



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1778 NIAGARA STREET
BUFFALO, NEW YORK 14207-3198

December 4, 1998



Regulatory Branch

SUBJECT: Application No. 1999-00631(0), Nationwide Permit No. (03) as Published in the Federal Register, Volume 61, No. 241, on Friday December 13, 1996

Mr. Marlowe Witt
1002 Fairview Drive
Napoleon, Ohio 43545

Dear Mr. Witt:

This pertains to your application for a Department of the Army permit to construct a new concrete wall landward of an existing wall, and to break up the old wall and use for rip rap, adjacent to Maumee River, located at 1002 Fairview Drive, in the City of Napoleon, Henry County, Ohio.

I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permit provided that the attached conditions are satisfied.

Verification of the applicability of this Nationwide Permit is valid for two years from the date of affirmation unless the Nationwide Permit is modified, suspended or revoked. This verification will remain valid for two years if during this two year period the Nationwide Permit is reissued without modification or your activity complies with any subsequent permit modification. Please note that if you commence or are under contract to commence this activity in reliance of your Permit prior to the date this Nationwide Permit is suspended or revoked, or is modified such that your 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 this Nationwide Permit, unless this Nationwide Permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify

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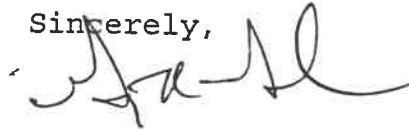
this office to determine the need for further approval or reverification.

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

Your initiation of work as authorized by the enclosed Nationwide Permit acknowledges your acceptance of the general and special conditions contained therein.

Questions pertaining to this matter should be directed to me at (419) 353-6307, by writing to the following address: U.S. Army Corps of Engineers, Northwest Ohio Field Office, Unit R-1-E, Box O, 1616 East Wooster St., Bowling Green, Ohio 43402, or by e-mail at: Gary.R.Buck@usace.army.mil

Sincerely,



Gary R. Buck
Biologist

Enclosures

COMPLIANCE CERTIFICATION

General Condition 14 of the Nationwide Permit you were affirmed requires that:

"Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; b) A statement that any required mitigation was completed in accordance with the permit conditions; c) The signature of the permittee certifying the completion of the work and mitigation."

APPLICANT:

POINT of CONTACT:
Mr. Marlowe Witt
1002 Fairview Drive
Napoleon, Ohio 43545

File Number: 1999-00631(0)
File Closed: 12/04/1998

Upon completion of the activity authorized by this permit sign this certification and return it to the following address within **30-days** of project completion:

Gary R. Buck
U.S. Army Corps of Engineers
Northwest Ohio Field Office
Unit R-1-E, Box O
1616 East Wooster St.
Bowling Green, Ohio 43402

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, or revocation.

Marlowe Witt

Date

Project Location: located at 1002 Fairview Drive, in the City of Napoleon, Henry County, Ohio

Project Description:

