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PENNSYLVANIA COASTAL ZONE MANAGEMENT PROGRAM

ELK CREEK PUBLIC ACCESS
STAGE 5A
BOAT RAMP CONSTRUCTION PROJECT
FINAL REPORT

GIRARD TOWNSHIP
ERIE COUNTY, PENNSYLVANIA

Prepared by:

Erie County Department of Planning
September 30, 1988

Coastal Zone

Funded and Coordinated through Department of Environmental Resources, Office of Resources Management, Bureau of Resources Management, Division of Coastal Zone Management and the Erie County Department of Planning.

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t was financed through a Federal Coastal Zone Management Grant
ennsylvania Department of Environmental Resources with funds
the National Oceanic and Atmospheric Administration.

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1. PROJECT LOCATION

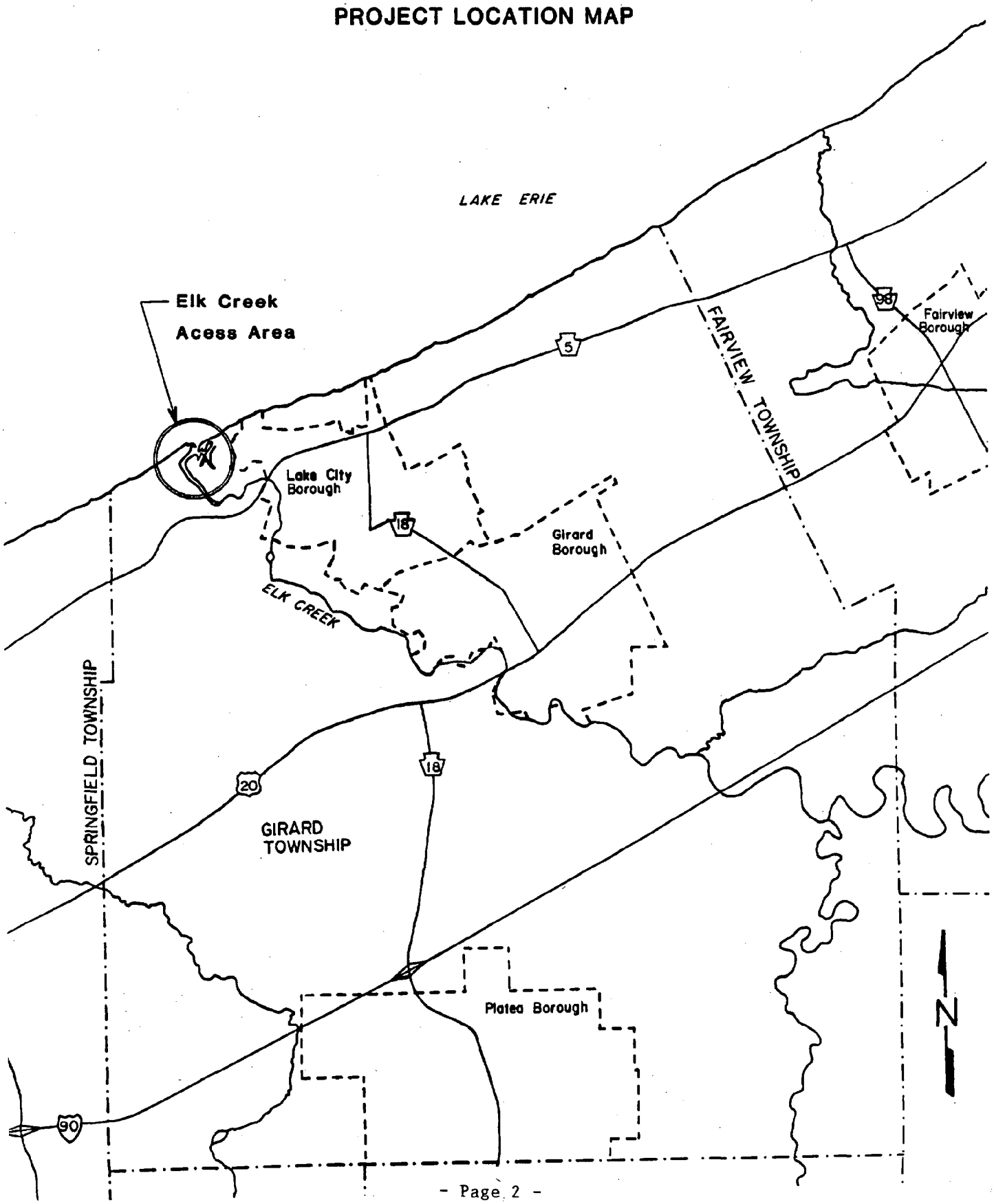
The Elk Creek Access Area is located along the west bank of Elk Creek, just north of PA Route 5 in the northwest section of Girard Township (see Project Location Map). The Access Area is approximately 11 miles east of Conneaut, Ohio and 16 miles west of Erie, Pennsylvania. The facility is located along the easternmost end of a 256 acre parcel of land owned by the Pennsylvania Electric Company (Penelec). Penelec is presently leasing a portion of this property (81.65 acres) to Girard Township for recreational purposes (see Site Map). The project site is bounded by Lake Erie on the north; Elk Creek and the Rhoades' Brothers property on the east; PA Route 5 on the south; and the balance of the Penelec property on the west. The site itself consists of two elevation levels separated by escarpments and steep slopes. The beach and lowlands adjacent to Elk Creek are within 20 feet or less of the level of Lake Erie, while the higher areas along the bluff and adjacent to PA Route 5 are as much as 125 feet above the lake level. With the exception of the existing recreational development, the project site is predominantly a forested area consisting of various species of hardwood trees and an abundance of vegetative cover. The properties surrounding the project site are made up of undeveloped land as well as agricultural and residential uses. The residential development includes a few isolated farm houses west of Elk Creek, seasonal dwellings along the east side of Elk Creek near the creek's mouth, and permanent single-family homes within Girard Township and Lake City Borough on the high ground east of Elk Creek. It should be noted that the project site has been identified as a Geographic Area of Particular Concern within the Lake Erie Coastal Zone as included in the State's adopted Coastal Zone Management Program. In addition, the Federal Insurance Administration has determined that some of the lowland areas adjacent to Elk Creek are within a designated flood hazard zone.

