April 30, 2019

Limited Environmental Review and Finding of No Significant Impact

Appalachia Ohio Alliance
Henson Addition to Paint Creek Corridor Initiative
WRRSP number: WR391662-0013

The attached Limited Environmental Review (LER) is for a nonpoint source project in Ross County which the Ohio Environmental Protection Agency intends to finance through its Water Resource Restoration Sponsor Program (WRRSP). The LER describes the project, its costs, and expected environmental benefits. Making available this LER fulfills Ohio EPA’s environmental review and public notice requirements for this loan program, as described in Ohio Administrative Code (OAC) 3745-150-05.

Ohio EPA analyzes environmental effects of proposed projects as part of its WRRSP program review and approval process. We have concluded that the proposed project should not result in significant adverse environmental impacts. This project’s relatively narrow scope and lack of environmental impacts qualifies it for the LER rather than a more comprehensive Environmental Assessment, as described in OAC 3745-150-06. More information can be obtained by calling or writing the person named at the end of the attached LER.

Upon issuance of this Finding of No Significant Impact (FNSI) determination, award of funds may proceed without further environmental review or public comment unless new information shows that environmental conditions of the proposed project have changed significantly.

Sincerely,

Jerry Rouch, Chief
Division of Environmental and Financial Assistance

Attachment
LIMITED ENVIRONMENTAL REVIEW

Project Identification

Project: Henson Addition Paint Creek Conservation Corridor Initiative
Sponsor: Board of County Commissioners of Hamilton County, Ohio
Implementer: Appalachia Ohio Alliance
   P.O. Box 1151
   Logan, Ohio 43138

WPCLF loan number: CS390095-0172
WRRSP number: WR391662-0013

Project Summary
The City of Akron is proposing to sponsor the Appalachia Ohio Alliance (AOA)’s “Henson Addition Paint Creek Conservation Corridor Initiative” project with funds from Ohio EPA’s Water Pollution Control Loan Fund (WPCLF) Water Resource Restoration Sponsor Program (WRRSP). This project will protect, in perpetuity, approximately 207-acres of riparian corridor that contain 1,115 linear feet (LF) of Exceptional Warmwater Habitat (EWH) and Outstanding State Waters Paint Creek frontage and riparian corridor (see Figures 1-3).

The WRRSP 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 jeopardize the health of Ohio's water resources. WRRSP monies are made available by advancing a portion of the estimated amount of interest to be repaid by the project’s sponsor over the life of the loan and are based on the initial principal amount (less the project contingency), the term of the loan, and final interest rate. WRRSP projects address the protection and/or restoration of high-quality aquatic habitat in Ohio, and the sponsoring community benefits from project sponsorship by receiving an up to 0.1 percent reduction in its already below-market WPCLF interest rate.

Project Information
In its natural and undisturbed state, a healthy body of water will exhibit overall ecological integrity which is constituted by its chemical, physical, and biological integrity. When one or more of these is degraded, the waterbody's health is affected and, in most cases, aquatic life reflects this degradation. In other words, the presence of healthy biota normally indicates that the waterbody has healthy chemical and physical components.

Under the Clean Water Act, Ohio has developed Water Quality Standards (WQS) to establish minimum requirements for all surface waters of the state, thereby protecting public health and welfare, enhancing, improving, and maintaining water quality. WQS are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. These rules consist of designated uses of a water body, criteria to protect these use designations, antidegradation requirements to protect existing uses and high-quality waters, as well as other general policies, forming a legal basis for controlling pollution that enters the waters of the United States from a variety of point and nonpoint sources. Designated Aquatic Life Use (ALU)
classifications allow Ohio to better manage its water resources by establishing restoration goals for impaired streams or other altered ecosystems. The most comprehensive indicator of a waterbody’s health is its biological condition; by using numeric Biological Assessment data, or Bioassessments, Ohio became a national leader as the first state to develop and use biological criteria, or Biocriteria, in its WQS.

**Existing Conditions & Prior Land Use**

The project site, known as the Henson property, is located within the Sulphur Lick - Paint Creek subwatershed, Hydrologic Unit Code (HUC) 050600030704, in Paxton Township, Ross County, and contains approximately 2,611 linear feet (LF) of Paint Creek frontage and riparian corridor. An Outstanding State Waters based on Exceptional Ecological Values within Ohio’s Antidegradation rules (OAC 3745-1-05 Table 5-5), this aquatic resource is in full attainment of Exceptional Warmwater Habitat (EWH) ALU under Ohio’s Water Quality Standards. EWH streams are defined as “waters with unique and unusual assemblages of aquatic life (e.g., waters with the potential for significant populations of endangered species, unusually good chemical quality, above-average abundance of sensitive species, above-average populations of top carnivores).”

