

Environmental Assessment
Section 594
Middleport Main Street Area Sewer Improvement Project
Meigs County, Ohio



U.S. Army Corps of Engineers
Huntington District
Huntington, West Virginia
April 2018



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Executive Summary

The Village of Middleport (Village) owns and operates a combined sewer system that has thirteen permitted combined sewer overflows (CSO). The Village has been without a National Pollutant Discharge Elimination System (NPDES) permit since it expired June 30, 2006. Due to the expiration, the Ohio Environmental Protection Agency (Ohio EPA) has required a Long Term Control Plan (LTCP) prior to the renewal of the permit. Subsequently, in June 2007 a LTCP was submitted to Ohio EPA. The LTCP was approved by Ohio EPA in February 2009. This plan recommended limiting overflow events to 85% capture and four or less events per year.

The purpose of the proposed project is to improve the Village's sewer treatment. Currently the Village owns and operates a combined storm and sanitary sewer system that services the area within the village limits. In 1966, Middleport constructed their sewer treatment lagoons. Storm sewers were converted into combined sewers eliminating the septic systems and connecting sanitary sewer to the storm sewers. The Village is estimated for population growth in the next 20 years, putting further strain on the current sewer treatment system. Therefore, the need of the proposed project is to bring the Village into compliance with Ohio EPA by obtaining a NEPDES permit through implementation of improvements to the sewer treatment.

The Proposed Action Alternative would entail sewer separation, the replacement of sanitary sewer, the installation of storm sewer, and the installation of sanitary sewer along numerous streets and alleys within the Village of Middleport (Village), including Logan Street, Broadway Street, E Alley, Laurel Street, Lincoln Street, Pearl Street, Second Avenue, Third Avenue, Fourth Avenue, Fifth Avenue, Hooker Street, Main Street, Palmer Street, H Alley, Covert Lane, and Williams Street. The project will eliminate excessive flow, which causes basement flooding and increases pumping and treatment costs, separate storm and sanitary sewers, eliminate combined sewer overflows (CSO) #11, reduce the number of CSOs annually, which will be required in the Village's NPDES Permit, separate storm and sanitary sewers, and assist in adequately conveying flow from six mine waste outfalls located in the northwest section of the Village away from the Village's sewer treatment plant.

The proposed action alternative estimates installation including 4,000 linear feet (LF) of 6" storm sewer laterals; repair of 1,050 LF of 6, 8, and 10-inch storm sewers; repair/replacement of 2,050 LF of 12, 15, 18, 24, 30, 36, and 48-inch storm sewer; installation of 100 LF of 60" storm sewer; rehabilitation of 500 LF of existing 48"x48" combination sewer; installation of 1,100 LF of 18-inch sanitary sewer; installation of 825 LF of 12-inch sanitary sewer; installation of 9,000 LF of 8-inch sanitary sewer; installation of 4,000 LF of 6-inch sanitary sewer laterals; installation of 38 sanitary sewer manholes; installation of 7 catch basins; installation of 10 storm sewer manholes; associated concrete, curb, pavement, and sidewalk replacement; and water meter relocation, after service replacement, and water main relocating.



The proposed project is a partnership agreement between the Village of Middleport and the Corps established under the authority of Section 594 of the Water Resources Development Act (WRDA) of 1999 (Public Law 106-109), as amended, which provides authority for the Corps to establish a program to provide environmental assistance to Non-Federal entities in Ohio. This law provides design and construction assistance for water related environmental infrastructure projects to Non-Federal interests in Ohio, including projects for sewer treatment and related facilities, water supply, water storage, water treatment, water distribution facilities, and surface water resource protection and development. Funding, as established under Section 594, shall be shared 75% Federal and 25% Non-Federal (State and Local).

This Environmental Assessment is prepared pursuant to the National Environmental Policy Act, Council on Environmental Quality Regulations (40 CFR 1500-1508), and Corps implementing regulation, ER 200-2-2.



SECTION 594
MIDDLEPORT MAIN STREET AREA
SEWER SPEARATION PROJECT
MEIGS COUNTY, OHIO

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The brief and concise nature of this document is consistent with the 40 CFR requirements of the National Environmental Policy Act (NEPA) to reduce paperwork and delay by eliminating duplication with existing environmental documentation, incorporating pertinent material by reference, and by emphasizing interagency cooperation. The majority of data collection and analysis in this document was performed by the Rural Community Assistance Program and the Village of Middleport in conjunction with the U.S. Army Corps of Engineers (Corps).

1.0 PROJECT DESCRIPTION

1.1 Project Background

The Village of Middleport (Village) owns and operates a combined sewer system that has thirteen permitted combined sewer overflows (CSO). The Village has been without a National Pollutant Discharge Elimination System (NPDES) permit since June 30, 2006, when it expired and the Ohio EPA required a Long Term Control Plan (LTCP) prior to the renewal of the permit. Subsequently, in June 2007 a LTCP was submitted to Ohio EPA. The LTCP was approved by Ohio EPA in February 2009. This plan recommended limiting overflow events to 85% capture and 4 or less events per year. Prior to detailed design, the Ohio EPA requested hydraulic modeling efforts be conducted to verify the recommended control alternatives. These hydraulic modeling efforts have been completed and the recommended control alternatives were approved in June 2009 by Ohio EPA and U.S. Department of Agriculture.

This Environmental Assessment (EA) examines the potential environmental impacts of the Middleport Main Street Area Sewer Separation Project as proposed by the Village. The purpose of the EA is to analyze the potential environmental impacts of the proposed project and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

1.2 Location

The affected area is located within Meigs County in the Village of Middleport, Ohio. The new sewer treatment system will run along, Logan Street, Broadway Street, E Alley, Laurel Street, Lincoln Street, Pearl Street, Second Avenue, Third Avenue, Fourth Avenue, Fifth Avenue, Hooker Street, Main Street, Palmer Street, H Alley, Covert Lane, and Williams Street within city limits of the Village. Project location mapping can be found in Appendix A.

1.3 Purpose, Need, and Authorization

The purpose of the proposed project is to improve the Village's sewer treatment. Currently the Village owns and operates a combined storm and sanitary sewer system that services the area within the village limits. In 1966, Middleport constructed their sewer treatment lagoons. Storm sewers were converted into combined sewers eliminating the septic systems and connecting sanitary sewer to the storm sewers. This combined storm and sanitary sewer system is tributary to a continual-discharge two 11.3 acre 5 foot deep lagoon system designed to treat average daily



sewer flows (ADWF) of 0.30 MGD. It discharges treated effluent to the Ohio River. The Village is currently in violation of NPDES permit requirements. The Village is estimated for population growth in the next 20 years, putting further strain on the current sewer treatment system. Therefore, the need of the proposed project is to bring the Village into compliance with Ohio EPA by obtaining a NPDES permit through implementation of improvements to the sewer treatment.