2. BACKGROUND OF THE PROJECT

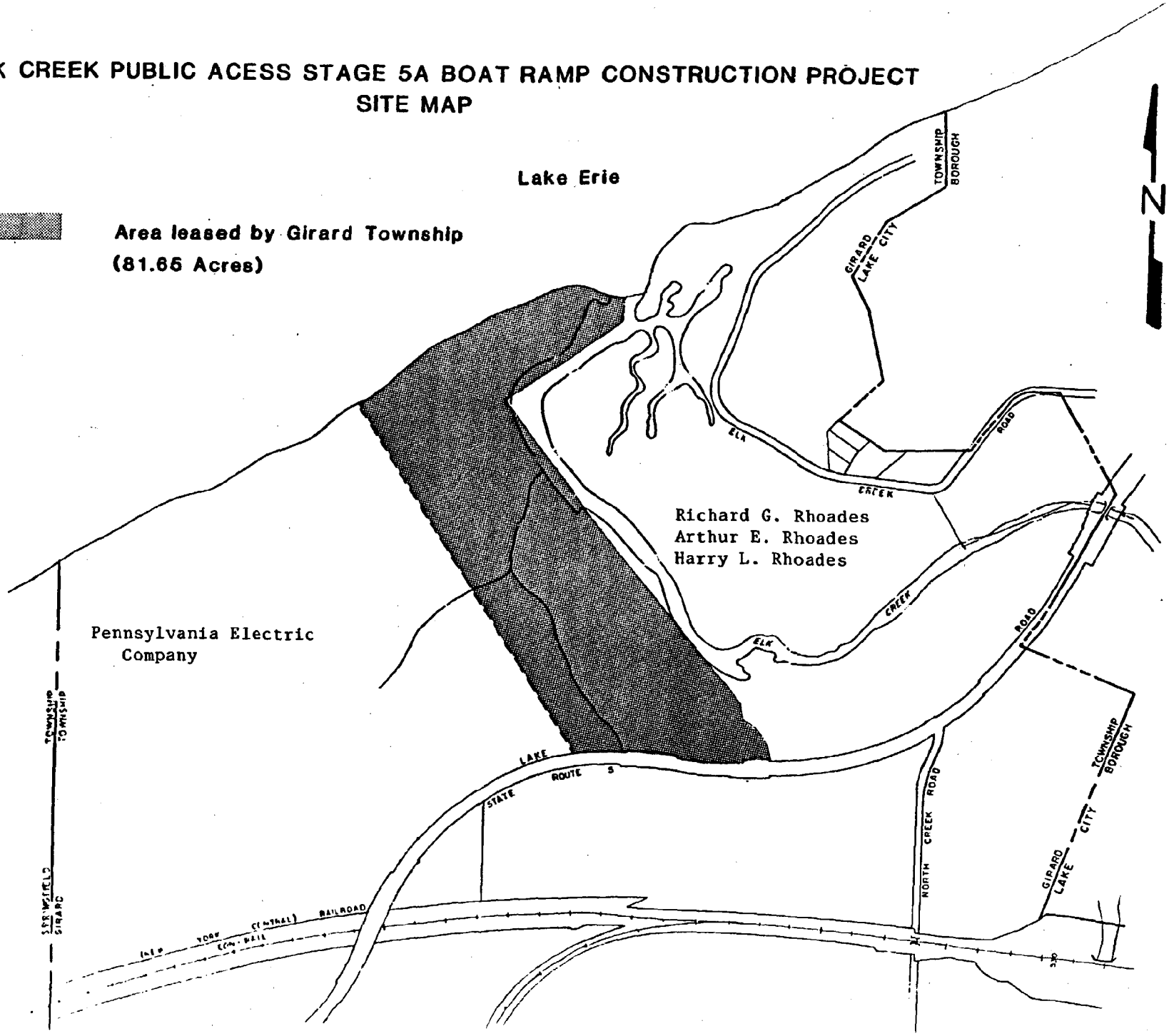
For many years, various public agencies have attempted to develop a small boat harbor at the mouth of Elk Creek. These agencies included the U.S. Army Corps of Engineers, the PA Fish Commission, the PA Department of Environmental Resources and the County of Erie. However, as is the case throughout most of the Lake Erie Coastal Zone, private land ownership at the mouth of Elk Creek has hampered all efforts to develop a public boating facility. The costs for acquiring sufficient land area for such a facility would be extremely high, not to mention the construction costs.

In the late 1970's, plans for constructing a small boat harbor at Elk Creek were temporarily put on hold. Attention subsequently turned to the possibility of constructing a public access area on the west bank of Elk Creek at a much smaller scale. State, County and local officials believed that the development of a public access area on the west bank would be compatible with any future harbor development on the east

ELK CREEK PUBLIC ACCESS
STAGE 5A BOAT RAMP CONSTRUCTION PROJECT
PROJECT LOCATION MAP



ELK CREEK PUBLIC ACESS STAGE 5A BOAT RAMP CONSTRUCTION PROJECT
SITE MAP



bank. The two projects would compliment each other in reaching the goals of improved lake access and recreation for the area.

As government officials were generating public interest for the development of a public access area, the owner of the west bank property (Penelec) was conducting an environmental study for the construction of a new coal-fired generating plant. The proposed limits of construction for the plant facility extended eastward to a point near the top of the creek escarpment, about 1500 feet from the creek itself. Penelec officials had decided that the escarpment and the lowlands adjacent to Elk Creek were not readily useable for plant construction, and would not be expected to be used in the future for that purpose. Since the escarpment and lowlands were more suitable for recreational development, Penelec offered to lease a portion of the property to Girard Township for public recreation purposes.

Before entering into a lease agreement with Penelec, GIrard Township decided to conduct a feasibility study for the Elk Creek Access Area. This study was completed in 1980 by D. A. Johnson and Associates with funds provided by the Pennsylvania Coastal Zone Management (CZM) Program. Specific project activities included:

1. Evaluation of land use, soils, topography, vegetation, traffic patterns and utilities in the study area.

2. Preparation of plans for the development of the recreational facilities.

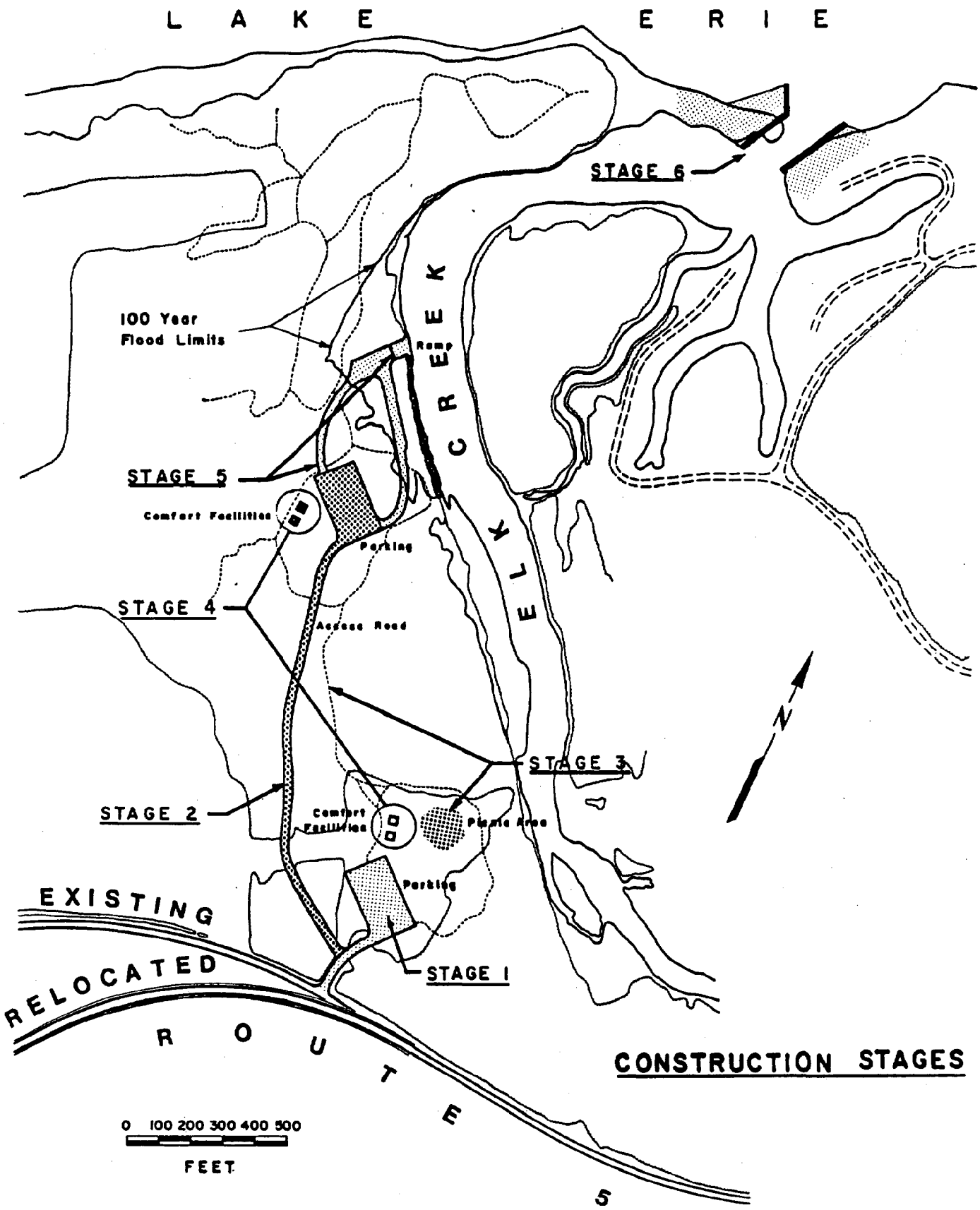
3. Development of cost estimates for the proposed improvements.

