July 15, 2020

Limited Environmental Review and Finding of No Significant Impact

Ohio Department of Natural Resources – Madison County
Little Darby Creek Riparian Corridor Protection
WRRSP number: WR391515-0012

The attached Limited Environmental Review (LER) is for a nonpoint source project in Madison 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.

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. 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,

Jonathan Bernstein
Assistant Chief
Division of Environmental and Financial Assistance

Attachment
LIMITED ENVIRONMENTAL REVIEW

Project Identification

Project: Little Darby Creek Riparian Corridor Protection Project

Applicant: Ohio Department of Natural Resources
Department of Natural Areas and Preserves, Scenic Rivers Program,
2045 Morse Road, Bldg. A-2
Columbus, Ohio 43229

Project ID: WR391515-0012

Sponsor: City of Akron – Sanitary Sewer Reconstruction 2018 – Large Diameter Lining

Loan Number: CS390095-0175

Project Summary

The Ohio Department of Natural Resources (ODNR), Department of Natural Areas and Preserves, Scenic Rivers Program seeks to acquire two properties located along Little Darby Creek in Madison County using funds made available through Ohio EPA’s Water Resource Restoration Sponsor Program (WRRSP). The 45-acre Rohner property and 37.5-acre Forrest property support nearly 1.3 miles of linear footage along Little Darby Creek, 20.58 acres of wetlands (including 8.3 acres of Category 3 wetlands), and 61 acres of high-quality floodplain. Once acquired, the properties will be encumbered in perpetuity by environmental covenants. Implementation and long-term oversight of the properties will be undertaken by the Scenic Rivers Program.

Combined acquisition costs for both parcels is estimated at $520,000. Funds for the project will be made available by advancing a portion of the interest to be generated by the city of Akron’s Water Pollution Control Loan Fund (WPCLF) loan to implement a major sanitary sewer system repair project. By voluntarily agreeing to sponsor the Little Darby Creek Riparian Corridor Protection Project, Akron will receive a discount of up to 0.1 percent on its WPCLF interest rate. Akron’s loan is scheduled for July 2020. The Scenic Rivers Program would acquire the properties during September 2020.

History & Existing Conditions

Little Darby Creek is one of the highest quality, most biologically diverse stream systems remaining in Ohio and supports several rare and endangered species. According to Ohio EPA’s Biological and Water Quality Study of the Big Darby Creek Watershed 2014/2015, all but one sampling location on Little Darby Creek was in full attainment of the Exceptional Warmwater Habitat (EWH) aquatic life use designation.

One of the goals of the Scenic Rivers Program within the Darby Creek watershed is to develop a contiguous protected riparian corridor along the Little Darby Creek State and National Scenic River for the purpose of protecting its high water quality, exceptional biological diversity, natural
character and rare and endangered species. This initiative started with ODNR’s first WRRSP submission in 2005/2006 which resulted in the acquisition of the 215-acre Double Bond property in Madison County at the upstream end of the Scenic River Designation at the Lafayette Plain City Road Bridge. The Scenic Rivers Program remains the most active agency conducting land protection activities within the Darby Creek Watershed. To date, the Scenic Rivers Program has protected approximately 947 acres through fee simple acquisition and another 75 acres through conservation easements along the Little Darby Creek, for a total of 1,022 protected acres. In addition, The Nature Conservancy (TNC) has protected 123 acres and Columbus and Franklin County Metropolitan Park District has also protected significant acreage in a contiguous block upstream from the confluence with the Big Darby Creek in Georgesville, Ohio.

The Scenic Rivers Program believes that the principal threat to this high-quality stream ecosystem is urbanization. Land use in the Little Darby Watershed is changing from agricultural to urban. As urbanization continues to expand in Madison County and the West Jefferson area along the I-71, U.S. Rt. 40, U.S. Rt. 42, and St. Rt. 29 corridors, increased storm water run-off, riparian zone degradation and other impacts to the stream’s floodplain and riparian corridor will threaten the high water quality and biodiversity of this stream system. Protection of these two properties will further the goals of the Scenic Rivers Program and offer additional protection for Little Darby Creek.

**Project Description**

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 interest to be repaid by applicants for WPCLF loans for wastewater infrastructure improvement projects. By voluntarily agreeing to “sponsor” a WRRSP project, WPCLF loan recipients benefit from project sponsorship by receiving up to a 0.1 percent reduction on their already below-market WPCLF interest rate.

