July 10, 2018

Re: DA Cleveland Bulk Terminal Rehabilitation Permit - Intermediate Application and Support 401 Wetlands Cuyahoga County DSW401185906
Application for Director's Authorization for coverage under the 401 WQC for the Nationwide Permits

Division of Surface Water 401 Water Quality Certification and Isolated Wetland Permitting Unit

Section 1: Applicant and Agent Information

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Agent:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland-Cuyahoga County Port Authority</td>
<td>KS Associates Inc.</td>
</tr>
<tr>
<td>David S. Gutheil</td>
<td>Mark P. Cencer, P.E.</td>
</tr>
<tr>
<td>Chief Commercial Officer</td>
<td>Director of Coastal Engineering</td>
</tr>
<tr>
<td>Nicholas LaPointe, P.E.</td>
<td>Mark P. Cencer, P.E.</td>
</tr>
<tr>
<td>1100 West 9th Street, Suite 2pp</td>
<td>260 Burns Road, Suite 100</td>
</tr>
<tr>
<td>Cleveland, Ohio 44113</td>
<td>Elyria, Ohio 44035</td>
</tr>
<tr>
<td>216-377-1342</td>
<td>440-365-4730</td>
</tr>
<tr>
<td><a href="mailto:Nicholas.LaPointe@PortofCleveland.com">Nicholas.LaPointe@PortofCleveland.com</a></td>
<td><a href="mailto:Cencerm@KSAAssociates.com">Cencerm@KSAAssociates.com</a></td>
</tr>
</tbody>
</table>

Section 2: Project Information

A. Project Name: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation

B. Has Pre-App. Coordination occurred? ☐ YES ☒ NO

C. Brief Project Description/Purpose: The purpose of the proposed repairs is to rehabilitate the existing maritime infrastructure to develop a uniform and continuous dock along the entire water front of the Cleveland Bulk Terminal.

D. Construction Timeframe (Provide “start and end dates”): December 2018 May 2019

E. Is any portion of the activity complete now? ☐ YES ☒ NO
   Is this an “After-The-Fact” application? ☐ YES ☒ NO
   If YES to either, describe the extent of completed portion of the activity below and the unauthorized impacts on waters of the state:

F. Coordinates (degree, minutes, seconds): 41°29’47” N - 81° 43’ 24” W

G. Project Street Address: 5400 Whiskey Island Drive
   Zip Code: 44102
   Township: City or Town: Cleveland
   County: Cuyahoga

H. 12 Digit HUC No.: 041202000300
   L. Watershed Name: Lake Erie
   J. Corps District: Buffalo

K. Other water related permits issued or required include:
   ☒ Nationwide Permit #3 - Maintenance Dated Issued: 6/29/2018
   ☐ Section 10 Permit - Choose an item. Click here to enter a date.
   ☐ Section 9 Permit - Click here to enter text.
   ☐ Isolated Wetland Permit - Choose an item. Click here to enter a date
   ☐ NPDES Permit - Choose an item. Choose an item. Click here to enter a date.
   ☐ Permit to Install - Choose an item: Click here to enter a date.
   ☒ ODNR Coastal Permit - Dated Issued: 6/5/2018
   ☐ Regional Permit - Choose an item. Click here to enter a date.
### Section 3: Fees

Are you exempt from fees?  ☒ YES  ☐ NO  
(State Agencies as defined in ORC 119.01 and the US Army Corps of Engineers are exempt from fees for a Director’s Authorization)

Total Director’s Authorization Fee = $ 2000  

*Please make check payable to: “TREASURER, STATE OF OHIO”  
The Total Fee is due at the time of submittal*

### Section 4: Submitted Documentation

Check all documents/items that are included as attachments to the application:

| ☒ Pre-construction notification (PCN) as submitted to the Corps of Engineers | ☒ Applicable fees |
| ☒ Provisional 404 Nationwide Permit (NWP) authorization letter issued by the Corps of Engineers with all attachments and special conditions | ☒ Description of how the project meets public need, as defined in OAC 3745-1-50, for proposed impacts to Category 3 wetlands |
| ☒ Mitigation plan as approved by the Corps of Engineers (if applicable) | ☒ High resolution color photographs for each resource proposed for impact (see Appendix A of the 401 WQC for details) |
| ☒ Description of conditions not met within the 401 WQC for the NWP | ☒ QHEI or HHEI forms for streams proposed for impact |
| ☒ Description of any Nationwide Permit conditions waived by the Corps of Engineers (if applicable) | ☒ 10 page ORAM forms for wetlands proposed for impact |
| ☒ Description of how the project minimally impacts water quality and reasons why the resources are unable to be avoided | ☒ US Fish and Wildlife Service & Ohio Department of Natural Resources threatened and endangered species comments |

### Section 5: Applicant and Agent Signature

I hereby designate and authorize the agent/consultant identified in Section 1 to act on my behalf in the processing of this application, and to furnish, upon request, supplemental information in support of the application:

| Applicant Name | David S. Gutheil | Applicant Signature |
| Applicant Name | David S. Gutheil | Applicant Signature |

Application is hereby made for a Director’s Authorization for coverage under the 401 Water Quality Certification for the Nationwide Permits. I certify that the information provided on this form and all attachments related to this project are true and accurate to the best of my knowledge:

| Applicant Name | Mark P. Cencer, P.E. | Agent Signature |

Please submit the completed application package and fees to:

Ohio EPA  
Division of Surface Water  
Attn: 401/WP/Mitigation Section Manager  
P.O. Box 1049  
Columbus, OH 43216-1049

For Internal Ohio EPA Use

| Reviewer: |
| Project ID #: |
| Date Received: |
# Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits — Proposed Lake Impacts