According to the feasibility study, improvements proposed for the site should be constructed in stages. This was necessary in order to provide construction contracts small enough to be adapted to the availability of funding. The recommended development stages for the Elk Creek Public Access Area included:

Stage 1: Entrance Road and Parking Area #1
Stage 2: Access Road and Parking Area #2
Stage 3: Picnic Area and Trails
Stage 4: Comfort Facilities
Stage 5: Boat Launching Ramp and Access
Stage 6: Channel Improvements
Stage 7: Paving of Gravel Roads and Parking Areas

The proposed location of the above-mentioned improvements within the study area are illustrated on the Elk Creek Access Area Construction Stages Map (please see map on following page).

Upon completion of the feasibility study, Girard Township contacted Penelec in order to have a lease agreement drawn up for a portion of the


LAKE ERIE
STAGE 6
100 Year
Flood Limits
Ramp
ELK CREEK
STAGE 5
Comfort Facilities
Parking
STAGE 4
Access Road
STAGE 3
STAGE 2
Comfort
Facilities
Picnic Area
Parking
STAGE 1
EXISTING
RELOCATED
ROUTE 5
N
CONSTRUCTION STAGES
0 100 200 300 400 500
FEET

lands on the west bank of Elk Creek. On March 4, 1981, both parties entered into the lease agreement whereby Penelec agreed to lease 46.65 acres of land to Girard Township for recreational purposes for a period of twenty five (25) years.

Construction of the recreational facilities at the Elk Creek Access Area finally began in the summer of 1981. The construction activities were staged as close as possible to the recommendations included in the Elk Creek Public Access Feasibility Study. The actual stages were modified in accordance with the funding availability. The following facilities were designed and constructed from 1981 through 1983 with funds provided by the CZM Program and the Pennsylvania Department of Community Affairs' Coastal Energy Impact Program (CEIP):

- An entrance road from PA Route 5 into the park. This road was constructed in 1981 (Stage 1A) and was eventually paved in 1983 (Stages 3A and 4A).

- A parking lot on the upper plateau near the entrance road which provides parking for about 50 cars. The parking lot was constructed in 1981 (Stage 1A) and was eventually paved in 1983 (Stages 3A and 4A).

- Two parking lots on the lower floodplain area which provide parking for about 100 cars (or about 50 cars plus 30 cars with boat trailers). The parking lots were constructed and paved in 1983 (Stages 3A and 4A).

- Over a half mile of paved access roads which connect the entrance road and upper parking area to the two lower parking areas. The main access road reaches the lake level via a meandering route through a ravine in the escarpment. The access roads include guard rails, traffic control signs, and over 1,000 feet of subsurface drainage. These improvements were completed in 1982 (Stage 2A).

- Two comfort stations, each which is a modern masonry pit type structure with restroom facilities for both men and women. One is located on the upper plateau and the other is adjacent to the parking lots on the lake level. The comfort stations were constructed in 1983 (Stages 3A and 4A).

- Approximately 6,500 feet of hiking trails throughout the wooded areas surrounding the other facilities. The hiking trails were completed in 1981 and 1983 (Stages 1A, 3A and 4A).

- Twelve (12) picnic tables and six (6) grills for public use. These facilities, which are located near the parking lots, were installed in 1981 and 1983 (Stages 1A, 3A and 4A).

In 1986, Girard Township developed a plan to construct an additional hiking trail for fishermen which would lead from the northernmost

parking lot, up and over the lake bluff, to the mouth of Elk Creek. Before this hiking trail could be constructed, Penelec had to lease additional land to Girard Township. On October 8, 1986, both parties entered into a second lease agreement which extended the boundary limits of the original agreement northward to the Lake Erie shoreline by an additional 30 acres. Shortly after the lease was executed, Girard Township constructed the hiking trail with Council of Governments (COG) grant funding through the PA Department of Community Affairs. A picnic pavillion adjacent to the lower parking lots and an entrance gate on the upper plateau were also constructed with COG funds. It should be noted that the entrance gate was installed to control access to the lower level parking lots during the winter months (generally from December 1st to the opening day of trout season).

Upon the completion of the above-mentioned improvements, State, County and local officials once again turned their attention to constructing a small boat harbor on the east bank of Elk Creek. In 1986, Girard Township entered into an agreement with D. A. Johnson and Associates to conduct the Elk Creek Safe Harbor/Marina Feasibility Study. Funding for this study was made available through the CZM Program. The study provided a review of the historical background of the study area, project development patterns, design needs and benefits, potential funding sources, government responsibilities and implementation strategies. According to the results of the Study, a short term goal would be to purchase the land on the east bank with eventual ownership vested in the PA Fish Commission. The long term goal would be to undertake a cooperative effort for constructing breakwaters and a harbor/marina.

Since the safe harbor/marina project was still several years away from becoming a reality, Girard Township decided to proceed with construction activities on the west bank of Elk Creek. When CZM announced that grant funds were available for construction projects in FY 1986, Girard Township applied for CZM funds in order to construct a boat launch ramp as previously recommended in the Elk Creek Public Access Feasibility Study.

3. SCOPE OF WORK

The construction activities associated with the Elk Creek Public Access Stage 5A Boat Ramp Construction Project were started in July of 1988 and completed in September of 1988 with funds provided by the PA Department of Environmental Resources (CZM). The total project cost was $44,700. The project improvements would provide for the construction of a boat launching ramp on the west bank of Elk Creek adjacent to the previously developed lower level parking area. It should be noted that Girard Township did not provide any matching funds for construction of the boat ramp. However, the Township is responsible for dredging Elk Creek in order to ensure safe boater access between the boat ramp and Lake Erie.

The following is a list of specific activities which took place during

the completion of this project:

1. Archeological Survey - The Pennsylvania Historical and Museum Commission (PAHMC) informed CZM in November of 1986 that an Archeological Survey might need to be conducted at the Elk Creek Access Area in order to determine if the project would affect any archeological resources within the project area. Upon researching the information on the project site, CZM obtained a copy of an Archeological Survey which was conducted for the Elk Creek Area in 1986 by the Northwest Institute of Research. This Archeological Survey was forwarded to the PAHMC for review in March of 1987. Based upon the information presented in the 1982 survey, PAHMC officials concluded that the project would have no effect on archeological resources in the project area. CZM subsequently instructed Girard Township to submit the necessary permit applications to the U.S. Army Corps of Engineers and the PA Bureau of Dams and Waterways Management (BDWM) for construction of the boat ramp.

2. First Bid Opening - Upon receiving permits from the Corps of Engineers and BDWM, Girard Township held an official bid opening at the Girard Township Municipal Building on September 24, 1987. The bids received were much higher than the amount of funds available for construction. Girard Township subsequently rejected the bids and authorized D. A. Johnson and Associates to redesign the project in order to cut costs.

3. Revised Project Specifications and Engineering Drawings - Completed by D. A. Johnson and Associates in November 1987. Extensive revisions were made in the design of the boat launch ramp.

4. Second Bid Opening - The second bid opening was held at the Girard Township Municipal Building on November 24, 1987. Unfortunately, the bids which were received were still higher than the funds available for construction. Since this was a high priority project in Erie County, DCZM decided to commit additional funds toward the project effort. The Township subsequently accepted the low bid by N. H. Rabell and Sons, Inc.

5. Maintenance Agreement - A Maintenance Agreement between the County of Erie and Girard Township was executed in December 1988. This Agreement states that Girard Township is responsible for periodically dredging the creekbed at the mouth of Elk Creek in order to ensure safe boater access between the boat launch ramp and Lake Erie.

6. Contract Extension - In February 1988, DCZM approved a contract extension through September 30, 1988 in order to give the construction contractor additional time to complete the construction activities.

7. Project Administration - During the next several months, Girard Township, DCZM and the Erie County Department of Planning obtained all necessary permit revisions, executed contract amendments and subcontracts, and finalized all other paperwork in conjunction with the project. DCZM issued a notice to proceed with the construction activities in July of 1988.

