



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

June 22, 2015

Notice of Issuance of a Limited Environmental Review and Final
Finding of No Significant Impact to All Interested Citizens,
Organizations and Government Agencies

The Board of County Commissioners of Hamilton County and
Appalachia Ohio Alliance Scioto River Preserve Project
Water Resource Restoration Sponsor Program (WRRSP)
Loan Number: WR391662-0002

The purpose of this notice is to advise the public that the Ohio Environmental Protection Agency (Ohio EPA) has reviewed the referenced project and finds that neither an Environmental Assessment (EA) nor a Supplemental Study (SS) is required to complete the environmental review of the project. Instead, this project meets the criteria for a Limited Environmental Review (LER). These criteria are summarized below in this document and in the attached LER.

Appalachia Ohio Alliance will purchase the Scioto River Preserve property, in fee simple title, to include 285 acres of land that will be encumbered with a WRRSP Covenant. The project includes almost 100 acres of high quality wetlands, 1.8 miles of Scioto River riparian corridor that borders the property on the west, 6,000 linear feet of modified unnamed tributary to the Scioto River on the eastern edge of the property, a portion of Davenport Pond – an oxbow wetland/pond – at the northernmost end of the property and approximately 185 acres of upland forest, grassland and cropland.

The LER was completed for this project as it will not individually, cumulatively over time or in conjunction with other Federal, State local or private actions have a significant adverse effect on the quality of the human environment. Consequently, A Finding of No Significant Impact can be issued now for this project.

The Water Pollution Control Loan Fund (WPCLF) program required the inclusion of environmental factors in the decision-making process for project approval. Ohio EPA has done this by incorporating a detailed analysis of the environmental effects of the proposed action in its review and approval process. Environmental information was developed as part of the facilities planning process. A subsequent review by this Agency has found that the proposed action does not require the preparation of an EA or an SS.

Our environmental review concluded that because the proposed project is limited in scope and meets all applicable criteria, an LER is warranted. Specifically, the project will provide for the protection of 285 acres of high quality resources. The Appalachia Ohio Alliance will purchase the land and manage the property to preserve and protect biological diversity in perpetuity.

Furthermore, the proposed project:

- Has no significant environmental effect;
- Does not require extensive specific impact mitigation;
- Has no effect on high value environmental resources;
- Is cost effective;
- Is not a controversial action;
- Does not create a new, or relocate an existing discharge to surface or ground waters;
- Will not result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters; and
- Will not provide capacity to serve a population substantially greater than the existing population.

A map depicting the location of the project is included as part of the LER. The LER presents information on the proposed project, its costs and the basis for our decision. Further information can be obtained by calling or writing the contact person listed on the back of the LER.

Upon issuance of this determination, a loan award may proceed without being subject to further environmental review or public comment, unless information is provided which determines that environmental conditions for the proposed project have changed significantly.

Sincerely,

A handwritten signature in purple ink that reads "Jerry Rouch". The signature is written in a cursive, flowing style.

Jerry Rouch, Assistant Chief
Office of Financial Assistance
Division of Environmental and Financial Assistance
Ohio EPA