Authorized Impacts (Waters of U.S. Impacted by Project): 180 Linear-Feet

Waterway and/or Project Setting: adjacent to Maumee River

N
A

Marlowe River



Shore line



A

180 FT

Repair area



Existing concrete wall



A

Low area

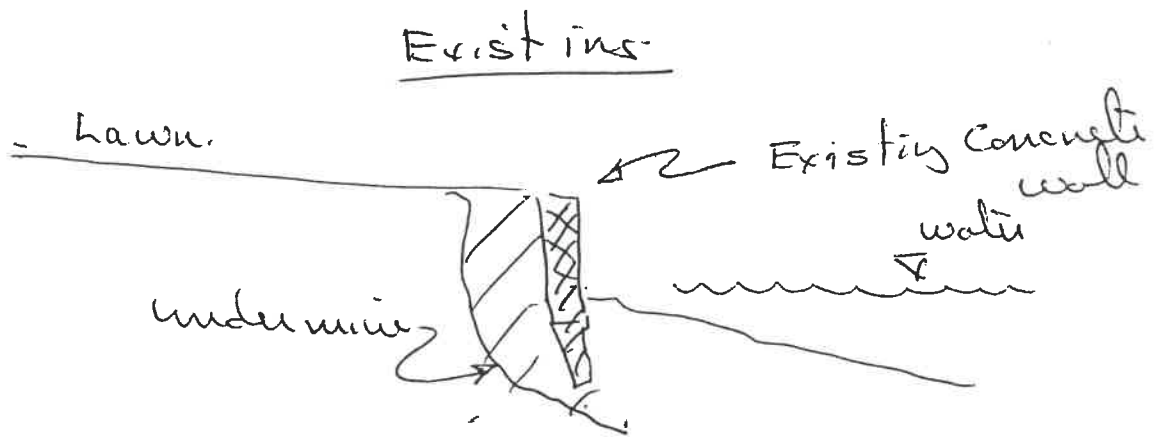


PLAN View

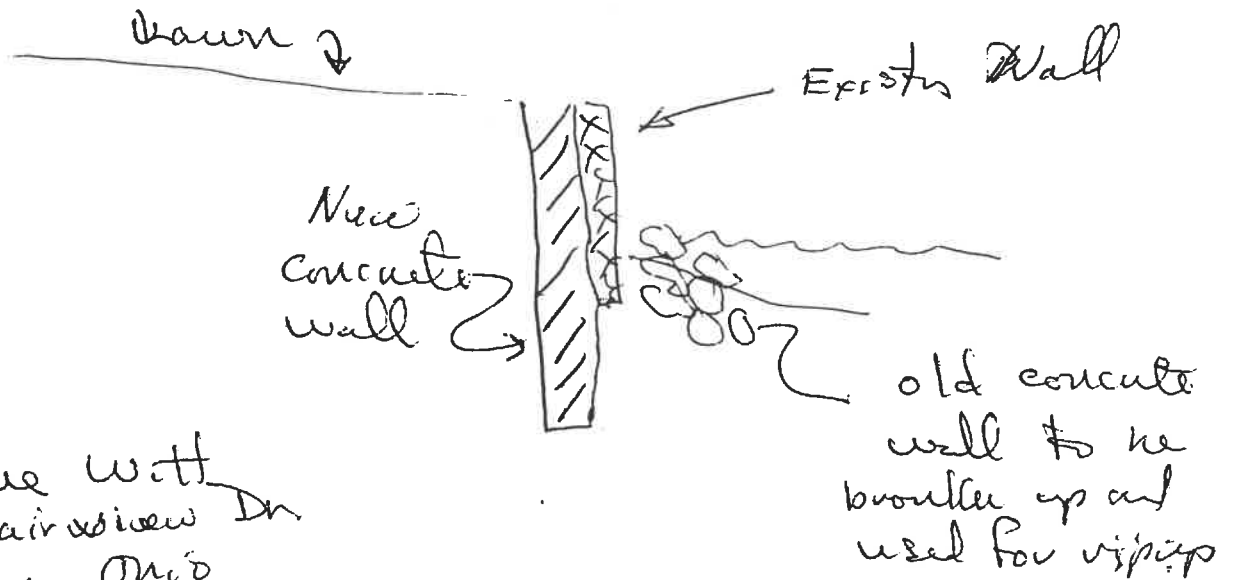
Fairview Drive

Marlowe will
1002 Fairview Drive
Napoleon, Ohio

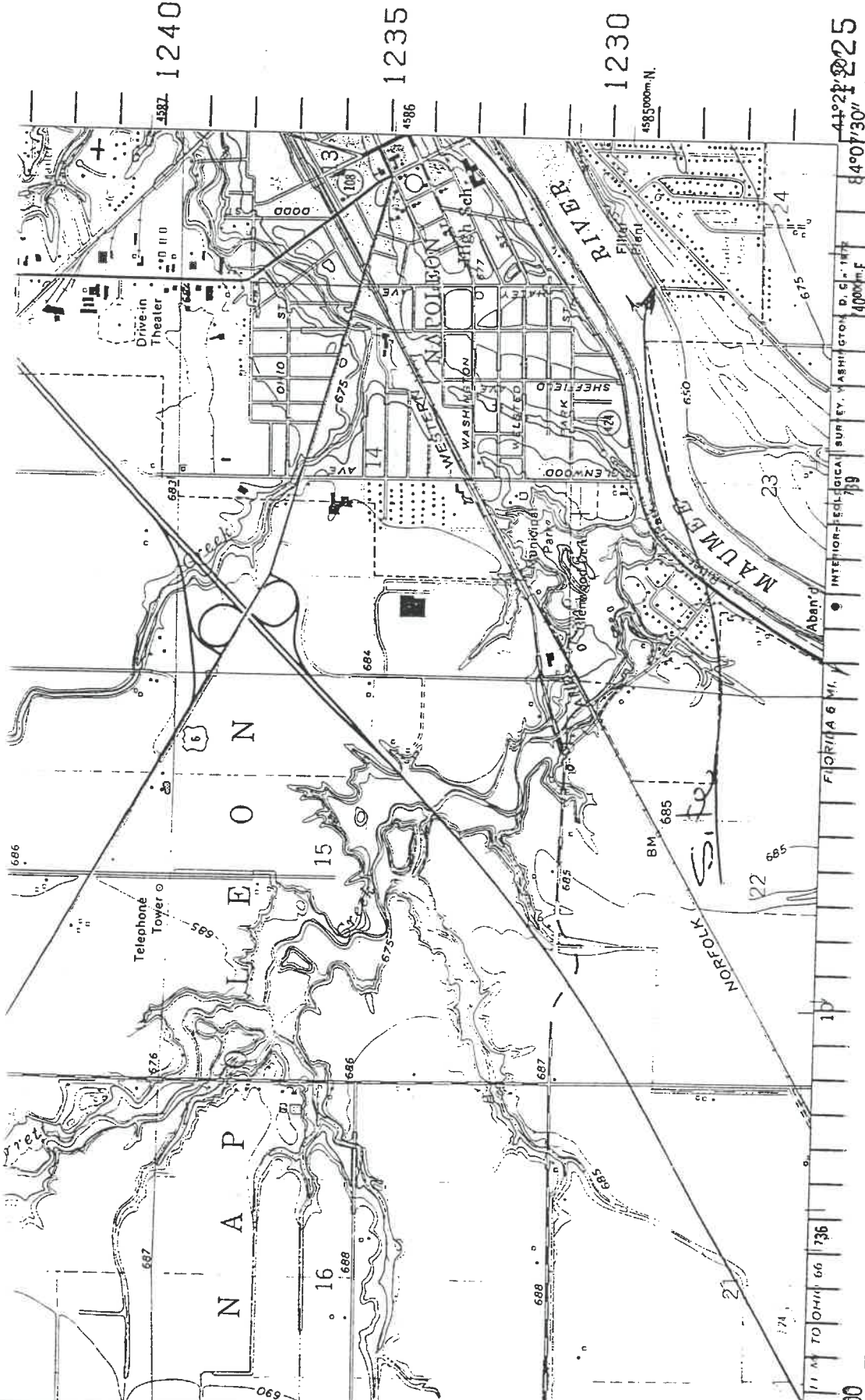
Typical Section A-A



Proposed



Marloue with
1002 Fairview Dr.
Napoleon, Ohio



ROAD CLASSIFICATION
 Heavy-duty Light-duty
 Medium-duty Unimproved dirt
 U.S. Route State Route

NAPOLEON WEST, OHIO

N 4122.5—W 8407.5/7.5
