



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

October 30, 2013

Issuance of a Limited Environmental Review
To All Interested Citizens, Organizations, and
Government Agencies

Metro Parks, Serving Summit County
Summit County
Pond Brook South Stream Restoration
Loan Number WR391493-0015

The purpose of this notice is to advise the public that Ohio EPA has reviewed the referenced project and finds that neither a Supplemental Study (SS) nor an Environmental Assessment (EA) is required to implement the project as discussed in the attached Limited Environmental Review (LER). Consequently, a Finding of No Significant Impact is being issued for this project.

The Water Pollution Control Loan Fund program requires the inclusion of environmental factors in the decision-making process for project approval. Ohio EPA has done this by incorporating a detailed analysis of the environmental effects of the proposed action in its review and approval process. Environmental information was developed as part of the restoration and protection plan, as well as through the restoration and protection plan review process. A subsequent review by this Agency has found that the proposed action does not require the preparation of either an EA or an SS.

Our environmental review concluded that because the proposed project is limited in scope and meets all applicable criteria, a LER is warranted. Specifically:

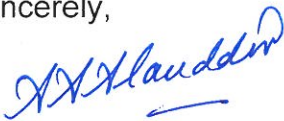
- The proposed project will have no significant adverse environmental effect, nor will it adversely affect any specific resource type.
- It will not require extensive general or specific direct impact mitigation.
- Since it is not an infrastructure project, it will not affect the current design flow values, the existing service area, or the wastewater influent characteristics of a wastewater system.
- It is clearly cost effective.
- It is not controversial.

- It will not create a new or relocate an existing sanitary discharge to surface or ground water.
- It will not result in an increase in the volume of discharge or loading of pollutants to a receiving water.

The LER presents additional information on the proposed project, costs and the basis for our decision. Further information can be obtained by calling or writing the contact person listed on the back of the LER.

Upon issuance of this determination, loan award may proceed without being subject to further environmental review or public comment, unless information is provided which determines that environmental conditions on the proposed project have changed significantly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alauddin A. Alauddin", with a horizontal line underneath the name.

Alauddin A. Alauddin, Chief
Division of Environmental &
Financial Assistance

LLER

**Limited Environmental Review
For
Metro Parks, Serving Summit County
Pond Brook South Stream Restoration
Loan Number WR391493-0015**

**Applicant: Keith Shy, Director-Secretary
Metro Parks, Serving Summit County
975 Treaty Line Road
Akron, OH 44313**

Existing Need

Pond Brook, shown in Figure 1, is a channelized stream that is located mostly within Liberty Park, an approximately 2,000-acre natural area managed by Metro Parks, Serving Summit County (Metro Parks). Parts of the stream are also located in the City of Twinsburg, the Village of Reminderville and Twinsburg Township. Pond Brook flows for approximately 3 miles and has a watershed of approximately 10,000 acres. It is a significant tributary to Tinker's Creek, which is the largest of the Cuyahoga River tributaries.

