



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 28, 2011

Notice of Issuance of a Limited Environmental Review and Final
Finding of No Significant Impact to All Interested Citizens,
Organizations and Government Agencies

**The City of Marietta and Ohio Valley Conservation Coalition (OVCC)
Keystone Furnace Wetlands Protection Project
Water Resource Restoration Sponsor Project (WRRSP)
WPCLF #: WR391644-0001**

The purpose of this notice is to advise the public that Ohio EPA has reviewed the referenced project and finds that neither an Environmental Assessment (EA) nor a Supplemental Study (SS) is required to complete the environmental review of the project. Instead, this project meets the criteria for a Limited Environmental Review (LER). These criteria are summarized below in this document and in the attached LER.

The Water Resource Restoration Sponsor Project (WRRSP) project is for fee simple acquisition of 380 acres that contain over 125 acres of high-quality wetlands and 7,185 linear feet of Dickason Run, a tributary within the Little Raccoon Creek Watershed. The project is being sponsored by a City of Marietta wastewater loan. The WRRSP project is described in the attached document.

The LER was completed for this project as it will not individually, cumulatively over time, or in conjunction with other Federal, State, local, or private actions have a significant adverse effect on the quality of the human environment. Consequently, a Finding of No Significant Impact can be issued now for this project.

The Water Pollution Control Loan Fund (WPCLF) program requires the inclusion of environmental factors in the decision-making process for project approval. Ohio EPA has done this by incorporating a detailed analysis of the environmental effects of the proposed action in its review and approval process. Environmental information was developed as part of the planning process. A subsequent review by this agency has found that the proposed action does not require the preparation of an EA or an SS.

Our environmental review concluded that because the proposed project is limited in scope and meets all applicable criteria, a Limited Environmental Review is warranted. Specifically, the project will provide for the protection of two properties containing 380 acres including 125 acres of high-quality wetlands and 7,185 linear feet of Dickason Run. The property's wetlands contain a high diversity of habitats, including open water wetlands, shrub swamp, wooded wetlands, and emergent wetlands. Mature forests,

grasslands, Category 3 wetlands, endangered species, and pristine streams are all present and will be protected through this proposed acquisition project. OVCC will purchase the land and manage the property to preserve and protect biological diversity and high quality wetlands in perpetuity.

Furthermore, the proposed project:

- * has no significant adverse environmental effect;
- * does not require extensive specific impact mitigation;
- * has no adverse effect on high value environmental resources;
- * has reasonable cost;
- * is not a controversial action;
- * does not create a new, or relocate an existing discharge to surface or ground waters;
- * will not result in a discharge of pollutants as this is not a wastewater project.

A map depicting the location of the project is included as part of the LER. The LER presents information on the proposed project, its costs, and the basis for our decision. Further information can be obtained by calling or writing the contact person listed on the back of the LER.

Upon issuance of this determination, loan awards may proceed without being subject to further environmental review or public comment, unless information is provided which determines that environmental conditions for the proposed project have changed significantly.

Sincerely,



Gregory H. Smith, Chief
Division of Environmental &
Financial Assistance

Attachment

Limited Environmental Review

Project Identification: Keystone Furnace Wetland
Water Resource Restoration Sponsor Program Project

Sponsor: City of Marietta
301 Putnam St
Marietta, OH 45750

Implementer: Ohio Valley Conservation Coalition
225 Broadway Street
Jackson, OH 45640

WPCLF Loan/WRRSP #: CS390571-0004/WR391644-0001

Project Summary

The City of Marietta is applying to the Ohio Water Pollution Control Loan Fund (WPCLF) for a low interest loan for wastewater treatment improvements (described and evaluated in a separate environmental review document). In conjunction with this loan, Marietta intends to sponsor a \$532,500.00 Water Resource Restoration Sponsor Program (WRRSP) wetland preservation project that will be implemented by the Ohio Valley Conservation Coalition (OVCC). This project is called the Keystone Furnace Wetlands Preserve, and it is located in the Little Raccoon Creek watershed in Jackson County, Ohio.

The Water Resource Restoration Sponsor Program is an Ohio EPA initiative that provides funds, through WPCLF loans for publicly-owned treatment works, to counter the loss of ecological function and biological diversity that jeopardizes the health of Ohio's water resources. Funds for WRRSP projects are made available by advancing a portion of the estimated amount of interest to be repaid by the sponsor over the life of the loan. The amount of funds available for the WRRSP project is based upon the initial loan principal (minus the project contingency), the term of the loan, and the interest rate. WRRSP projects address the protection or restoration of high quality aquatic habitat in Ohio streams, rivers, and/or wetlands. The sponsoring entity also benefits from sponsoring a WRRSP project by receiving a small reduction of interest rate (up to 0.1%) off the already lower-than-market WPCLF interest rate.

