December 12, 2019

Re: West Fork Natural Streambank Repair Permit - Intermediate Application and Support 401 Wetlands Summit County DSW401196609
December 11, 2019

Ohio EPA, Division of Surface Water
Attn: 401/IWP/Mitigation Section Manager
P.O. Box 1049
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049

RE: Application for Director’s Authorization – West Fork Bank Stabilization, Trellis Green Drive, Bath Township, Summit County, Ohio

To Whom It May Concern:

Please find enclosed all items required for a complete application for the Director’s Authorization for coverage under the 401 Water Quality Certification (WQC) for the Nationwide Permits (NWP). As proposed, the project purpose is to provide a long-term solution to the erosion and bank instability issues along a West Fork Tributary to Yellow Creek to stabilize the bank and protect the adjacent stormwater basin, as shown on the project plan included in Item 1.

If you have any questions or comments or if you need additional information, please contact me at 330-673-5685, ext. 8067 or via e-mail at judith.mitchell@davey.com.

Sincerely,

[Signature]

Judith Mitchell, Project Manager
Natural Resource Consulting

Enclosed: Fee Payment ($2,000 check made payable to Treasurer, State of Ohio)
Item 1
Application for Director’s Authorization for Coverage under the 401 WQC for the Nationwide Permits and Project Plan
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

<table>
<thead>
<tr>
<th>Section 1: Applicant and Agent Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Company/ Agency Name:</strong></td>
<td>Summit County Engineer</td>
</tr>
<tr>
<td><strong>Name of Contact:</strong></td>
<td>Alan Brubaker, PE, PS</td>
</tr>
<tr>
<td><strong>Title:</strong></td>
<td>Summit County Engineer</td>
</tr>
<tr>
<td><strong>Technical Point of Contact:</strong></td>
<td>David Koontz, PE, SI</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>538 E. South Street, Akron, OH 44311</td>
</tr>
<tr>
<td><strong>City, State, Zip:</strong></td>
<td>Akron, OH 44311</td>
</tr>
<tr>
<td><strong>Phone Number(s):</strong></td>
<td>330-643-8537</td>
</tr>
<tr>
<td><strong>Email Address:</strong></td>
<td><a href="mailto:dkoontz@summitengineer.net">dkoontz@summitengineer.net</a></td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>Davey Resource Group</td>
</tr>
<tr>
<td><strong>Name of Contact:</strong></td>
<td>Judith Mitchell</td>
</tr>
<tr>
<td><strong>Title:</strong></td>
<td>Senior Project Manager</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>905 Bryce Road, Kent, OH 44240</td>
</tr>
<tr>
<td><strong>Phone Number(s):</strong></td>
<td>330-673-5685 ext. 8067</td>
</tr>
<tr>
<td><strong>Email Address:</strong></td>
<td><a href="mailto:Judith.mitchell@davey.com">Judith.mitchell@davey.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 2: Project Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Project Name:</strong></td>
<td>West Fork Natural Streambank Repair</td>
</tr>
<tr>
<td><strong>B. Has Pre-App. Coordination occurred?</strong></td>
<td>☑ YES ☐ NO</td>
</tr>
<tr>
<td><strong>Indicate the 401 reviewer:</strong></td>
<td>Choose an item.</td>
</tr>
<tr>
<td><strong>DATE:</strong></td>
<td>Click here to enter a date.</td>
</tr>
<tr>
<td><strong>C. Brief Project Description/Purpose:</strong></td>
<td>The streambank stabilization project addresses a significant bank erosion that is occurring along the north bank and is threatening to breach the causeway between the stream and an adjacent stormwater retention basin. The project will utilize stone toe protection, bendway weirs, a grade control structure, and native plantings to stabilize the bank.</td>
</tr>
<tr>
<td><strong>D. Construction Timeframe (Provide “start and end dates):</strong></td>
<td>December 2019 - March 2020</td>
</tr>
<tr>
<td><strong>E. Is any portion of the activity complete now?</strong></td>
<td>☑ YES ☐ NO</td>
</tr>
<tr>
<td><strong>Is this an “After-The-Fact” application?</strong></td>
<td>☑ YES ☐ NO</td>
</tr>
<tr>
<td><strong>If YES to either, describe the extent of completed portion of the activity below and the unauthorized impacts on waters of the state:</strong></td>
<td>Click here to enter text.</td>
</tr>
<tr>
<td><strong>F. Coordinates (degree, minutes, seconds):</strong></td>
<td>41°09’ 14.7” N - 81° 40’ 50.9” W</td>
</tr>
<tr>
<td><strong>G. Project Street Address:</strong></td>
<td>676 Trellis Green Dr., Akron</td>
</tr>
<tr>
<td><strong>H. 12 Digit HUC No.:</strong></td>
<td>04110020402</td>
</tr>
<tr>
<td><strong>I. Watershed Name:</strong></td>
<td>Yellow Creek</td>
</tr>
<tr>
<td><strong>J. Corps District:</strong></td>
<td>Buffalo</td>
</tr>
<tr>
<td><strong>K. Other water related permits issued or required include:</strong></td>
<td></td>
</tr>
<tr>
<td>☑ Nationwide Permit # 13 - Bank Stabilization</td>
<td>Choose an item. Click here to enter a date.</td>
</tr>
<tr>
<td>☑ Section 10 Permit</td>
<td>Choose an item. Click here to enter a date.</td>
</tr>
<tr>
<td>☑ Section 9 Permit</td>
<td>Click here to enter text.</td>
</tr>
<tr>
<td>☑ Isolated Wetland Permit</td>
<td>Choose an item. Click here to enter a date.</td>
</tr>
<tr>
<td>☑ NPDES Permit</td>
<td>Choose an item. Click here to enter a date.</td>
</tr>
<tr>
<td>☑ Oil &amp; Gas Storm Water General Permit</td>
<td>Choose an item. Click here to enter a date.</td>
</tr>
<tr>
<td>☑ Permit to Install</td>
<td>Choose an item. Click here to enter a date.</td>
</tr>
<tr>
<td>☑ ODNR</td>
<td>Choose an item. Permit - Choose an item. Click here to enter a date.</td>
</tr>
</tbody>
</table>
Please submit the completed application package and fees to:
Ohio EPA
Division of Surface Water
Attn: 401/WWP/Mitigation Section Manager
P.O. Box 1049
Columbus, OH 43216-1049

<table>
<thead>
<tr>
<th>For Internal Ohio EPA Use</th>
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<tbody>
<tr>
<td>Reviewer:</td>
</tr>
<tr>
<td>Project ID #: 196609</td>
</tr>
<tr>
<td>Date Received: 12/12/19</td>
</tr>
</tbody>
</table>
Attachment 1
West Fork Restoration-Concept Map

Live stakes will be installed along the toe of each bank in the restoration reach (~240 linear feet) to infill the rock structures. The bars and rip rap will be slightly excavated to restore the channel alignment and thalweg location.