The proposed project will eliminate excessive flow which causes basement flooding and increases pumping and treatment costs, separates storm and sanitary sewers, eliminates combined sewer overflows, and assists in adequately conveying flow from six mine waste outfalls located in the northwest section of the village away from the village's sewer treatment plant.

The proposed project is a partnership agreement between the Village of Middleport and the Corps established under the authority of Section 594 of the Water Resources Development Act (WRDA) of 1999 (Public Law 106-109), as amended, which provides authority for the Corps to establish a program to provide environmental assistance to Non-Federal entities in Ohio. This law provides design and construction assistance for water related environmental infrastructure projects to Non-Federal interests in Ohio, including projects for sewer treatment and related facilities, water supply, water storage, water treatment, water distribution facilities, and surface water resource protection and development.

This EA is prepared pursuant to NEPA, Council on Environmental Quality (CEQ) Regulations (40 CFR 1500-1508), and Corps implementing regulation, ER 200-2-2.

2.0 ALTERNATIVES DISMISSED FROM FURTHER CONSIDERATION

2.1 LTCP Conveyance and Treatment of Combined Flows

This alternative includes improvements to increase the hydraulic capacity of the interceptor sewer (from Mill Street Lift Station to Park Street Lift Station), increase the hydraulic pumping capacity of the Mill Street Lift Station and Park Street Lift Station, and upgrade the treatment plant to accommodate additional wet weather flows. Key components of this upgrade include: construct a new gravity interceptor parallel to the existing interceptor in First Street; upgrade the Mill Street and the Park Street lift stations by upgrading pump components to increase pumping capacity; construct a new force main from the Park Street lift station to the treatment plant, parallel to the existing force main; the existing force main is to remain in service as well; modify the outfall weir structure for the treatment plant lagoons; automate the chlorine disinfection system and flow pacing dosing; and installation of an influent flow meter. The total estimated total project cost for this alternative was \$2,419,200. This alternative was dismissed from further consideration due to larger area requirements for the lift stations, larger interceptor sewers, and increased long term operation and maintenance costs which make this alternative non-viable for the Village.



2.2 LTCP Sewer Separation

This alternative would be to construct either new sanitary sewers or storm sewers throughout the Village. If new sanitary sewers were built, sanitary flows only would be conveyed to the treatment plant, while allowing all storm flows to use the existing combined sewers to drain to the Ohio River. The reverse alternative would be to construct new storm sewers to convey the storm water runoff to the river, while allowing the existing combined sewer system to convey the sanitary flows to the treatment plant lagoons for treatment. Constructing new storm sewers is a much more complicated due to the greater number of public and private connections to the system that need to be located and transferred to the new system. It was determined that construction of new sanitary sewers was a viable option due to the limited number of sanitary sources that would need to be transferred. Construction of a new storm collection system was eliminated from consideration. The total estimated total project cost for construction of new sanitary sewers and for this alternative was \$10,968,800. This alternative was dismissed from further consideration due to greater costs and environmental impacts than the proposed action.

2.3 Conveyance and Treatment of Combined Flow with Abandonment of Existing Interceptor

This alternative includes the same proposed improvements as Long Term Control Plan (LTCP) Conveyance and Treatment of Flows alternative above, however it is modified to reflect the additional flows recoded and modeled during the flow monitoring period. The interceptor sewer would be upgraded to a larger size along the river, ranging from 18 inch diameter to 36 inch diameter. The existing interceptor sewer would be either abandoned in place or removed. The lift stations at Mill and Park Streets would be replaced with larger lift stations, 4.5 cubic feet per second (cfs) (3 million gallons per day (MGD)) for Mill Street and 20 cfs (13 MGD) for the Park Street station. The treatment plant upgrades would include lagoon cell connection modifications and an energy dissipation structure for the new force main outlet as well as the original effluent weir modifications, influent metering structure, and chlorine feed modifications. The total estimated total project cost for this alternative is \$5,415,171. This alternative was dismissed from further consideration due to greater costs and environmental impacts than the proposed action.

2.4 Conveyance and Treatment of Combined Flows with Flow Equalization at Lift Stations and Abandonment of Existing Interceptor Sewer

This alternative includes the same proposed improvements as Alternative 2.3 above, however flow equalization basins are added at the Mill Street and Park Street lift stations to reduce the size of lift station needed to pump peak wet weather flows. The total estimated project cost for this alternative is \$1,106,054. This alternative was dismissed from further consideration due to greater costs and environmental impacts than the proposed action.

2.5 Conveyance and Treatment of Combined Flows with Flow Equalization at Lift Stations and Continued Use of the Existing Interceptor Sewer

This alternative is similar to the LTCP Conveyance and Treatment of Combined with flow equalization basins added at the Mill Street and Park Street lift stations to reduce the size of lift



station needed to pump peak wet weather flows. Again, the interceptor sewer would be upgraded to a larger size along the river, ranging from 8" diameter to 18" diameter. The existing interceptor sewer would remain in place, with overflows going to the new relief sewer. The lift stations at Mill and Park Streets would be enlarged a much smaller extent, 2.5 cfs (1.6 MGD) for Mill Street and 6 cfs (3.8 MGD) for the Park Street station. This reduction in pumping capacity is possible due to the construction of flow equalization tanks at the lift station sites, with a 200,000 gallon tank at Mill Street and a 1 million gallon tank adjacent to the existing Park Street lift station. This alternative has the added drawback of increased construction in close proximity to the Ohio River. The treatment plant upgrades would include the original effluent weir modifications, influent metering structure, and chlorine feed modifications. The total estimated project cost for this alternative is \$6,620,568. This alternative was dismissed from further consideration due to greater costs and environmental impacts than the proposed action.

2.6 Conveyance and Treatment of Combined Flows with Partial Separation of Sewers and Abandonment of Existing Interceptor Sewer

This alternative includes the same improvements as listed in the 2.3 alternative above, however partial separation of the sewers within the downtown area of the Village is included as well. This would involve the construction of new storm sewers to convey the runoff from the downtown area to the Ohio River and allow the sanitary flows to proceed to the treatment plant lagoons for treatment. This alternative is based on the assumption of 50% reduction in flow for the areas separated. Sewer sizing will range from 18" to 48" diameter to capture a 10-year storm (ODOT design guidelines) based on the existing conditions within the tributary area. The new interceptor sewer would range from 18" to 30" diameter. However, because the existing sewers would still continue to carry sanitary and combined flows, clean water inflow and infiltration may still be a factor in the partially separated areas. The existing interceptor sewer would be either abandoned in place or removed. This is an advantage because a new interceptor would have new joints and materials, leading to less clean water entering the system. Treatment plant upgrades would include the original effluent weir modifications, influent metering structure, and chlorine feed modifications. The total estimated total project cost for this alternative is \$5,964,153. This alternative was dismissed from further consideration due to greater costs and environmental impacts than the proposed action.