Attachment

LIMITED ENVIRONMENTAL REVIEW

A. Project Identification

Name: Scioto River Preserve

Sponsor: Board of County Commissioners of Hamilton County

Implementer: Appalachia Ohio Alliance
P.O. Box 1151
Logan, Ohio 43138

WRRSP Loan #: WR391662-0002

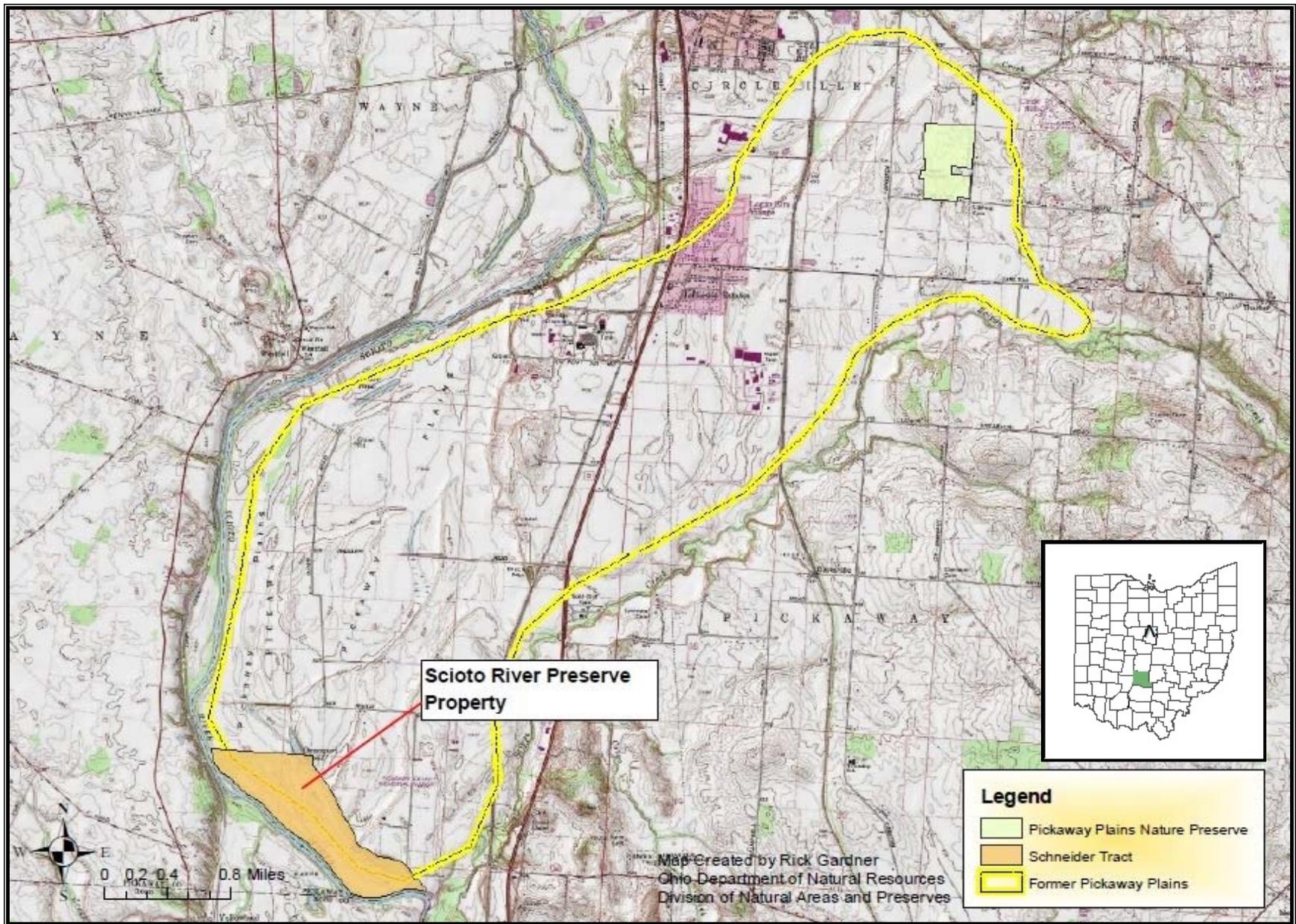
B. Project Summary

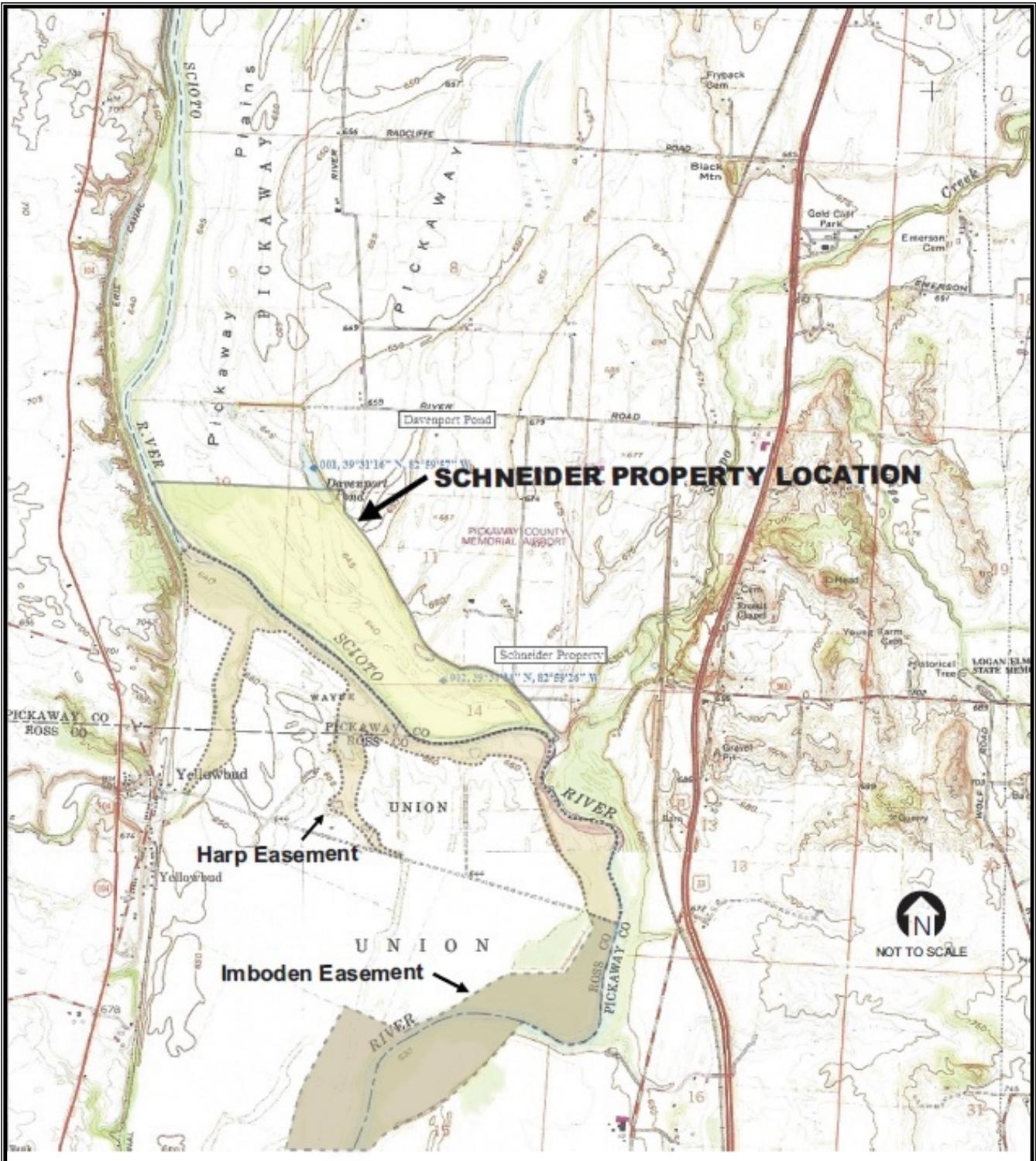
The Board of County Commissioners of Hamilton County (BoCC), Ohio has applied to the Ohio Water Pollution Control Loan Fund (WPCLF) for an estimated \$13,300,000 low interest loan for the SCADA System Installs and Upgrades project. In conjunction with this loan, the BoCC also intends to sponsor several Water Resource Restoration Sponsor Program (WRRSP) projects. Among these, the BoCC will provide up to \$1,394,500 in WRRSP funds to Appalachia Ohio Alliance (AOA) for the purchase of a 285-acre parcel preserving streams, wetlands and high quality buffer areas in Pickaway County, Ohio¹. Purchasing the property for the purpose of perpetual protection is the goal of the Scioto River Preserve project. Implementation of the WRRSP project, long-term oversight of the property and implementation of the management plan will be completed by AOA. The BoCC anticipates construction for its WPCLF-funded project to begin in mid-2015, and be completed in approximately three years. This environmental review covers only the Scioto River Preserve project. BoCC's SCADA System Install and Upgrades project is covered in a separate environmental review document.

The Water Resource Restoration Sponsor Program is an Ohio EPA initiative that provides funds, through loans for publicly-owned treatment works, to counter the loss of ecological function and biological diversity that jeopardizes the health of Ohio's water resources. Funds for WRRSP projects are made available by advancing a portion of the estimated amount of interest to be repaid by the sponsor over the life of the loan, and are based upon the initial principal amount (less the project contingency), the term of the loan and the interest rate. WRRSP projects address the protection or restoration of high quality aquatic habitat in Ohio streams, rivers, or wetlands. The sponsoring community benefits from sponsoring a WRRSP project by receiving up to a 0.1 percent reduction in it's already below-market WPCLF interest rate.

