



# Ohio Department of Natural Resources

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Teresa Spagna  
U.S. Army Corps of Engineers  
502 Eighth Street  
Huntington, West Virginia 25701

**Re:** 14-441; HCOE LRH-2013-744- GMR Legendary Ridge Developers, LLC

**Project:** The applicant has requested DA authorization to discharge 402 cubic yards of fill material into approximately 3,390 feet of eight (8) ephemeral streams & 250 feet of two (2) intermittent streams in association with the construction of the Legendary Ridge Residential Development.

**Location:** The project is located in Shreve Township, Wayne 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.

**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 ODNR Natural Heritage Database has records within one mile of the project site for the cave salamander (*Eurycea lucifuga*), a state endangered species. Due to the location, the type of habitat present at the project site, and the type of work proposed, this project is not likely to impact this species.

The ODNR Natural Heritage Database has records within one mile of the project site for running buffalo clover (*Trifolium stoloniferum*), a state endangered and a federally endangered plant. If this species is found in the project area, please contact Tom Arbour, Ecological Management Coordinator, with the Division of Parks at [tom.arbour@dnr.state.oh.us](mailto:tom.arbour@dnr.state.oh.us) for recommendations on how to avoid and/or minimize impacts to listed plants.

The project is within 3500 feet of Mitchell Memorial Forest, owned and managed by Hamilton County Park District, and Warder-Perkins State Nature Preserve, owned and managed by the Audubon Society of Ohio.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: 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 habitat consists of suitable 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. If suitable trees occur within the project area, the Division of Wildlife recommends that these trees be conserved. If suitable habitat occurs on the project area and trees must be cut, the Division of Wildlife recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the Division of Wildlife recommends a net survey be conducted between June 1 and August 15, prior to 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, the project is not likely to impact this species.

The project is within the range of the sheepnose (*Plethobasus cyphus*), a state endangered and federally endangered mussel, the washboard (*Megaloniais nervosa*), a state endangered mussel, the fanshell (*Cyprogenia stegaria*), a state endangered and federally endangered mussel, the pink mucket (*Lampsilis orbiculata*), a state endangered and federally endangered mussel, the rayed bean (*Villosa fabalis*), a state endangered and federally endangered mussel, the snuffbox (*Epioblasma triquetra*), a state endangered and federally endangered mussel, the ebonyshell (*Fusconaia ebena*), a state endangered mussel, the butterfly (*Ellipsaria lineolata*), a state endangered mussel, the elephant-ear (*Elliptio crassidens crassidens*), a state endangered mussel, the Ohio pigtoe (*Pleurobema cordatum*), a state endangered mussel, the monkeyface (*Quadrula metanevra*), a state endangered mussel, and the wartyback (*Quadrula nodulata*), a state endangered mussel. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these species.

The project is within the range of the shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), a state endangered fish, the lake sturgeon (*Acipenser fulvescens*), a state endangered fish, the northern madtom (*Noturus stigmosus*), a state endangered fish, the bigeye shiner (*Notropis boops*) a state threatened fish, the mountain madtom (*Noturus eleutherus*), a state threatened fish, the river darter (*Percina shumardi*) a state threatened fish, the channel darter (*Percina copelandi*), a state threatened fish, and the paddlefish (*Polyodon spathula*) a state threatened fish. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these species.

The project is within the range of the lark sparrow (*Chondestes grammacus*), a state endangered bird. This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, as well as patches of bare soil. These summer residents normally migrate out of Ohio shortly after their young fledge or leave the nest. If this type of habitat will be impacted, construction should

be avoided in this habitat during the species' nesting period of May 1 to June 30. If this habitat will not be impacted, the project is not likely to impact this species.

The project is within the range of the American bittern (*Botaurus lentiginosus*), a state endangered bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. They occasionally occupy bogs, large wet meadows, and dense shrubby swamps. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, the project is not likely to impact this species.

The project is within the range of the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet meadows and other wetlands. Due to the location, the type of habitat present at the project site and within the vicinity of the project area, this project is not likely to impact this species.

The project is within the range of the Kramer's cave beetle (*Pseudanophthalmus krameri*), a state endangered species, and the Ohio cave beetle (*Pseudanophthalmus ohioensis*), a state endangered species. These species are found only in caves. The Ohio Cave Protection Law, Section 1517.21 of the Ohio Revised Code, protects caves from impacts, in turn, protecting the habitat of these species. Therefore, the project is not likely to have an impact on these species.

The project is within the range of the Sloan's crayfish (*Orconectes sloanii*), a state threatened species. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these species.

The ODNR Natural Heritage Database has no records, other than those already mentioned, for endangered or threatened species at this project site. We are unaware of any other unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, nature preserves, parks or forests, national wildlife refuges or other protected natural areas within the project area. Our inventory program does not provide a complete survey of Ohio wildlife, 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.

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 US Fish & Wildlife Service.

**Soil and Water:** The Division of Soil and Water has the following comments.

The proposed plan increases drainage area to some natural streams and therefore may predictably cause stream erosion in receiving streams. There appears to be greater opportunity to mitigating for impacts to open ephemeral channels by designing open drainage along roadways and between home sites while maintaining similar pre and post-development drainage areas.

Drawings showing the proposed design of the created streams were not included in this review package. Proposed mitigation streams should replicate ecological services lost and therefore review of the actual proposed mitigation stream designs is recommended.

Steeper sloped soils on this site (Eden) are slip-prone, making it critical that design of streams and water conveyance be done in a way that does not exacerbate potential slip areas while

maintaining ecological services. These areas are recommended for geotechnical engineering review.

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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