In addition to live stakes installed along toe of each bank in the restoration reach (~276 linear feet) bars-root or container plants would be installed on the upper banks to help with bank stabilization and stream cover and habitat.

Install 6 short bendway weirs to encourage thalweg back to center of channel.

Remove old disconnected metal 48-inch culvert.

Material will be harvested from the stream and gravel bars to infill the rock structures. The bars and rip rap will be slightly excavated to restore the channel alignment and thalweg location.

Install a grade control structure to restore and maintain channel elevation in restored reach and guide thalweg to center of channel.

NOTE: Actual species, numbers, and locations will be dependent on availability and post-construction site conditions, including hydrology and projected light levels.

Not to Scale

0 20 40
(IN FEET)

Evaluation, Planning, and Stream Bank Repair Services at West Fork
Bath Township
Summit County, Ohio

Prepared for:
Summit County Engineer

Prepared by:
DAVEY Resource Group

Data used to produce this map were collected on September 9, and November 5, 2019

Map View 1 of 1

The information presented is not a survey of engineering product, and should not be used for any purpose provided by applicable law or regulation that requires a surveying or engineering license.
Live stakes will be installed along the toe of each bank in the restoration reach (~240 linear feet) to aid in planting.

In addition to live stakes installed along the toe of each bank in the restoration reach (~275 linear feet) bare-root or container plants will be installed on the upper banks to help with bank stabilization and stream cover and habitat.

Install 6 short bendway weirs to encourage thalweg back to center of channel.

Remove old disconnected metal 48-inch culvert.

West Fork stream impacts for existing stream

Estimate 3 tons each x 6 (~18 tons). Linear feet of impact below OHM calculated at ~276' and ~1.5 feet wide/each, total of 9 linear feet fill below OHM is calculated based on ~276' x 1.5 ft or 0.54 yard. Total: 9 yd and Total area is 122 ft² or 0.004 acre.

Estimate 10 tons each x 1 (~10 tons) Linear feet of impact below OHM calculated at 156 ft and ~15 feet long/each, total of 16 linear feet. Fill below OHM is calculated based on ~156 ft x 1.5 ft or 0.79 yard. Total: 8 yd and Total area is 164 ft² or 0.003 acre.

Estimate 123 linear feet toe protection 250 lbs/foot (~15.4 tons) Linear feet of impact below OHM calculated at 123 ft and ~123 linear feet as shown. Fill below OHM is calculated based on ~123 ft x 1.5 ft. Total: 6.8 yd² and Total area is 123 ft² or 0.003 acre.

Total impacts: Linear impacts from proposed conceptual structures below the for West Fork OHM is approximately 147 linear feet, total area of 0.01 acre and total fill for unnamed tributary below OHM is approximately 24.8 cubic yards.

Material will be harvested from the stream and gravel bars to infill the rock structures. The bars and depositional features will be slightly excavated to restore the channel alignment and thalweg location.

Install a grade control structure to restore and maintain channel elevation in restored reach and guide thalweg to center of channel.

NOT TO SCALE

= Proposed restored stream reach and thalweg
= Direction of flow (~140 linear feet)
= Restored toe of bank with sandstone rock (~140 feet)
= Newbury riffle grade control structure to be keyed into bank between trees and will tie into existing riffle
= Bendway and/or partial weirs these will be short and filled placed, 6 are shown
= Proposed construction access; approximately 6-10 feet wide to utilize existing cleared/mowed trail
Typical Rock Grade Control Structure and Riffle Features

**Typical cross-section (looking up channel)**
- Key stone of structure embedded into bank to prevent overflow around.
- Pending height dictated by center height of rock grade control structure; low center to encourage water to flow over and not around structure.

**Typical plan view**
- Backfill upstream of structures with mixed coarse and fine grain material from gravel bars and depositional features to be removed.

---

**Table 1.** (From Ohio Department of Transportation, Construction & Materials Specifications, 1997)

<table>
<thead>
<tr>
<th>Velocity of Stream During High Flows</th>
<th>Size Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - 3 feet/second</td>
<td>4&quot; - 12&quot;, average 6&quot; (ODOT Type D)</td>
</tr>
<tr>
<td>3 - 6 feet/second</td>
<td>6&quot; - 18&quot;, average 12&quot; (ODOT Type C)</td>
</tr>
<tr>
<td>6 - 10 feet/second</td>
<td>12&quot; - 24&quot;, average 18&quot; (ODOT Type B)</td>
</tr>
<tr>
<td>10 - 12 feet/second</td>
<td>18&quot; - 30&quot;, average 24&quot; (ODOT Type A)</td>
</tr>
</tbody>
</table>

**NOT TO SCALE**
- Partial weir and Bendway weirs installed placing upstream approximately 20-30' from bank.

**Typical profile**
- Structure to be comprised of native mixed rock, stone sized by engineer and/or hydrologist.
- Excavate stream bed to 1 foot below existing grade to anchor structure.

---

**Attachment 1**
Restoration Concept Map
Seeding Detail

Seeding Period
After digging and grading operations are completed and topsoil and organic materials have been replaced, restoration area seeding will commence. If unable to seed before the re-graded soils become too crushed, soils must be re-scraped or lightly cultivated prior to seeding to ensure good soil contact.

Seeding shall not typically take place when the ground is frozen, when prevailing water is frozen, or when conditions are otherwise unsatisfactory for seeding. Inundated areas will not be seeded. Frost seeding may be employed at the direction of the restoration ecologist.

Seeding Application
Seed will be applied over the disturbed areas of the restoration area. For small areas, hand-seeding and sowing with a drop spreader or hand-broadcasting at a rate of 15-20 pounds per acre as specified is acceptable.

In general, the seed preparation, mix, seeding methods, and timing will be as per the supplier recommendations. For native seed mixes it is generally not recommended nor anticipated that soil amendments or fertilizers will be necessary.

A mix of clean, weed-free oat or wheat straw shall be applied to seeded areas. The mix should be applied at a rate to adequately cover and protect the bare soil during storm events, but not so thick as to impede seed germination. Soil should always be visible through the straw mulch. Straw mulch should be applied at a heavier rate on slopes than when applied to flat, level ground. The straw mulch should be applied at a slightly lighter rate in deeply shadowed or wooded areas than would be applied in a more open, summer area. The purpose of the straw mulch is to limit erosion prior to vegetation establishment, retain soil moisture, and buffer the effects of sun and wind on the young seedings.