8. Construction Activities - N. H. Rabell and Sons, Inc. started construction of the boat launch ramp facility in July of 1988 and construction activities were completed in September 1988. Specific activities which were undertaken as part of the project effort included:

   - Construction of a new boat launch ramp (85 feet long, 26 feet wide)

   - Installation of traffic control signs

   - Installation of boat docking pole adjacent to the boat ramp

   - Final landscaping and seeding

4. PRE-CONSTRUCTION PHOTOGRAPHS

ELK CREEK PUBLIC ACCESS STAGE 5A BOAT RAMP CONSTRUCTION PROJECT
JUNE 1987

1. View of the Elk Creek Access Area entrance road on PA Route 5.

2. Northward view of the access road which leads to the lower level parking lots.

3. View of one of the lower level parking lots.

4. Southward view of Elk Creek from the proposed site for the boat ramp.

5. Southward view along the west bank of Elk Creek. June 1987

6. Eastward view of the proposed site for the boat ramp.

7. Northward view of the proposed site for the boat ramp.

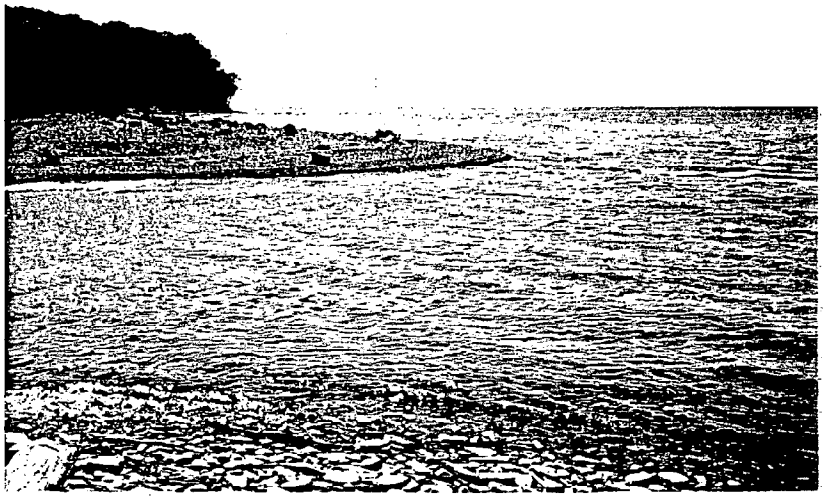
8. Westward view of the proposed site for the boat ramp.

9. Westward view of the lower part of Elk Creek which runs parallel to the Lake Erie shoreline.

June 1987

10. Eastward view of the gravel sandbar which has formed at the mouth of Elk Creek.

11. Northward view of the mouth of Elk Creek as it empties into Lake Erie.

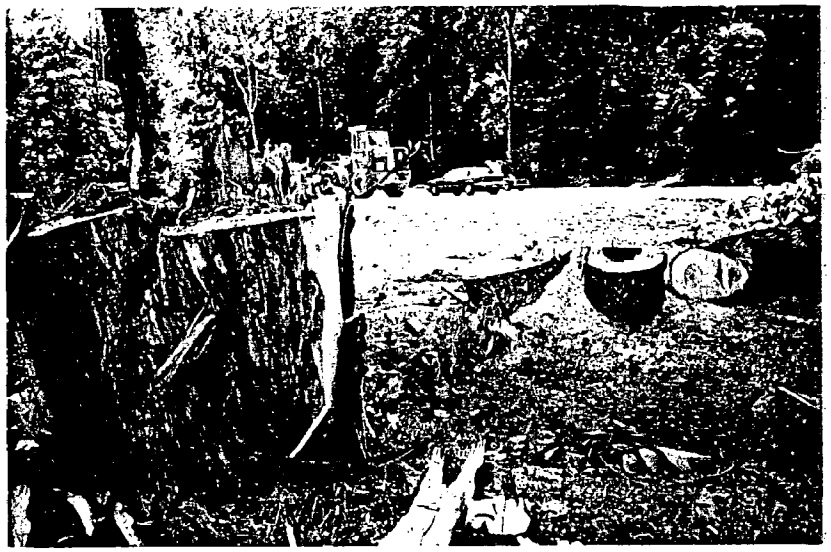


12. Westward view of the mouth of Elk Creek.

5. CONSTRUCTION PHOTOGRAPHS

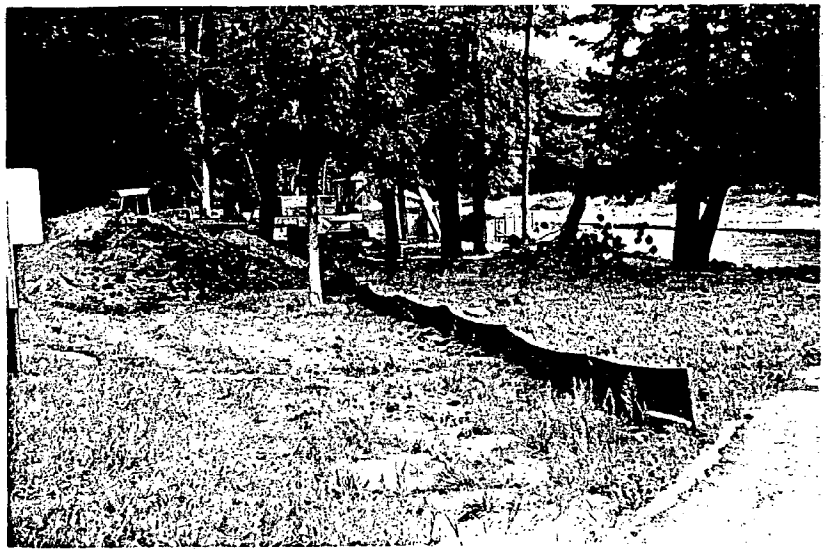
ELK CREEK PUBLIC ACCESS STAGE 5A BOAT RAMP CONSTRUCTION PROJECT
JULY, AUGUST, SEPTEMBER 1988

13. Construction sign which was erected at the project site (9/88).

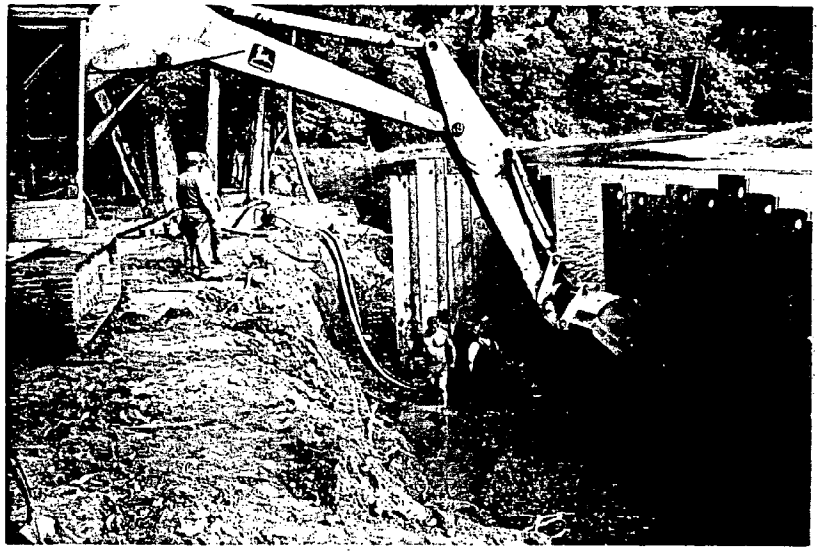


14. Removal of trees from the project site.

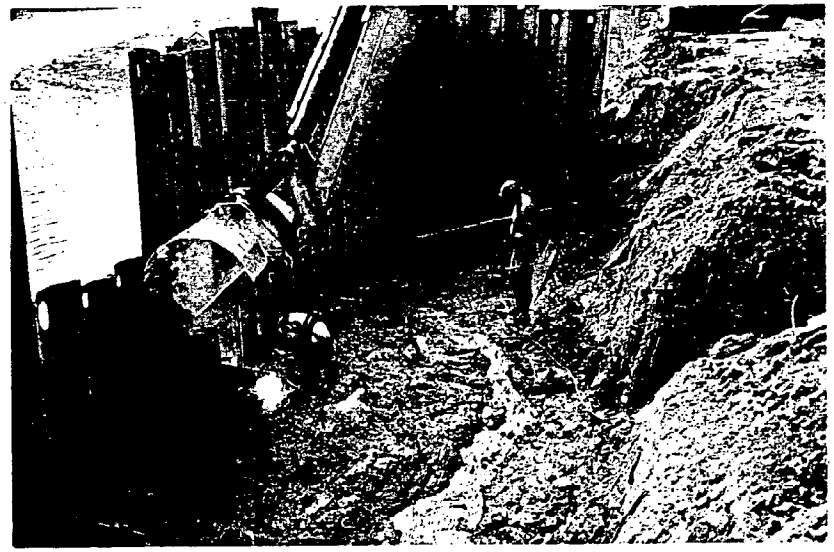
15. Westward view of the project site as it is being cleared for construction.