Division of Surface Water 401 Water Quality Certification and Isolated Wetland Permitting Unit

<table>
<thead>
<tr>
<th>Other Water Body ID</th>
<th>Coastal Erosion Area?</th>
<th>Impact Type</th>
<th>Proposed Impacts</th>
<th>Placement of Dredged Material:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Erie</td>
<td>NO</td>
<td>Bulkhead</td>
<td>Cubic Yards of Dredged Material</td>
<td>Cubic Yards of Fill Material</td>
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<td></td>
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Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits

Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
Applicant: Cleveland-Cuyahoga County Port Authority
Site Address: 5400 Whiskey Island Drive, Cleveland, Ohio 44102
KS Project No: 17204

Submitted Documentation

1. Pre-construction notification (PCN) as submitted to the Corps of Engineers
2. Provisional 404 Nationwide Permit (NWP) authorization letter issued by the Corps of Engineers with all attachments and special conditions
3. Mitigation plan as approved by the Corps of Engineers
4. Description of conditions not met within the 401 WQC for the NWP
5. Description of any Nationwide Permit conditions waived by the Corps of Engineers
6. Description of how the project minimally impacts water quality and reasons why the resources are unable to be avoided
7. Applicable fees
8. Description of how the project meets public need
9. High resolution color photographs for each resource proposed for impact
10. QHEI or HHEI forms for streams proposed for impact
11. 10 page ORAM forms for wetlands proposed for impact
12. U.S. Fish and Wildlife Service & Ohio Department of Natural Resources threatened and endangered species comments
Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits
Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
Applicant: Cleveland-Cuyahoga County Port Authority
Site Address: 5400 Whiskey Island Drive, Cleveland, Ohio 44102
KS Project No: 17204

1. Pre-construction notification (PCN) as submitted to the Corps of Engineers

A copy of the U.S. Army Corps of Engineers permit application package submitted on February 9, 2018 is attached.
February 9, 2018

U.S. Army Corps of Engineers
Buffalo District Regulatory Office
1776 Niagara Street
Buffalo, NY 14207

RE: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation Project
KS Project #17204

Dear Reviewer:

Please accept the enclosed application documents for the proposed maritime infrastructure rehabilitation project at the Cleveland Bulk Terminal in Cleveland, Ohio. The application documents are submitted on behalf of our client the Cleveland-Cuyahoga County Port Authority.

The project includes the rehabilitation of 1185 linear feet of shore at the Cleveland Bulk Terminal. New sheet piling will be placed in front of the existing bulkhead and the space between the new sheets and existing structure will be filled with low strength mortar fill. The new bulkhead will be supported by the existing concrete Hulett foundations and a system of steel tiebacks. The purpose of the repairs is to develop a uniform and continuous dock along the entire water front of the Cleveland Bulk Terminal.

Thank you for your attention to this matter and your review of the enclosed documents. If you have any questions regarding the application, please let us know.

Sincerely,

KS ASSOCIATES, INC.

Mark Cencer, P.E.
Director of Coastal Engineering
U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 325. The proponent agency is CECW-CO-R.

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing Instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 168, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS

<table>
<thead>
<tr>
<th>1. APPLICATION NO.</th>
<th>2. FIELD OFFICE CODE</th>
<th>3. DATE RECEIVED</th>
<th>4. DATE APPLICATION COMPLETE</th>
</tr>
</thead>
</table>

ITEMS BELOW TO BE FILLED BY APPLICANT

8. APPLICANT’S NAME

First - William Middle - D Last - Friedman
Company - Cleveland-Cuyahoga County Port Authority
E-mail Address - William.Friedman@portofcleveland.com

8. AUTHORIZED AGENT’S NAME AND TITLE (agent is not required)

First - Mark Middle - P Last - Cencer
Company - KS Associates
E-mail Address - cencer01@ksassociates.com

9. APPLICANT’S ADDRESS:

Address - 1100 West 9th Street, Suite 300
City - Cleveland State - OH Zip - 44113 Country - USA

9. AGENT’S ADDRESS:

Address - 260 Burns Road, Suite 100
City - Elyria State - OH Zip - 44035 Country - USA

7. APPLICANT’S PHONE NOs. w/AREA CODE

a. Residence b. Business c. Fax
216-377-1339

7. APPLICANT’S PHONE NOs. w/AREA CODE

a. Residence b. Business c. Fax
(440)365-4730 x.395

STATEMENT OF AUTHORIZATION

11. I hereby authorize, KS Associates to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

[Signature]

02/09/2018

SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see Instructions)

Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation Project

13. NAME OF WATERBODY, IF KNOWN (if applicable)

Lake Erie, Cleveland Harbor

14. PROJECT STREET ADDRESS (if applicable)

Address 5400 Whiskey Island Drive
City - Cleveland State - OH Zip - 44102

15. LOCATION OF PROJECT

Latitude: N 41d 29’ 47”
Longitude: W 81d 43’ 24”

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID 003020020 Municipality City of Cleveland
Section - Township - Range -

ENG FORM 4345, DEC 2014 PREVIOUS EDITIONS ARE OBSOLETE.
17. DIRECTIONS TO THE SITE
From I-90 W entering Cleveland. Keep right at the fork to continue on OH-2W. Keep left to stay on OH-2W. Continue onto OH-2W/US-20W/US-5W. Take the exit toward Whiskey Island/Edgewater Park. Turn right toward Whiskey Island Drive, at the traffic circle take the first exit onto Whiskey Island Drive. Continue east, after crossing the railroad bridge, the entrance to the bulk terminal will be on the left side of the road.