 1959
 PHOTOREVISED 1971
 AMS 4166 I NW—SERIES V 652

QUADRANGLE LOCATION

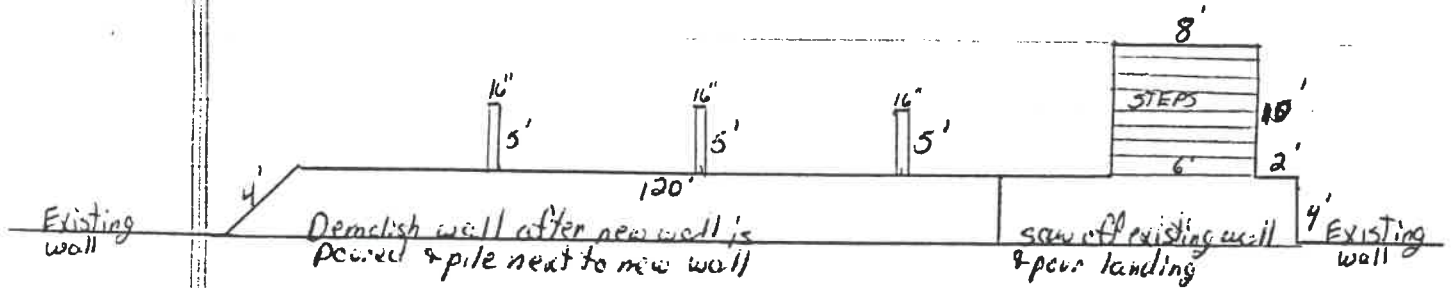


Revision: shown in purple compiled in cooperation with
 1971: this information not field checked

MAP ACCURACY STANDARDS
 VEY, WASHINGTON, D. C. 20242
 SYMBOLS IS AVAILABLE ON REQUEST

77 B

Bill Gilson & Marlow Witt



15' of 16" x 8' wall & footer
158' of 12" x 8' wall & footer

Excavation

tile

200 Ton stonebackfill

steps

Breakup existing concrete wall & place along new wall

\$44,500

Any stone more or less billed more or less

Watersand, and other unseen soil hazards maybe an extra charge

Dennis Gerken Constructio.