Woodland seed mix

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carya illinoensis</td>
<td>black walnut</td>
</tr>
<tr>
<td>Elaeagnus angustifolia</td>
<td>Russian olive</td>
</tr>
<tr>
<td>Erythrina chinesis</td>
<td>Chinese red bay</td>
</tr>
<tr>
<td>Fraxinus americana</td>
<td>American ash</td>
</tr>
<tr>
<td>Gleditsia triacanthos</td>
<td>honey locust</td>
</tr>
<tr>
<td>Jambosa spinosa</td>
<td>Mongolian oak</td>
</tr>
<tr>
<td>Liquidambar styraciflua</td>
<td>California boxelder</td>
</tr>
<tr>
<td>Ptelea trifoliata</td>
<td>American elm</td>
</tr>
<tr>
<td>Quercus alba</td>
<td>White oak</td>
</tr>
</tbody>
</table>

Riparian seed mix

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atriplex cana</td>
<td>saltbush</td>
</tr>
<tr>
<td>Carex sylvatica</td>
<td>sedge</td>
</tr>
<tr>
<td>Carex stricta</td>
<td>bluestem</td>
</tr>
<tr>
<td>Carex gracillaris</td>
<td>slender sedge</td>
</tr>
<tr>
<td>Carex viridula</td>
<td>green sedge</td>
</tr>
<tr>
<td>Carex jubata</td>
<td>red sedge</td>
</tr>
<tr>
<td>Carex laxifolia</td>
<td>needle sedge</td>
</tr>
<tr>
<td>Carex lasiocarpa</td>
<td>yellow sedge</td>
</tr>
<tr>
<td>Carex pachyphylla</td>
<td>woolly sedge</td>
</tr>
<tr>
<td>Carex sagittata</td>
<td>arrowhead sedge</td>
</tr>
<tr>
<td>Carex serata</td>
<td>slender sedge</td>
</tr>
<tr>
<td>Carex stricta</td>
<td>bluestem</td>
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<tr>
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<td>green sedge</td>
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<td>arrowhead sedge</td>
</tr>
<tr>
<td>Carex serata</td>
<td>slender sedge</td>
</tr>
</tbody>
</table>

General Live Stake Notes:
- Live stakes are to be made during the dormant season. In the spring, when growth has started, stakes may be difficult to insert.
- Live stakes should be cut from 2-3 year-old growth, generally 2-11/4 inch diameter and range from 3-4 ft in length. Stakes will be provided in a bag/pallet (150) to a pallet (1500). Stakes should be processed with an angular point cut on the bottom and a square cut on the top with the buds oriented to the top.
- Live stakes should be fresh cut, and once removed from the pallet, stakes should be placed in a well-drained, shaded area to allow the base of the stake to heal prior to installation.
- The lower 1/2 of the cuttings should be pre-soaked in water for 24 hours prior to installation, pointed side down.
- Plantings on 1x4 spacing at 0.5' apart and 0.75' apart for 1x4 spacing. When installing, the stake should be deeply planted. Stake flares should be slightly wider than the flares of the treated stakes, and stake flares were also narrower.
- Live stakes should be planted in 1500 or 150 bags, which are the same size as the green plant.
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**Item 2**

*Stream Impact Table*
## Application for Director’s Authorization for coverage under the 401 WQC for the Nationwide Permits —Proposed Stream Impacts

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

<table>
<thead>
<tr>
<th>Stream ID</th>
<th>Jurisdictional?</th>
<th>Flow</th>
<th>Aquatic Life Use Designation in 3745-1</th>
<th>Existing Use</th>
<th>Length Onsite (linear ft.)</th>
<th>Proposed Impacts</th>
<th>Impact Length (linear ft.)</th>
<th>Impact Type</th>
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</thead>
<tbody>
<tr>
<td>West Fork</td>
<td>YES</td>
<td>Perennial</td>
<td>Undesignated</td>
<td>WWH</td>
<td>166.00</td>
<td>147.00</td>
<td>Bank Stabilization</td>
<td></td>
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</table>

### Stream Length Totals
- 166.00
- 147.00
Item 3
Pre-Construction Notification

A pre-construction notification to the district engineer is not required prior to commencing this project activity as this bank stabilization activity: (1) will not involve discharges into special aquatic sites as no wetlands occur within the project area; (2) does not exceed 500 feet in length as the proposed stabilization reach is 140 linear feet; and (3) will not involve the discharge of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the plane of the ordinary high water mark. Further, the project does not involve the use of any vertical bulkhead. See attached for the U.S. Army Corps of Engineers Nationwide Permit Pre-Construction Notification Application.

Also attached is the Ohio Historical Preservation Office desktop review showing no cultural resources have been identified within or adjacent to the project area. All areas of disturbance will be confined to within the streambanks. No soils will be disturbed elsewhere to implement this project so that this project is not likely to affect cultural or historic resources.
U.S. Army Corps of Engineers (USACE)
NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN)
33 CFR 330. The proponent agency is CECW-CO-R.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority
Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 320-332.

Principal Purpose
Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.

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 the agency coordination process.

Disclosure
Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

The public reporting burden for this collection of information, 0710-0003, 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 the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at

Please do not return your response to the above email.

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>Application No.</th>
<th>Field Office Code</th>
<th>Date Received</th>
<th>Date Application Complete</th>
</tr>
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</table>

(ITEMS BELOW TO BE FILLED BY APPLICANT)

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Company - Summit County Engineer's Office</th>
<th>Company Title - Summit County Engineer</th>
</tr>
</thead>
<tbody>
<tr>
<td>First - Alan</td>
<td>Middle - Brubaker</td>
<td>E-mail Address - <a href="mailto:dikootz@summitengineer.net">dikootz@summitengineer.net</a></td>
</tr>
<tr>
<td>Company Title - Summit County Engineer</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authorized Agent's Name and Title (Agent is not required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First - Judith</td>
</tr>
<tr>
<td>Company - Davey Resource Group, Inc.</td>
</tr>
<tr>
<td>E-mail Address - <a href="mailto:Judith.mitchell@davey.com">Judith.mitchell@davey.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agent's Address</th>
<th>Agent's Phone Nos. with Area Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address - 538 East South Street</td>
<td>Residence - 330-643-8537</td>
</tr>
<tr>
<td>City - Akron</td>
<td>State - OH</td>
</tr>
<tr>
<td>City - Kent</td>
<td>State - OH</td>
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<th>Agent's Phone Nos. with Area Code</th>
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</thead>
<tbody>
<tr>
<td>a. Residence - 330-673-5685</td>
</tr>
</tbody>
</table>

STATEMENT OF AUTHORIZATION

I hereby authorize, Davey Resource Group, Inc. to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.

Signature of Applicant / 12/11/19

Name/Location, and Description of Project or Activity

12. Project Name or Title (See Instructions)
East Fork Streambank Stabilization

ENG FORM 6082, OCT 2019
PREVIOUS EDITIONS ARE OBSOLETE.
13. NAME OF WATERBODY, IF KNOWN (if applicable)
West Fork

14. PROPOSED ACTIVITY STREET ADDRESS (if applicable)
676 Trellis Green Drive

15. LOCATION OF PROPOSED ACTIVITY (see instructions)
Latitude: 41.153632
Longitude: -81.681473

City: Akron
State: OH
Zip: 44333

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

17. DIRECTIONS TO THE SITE
The site is west of Route 77 and north of Route 18 (Medina Road). Traveling south on Route 77, take exit 137B to merge onto OH-18 (Medina Road), then turn right onto Crystal Lake Road and travel north for 1.4 miles, turn left on Granger Road and travel for 1.2 miles, then turn left onto Trellis Green Drive. A vacant lot is 0.75 mi on the right. The project site is southwest of the vacant lot and stormwater basin.

