



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

November 8, 2022

Limited Environmental Review and Finding of No Significant Impact

**Clermont Soil and Water Conservation District – Clermont County
Lower East Fork Little Miami River Restoration and Stabilization
WRRSP Number: WR392019-0001**

**Sponsoring Loan
City of Akron - Summit County
Sanitary Sewer Reconstruction 2021 Small Diameter Lining
WPCLF Loan Number: CS390095-0234**

The attached Limited Environmental Review (LER) is for a non-point source project in Clermont County which the Ohio Environmental Protection Agency intends to fund 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,

A handwritten signature in cursive script that reads "Kathleen Courtright".

Kathleen Courtright, Assistant Chief
Division of Environmental and Financial Assistance

Attachment

LIMITED ENVIRONMENTAL REVIEW

Project Identification

Project: Lower East Fork Little Miami River Restoration and Stabilization

Applicant: Clermont Soil and Water Conservation District

WRRSP Loan: WR392019-0001

Sponsor: City of Akron – Sanitary Sewer Reconstruction 2021 Small Diameter Lining

WPCLF Loan: CS390095-0234

Project Summary

The Clermont Soil and Water Conservation District (Clermont SWCD), in partnership with the Valley View Foundation (VVF) and Madison Development, LTD (Madison), seeks \$3,592,784 in funding from Ohio EPA's Water Resource Restoration Sponsor Program (WRRSP) to restore 4,040 linear feet of the lower East Fork Little Miami River (lower East Fork). Sediment deposition from severely eroding stream banks has reduced in-stream habitat resulting in partial attainment of the Exceptional Warmwater Habitat (EWH) aquatic life use designation within the lower East Fork. The project will realign 4,040 of the East Fork using Natural Channel Design (NCD) principles and stabilize the banks with armor stone and live plantings. The project area is located in Milford, Clermont County approximately one mile upstream from the confluence with the Little Miami River. Work will occur on land owned by the VVF and Madison, both of which have agreed to allow those portions of their properties on which the restoration will occur to be encumbered with environmental covenants. The environmental covenants will set forth specific use restrictions to ensure that the restoration objectives are maintained in perpetuity. Once completed, the lower East Fork project area is expected to fully recover to its EWH use designation. Project construction will be overseen by the Clermont SWCD. Long-term oversight of the covenant areas will be undertaken by the VVF and Madison with assistance from the Clermont County Park District.

The WRRSP will provide the entire estimated \$3,592,784 cost of the lower East Fork restoration project. WRRSP funds 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 its Sanitary Sewer Reconstruction 2021 Small Diameter Lining project that consists of lining, repair and reconstructing small and large diameter sewers throughout Akron. Akron will borrow \$9,300,000 through the WPCLF for this sewer repair project. By voluntarily agreeing to sponsor the lower East Fork project through the WRRSP, Akron will receive a discount of up to 0.1 percent on its WPCLF interest rate. Akron's loan is scheduled to be awarded during December 2022. Restoration of the lower East Fork is scheduled to begin during the Fall of 2023 and be completed during 2024.

History & Existing Conditions

The East Fork Little Miami River (EFLMR) is a sub-watershed of the Little Miami River basin located in southwest Ohio. The Little Miami River basin drains 1,756 square miles and the mainstem flows 105 miles southwest to its confluence with the Ohio River in Hamilton County. The Little Miami River has been designated a State and National Scenic River. The EFLMR sub-watershed composes

an area of approximately 500 square miles within Highland, Clinton, Brown, Warren, and Clermont counties and flows over 80 miles from its origin in Clinton and Highland counties southwest to its confluence with the Little Miami River. Clermont County occupies the largest area of the East Fork watershed, encompassing approximately 390 square miles. The lower East Fork is located within the EFLMR sub-watershed.

A water quality survey conducted by Ohio EPA in 2012 determined that three of the five sampling locations on the EFLMR mainstem met the EWH use designation and holds a Superior High Quality Water (SHQW) antidegradation tier. Streams that are designated EWH support diverse assemblages of pollution intolerant fish, aquatic insects and mussels, potential for significant populations of endangered species and unusually good chemical water quality. Approximately only eleven percent of all streams in Ohio meet the EWH use designation. SHQW streams are surface waters that possess exceptional ecological values based upon a combination of the presence of threatened or endangered species and a high level of biological integrity. Despite being less than 400 square miles, various large river fish species such as *Sander canadensis* (sauger), *Alosa chrysochloris* (skipjack herring), *Ictiobus niger* (black) and *Ictiobus bubalus* (smallmouth buffalo), and the *Percina phoxocephala* (slenderhead darter) are found in the lower East Fork sub-watershed downstream from Lake Harsha. The lower East Fork also harbors the state endangered *Noturus eleutherus* (mountain madtom), as evidenced by collections during the 2012 survey.