Existing Conditions

Located in Bloomfield Township, Jackson County, the Keystone Furnace Wetlands project is approximately 380 acres in size and contains over 125 acres of high-quality wetlands and 7,185 linear feet of Dickason Run, a tributary within the Little Raccoon Creek

Watershed. The property's wetlands contain a high diversity of habitats, including open water wetlands, shrub swamp, wooded wetlands, and emergent wetlands. Mature forests, grasslands, Category 3 wetlands, endangered species, and pristine streams are all present and will be protected through this proposed acquisition project. Properties acquired by the WRRSP will be protected in perpetuity by the use of a conservation easement that will be recorded on the property.

A General Map showing the location of the project within Jackson County, Ohio is located at the end of this document (Figure 1). The majority of the project area is represented by low-relief lowland wetlands surrounded by hillsides of upland woodlands. Surrounding land-use is primarily agricultural, woodlands, and occasional residences or weekend vacation homes on very large lots (in excess of 50 acres). Current threats to aquatic resources in this area include timber harvesting, mineral resource extraction, and weekend vacation home development.

Acid mine drainage is the single greatest threat to water quality within the Raccoon Creek watershed. The clear cutting of timber can also contribute greatly to sedimentation within streams and wetlands. The clear cutting of timber is a common practice in this area, which would be prevented on this property by its purchase and permanent protection. OVCC is also working to protect adjacent properties in order to increase the umbrella of protection to the site's water resources. Last, greatly increased speculation in natural gas within the Marcellus Shale formation may also contribute to water quality impacts.

The Keystone Furnace Wetlands project is a refuge for several known State of Ohio rare and endangered species. Preliminary surveys indicate the presence of at least five state listed species. It is highly likely that additional biological surveys will identify numerous additional State of Ohio threatened and endangered species. Additionally, the area was identified by the ODNR Biodiversity Database as a "high quality natural area not currently under formal protection".

Approximately half of the site supports forests. Forest cover types include beach, sugar maple, and mixed oak forests. Forested areas vary in age from mid to late successional. In addition, there are several areas of old field/early successional habitats and a single hayfield near a historical house. Deer browse is apparent but not severe. The area supports a relatively healthy forest understory.

Project Description

The Keystone Furnace Wetlands WRRSP project is focused on preserving over 125 acres of very high-quality (Category 3) wetland habitat and over 7,185 linear feet of the Dickason Run mainstem and several thousand additional linear feet of headwater tributaries within a 380 acre parcel in the Little Raccoon Creek watershed. The property is composed of a diversity of habitats, including open water wetlands, shrub

swamp, wooded wetlands, and emergent wetlands. The aquatic resources at the site, including the mainstem of Dickason Run, appear to be relatively undisturbed. Dickason Run is a Warmwater Aquatic Life Use at this location.

The Keystone Furnace Wetlands project encompasses the acquisition of two properties from willing land owners. The acquisitions will be managed and maintained as a natural area by the Ohio Valley Conservation Coalition. An alternative to purchasing the land would be the purchase of a conservation easement. While a conservation easement may cost less, the landowner is not willing to consider this option. OVCC prefers purchasing the land as this will allow for the permanent protection and maintenance of the site's valuable aquatic habitats and natural resources. Furthermore, a review of conservation easement purchase prices of other properties in the area reveal that the cost savings is not great enough to warrant an easement vs. fee-simple purchase and the owners prefer a fee-simple purchase of the property.

The management of the property will be consistent with the terms of the Environmental Covenant. Land uses permitted under the Environmental Covenant will be limited to passive outdoor recreational uses (hiking, nature watching, outdoor education, etc...) and wildlife management, including invasive species control.

OVCC will be responsible for implementing all management activities, which would primarily include:

- Ensuring the terms of OEPA Environmental Covenant are enforced
- Wildlife management and enhancement, including the reduction of overpopulated species or nuisance species that pose a detriment to the site's natural and/or aquatic resources
- Monitoring and control of invasive species

Management priorities will be dependent upon the availability of funding. Fortunately invasive species do not pose a significant immediate threat to either diversity of the Property or to water quality. Given the demand upon mineral and timber resources in the area, the inability to purchase and protect this site in fee simple would potentially harm the water resources this project focuses to protect.