18. Nature of Activity (Description of project, include all features)
The project includes the rehabilitation of 1185 linear feet of shore at the bulk terminal. The repair will start at the west end of the bulk terminal. New PZ-35 sheet piling, 70 feet in length, will be driven in place in front of the existing sheet piling and concrete cap. In areas where the existing sheeting is bowed out, the existing sheeting will be pulled, and new sheets will be driven in line with the rest of the bulkhead. The new sheet piling will be placed 1.2 feet lakeward of the existing sheet piling. The space between the new and existing sheet piling will be filled with low strength mortar fill. The new bulkhead will be supported by the existing concrete Hulett foundations, and a system of steel tiebacks.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)
The purpose of the proposed repairs is to rehabilitate the existing maritime infrastructure to develop a uniform and continuous dock along the entire water front of the Cleveland Bulk Terminal.

20. Reason(s) for Discharge
Placement of low strength mortar fill as backfill for the new steel sheet pile bulkhead.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount in Cubic Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSM Fill</td>
<td>1695.9 CY below OHW</td>
</tr>
</tbody>
</table>

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

<table>
<thead>
<tr>
<th>Acres</th>
<th>or</th>
</tr>
</thead>
<tbody>
<tr>
<td>.033 Acres</td>
<td>Linear Feet</td>
</tr>
</tbody>
</table>

23. Description of Avoidance, Minimization, and Compensation (see instructions)
The lakeward position of the new steel sheet piling was minimized to be as close to the existing steel sheet piling, as possible. The alignment of the new steel sheet piling will be behind the existing sheet piling, in areas where the existing sheet piling has failed, and is bowing lakeward.
24. Is Any Portion of the Work Already Complete? Yes \[\square\] No \[\xmark\] IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more can be entered here, please attach a supplemental list).

a. Address-
City - Cleveland
State - Ohio
Zip - 44144

b. Address - 3900 Euclid Avenue (Cleveland Regional Sewer District)
City - Cleveland
State - Ohio
Zip - 44115

c. Address - 3900 Euclid Avenue (Cleveland Regional Sewer District)
City -
State -
Zip -

d. Address -
City -
State -
Zip -

e. Address -
City -
State -
Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described In This Application.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>TYPE APPROVAL*</th>
<th>IDENTIFICATION NUMBER</th>
<th>DATE APPLIED</th>
<th>DATE APPROVED</th>
<th>DATE DENIED</th>
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</thead>
<tbody>
<tr>
<td>ODNR</td>
<td>SSP/SL Modification</td>
<td></td>
<td>2-12-2018</td>
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</tbody>
</table>

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT 02/09/2018  SIGNATURE OF AGENT 2-9-2018

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 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.
**GENERAL INFORMATION**

1. Property owner name: Cleveland-Cuyahoga County Port Authority, ATTN: William Friedeman, President

2. Mailing address:
   1100 West 9th Street
   Cleveland, Ohio, 44113

3. Home telephone number:

4. Alternate telephone number: 216-377-1339

5. Email address: William.Friedman@portofcleveland.com

6. Authorized agent/representative name: Mark P. Cancer (KS Associates)

7. Mailing address:
   260 Burns Road, Suite 100
   Elyria Ohio 44035

8. Telephone number: (440)365-4730 x 395

9. Fax Number:

10. Email address: cencerm@ksassociates.com

11. Street address: 5400 Whiskey Island Drive

12. Permanent parcel number(s): 00302002

13. City or township: Cleveland

14. County: Cuyahoga

15. Site location description (if necessary):
   - see location plan

16. Submittals (check if enclosed):
   - [X] Location map

17. Name of adjoining shoreline property owner(s) and street address/city/state/zip code (include permanent mailing and local):
   - Board of Park Commissioners of the Cleveland Metropark District
     - 4101 Fulton Parkway, Cleveland Ohio 44144
   - Cleveland Regional Sewer District
     - 3900 Euclid Avenue, Cleveland Ohio 44115

18. Brief description of the proposed structure or project (attach additional sheets if necessary):
   The project includes the rehabilitation of 1185 linear feet of shore at the bulk terminal. The repair will start at the west end of the bulk terminal. New PZ-35 sheet piling, 70 feet in length, will be driven in place in front of the existing sheet piling and concrete cap. In areas where the existing sheeting is bowed out, the existing sheeting will be pulled, and new sheets will be driven in line with the rest of the bulkhead. The new sheet piling will be placed 1.2 feet lakeward of the existing sheet piling. The space between the new and existing sheet piling will be filled with low strength mortar fill. The new bulkhead will be supported by the existing concrete Hefell foundations, and a system of steel tiebacks.

19. Anticipated start date: 09/01/18

20. Anticipated finish date: 04/01/19

21. To apply for an authorization, check the box below and complete the application on the reverse page:
   - [X] Shore Structure Permit
   - [ ] Submerged Lands Lease
   - [ ] Coastal Erosion Area Permit
   - [ ] Shore Structure Permit Modification
   - [X] Submerged Lands Lease Modification
   - [X] Consistency Statement

**AGENCY USE ONLY**

Application Reference #: 
Lease Reference #: 

Date Received: 
This copy to: [ ] SSP [ ] SLL [ ] CEA [ ] Other

Form OMR 2012 Rev. 05/2012

Application page 1 of 2
SHORE STRUCTURE PERMIT APPLICATION

1. Professional Engineer: Mark P. Cencar  
2. Ohio registration number:  

3. Mailing address:  
   260 Burns Road, Suite 100  
   Elyria OH 44035  
4. Phone number: (440)365-4730 x395  
5. Fax number:  
6. Email address: Cencar@ksassociates.com  