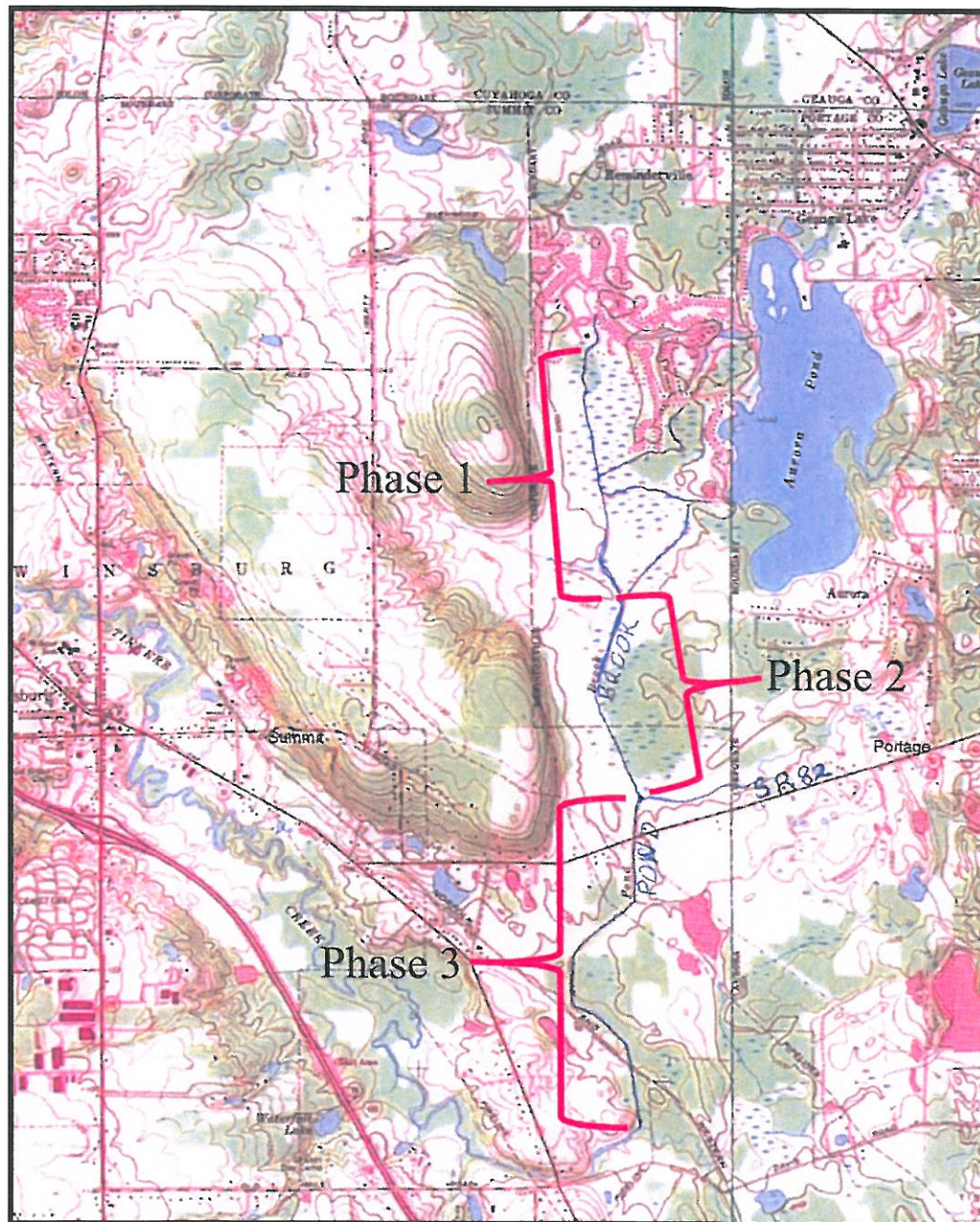


Figure 1 Pond Brook and Tinker's Creek

Pond Brook was created as a means of draining vast wetland areas for agriculture and development. During dry months, much of Pond Brook's flow is derived from effluent from a Summit County wastewater treatment plant serving Reminderville. It is designated a modified warmwater habitat (MWH), a category for streams that are unable to support a biological community that is characteristic of typical warmwater habitat streams in the state because of large-scale habitat alterations. The factors leading to Pond Brook's MWH designation are channelization, sedimentation and nutrient discharges. Its biological community consists of pollution-tolerant and invasive species, including carp and reed canary grass. Carp thrive in stagnant, oxygen-poor habitats such as Pond Brook. They are believed to increase sedimentation in Pond Brook by churning the denuded stream bottom. Pond Brook is a significant cause of impairment to Tinker's Creek water quality through contributions of large sediment loads.

Metro Parks has concluded that the best way to correct the above-mentioned habitat and water quality problems is to approximate in Pond Brook the natural conditions seen in unimpaired warmwater habitat streams in Ohio by re-introducing sinuosity (meanders), riffles/pools/runs, rootwads and vegetative overhangs. This will provide structural diversity, increase stream velocity and increase oxygen content, thereby creating a habitat type that does not support carp. Reducing the reed canary grass in the adjacent wetlands will allow the growth of native Ohio wetland plant and animal species, thus restoring the basis for a healthy local ecosystem. A much improved habitat benefits the state-listed species that are found in the vicinity of Pond Brook: the least flycatcher, Bush's sedge, and the four-toed salamander. It would also create suitable habitat for other species of interest to migrate to Pond Brook from elsewhere in and around Liberty Park. It could even benefit the Indiana bat, a federal endangered species known to have hibernacula and maternal roosting sites in Liberty Park.