The two non-supporting sites within the EFLMR included approximately one mile of the lower East Fork at river mile 0.8, in which the proposed project is located, which exhibits impacted biological communities due to habitat degradation, and at river mile 9.1, where the causes and sources for partial attainment were unknown. Consultation with Ohio EPA Division of Surface Water fisheries biologists confirmed the project reach within the lower East Fork is locally impaired by sedimentation from eroding stream banks within the project area. Streambank erosion along this segment of the lower East Fork has accelerated in recent years with frequent and more intense storm events. VVF and Madison have reported sloughing of the streambank and loss of vegetation, including mature and healthy trees as slides have steepened the banks to 18 feet. Clermont SWCD staff and environmental engineers walked the site and noted sediment aggradation in the stream channel, turbidity and substrate embeddedness throughout the stream reach. Ohio EPA fisheries biologists believe stream channel improvements within the project area should result in habitat conditions comparable to upstream reaches of the lower East Fork that are attaining EWH.

Diverse mussel populations have historically thrived throughout the EFLMR watershed. The EFLMR is categorized by the Ohio Department of Natural Resources (ODNR) and United States Fish and Wildlife Service (USFWS) as a Group 2 stream where federally listed species are expected to be found. Important species, including the federally endangered *Villosa fabalis* (rayed bean), *Plethobasus cyphus* (sheepnose), *Cyporegia stegaria* (fanshell) and the *Elliptio crassidens* (elephant ear), have all been documented in the EFLMR watershed. Recent observations have identified additional mussels including the *Quadrula nodulata* (wartyback) – an Ohio Endangered Species, the *Ligumia recta* (black sandshell) – an Ohio Threatened Species, and *Truncilla truncata* (deertoe) – an Ohio Species of Concern. In surveys conducted by noted mussel freshwater expert Dr. Michael Hoggarth, a total of 27 live deertoe were identified on the East Fork in 2006-07, and 21 live individuals were also seen in a more recent survey conducted between 2019-20.

Dr. Hoggarth, and his colleagues have been studying mussel populations in the Little Miami River basin for over 30 years. Their research has determined that while the EFLMR mussel population as a whole is aging and less diverse, the lower East Fork may be serving as a refugia, although this segment has also experienced declines. As noted by Dr. Hoggarth, the EFLMR is at a significant

juncture as there is good restorative potential because most species are still present, although in reduced numbers. Improved water quality and habitat would benefit the mussel communities.

Project Description

The goal of the WRRSP is to counter the loss of ecological function and biological diversity that jeopardize the health of Ohio's water resources. To achieve this goal, the WRRSP provides funding for projects that specifically target the protection and restoration of high-quality streams and wetlands. The goal of the proposed project is to address stream bank erosion and sediment deposition within the lower East Fork project area by constructing a stable meander geometry and improving hydraulic connectivity to the floodplain using NCD principles. NCD uses fluvial geomorphology principles to determine the appropriate stream profile, pattern and cross-sectional area necessary to establish a stable stream. Sections of the channel will be strategically relocated to achieve a stable stream pattern. Re-grading the stream banks will allow the stream to access the floodplain during storm events. The project will also include restoring native riparian vegetation and applying bioengineering treatments to high-stress locations along the stream channel. A minimum riparian buffer zone of buffer of fifty feet will be created along both banks where possible.

In addition to the stabilization of the channel, the proposed design will increase in-stream habitat necessary for biological communities by re-establishing stable riffle-run-glide-pool sequences and by installing coarse substrate throughout the project area. Constructed rock riffles will provide bed stability and enhance aquatic habitat. Riffles will also be designed to direct flow, establish a stable channel gradient, dissipate energy. Rock vanes and j-hooks will enhance and stabilize riffle-pool sequences, control stream bed elevation and slope to maintain sediment transport and optimal pool dimensions on outside bends. Toe wood installed along the regraded stream banks will provide crucial in-stream habitat and refugia for fish. By addressing the eroding banks, the project may reduce sediment deposition in the lower East Fork by as much as 7,600 tons per year. Addressing the channel instability and improving habitat in the lower East Fork will improve assemblage composition for both the fish and mussel communities.

