Appendix A

Project Maps
Appendix B
Coordination
February 21, 2020

Mark Durant
U.S. Army Corps of Engineers, Huntington District
502 Eighth St.
Huntington, WV 25701
Mark.V.Durante@usace.army.mil

RE: Massillon Levee Emergency Access Road Construction and Embankment Stabilization, City of Massillon, Stark County, Ohio

Dear Mr. Durant:

This is in response to the correspondence, received on January 27, 2020, regarding the proposed Massillon Levee Emergency Access Road Construction and Embankment Stabilization, City of Massillon, Stark County, Ohio. The comments of the Ohio State Historic Preservation Office (SHPO) are submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]).

The proposed undertaking involves the construction of access roads and embankment stabilization. The undertaking involves the Massillon Levee, which was previously determined eligible for listing on the National Register of Historic Places (NRHP) as part of the greater Muskingum Watershed Conservancy District. The potential for archaeological resources within the project area are low. The proposed disturbances to the levee will be temporary and all work areas will be returned to their original character.

Based on the information provided, we agree the project will have no adverse effect to historic properties. No further coordination with this office is necessary, unless the project changes or unless new or additional historic properties are discovered during implementation of this project. In such a situation, this office should be contacted as per 36 CFR 800.13. Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs.

If you have any questions, please contact me at (614) 298-2022, or by e-mail at khorrocks@ohiohistory.org. Thank you for your cooperation.

Sincerely,

Krista Horrocks, Project Reviews Manager
Resource Protection and Review

RPR Serial No: 1082604
TAILS# 02E15900-2020-TA-0964

Dear Ms. Stephan,

We have received your recent correspondence regarding the above-referenced project. You have requested concurrence with your determination of effects to federally listed species, pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) has reviewed your project description and concurs with your determination that the project, as proposed, is not likely to adversely affect the federally listed endangered Indiana bat (Myotis sodalis) or threatened northern long-eared bat (Myotis septentrionalis). This is based on the commitment to cut all trees >=3 inches dbh only between October 1 and March 31 to avoid adverse effects to the Indiana bat and northern long-eared bat.

This concludes consultation on this action as required by section 7(a)(2) of the ESA. Should, during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be reinitiated to assess whether the determinations are still valid.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

Patrice M. Ashfield  
Field Office Supervisor
Hi Jeromy,

I wanted to follow-up with you in regards to the U.S. Army Corps of Engineers Massillon Local Protection Project. As discussed at your office in January, the project is located in the City of Massillon in Stark County, Ohio, along east bank of the Tuscarawas River, about 200 miles above the mouth of the Muskingum River. The City of Massillon as the Sponsor is responsible for maintenance and operation of the pump stations, drainage structures, pressure conduits, and erection and dismantling of the gate closures. USACE maintains the levees, flood walls and improved channel, including the control weir. In 2011, erosion conditions were noted during the National Flood Insurance Program (NFIP) certification study. As a result, the approximately 4,100 linear feet of stone slope protection was constructed in 2012 for the most critical reaches along the east LPP. During routine inspection in 2018, severe erosion along the toe of both the east and west levee embankments was observed. This erosion was rated unacceptable under the USACE Levee Safety Program and requires stabilization to protect the levee. As a result of the severe erosion, the USACE is planning to construct approximately 11,500 linear feet of embankment stabilization on the east levee (7,500 linear feet) and west levee (4,000 linear feet). The embankment stabilization work would entail constructing a stone berm with keys, tie-backs, filter fabric, and angle barbs (small hard rock points into the channel using existing stone).

Currently, staging will occur on the area the Corps has real estate rights-of-entry for adjacent to the levee. The previously proposed staging area (below the bridge) is no longer valid due to rights-of-entry. The Corps is looking at other staging sites and will coordinate these sites under ESA as soon as more information is available.

The Federally listed threatened and endangered Indiana Bat and Northern Long-eared Bat are suspected to reside throughout Stark County, Ohio. Tree clearing of up to approximately .3 acres is needed for treatment adjacent to Newman Creek along the west levee (see tree clearing image). No maternal roost trees are present within this location. Due to limited tree clearing and lack of suitable roosting habitat, the Corps has determined the proposed action may affect but is not likely to adversely affect, the Indiana Bat and Northern-Long-eared Bat. Tree clearing would take place before March 31st.