Purchase of this 285-acre parcel for the Scioto River Preserve project will permanently protect the streams, wetlands and high quality buffer on this site. The water quality and environmental benefits will be realized not only on site, but in the downstream waters including the Scioto River. Please see the figures below for the general location and attributes of the proposed project.

¹ See Section F "Estimated Project Costs" for more information.

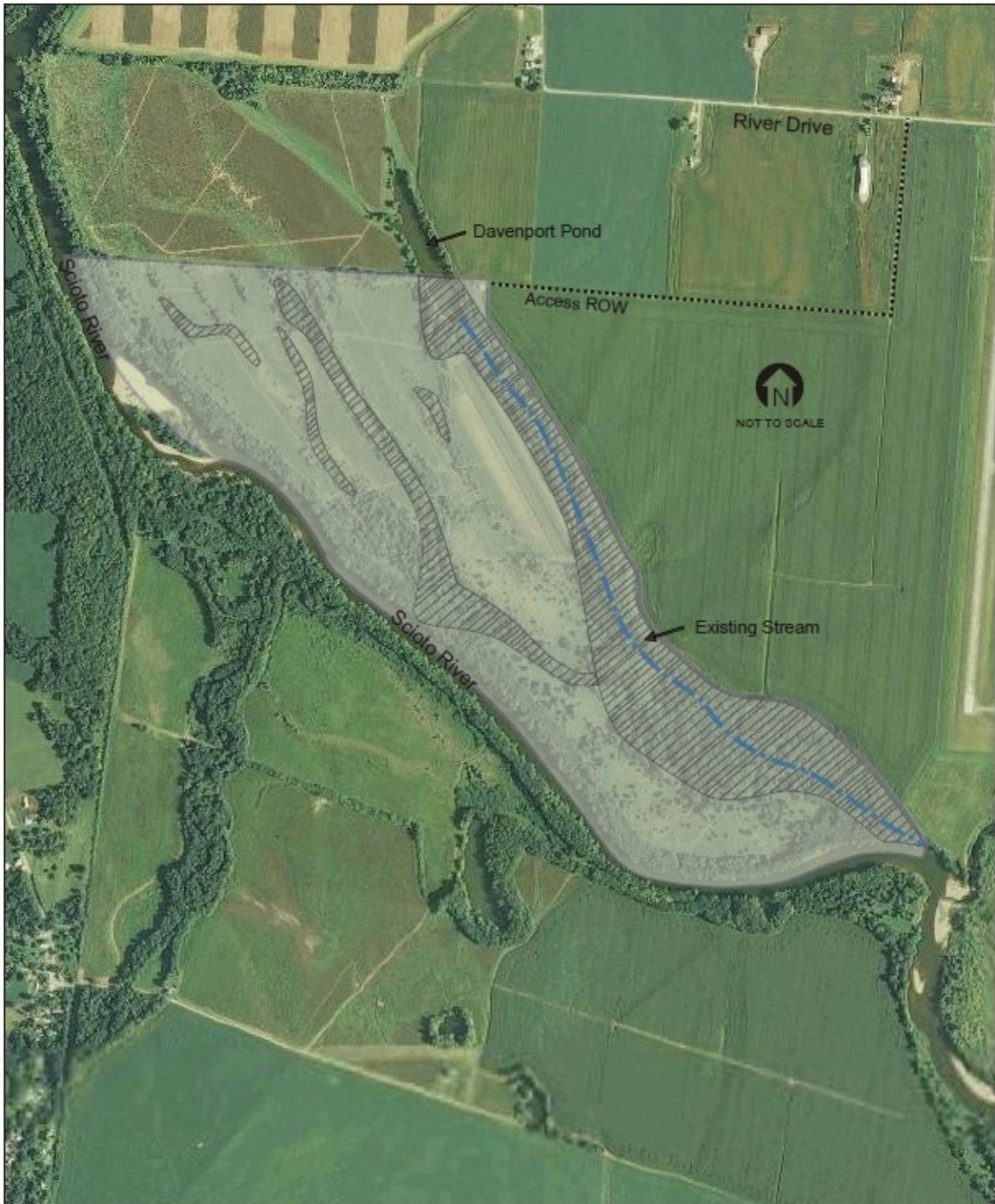




Appalachia Ohio Alliance

Dedicated to the conservation and stewardship of our land and water as sustainable natural resources that are an asset and a legacy for our community

