



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

**November 16, 2022**

**Limited Environmental Review and Finding of No Significant Impact**

**Appalachia Ohio Alliance – Union County  
Darby Creek Conservation – Smith Lake  
Loan number: WR391662-0020**

**Sponsor: Akron Sanitary Sewer Reconstruction 2021 Large Diameter Lining  
Sponsoring WPCLF loan number: CS390095-0236**

The attached Limited Environmental Review (LER) is for a non-point source water quality restoration and protection project in Union County which the Ohio Environmental Protection Agency intends to fund through its Water Resource Restoration and Protection 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 black ink that reads "Kathleen Courtright".

Kathleen Courtright, Assistant Chief  
Division of Environmental and Financial Assistance

Attachment

## LIMITED ENVIRONMENTAL REVIEW

### **Project Identification**

Project: Darby Creek Conservation – Smith Lake

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

WRRSP Number: WR391662-0020

Project sponsor: Akron Sanitary Sewer Reconstruction 2021 Large Diameter Lining

WPCLF Number: CS390095-0236

### **Project Summary**

Appalachia Ohio Alliance (AOA) is requesting \$1,674,000 from the Water Resource Restoration Sponsor Program (WRRSP) to purchase and project 76 acres of riparian habitat, including 5,280 linear feet of Big Darby Creek, near Milford Center in Union County (Figure 1).

The City of Akron will sponsor the Darby Creek Conservation - Smith Lake project through a Water Pollution Control Loan Fund (WPCLF) loan administered by Ohio EPA's Division of Environmental and Financial Assistance (DEFA). Funds for the Darby Creek Conservation - Smith Lake project will be provided by advancing a portion of the interest to be paid by the City of Akron on its \$8.6 million sewer reconstruction project. Akron is scheduled to be awarded WPCLF funding in December 2022 and qualifies for the standard interest rate of 3.31% for a 45-year loan. By voluntarily agreeing to sponsor the Darby Creek Conservation - Smith Lake project, Akron may receive up to a 0.1% reduction on its WPCLF loan rate.

### **History & Existing Conditions**

The Big Darby Creek is known for its exceptional water quality and aquatic species diversity. Big Darby Creek is home to over 100 recorded fish species and to 44 recorded mussel species, including 37 recorded species of fish and mussels that are endangered or otherwise rare. It is classified as "Exceptional Warmwater Habitat" and as "Outstanding State Waters," the highest level of protection under the state anti-degradation policy. The Big Darby watershed is stressed from nonpoint pollutant sources, including agricultural runoff and suburban and rural development stimulated by the rapid growth of the Columbus metro area. Riverfront areas are particularly at risk – with excessive and escalating growth and development pressure along the upper Darby. The entire Darby corridor continues to undergo significant large-lot residential development pressure, as well as growth in industrial and commercial development and mineral/aggregate mining within or near to the river corridors.

The 76.6-acre Smith Lake property is an old quarry site that was converted to a fishing club/camp that utilized the Big Darby and adjacent lakes. The structures built on the site have been demolished, however there is some residual debris to be removed. The property is partially subdivided for residential development and has been marketed for sale. The owner agreed to provide Appalachia

Alliance of Ohio (AOA) the opportunity to conserve the site prior to selling it in whole or in lots for development.

A previous owner sold a portion of the larger property (approximately 86 acres) to Ohio Department of Natural Resources (ODNR) Scenic Rivers in 2004. The owner retained the river portion of the property which did not transfer to the ODNR, leaving a large strip of privately held property within their preserve and limiting their protection and stewardship of the water resource. AOA is proposing to acquire all of the undeveloped portions of the property including the river corridor through the existing Scenic Rivers preserve area.

### **Project Description**

The Smith property includes one mile of Big Darby Creek corridor that will be permanently protected. This includes an extensive length of river channel only, as well as a section of river channel with riparian corridor. There is a short section of an unnamed tributary of Big Darby Creek on the east side of the property where the stream crosses the corner of the property. A small wetland is located in the eastern side of the property along the overflow drainage channel from the lakes.