Metro Parks has begun the extensive restoration process by dividing Pond Brook into upper, middle and south sections and restoring each section as funding allows. To date, Metro Parks has restored the upper one mile of Pond Brook including the mainstem, two tributaries and a large area of floodplain wetlands adjacent to the stream restoration areas (Phase I). The Phase I restoration has improved Upper Pond Brook to the point that it partially attains the biocriteria for warmwater habitat (WWH, a designation for streams that are comparable to typical, unimpaired streams in Ohio). Metro Parks is now starting the restoration of Middle Pond Brook with funds from the Clean Water Act, Section 319 Program for non-point water resource pollution control projects (Phase II).

Metro Parks nominated the Pond Brook South project (Phase III) for funding through the Water Resource Restoration Sponsorship Program (WRRSP). The WRRSP is a program within the Ohio Water Pollution Control Loan Fund (WPCLF), which is the state revolving loan fund in Ohio for qualifying water pollution control projects. The WPCLF provides assistance for publicly-owned treatment works (POTW) projects (e.g., sewerage) as defined in the Section 212 of the Clean Water Act, which generate loan repayment streams.

The WRRSP provides assistance for surface water restoration and projects that are essential to the prevention of non-point source water quality degradation, but that are difficult to fund directly through the loan program because they do not generate repayment streams. To do this, the WRRSP allows POTW applicants to sponsor wetland and stream projects, which either the sponsor or another entity may implement. Ohio EPA foregoes some of the interest repayment on the POTW loan, advancing it instead to the WRRSP project implementer. As an incentive, the sponsor receives a discount on the POTW loan interest rate. The Northeast Ohio Regional Sewer District (NEORS) has agreed to sponsor Phase III through the advancement to Metro Parks, the implementer, of up to \$868,500 in interest from repayment of debt for its Dugway West Interceptor Relief Sewer construction.

Project Description

In Phase III, Metro Parks proposes to restore a 6,500 foot reach of Pond Brook that extends from approximately 800 feet north of State Route 82 to Tinker's Creek. Phase III restoration will be similar to the Phase I restoration. It will involve establishing meanders in the stream to achieve more natural channel morphology, in-stream habitat improvement (i.e. rootwad installation, boulders and overhanging vegetation), the development of riffles and some riffle/pool sequences, and extensive riparian (streamside) plantings. A new floodplain will be created for the re-meandered stream. Wetlands and forested uplands will be established to restore areas that will be graded during construction and to bring back the conditions prior to dredging. Most work will be done within the "prism" of the original dredging. The restoration plan is shown in Figure 2 and described in the September, 2013 *Pond Brook South Restoration Plan*.