Forested, riparian land serves to slow runoff, dropping sediments and associated organics and nutrients, which are then assimilated by trees before they reach the creek. Previously a sustenance farm which likely included cattle grazing, pastureland, hay production, and timber harvesting, upland portions of the approximately 207-acre property are primarily fallow fields and young successional hardwood forest. Located between the Little Copperas Mountain and the Copperas Mountain Conservation Sites, both listed by the Ohio Department of Natural Resources (ODNR) as “Conservation Sites” without any known conservation restrictions or legal protections, the property is also within the viewshed of the Seip Earthworks, a Hopewell Culture National Historic Park (see Figure 4). One of the largest burial mounds in the Middle Ohio River Valley, the Earthworks contains over 100 Hopewell burials, numerous artifacts, is part of the U.S. National Park Service (NPS) and was officially nominated by the United States Department of Interior to the World Heritage List in 2018 (see Figure 5).

**Project Description**

The goal of this project is to preserve, in perpetuity, 2,611 LF of EWH riparian corridor, its unnamed tributaries, and upland forest located on the 207-acre Henson property within the Big Sulphur Lick- Paint Creek watershed. This property will be protected through a deed recording, or use restrictions that run with the land, and typically include 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 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.
• 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.

**Estimated Project Costs**
The total cost of the Henson Addition to Paint Creek project is estimated at $767,000. Funds will be made available by advancing a portion of the estimated amount of interest to be repaid by the City of Akron over the life of its 45-year $87,581,500 WPCLF loan for the WRF BioCEPT- NRD project. In conjunction with project, the City also intends to sponsor multiple other WRRSP projects including the Cedar Run Watershed Initiative, Conneaut Creek Conservation, Conneaut Creek/Smoky Run, Maxwell Addition- Big Darby Creek Conservation Corridor, and Struthers Dam Removal. By sponsoring these projects, the City is eligible for an up to 0.1% discount that will reduce its WPCLF interest rate from 0.81 to 0.71 percent, resulting in an estimated savings of $767,000 for the County over the course of its 45-year loan.

**Project Schedule**
A WPCLF loan is currently scheduled to be awarded to the City for its WRF BioCEPT- NRD project in May 2019. Construction of the project is scheduled to begin in Spring of 2019 and will be completed by September 2021.

**Public Participation**
As part of its State Environmental Review Process, Ohio EPA's Division of Environmental and Financial Assistance (DEFA) will post this LER and Finding of No Significant Impact to its web page located under the heading Documents Available for Review and Comment WPCLF Documents for Review and Comment at:
Ohio EPA is unaware of any public opposition to this project.

**Planning Information**
The planning information for the proposed project was reviewed in terms of potential direct, indirect and cumulative short- and long-term environmental impacts, with input from the following agencies:

Ohio Environmental Protection Agency  
Ohio Department of Natural Resources  
U.S. Fish and Wildlife Service

No opposition to the project was received from any of these entities.

**Conclusion**
Ohio EPA conducts environmental reviews of all projects prior to awarding WPCLF/WRRSP financing. The proposed project meets the project type criteria for an LER; namely, it is a water quality protection project consisting of non-structural practices. Furthermore, the project meets the other qualifying criteria for an 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 surface waters, floodplains, wetlands, state or federally designated wildlife areas, state or federally-designated wild, scenic or recreational rivers, 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 permanent protection through the placement of an environmental covenant.
- has no adverse effect on high-value environmental resources, as it will permanently protect wetlands, vernal pools, and stream habitat.
- represents a long-term solution to an identified water quality threat (development and urbanization) currently facing the stream to be protected, the cost of which is reasonable considering monetary and non-monetary factors.
- is not controversial, as it will be a voluntary action on the part of the existing landowners and no 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 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 protection project for a high-quality aquatic resource.
The planning activities for the project have identified no potentially significant short- or long-term adverse impacts on the quality of the human environment or on sensitive resources. The project will benefit water quality by preserving a key section of Paint Creek.

Contact info

Angela Adkins, Environmental Specialist II
Ohio EPA, Division of Environmental and Financial Assistance
Office of Financial Assistance, EPU-WRRSP
P.O. Box 1049
Columbus, Ohio 43216-1049
614-644-3651
Angela.adkins@epa.ohio.gov
Figure 1
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

Figure 4

HENSON ADDITION
PAINT CREEK / HOPEWELL CULTURE NHP
CONSERVATION INITIATIVE
Paxton Township, Ross County

NOT TO SCALE
POTENTIAL

ACCESS

Existing Dunlap CE

NOVEMBER 2016

CLEAN OHIO FUND

PAINT CREEK / HOPEWELL CULTURE NHP

CONSERVATION INITIATIVE

Paxton Township, Ross County

AERIAL MAP

HOCKING RIVER

Riparian Corridor

Hocking River Clear Fork

Hocking State Forest

Proposed Bazell Property ~190 Acres

Henson Property ~207 Acres

Proposed Environmental Covenant Boundary

Figure 5