



Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR

SEAN D. LOGAN, DIRECTOR

Division of Natural Areas and Preserves
Anthony J. Celebreeze, III, Acting Chief
2045 Morse Rd., Bldg. F-1
Columbus, OH 43229-6693
Phone: (614) 265-6453; Fax: (614) 267-3096

March 2, 2010

Mallory Gilbert
M.N. Gilbert Environmental
55 Ford Rd.
Troy, NY 12180

Ms. Gilbert:

After reviewing our Natural Heritage maps and files, I find the Division of Natural Areas and Preserves has no records of rare or endangered species in the USA Waste Geneva Landfill Expansion project area, including a one mile radius, at 4339 Tuttle Rd. in Geneva Township, Ashtabula County, Ohio, and on the Geneva Quad.

There are no dedicated state nature preserves or scenic rivers at the project site. We are also unaware of any unique ecological sites, geologic features, animal assemblages, state parks, state forests or state wildlife areas within a one mile radius of the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. 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 we inventory all types of plant communities, we only maintain records on the highest quality areas.

Please contact me at 614-265-6818 if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debbie Woischke".

Debbie Woischke, Ecological Analyst
Natural Heritage Program





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / FAX (614) 416-8994

April 6, 2010

Mallory N. Gilbert
M.N. Gilbert Environmental
55 Ford Road
Troy, NY 12180-9219

TAILS: 31420-2010-TA-0407

Re: Proposed Geneva Landfill Expansion Project, Geneva Township, Ashtabula County, Ohio

Dear Ms. Gilbert:

This is in response to your February 21, 2010 letter requesting information regarding possible impacts to federally listed threatened or endangered species within the vicinity of the proposed Geneva Landfill Expansion Project to be located at 4339 Tuttle Road in Geneva Township, Ashtabula County, Ohio. According to your information, the proposed project site consists of the existing landfill facility as well as the surrounding wooded and wetland areas. We understand that wetland impacts are anticipated for the proposed landfill expansion and that permits from the US Army Corps of Engineers and the Ohio EPA will be required prior to the proposed expansion. According to your information, a 200' offset buffer is currently proposed from the proposed landfill expansion and will allow the current alignment of the proposed project to avoid a tributary to Cowles Creek, a stream that feeds into Lake Erie.

There are no Federal wildlife refuges, wilderness areas, or Critical Habitat within the vicinity of this site.

We recommend that proposed activities avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. Best construction techniques should be used to minimize erosion, particularly on slopes. We support and recommend mitigation activities that reduce the likelihood of invasive plant spread and encourage native plant colonization. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats. All disturbed areas in the project vicinity should be mulched and revegetated with native plant species. Staging areas should be kept well away from streams and wetlands, and construction areas should be quickly replanted with native vegetation following construction.

We understand that a mitigation plan for the proposed project has yet to be developed. The Service recommends that mitigation for any unavoidable wetland, stream, or river impacts occur at a minimum ratio of 1:1 replacement in-kind occur. Additional mitigation at a ratio of 0.5:1 should also occur and may include stream/wetland enhancement or preservation. We recommend that both on-site and off-site stream and wetland mitigation sites be protected in perpetuity by a conservation easement or deed restriction. The Service recommends the use of a conservation easement since it allows for annual monitoring of the site by an independent third party. This could be done in cooperation with a variety of conservation groups or governmental entities that are actively involved with stream habitat conservation. The Service recommends that the proposed mitigated streams and wetlands be monitored for a minimum of 5 years to ensure success of the mitigation plan.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a federally listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for this species are not well defined but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
- (3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

The proposed project site is forested with wetlands on-site and may provide suitable habitat for the Indiana bat. Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above, we recommend that the habitat and surrounding trees be saved wherever possible. If the trees must be cut, further coordination with this office is requested to determine if surveys are warranted. Any survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office.