2.7 Conveyance and Treatment of Combined Flows with Partial Separation of Sewers and Continued Use of the existing Interceptor Sewer

This alternative includes the same improvements as alternative 2.4 above, however partial separation of the sewers within the downtown area of the Village is included as well. Storm sewers would be constructed from Main Street east to Rutland Street, and from Fourth Street south to First Street with the outfall headwall to the Ohio River placed near the Mill Street lift station. Also, the existing sewers would still continue to carry sanitary and combined flows, allowing clean water inflow and infiltration to continue to be a factor in the partially separated areas. The new relief sewer would range from 8" to 18" diameter. The total estimated total project cost for this alternative is \$5,478,667. This alternative was dismissed from further consideration due to greater costs and environmental impacts than the proposed action.



3.0 PROPOSED ACTION AND ALTERNATIVES

3.1 Proposed Action Alternative (PAA)

The PAA is Conveyance and Treatment of Combined Flow with Continued Use of the Existing Interceptor Sewer and includes the same proposed improvements as the original LTCP Conveyance and Treatment of Combined Flows alternative above, however it is modified to reflect the additional flows recoded and modeled during the flow monitoring period. The interceptor sewer would remain in place, with a relief sewer constructed parallel to the interceptor to carry the overflow. This relief sewer would range from 8 inches to 18 inches in diameter. The existing interceptor sewer would remain in place with overflows going to the new relief sewer. The lift stations at Mill and Park Streets would be replaced with much larger lift stations, 4.5 cfs (3 MGD) for Mill Street and 20 cfs (13 MGD) for the Park Street station. The treatment plant upgrades would include lagoon cell connection modifications and an energy dissipation structure for the new force main outlet as well as the original effluent weir modifications, influent metering structure, and chlorine feed modifications. The proposed action alternative estimates installation including 4,000 linear feet (LF) of 6" storm sewer laterals; repair of 1,050 LF of 6, 8, and 10-inch storm sewers; repair/replacement of 2,050 LF of 12, 15, 18, 24, 30, 36, and 48-inch storm sewer; installation of 100 LF of 60" storm sewer; rehabilitation of 500 LF of existing 48"x48" combination sewer; installation of 1,100 LF of 18-inch sanitary sewer; installation of 825 LF of 12-inch sanitary sewer; installation of 9,000 LF of 8-inch sanitary sewer; installation of 4,000 LF of 6-inch sanitary sewer laterals; installation of 38 sanitary sewer manholes; installation of 7 catch basins; installation of 10 storm sewer manholes; associated concrete, curb, pavement, and sidewalk replacement; and water meter relocation, after service replacement, and water main relocating. The total estimated total project cost for this alternative is \$4,909,053. This alternative provides the lowest cost solution that will effectively meet the presumptive approach of limiting overflow events to four events or less per year. The majority of the proposed project would occur in previously disturbed road right-of-ways. Best Management Practices (BMPs) would be used throughout the project. After construction, road right-of-ways will be restored to preexisting conditions.

3.2 No Action Alternative (NAA)

Under the No Action Alternative (NAA), the Corps would not provide funding for the project. Therefore, the Village could not move forward with sewer separation, the replacement and installation of sanitary sewer, nor the replacement and installation of storm sewer collection systems. There would continue to be excessive flow which causes basement flooding and increases pumping and treatment costs along with public health and safety issues. The Village would not be able to separate the storm and sanitary sewer system and therefore not be able to reduce the number of CSOs annually, which will be required to obtain a NPDES Permit. Finally, the Village could not upgrade their system to adequately convey flow from six mine waste outfalls located in the northwest section of the Village away from the Village's sewer treatment



plant. This alternative is considered unacceptable due to health and safety hazards for the community in the proposed project area.

4.0 ENVIRONMENTAL SETTING AND CONSEQUENCES

4.1 Land Use

Land use in the vicinity of the PAA is rural, consisting primarily of residential properties. The majority of the proposed sewer system improvement would be constructed in road right-of-ways. As a result, the proposed improvements would be installed in previously disturbed areas. After installation of the water line, existing conditions would be re-established.

There would be no impacts to land use as a result of either the PAA or NAA.

4.2 Climate

The Ohio River Watershed's continental climate makes it susceptible to highly variable weather throughout the year. There are no abrupt changes in topography such as significant mountain ranges to cause great differences in climate. The watershed's climate is greatly influenced by oceanic and atmospheric interactions. The watershed experiences seasonal weather patterns throughout the year, with climatic conditions typical of summer, fall, winter, and spring seasons for the Mid-Atlantic Region of the United States. Summers are usually characterized by warm to hot weather with periods of high humidity. Winters within the watershed are typically mild to moderate for cold temperatures and experience snowfall. Fall is typically the driest season, while spring is usually the wettest season within the watershed.

The PAA would not involve any activity that could affect the environment in regard to climate change. This region is not projected to experience severe drought conditions and is instead expected to experience more precipitation in the future as larger and more intense rainfalls become more frequent. As a result, the PAA would not likely be influenced by or influence future climate change. For the same reasons, there are also no impacts expected with respect to climate as a result of the NAA.

4.3 Terrestrial Habitat

Under the PAA, all of the proposed sewer lines, force mains, and related appurtenances alignments and surrounding areas have been converted from their natural vegetation to residential, commercial, abandoned rail road bed, and road right-of-way. The remaining terrestrial habitat in the surrounding area outside Middleport includes limited agricultural use, open grassy areas, forested areas, as well as riparian habitat vegetation along the Ohio River and Leading Creek. Through coordination efforts from the sponsor, Ohio EPA, Ohio Department of Natural Resources (ODNR), it was determined that there are no documented rare, threatened, or endangered species of plants or animals, unique ecological sites, geological features, state nature preserves, state parks, or wildlife areas within the proposed project area. Any unavoidable impacts to terrestrial habitat would be minimized by working with the selected contractor to



minimize tree clearing where possible and identify appropriate access routes for construction that have minimal to no environmental impacts. The potential impacts to vegetation would be minimal. Only short-term impacts during construction are anticipated to occur. Therefore, the PAA would have no significant adverse impacts on terrestrial habitat within the project area.

As the selection of the NAA would entail no changes to the project area, there are no impacts to terrestrial habitat.