The project will protect 5,280 linear feet of Big Darby Creek in the upper part of its watershed. In addition, 76.64 of riparian corridor along the Big Darby and tributaries, as well as 86 acres of ODNR buffer will be included in the environmental covenant, for a total of 162.64 acres of land to be protected (see figures 2, 3, and 4).

AOA is collaborating with the ODNR Scenic Rivers on this project. The Big Darby Creek channels purchased as part of the acquisition will be transferred to Scenic Rivers, filling their “donut holes” and completing their preserves. AOA has a long-term relationship with ODNR and will cooperate and collaborate with Scenic Rivers and Division of Natural Areas and Preserves (DNAP) on any site restoration and stewardship activities. ODNR has agreed to place an Ohio EPA covenant on the adjacent 86 acres of Big Darby riparian corridor and wetlands that they own as part of this project.

Combined with the ODNR Scenic Rivers property, this proposed project would create a block of over 160 acres of natural habitat along a one-mile stretch of the upper Big Darby. This would be the largest block of conserved property between the Prairie Oaks Metro Park in Hilliard and the Nature conservancy (TNC) properties in the extreme headwaters portion of the upper Darby – a distance of about 30 miles.

The primary goal of this project is to protect and improve Big Darby Creek water quality and aquatic habitat. The second goal of this project is to enhance habitat on the subject properties through invasive species management, the removal of debris, and planting native vegetation. The third goal of the project is to protect numerous native and rare species, four different species identified on or very near to the Smith Lake Project site to date, that reside and/or migrate through the corridor. An additional fourth project goal is to increase the level and scale of conservation along Big Darby Creek, particularly in the Upper Big Darby Creek watershed to protect the long-term integrity of natural resources threatened by potential impacts from expanding urbanization and poor agricultural practices.

Additionally, this project will:

- Improve the title conditions of the Smith property through the removal of expired or unnecessary encumbrances.
- Remove debris from the former fishing camp/club on the property.

- Perform invasive species management on the Smith property with a goal of less than 15% coverage to promote native plant growth and make the ongoing invasive species control efforts more manageable.
- Allow continued maturation of the site's forestland to ultimately increase the degree and species richness of old growth bottomland forest habitat along the Big Darby.
- Installation of site access gates at key entry points into the property to prevent illegal encroachment and noncompatible use.
- Revert much of the existing hay fields back into hardwood forest through guided succession and targeted tree plantings for species diversity and richness. Tree planting efforts will be targeted along the northern and eastern buffer area between the lake and roadways.
- Enhance the quality of the native habitat on the property for migratory species such as waterfowl, bats, and pollinators.

### **Implementation**

The AOA will receive funds from the Ohio EPA Water Resource Restoration Sponsor Program (WRRSP), sponsored by the Akron Sanitary Sewer Reconstruction 2021 Large Diameter Lining project. The overall cost of this WRRSP project is estimated to be \$1,674,000.

### **Public Participation**

AOA has an active conservation education and outreach program. It utilizes a range of materials and methods to communicate project awareness and benefits to the public and the community. These include signage; informational brochures available online; a website; mail and email correspondence with members and friends; inclusion of project information in AOA materials and presentations; a series of education and outreach programs showcasing the before and after results of projects; hands-on volunteer opportunities that correspond to and compliment the overall site management and enhancement activities proposed; inclusion of various partner organizations and volunteers in site monitoring, research and data collection efforts; presentations to local community groups and schools; and, media outreach with information for articles and stories. AOA communicates regularly with property neighbors, keeping them informed of stewardship activities and engaging them in stewardship, management, and monitoring of our properties. AOA recognizes that the community must be engaged and that a case must be put forward to the community to develop support for the required and proposed conservation and protection actions. AOA is experienced in developing support for conservation in the broader community and will take steps to meet with various community and opinion leaders and work to establish broader awareness and support.

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>.