The project lies within the range of the **piping plover** (*Charadrius melodus*), a federally listed endangered species. Plover habitat includes sand or pebble beaches with sparse vegetation along the shore of Lake Erie. Due to the project type, location, and onsite habitat, this species would not be expected within the project area, and no impacts to this species are expected. Relative to this species, this precludes the need for further action on this project as required by the 1973 Endangered Species Act.

The project lies within the range of the **eastern massasauga** (*Sistrurus catenatus catenatus*), a docile rattlesnake that is declining throughout its national range and is currently a Federal Candidate species, meaning that its current numbers and threats warrant listing under the Endangered Species Act. Additionally, this snake is currently listed as endangered by the State of Ohio. Your proactive efforts to conserve this species now may help avoid the need to list the species under the Endangered Species Act in the future. Due to their reclusive nature, we encourage early project coordination to avoid potential impacts to massasaugas and their habitat. At a minimum, project evaluations should contain delineations of whether or not massasauga habitat occurs within project boundaries.

The massasauga is often found in or near wet areas, including wetlands, wet prairie, or nearby woodland or shrub edge habitat. This often includes dry goldenrod meadows with a mosaic of early successional woody species such as dogwood or multiflora rose. Wet habitat and nearby dry edges are utilized by the snakes, especially during the spring and fall. Dry upland areas up to 1.5 miles away are utilized during the summer, if available. Please visit: <http://www.fws.gov/midwest/Endangered/lists/candidat.html> or contact this office directly for additional information on the eastern massasauga, including project management ideas.

The proposed project lies within the range of the **clubshell** (*Pleurobema clava*), a federally listed endangered freshwater mussel. The clubshell inhabits areas with sand or gravel substrate and also prefers areas with riffles and runs. The proposed project also lies within the range of the **snuffbox** (*Epioblasma triquetra*), a Federal freshwater mussel species of concern and an Ohio endangered species. A proposed rule to list the snuffbox under the Endangered Species Act is currently being developed and may be completed in 2010. The snuffbox occurs in swift currents of riffles and shoals over gravel and sand with

occasional cobble and boulders. Due to the proposed project nature and location, we do not anticipate impacts to these species as a result of the project activity.

MIGRATORY BIRD COMMENTS: The project lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*), a species protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Due to the project type, location, and onsite habitat, this species would not be expected within the project area, and no impact to this species is expected. Relative to this species, this precludes the need for further action on this project as required by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

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 Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed ESA section 7 consultation document.

We appreciate your conscientious efforts to comply with Federal recommendations. If you have questions, or if we may be of further assistance in this matter, please contact Julie Proell at extension 19 in this office or by email at Julie_Proell@fws.gov.

Sincerely,



Mary M. Knapp, Ph.D.
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH

Phase 1 Archaeological Investigation:

The Phase I Archaeological Investigation of the proposed Expansion and Remediation Project Areas was conducted in August 2009. The area investigated covers the footprints of all of the Project Design iterations plus a minimum 300-foot buffer. The Phase I Report titled "Phase I Cultural Resources Management Investigations for the 81 ha (200 ac) USA Waste Geneva Landfill Expansion in Geneva Township, Ashtabula County, Ohio" was completed in September 2009.

The Phase I report was submitted to the Ohio Historic Preservation Office (OHPO) in 2010 as part of the landfill's proposal to develop a "gas-to-energy" methane-based electrical generation facility. The signature page of the Phase I report and the report abstract are included. The entire report is voluminous but can be made available upon request.

The OHPO response to the Phase I Report Submittal is also attached.

**Phase I Cultural Resource Management Investigations for the
81 ha (200 ac) USA Waste Geneva Landfill Expansion in
Geneva Township, Ashtabula County, Ohio**

By

Ryan Weller

Submitted By:

**Ryan Weller, P.I
Weller & Associates, Inc.
1395 West Fifth Ave.
Columbus, OH 43212
Phone: (614) 485-9435 Fax: (614) 485-9439**

Prepared For:

**USA Waste Geneva Landfill, Inc.
4339 Tuttle Road
Geneva, OH 44041
Phone: (440) 466-7702**

Lead Federal Agency:

U.S. Army Corps of Engineers, Buffalo District



Ryan Weller, P.I.