SCHNEIDER PROPERTY
 SCIOTO RIVER CONSERVATION CORRIDOR
 / PICKAWAY PLAINS RESTORATION
 Pickaway County




Appalachia Ohio Alliance
 Dedicated to the conservation and stewardship
 of our land and water as sustainable natural resources
 that are an asset and a legacy for our community

 Wetland

SCIOTO RIVER PRESERVE
 Circleville Township, Pickaway County

C. Existing Conditions and Prior Land Use

The Scioto River Preserve project is located on 285 acres in Pickaway Township, Pickaway County, Ohio near the border with Ross County. The Preserve is located within the Blackwater Creek-Lower Scioto River watershed at the southernmost extent of the historical Pickaway Plains ecosystem region. Much of the Preserve site's historical habitat was likely dominated by tall grass prairie and areas of oak savannahs. Most of the project property was intensively farmed until 20 years ago.

The Blackwater Creek – Scioto River watershed drains an approximately 15,300 acre area. The land is primarily used for agriculture due to the low, flat, prime soils. This segment of the Scioto River, from the Greenlawn Dam (RM 129.8) to the confluence with Scippo Creek (RM 89.61), is in full attainment of its warmwater habitat (WWH) Aquatic Life Use designation.

Of the 285 acres being protected as part of the project, approximately 100 acres of the property are wetlands. In addition, there are 1.8 miles of Scioto River riparian corridor that borders the property on the west, 6,000 linear feet of modified unnamed tributary to the Scioto River on the eastern edge of the property, a portion of Davenport Pond - an oxbow wetland/pond - at the northernmost end of the property, and approximately 185 acres of upland forest, grassland and cropland.

The water resources to be protected on the property are of high quality and provide unique habitats. The wetlands have been evaluated using the Ohio Rapid Assessment Method (ORAM) and found to be Category 3 wetlands, the highest quality of wetlands recognized in Ohio. The section of the Scioto River that borders the property has been evaluated using the Qualitative Habitat Evaluation Index (QHEI) and has received scores ranging between 77.5 and 93. The river riparian zone also has a significant amount of mature forest buffer. The almost 6,000 linear feet of unnamed tributary has a Modified Warmwater Habitat Aquatic Life Use designation. Although its current water quality isn't superior, it is believed to once have been a marshy system with a very slow moving stream, but was drained and channelized in order to increase tillable land area. Davenport Pond, the oxbow wetland/pond, would be considered a Category 3 wetland, as well, due to its species composition.

The Preserve site has a diversity of unique habitats that contain multiple State-Listed species including:

- Round-leaved Spurge (*Euphorbia serpens* – Endangered)
- Tippecanoe Darter (*Etheostoma Tippecanoe* – Threatened)
- Paddlefish (*Polyodon spathula* – Threatened and a Federal Species of Concern)
- Long Solid (*Fusconaia maculata maculata* – Endangered)

Also of note at the Preserve is a large heron rookery that exists along the Scioto River riparian corridor within a stand of mature sycamore trees, and a population of native red-eared sliders (*Pseudemys scripta elegans*) that have been documented within Davenport Pond.

Additionally, on the opposite shoreline of the river from the Preserve, two private parcels of land are protected by conservation easements. These easements are the Harp and Imboden Conservation Easements. They protect a total of 385 acres.

D. Project Description

The Scioto River Preserve project will protect, in perpetuity, approximately 285 acres of high-quality aquatic resources along the Scioto River in southern Pickaway County. This project will protect approximately 100 acres of Category 3 wetlands, approximately 1.8 miles of Scioto River riparian corridor (including approximately 1.5 acres of a Scioto River island), habitat for five positively identified State-listed species, a heron rookery and approximately 4.2 acres of Davenport Pond (a spring-fed Scioto River oxbow pond/wetland remnant that has documented existence of the State Threatened Paddlefish and a very rare native population of red-eared sliders). AOA will purchase the Scioto River Preserve property in fee simple title and encumber it with a WRRSP Environmental Covenant, which both they and Ohio EPA can enforce. AOA will manage the property as a nature preserve. Acquiring this property through the WRRSP will preclude it from ever being developed, residentially or otherwise. Permanent protection is an extremely effective means of protecting water resources.

In addition to the permanent protection, the property will be managed consistent with the approved WRRSP Protection Plan that has been developed by AOA. This management may include the control of invasive species; deer population controls; stream, pond, and wetland monitoring; and various other natural resource management activities².

