



# Ohio Department of Natural Resources

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US Army Corps of Engineers, Buffalo District  
1776 Niagara Street  
Buffalo, New York 14207  
ATTN: Peter Krakowiak

**Re:** 15-358; BCOE - DA No. 2015-00372, Cleveland Metroparks

**Project:** The proposed project involves the placement of sand material to restore public bathing beaches.

**Location:** The proposed project is located in the City of Cleveland, Cuyahoga County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Natural Heritage Database:** The Natural Heritage Database has no data at or within a one mile radius of the project area.

A review of the Ohio Natural Heritage Database indicates there are no records of state endangered or threatened plants or animals within the project area. There are also no records of state potentially threatened plants, special interest or species of concern animals, or any federally listed species. In addition, we are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, state nature preserves, state or national parks, state or national forests, national wildlife refuges, or other protected natural areas within the project area. The review was performed on the project area you specified in your request as well as an additional one mile radius. Records searched date from 1980.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees to include: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniosa*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), shingle oak (*Quercus imbricaria*), northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*), post oak (*Quercus stellata*), and white oak (*Quercus alba*). Indiana bat roost trees consists of trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within the project area and trees must be cut, the DOW recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the DOW recommends a net survey be conducted between June 1 and August 15, prior to any cutting. Net surveys should incorporate either nine net nights per square 0.5 kilometer of project area, or four net nights per kilometer for linear projects. If no tree removal is proposed, this project is not likely to impact this species.

The project is within the range of the channel darter (*Percina copelandi*), a state threatened fish, and the bigmouth shiner (*Notropis dorsalis*), a state threatened fish. The DOW recommends no in-water work from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed, this project is not likely to impact these species.

The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, the habitat at the project site and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the piping plover (*Charadrius melodus*), a state endangered and federally endangered bird, and the Kirtland's warbler (*Setophaga kirtlandii*), a state endangered and federally endangered bird. These species do not nest in the state but do utilize stopover habitat as they migrate through the region. Due to the location, and the type of work proposed, this project is not likely to impact these species.

The project is within the range of the king rail (*Rallus elegans*), a state endangered bird. Nests for this species are deep bowls constructed out of grass and usually hidden very well in marsh vegetation. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to August 1. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the

Conservation Reserve Program (CRP). If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species. Due to the mobility of this species, the project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the U.S. Fish & Wildlife Service.

**Coastal Management:** The Office of Coastal Zone Management offers the following comments.

The project as described consists of the relocation of sand at the project site from the beach backshore area to the adjacent foreshore area. The project will not require a Shore Structure Permit (ORC 1506.40) or a Submerged Lands Lease (ORC 506.11).

Pursuant to the Coastal Zone Management Act of 1972, as amended, and its corresponding federal regulations, the U.S. Army Corps of Engineers permit may not be issued until a Federal Consistency concurrence is issued by ODNR. Based on ODNR's receipt of necessary information, the Federal Consistency review (#2015-026) began on May 26, 2015 and will last no longer than six months from that date. To ensure Consistency with the applicable enforceable policies of the Ohio Coastal Management Program, the project must comply with all applicable conditions outlined in the Ohio Environmental Protection Agency's *Section 401 Water Quality Certification* for U.S. Army Corps of Engineers *Letters of Permission* dated September 16, 2013.

ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.

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