7. Submittals (check if enclosed)  
   X Construction drawings (by professional engineer)  
   X Design information  

SUBMERGED LANDS LEASE APPLICATION

1. Total Area of Submerged Lands to be Occupied: Repair area is within SLLs SUB-0646-CU and SUB-0016-CU  
2. Upland deed recording information [Deed book] V. 97-02331  
   [Deed page] 58  
3. Local Authority Issuing Resolution: Cleveland-Cuyahoga County Port Authority  
4. Was any Portion of the Structure Erected in Lake Erie Prior to October 13, 1955?  
   X Yes  
   □ No  
5. Brief Explanation of the Purpose of the Structure or Project (attach additional sheets if necessary):  
   The purpose of the proposed repairs is to rehabilitate the existing maritime infrastructure to develop a uniform and continuous dock along the entire water front of the Cleveland Bulk Terminal.  

6. Submittals (if enclosed):  
   X Construction drawings  
   □ Copy of title deed  
   □ Metes & bounds description and plat  
   □ Local resolution or ordinance  
   □ Legal documentation of signature authority  

COASTAL EROSION AREA PERMIT APPLICATION

1. Authorization Type:  
   □ Existing  
   □ New Measure  
   Date Built (if existing):  
2. Upland deed recording information [Deed book]  
   [Deed page]  
3. Construction start date for the building or addition:  
4. Brief description of the building or addition (attach additional sheets if necessary):  
5. Submittals (check if enclosed):  
   □ Construction drawings  
   □ Permanent structure drawings  
   □ Copy of title deed  
   □ Construction schedule  
   □ Design Information  

SIGNATURE AND CONSISTENCY STATEMENT

I certify that the proposed activity identified in this application shall comply with Ohio's approved Coastal Management Program and will be conducted in a manner consistent with such program (15 CFR 930.57 and ORC 1506.03).  
I do additionally 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.  

Signature of Property Owner or Authorized Agent  
William Friedman, (Cleveland-Cuyahoga County Port Authority)  
02/09/2018  

MAIL TO: Ohio DNR Office of Coastal Management, 185 West Shoreline Drive, Sandusky OH 44870
Ohio Coastal Management Program
Consistency Certification Statement

I, [William Friedman], do certify that the proposed activity complies with the enforceable policies of Ohio's approved coastal management program and will be conducted in a manner consistent with such program (16 U.S.C. § 1456 and O.R.C. §1506.03).

Address: 1100 West 9th Street, Suite 300
City: Cleveland  State: Ohio  Zip Code: 44145
Telephone Number: 216-377-1339
Applicant's Signature: [Signature]  Date: 02/09/2018

Project Name/Description: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation Project

Please list all local, State, and Federal permits, licenses, leases, and/or other authorizations required for this project:

1) USACE Permit

2) ODNR Submerged Land Lease Modification

3) ODNR Shore Structure Permit

4) 

5) 

Please submit an original copy of this document signed by the applicant (not an agent or representative) with your Federal permit application or submit to:

Federal Consistency Coordinator
Ohio Department of Natural Resources
Office of Coastal Management
105 West Shoreline Drive
Sandusky, Ohio 44870
Steel Sheet Pile Bulkhead

A  Design Return Period  50 years  (Program Requirements)

B  Design Water Level

High Water Case
  Design Water Level Determination on the Great Lakes, USACE 1993
  Design Water Level  575.74 ft IGLD 85
  Revised Report on Great Lakes Open Coast Flooding, USACE 1988
  Design Water Level  575.20 ft IGLD 85
  NOAA/NOS/CO-OPS Verified Water Levels for Cleveland Gauge 9063063
  Design Water Level  575.30 ft IGLD 85

  Design High Water Level  575.4 ft IGLD 85

Low Water Case
  NOAA/NOS/CO-OPS Verified Water Levels for Cleveland Gauge 9063063
  Design Water Level  569.43 ft IGLD 85
  International Great Lakes Low Water Datum
  Design Water Level  569.20 ft IGLD 85

  Design Low Water Level  569.2 ft IGLD 85

C  Design Wave Height

Due to deep water in dredged channel and harbor protective structures, design waves will not be depth limited. Consider fetch limited waves within harbor breakwaters.

Fetch Limited Waves
  Maximum Fetch  1600 ft
  Fetch Angle  300 deg. True North
  El. Of Observed WS  33 feet
  Observed Wind Speed  90 mph
  Air Sea Temp. Diff.  0 deg. F
  Duration of Wind Speed  3 hours
  Duration of Final Wind  3 hours
  Latitude of Observation  41.5 deg.

  Wave Height (Hmo)  2.35 ft
  Wave Period (Tp)  1.94 sec
Steel Sheet Pile Bulkhead

D  Overtopping

Proposed Cap Elevation  577.5 ft IGLD 85

Estimate Wave Crest Height, Criteria (ηHmo+DWL)
Wave Crest Height  577.0 ft IGLD 85 (at η = 0.7)

Proposed bulkhead is not overtopped at Design Water Level and Wave Height
Steel Sheet Pile Bulkhead

Bulkhead Elevations
- Cap Elevation: 577.5 ft IGLD 85
- Water Elevation: 574.5 ft IGLD 85
- Design Low Water Level: 569.2 ft IGLD 85
- Dredge Line: 541.2 ft IGLD 85
- Assumed Scour Line: 539.2 ft IGLD 85