No Federally listed mussel species are known to be located within the Tuscarawas River or its tributaries in Stark County, Ohio. The Corps has determined there would be no effect to any Federal listed species. However, to comply with the National Environmental Policy Act (NEPA), 401 State Water Quality Certification, and the Ohio Mussel Survey Protocol, the Corps is proposing a mussel survey and relocation of the project within the area of the proposed embankment stabilization work. The Corps will continue to coordinate with the U.S. Fish and Wildlife Service and the Ohio Department of Natural Resources as we move forward on the survey/relocation efforts.

The Corps is requesting coordination/concurrence under the Fish and Wildlife Coordination Act and Section 7 of the Endangered Species Act with regards to the Massillon Project. Please feel free to contact me if you have any questions.

Thank you for your continued coordination.

Ashley Stephens
USACE Huntington District
304-399-5947
The finding of live mussels triggers a survey/relocation. You can concentrate on areas where you found mussels.

From: Applegate, Jeromy <jeromy_applegate@fws.gov>
Sent: Monday, May 20, 2019 4:56:10 PM
To: Navarro, John
Cc: Stephens, Ashley
Subject: Fwd: [EXTERNAL] Massillon Levee

Hi John,

My observations from last week's site visit are attached. Feel free to give me a call to discuss.

Jeromy

Jeromy Applegate
Fish and Wildlife Biologist
U S Fish and Wildlife Service
Ohio Ecological Services Field Office
4625 Morse Rd., Suite 104
Columbus, OH 43230
Phone: 614-416-8993 ext. 21
FAX: 614-416-8994

Hi John,

I wanted to follow-up with you in regards to the U.S. Army Corps of Engineers Massillon, Ohio Local Protection Project (Levee). The project is located in Stark County, OH on both banks of the Tuscarawas River, 88 miles upstream from its confluence with the Walhonding River forming the Muskingum River. The original project was completed in 1951 and included channel improvements, levee, and pump station to provide protection from a Tuscarawas River flood with a peak discharge 20% greater than the maximum flood of record (March 1913). It protects approximately 630 acres comprising the main business district, a majority of the industries, and portions of the residential area. Project features include 12,800 ft. of improved channel; 4,300 ft. of new channel; 15,900 ft. of earth levee; 200 ft. of concrete wall, 4 pump stations; 3 gate openings and 2 pressure conduits with a total length of 4,300 feet. USACE is responsible for the levees, floodwalls, control weir, seepage control features, and instrumentation. The City of Massillon is responsible for pump stations, drainage structures, pressure conduits, and gate closures, and patrol of the levee during flood periods.
Currently as previously discussed, the existing project is experiencing significant erosion on the toe of the levee, increasing probability of levee embankment failure and levee breach. The USACE Huntington District is in the process of seeking emergency funding to implement interim risk reduction measures until funding is available for a complete solution. Interim measures for levee stability include stone slope protection in the most critical section. The proposed stone slope protection treatment includes approximately 3200 ft of the attached typical section on the West Levee, including 100 ft on the bend just north of the weir, along with approximately 3800 ft on the East Levee, running from the weir southwards to the gate well just past the Cherry Rd. bridge. Due to funding constraints, we are currently seeking to prioritize the treatment to address the most critical reaches in this identified area first. Attached are some background slides and a draft typical cross section with quantities expected for the whole proposed treatment. The quantities are anticipated to lower as we identify the most critical reaches to protect.

Additionally, last week Mr. Jeromy Applegate with U.S. Fish and Wildlife met us at the site and will be providing via email information from what was found during the site visit.

Please let me know a good day/time this week to discuss the path forward on this action.

Thanks!
Ashley Stephens
USACE Huntington District
304-399-5947
To: John Navarro, ODNR – DOW

From: Jeromy Applegate, USFWS

Subject: Observations regarding unionid mussels and stream substrates in the vicinity of the proposed Massillon Levee repair, Tuscarawas River. Site visit on May 15, 2019.