Use Restrictions

The stewards of WRRSP properties may use the land for passive recreation, such as hiking, bird watching, and educational purposes. However, these actions are not eligible for WRRSP funding, and must be compatible with the purpose of the WRRSP project and follow best management practices in order to comply with the WRRSP property use restrictions.

Unless otherwise agreed upon in the management plan, the following use restrictions are

to be imposed in perpetuity upon properties purchased under the WRRSP. WRRSP property owners must record an environmental covenant, which contain these restrictions by reference, in any deed, title or other legal instrument by which they would divest themselves of the fee interest in the property:

- a. Restoration, maintenance, and protection of the conservation values of the property shall be carried out and maintained in accordance with the conservation activities as defined in the management plan and covenant.
- b. The property shall be maintained in perpetuity as a natural area. The property shall be managed to accomplish the purposes of the covenant, and shall not be managed for the purpose of benefiting any other human activity. In order to maintain the ecological balance of the property or to protect human health and safety, hunting and trapping may be permitted by the owner in consultation with the Ohio Department of Natural Resources, Division of Wildlife and in accordance with State regulations.
- c. The property may not be voluntarily divided, partitioned, subdivided, or conveyed except in its current configuration; i.e., the property must be conveyed in its entirety.
- d. There shall be no agricultural, industrial, commercial, or residential activity on the property.
- e. 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.
- f. Owner shall grant no new rights for mining, drilling, exploring for or removal of, water, minerals, oil, gas, or other substances from the property. There shall be no mining, drilling, exploring for or removal of, water, minerals, oil, gas, or other substances from the property.
- g. There shall be no ditching, draining, diking, filling, excavating, or removal or disturbance of topsoil, sand, gravel, rock, or other materials.
- h. There shall be no manipulation or alteration of wetlands, creeks, streams, surface or subsurface springs or other bodies of water, or any activities on, or uses of, the property that may be detrimental to the aquatic or terrestrial ecosystems of the property. There shall be no activity that disturbs water bodies, riparian zones, or drainage ways without prior approval of Ohio EPA, consistent with the purposes of the WRRSP program.
- i. Except as may be necessary for environmental preservation, management, or restoration purposes, 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. The Owner shall construct no road without first submitting a plan for the proposed construction to Ohio EPA and receiving prior approval from Ohio EPA.

- j. Limited development of foot trails (including boardwalks) for hiking, photography, or nature observation may be permitted upon the condition that their construction and use will produce minimum levels of disturbance to the environment. The owner shall construct no trail without first submitting a plan for the proposed construction and maintenance of the trail to Ohio EPA, and receiving prior approval from Ohio EPA. Equestrian activities are prohibited.
- k. There shall be no operation of automobiles, trucks, snowmobiles, dune buggies, motorcycles, all-terrain vehicles, or any recreational motorized vehicles on the property, except: (i) law enforcement vehicles, (ii) emergency vehicles, (iii) equipment of owner used by owner, or of an agent or contractor of owner, used for the purpose of maintaining the property or in connection with activities conforming to the terms of the covenant that are permitted by the management plan.
- l. There shall be no dumping of trash, garbage, or hazardous or toxic substances on the Property. All trash or nonconforming material that is dumped or placed on the Property shall be removed from the Property by the Owner within thirty (30) days of its discovery.
- m. There shall be no purposeful introduction of domestic livestock or non-native plants or animals. Non-native, non-invasive cover crops may be planted temporarily to control erosion and assist in the establishment and restoration of permanent native habitats. There shall be no feedlots permitted on the property. No plants or animals shall be removed from the property except as permitted by the owner, the covenant, and State law.
- n. Except for those actions that are necessary for environmental preservation, management or restoration purposes, for the protection of human health and safety, or for the maintenance of a diversity of naturally occurring habitat types and control of exotic species of plants, there shall be no removal, destruction, cutting, trimming, or mowing of any trees or other vegetation.
- o. Except as may be necessary for environmental preservation, management, or restoration purposes, for the protection of human health and safety, or for the prevention of the spread of a nonnative 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 ecosystem management

practices and government regulations.

- p. No new power lines, transmission lines, utility lines, nor communications towers may be constructed on the property, nor shall any easements or other interests in the property be granted for this purpose.

Implementation

With an approved Sponsorship Agreement/Environmental Covenant, the City of Marietta can undertake land acquisition with WRRSP funds at any time between the date of the WPCLF loan award for the WWTP improvements/renovation loan, and the end of the performance certification period for the sponsoring construction project.

Stewardship of acquired property will be in perpetuity. An environmental covenant will be developed for the property acquisition or easement that will be recorded with the deed once purchased. The covenant should ensure that all affected property is preserved in perpetuity in an environmentally-sound manner.