Distance from Cap
- 3.0 feet
- 8.3 feet
- 36.3 feet
- 38.3 feet

Surcharge Load
- Fully Loaded Rail Track: 3010 psf
- Track Width: 5.3 ft
- Load Per Foot/Track: 15953 lb/ft
- No. Of Tracks: 3
- Total Load/foot: 47859 lb/ft
- Distance to South Rail: 67.6 ft
- Assumed Surcharge Load: 708.0 psf
### Steel Sheet Pile Bulkhead

#### Soil Properties

<table>
<thead>
<tr>
<th>Depth Below the Base of Retaining Wall (feet)</th>
<th>Bulk Unit Weight (γ,pcf)</th>
<th>Submerged Unit Weight (γ',pcf)</th>
<th>Angle of Internal Friction (degrees)</th>
<th>Undrained Shear Strength (psf)</th>
<th>Soil Modulus (k)(pci)</th>
<th>Soil Strain ($\varepsilon$) for clays</th>
<th>Friction Angle (θ) Between Steel &amp; Soil</th>
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</thead>
<tbody>
<tr>
<td>0.0 to 6.0</td>
<td>130</td>
<td>--</td>
<td>30</td>
<td>--</td>
<td>90</td>
<td>--</td>
<td>20</td>
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<td>6.0 to 23.5</td>
<td>130</td>
<td>67.6</td>
<td>30</td>
<td>--</td>
<td>60</td>
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*From Geotechnical Report Prepared by PGI

Data input to Pile Buck SPW911 Software. Output is attached.
Client: Cleveland-Cuyahoga County
Port Authority
Site: Cleveland, Ohio

Title: Cleveland Bulk Terminal
Designer: Mark Cencer, P.E.
Ref: 1704
Page: 1
Date: 2.9.18

Sheet: PZ35
Pressure: Terzaghi (m = 1.0; a = 0.4);
Passive softening ON
Toe: Free Earth Support

Area D

KS Associates Inc.

© 2001-2007 Ploin Inc.
Tel: 440-365-4730
Fax: 440-365-4790
E-Mail: cencerm@ksassociates.com
Web: www.ksassociates.com
Input Data

Depth Of Excavation = 38.30 ft
Depth Of Active Water = 8.30 ft
Surcharge = 708.0 psf
Depth Of Passive Water = 8.30 ft
Water Density = 62.43 pc
Minimum Fluid Density = 31.82 pc

Soil Profile

<table>
<thead>
<tr>
<th>Depth (ft)</th>
<th>Soil Name</th>
<th>( \gamma ) (pcf)</th>
<th>( \gamma' ) (pcf)</th>
<th>C (psf)</th>
<th>( C_a ) (psf)</th>
<th>( \phi ) (°)</th>
<th>( \delta ) (°)</th>
<th>( K_a )</th>
<th>( K_{oc} )</th>
<th>( K_p )</th>
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<td>Medium Dense Silty Sand</td>
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<td>67.60</td>
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Solution

Sheet

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<th>Sheet Name</th>
<th>L (in^4/ft)</th>
<th>E (psi)</th>
<th>Z (in^2/ft)</th>
<th>f (psi)</th>
<th>Maximum Bending Moment (ft-lb/ft)</th>
<th>Upstand (ft)</th>
<th>Toe (ft)</th>
<th>Pile Length (ft)</th>
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Load Model: Area Distribution

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Maxima

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<td>Deflection</td>
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<td>Pressure</td>
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<tr>
<td>Shear Force</td>
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<td>3.00 ft</td>
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</table>
Pressure (psf)

Bending Moment (ftlb/ft)

Deflection (in)

Shear Force (lb/ft)

<table>
<thead>
<tr>
<th>Maximum</th>
<th>d (ft)</th>
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<tbody>
<tr>
<td>2531.0 psf</td>
<td>24.37</td>
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<tr>
<td>419291.4 ftlb/ft</td>
<td>23.75</td>
</tr>
<tr>
<td>37389.9 lb/ft</td>
<td>3.00</td>
</tr>
<tr>
<td>21.2 in</td>
<td>30.21</td>
</tr>
</tbody>
</table>

Area D

KS Associates Inc.
RESOLUTION NO. 2018-02

A RESOLUTION AUTHORIZING AND APPROVING
SUBMITTAL OF AN APPLICATION TO THE STATE OF OHIO
TO MODIFY SUBMERGED LANDS LEASES
SUB-0646-CU & SUB-0016-CU AND OBTAIN A SHORE STRUCTURE PERMIT,
IN CONNECTION WITH THE PLANNED
MARITIME INFRASTRUCTURE IMPROVEMENTS AT
THE CBT INTERMODAL BULK TRANSFER & STORAGE FACILITY

WHEREAS, the Cleveland-Cuyahoga County Port Authority (the "Port Authority")
previously entered into a Submerged Lands Leases with the State of Ohio (the "State")
and the Ohio Department of National Resources ("ODNR") for the area described in
Submerged Lands Leases SUB-0646-CU and SUB-0016-CU, from the historic Lake Erie
shoreline near the existing alignment of Whiskey Island Drive extending north into Lake
Erie and Cleveland Harbor (the "Current Leases"); and

WHEREAS, Submerged Land Lease SUB-0646-CU includes 41.5193 acres of land
owned by the Cleveland-Cuyahoga County Port Authority with the existing term that
expires in 2047; and

WHEREAS, Submerged Land Lease SUB-0016-CU includes 376.5007 acres of
submerged Lake Erie land with the existing term that expires in 2061; and

WHEREAS, the Port Authority, after discussions with the ODNR, has determined
modifications to the Current Leases are necessary along the common line between the
Current Leases to permit and implement the required bulkhead improvements at the Port
 Authority's Cleveland Bulk Terminal Intermodal Bulk Transfer & Storage Facility
("CBT"); and

WHEREAS, the Port Authority desires to file an application with ODNR to modify or
replace the Current Leases with New Lease Area ("New Lease Area") limits through the
submission of revised legal plat descriptions for the modified or replaced leases ("New
Submerged Land Leases"); and

WHEREAS, the Board of Directors (the "Board") of the Port Authority determines that
the New Lease Area and New Submerged Land Leases will not interfere with navigation
and water commerce and such uses will comply with regulations of permissible land use
under the applicable Port Authority plans; and

WHEREAS, the Board has determined it is in the best interest of the Port Authority to
submit an application to ODNR for a Shore Structure Permit and to modify the Current
Leases as set forth herein (the "Application").

