



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. LRP-2020-479

Date: March 10, 2022

Notice No. 22-19

Closing Date: April 9, 2022

1. **TO ALL WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
2. **APPLICANT:** Michael Bruderly
6432 W Garfield Road
Salem, OH 44406
3. **LOCATION:** 29 acre site at 6432 W. Garfield Road in Salem, OH
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant seeks an “after-the-fact” permit for a private pond that was constructed in 420.31 linear feet of intermittent and perennial stream. The pond construction resulted in a stream relocation, stream bank cuts and concrete block stabilization activities, culvert installation and a road crossing in order to stabilize the pond berm and provide access for forestry and farming activities. The pond is approximately 840 feet long and 70 to 160 feet in width (see attached plan) and was constructed for irrigation, livestock and permaculture. There is 0.23 acre of wetland and 2,786 linear feet of stream remaining on the project site.

The applicant is proposing to mitigate the wetland and stream impacts through on-site permittee responsible mitigation. The stream area identified for mitigation work is currently degraded due to over grazing and is sparsely vegetated in some areas, while dominated by multiflora rose in others. The mitigation proposal for direct stream impacts includes the reestablishment of vegetation along both banks of 696 linear feet of stream, rehabilitation of 1.27 acres of riparian area (50 foot buffer area of each bank), and preservation of these areas. The area would be fenced off to exclude livestock. In addition a fish ladder will be installed on the downstream end of the recently installed culvert to allow passage for fish species. A 10 year management and monitoring plan is proposed for the mitigation area.

5. **WATER QUALITY CERTIFICATION:** A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator

PO Box 1049
Columbus, Ohio 43266-0149
Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project will have no effect on endangered species or threatened species or result in destruction or adverse modification of habitat of such species which has been determined to be critical. While concurrence with this determination is not required, this Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

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. 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 (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 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

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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. Public comments may be subject to release under the Freedom of Information Act (FOIA). All responses to this notice should be directed to the Regulatory Division, attn. Kristina Schultz at the above address or by e-mail at Kristina.m.tarasan@usace.army.mil. Please refer to CELRP-RG LRP-2020-479 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Tyler J. Bintrim
Chief, North Branch
Regulatory Division



N

LEGEND

- Parcel Boundary
- NRCS Soils
- NWI Wetlands
- Pond
- Proposed Wetland Mitigation
- Field Delineated Wetlands
- Streams
- Proposed Stream Mitigation
- Proposed Stream Buffer
- Proposed Buffer Fencing

Total Stream Preservation = 696 lf
 Total Riparian Preservation = 1,27 acre
 Total Stream Retoration = 1,392 lf
 Total Buffer Enhancement = 1.27 acre

Scale:
1 inch = 200 feet

100 50 0 100 200 Feet

FIGURE 1

Proposed Mitigation Map
 Bruderly Pond
 Parcel 09-042-0-018.01-0
 Green Twp.
 Mahoning County, Ohio

Prepared for:
MICHAEL BRUDERLY
 6432 W Garfield Rd.
 Salem, Ohio 44460

Prepared by: JME Environmental Consulting, LLC

Jeff Mihaik
 9190 Springfield Rd, #18D
 Poland, OH 44514

Drawn by: JJM	Date: 6/21/2021
Checked by: XXX	Revision:



N

LEGEND

- Parcel Boundary
- Wetland Mitigation Area
- Stream Mitigation Area
- Stream Assessment Reaches
- Wetland & Stream Buffer
- PRM Fencing Protection
- Contours

