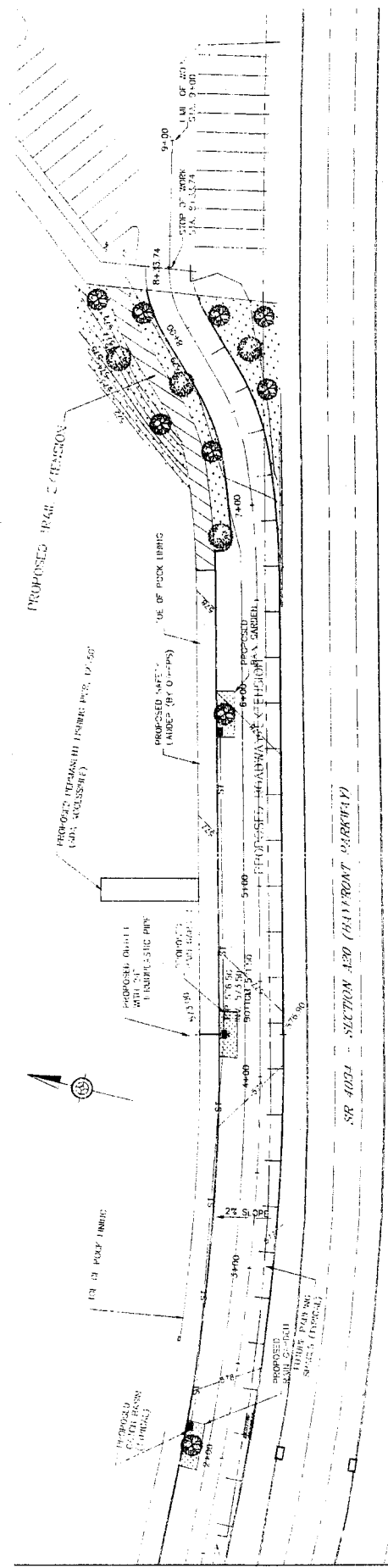


SECTION THROUGH WALL AND ROOF
 1/2" PLASTER
 6" POLYSTYRENE BEAD INSULATION (INDICATED BY HATCHING)
 8" CONCRETE BLOCK (INDICATED BY HATCHING)
 1/2" PLASTER
 1" ASPHALT FLASHING (INDICATED BY HATCHING)
 1/2" POLYSTYRENE BEAD INSULATION (INDICATED BY HATCHING)
 12" SAND FILL (INDICATED BY HATCHING)
 6" GRAVEL BASE (INDICATED BY HATCHING)



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PROJECT	DATE	BY	CHKD
NO. 1004	11/11/09	J. B. BROWN	D. J. BROWN



PROPOSED ROADWAY ALIGNMENT PLAN
SCALE: 1" = 25'-0"

STATION	PC	PVI	PT	LC	LC+100	LC+200	LC+300	LC+400	LC+500	LC+600	LC+700	LC+800	LC+900	LC+1000
4000	4000	4000	4000	4000	4000	4000	4000	4000	4000	4000	4000	4000	4000	4000
4100	4100	4100	4100	4100	4100	4100	4100	4100	4100	4100	4100	4100	4100	4100
4200	4200	4200	4200	4200	4200	4200	4200	4200	4200	4200	4200	4200	4200	4200
4300	4300	4300	4300	4300	4300	4300	4300	4300	4300	4300	4300	4300	4300	4300
4400	4400	4400	4400	4400	4400	4400	4400	4400	4400	4400	4400	4400	4400	4400
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4700	4700	4700	4700	4700	4700	4700	4700	4700	4700	4700	4700	4700	4700	4700
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5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000
5100	5100	5100	5100	5100	5100	5100	5100	5100	5100	5100	5100	5100	5100	5100

STATION	ELEVATION
4000	92.26
4100	92.26
4200	92.26
4300	92.26
4400	92.26
4500	92.26
4600	92.26
4700	92.26
4800	92.26
4900	92.26
5000	92.26
5100	92.26



NOTED: THIS PLAN IS FOR INFORMATION ONLY. NO CONSTRUCTION SHALL BE PERMITTED WITHOUT THE ISSUANCE OF A PERMIT BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