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cleveland-
Cuyahoga County Port Authority, Cleveland, Ohio:
Section 1. That the Board of Directors ("Board") on behalf of the Port Authority does hereby authorize and approve submission by the President of an Application to ODNR for a Shore Structure Permit and the New Lease Areas associated with the specific New Submerged Land Leases described herein.

Section 2. The Port Authority hereby finds and determines that, other than the structures detailed in the Shore Structure Permit application, the submerged lands described in the Application are not necessary or required for the construction, maintenance, or operation by the Port Authority of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways in aid of navigation and water commerce and that the land uses specified in the Application comply with regulation of permissible land use under a waterfront plan of the Port Authority.

Section 3. The Board of the Port Authority hereby finds and determines that in order to realize the maximum benefits of CBT and to ensure its continued operation, it is necessary that the Application be submitted to ODNR. No permit pursuant to such Application shall be issued by the Cleveland-Cuyahoga County Port Authority unless (i) the permanent improvement will not obstruct or adversely affect navigation or water commerce, (ii) shall not be inconsistent with the plans of the Cleveland-Cuyahoga County Port Authority, (iii) any construction, reconstruction, enlargement, extension, improvement, filling, rehabilitation, removal or performance of any underwater repair or other improvements to the New Lease Area shall be consistent with sound architectural engineering or practices and shall comply with all applicable codes and regulations, and (iv) any permits required from any governmental authority shall have been first obtained.

Section 4. That the Chair, Vice Chair, Secretary, President or Assistant Secretary, or any of them, is hereby authorized and directed to take such further actions and execute such further documents necessary to support the Application and evidence the New Submerged Lands Leases with the State and ODNR for the New Lease Areas, including to execute revised New Submerged Lands Lease approved by the State and ODNR.

Section 5. That all formal actions of the Board of Directors of the Cleveland-Cuyahoga County Port Authority concerning and relation to the adoption of this Resolution were adopted in an open meeting of the Board of Directors and that all deliberations of this Board of Directors and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
Section 7. That this Resolution shall take effect immediately upon its adoption.

ADOPTED: February 8, 2018

Yeas: 8

Nays: 0

Abstentions: 0

[Signatures]

VICE CHAIR
SECRETARY
Cleveland Bulk Terminal Maritime Infrastructure Replacement

KS Associates Project #17204

Photo 1: Site Aerial

Photo 2: Looking west from Taconite Loader at bulkhead and railroad tracks.
Photo 3: Looking East from western extent of repair area and west end of bulk terminal property. Photo showing void area where the original timber and concrete wall has failed.

Photo 4: Looking east from beginning of concrete cap, photo showing voids present behind the cap.
Photo 5: Looking west along top of bulkhead, at area where existing sheet pile is leaning lakeward.
Photo taken near station 2+15 along the bulkhead.

Photo 6: Looking down the face of the sheet pile, at a rusted and failed tie rod.
Photo 7: Looking west along the top of the bulkhead, photo showing another area where existing sheet piling is leaning lakeward. Photo taken near station 8+10 along the bulkhead.

Photo 8: Looking at damaged cap channel.
Photo 9: Looking east at end of Hulett track and end of repair area.

Photo 10: Looking south from Cleveland Harbor, at existing sheet piling, and split in waler beam.
Photo 11: Looking south from Cleveland Harbor at existing sheet piling and gap in existing water beam.
Application for Director's Authorization for coverage under the 401 WQC for the Nationwide Permits
Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
Applicant: Cleveland-Cuyahoga County Port Authority
Site Address: 5400 Whiskey Island Drive, Cleveland, Ohio 44102
KS Project No: 17204

2. Provisional 404 Nationwide Permit (NWP) authorization letter issued by the Corps of Engineers with all attachments and special conditions

A copy of the Nationwide Permit verification letter issued by the U.S. Army Corps of Engineers, including all attachments and special conditions, is attached.
June 29, 2018

Regulatory Branch

SUBJECT: Transmittal of PROVISIONAL Department of the Army Permit No. LRB-2018-00532, Nationwide Permit No. 3 as Published in the Federal Register, Volume 82, No. 4, on Friday, January 6, 2017.

Mr. William D. Friedman
Cleveland-Cuyahoga County Port Authority
1100 West 9th Street, Suite 300
Cleveland, Ohio 44113

Dear Mr. Friedman:

I am writing to you in regard to your proposal to repair 1185 linear feet of sheet pile bulkhead along the shoreline of Cleveland Harbor, Lake Erie, located at the Cleveland Bulk Terminal, 5400 Whiskey Island Drive, in the City of Cleveland, Cuyahoga County, Ohio.

I have determined that your project satisfies the terms and conditions of the attached Nationwide Permit (NWP). However, your project does not conform to all of the conditions contained in the Section 401 Water Quality Certification (WQC) associated with this NWP.