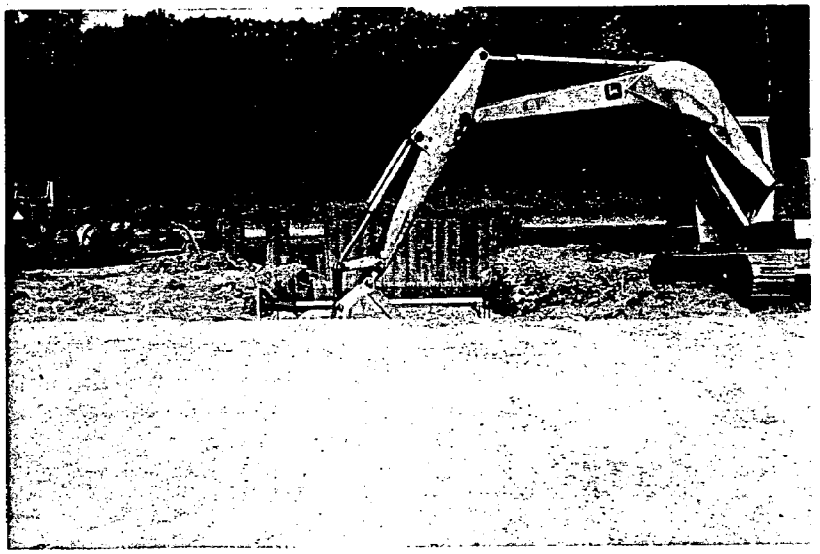
16. Erosion control devices installed at the project site.



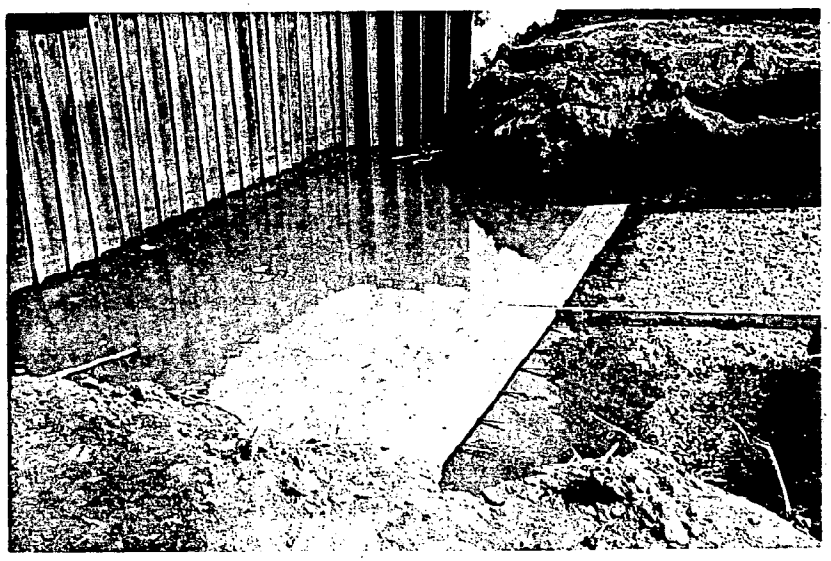
17. Temporary cofferdam constructed by N. H. Rabell and Sons, Inc. prior to construction of the new boat ramp.



18. Construction workers weld the base of the cofferdam.

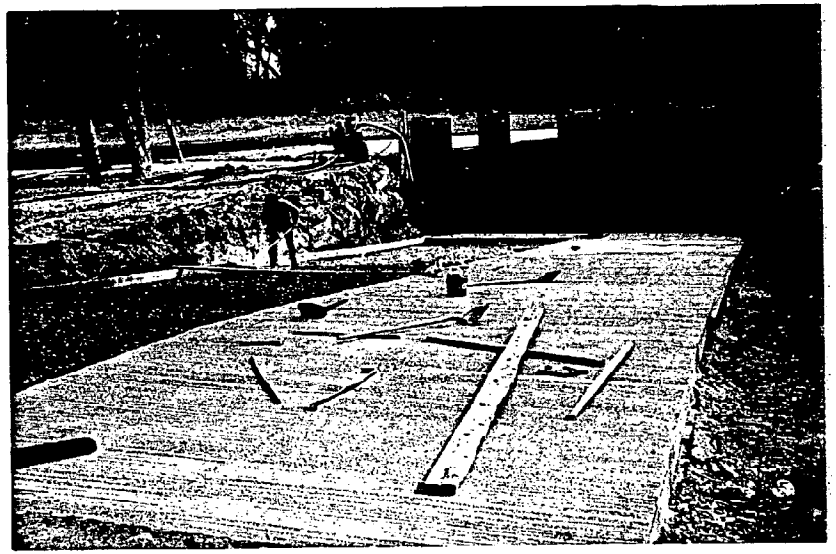


19. Excavation work at the project site.

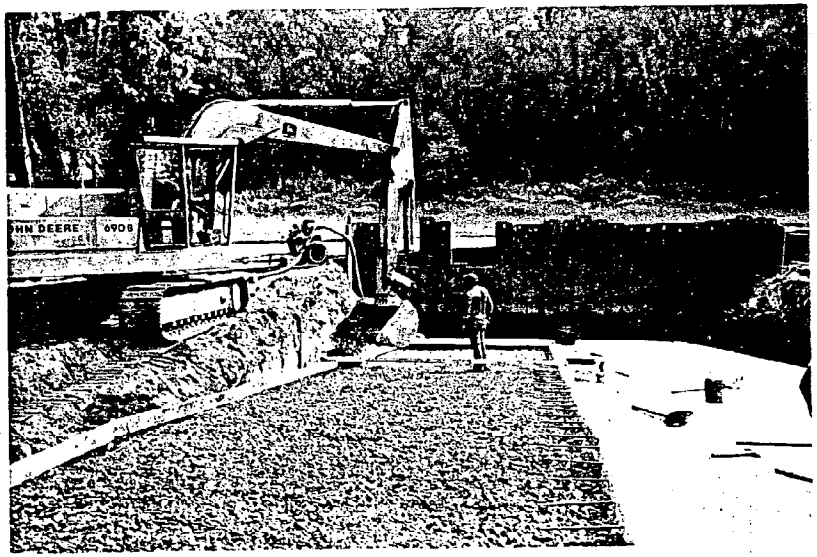


20. Workers have completed construction of the lower section of the boat ramp.

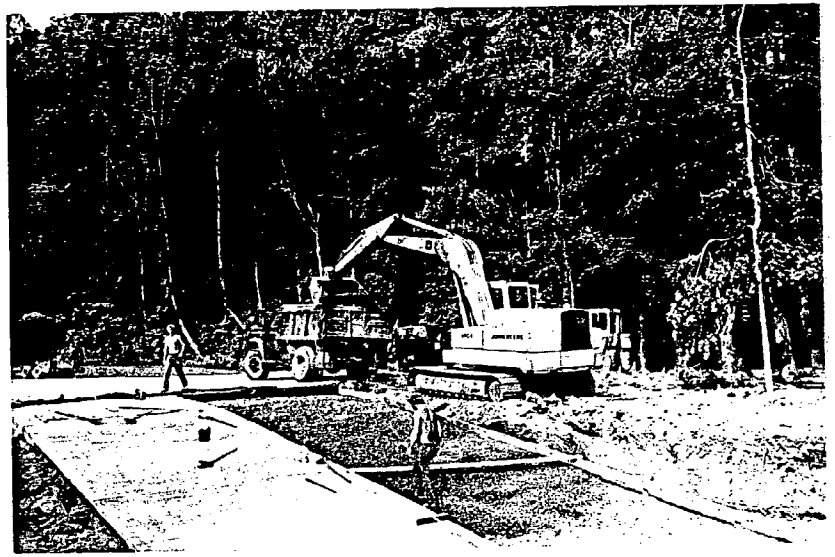
21. Forms are set for the upper sections of the boat ramp.