The property will be managed as a nature preserve and passive recreation area consistent with the terms of the Environmental Covenant. Land uses permitted under the Environmental Covenant will be limited to passive outdoor recreational uses (hiking, nature watching, outdoor education, etc...) and wildlife management, including invasive species control.

The City of Marietta expects to receive its WPCLF loan award in August, 2011. Marietta will save up to 0.1% off its already low interest WPCLF rate, which is currently 3.28% (20-year loan), for sponsoring a WRRSP project. This savings is in addition to the \$532,500.00 that is going to the City of Marietta to implement the Keystone Furnace Wetland WRRSP project. WRRSP project spending must be completed prior to the certification of operation of the sponsoring wastewater project. This gives the OVCC one year beyond the wastewater construction period (estimated to be 21 months) to use the funds made available through the WRRSP program.

Public Participation

Ohio EPA will issue a copy of its Limited Environmental Review (LER) decision and Finding of No Significant Impact to interested parties. Supporting documentation for the LER decision is available for public inspection, upon request, and downloadable from Ohio EPA's and OVCC's web sites. Ohio EPA is unaware of any opposition to this project.

The following agencies have been provided information regarding the proposed project:

Ohio Environmental Protection Agency
Ohio Department of Natural Resources
Ohio Historic Preservation Office

Conclusion

Ohio EPA conducts environmental reviews of all projects prior to WPCLF financing. Ohio EPA's State Environmental Review Procedure (SERP) contains specific review criteria to be used for determining whether or not projects "will ... individually, cumulatively over time, or in conjunction with other Federal, State, local, or private actions have a significant adverse effect on the quality of the human environment."

The planning activities for the proposed project identified no potentially significant adverse impacts on the quality of the human environment or on sensitive resources such as floodplains, wetlands, riparian areas, prime or unique agricultural lands, aquifer recharge zones, or threatened or endangered species. The proposed project will benefit the environment by preserving high water quality habitat in perpetuity. If restoration activities involve significant ground disturbances such as excavation, inundation, or modifications to historic properties, the OVCC and/or Ohio EPA will consult with the Ohio Historic Preservation Office in accordance with the National Historic Preservation Act prior to the action to insure no adverse impact occurs to historic artifacts or properties.

Because the proposed WRRSP project is sufficiently limited in scope and meets all applicable criteria, a Limited Environmental Review is warranted. Specifically, the acquisition of conservation land in Jackson County constitutes a project type that qualifies for a Limited Environmental Review because it meets the following criteria:

- *It is expected to have no adverse environmental effect* because little or no construction will be involved. Activity will be limited to land acquisition and restoration for the benefit of water quality and aquatic habitat.
- *It will have no adverse effect on high value environmental resources.* While sensitive species are known to be present on the property, the purpose of the project is to preserve them and their habitats. There will be no adverse effect on surface water because there will be little or no construction activity and no discharge involved. Because of this, impacts to known or unknown archeological or historical sites are not expected. However, if during any minor restoration activity evidence of deposits of historical and archeological interest are found, operations affecting the find will cease, and Ohio EPA and the Ohio Historic Preservation Office will be notified. Work will not resume until a survey of the find and a determination of its value and effect has been made.
- *It will require no specific impact mitigation,* since the purpose of land conservation projects is to preserve and restore natural habitat. In cases where farmland will be allowed to revert to native vegetation, care will be taken to control the plant succession in a manner that will minimize the spread of undesirable plant types.
- *The costs are reasonable.* It will provide permanent protection of high quality wetland,

riparian and upland habitat in return for the funds expended.

- *It is not controversial.* Land acquired through the WRRSP is from willing sellers and involves no additional cost to ratepayers. In fact, the WRRSP discount will result in a slight decrease in the sponsor's total loan repayment.
- *It will not create a new or relocate an existing discharge to surface or ground waters, nor will it result in any increase in the volume of discharge or loading of pollutants to the receiving water,* since it is a habitat conservation project, and therefore, has no discharge associated with it.
- *It will not provide capacity to serve a population substantially greater than the existing population,* since it does not involve the upgrade or extension of any drinking water or wastewater facilities.

The OVCC shall be responsible for implementation of the management plan prepared for this project. OVCC recognizes that continuous expanses of undisturbed natural areas along river corridors and hydrologically connected wetlands have great benefits in terms of preserving water quality, and providing uninterrupted habitat required by many native species. The Keystone Furnace Wetlands Preserve will be a significant protected area within the Raccoon Creek watershed. Additionally, the site is adjacent to the 3,000-acre Broken Aro Wildlife Area, which is owned and managed by the ODNR Division of Wildlife. Other protected areas within the watershed include approximately 7,000 acres of the Wayne National Forest, the 28,000-acre Zaleski State Forest, Lake Alma State Park, the approximately 5,000-acre Waterloo Wildlife Area, and the Tycoon Lake Wildlife Area in Gallia County.