The project is expected to achieve Index of Biotic Integrity (IBI) and Qualitative Habitat Evaluation Index (QHEI) scores within the lower East Fork project area. The IBI is used to measure fish communities in Ohio's rivers and streams on a scale of 0 to 60. The QHEI measures the types and abundance of in-stream and riparian habitat features necessary to support healthy aquatic communities on a scale of 0-100. The project seeks to establish an IBI score greater than or equal to 50 and a QHEI score greater than or equal to 75 to be consistent with full attainment of EWH. These scores have been observed at sampling locations at river miles 1.2 and 0.77 of the lower East Fork. Since there is a history of mussels near the proposed project area, a professional malacologist approved by the Ohio Department of Natural Resources, Division of Wildlife (DOW) will conduct a mussel survey in the project area prior in-water work. If mussels that cannot be avoided are found in a project area, mussels may be collected and relocated to suitable and similar habitat upstream of the proposed project site.

Implementation

Project Costs

The total \$3,592,784 cost of the lower East Fork restoration project will be paid for entirely by funds made available by advancing a portion of the estimated amount of interest to be repaid by

Akron over the life of its 20-year \$9,300,000 WPCLF loan for its project. The WPCLF is Ohio's Clean Water State Revolving Fund (CWSRF) that is administered by Ohio EPA's Division of Environmental and Financial Assistance. The CWSRF program is a federal-state partnership wherein communities are afforded low-cost financing for a wide range of water quality infrastructure projects. Through the WRRSP, Akron has voluntarily agreed to enter into a sponsorship agreement with the Clermont SWCD to provide funds for the lower East Fork project. By sponsoring the lower East Fork project, Akron will be eligible for a discount of up to 0.1% on its WPCLF interest rate. The actual interest rate discount will be calculated when the final cost and interest rate of Akron's sponsoring loan has been determined.

Project Schedule

Akron's sponsoring loan is currently scheduled to be awarded December 2022 after which WRRSP funds will become officially available for use on the lower East Fork project. Once WRRSP funds are available, the project will be implemented in accordance with the schedule provided below.

Final Project Management Plan	Fall 2022
Issue Request for Proposals	Winter 2023
Submit for Permits	Spring 2023
Final Design	Spring 2023
Public Meetings	Spring/Summer 2023
Stream Restoration	Fall/Winter 2023-24
Implement Management Plan	Spring 2024
Post-Restoration Monitoring	Summer/Fall 2024

Post-Restoration Management

Upon completion of the restoration project, portions of the VVF and Madison projects where work was performed will be managed accordance with the Ohio EPA-approved management plan. The properties will also be encumbered with environmental covenants. VVF and Madison will be responsible for the perpetual management of the encumbered properties to ensure the conservation values and use restrictions set forth in the environmental covenants are enforced. The Clermont County Park District will be holders of the environmental covenants. The VVF and Madison will work in cooperation with Clermont SWCD and selected contractors will adhere to the language of the environmental covenants with guidance provide by Clermont SWCD and the Clermont County Park District. The environmental covenants contain use restrictions that run with the land, typically including 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-DEFA 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.
- 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.

Public Participation

The Clermont SWCD will work with contractors to hold a series of meetings to inform the public of the project during the spring and summer of 2023 before any work is performed. Details of the meetings will be developed once the loan has been awarded. Additionally, as part of its State Environmental Review Process, DEFA will post this LER and Finding of No Significant Impact to its web page located at:

<https://epa.ohio.gov/divisions-and-offices/environmental-financial-assistance/announcements>.