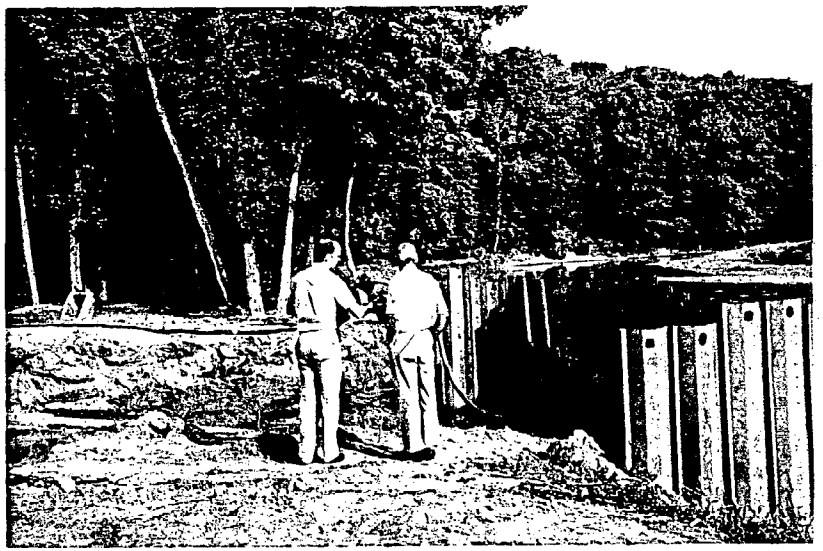
22. Work is completed on the south side of the ramp.



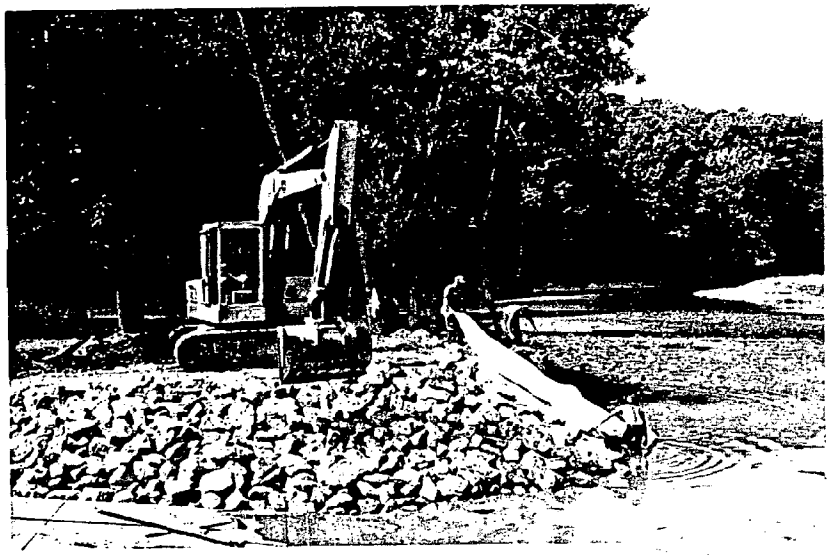
23. Installation of the rock base for the north side of the boat ramp.



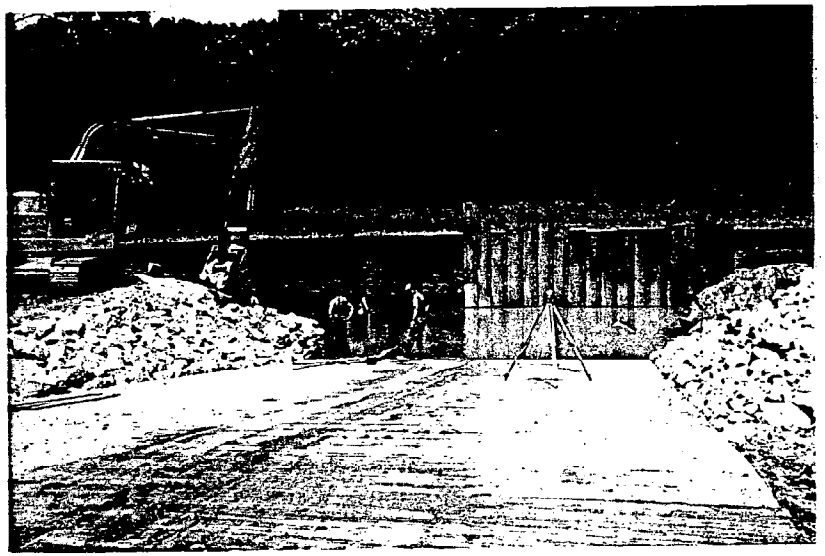
24. Final preparations are made prior to pouring the concrete for the north side of the boat ramp.



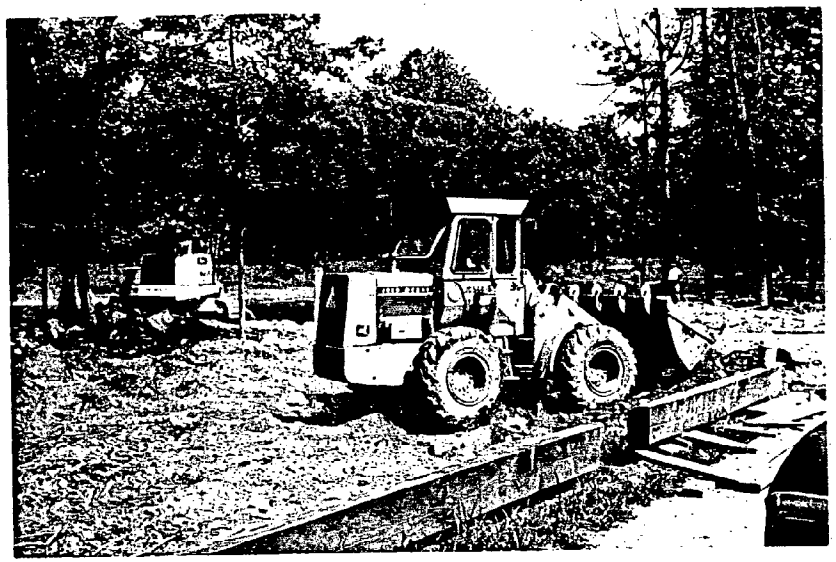
25. DCZM and ECDP officials inspect the boat ramp during construction.