Scale:
1 inch = 50 feet

0 50 Feet

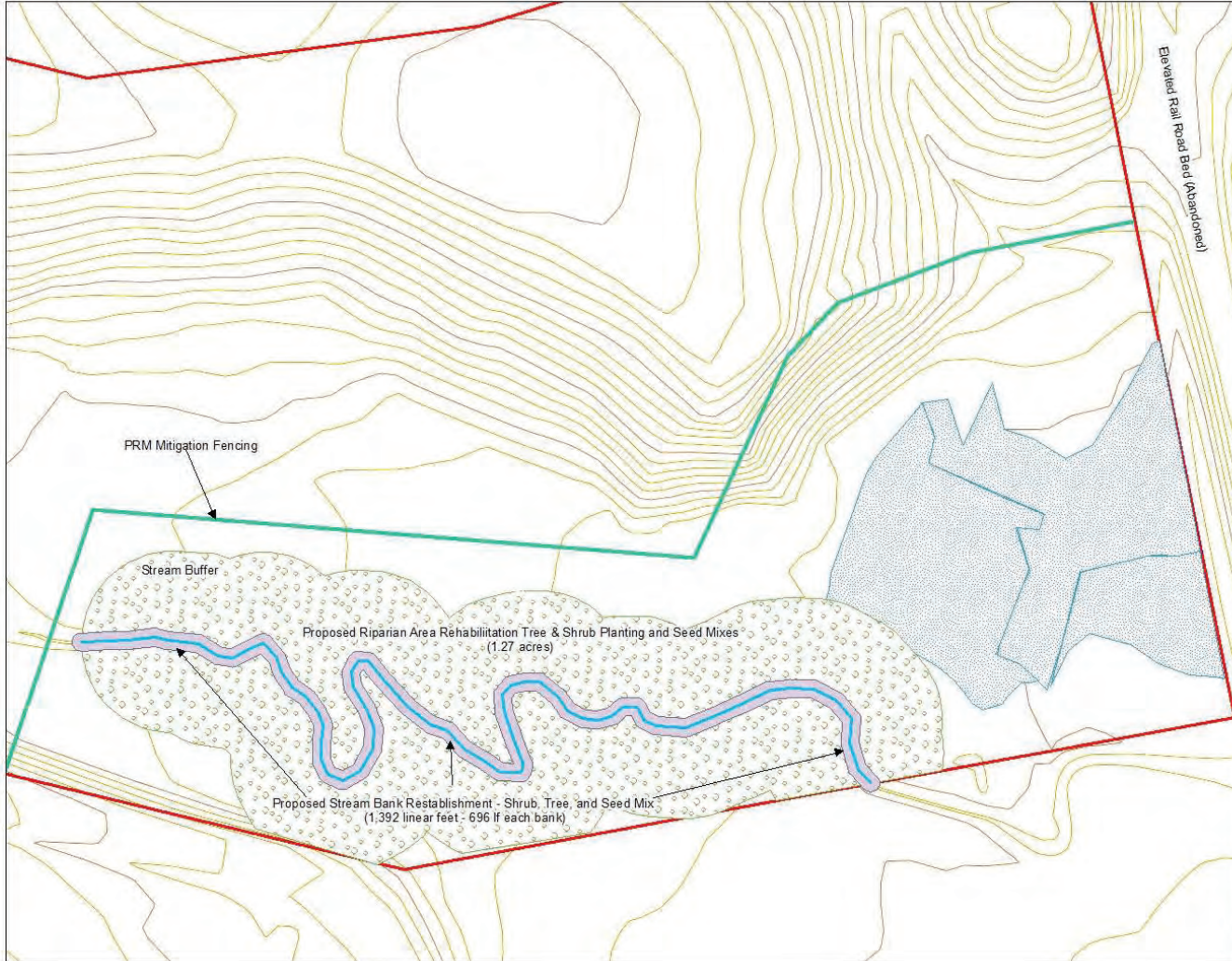
FIGURE 2
PRM Mitigation Area Details
Bruderly Pond
Parcel 09-042-0-018.01-0
Green Twp.
Mahoning County, Ohio

Prepared for :
MICHAEL BRUDERLY
6432 W Garfield Rd.
Salem, Ohio 44460

Prepared by : JM Environmental Contracting, LLC

Jeff Mihalk
9190 Springfield Rd, #18D
Poland, OH 44614

Drawn by: JMM	Date: 6/28/2021
Checked by: XXX	Revision:



N

LEGEND

- Parcel Boundary
- Wetland Mitigation Area
- Stream Mitigation Area
- Wetland & Stream Buffer
- PRM Fencing Protection
- Contours