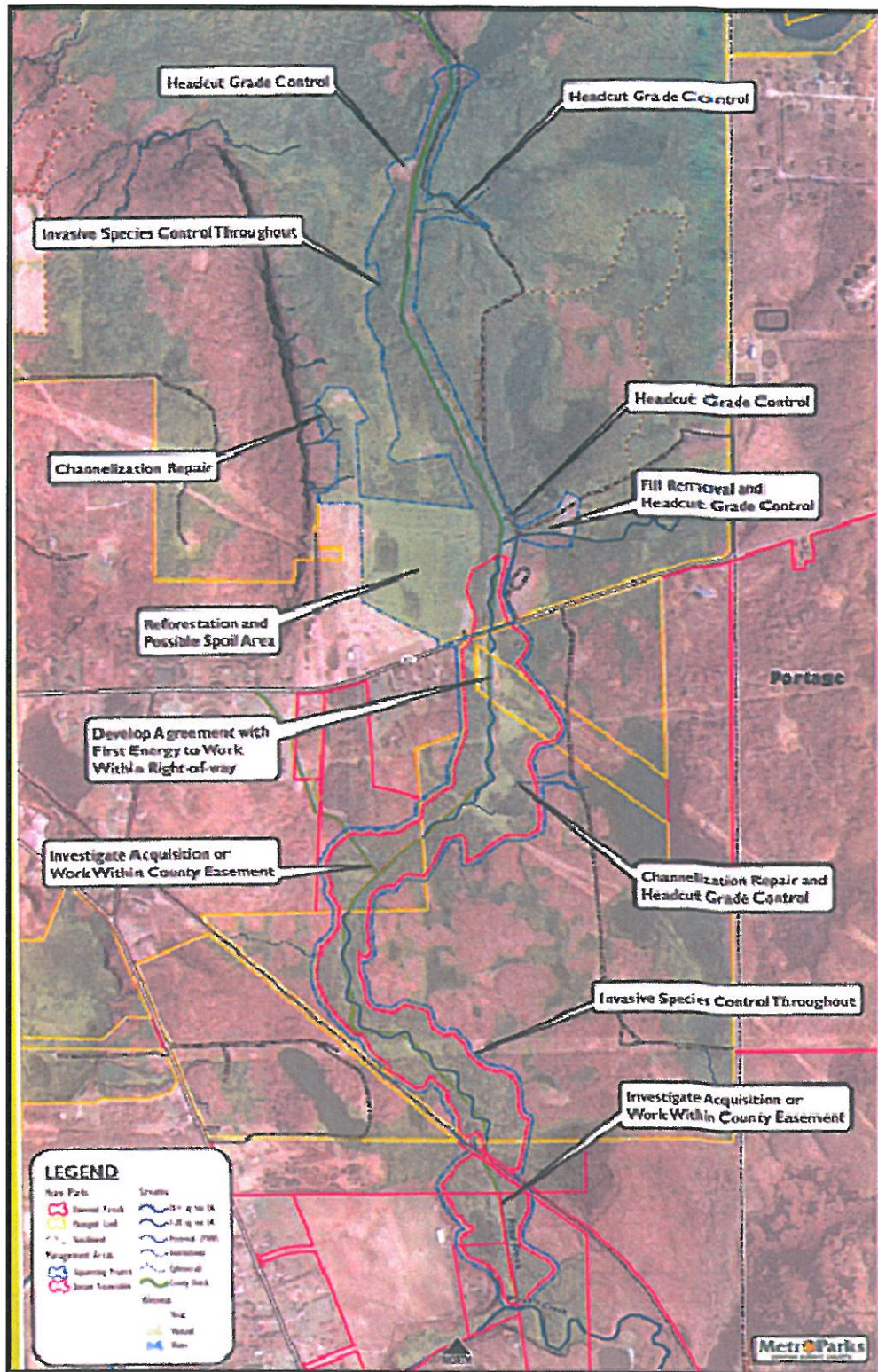
After all the phases of restoration are complete, Pond Brook and its adjacent wetlands and forested uplands will be managed in perpetuity as a natural area under an Environmental Covenant. The Environmental Covenant will establish permanent land use restrictions and assure that any activities taking place on the land will be in keeping with the conservation values established in the plan.

Implementation

There are two issues associated with the Pond Brook South restoration that will define to some extent its success and how it will be implemented. One issue is that approximately ¼ of Pond Brook South is located on three private properties. This raises concerns that access might not be available to complete the restoration and maintain it afterwards on the privately-held lands. The other issue is that the Summit County Engineer has a flood control easement over Pond Brook South. Although Pond Brook has not been dredged for flood control in many years and no dredging is planned, there is always a chance that it could be done, destroying the restoration.

The best resolution from the perspective of achieving and maintaining a natural restoration is that all of Pond Brook South would be under Metro Parks' ownership and that the ditch maintenance easement would be vacated on all of Pond Brook South.

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From the perspective of habitat improvement, it is acceptable for some of Pond Brook South to remain unrestored if it turns out that Metro Parks cannot purchase all the properties, since most of the stream can still be restored, leading to significantly better habitat and water quality. To assure the optimal usage of financial resources, Metro Parks identified a number of important restoration projects, such as additional reed canary grass control both along Phase III and in the previous phases as well. Metro Parks listed all the activities in priority order, with the Pond Brook mainstem restoration first, followed by the other activities. Thus, if private properties cannot be acquired, the funds that would have been expended on mainstem work there will be re-directed to other priority activity for the overall good of Pond Brook.