Home-598-8941

mobil-783-8399



REPLY TO
ATTENTION OF

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

October 16, 1991

Regulatory Branch

SUBJECT: Application No. 91-003-15, Nationwide Permit
33 CFR 330.5(a)(13)

Mr. Marlow Witt
Moorings Subdivision
— 181A DeRome Drive
Napoleon, Ohio 43545

Waterway: Maumee River
Town: City of Napoleon
County: Henry
State: Ohio

Dear Mr. Witt:

The proposed placement of 465 feet of heavy stone riprap along the riverbank is authorized by the enclosed Nationwide permit provided the attached conditions and management practices are satisfied. Please note that our verification of the applicability of this Nationwide Permit is valid until the permit is modified, reissued, or revoked. All the Nationwide Permits are scheduled to be modified, reissued, or revoked prior to January 13, 1992. It is your responsibility to remain informed of changes to the Nationwide Permits. A public notice announcing the changes will be issued when they occur. Please note that if you commence or are under contract to commence this activity before the date the Nationwide Permit is modified or revoked, you will have twelve months from the date of modification or revocation to complete the activity under the present terms and conditions of this Nationwide Permit.

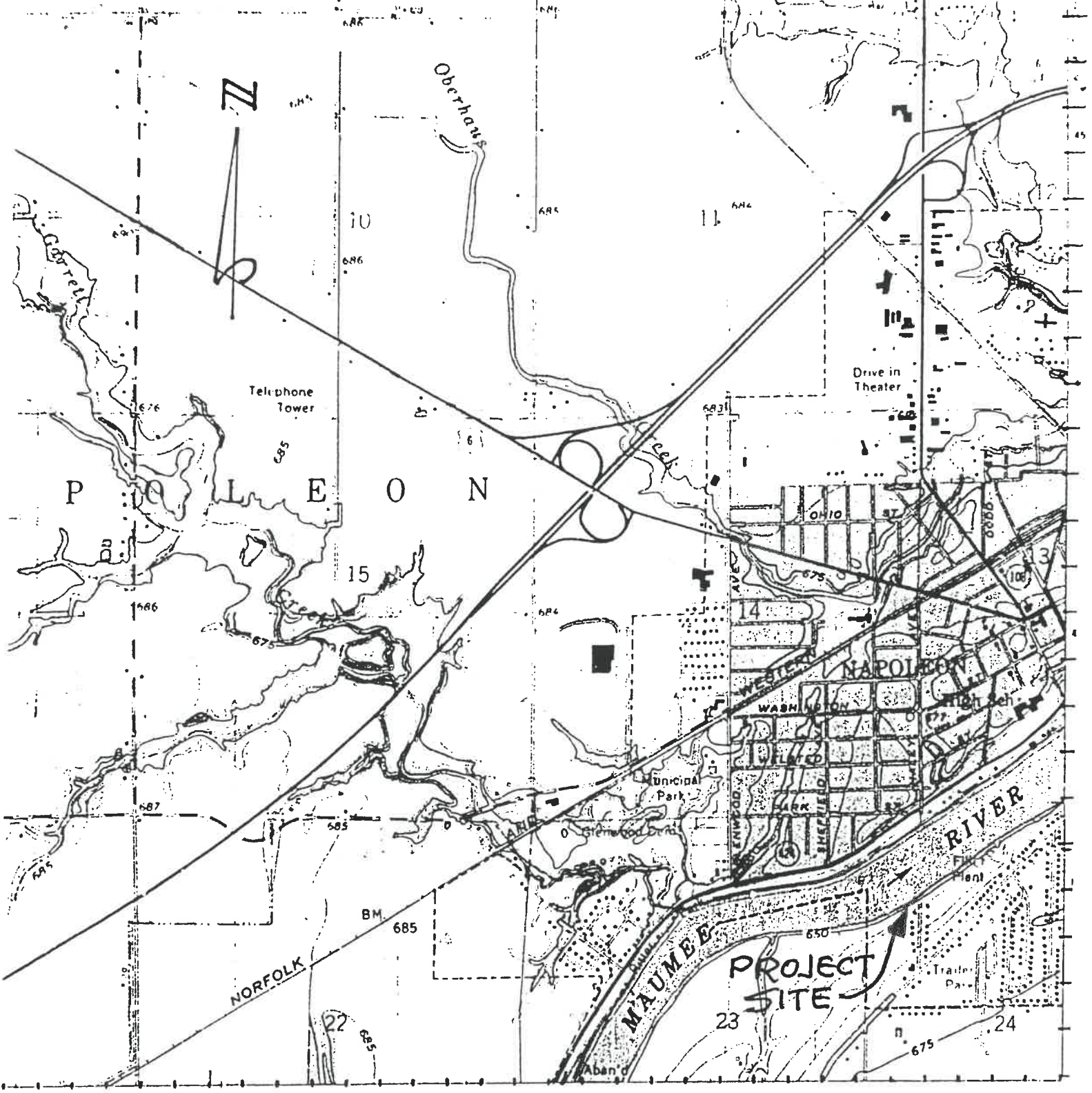
You are encouraged to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Questions pertaining to this matter should be directed to Mr. William Sweet, who may be contacted by calling 716-879-4290, or by writing to the above address.