The Scioto River Preserve will be protected in perpetuity through property use restrictions. These use restrictions are specifically spelled out in the Environmental Covenant, which will be attached to the deed. Above any other competing management objectives, the protection and preservation of the water resources, as specified in the Environmental Covenant, shall rule the management of the WRRSP acquired property/easements. These restrictions will be similar to the following:

- There shall be no agricultural, industrial, commercial, or residential activity undertaken or allowed on the Property.
- The Property may not be divided, partitioned, subdivided or conveyed except in its current configuration.
- No buildings, or other structures including, but not limited to, billboards or advertising of any kind, camping accommodations, and mobile homes shall be erected or placed on the Property.
- There shall be no mining, drilling, exploring for or removal of minerals, oil or gas from the Subject Property.
- Except as may be necessary for reasonable preservation, management and restoration purposes, there shall be no ditching; draining; diking; filling; excavating, or removal of topsoil, sand, gravel, rock or other materials.
- There shall be no manipulation or alteration of wetlands, creeks, streams, surface or

² Invasive species are plants or animals non-native (or alien) to the ecosystem under consideration, and whose introduction causes or is likely to cause economic or environmental harm, or harm to human health.

subsurface springs or other bodies of water. Reasonable alterations to surface water bodies and their associated riparian zones within the Subject Property may be permitted for the purpose of protecting or improving water quality or aquatic habitat, upon the condition that prior to any such alterations, a plan for such activities shall be proposed in writing by the Owner or any Transferee and shall be approved by Ohio EPA, or shall be approved as an amendment to the Plan.

- There shall be no open dumping.
- There shall be no building of new roads or other rights-of-way. Existing roads may be maintained, but shall not be widened or improved.
- There shall be no operation of automobiles, trucks, snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other motorized recreational vehicles.
- In order to maintain the ecological balance of the Property or to protect human health and safety, hunting and trapping may be permitted only in accordance with State regulations and as authorized by the Owner, with prior concurrence from Ohio EPA.
- Except in areas already identified in the Plan as being disturbed, and as may be necessary for reasonable preservation, management or restoration purposes, to protect human health and safety, or to maintain a diversity of naturally occurring habitat types and control of exotic non-native and exotic species of plants, there shall be no removal, destruction, cutting, trimming or mowing of any trees or other vegetation. No non-native species shall be introduced to the Property.
- Except as may be necessary for reasonable preservation, management, or restoration purposes, to protect human health and safety, or to prevent the spread of non-native species, there shall be no use of fertilizers, insecticides, fungicides, or rodenticides. Herbicides may be used for the control of state designated noxious weeds and for the control of other invasive exotic plant species consistent with best management practices.

E. Management, Restoration and Maintenance

The Preserve's habitat quality is very high due to the uniqueness of the resources; therefore, AOA's primary goal is to preserve and protect the existing resources as-is on the property. AOA will conduct invasive species management efforts around and within the site's highest quality aquatic resources, but there is no restoration work proposed for the Scioto River Preserve project. AOA is hoping to acquire additional funding to conduct a second, restoration phase on the property to create an even more exceptional habitat. The second phase is entirely dependent upon the receipt of sufficient funding. The second phase has been conceptually described in the WRRSP Property Management Plan and includes the restoration of 6,000 linear feet of the unnamed tributary into a slow-moving, marsh-like system that is more wetland than stream channel; enhancement of approximately 75 acres of existing wetlands throughout the eastern and central portions of the property; restoration of an estimated 35 acres of former wetland areas that were drained for historic agricultural activities; management of invasive species on approximately 75 acres of bottomland floodplain; and reintroduction of an estimated 100 acres of tall grass prairie to higher elevation areas that are currently dominated by invasive species and/or agricultural food plots used for hunting purposes.

This additional activity, if completed, will certainly have a positive impact on the affected streams and wetlands and would require approval by Ohio EPA under the conditions of the Environmental Covenant, but is not necessary for the success of the Scioto River Preserve project.

AOA will have a yearly obligation to visit and monitor the property. AOA will also be responsible for implementing the approved protection and management plan, including the implementation of wildlife management activities, control of invasive species and the monitoring of water resources. AOA formed over 12 years ago and the organization has worked extensively throughout Central and Southeastern Ohio to conserve natural areas and improve water quality. Present conservation efforts within this area are being led by AOA. As such, AOA is well qualified to manage and maintain the Scioto River Preserve project.