18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE
Nationwide Permit #13 - Bank Stabilization Activities

19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY (see instructions)
This project includes the installation of six short bendway weirs; a riffle grade control structure; toe stone protection, live stakes along the toe of the bank, and bare root/container plants and native seed on the upper banks. Material will be harvested from the adjacent gravel bar and floodplain to build up the bank. Tracked machinery such as a dump truck and excavator will be used to complete this project.

20. DESCRIPTION OF PROPOSED MITIGATION MEASURES (see instructions)
This project will stabilize the bank of West Fork and prevent further erosion of the stream towards the stormwater basin directly adjacent to the stream. As such, bank stabilization activities will aid in preventing further erosion and sedimentation issues within the stream, as well as increase habitat value and functions of the stream. No loss of stream length or function will occur with this project.

21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY (Describe the reason or purpose of the project, see instructions)
The north bank of West Fork within the project area is also the causeway separating this stream and an adjacent stormwater basin. The purpose of this project is to re-build and stabilize the north bank of the stream so as to prevent the stream from eroding the north bank to the point where the bank completely fails and intercepts the stormwater management basin. The function of the basin for water quality treatment and storage would be lost and the water quality of the stream would be degraded.

22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY (see instructions)

<table>
<thead>
<tr>
<th>Acres</th>
<th>Linear Feet</th>
<th>Cubic Yards Dredged or Discharged</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.03</td>
<td>147</td>
<td>24.5 cy stone discharged</td>
</tr>
</tbody>
</table>

23. List any other NWP(s), regional permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. (see instructions)
Ohio EPA Director's Authorization under the 401 Water Quality Certification

24. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity.
No wetlands occur within the project area and adjacent wetlands will be avoided.
26. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (see instructions)

Minimal tree clearing is proposed for this project. Clearing of trees will occur between October 1 and March 31 to avoid any potential impact to the Indiana bat and Northern long-eared bat.

27. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (see instructions)

see the attached document for the desktop review. No cultural resources have been identified within or adjacent to the project area. All areas of disturbance will be confined to within the stream. No soils will be disturbed elsewhere to implement this project so that this project is not likely to affect cultural or historic resources.

28. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or 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, identify the Wild and Scenic River or the "study river": 

W/A

29. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project?  [ ] Yes  [x] No

If "yes", please provide the date your request was submitted to the Corps district:

30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (see instructions)

---

Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that the information in this pre-construction notification 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]

12/1/19

Judith Mitchell

12/1/19

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The pre-construction notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in Block 11 has an filled out and signed, the authorized agent.

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 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.
Instructions for Preparing a
Department of the Army
Nationwide Permit (NWP) Pre-Construction Notification (PCN)

Blocks 1 through 4. To be completed by the Corps of Engineers.

Block 5. Applicant’s Name. Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant’s Telephone Number(s). Please provide the telephone number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent’s Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent’s Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he/she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by the applicant, if an agent is to be employed.

Block 12. Proposed Nationwide Permit Activity Name or Title. Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

Block 13. Name of Waterbody. Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Activity Street Address. If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

Block 15. Location of Proposed Activity. Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the “corners” of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use. List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

Block 19. Description of the Proposed Nationwide Permit Activity. Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

Provide sketches when necessary to show that the proposed NWP activity complies with the terms of the applicable NWP(s). Sketches usually clarify the activity and result in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed NWP activity (e.g., a conceptual plan), but do not need to be detailed engineering plans.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.
Block 20. Description of Proposed Mitigation Measures. Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or additional mitigation measures.

Block 21. Purpose of Nationwide Permit Activity. Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity. For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, or occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 22 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distant crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 23.

Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands When Pre-Construction Notification Is Required. Paragraph (c) of NWP general condition 23 requires compensatory mitigation at a minimum one-for-one replacement ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity-specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre, or provide an explanation of why the district engineer should not require wetland compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 24.

Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete? Describe any work that has already been completed for the NWP activity.

Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might Be Affected by the Nationwide Permit Activity. If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity. If you are not a Federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River. If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit [http://www.riverns.gov](http://www.riverns.gov).

Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408. If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.
Block 30. Other Information Required For Nationwide Permit Pre-Construction Notifications. The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

* NWP 3, Maintenance —information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
* NWP 31, Maintenance of Existing Flood Control Facilities — a description of the maintenance baseline and the dredged material disposal site.
* NWP 33, Temporary Construction, Access, and Dewatering — a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.
* NWP 44, Mining Activities — if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre-construction notification.
* NWP 45, Repair of Uplands Damaged by Discrete Events — documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
* NWP 48, Commercial Shellfish Aquaculture Activities — (1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
* NWP 49, Coal Remining Activities — a document describing how the overall mining plan will result in a net increase in aquatic resource functions must be submitted to the district engineer and receive written authorization prior to commencing the activity.
* NWP 50, Underground Coal Mining Activities — if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification.

If more space is needed, attach an extra sheet of paper marked Block 30.

Block 31. Signature of Applicant or Agent. The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

**DELINEATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS**

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

**DRAWINGS AND ILLUSTRATIONS**

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g., roads, subsurface utility lines, etc.) gradient drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

**ADDITIONAL INFORMATION AND REQUIREMENTS**

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 29). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.
Item 4
Provisional 404 NWP Authorization Letter – Not Required

As a pre-construction notification to the district engineer is not required for this project, a 404 NWP Authorization letter will not be provided by the district engineer.
**Item 5**

**Proposed Mitigation Plan as Approved by the Corps**

No loss of stream length or function will occur with the implementation of this project. As such, no mitigation is proposed. In fact, the water quality and habitat value of this reach of stream will be improved with the implementation of this project.
Item 6
Description of the Conditions Not Met within the 401 WQC for NWP 13

This project is authorizable under NWP 13 which allows bank stabilization activities necessary for the prevention of erosion, including temporary structures, fills, and work necessary to construct the bank stabilization activity. As proposed, the project purpose is to provide a long-term solution to the erosion and bank instability issues along West Fork. Temporary impacts are proposed to approximately 140 linear feet of stream due to the installation of toe protection, riffle grade control structures, and bioengineering materials to stabilize the bank and prevent the causeway between the stormwater basin and stream from failing. In conjunction, native riparian seed and live stakes will be installed along the stabilized bank.