Date: 5/20/2019

- The Tuscarawas River in the project area is a maintained channelized reach with a mowed grass riparian zone (Photo 1).
- The Tuscarawas River in Stark County is a Group 1 stream.
- Water clarity was poor on the day of the site visit. Visibility was approximately 1 foot.
- I walked the bank. I did not enter the water, except for the gravel bar upstream of the weir (Figure 1). Entering the water was not safe because banks were slippery, and poor water clarity prevented me from seeing the bottom contours (Photo 2).
- I observed nine live fatmucket (Lampsilis radiata luteola) (Photo 3), all on the right descending bank in muck substrate (Figure 1). I did not observe any other live mussel species.
- Substrate within approximately 3-5 feet of shore (my typical limit of observation due to poor water clarity) was composed of 1) muck (Photo 2); 2) rip-rap and muck (Photo 4); and 3) riprap, muck, and imbedded coble and gravel (Photo 5) (Figure 1).
- Upstream of the weir, on the right descending bank, there was a gravel bar with excellent visibility of the substrates and exposed mussel shells due to very shallow water depth (Figure 1). On the gravel bar, I observed:
  - One subfossil white heelsplitter (Lasmigona complanata) (Photo 6)
  - Two weathered to subfossil spikes (Elliptio dilatata) (Photo 7)
  - One weathered fatmucket
- Brandon Moore, ACOE project manager, stated that rock fill would extend a maximum of 5 ft from the bank along the entire project.
- General thoughts
  - Some mussels would likely be crushed by placement of rock fill for bank stabilization.
  - Although fatmuckets were the only live species observed during the site visit, poor water clarity prevented a thorough reconnaissance survey.
  - The poor substrate quality observed along the banks, coupled with the channelized nature of the river, suggests that the mussel assemblage in the Tuscarawas River in the project area is likely composed primarily of common, generalist species.
General substrate composition within 3-5 feet from bank:
- **Muck**
- **Rip-rap and muck**
- **Rip-rap, muck, and embedded cobble and gravel**

Figure 1. Massillon Levy project area, Tuscarawas River. Nine live fatmucket (*Lampsilis radiata luteola*) were found in the muck substrates on the right descending bank. One subfossil white heelsplitter (*Lasmigona complanata*), two weathered to subfossil spikes (*Elliptio dilatata*), and one weathered fatmucket were found on the gravel bar upstream of the weir.
Photograph 1

Tuscarawas River at Massillon, looking upstream from the Cherry Rd. NW bridge.

Photograph 2

Tuscarawas River at Massillon, Looking downstream at Cherry Rd. NW bridge, from right descending bank.

Photograph 3

Two of nine live fatmuckets (*Lampsilis radiata luteola*) found within five feet of the right descending bank in muck substrates.
Photograph 4

Tuscarawas River at Massillon, looking downstream from weir along the left descending bank, from the northern limit of the project area.

Photograph 5

Tuscarawas River at Massillon, looking upstream at the Cherry Rd. NW bridge, from the left descending bank.

Photograph 6

White heelsplitter (*Lasmigona complanata*), found on the gravel bar, right descending bank above the weir at the northern limit of the project area.
Photograph 7

Two spikes (one complete and one single-valve), found on the gravel bar, right descending bank above the weir at the northern limit of the project area.
Appendix C
Mailing List
Federal Agencies and Officials

The Honorable Sherrod Brown
United States Senate
200 North High St.
Room 614
Columbus, OH 43215

The Honorable Rob Portman
United States Senate
37 West Broad Street
Room 300
Columbus, OH 43215

The Honorable Bob Gibbs
United States House of Representatives
110 Central Plaza South
Canton, Ohio 44702

Mr. Steve Baker
USDA Natural Resources Conservation Service
200 North High Street, Room 522,
Columbus, OH 43215

Mr. Jeromy Applegate
United States Fish and Wildlife Services
4625 Morse Road, Suite 104
Columbus, OH 43230

US Environmental Protection Agency
Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604-3590

State Agencies and Officials

The Honorable Mike DeWine
Governor of Ohio
Riffe Center, 77th Floor
77 South High Street
Columbus, OH 43215-6117

Mr. John Navarro
Ohio Division of Natural Resources
2045 Morse Road, Building G-3
Columbus, OH 43229

Mr. Nathan Young
State Historic Preservation Office
Ohio History Center
800 E. 17th Ave.
Columbus, OH 43211

Mr. Jeffery Boyles
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

County Agencies and Officials

Massillon Public Library
208 Lincoln Way E
Massillon, OH 44646

Mr. Frank Silla
Floodplain Coordinator
151 Lincoln Way E.
Massillon, OH 44646