For further information, please contact:

Theresa Gordon
Ohio EPA/DEFA
P.O. Box 1049
Columbus, OH 43216-1049
Telephone number: (614) 644-3664
theresa.gordon@epa.state.oh.us

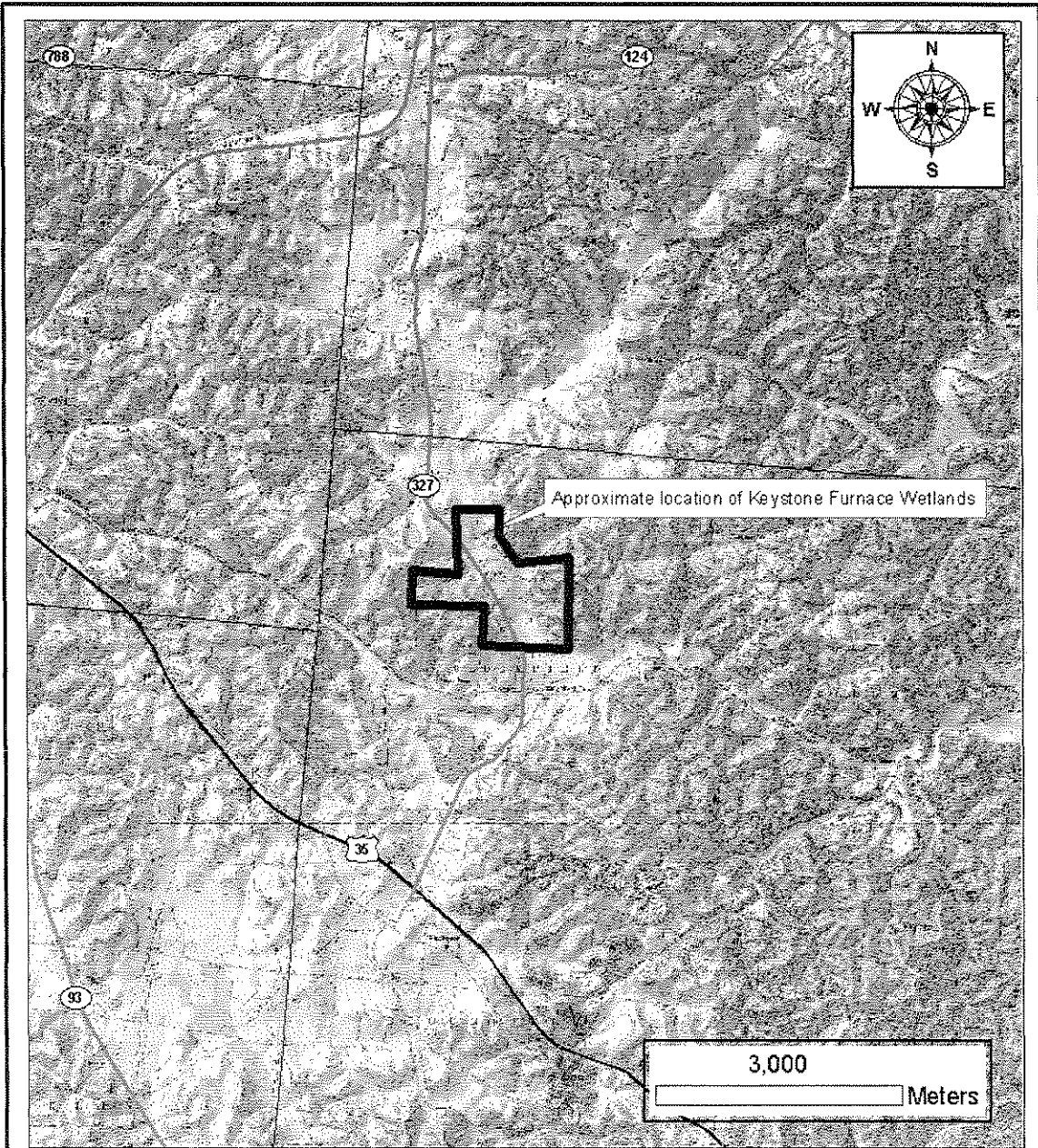


Figure 1: Project Location Map



Division of Environmental & Financial Assistance