However, because this stream is located in an ineligible area as depicted in the GIS NWPs Stream Eligibility Map (attached in Item 6 following), this project does not meet the conditions for the 401 WQC for NWP 13. To address this issue, we are requesting that Ohio Environmental Protection Agency consider that an individual water quality certification is not necessary because the project will have a minimal, and only temporary, impact on water quality, and in fact, the net result for this project will be an improvement in water quality. We are requesting written authorization from the director of Ohio EPA to allow this project to be constructed within an ineligible area for NWP 13.
Item 6 - Attachment 1
401 Water Quality Certification for
Nationwide Permit Eligibility Map

Legend
- Project Area
- Ineligible
- Possibly Eligible

Site Location: Evaluation, Planning, and Streambank Repair Services at West Fork Bath Township, Summit County, Ohio
Source: SOQIT OGRIP OSIP III Columbus, Ohio
Aerial photograph dated 2017
Item 7
Description of any NWP Conditions Waived by the Corps

No conditions were waived by the Corps for this project.
Item 8
Description of How the Project Minimally Impacts Water Quality and Reasons Why the Resources are Unable to be Avoided

During construction, this project will temporarily impact water quality, but the overall result of this project will be an improvement in water quality. The stabilization of the streambank will decrease the sediment being eroded into the stream. The eroding stream bank is a major source of sediment to the stream and can be up to 80% of the annual load. This excessive erosion is resulting in impacts to the physical and biological functioning of the river. Sediment loading is a leading water quality issue for streams as it degrades fish habitat and reduces species diversity. In addition, increased sedimentation can elevate flood risks by reducing stream channel volume and reservoir capacity.

Another issue unique to this bank stabilization project is that this eroding bank is the causeway between the stream and an adjacent stormwater basin. Because of the erosion that is occurring along this bank, the causeway is narrowing. Not too long in the future, this causeway will fail, and the adjacent stormwater basin will then join with the stream. The volume control and water quality treatment functions of the stormwater basin will be ineffective so that the stream will have further water quality degradation from increased inputs of sediment and from flashy, high volume water inputs following storms further exacerbating the bank erosion along this stream and continuing downstream.

All material used within the river will be free from toxic contaminants in other than trace quantities, free of exposed rebar, free of debris, and will consist of rock, stone, and vegetative erosion control measures. No asphalt or tires will be used for bank restoration materials. Only non-invasive, native plants will be used for restoration plant material.

During construction, erosion control devices and best management practices will be implemented to minimize sedimentation and to limit the duration of exposed soils. A check dam will be installed in the stream on the downstream end of the project prior to the start of in-stream work. This check dam will be re-graded into a riffle grade control structure upon completion of in-water work. All soils exposed as a result of the project will be seeded and stabilized within two days of project completion. The access route will be restored to pre-existing grade and the disturbed soils will be seeded and stabilized immediately upon completion of the project.
Item 9
Description of How the Project Meets Public Need, as defined in OAC 3745-1-50, for any Proposed Impacts to Category 3 Wetlands

No impacts to any wetlands will occur with the implementation of this project as no wetlands occur within the project area.
Item 10
Photographs

Photolocation 1 (11-05-19) This is a view of West Fork, looking upstream within the project area. A stormwater basin is located adjacent to the stream, as can be seen in the background of the photograph above.

Photolocation 2 (11-05-19) This is a view of the stream within the project area looking downstream.
Photolocation 5 (11-05-19) This is a view of the main area of concern, showing bank erosion that is threatening the causeway between the stream and stormwater basin.

Photolocation 6 (11-05-19) An area of the proposed access route north of the stabilization area is mowed turf grass.
Item 11
Stream Habitat Assessment (QHEI)
## Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

### QHEI Score: 65

#### Stream & Location:
West Fork, Trelies Green Drive, Bath Township, Ohio

#### River Code:
Lat/Long: 41.153589, -81.681422

#### Scorers Full Name & Affiliation:
Juan Barreto, Davey Resource Group

#### Office verified location: [ ]

### 1) SUBSTRATE

Check ONLY Two substrate TYPE BOXES:

#### BEST TYPES
- [ ] BLDCR / SLABS [10]
- [ ] BOULDER [9]
- [ ] GRANITE [4]
- [ ] SAND [8]
- [ ] BEDROCK [5]

#### OTHER 1
- [ ] HARDPAN [4]
- [ ] DETRITUS [3]
- [ ] COBBLE [2]
- [ ] ARTIFICIAL [2]

#### POOL
- [ ] 4 or more [2]
- [ ] 3 or less [0]

#### RIFFLE
- [ ] 4 or more [2]
- [ ] 3 or less [0]

**Comments:**
(Use natural substrates; ignore sludge from point-sources)  

**Number of Best Types:**
15 / Maximum 20

### 2) INSTREAM COVER

Indicate presence 0 to 3: 0-Absent, 1-Very small amounts or if more common of marginal quality, 2-Moderate amounts, but not of highest quality or in small amounts of highest quality, 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep/fast water, or deep, well-defined, functional pools).

#### AMOUNT
- [ ] EXTENSIVE >75% [11]
- [ ] MODERATE 5-75% [7]
- [ ] SPARSE <5% [3]

**Comments:**

**Number of Cover Types:**
13 / Maximum 20

### 3) CHANNEL MORPHOLOGY

Check ONE in each category (Or 2 & Average)

#### SINUOSITY
- [ ] HIGH [4]
- [ ] MODERATE [3]
- [ ] LOW [2]

#### DEVELOPMENT
- [ ] HIGH [7]
- [ ] GOOD [5]
- [ ] FAIR [3]
- [ ] POOR [1]

#### CHANNELIZATION
- [ ] NONE [8]
- [ ] RECOVERED [4]
- [ ] RECOVERING [3]
- [ ] RECENT OR NO RECOVERY [1]

**Comments:**

**Number of Channel Types:**
11.0 / Maximum 20

### 4) BANK EROSION AND RIPARIAN ZONE

Check ONE in each category for EACH BANK (Or 2 per bank & average)

#### L R
- [ ] WIDE > 50 M [4]
- [ ] MODERATE 10-50m [3]
- [ ] NARROW 5-1m [2]
- [ ] VERY NARROW <5m [1]
- [ ] NONE [0]

#### RIPARIAN WIDTH
- [ ] WIDE > 50 M [4]
- [ ] MODERATE 10-50m [3]
- [ ] MODERATE 10-50m [3]
- [ ] MODERATE 10-50m [3]

#### FLOOD PLAIN QUALI
- [ ] Forest, Swamp [3]
- [ ] Shrub or Old Field [2]
- [ ] Fenced Pasture [1]
- [ ] Residential, Park, New Field [1]