Scale:
1 inch = 50 feet

0 50 Feet

FIGURE 3

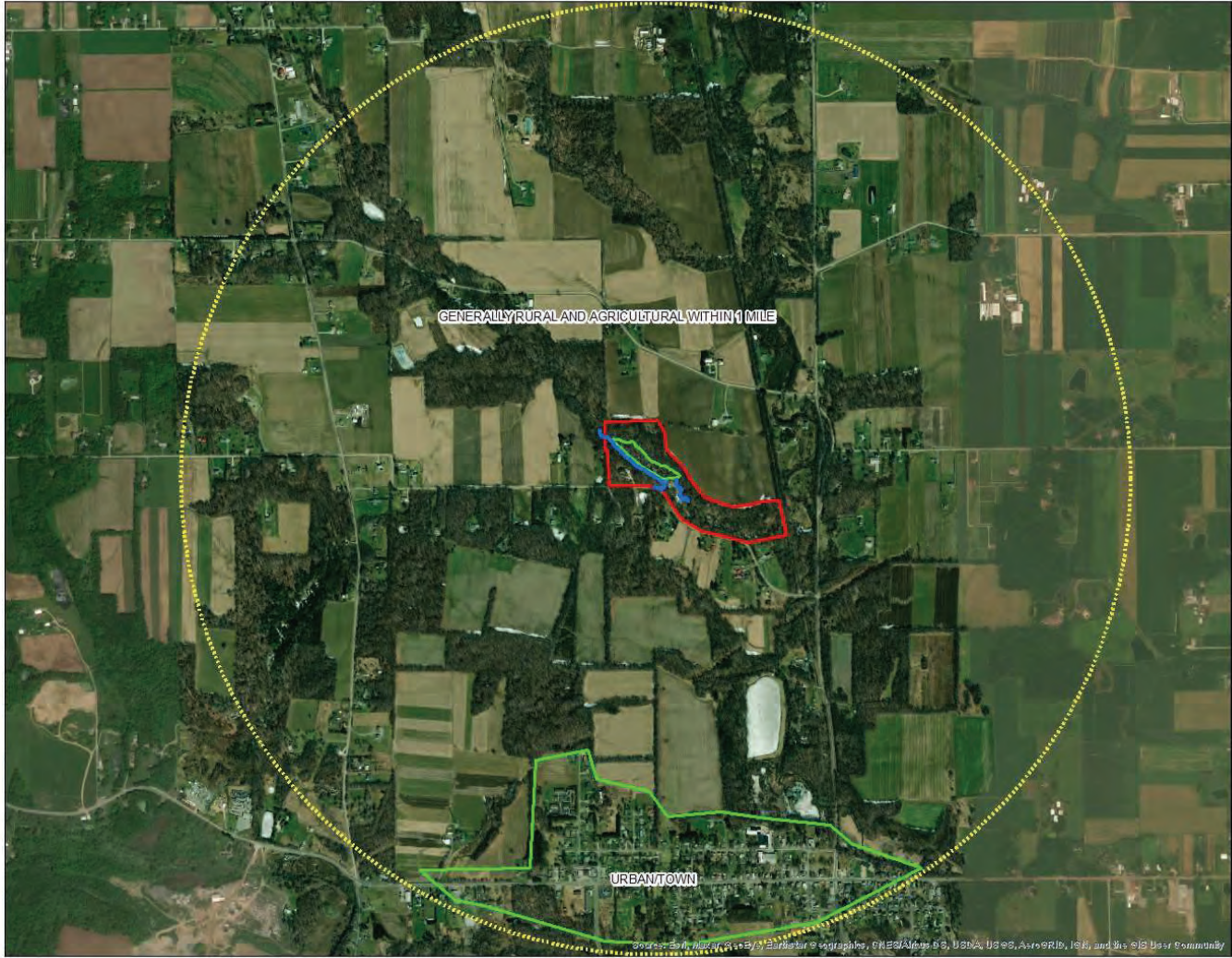
PRM Mitigation Planting Plan
 Bruderly Pond
 Parcel 09-042-0-018.01-0
 Green Twp.
 Mahoning County, Ohio

Prepared for:
MICHAEL BRUDERLY
 6432 W Garfield Rd
 Salem, Ohio 44460

Prepared by: JE Environmental Consulting, LLC

Jeff Mihalk
 9180 Springfield Rd, #18D
 Poland, OH 44514

Drawn by: JJM	Date: 6/21/2021
Checked by: XXX	Revision:



LEGEND

- Bruderly Property Boundary
- Approximate Pond Area
- Streams
- Approximate 1 Mile Radius

An Environmental Field Assessment was conducted on January 12, 2021. Five wetlands and 3 stream channels were found within the approximately 5 acre AOI.

Scale:
1 inch = 1,100 feet
0 275 550 1,100
Feet

FIGURE 1-3

VICINITY MAP

Existing Conditions
Bruderly Pond
Salem, Green Twp.
Mahoning County, Ohio

Prepared for:
MICHAEL BRUDERLY

6432 W Garfield Rd.
Salem, Ohio 44460

Prepared by: JM Environmental Consulting, LLC

Jeff Mihalk
9190 Springfield Rd, #18D
Poland, Ohio 44514

Drawn by: JJM	Date: 2/9/2021
Checked by: XXX	Revision:

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community