



Environment / Energy / Infrastructure

December 21, 2017

Ms. Melissa Clark
Director, Economic and Community Development
Gallia County
18 Locust Street – Room 1268
Gallipolis, Ohio 45631

RE: Threatened and Endangered Species Considerations for the for the Proposed Dan Evans Industrial Park at 3350 State Route 850, Bidwell, Gallia County, Ohio; APG012.0005.

Dear Ms. Clark:

Hull & Associates, Inc. (Hull) is pleased to present the results of the threatened and endangered species study performed at the proposed Dan Evans Industrial Park (Site). On September 5, 2017, two Ecologists from Hull conducted fieldwork associated with the surface water determination and threatened and endangered species study on the Site, located at 3350 State Route 850, Bidwell, Gallia County, Ohio (38°53'35"N, 82°17'55"W; Figure 1). The purpose of this threatened and endangered species study is to determine the potential impacts to species by developing this approximate 75-acre site by the excavation and relocation of earthen materials that could potentially impact protected species in the area. Hull has coordinated with the Ohio Department of Natural Resources (ODNR) and U.S. Fish and Wildlife Service (USFWS) to identify possible occurrences of state-listed and federally-listed threatened and endangered species within a one-mile radius of the Site, and ways to prevent impacts to those species during construction. Enclosed with this letter are Site Photographs (Photolog; Attachment A.) and the responses received from the USFWS and ODNR (Attachment B).

The Site is bounded to the north by Denney Cemetery Road, to the east by State Route 850, and to the southwest by Fairview Road. The Site is maintained as agricultural fields, covered in alfalfa (*Medicago sativa*; UPL). Roadside ditches located along the eastern boundary and in the southeastern corner of the Site separate the agricultural field from the adjacent roadways. A collection of storage facilities are located to the south of the Site on an adjacent parcel.

USFWS and ODNR have indicated that the Site is within the range of the Indiana bat (*Myotis sodalis*), a state-endangered and federally-endangered bat species, and the federally-threatened northern long-eared bat (*M. septentrionalis*). Both bat species roost in dead, dying and living trees with exfoliating bark, crevices, cavities, or hollow areas formed by broken branches. USFWS and ODNR have recommended preserving trees with these characteristics or, if necessary, cutting them between **October 1 and March 31**. During these winter months, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines. These criteria do not apply to the Site because there were no trees identified within the project area.

The USFWS provided the following statement:

"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 USFWS should be initiated to assess any potential impacts."

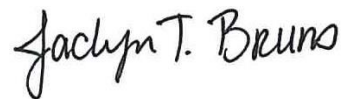
ODNR has indicated that the Site is within the range of the following state and federally endangered mussels; snuffbox (*Epioblasma triquetra*), sheepnose (*Plethobasus cyphus*), fanshell (*Cyprogenia stegaria*), pink mucket (*Lampsilis orbiculata*), long-solid (*Fusconaia maculata maculata*). The ODNR also indicated that the

following state endangered mussels are located within range of the Site; little spectaclecase (*Villosa lienosa*), elephant-ear (*Elliptio crassidens*), yellow sandshell (*Lampsilis teres*), pocketbook (*Lampsilis ovata*), Ohio pigtoe (*Pleurobema cordatum*), washboard (*Megaloniaia nervosa*), butterfly (*Ellipsaria lineolata*), monkeyface (*Quadrula metanevra*), threehorn wartyback (*Obliquaria reflexa*), and the black sandshell (*Ligumia recta*). The following state endangered and threatened fish species were indicated as having ranges encompassing the Site: shoal chub (*Macrhybopsis hyostoma*), gilt darter (*Percina evides*), Ohio lamprey (*Ichthyomyzon bdellium*), shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), channel darter (*Percina copelandi*), lake chubsucker (*Erimyzon sucetta*), blue sucker (*Cycleptus elongatus*), and river darter (*Percina shumardi*). 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 fish and mussel species.

Other species identified by the ODNR with ranges that encompass the Site include; timber rattlesnake (*Crotalus horridus horridus*), mud salamander (*Pseudotriton montanus*), and black bear (*Ursus americanus*). Due to the project type, size, and location, adverse effects to other state-listed or federally-listed threatened and endangered species are unlikely to occur. Other listed species that occur in the area are either unlikely to inhabit the Site, or are unlikely to be impacted by construction activities.

Hull recommends that a copy of this letter be kept on file at the project site. Should you require any additional information or have any questions concerning this letter, please feel free to contact me at the number listed below or by e-mail at jbruns@hullinc.com.