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 restoration project. Furthermore, the project meets the other qualifying criteria for an LER; specifically, the proposed project:

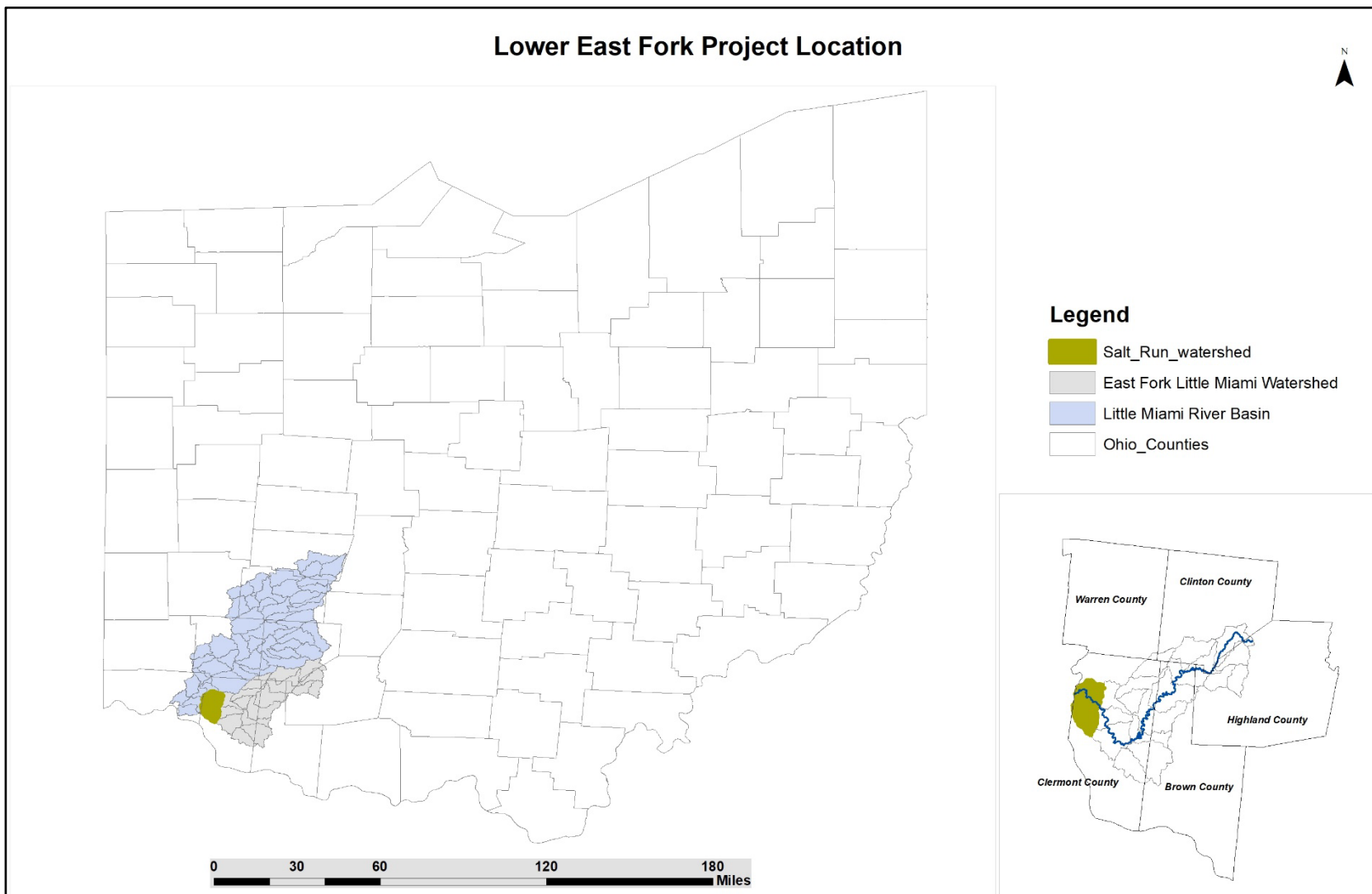
- has no significant adverse environmental effects as the planning activities for the project identified no potential adverse impacts on the quality of the human environment or on sensitive resources such as floodplains, wetlands, state or federally designated wild, scenic, or recreational rivers, riparian areas, prime or unique agricultural lands, aquifer recharge zones, archaeological or historically significant sites, or threatened or endangered species. The proposed project will require authorization under Sections 404 and 401 of the Clean Water Act but is expected to be approved under Nationwide Permits because it will result in beneficial environmental impacts to in-stream habitat and biological communities within the lower East Fork. Areas where work will be performed on the VVF and Madison properties will be encumbered with a restrictive environmental covenant.
- does not require extensive, specific impact mitigation as the proposed project as the project will likely be self-mitigating offsetting any discharge of dredge or fill material and land-disturbing activity.
- has no adverse effect on high value environmental resources, as it will improve water quality.
- represents a long-term solution by restoring a highly unstable stream with rapidly eroding stream banks to EWH, the cost of which is reasonable considering monetary and non-monetary factors.
- is not a controversial action, as it will be a voluntary action on the part of the Clermont SWCD and the property owners on which the project will be conducted. 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 designed to serve a designated area, and since the proposed project 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 restoring significant aquatic resources.