4.4 Floodplains

Executive Order 11988 requires Federal agencies to consider the potential effects of their proposed actions to floodplains. In order to determine the PAA's potential floodplain impact, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) was reviewed and approximately two thirds of the proposed project is located within the base floodway and 100-year floodplain (<https://www.fema.gov/floodplain-management/flood-zones>). The proposed sewer collection system components are all underground and will not be impacted by, or have an impact on, the floodplain or regulatory floodway.

Therefore, no impacts to floodplains are anticipated to occur from the PAA or NAA.

4.5 Prime and Unique Farmland

The Farmland Protection Policy Act (FPPA) requires Federal agencies to minimize the conversion of prime and unique farmland to non-agricultural uses. There are no prime agricultural lands in the service area of the proposed sewer system improvement project. The service area is relatively small, consisting entirely within the corporate boundary of the Village. Land use within the Village consists primarily of residential and commercial uses. The project area follows road right-of-ways, and previously disturbed areas. Therefore, the project will not result in any significant direct or indirect impacts affecting agricultural areas.

Based upon review of the project, the Natural Resource Conservation Service (NRCS) Pomeroy Service Center determined that the road right-of-way has already been disturbed by the installation of the road and other buried utilities. Based upon coordination with NRCS, Huntington District has determined that the PAA would no significant impact on Prime or Unique, Statewide, or Locally important farmland (Appendix B).

There are no impacts to Prime and Unique Farmland anticipated as part of the NAA.

4.6 Aquatic Habitat/Water Quality

The Village is located within the Ohio River Watershed. The Ohio River is listed on Ohio's 2012 Section 303(d) list of impaired waters. The entire length of the Ohio River is listed for Polychlorinated Biphenyls (PCB) impairment. Throughout the watershed other causes of impairment are siltation, flow alteration pathogens, habitat alterations, nutrients, and pH. Implementation of the PAA would not result in any new discharge of a pollutant. Construction of the PAA will avoid any permanent and temporary in-stream impacts as the river crossings will



be directionally bored. Therefore, under the Clean Water Act, a 404 permit is not needed for this action. However, Section 10 of the Rivers and Harbors Act permit will be required for construction. Also, a National NPDES permit will be required for the new sewer system. BMPs would be used throughout the project to prevent runoff from the project into adjacent surface waters. Based on the above, implementation of the PAA would not result in significant short or long term environmental impacts to aquatic habitat or water quality.

Under the NAA, no aquatic impacts would occur and water quality in the project area would remain unchanged. However, if the PAA is not constructed, water quality will be negatively impacted by untreated sewer overflow events.

4.7 Wetlands

National Wetland Inventory Maps (NWI) were reviewed for the proposed project area and a site reconnaissance was conducted to determine validity of NWI Maps. NWI maps indicated that there are no wetlands adjacent to the project area. Ohio EPA also indicated no wetlands are located within the proposed project area. Therefore, no impacts to wetlands are anticipated as part of the PAA or NAA.

4.8 Wild and Scenic Rivers

No designated State Wild or Scenic Rivers are present within the Project Area. Therefore, no impacts to these resources are anticipated as part of the PAA or NAA.

4.9 Hazardous, Toxic, and Radioactive Waste (HTRW)

A Limited Phase II HTRW Environmental Site Assessment was conducted for the Main Street Area Sewer Separation Project to identify environmental conditions and to identify the potential presence of HTRW contamination located in the project's construction work limits. The Phase II HTRW Survey identified soils at a former car dealership was contaminated with Petroleum. A suspect underground storage tank was also identified beneath the sidewalk in front of the former car dealership. This site is located on Third Avenue in the Village. With this finding and through coordination with the Corps Huntington District HTRW staff, the non-Federal sponsor has decided that no changes are necessary in the vicinity of Third Avenue, the area will be avoided during the project and has been eliminated from the construction work limits.

With these changes made, the Corps HTRW staff determined the rest of the project is clear from HTRW environmental conditions within the disturbed area of the project and no further HTRW action is required. Therefore, no impacts to HTRW are anticipated with the PAA. A clearance memorandum was signed by Corps HTRW staff December 7, 2017.

The NAA would not result in ground disturbing activities, and would not disturb areas of HTRW contamination; therefore, there are no HTRW impacts associated with the NAA.



4.10 Cultural Resources

On November 13, 2017, the Ohio History Connection (State Historic Preservation Office) completed a review of the proposed construction and concluded, with Ohio EPA concurrence, that no properties included on or eligible for listing on the National Register of Historic Places will be affected, and that no archaeological survey would be necessary for the proposed project area.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the Corps has made the determination that no historic properties will be affected by the proposed undertaking and no additional archeological investigations are warranted. On November 13, 2017, the State Historic Preservation Office (SHPO) concurred with the Corps determination. In accordance with 800.3(a)(1), the Corps Huntington District has fulfilled its obligations under Section 106.

If unanticipated archeological deposits or human remains are discovered during construction, all work near the location of the discovery shall cease and the District Archeologist and the State Historic Preservation Office shall be contacted immediately. The Ohio State Police, Meigs County Coroner, and the Ohio SHPO shall also be notified immediately if human remains are discovered.

4.11 Threatened and Endangered Species

According to the U.S. Fish and Wildlife Service (USFWS), the project area is within the range of the Fanshell mussel, Snuffbox mussel, Sheepsnose mussel, Pink Mucket, Running Buffalo Clover, Indiana bat, Northern Long-eared bat, and the bald eagle (protected under the Bald and Golden Eagle Protection Act). The proposed project would occur in previously disturbed areas. Tree clearing will occur only from October 1 – March 31 to minimize impacts to federally listed bat species. The Corp's Huntington District has determined that the proposed action may affect but is not likely to adversely affect listed bat species. The proposed project would have no effect on the listed mussel species due to there being no in-water work occurring in the Ohio River, where the listed mussel may be present. There will also be no effect to the Running Buffalo Clover due to there being lack of suitable habitat in the project area.

Ohio EPA coordinated with USFWS regarding the referenced project. On February 12, 2018, USFWS concurred with the Corps determination. No further Section 7 consultation under the Endangered Species Act is required.

No impacts to threatened or endangered species are anticipated to occur from the PAA or the NAA.

4.12 Air Quality

According to Ohio Environmental Protection Agency (OEPA), the project area is classified as "in attainment" (maintaining applicable standards) for all criteria pollutants. Emissions from construction equipment would occur during the construction period. Contractors would operate



all equipment in accordance with local, state, and federal regulations. The PAA is exempted by 40 CFR Part 93.153 from making a conformity determination, since estimated emissions from construction equipment would not be expected to exceed de minimis levels, direct emissions of a criteria pollutant, or its precursors. Any impacts would be short-term, localized, and would occur only during construction phase activities. Impacts to air quality under the PAA would be minor and temporary during construction.