26. Filter fabric is placed along the north side of the boat ramp prior to installing the rip rap.



27. Workers install rip rap on the north side of the boat ramp.



28. Final grading at the project site.

6. FINAL PROJECT PHOTOGRAPHS

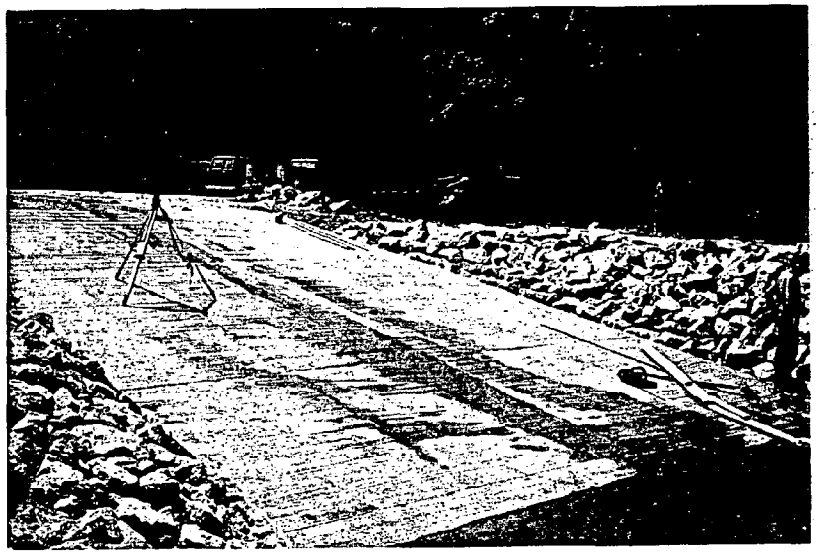
ELK CREEK PUBLIC ACCESS STAGE 5A BOAT RAMP CONSTRUCTION PROJECT
AUGUST, SEPTEMBER 1988

29. Final project sign which was erected at the project site.

30. One of the traffic control signs erected along the access road.

31. View of the graded and seeded area on the south side of the boat ramp.

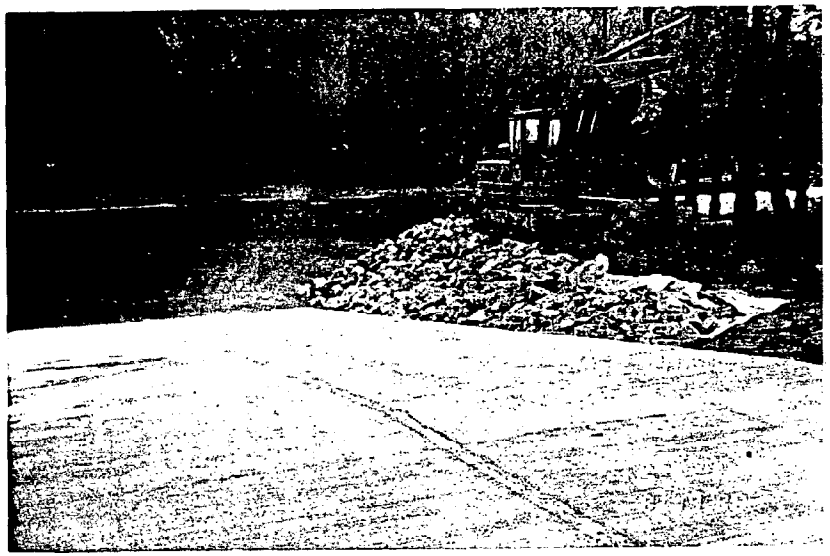
32. View of the graded and seeded area on the north side of the boat ramp.



33. Northwest view of the new boat launch ramp from the creek bank.

34. Southwest view of the new boat launch ramp with the temporary boat bumpers.

35. Northeast view of the new boat launch ramp from the ramp approach area.



36. Southeast view of the new boat launch ramp from the ramp approach area.

7. PERMITS

Girard Township obtained the following permits in conjunction with the Elk Creek Public Access Stage 5A Boat Ramp Construction Project:

1) Pennsylvania (DER) Bureau of Dams and Waterways Management, Water Obstructions and Encroachment Permit (No. E25-345)

2) U.S. Army Corps of Engineers, Department of the Army Permit (No. 87-250-2)

3) Pennsylvania (DER) Bureau of Dams and Waterways Management, Amendment to Water Obstructions and Encroachment Permit (No. E25-345A)

4) U.S. Army Corps of Engineers, Amendment to Department of the Army Permit (No. 87-250-2)

ER-DWM-7:11/82

1. DER PERMIT

PERMIT NO. E25-345

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Resources "Department", established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510-1 *et seq.*) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204, (32 P.S. §§693.1 *et seq.*) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851, (32 P.S. §§679.101 *et seq.*) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 *et seq.*), known as the "Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, *as amended*, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

GIRARD TOWNSHIP

Municipal Building, RD 3, Route 20, Girard, PA 16417

giving its consent to construct and maintain a boat ramp along the West Bank of Elk Creek at a point approximately 800 feet from its mouth with Lake Erie in Girard Township, Erie County.

This permit is issued in response to an application filed with the Department of Environmental Resources on the 29th day of April A.D. 19 87, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made part of the application N/A. Subject however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions;

1. This permit shall not become effective until and unless the permittee shall return the *file copy* signed by the permittee or an authorized agent of the permittee to the Department within thirty (30) days from the date of the permit; such signature shall signify and indicate that the permittee accepts and agrees to comply with the terms and conditions of the permit. Failure to submit such acceptance will render the permit null and void;

2. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings;

3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest, in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or local laws or regulation; nor does it obviate the necessity of obtaining Federal assent when necessary;

4. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specification as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby;

5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department;

6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department;

7. There shall be no unreasonable interference with the free discharge of the river or stream nor with navigation during construction;

8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department of Environmental Resources, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the structural work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require; and if, upon the expiration or revocation of this permit, the work shall not be completed, the permittee, at his own expense and to such extent and in such time and manner as the Department may require, shall remove all or any portion of the incompleted work and restore the watercourse to its former condition. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration;

9. The permittee shall notify the Department of Environmental Resources when this work is commenced and at least two weeks before the probable time of completion;

10. Within thirty (30) days after the completion of the work authorized in this permit, the permittee shall file with the Department of Environmental Resources, Harrisburg, Pennsylvania, a statement certifying that the work has been performed in accordance with this permit and the approved maps, plans, profiles, and specifications;

11. If this work is not completed on or before the 31st day of December A.D. 19 90, this permit, if not previously revoked or specifically extended, shall cease and be null and void;

12. The Engineer and the Contractor for the work authorized by this permit shall be apprised of all of the provisions and conditions and shall signify their acknowledgement of being so apprised

on the form herein attached. Copy of this signed form, together with copy of the permit shall be available for inspection at the project site at all times. Copy of the acknowledgement shall also be forwarded to the office issuing the permit. Failure to have copies of the permit and acknowledgement available for inspection at the project site shall be considered sufficient cause for issuance of a cease and desist order by the authorized Commonwealth personnel;

13. The permittee shall maintain the structure or work authorized herein in good condition and in accordance with the approved plans and drawings;

14. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of a properly executed "Application for Transfer of Permit" form;

15. If and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure pursuant to Condition 14, he must remove the structure or work authorized and restore the area to a condition satisfactory to and approved by the Department.

PERMIT NO. E25-345

SPECIAL CONDITIONS

A. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish Commission's Northwest Regional Office, P. O. Box 349, 1281 Otter Street, Franklin, PA 16323, Telephone (814) 437-5774. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish Commission.

B. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Erie County Conservation District, RD 5, Route 19, Waterford, PA 16441, Telephone (814) 796-4203. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District.

C. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish Commission, Bureau of Administrative Services, P. O. Box 1673, Harrisburg, PA 17120, Telephone (717) 657-4522.

D. The Erosion and Sedimentation Control Plan must be properly implemented and closely monitored to minimize erosion and prevent excessive sedimentation into the receiving stream channel.

E. Care should be taken not to lose construction materials into the stream waters. No waste construction materials shall be disposed of into the waters of the Commonwealth (i.e., concrete, gravel, washings, etc.).

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Permittee (signature) _____ Date _____

Date SEP 11 1987

Attest [signature] Barbour

DEPARTMENT OF ENVIRONMENTAL RESOURCES

By: [signature]
Eugene E. Counsil, Chief
Division of Waterways and
Storm Water Management

Applies to ER-DWM-7

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

REPLY TO ATTENTION OF

September 3, 1987

Regulatory Branch

SUBJECT: Letter of Permission - Processing No. 87-250-2

Girard Township
10140 Ridge Road
Girard, Pennsylvania 16417-9415

Gentlemen:

Please refer to your request for a Department of the Army permit to perform work in Elk Creek (Lake Erie), Girard Township, Erie County, Pennsylvania.