**Comments:**

**Number of Riparian Types:**
8 / Maximum 10

### 5) POOL / GLIDE AND RIFFLE / RUN QUALITY

#### MAXIMUM DEPTH
- [ ] >1m [8]
- [ ] 0.7-1m [4]
- [ ] 0.4-0.7m [2]
- [ ] 0.2m-0.4m [1]
- [ ] 0m [0]

#### CHANNEL WIDTH
- [ ] POOL WIDTH > RIFFLE WIDTH [2]
- [ ] POOL WIDTH = RIFFLE WIDTH [1]
- [ ] POOL WIDTH < RIFFLE WIDTH [0]

#### CURRENT VELOCITY
- [ ] TORRENTIAL [1]
- [ ] VERY FAST [1]
- [ ] INTERMITTENT [2]
- [ ] MEDIUM [1]

**Comments:**

**Number of Pool Glide and Riffle Run Quality Types:**
6 / Maximum 12

### 6) GRADIENT

- [ ] 14.3 ft/mi
- [ ] 4.36 mi²

**Gradient**

**Comments:**

**Number of Gradient Types:**
8 / Maximum 10

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*EPA 4526*
Item 12
Wetland Assessment Forms (ORAMs) – Not Applicable
Item 13
a. Threatened and Endangered Species – USFWS Coordination
West Fork Bank Stabilization, Bath Township in Summit County

1 message

Ohio, FW3 <ohio@fws.gov>
To: "Mitchell, Judith" <judith.mitchell@davey.com>
Cc: nathan.reardon@dnr.state.oh.us, kate.parsons@dnr.state.oh.us

Wed, Nov 20, 2019 at 10:51 AM

TAILS# 03E15000-2020-TA-0215

Dear Judith,

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. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

FEDERALLY LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the federally endangered Indiana bat (Myotis sodalis) and the federally threatened northern long-eared bat (Myotis septentrionalis). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosting areas (i.e., live trees and/or snags ≥3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure.

Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, such structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Should the proposed site contain trees ≥3 inches dbh, we recommend that trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is required to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees ≥3 inches dbh cannot be avoided, we recommend that removal of any trees ≥3 inches dbh only occur between October 1 and March 31. Seasonal clearing is being recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see http://www.fws.gov/midwest/endangered/mammals/nieb/index.html), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are assumed present.

If implementation of this seasonal tree cutting recommendation is not possible, summer surveys may be conducted to document the presence or probable absence of Indiana bats within the project area during the summer. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied. Surveys must be conducted by an approved...
surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office. Surveyors must have a valid federal permit. Please note that in Ohio summer mist net surveys may only be conducted between June 1 and August 15.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other 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 Service should be initiated to assess any potential impacts.

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 ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

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,

Patrice M. Ashfield
Field Office Supervisor

cc: Nathan Reardon, ODNR-DOW
    Kate Parsons, ODNR-DOW
November 11, 2019

SENT VIA EMAIL TO:
United States Fish and Wildlife Service
Ecological Services Field Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230

RE: Section 7 Endangered Species Act Consultation—West Fork Bank Stabilization,
Bath Township, Summit County, Ohio

To Whom It May Concern:

Please review the following information regarding this stream bank stabilization project. To assist with your review of the project, site maps and photographs are enclosed.

PROJECT PURPOSE AND LOCATION
A stream bank stabilization project is proposed to be implemented along West Fork, which is a tributary to Yellow Creek 12-digit Hydrologic Unit Code (HUC) sub-watershed (HUC 0411000204-02). The stream runs along the southeast border of three residential properties and a vacant lot located at 660, 676, and 704 Trellis Green Drive, Bath Township, Summit County. The latitude and longitude coordinates for the project center point are 41.154082, -81.680818. The project area is indicated on a highway map, an excerpt of the West Richfield, Ohio USGS 7.5-minute topographic map, aerial photographs, and a water resource map, located in Attachment 1. Representative photographs of the project area are included in Attachment 2.

PROJECT AREA DESCRIPTION
The project area was surveyed on November 5, 2019 to collect information on potential wetlands, streams, and protected species habitat. The project area is located within a residential area with land covers of mowed lawn and successional woods.

There are no wetlands within the project area. A perennial stream, West Fork, crosses through the project area. A stormwater basin for the subdivision is located adjacent to the north bank of the stream. Temporary impacts are proposed to approximately 140 linear feet of stream due to the installation of toe protection, riffle grade control structures, and bioengineering materials to stabilize the bank and prevent the causeway between the stormwater basin and stream from failing. Photographs of the project area and stream are included in Attachment 2.
Federally Listed Species

Federally listed species within Summit County include the federally endangered Indiana bat (*Myotis sodalis*); the federally endangered northern long-eared bat (*M. septentrionalis*); the federally threatened northern monkshood (*Aconitum noveboracense*); and the federally threatened eastern massasauga (*Sistrurus catenatus*). The bald eagle (*Haliaeetus leucocephalus*), a species of concern, is protected under the Bald and Golden Eagle Protection Act. Habitat requirements of these species are discussed below.

- All counties in Ohio are within the range of the Indiana bat and the Northern long-eared bat. Summer habitat requirements for these species are not well defined, but the following are considered important: dead trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas; live trees (such as shagbark hickory and oaks) which have exfoliating bark; and stream corridors, riparian areas, and upland woodlots which provide forage sites. Occasionally the northern long-eared bat may roost in structures like barns and sheds.

The project area was evaluated for potential habitat for these bats using the USFWS Summer Habitat Assessment Form (Attachment 3). There are no sheds or barns within the project area. The wooded areas and the riparian corridor of the on-site stream within the project area may potentially provide habitat for these bats. These woods and the riparian corridor of the on-site stream provide fragmented connectivity to larger, forested areas surrounding the project area as can be seen on the aerals in Attachment 1. As proposed, three dead *Fraxinus pennsylvanica* (green ash) are proposed to be removed to provide access to the project area. Any trees that must be cut to construct the project will be cut between September 30 and April 1. Upon completion of the project, additional trees and shrubs will be planted along the stream so no loss in habitat will occur with the implementation of this bank stabilization project.

- The habitat of northern monkshood includes cool, moist, shaded cliff faces or talus slopes in wooded ravines, near water seeps. No cliffs, ravines, talus slopes or water seeps occur within the project area.

- The eastern massasauga, a small docile rattlesnake, may be found in wet prairies, marshes, fens, and low areas along rivers and lakes. No wetlands were identified within the project area. The only herbaceous areas that occur within the project area are regularly mowed. As such, the project area does not contain suitable habitat for this species.

- Habitat for the bald eagle includes areas adjacent to water bodies that provide suitable feeding (lakes, rivers, oceans) and must include large trees appropriate for roosting and nesting. The onsite stormwater basin as well as Furnace Run, approximately 1,215 offsite to the northeast, could provide suitable feeding habitat for the bald eagle. No work is proposed within the stormwater pond. Large trees occur within the project area. However, no bald eagles or nest sites were observed during fieldwork.