Contact information

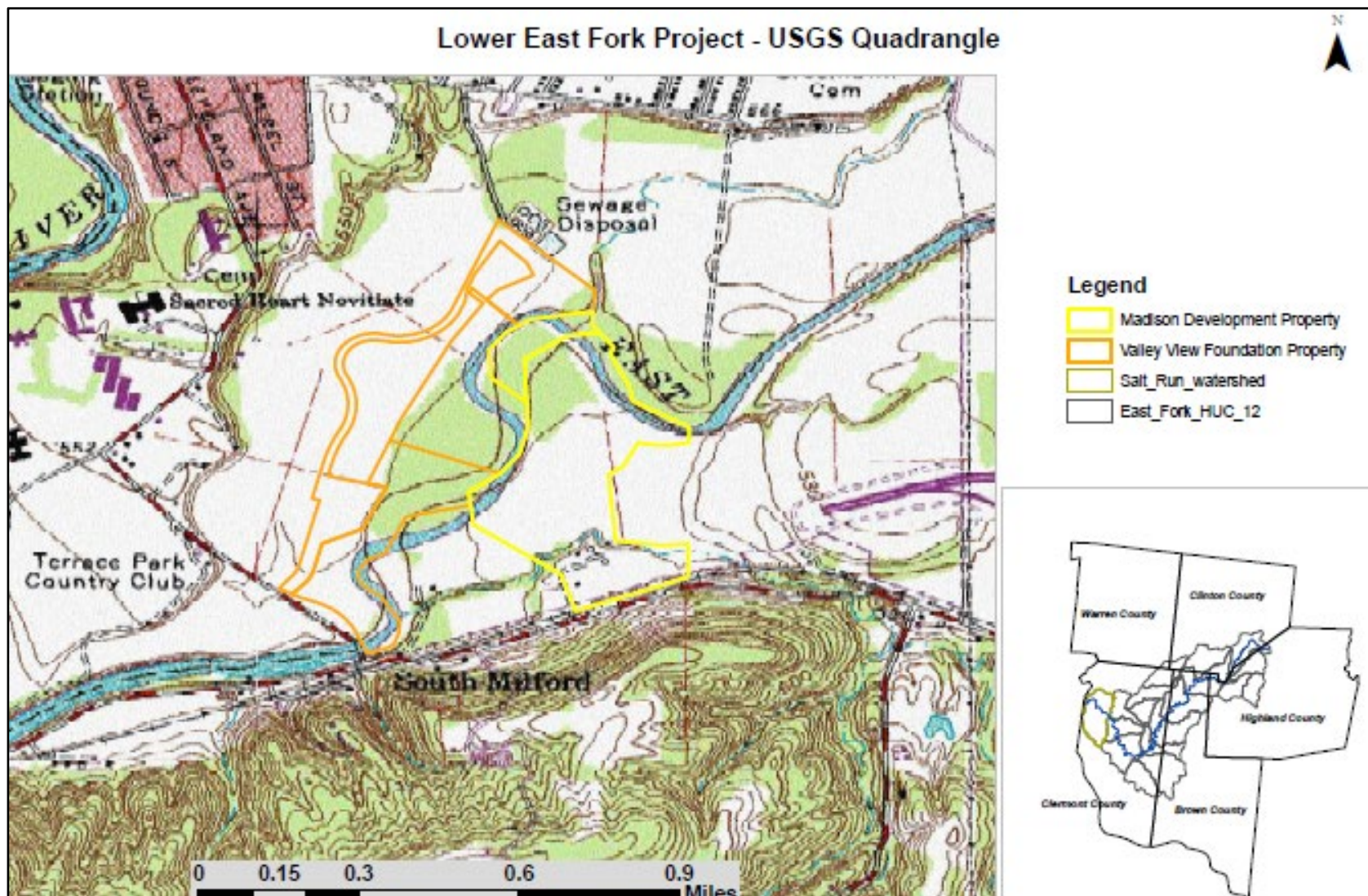
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Figure 1. Project Location Map