September 11, 2009

i. Abstract

In August of 2009, Weller & Associates, Inc. (Weller) conducted Phase I cultural resource management investigations for the approximately 81 ha (200 ac) USA Waste Geneva landfill expansion in Geneva Township, Ashtabula County, Ohio. This report contains information obtained from a literature review and the results of the field investigations. The fieldwork involved subsurface testing strategies and visual inspection. The fieldwork resulted in the identification of two historic period archaeological sites (33AB192 and 193) and three architectural sites (ATB-00390-01, ATB-00391-01, and ATB-00392-01).

The project area is located in west central Ashtabula County and south of the City of Geneva. This is rolling farm country or former farm country where the terrain is dominated by beach ridges. A prominent beach ridge is located to the north of the project area where SR 84 is positioned. The project area is drained by Cowles Creek and its tributaries. This drainage system flows along the south side of the beach ridge before turning northward and emptying into Lake Erie. The project area contains uplands that are gently rolling that are drained by entrenched stream valleys. Much of the area that has been included in the project area was formerly farmland including fields or vineyards. Areas that are not wooded are either fallow fields (east/west of Tuttle Road) or part of a previous operations referred to as the Doherty Landfill. These investigations accounted for the project area as well as a 91 m (300 feet) buffer around it.

The literature review for this project did not identify any recorded cultural resources within or next to the project area. Previously recorded sites are on the western fringe of the study radius and include low-density lithic scatters. Reviews of atlas and cartographic information indicate that there are several buildings in this area.

These investigations involved subsurface testing and visual inspection. Visual inspection accounted for the area of potential effect as well as locations where severe disturbance was prevalent. These investigations resulted in the identification of two archaeological sites (33AB192 and 193) and three architectural sites (ATB-00390-01, ATB-00391-01, and ATB-00392-01). Weller does not consider these resources to be significant. If the lead federal agency is in agreement with these results, then a finding of no historic properties affected as outlined by 36 CFR § 800.4 and 36 CFR § 800.5 is considered appropriate. No further work is deemed necessary for this project.



October 7, 2010

Scott O'Neill
WM Renewable Energy LLC
1001 Fanning, Suite 4000
Houston, TX 77002

Dear Mr. O'Neill,

Re: DE-FOA-0000052, Geneva Renewable Energy Facility, 4339 Tuttle Rd., Ashtabula County

This is in response to *Phase I Cultural Resource Management Investigations for the 81 ha (200 ac) USA Waste Geneva Landfill Expansion in Geneva Township, Ashtabula County, Ohio*, received on September 29, 2010, regarding the development of a renewable energy facility to be located at the Waste Management Geneva Landfill in Geneva, Ohio. This project will utilize federal SEP ARRA funding from the Transforming Waste to Value Program. My comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

Subsurface testing and intensive visual inspection of the project area resulted in the identification of two previously unrecorded archaeological sites (33AB192 & 33AB193) and three architectural sites (ATB-390-1, ATB-391-1, & ATB-392-1). The two archaeological sites each contained historic artifacts, but there is little likelihood that either site will add to our understanding of Ohio history through further examination. Likewise, the three architectural properties have each been substantially modified and lack historic integrity.

Based on the information provided, it is my opinion that these five properties are not eligible for inclusion in the National Register of Historic Places. Therefore the project will not affect historic properties. No further coordination is required unless the project changes or additional archaeological remains are discovered during the course of the project. In such a situation, this office should be contacted as per 36 CFR 800.13.

If you have any questions, please contact me at (614) 298-2000. Thank you for your cooperation.

Sincerely,

Laura Segna, Project Reviews Manager
Resource Protection and Review

Ser. No. 1035520

Cc: Greg Payne, ODOD, Energy Resources Division

OHIO HISTORICAL SOCIETY

Ohio Historic Preservation Office

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