Before you may commence work under this NWP you first need to obtain an activity specific WQC from Ohio Environmental Protection Agency (OEPA):

Mr. Jeffrey Boyles, 401 WQC Supervisor
Ohio EPA, Division of Surface Water
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, Ohio 43215

Once you have successfully completed the state process, you must forward a copy of the project specific WQC to this office. The conditions of the project specific WQC will supersede the WQC conditions included with the NWP attached to this transmittal. If the project remains unchanged you may commence work under the attached NWP without any further coordination with this office. However, if your project is modified during the OEPA review you will need to contact this office to determine if the modified project is still authorized by the attached NWP. If this situation arises, you may need to furnish a revised permit application, and you may not commence work until you receive Department of the Army authorization.

Verification of the applicability of this NWP is valid until March 18, 2022 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this Nationwide permit
Regulatory Branch

SUBJECT: Transmittal of PROVISIONAL Department of the Army Permit No. LRB-2018-00532, Nationwide Permit No. 3 as Published in the Federal Register, Volume 82, No. 4, on Friday, January 6, 2017.

expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: http://www.lrb.usace.army.mil/Missions/Regulatory.aspx. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

In addition to the general conditions attached to the NWP, your attention is directed to the following Special Conditions which are also appended at the end of the NWP General Conditions:

1. The permittee is prohibited from performing in-water work between April 15 and June to preclude adverse impacts on the spawning, nursery, and feeding activities of indigenous fish species.

A copy of this letter has been sent to the OEPA.

Questions pertaining to this matter should be directed to me at 716-879-4327, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: mark.w.scalabrino@usace.army.mil

Sincerely,

Mark W. Scalabrino
Chief, Ohio Application Evaluation Section

Enclosures
COMPLETION FORM / COMPLIANCE CERTIFICATION

Each permittee who receives a Nationwide Permit (NWP) verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any compensatory mitigation.

APPLICANT: Cleveland-Cuyahoga County Port Authority 1100 West 9th Street, Suite 300 Cleveland, OH 44113

POINT OF CONTACT: Nicholas La Pointe 1100 West 9th Street, Suite 300 Cleveland, OH 44113

File No.: 2018-00532 File Closed: 06/29/2018 NWP No.: 3

Upon completion of the activity authorized by this permit and any required compensatory mitigation sign this certification and return it to the address listed below within 30 days of project completion.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, revocation, and/or assessment of administrative penalties.

The permittee shall certify the completion of the authorized work and mitigation:

a. The authorized work was done in accordance with the NWP authorization, including any general, regional, or activity specific conditions.

b. The implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, this certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits.

APPLICANTS NAME ___________________ Date ________________

Permittee Telephone Number: ________________________________

Project location: 5400 Whiskey Island Drive, Cleveland, Ohio 44102

Project Description: Repair 1185 linear feet of sheet pile bulkhead

 Authorized Impacts (Waters of the U.S. Impacted by Project): 1185 linear feet

Waterway and/or Project Setting: along the shoreline of Cleveland Harbor, Lake Erie

Return completed form to:
Mr. David Leput
Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207
Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits

Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
Applicant: Cleveland-Cuyahoga County Port Authority
Site Address: 5400 Whiskey Island Drive, Cleveland, Ohio 44102
KS Project No: 17204

3. Mitigation plan as approved by the Corps of Engineers

Not Applicable – A mitigation plan was not required by the U.S. Army Corps of Engineers.
Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits
Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
Applicant: Cleveland-Cuyahoga County Port Authority
Site Address: 5400 Whiskey Island Drive, Cleveland, Ohio 44102
KS Project No: 17204

4. Description of conditions not met within the 401 WQC for the NWP

The proposed project does not meet the following condition within the 401 Water Quality Certification for Nationwide Permit 3:

“Replacement vertical bulkheads shall not be placed more than an average of one foot waterward of the intersection of the ordinary high water mark of the waterbody and the existing shoreline.”
Application for Director's Authorization for coverage under the 401 WQC for the Nationwide Permits

Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
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5. Description of any Nationwide Permit conditions waived by the Corps of Engineers

The following specific regional conditions of Nationwide Permit 3 were waived for the proposed project:

“The replacement of any permanent vertical bulkhead greater than one foot waterward of the original alignment. A vertical bulkhead is defined as any structure, or fill, with a vertical face. It may be constructed of timber, steel, concrete, etc.;”

“Activities in Section 10 waters that involve the discharge of greater than 10 cubic yards of dredged and/or fill material below the ordinary high water mark”
6. **Description of how the project minimally impacts water quality and reasons why the resources are unable to be avoided**

The project was designed to be constructed by driving new steel sheet piling directly lakeward of the existing structures. This minimizes fill quantities and project costs. The distance from the existing high water mark to the new bulkhead was determined by the width of the sheet piling and waler cross sections required for structural stability.

The Cleveland Bulk Terminal is an active port facility. The rehabilitation of maritime infrastructure at a Port facility requires at least minimal impacts to water resources.
Application for Director's Authorization for coverage under the 401 WQC for the Nationwide Permits

Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
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7. Applicable fees

A check for the application fee is enclosed.
Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits
Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
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8. Description of how the project meets public need

The Cleveland-Cuyahoga County Port Authority (CCCPA) owns and operates the Port of Cleveland. The Cleveland Port is linked to more than 20,000 jobs and $3.5 billion in annual economic activity. Critical to the Port’s operations is the Cleveland Bulk Terminal (CBT), one of the Port’s two maritime facilities in the Cleveland Harbor. The Cleveland Bulk Terminal is the region’s premier multimodal transportation facility and is critical to America’s Maritime Highway System M-90 corridor. The CBT supports marine transportation by ship and barge, as well as land transportation by rail and truck, facilitating the movement of dry bulk commodities, including 2,000,000 tons of taconite annually. The facility is critical to the supply of raw materials to the Arcelor-Mittal steel mill.