Sincerely,

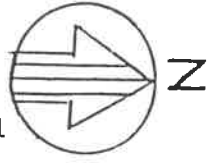
for John W. Morris
Colonel, U.S. Army
Commanding

Enclosures



QUAD: NAPOLEON WEST, OHIO

MOORINGS SUBDIVISION
 91-003-15
 SHEET 1 OF 2



RESIDENCES
FAIRVIEW DR.
RESIDENCES

Existing concrete wall

RESIDENCES

Existing Slope Protection

150'

MAUMEE RIVER

465'

WEST MAUMEE AVE.
RESIDENCES

TREES

PLAN
SCALE: 1" = 20'

Existing Ground

Top of Riprap

WATER SURFACE OHW

2' MAX.

6'
2'

PROPOSED

BOTTOM

SECTION A-A
SCALE: 1" = 20'

MOORINGS SUBDIVISION
91-003-15
SHEET 2 OF 2

330.5(b) Conditions.

The following special conditions must be followed in order for the nationwide permits identified in paragraph (a) of this section to be valid:

- (1) That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake.
- (2) That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to a shellfish harvesting activity authorized by paragraph (a)(4) of this section.
- (3) That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act (ESA), or destroy or adversely modify the critical habitat of such species. In the case of Federal agencies, it is the agencies' responsibility to comply with the requirements of the ESA. If the activity may adversely affect any listed species or critical habitat, the District Engineer must initiate Section 7 consultation in accordance with the ESA. In such cases, the District Engineer may:
 - (i) Initiate section 7 consultation and then, upon completion, authorize the activity under the nationwide permit by adding, if appropriate, activity specific conditions, or
 - (ii) Prior to or concurrent with section 7 consultation, he may recommend discretionary authority (See section 330.8), or use modification, suspension, or revocation procedures (See 33 CFR 325.7).
- (4) That the activity shall not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water);
- (5) That any discharge of dredged or fill material shall consist of suitable material free from toxic pollutants (see section 307 of the Clean Water Act) in toxic amounts;
- (6) That any structure or fill authorized shall be properly maintained.
- (7) That the activity will not occur in a component of the National Wild and Scenic River System; nor in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status;
- (8) That the activity shall not cause an unacceptable interference with navigation;
- (9) That, if the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, the permittee will notify the District Engineer. If the District Engineer determines that such historic properties may be adversely affected, he will provide the Advisory Council on Historic Preservation an opportunity to comment on the effects on such historic properties or he will consider modification, suspension, or revocation in accordance with 33 CFR 325.7. Furthermore, that, if the permittee before or during prosecution of the work authorized, encounters a historic property that has not been listed or determined eligible for listing on the National Register, but which may be eligible for listing in the National Register, he shall immediately notify the District Engineer;
- (10) That the construction or operation of the activity will not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights;
- (11) That in certain states, an individual state water quality certification must be obtained or waived (See § 330.9);
- (12) That in certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (See § 330.10);
- (13) That the activity will comply with regional conditions which may have been added by the Division Engineer (See § 330.8(a)); and
- (14) That the management practices listed in § 330.6 of this part shall be followed to the maximum extent practicable.

(Continued on Reverse Side)