Less flexible is the concern about vacating the drainage easement. Key to this will be demonstrating to the satisfaction of the Summit County Engineer that ceasing all possibility of dredging will not impact flood conditions on properties that are tributary to Pond Brook. Metro Parks is conducting a flood study to determine the impacts of vacating the easement.

Metro Parks anticipates the completion of engineering and design in July, 2014 and a vacation of the easement in August, 2014. Metro Parks will pursue the design of Phase III and the easement vacation concurrently between now and July and August, 2014. If the easement cannot be vacated, or if a comparable mechanism that is satisfactory to both Metro Parks and Ohio EPA to protect the restored portions of Pond Brook South from degradation through future ditch maintenance cannot be developed, then Ohio EPA will not release WRRSP funds. Metro Parks will then bear the design and implementation costs.

This WRRSP project will not cause an increase in sewer rates in the NEORSD service area and will in fact reduce the total amount that NEORSD will have to repay the WPCLF through the WRRSP interest rate discount.

Public and Governmental Oversight

While there have been no public meetings specifically to address the Pond Brook South restoration, the first two phases of Pond Brook restoration have generated no controversy and have the written support of officials of Summit County, including the Summit County Engineer. The work sites are isolated from developed areas, so no specific meetings related to construction concerns were warranted.

Conclusion

The proposed project constitutes a general type (stream and wetland restoration) that qualifies for a Limited Environmental Review. Specifically, it meets the following criteria:

It will have no significant adverse environmental effect. Restoration will involve the physical movement of construction equipment and the re-grading of major portions of the work area, including wetlands and stream bed. After restoration, however, the

resulting natural riparian wetlands, stream, and uplands will be a great improvement over Pond Brook South as it exists now.

It will not adversely affect any special resource type. In fact, it will benefit Pond Brook's wetlands, mainstem, tributaries, and uplands. It will establish a natural range of aquatic and terrestrial habitats, and control or eliminate invasive and pollution-tolerant species. The Ohio Historic Preservation Office concurs with Ohio EPA's finding that the project as planned will, due to extensive prior disturbance for the original dredging, have little potential to adversely affect intact archaeological properties that are eligible for listing on the National Register of Historic Places. Metro Parks has submitted a Jurisdictional Determination to the US Army Corps of Engineers and expects to receive a Nationwide 27 permit for Aquatic Habitat Restoration, Establishment and Enhancement Activities.

Other natural features that the project will either benefit or have no significant adverse effect on include state-designated scenic rivers (none present in/near work areas), farmland (will not induce development), endangered species (benefits only), air quality (small project scope and duration), and the local economy (no rate increases associated with the WRRSP project).

It will not require specific impact mitigation. The project will involve excavating, re-grading, and restoring the aquatic and terrestrial resources. Thus, within the work areas, few erosion or sedimentation controls are necessary, beyond standard construction best management practices. Since construction is likely to disturb over one acre, Metro Parks and its construction contractor will need to apply for a Storm Water Construction General Permit from Ohio EPA.

It is clearly cost-effective. The only realistic alternative to a restoration is to do nothing and let the current conditions continue in Pond Brook and Tinkers Creek, in which case there will be ongoing sources of impairment in both streams that could have been at least partially alleviated by a restoration to natural conditions.

It is not controversial. Phases I and II have proceeded without controversy with the full knowledge and support of Summit County officials. The work site is remote from developed areas, so it is unlikely to become controversial due to effects such as noise and dust, nor is it controversial from an affordability standpoint, because it will not contribute to rate increases in the NEORSD service area.

It does not involve a new or relocated discharge to surface or ground water, involve any increase in the volume of discharge or the loading of pollutants from an existing source or new facilities, or provide capacity to serve a design population substantially greater (30 percent) than the current design population. Since this is not an infrastructure project, it has no associated discharges, pollutant loadings, or service area.

The planning activities for the proposed stream restoration have identified no potentially significant short-term or long-term adverse impacts to the quality of the human environmental or to sensitive resources (floodplains, wetlands, surface water, ground

water, cultural resources, endangered species, aquatic or wooded habitat, scenic rivers, state or federal wildlife areas or water quality. The project has little potential to generate troublesome noise, dust or odors, and is affordable. The project will benefit important aquatic and terrestrial resources, as well as expand habitat for endangered species.

For questions, please contact:

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