The existing maritime infrastructure at the site is failing. The existing bulkheads require replacement to sustain safe operations at the site. Without replacement, the existing bulkhead will continue to fail. This would prevent safe marine access to the facility, cause erosion of the fill used to construct the facility and undermine the existing railroad tracks.
Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits
Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
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9. High resolution color photographs for each resource proposed for impact
Cleveland Bulk Terminal Maritime Infrastructure Replacement

KS Associates Project #17204

Photo 1: Site Aerial

Photo 2: Looking west from Taconite Loader at bulkhead and railroad tracks.
Photo 3: Looking East from western extent of repair area and west end of bulk terminal property. Photo showing void area where the original timber and concrete wall has failed.

Photo 4: Looking east from beginning of concrete cap, photo showing voids present behind the cap.
Photo 5: Looking west along top of bulkhead, at area where existing sheet pile is leaning lakeward. Photo taken near station 2+15 along the bulkhead.

Photo 6: Looking down the face of the sheet pile, at a rusted and failed tie rod.
Photo 7: Looking west along the top of the bulkhead, photo showing another area where existing sheet piling is leaning lakeward. Photo taken near station 8+10 along the bulkhead.

Photo 8: Looking at damaged cap channel.
Photo 9: Looking east at end of Hulett track and end of repair area.

Photo 10: Looking south from Cleveland Harbor, at existing sheet piling, and split in waler beam.
Photo 11: Looking south from Cleveland Harbor at existing sheet piling and gap in existing water beam.
Application for Director's Authorization for coverage under the 401 WQC for the Nationwide Permits

Project: Cleveland Bulk Terminal Maritime Infrastructure Rehabilitation
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10. QHEI or HHEI forms for streams proposed for impact

Not Applicable – The project does not include stream impacts.
Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits
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11. 10 page ORAM forms for wetlands proposed for impact

Not Applicable – The proposed project does not include wetland impacts.
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Applicant: Cleveland-Cuyahoga County Port Authority
Site Address: 5400 Whiskey Island Drive, Cleveland, Ohio 44102
KS Project No: 17204

12. U.S. Fish and Wildlife Service & Ohio Department of Natural Resources threatened and endangered species comments
Dear Mr. Cencer,

We have received your recent correspondence requesting information about the subject proposal. There are no Federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area.

FEDERALLY LISTED, PROPOSED, AND CANDIDATE SPECIES COMMENTS: Due to the project, type, size, and location, we do not anticipate adverse effects to federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the U.S. Fish and Wildlife Service should be initiated to assess any potential impacts.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

Dan Everson
Field Supervisor
US Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, New York 14207
ATTN: Brian Swartz

Re: 17-514; BCOE LRB-1999-01471 Cleveland - Cuyahoga County Port Authority

Project: The proposed project involves the expansion of the Cleveland Bulk Terminal facility to allow commercial vessels unrestricted use of the bulkhead.

Location: The proposed project is located in the City of Cleveland, Cuyahoga County, Ohio.

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.

Natural Heritage Database: The Natural Heritage Database has the following record at or within a one-mile radius of the project area:

Lakefront Reservation – Cleveland Metroparks

A review of the Ohio Natural Heritage Database indicates there are no records of state or federal listed plants or animals within the project area. We are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, nature preserves, parks or forests or national wildlife refuges, parks or forests within the project area. The review was performed on the project area specified in the request as well as an additional one mile radius. Records searched date from 1980. This information is provided to inform you of features present within your project area and vicinity.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

Fish and Wildlife: The Division of Wildlife (DOW) has the following comments.
The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees to include: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniosa*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), shingle oak (*Quercus imbricaria*), northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*), post oak (*Quercus stellata*), and white oak (*Quercus alba*). Indiana bat roost trees consists of trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within the project area and trees must be cut, the DOW recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the DOW recommends a net survey be conducted between June 1 and August 15, prior to any cutting. Net surveys should incorporate either nine net nights per square 0.5 kilometer of project area, or four net nights per kilometer for linear projects. If no tree removal is proposed, this project is not likely to impact this species.

The project is within the range of the channel darter (*Percina copelandi*), a state threatened fish, and the bigmouth shiner (*Notropis dorsalis*), a state threatened fish. The DOW recommends no in-water work from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed, this project is not likely to impact these or other aquatic species.

The project is within the range of the Blanding's turtle (*Emydoidea blandingii*), a state threatened species. This species inhabits marshes, ponds, lakes, streams, wet meadows, and swampy forests. Although essentially aquatic, the Blanding’s turtle will travel over land as it moves from one wetland to the next. Due to the location, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the piping plover (*Charadrius melodus*), a state endangered and federally endangered bird, and the Kirtland’s warbler (*Setophaga kirtlandii*), a state endangered and federally endangered bird. These species do not nest in the state but do utilize stopover habitat as they migrate through the region. Due to the location, and the type of work proposed, this project is not likely to impact these species.

The project is within the range of the king rail (*Rallus elegans*), a state endangered bird. Nests for this species are deep bowls constructed out of grass and usually hidden very well in marsh vegetation. Due to the location, and the type of work proposed, this project is not likely to impact this species.
The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). Due to the location, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species. Due to the mobility of this species, the project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the U.S. Fish & Wildlife Service.

**Water Resources:** The Division of Water Resources has the following comment.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.


ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.

John Kessler
ODNR Office of Real Estate
2045 Morse Road, Building E-2
Columbus, Ohio 43229-6693
John.Kessler@dnr.state.oh.us