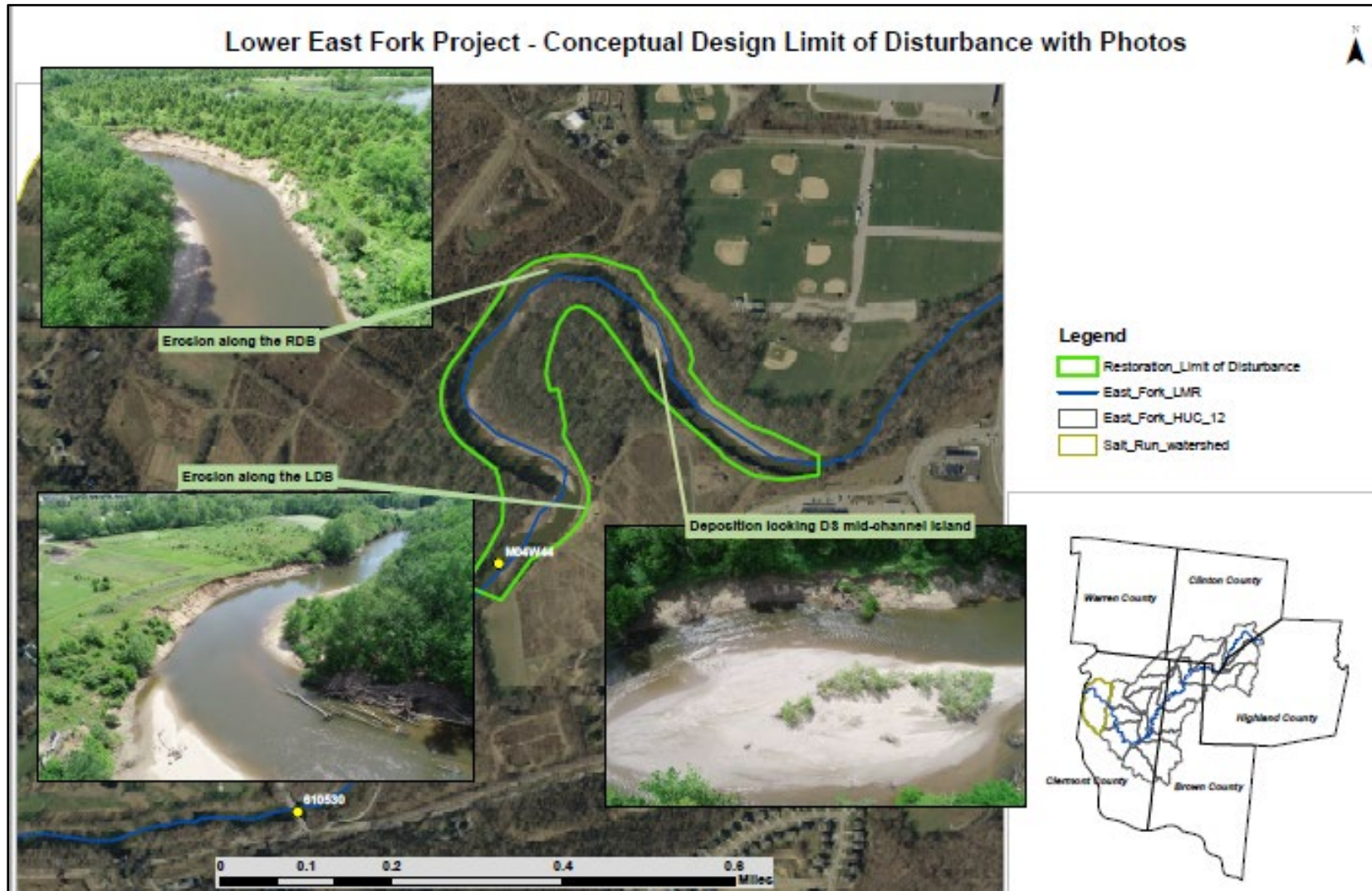
Source: Lower East Fork Stream Restoration Management Plan

Figure 2: Project Area



Source: Lower East Fork Restoration Project WRRSP Nomination Form

Figure 3. Project Boundaries



Source: Lower East Fork Restoration Project WRRSP Nomination Form