No impacts to air quality are anticipated to occur as part of the NAA.

4.13 Noise

Noise associated with the PAA would be limited to that generated during construction. The noise associated with construction would be short in duration and would only occur during daylight hours. Noise is measured as Day Night average noise levels (DNL) in “A-weighted” decibels that the human ear is most sensitive to (dBA). There are no Federal standards for allowable noise levels. According to the Department of Housing and Urban Development Guidelines, DNLs below 65 dBA are normally acceptable levels of exterior noise in residential areas. The Federal Aviation Administration (FAA) denotes a DNL above 65 dBA as the level of significant noise impact. Several other agencies, including the Federal Energy Regulatory Commission, use a DNL criterion of 55 dBA as the threshold for defining noise impacts in suburban and rural residential areas. According to Dr. Paul Schomer in his 2001 Whitepaper, while there are numerous thresholds for acceptable noise in residential areas, research suggests an area’s current noise environment, which has experienced noise in the past, may reasonably expect to tolerate a level of noise about 5 dBA higher than the general guidelines. The Corps Safety and Health Requirements Manual provides criteria for temporary permissible noise exposure levels (see Table 3.1 below), for consideration of hearing protection or the need to administer sound reduction controls.

Duration/day (hours)	Noise level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105

Construction noise would be similar to that of farm equipment and other small machinery used in the local area. A backhoe, end loader, road grader and/or vibratory roller are examples of equipment that is likely to be used during construction. Each emits noise levels around 85 dBA at 45 feet. Construction equipment would be operated during daylight hours and restricted to weekdays when many residents are at work; therefore a reasonable exposure time of two hours would be expected during the time residents may be home during the day. Peak outdoor noise levels ranging from 78-90 dBA would occur during the time in which equipment is directly in



front of or in proximity to homes and businesses (within 25-100 feet). A maximum noise exposure of approximately 98 dBA, for one hour could occur if equipment were within 10 feet of homes and business. The noise projections do not account for screening objects, such as trees, outbuildings or other objects that muffle and reduce the noise being emitted. The outdoor construction noise would be further muffled while residents are inside their homes. While the construction noise generated would be considered unacceptable according to HUD and FAA standards, these limited exposures and time intervals are still within allowable Corps safety levels. Further, they are similar to typical neighborhood noise generated by gas powered lawnmowers in the local area, which could range from 90-95 dBA at three feet and 70-75 dBA at 100 feet. Residents being exposed to these noise levels would occur if and/or when residents are home and outdoors.

Due to daytime construction and the short and limited duration of elevated noise levels associated with the PAA, impacts from the noise to local residences would be temporary and minor. There would be no change in noise with the NAA.

4.14 Environmental Justice and Protection of Children

Executive Order (E.O.) 12898 requires Federal actions to address environmental justice in minority populations and low-income populations. According to the U.S. Census Bureau, the 2016 population estimate for Meigs County was 23,125 and does not contain significant minority populations. The 2016 census indicates Meigs County is 97.3% white and has a median household income of \$39,640 compared with the median household income of \$50,674 for the State of Ohio. Individuals residing in the county below the poverty level is 21.1% compared to 14.6% statewide.

Improving the current sewer and storm water systems would benefit residents of the community. Implementation of the PAA would provide residents with a safe reliable sewer system, thereby improving the living environment for all residents. No homes or buildings would be impacted by the proposed project; therefore, the PAA meets the directive of EO 12898 by avoiding any disproportionately high adverse human health or environmental effects on minority or low income populations.

EO 13045 requires each Federal agency “to identify and assess environmental health risks and safety risks that may disproportionately affect children” and “ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This EO was prompted by the recognition that children, still undergoing physiological growth and development, are more sensitive to adverse environmental health and safety risks than adults. The potential for impacts on the health and safety of children is greater where projects are located near residential areas.

Service provided by the sewer system improvements would serve the village who presently experience frequent overflow conditions. Implementation of the PAA would provide residents and children with a safe reliable sewer system, thereby improving the living environment for all residents. No homes or buildings would be impacted by the proposed project; therefore, the PAA



meets the directive of EO 12898 and EO 13045 by avoiding any disproportionately high adverse human health or environmental effects on minority or low income populations or children.

No positive impacts to minority or low income populations are anticipated to occur from the NAA.

4.15 Aesthetics

The project area is rural, primarily consisting of residential properties. Temporary disturbance of the local aesthetics would be anticipated during construction of the sewer improvement project; however after construction, the excavated sites would be restored to original conditions.

Neither the PAA nor NAA would significantly impact local aesthetics.

4.16 Transportation and Traffic

The proposed sewer system improvement would follow road and utility right-of ways. New traffic patterns would not occur as a result of this project. Construction of the PAA in and along existing road right-of-ways would involve short-term increase in traffic and some delays in the normal traffic flow. Construction on and near road surfaces would be in compliance with standard traffic controls to minimize traffic disruptions and avoid public safety problems. Impacts anticipated to occur from the PAA would be minimal and temporary.

No impacts to transportation and traffic are anticipated to occur from the NAA.

4.17 Health and Safety

The PAA has been designed to provide a safe sewer collection and treatment system to residents of the project area that are currently negatively impacted by a combined storm and sewer collection system that experiences excessive overflow events. Providing a safe sewer system is necessary to provide residents with safe and reliable sewer treatment. Therefore, the PAA is anticipated to have a long term beneficial impact on health and safety for the residents in the project area.

Under the NAA, residents would continue to experience overflow of sewer into the local area; perpetuating health and safety concerns.

4.18 Cumulative Effects

Section 4.0 documents the existing environment and potential environmental effects of the PAA and NAA with respect to existing conditions. The effects of the PAA, as discussed beforehand, are localized and minor. No reasonably foreseeable future actions that would have similar impacts as the proposed action were identified. In scoping cumulative effects issues, no resources were identified as having a potential to be significantly affected. Only minor and temporary impacts to ecological resources would be sustained with the implementation of the PAA. These resources would be reestablished upon completion of construction.



Temporal and geographical limits for this project must be established in order to frame the analysis. These limits can vary by the resources that are affected. The construction of a water system would have minimal and insignificant negative impacts on the environment. Long term beneficial effects will result from the project and would include health and safety. The temporal limits for assessment of this impact would initiate in 1972 with the passage of the Clean Water Act and end 50 years after completion of this project. The geographical extent would be broadened to consider effects beyond the PAA. The geographical extent considered is the Ohio River Watershed.