The primary focus of this WRRSP project is the acquisition of two parcels of land, totaling approximately 82.5 acres adjacent to Little Darby Creek. These properties will result in the protection of approximately 1.3 miles of Little Darby Creek riverfront, 20.58 acres of wetlands and 61 acres of floodplain. See Figure 1.

The first proposed acquisition will be approximately 45 acres of the Rohner property. The portions of this property proposed for acquisition include forested riparian corridor along both banks of Little Darby Creek, adjacent wooded and oxbow wetlands, floodplain and wooded bluffs leading down the creek and along the valley wall. Once acquisition is completed, the Scenic Rivers Program will conduct invasive species removal of bush honeysuckle (*Lonicera maackii*) in the riparian forest buffer along the creek and adjacent to the wetlands.

The second proposed acquisition will be approximately 37.5 acres of the Forrest Trucking (Ace Forrest) property. The portions of this property proposed for acquisition include riparian forest corridor along the Little Darby Creek, wooded and oxbow wetlands, floodplain and wooded bluffs leading down the valley wall into the floodplain. A portion of the floodplain on this property is currently in an early successional meadow that the Scenic Rivers Program will reforest with native tree plantings upon acquisition. Control and removal of invasive species, again predominantly bush honeysuckle, following the same protocol as outlined above for the Rohner property will be implemented.
Implementation

Project Costs
The total cost of the Project is estimated at $520,000. The Scenic Rivers Program originally requested $698,300, however updated property appraisals indicate property values less than those nominated. Funds will be made available by advancing a portion of the estimated amount of interest to be repaid by Akron over the life of its 45-year $6,073,383 WPCLF loan for its sanitary sewer reconstruction and large diameter lining project. By sponsoring this project, Akron is eligible for a discount of up to 0.1% on its WPCLF interest rate.

Project Schedule
A WPCLF loan is currently scheduled to be awarded to Akron in July 2020. Property acquisitions are scheduled to occur during September 2020. Invasive species control efforts and riparian plantings will be conducted upon acquisition.

Post-Acquisition Management
The main objective of this Project is to provide long-term protection of the Rohner and Ace Forrest properties and manage them as natural areas in accordance with the Ohio EPA-approved management plan. Further, both properties will be encumbered in perpetuity with environmental covenants. These covenants will set forth which activities may occur on properties and the management obligations of the Scenic Rivers Program. Only limited recreational opportunities on these properties such as hiking, wildlife observation, and fishing are proposed. The Scenic Rivers Program does not plan on developing any trail system or other recreational amenities on the properties at this time. Any such development would involve only simple earthen trails should it occur. No trails or fishing access points will be established, or structures erected, without prior written approval from Ohio EPA Division of Environmental and Financial Assistance (DEFA).

Public Participation
As part of its State Environmental Review Process, Ohio EPA’s 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”, “WRRSP Documents for Review and Comment at”:
https://epa.ohio.gov/defa/ofa#1696310543-wrrsp-documents-for-review-and-comment

Ohio EPA is unaware of any public opposition to this project.

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 effects as the planning activities for the project identified no potential adverse impacts on the quality of the human environment or on sensitive resources such as floodplains, wetlands, 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 by encumbering the project site with a restrictive environmental covenant.

- does not require extensive specific impact mitigation as the proposed project is a fee simple land purchase for the protection of existing high-quality aquatic resources and will not require any land-disturbing activity.

- has no adverse effect on high value environmental resources, as it will permanently protect 1.3 miles of Little Darby Creek, 20.58 acres of wetlands and 61 acres of riparian buffer.

- represents a long-term solution to an identified water quality threat (development and urbanization), the cost of which is reasonable considering monetary and non-monetary factors. The acquired properties will be permanently protected and maintained by the ODNR Scenic Rivers Program. Preserving high-quality environmental areas is less expensive than, and preferable to, trying to restore them.

- is not a controversial action, as it will be a voluntary action on the part of the existing landowners and no significant public opposition has been expressed.

- does not create a new, or relocate an existing, discharge to surface or ground waters, 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, or provide capacity to serve a population substantially greater than the existing population since the proposed project is not a publicly-owned wastewater treatment works and does not involve a point source discharge.

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 permanently protecting significant aquatic resources.

**Contact information**

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Figure 1: Project Location Map