Sincerely,



Jaclyn Bruns, WPIT, AWB®
Ecologist II
Phone: (740)224-0724

Attachments:

- Attachment A: Photolog
- Attachment B: Agency Coordination Letters

Attachment A.
Photolog



PHOTO 1: Photo taken from the north side of the site facing south showing typical upland habitat. Storage facilities can be seen in the distance.



PHOTO 2: Ditch J-1 facing south along State Route 850.



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Dan Evans Industrial Park
Surface Water Determination

Photolog

Gallia County, Ohio

Date:

September 2017

Project Number: APG012



PHOTO 3: Ditch J-2 facing east along Fairview Road.



PHOTO 4: Ditch J-3 facing north. Possible Wetland JA is visible on the left (west) side of the ditch.



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PHOTO 5: Representative view of possible Wetland JA facing north toward Denney Cemetery Road.



PHOTO 6: Representative view of possible Wetland JB facing north as it extends into the area between alfalfa fields.



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Surface Water Determination

Photolog

Gallia County, Ohio

Date:

September 2017

Project Number: APG012

Attachment B.
Agency Coordination Letters

Jaclyn Bruns

From: Jaclyn Bruns
Sent: Thursday, December 14, 2017 3:25 PM
To: Jaclyn Bruns
Subject: RE: Dan Evans Industrial Park Project, Gallia County, Ohio APGO12.0003

From: susan_zimmermann@fws.gov [mailto:susan_zimmermann@fws.gov] **On Behalf Of** Ohio, FW3
Sent: Wednesday, September 27, 2017 9:55 AM
To: Jordan Rofkar <jrofk@hullinc.com>
Cc: nathan.reardon@dnr.state.oh.us; kate.parsons@dnr.state.oh.us
Subject: Dan Evans Industrial Park Project, Gallia County, Ohio APGO12.0003



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-1991

Dear Mr. Rofkar,

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/nleb/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 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 or ohio@fws.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Everson". The signature is stylized with a large, looping "D" and a cursive "Everson".

Dan Everson

Field Supervisor

cc: Nathan Reardon, ODNR-DOW

Kate Parsons, ODNR-DOW



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

December 1, 2017

Jordan Rofkar
Hull & Associates, Inc.
219 S. Erie Street
Toledo, Ohio 43604

Re: 17-721; Dan Evans Industrial Park

Project: The proposed project involves the development of the site for commercial or industrial purposes.

Location: The proposed project is located in Bidwell Township, Gallia 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 snuffbox (*Epioblasma triquetra*), a state endangered and federally endangered mussel, 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 long-solid (*Fusconaia maculata maculata*), a state endangered mussel, the little spectaclecase (*Villosa lienosa*), a state endangered mussel, the elephant-ear (*Elliptio crassidens*), a state endangered mussel, the yellow sandshell (*Lampsilis teres*), a state endangered mussel, the pocketbook (*Lampsilis ovata*), a state endangered mussel, the Ohio pigtoe (*Pleurobema cordatum*), a state endangered mussel, the washboard (*Megalonaias nervosa*), a state endangered mussel, the butterfly (*Ellipsaria lineolata*), a state endangered mussel, the monkeyface (*Quadrula metanevra*), a state endangered mussel, the threehorn wartyback (*Obliquaria reflexa*), a state threatened mussel, and the black sandshell (*Ligumia recta*), a state threatened 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 shoal chub (*Macrhybopsis hyostoma*), a state endangered fish, the gilt darter (*Percina evides*), a state endangered fish, the Ohio lamprey (*Ichthyomyzon bdellium*), a state endangered fish, the shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), a state endangered fish, the channel darter (*Percina copelandi*), a state threatened fish, the lake chubsucker (*Erimyzon sucetta*), a state threatened fish, the blue sucker (*Cycleptus elongatus*), a state threatened fish, and the river darter (*Percina shumardi*), 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 timber rattlesnake (*Crotalus horridus horridus*), a state endangered species, and a federal species of concern. The timber rattlesnake is a woodland

species, utilizing dry slopes and rocky outcrops. In addition to using wooded areas, the timber rattlesnake utilizes sunlit gaps in the canopy for basking and deep rock crevices for overwintering. Due to the location, the type of habitat present at the project site and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the mud salamander (*Pseudotriton montanus*), a state threatened species. Due to the location, the type of habitat present at the project site and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the 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