The Ohio River Watershed is listed on Ohio's 2016 Section 303(d) list of impaired waters where it is rated as impaired for polychlorinated biphenyl (PCB), siltation, stream flow alteration, pathogens, habitat alterations, nutrients loadings, pH, acidity, and E. coli. In the past, other villages and counties within the watershed have performed upgrades to existing water systems. These past actions had similar temporary impacts but no significant cumulative impact.

The Meigs County Soil and Water Conservation District currently offers natural resource assistance and education for conservation efforts within Meigs County. In the future, watershed programs may address water quality and conservation activities. Impairment of the Ohio River Watershed is expected to continue but if proposed actions are implemented, a cleaner, healthier watershed would be promoted. Water quality standards and regulations are expected to remain as stringent today as in the future.

Section 4.0 documents the existing environment and potential environmental effects of the PAA and NAA with respect to existing conditions. The effects of the PAA, as discussed beforehand, are localized and minor. Past actions that may have resulted in similar effects may include water system improvement actions. No reasonably foreseeable future actions that would have similar impacts as the proposed action were identified. In scoping cumulative effects issues, no resources were identified as having a potential to be significantly affected. Only minor and temporary impacts to ecological resources would be sustained with the implementation of the PAA. These resources would be reestablished upon completion of construction.

The availability of Federal funds through programs, such as the 594 Program, to assist communities with installation and construction of water-related environmental infrastructure and resource protection and development projects in Ohio is an additional benefit to the area. The significance of this action on health, safety, and water quality would be positive. Given the current program is in place for the foreseeable future and the overall beneficial effect from implementation of the PAA, there is expected to be a positive, cumulative effect on health and safety based on past, present, and reasonably foreseeable actions.

5.0 Status of Environmental Compliance

The PAA is in compliance with all local, State, and Federal statutes as well as Executive Orders. Compliance is documented below in Table 2.



Table 2 - Environmental Compliance Status			
Statute/Executive Order	Full	Partial	N/A
National Environmental Policy Act)*		X	
Fish and Wildlife Coordination Act	X		
Endangered Species Act	X		
Clean Water Act	X		
Wild and Scenic Rivers Act	X		
Clean Air Act	X		
National Historic Preservation Act	X		
Archeological Resources Protection Act			N/A
Comprehensive, Environmental Response, Compensation and Liability Act	X		
Resource Conservation and Recovery Act	X		
Toxic Substances Control Act	X		
Quiet Communities Act	X		
Farmland Protection Act	X		
Executive Order 11988 Floodplain Management	X		
Executive Order 11990 Protection of Wetlands	X		
Executive Order 12898 Environmental Justice in Minority Populations and Low-Income Populations	X		

* National Environmental Policy Act considered partial until the FONSI is signed

6.0 REQUIRED COORDINATION

6.1 Agencies Contacted

Ohio Rural Community Assistance Program (RCAP) which provides consulting services to help rural communities address their drinking water and sewer treatment needs, assisted the Village of Middleport with planning and documentation of the proposed action. RCAP conducted coordination with USFWS, SHPO, NRCS, ODNR, and the USACE Regulatory Division. Agency correspondence is included in Appendix B.

6.2 Public Review and Comments

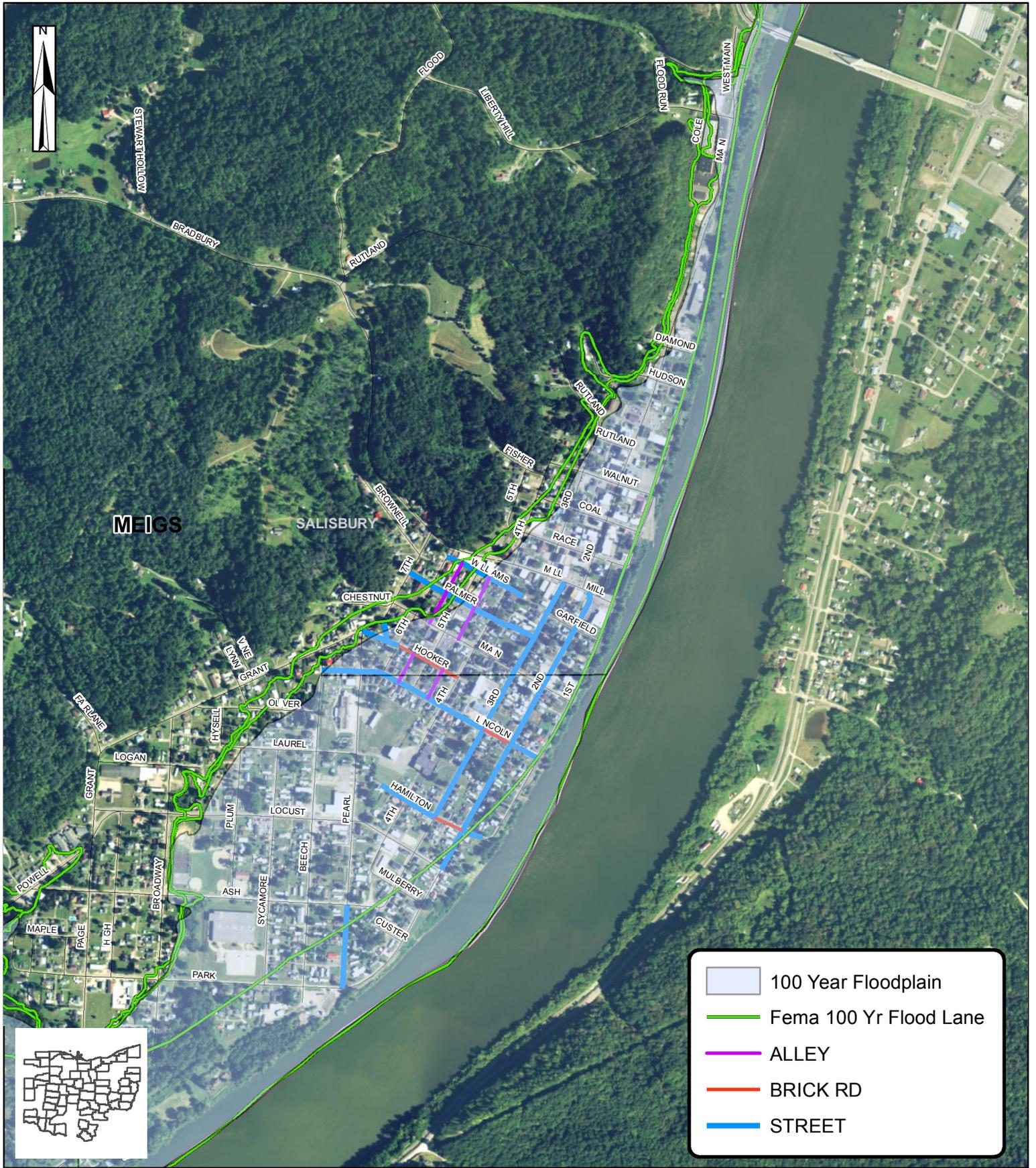
The EA and FONSI will be made available for public review and comment for a period of 30 days, as required under NEPA. A Notice of Availability will be published in a local newspaper, Pomeroy Daily Sentinel, advising the public of this document's availability for review and comment. A copy of the EA was also placed in the Middleport Public Library and will be made available on-line at <http://www.lrh.Corps.army.mil/Missions/PublicReview.aspx>. The mailing list for the EA is located in Appendix C.