F. Estimated Project Costs

AOA has a contract to purchase this 285 acre property, a single parcel of land (parcel number J2400030008401), from the current land owner, Charles Joseph Schneider, for an estimated \$875,000. The actual WRRSP amount will be based upon the actual acquisition costs incurred, but will not exceed the \$1,394,500 amount that is expected to be awarded for the WRRSP project at the time of the loan award to the sponsoring BoCC project.

G. Project Schedule

A WPCLF loan is anticipated to be approved for award to the BoCC on July 30, 2015. The WRRSP dollars associated with this sponsoring loan will be available until one year after the Initiation of Operation for the BoCC's SCADA System Installs and Upgrades project.

H. Public Notification

This Limited Environmental Review (LER) is related to a separate environmental review of the BoCC's SCADA System Installs and Upgrades project. The sponsorship of the Scioto River Preserve project will benefit BoCC and its ratepayers by reducing the interest rate on an approximately \$13,300,000 WPCLF loan, and will benefit the citizens of Ohio by helping preserve a high quality water resource.

The sponsorship of this project has been discussed during BoCC Board Meetings. During the March 25, 2015 regular meeting, the Board authorized BoCC to sponsor the Scioto River Preserve project in conjunction with its SCADA System Installs and Upgrades project. Subsequently, the BoCC and AOA have entered into a formal sponsorship agreement. Ohio EPA is unaware of any opposition to the Scioto River Preserve WRRSP project.

Ohio EPA will issue a copy of its Limited Environmental Review decision and Finding of No Significant Impact to interested parties, and will post it to the Ohio EPA website. Supporting documentation for the LER decision is available for public inspection upon request from the contact person listed at the end of this report.

I. Planning Information

The following agencies have been provided information regarding the proposed project:

Ohio Environmental Protection Agency
Ohio Department of Natural Resources
Ohio Historic Preservation Office

Proposed activities for the purchase and protection of the property in the Scioto River Preserve project are detailed in a Management Plan developed by AOA. This Plan has been reviewed by Ohio EPA's Division of Environmental and Financial Assistance. No negative comments have been received as of the date of this report.

J. Application of Limited Environmental Review Criteria

Ohio EPA conducts environmental reviews of all projects prior to WPCLF financing. The proposed project meets the general project type criteria for a LER; namely, it is a water quality protection project consisting of non-structural practices. Furthermore, the project meets the other qualifying criteria for a LER; specifically, the proposed project:

- has no significant adverse environmental effect, as the planning activities for the project identified no potential adverse impacts on the quality of the human environment or on sensitive resources such as floodplains, wetlands, riparian areas, prime or unique agricultural lands, aquifer recharge zones, archaeological or historically significant sites, or threatened or endangered species. In fact, the proposed project will have beneficial environmental impacts to several of the above-listed features.
- does not require extensive specific impact mitigation, as the proposed project involves land purchases for the protection of high quality aquatic resources, not land-disturbing activities.
- has no adverse effect on high value environmental resources, as it will permanently protect wetlands, the Scioto River and riparian area along it, an unnamed tributary and a portion of Davenport Pond, as well as the associated upland habitat, and will not disturb existing resources, as noted above.
- represents a long-term solution to an identified water quality threat (development and agriculture) currently facing the watershed, the cost of which is reasonable considering monetary and non-monetary factors. The acquired property will be permanently protected and maintained by AOA. Preserving high quality environmental areas is less expensive than, and preferable to, trying to restore them.
- is not a controversial action, as the property sale will be voluntary on the part of the existing landowners, and no significant public opposition has been expressed.
- does not create a new, or relocate an existing, discharge to surface or ground waters, since the proposed project does not involve a point source discharge.

- will not result in substantial increases in the volume of discharge or loading of pollutants from an existing source or from new facilities to receiving waters, since the proposed project does not involve wastewater treatment or a point source discharge.
- will not provide capacity to serve a population substantially greater than the existing population, since the proposed project is not a publicly-owned wastewater treatment works, designed to serve a designated area. Instead, it is a land purchase/protection project for a high quality aquatic resource.

K. Contact Person

For further information, please contact:

Rose McLean, Environmental Specialist
Ohio EPA, Division of Environmental & Financial Assistance
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-3664

E-mail: Rose.McLean@epa.ohio.gov