Bald eagle nests are found in Summit County within the historic townships of Boston, Green, Hudson, Northampton, Northfield, Portage, Tallmadge, and Twinsburg. The project is located in the historic Bath Township within Summit County, and as such, no bald eagle nests have been documented in this township.
REQUEST FOR FINDING

Considering the information above, we are requesting a finding from the United States Fish and Wildlife Service (USFWS) regarding any adverse effect to federally listed, threatened or endangered species in the project area.

A timely response is respectfully requested to ensure compliance with the Endangered Species Act prior to initiating activities.

If you have any questions or need additional information please contact me at 330-673-5685, ext. 8067, or via email at judith.mitchell@davey.com.

Sincerely,

Judith Mitchell

Judith Mitchell, Senior Project Manager
Natural Resource Consulting

Attachments
Attachment 1
Location of Project Area on Highway Map

Legend

---

<table>
<thead>
<tr>
<th>Metric</th>
<th>0.25</th>
<th>0.125</th>
<th>0</th>
<th>0.25</th>
<th>0.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miles</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Site Location: Evaluation, Planning, and Streambank Repair Services at West Fork Bath Township, Summit County, Ohio
Source: Esri
Redlands, California

Davey Resource Group
November 2019
Attachment 1
Location of Project Area on
USGS 7.5-Minute Topographic Map
(West Richfield Quadrangle)
Attachment 1
Location of Project Area on Aerial Photograph
Attachment 1
Restoration Concept Map

**NOTE:** Actual species, numbers, and locations will be dependent on availability and post-construction site conditions, including hydrology and projected flow levels.

Live stakes will be installed along the toe of each bank in the restoration reach (~240 linear feet) see planting sheet.

In addition to live stakes installed along toe of each bank in the restoration reach (~275 linear feet) bare-root or container plants would be installed on the upper banks to help with bank stabilization and stream cover and habitat.

Install 6 short bendway weirs to encourage thalweg back to center of channel.

Remove old disconnected metal 48-inch culvert.

Material will be harvested from the stream and gravel bars to infill the rock structures. The bars and erosional features will be slightly excavated to restore the channel alignment and thalweg location.

Install a grade control structure to restore and maintain channel elevation in restored reach and guide thalweg to center of channel.

The information presented in this report is a survey of engineering concepts, and should not be used to support design or be part of a design process. Applicable laws and regulations that influence surveying or engineering should be reviewed.

GRAPHIC SCALE

0 20 40 60

(IN FEET)

Data used to produce this map were collected on September 5 and November 5, 2019.
Attachment 2
Photographs at Project Area
Photograph 1 (11-05-19) The project site is located within a residential area with regularly mowed lawn.

Photograph 2 (09-19-19) This is a view of the on-site stream and adjacent stormwater basin. The causeway (as can be seen above) between the two water resources is eroding.
Photograph 3 (11-05-19) The on-site successional woods have a fairly open understory.

Photograph 4 (11-05-19) The proposed access route is located along an existing trail between the vacant residential lot and 704 Trellis Green Drive. Three standing dead green ash will need to be removed to allow access to the construction area.
Attachment 3
Summer Habitat Assessment Form
PHASE 1 SUMMER HABITAT ASSESSMENTS

INDIANA BAT HABITAT ASSESSMENT DATASHEET

Project Name: West Fork Streambank Stabilization, Bath Township
Township/Range/Section: Bath Township
Lat Long/UTM Zone: 41.153569, -81.681422
Surveyor: Ken Christensen
Date: 11/5/19

Brief Project Description
A stream (West Fork) bank stabilization project is proposed to be implemented along three residential properties and a vacant lot located at 660, 676, and 704 Trellis Green Drive, Bath Township, Summit County. The causeway between West Fork and an adjacent stormwater basin is eroding.

Project Area

<table>
<thead>
<tr>
<th></th>
<th>Total Acres</th>
<th>Forest Acres</th>
<th>Open Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>0.57</td>
<td>0.23</td>
<td>0.34</td>
</tr>
</tbody>
</table>

Proposed Tree Removal (as)

<table>
<thead>
<tr>
<th>Completely cleared</th>
<th>Partially cleared (will leave trees)</th>
<th>Preserve acres - no clearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0.001</td>
<td>0.23</td>
</tr>
</tbody>
</table>

Vegetation Cover Types

<table>
<thead>
<tr>
<th>Pre-Project</th>
<th>Post-Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mowed lawn, successional forest, and severely eroded stream bed and bank</td>
<td>Mowed lawn, successional forest, and stabilized stream bed and bank. Three standing dead green ash will be cut but additional trees and shrubs will be planted along the stream when construction is completed so there will be no net loss is cover.</td>
</tr>
</tbody>
</table>

Landscape within 5 mile radius

Flight corridors to other forested areas?
Fragmented connectivity to larger, forested areas surrounding the site.

Describe Adjacent Properties (e.g. forested, grassland, commercial or residential development, water sources)
Residential development, forested, open water

Proximity to Public Land
What is the distance (mi) from the project area to forested public lands (e.g., national or state forests, national or state parks, conservation areas, wildlife management areas)?
Bath Nature Preserve is located approximately 2 miles northeast of the site.
PHASE 1 SUMMER HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area. Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area. A single sheet can be used for multiple sample sites if habitat is the same.

**Sample Site Description**

Sample Site No.(s):

---

**Water Resources at Sample Site**

<table>
<thead>
<tr>
<th>Stream Type (# and length)</th>
<th>Ephemeral</th>
<th>Intermittent</th>
<th>Permanent</th>
<th>Describe existing condition of water sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The stream is severely eroding towards the adjacent stormwater basin located directly northeast of the stream.</td>
</tr>
</tbody>
</table>

Poohs/Ponds (# and size): 1 acre

Open and accessible to bats? Yes

Wetlands (approx. ac.):

<table>
<thead>
<tr>
<th></th>
<th>Permanent</th>
<th>Seasonal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Forest Resources at Sample Site**

<table>
<thead>
<tr>
<th>Closure/Density</th>
<th>Canopy (&gt; 50')</th>
<th>Midstory (20-50')</th>
<th>Understory (&lt;20')</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td>60</td>
<td>40</td>
</tr>
</tbody>
</table>

Dominant Species of Mature Trees: Ulmus americana, Fraxinus pennsylvanica, and Acer saccharum

% Trees w/ Exfoliating Bark:

|               | 0 | 0 | 0 |

Size Composition of Live Trees (%):

<table>
<thead>
<tr>
<th>Small (&lt;3 in)</th>
<th>Med (3-15 in)</th>
<th>Large (&gt;15 in)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>35</td>
<td>15</td>
</tr>
</tbody>
</table>

No. of Suitable Snags:

0

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

**IS THE HABITAT SUITABLE FOR INDIANA BATS?** Yes, but fragmented

**Additional Comments:**

Three dead green ash will be removed to provide access to the site but additional trees and shrubs will be planted along the streambank to improve long-term stability and to provide habitat.