UPON RECOMMENDATION OF THE CHIEF OF ENGINEERS, PURSUANT TO SECTION 10 OF THE RIVER AND HARBOR ACT OF 3 MARCH 1899 (33 U.S.C. 403), GIRARD TOWNSHIP DESIGNATED THE PERMITTEE, IS HEREBY GRANTED PERMISSION TO INSTALL A (NON-FILL) DEWATERING COFFERDAM; DEWATER PROJECT AREA, ACCOMPLISH CONSTRUCTION OF A PUBLIC BOAT RAMP FACILITY AND REMOVE DEWATERING COFFERDAM IN ACCORDANCE WITH ATTACHED PERMIT PROVISIONS, CONDITIONS AND DRAWINGS WHICH ARE INCORPORATED IN AND MADE A PART HEREOF.

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

Pursuant to Section 404 of the Clean Water Act, the fills placed in conjunction with the boat ramp facility construction, including stone riprap and cast in place concrete are authorized by Federal Nationwide Permits 33 CFR 330.5(a)(13)(25) respectively, provided that the attached special conditions and management practices of the Nationwide Permit are followed.

The District Commander must be informed of commencement and completion of the authorized work. Please use the forms enclosed. Commencement indicates your acceptance and agreement to comply with the permit terms and conditions.

Regulatory Branch
SUBJECT: Letter of Permission - Processing No. 87-250-2

Questions pertaining to this matter should be directed to Mr. Daniel Decker who can be contacted at 716-876-5454, extension 2318, or by writing to the above address.

The Buffalo District -- Leadership in Engineering.

Dated this 3rd day of September 1987

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for Daniel R. Clark
Colonel, U.S. Army
Commanding

Enclosures

PERMIT CONDITIONS:
GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on Sep. 3, 1990. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses therof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specfied in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

SPECIAL CONDITIONS:

(1) Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

(2) You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, at your authorized facilities. The USCG may be reached at the following address and telephone number:

U.S. Coast Guard
Aids to Navigation Branch
Ninth Coast Guard District
1240 E. Ninth Street
Cleveland, Ohio 44199-2060
216-522-3992

(3) You must take the actions required to record this permit with the Registrar of Deeds or other appropriate officials charged with the responsibility for maintaining records of title to or interest in real property.

(4) That the mechanical equipment used to execute the work authorized herein shall be operated in such a way as to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life.

(5) That you are responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.

(6) That no timbers freshly treated with creosote, pentachlorophenol, or petroleum based preservatives shall be used in the construction of the cofferdam.

(7) That during the dewatering of the area behind the cofferdam precautions shall be taken to minimize the release of suspended solids into any water of the United States.

(8) That any material dredged from behind the cofferdam shall be disposed of at an upland site well removed from Elk Creek (Lake Erie) or other waters of the United States including wetlands and shall be adequately contained to preclude reentry into these waters.

TRANSFEREE HEREBY AGREES TO COMPLY WITH
THE TERMS AND CONDITIONS OF THIS PERMIT.

William L Boland Sept 18, 1987
Transferee Date

J. H. Trussell

SUPERVISORS
GIRARD TOWNSHIP

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
Post Office Box 2357
Harrisburg, Pennsylvania 17120

June 6, 1988

717-787-6826

Bureau of Dams and Waterway Management

Rodney Dale, Chairman
Board of Supervisors
Girard Township
Municipal Building
R.D. #3, Route 20
Girard, PA 16417

Re: DER File No. E 25-345A

Dear Mr. Dale:

This is in reference to a letter and plans dated March 29, 1988 from Mr. David A. Johnson of D. A. Johnson and Associates requesting, on behalf of Girard Township, an amendment to Permit No. E 25-345 to construct and maintain a boat ramp along the West Bank of Elk Creek at a point approximately 800 feet from its mouth with Lake Erie in Girard Township, Erie County.

Please be advised that favorable consideration has been given to this request and Permit No. E 25-345 is hereby amended to construct and maintain riprap along both sides of the proposed boat ramp (replaces gabions) and precast concrete ramp sections located along the West Bank of Elk Creek at a point approximately 800 feet from its mouth with Lake Erie in Girard Township, Erie County.

All conditions specified in this original permit remain in effect and are to be complied with as part of this amendment, including the following:

1. The Pennsylvania Fish Commission's Northwest Regional Office, P.O. Box 349, 1281 Otter Street, Franklin, PA 16323, Telephone 814-437-5774, shall be contacted and advised as to when the work will be done.

2. Proper erosion and sedimentation control measures shall be instituted during and after construction, and approval of the adequacy of these measures shall be obtained from the Erie County Conservation District at R.D. #5, Route 19, Waterford, PA 16441, Telephone 814-796-4203.

3. Act 14 of the Pennsylvania Legislature requires that written notice be given to the municipality(ies) and county(ies) in which the activities are proposed at least 30 days prior to starting construction. The written notice should be sent to each municipality and county by certified mail, return receipt requested. A copy of this notice along with the returned receipt should be kept on file along with this letter.

Files shall be properly maintained and available for inspection by authorized employees of the Pennsylvania Department of Environmental Resources.

Sincerely,

Eugene E. Counsil, Chief
Division of Waterways and
Storm Water Management
Bureau of Dams and Waterway Management

cc: Northwest Regional Office, Fish Commission
County Conservation District

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

REPLY TO ATTENTION OF

April 8, 1988

Regulatory Branch

SUBJECT: Modification of Department of the Army Permit No. 87-250-2

Girard Township
10140 West Ridge Road
Girard, Pennsylvania 16417

Gentlemen:

This pertains to a request dated February 11, 1988 from David A. Johnson, Girard Township Engineer, to modify Department of the Army Permit No. 87-250-2 for a boat ramp in Elk Creek, Girard Township, Erie County, Pennsylvania. Mr. Johnson indicated that rather than construct the ramp in-the-dry behind a non-fill cofferdam as authorized, you propose to construct the ramp by excavating landward of the shoreline and leaving an earthen plug which will then be mechanically excavated. A small quantity of material will be dredged with a backhoe from the creekbed at the base of the ramp, and several precast concrete sections placed along the shoreline to complete the ramp. Mr. Johnson requested modification of Department of the Army Permit No. 87-250-2 to accommodate this change in construction methodology.

I have reviewed the requested modification and find that the change is minor in nature and would not be contrary to the overall public interest. Additionally, there would be no significant adverse effects on the aquatic ecosystem from the proposed modification. Therefore, Department of the Army Permit No. 87-250-2 is hereby modified as follows and in accordance with the attached seven sheets of drawings which replace the eight sheets accompanying the original Department of the Army authorization.

Special Condition (8) of this authorization is hereby modified:

(8) That the dredged material shall be disposed of at an upland site well removed from Elk Creek (Lake Erie) or other waters of the United States including wetlands and shall be adequately contained to preclude reentry into these waters.

Regulatory Branch
SUBJECT: Modification of Department of the Army Permit
No. 87-250-2

The following additional Special Condition is hereby added to the permit:

-That no fill material (earth, sand, gravel, etc.) shall be added to the waterward face of the earthen plug below Ordinary High Water.

All other terms and conditions of this authorization remain in full force and effect, with the exception of Special Condition Nos. 6 and 7 which are no longer applicable.

As noted in my previous letter to you dated September 3, 1987, the fills placed in conjunction with the boat ramp facility construction, including stone riprap and cast-in-place concrete, are authorized by the Federal Nationwide Permits at Title 33 of the Code of Federal Regulations Parts 330.5 (a)(13) and 330.5(a)(25), respectively, provided the conditions at Title 33 of the Code of Federal Regulations Part 330.5(b) are satisfied.

Questions pertaining to this matter should be directed to Ms. Kathryn Jahn, who may be contacted by calling 716-876-5454, extension 2319, or by writing to the above address.

The Buffalo District -- Leadership in Engineering.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for Bruce W. Haigh
LTC, U.S. Army
Acting District Commander

Enclosure

8. AS-BUILT DRAWINGS

(PLEASE SEE ATTACHMENT A)

NOAA COASTAL SERVICES CENTER LIBRARY
3 6668 14101 1249