7.0 CONCLUSION

The Village of Middleport is proposing to improve its sewer collection and treatment system. Currently, the system in place has combined sewer and storm water collection and treatment, which is frequently overloaded, causing excessive overflow events. By providing a safe and reliable collection and treatment system, the proposed project is anticipated to have long-term beneficial impacts on health and safety for residents in the community. No significant adverse impacts have been identified as a result of implementation of the proposed improvements project.

Construction would take place on previously disturbed land. Effects associated with construction would be minor and temporary. BMPs would be implemented during construction to minimize impacts to residents and the environment. Therefore, the PAA would not be expected to have significant impacts on the human environment.



	100 Year Floodplain
	Fema 100 Yr Flood Lane
	ALLEY
	BRICK RD
	STREET

0 350 700 1,050 1,400 Feet

1:12,000



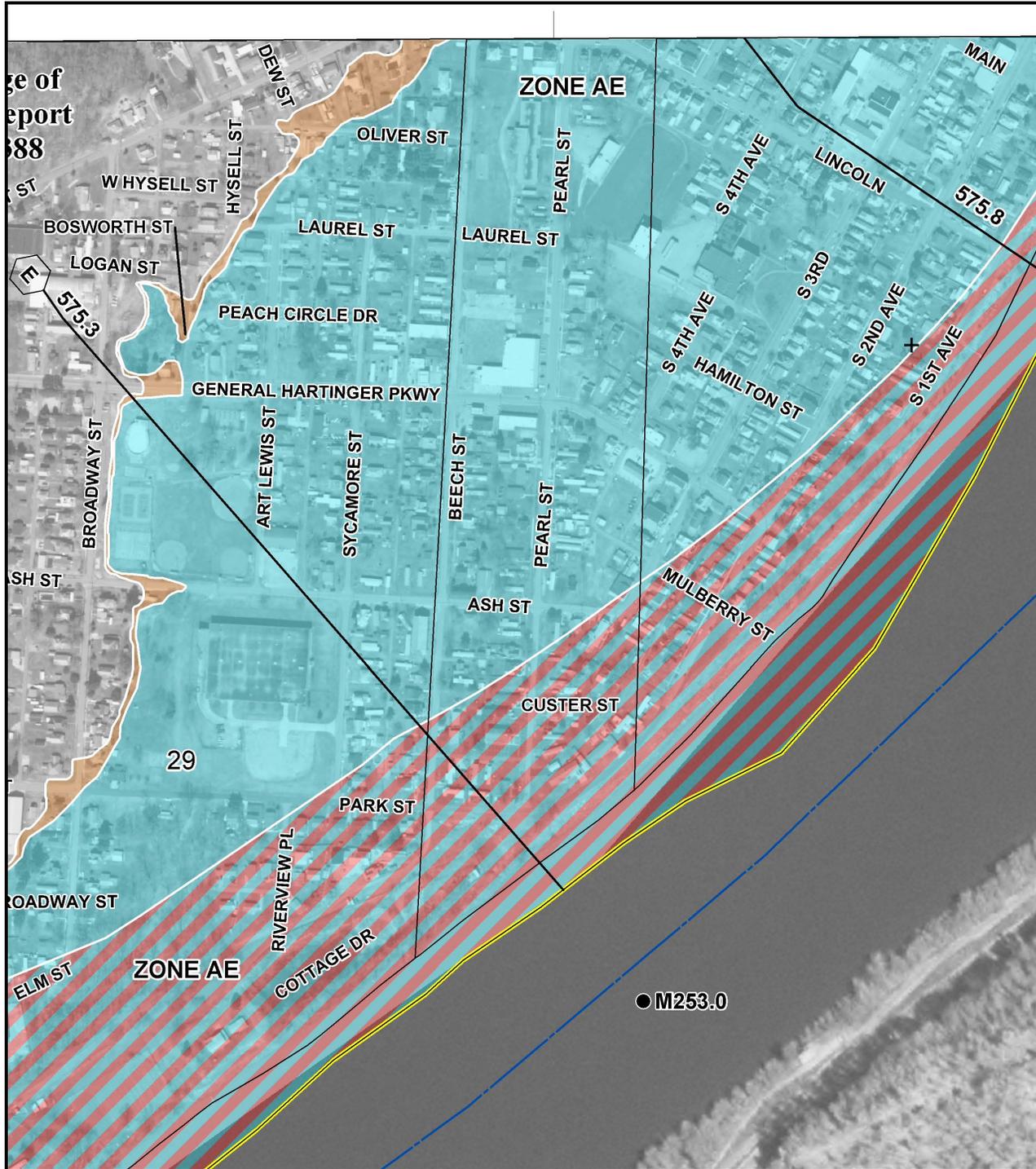
Ohio RCAP GIS Team
 Suite 112
 4030 SR 43
 Kent, OH 44240

Middleport Village
 Main Street Area Sewer Project
Fema Floodplains

Middleport Village, Meigs County, Ohio

Date: **2017**

By: epeluchette



NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP



NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

DELAWARE COUNTY, OHIO
INCORPORATED AREAS
306 of 395



Contains:

MUNICIPALITY	NUMBER	PANEL	SUFFIX
LEWISPORT VILLAGE	390388	0306	0

VERSION NUMBER
2.2.2.1

MAP NUMBER
39105C0306D

MAP REVISED
May 19, 2014

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)	3. Date of Land Evaluation Request	4. Sheet 1 of _____
---	------------------------------------	---------------------

1. Name of Project	5. Federal Agency Involved
--------------------	----------------------------

2. Type of Project	6. County and State
--------------------	---------------------

PART II (To be completed by NRCS)	1. Date Request Received by NRCS	2. Person Completing Form
--	----------------------------------	---------------------------

3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated Average Farm Size
---	--

5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: _____ %	7. Amount of Farmland As Defined in FPPA Acres: _____ %
------------------	---	--