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Attach aerial photo of project site with all forested areas labeled and a general description of the habitat.

**Photographic Documentation:** habitat shots at edge and interior from multiple locations, understory/midstory/canopy, examples of potential suitable snags and live trees, water sources.

---
November 11, 2019

SENT VIA E-MAIL TO environmentalreviewrequest@dnr.state.oh.us

RE: Environmental Review – West Fork Bank Stabilization, Bath Township, Summit County, Ohio

To Whom It May Concern:

Please review the following information regarding this stream bank stabilization project. To assist with your review of the project, site maps and photographs are enclosed.

PROJECT PURPOSE AND LOCATION

A stream bank stabilization project is proposed to be implemented along West Fork, which is a tributary to Yellow Creek 12-digit Hydrologic Unit Code (HUC) subwatershed (HUC 0411000204-02). The stream runs along the southeast border of three residential properties and a vacant lot located at 660, 676, and 704 Trellis Green Drive, Bath Township, Summit County. The latitude and longitude coordinates for the project center point are 41.154082, -81.680818. The project area is indicated on a highway map, an excerpt of the West Richfield, Ohio USGS 7.5-minute topographic map, aerial photographs, and a water resource map, located in Attachment 1. Representative photographs of the project area are included in Attachment 2.

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The project area was surveyed on November 5, 2019 to collect information on potential wetlands, streams, and protected species habitat. The project area is located within a residential area with land covers of mowed lawn and successional woods.

There are no wetlands within the project area. A perennial stream, West Fork, crosses through the project area. A stormwater basin for the subdivision is located adjacent to the north bank of the stream. Temporary impacts are proposed to approximately 140 linear feet of stream due to the installation of toe protection, riffle grade control structures, and bioengineering materials to stabilize the bank and prevent the causeway between the stormwater basin and stream from failing. Photographs of the project area and stream are included in Attachment 2.

FEDERALLY LISTED SPECIES

Federally listed species within Summit County include the federally endangered Indiana bat (Myotis sodalis); the federally endangered northern long-eared bat (M. septentrionalis); the federally threatened northern monkshood (Aconitum noveboracense); and the federally threatened eastern massasauga (Sistrurus catenatus). The bald eagle (Haliaeetus leucocephalus), a species of concern, is protected under the Bald and Golden Eagle Protection Act. Habitat requirements of these species are discussed below.
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The project area was evaluated for potential habitat for these. There are no sheds or barns within the project area. The wooded areas and the riparian corridor of the on-site stream within the project area may potentially provide habitat for these bats. These woods and the riparian corridor of the on-site stream provide fragmented connectivity to larger, forested areas surrounding the project area as can be seen on the aerials in Attachment 1. As proposed, three dead *Fraxinus pennsylvanica* (green ash) are proposed to be removed to provide access to the project area. Any trees that must be cut to construct the project will be cut between September 30 and April 1. Upon completion of the project, additional trees and shrubs will be planted along the stream so no loss in habitat will occur with the implementation of this bank stabilization project.

The habitat of **northern monkshood** includes cool, moist, shaded cliff faces or talus slopes in wooded ravines, near water seeps. No cliffs, ravines, talus slopes or water seeps occur within the project area.

The **eastern massasauga**, a small docile rattlesnake, may be found in wet prairies, marshes, fens, and low areas along rivers and lakes. No wetlands were identified within the project area. The only herbaceous areas that occur within the project area are regularly mowed. As such, the project area does not contain suitable habitat for this species.

Habitat for the **bald eagle** includes areas adjacent to water bodies that provide suitable feeding (lakes, rivers, oceans) and must include large trees appropriate for roosting and nesting. The onsite stormwater basin as well as Furnace Run, approximately 1,215 feet to the northeast, could provide suitable feeding habitat for the bald eagle. No work is proposed within the stormwater pond. Large trees occur within the project area. However, no bald eagles or nest sites were observed during fieldwork.

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**WATERS OF SPECIAL CONCERN**

The on-site stream is not a State Wild and Scenic River (a component of the National Wild and Scenic River System). No designated critical resource waters are located on this site. However, the stream drains southeast into Yellow Creek, approximately 0.95 miles southeast of the site. Yellow Creek is designated warm water habitat (WWH).

**REQUEST FOR FINDING**

Considering the information above, we are requesting an environmental review from the ODNR Division of Wildlife to provide recommendations and guidance on how to minimize and/or avoid impacts to rare, threatened and endangered wildlife.

A timely response is respectfully requested to ensure avoidance of impacts to rare, threatened and endangered wildlife.
If you have any questions or need additional information please contact me at 330-673-5685, ext. 8067, or via email at judith.mitchell@davey.com.

Sincerely,

[Signature]

Judith Mitchell, Senior Project Manager
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Location of Project Area on
USGS 7.5-Minute Topographic Map
(West Richfield Quadrangle)
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Location of Project Area on Aerial Photograph

Legend
- Project Area

Site Location: Evaluation, Planning, and Streambank Repair Services at West Fork Bath Township, Summit County, Ohio
Source: SOOT OGRIP OSIP III Columbus, Ohio Aerial imagery dated 2017
**Attachment 2 – Photographs**

**Photograph 1** (11-05-19) The project site is located within a residential area with regularly mowed lawn.

**Photograph 2** (09-19-19) This is a view of the on-site stream and adjacent stormwater basin. The causeway (as can be seen above) between the two water resources is eroding.
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Item 13
b. Threatened and Endangered Species – ODNR Coordination
November 11, 2019

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**Waters of Special Concern**

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[Signature]

Judith Mitchell, Senior Project Manager
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Attachments
Attachment 1
Location of Project Area on Highway Map

Legend
Project Area

Site Location: Evaluation, Planning, and Streambank Repair Services at West Fork Bath Township, Summit County, Ohio
Source: Esri Radiands, California

Davey Resource Group
November 2019
Attachment 1
Location of Project Area on
USGS 7.5-Minute Topographic Map
(West Richfield Quadrangle)
Attachment 1

Vicinity Map

Legend
- Red: Project Area
- Yellow: 2-mile Diameter Vicinity Boundary

Site Location: Evaluation, Planning, and Streambank Repair Services at West Fork
Bath Township, Summit County, Ohio
Source: SOOIT OGRIP OSP III
Columbus, Ohio
Aerial imagery dated 2017

Davey Resource Group
November 2019
**Photograph 1** (11-05-19) The project site is located within a residential area with regularly mowed lawn.

**Photograph 2** (09-19-19) This is a view of the on-site stream and adjacent stormwater basin. The causeway (as can be seen above) between the two water resources is eroding.
Photograph 3 (11-05-19) The on-site successional woods have a fairly open understory.

Photograph 4 (11-05-19) The proposed access route is located along an existing trail between the vacant residential lot and 704 Trellis Green Drive. Three standing dead green ash will need to be removed to allow access to the construction area.