### **Conclusion**

The proposed project meets the project type criteria for a Limited Environmental Review (LER); namely, it is a nonpoint source pollution control action consisting of a non-structural action that will result in water quality improvement. Furthermore, the project meets the other qualifying criteria for an LER; specifically, the proposed project:

**Will have no significant environmental effect and will require no specific impact mitigation** because the project will have a positive environmental outcome by protecting the riparian corridor along a high-quality stream.



**Will have no effect on high-value environmental resources** because the project will protect high-quality aquatic resources in Big Darby Creek.

**Is not a controversial action** because the project area is being freely offered to AOA by the property owner and the project will protect a valuable state aquatic resource.

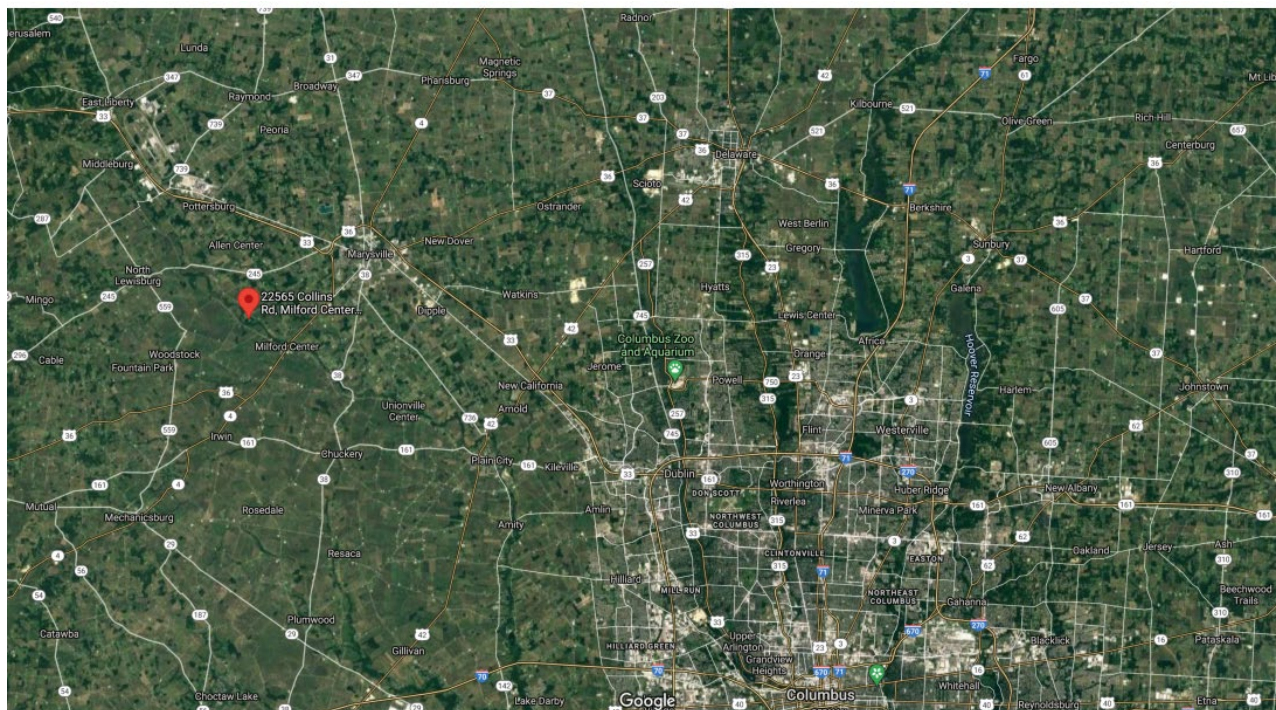
**Does not create a new or relocate an existing discharge to surface or ground waters, and will not result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters** because this project does not involve a point source discharge.

**Will not provide capacity to serve a population substantially greater than the existing population** because this project does not involve a publicly owned wastewater treatment works designed to serve a population.

### **Contact information**

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**Figure 1. Project location**



Figure 2. Project location on a USGS quadrangle





Figure 3. Aquatic resources map



Figure 4. Environmental covenant boundary map is dashed red line