8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
--	---	---

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
---	---	--	--	--

	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor				

PART IV (To be completed by NRCS) Land Evaluation Information	
--	--

A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	
--	--

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
1. Area in Nonurban Use	15			
2. Perimeter in Nonurban Use	10			
3. Percent Of Corridor Being Farmed	20			
4. Protection Provided By State And Local Government	20			
5. Size of Present Farm Unit Compared To Average	10			
6. Creation Of Nonfarmable Farmland	25			
7. Availability Of Farm Support Services	5			
8. On-Farm Investments	20			
9. Effects Of Conversion On Farm Support Services	25			
10. Compatibility With Existing Agricultural Use	10			
TOTAL CORRIDOR ASSESSMENT POINTS	160			

PART VII (To be completed by Federal Agency)	
---	--

Relative Value Of Farmland (From Part V)	100			
Total Corridor Assessment (From Part VI above or a local site assessment)	160			
TOTAL POINTS (Total of above 2 lines)	260			

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
-----------------------	---	-----------------------	--

5. Reason For Selection:

Signature of Person Completing this Part:	DATE
---	------

NOTE: Complete a form for each segment with more than one Alternate Corridor



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Office of Real Estate
Paul R. Baldrige, Chief
2045 Morse Road – Bldg. E-2
Columbus, OH 43229
Phone: (614) 265-6649
Fax: (614) 267-4764

January 2, 2018

Pam Ewing
Ohio RCAP
1817 St. Rt. 83, Unit 423
Millersburg, Ohio 44654

Re: 17-771; Village of Middleport, Meigs County, Storm Sewer Separation Project

Project: The proposed project involves sewer separation, the replacement of sanitary sewer, the installation of storm sewer and the installation of new sanitary sewers.

Location: The proposed project is in the Village of Middleport, Meigs 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 records 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 streams, 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: 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 sheepsnose (*Plethobasus cyphus*), a state endangered and federally 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 snuffbox (*Epioblasma triquetra*), a state endangered and federally endangered mussel, the washboard (*Megaloniais nervosa*), a state endangered mussel, the butterfly (*Ellipsaria lineolata*), a state endangered mussel, the elephant-ear (*Elliptio crassidens*), a state endangered mussel, the long-solid (*Fusconaia maculata maculata*), a state endangered mussel, the Ohio pigtoe (*Pleurobema cordatum*), a state endangered mussel, the pyramid pigtoe (*Pleurobema rubrum*), a state endangered mussel, the monkeyface (*Quadrula metanevra*), a state endangered mussel, the wartyback (*Quadrula nodulata*), a state endangered mussel, the black sandshell (*Ligumia recta*), a state threatened mussel, the threehorn wartyback (*Obliquaria reflexa*), a state threatened mussel, and the fawnsfoot (*Truncilla donaciformis*), a state threatened mussel. Due to the location, and that there is no in-water work proposed in a perennial stream of sufficient size, this project is not likely to impact these species.

The project is within the range of the western banded killifish (*Fundulus diaphanus menona*), a state endangered fish, the goldeye (*Hiodon alosoides*), a state endangered fish, the speckled chub (*Macrhybopsis aestivalis*), a state endangered fish, the paddlefish (*Polyodon spathula*) a state threatened fish, the river darter (*Percina shumardi*), a state threatened fish, and the channel darter (*Percina copelandi*), a state threatened fish. The DOW recommends no in-water work in perennial streams from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact these or other aquatic species.

The project is within the range of the eastern spadefoot toad (*Scaphiopus holbrookii*), a state endangered species. This species is found in areas of sandy soils that are associated with river valleys. Breeding habitats may include flooded agricultural fields or other water holding

depressions. Due to the location, the type of habitat present within 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 black bear (*Ursus americanus*), a state endangered species. Due to the mobility of this species, this 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.

Water Resources: The Division of Water Resources has the following comment.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.

http://water.ohiodnr.gov/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List_8_16.pdf

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.

John Kessler
ODNR Office of Real Estate
2045 Morse Road, Building E-2
Columbus, Ohio 43229-6693
John.Kessler@dnr.state.oh.us



In reply refer to
2017-MEG-40160

November 13, 2017

Pam Ewing
Ohio RCAP
1817 SR 83, Unit 423
Millersburg, Ohio 44654

Dear Ms. Ewing:

RE: Middleport Storm Sewer Separation, Middleport, Meigs County, Ohio

This is in response to correspondence, received on October 10, 2017, regarding the proposed sewer district improvements in Middleport, Meigs County, Ohio. 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.

Based on the information submitted, I concur with the opinion that the proposed undertaking will not affect properties listed in or eligible for listing in the National Register of Historic Places. 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. Should this happen, this office should be notified as required by 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) 298-2000, or by email at nyoung@ohiohistory.org

Sincerely,

A handwritten signature in black ink that reads "Nathan J. Young".

Nathan J. Young, Project Reviews Manager
Resource Protection and Review

PAM EWING - Storm Sewer Separation, Village of Middleport, Meigs Co.

From: "Ohio, FW3" <ohio@fws.gov>
To: Pam Ewing <psewing@wsos.org>
Date: 10/26/2017 1:55 PM
Subject: Storm Sewer Separation, Village of Middleport, Meigs Co.
Cc: <nathan.reardon@dnr.state.oh.us>, <kate.parsons@dnr.state.oh.us>
Attachments: Capture of Dan.PNG



UNITED STATES DEPARTMENT OF THE INTERIOR
 U.S. Fish and Wildlife Service
 Ecological Services Office
 4625 Morse Road, Suite 104
 Columbus, Ohio 43230
 (614) 416-8993 / Fax (614) 416-8994



TAILS# 03E15000-2017-TA-1820

Dear Ms. Ewing,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

FEDERALLY LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Should the proposed site contain trees ≥ 3 inches dbh, we recommend that trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees ≥ 3 inches dbh cannot be avoided, we recommend that removal of any trees ≥ 3 inches dbh only occur between October 1 and March 31. Seasonal clearing is being recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see <http://www.fws.gov/midwest/endangered/mammals/nleib/index.html>), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are assumed present.

If implementation of this seasonal tree cutting recommendation is not possible, summer surveys may be conducted to document the presence or probable absence of Indiana bats within the project area during the summer. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied. Surveys must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office. Surveyors must have a valid federal permit. Please note that summer surveys may only be conducted between June 1 and August 15.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is

completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or 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 initiated to assess any potential impacts.

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 ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at [\(614\) 265-6621](tel:6142656621) or at john.kessler@dnr.state.oh.us.

If you have questions, or if we can be of further assistance in this matter, please contact our office at [\(614\) 416-8993](tel:6144168993) or ohio@fws.gov.

Sincerely,



Dan Everson

Field Supervisor

cc: Nathan Reardon, ODNR-DOW

Kate Parsons, ODNR-DOW

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?

(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points
