Hull & associates, inc.

July 2, 2010

Mr. Randy Bournique
Ohio EPA, Division of Surface Water
401/Wetlands Section
Lazarus Government Center
122 South Front Street
Columbus, Ohio 43216

RE: Submittal of Application for Section 401 Water Quality Certification of Proposed Surface Water Impacts for Development of a Residential Development Located in the City of Toledo, Lucas County, OH (Site); SNC002.100.0005

Dear Mr. Bournique:

Attached please find four copies each of a completed and signed Section 401 application form and a document entitled 'Alternatives Analysis, Surface Water Mitigation Plan, and Alternate Sites Analysis for the proposed *Gray Stone Woods* Residential Development in the City of Toledo, Lucas County, Ohio. This document and a completed and signed Section 404 application have been simultaneously submitted to the US Army Corps of Engineers, Buffalo District (USACE), to the attention of Paul Wetzel.

A Surface Water Delineation Report for the Site was submitted to Ms. Rahel Baab (Ohio EPA – NWDO) in September 2008. A revised 'Surface Water Delineation Figure' and Ohio Rapid Assessment Method (ORAM) forms were provided to Mr. Ben Smith (Ohio EPA – NWDO) at a meeting at the Site on September 24, 2009. A Jurisdictional Determination (JD) was issued by the USACE in an email dated November 6, 2009. The applicant chose to submit a 'Preliminary JD Form' and USACE agreed that the wetlands on the Site are subject to Federal jurisdiction under Section 404 of the Clean Water Act.

Hull requests a Section 401 Water Quality Certification for the Preferred Design Alternative (PDA) described in detail in this application. In this application, Hull provides evidence that the proposed impacts to surface waters under the PDA are necessary to advance important social and economic goals and are cumulatively not significant. A Minimal Degradation Alternative and Non-Degradation Alternative are analyzed in this Application, but approval of these Alternatives is not sought by the Applicant.

The Surface Water Delineation Report for the Site documents that the wetlands are of medium quality. Under the PDA, the Applicant proposes to impact 1.78 acres of emergent wetlands and 0.15 acres of forested wetlands. The wetlands were scored using the Ohio Rapid Assessment Method for Wetlands Version 5.0 (ORAM) and received scores of 36 and 38.5. These scores confirm the wetlands are Modified Category 2 quality based on Ohio's Wetlands Antidegradation Policy. An analysis of available mitigation alternatives and a mitigation proposal is included. The mitigation proposal provides adequate mitigation for all proposed impacts.

Included is a check in the amount of $592.50 from the Applicant to cover the application fee ($200) and ½ of the total amount for impacting 1.97 acres of wetlands at $500/acre ($392.50).

3401 Glendale Avenue, Suite 300, Toledo, Ohio 43614
419.385.2018 419.385.5487 fax www.hullinc.com

I look forward to working with you on this application. If I can be of any help to you or your staff during the review, please call me, or email me at kcarr@hullinc.com.

Sincerely,

Keith A. Carr
Project Scientist

KAC/jab

Attachments

ct: Mr. Paul Wetzel, US Army Corps of Engineers, Buffalo District
Mr. Ben Smith, Ohio EPA, Division of Surface Water
Mr. Dick Leffler, Seneca Builders, LLC.
Mr. Hugh F. Crowell, M.S., P.W.S., Hull & Associates, Inc.

APPLICATION FOR OHIO EPA
SECTION 401 WATER QUALITY CERTIFICATION

Effective October 1, 1996
Revised August, 1998

This application must be completed whenever a proposed activity requires an individual Clean Water Act Section 401 Water Quality Certification (Section 401 certification) from Ohio EPA. A Section 401 certification from the State is required to obtain a federal Clean Water Act Section 404 permit from the U.S. Army Corps Engineers, or any other federal permits or licenses for projects that will result in a discharge of dredged or fill material to any waters of the State. To determine whether you need to submit this application to Ohio EPA, contact the U.S. Army Corps of Engineers District Office with jurisdiction over your project, or other federal agencies reviewing your application for a federal permit to discharge dredged or fill material to waters of the State, or an Ohio EPA Section 401 Coordinator at (614) 644-2001.

The Ohio EPA Section 401 Water Quality Certification Program is authorized by Section 401 of the Clean Water Act (33 U.S.C. 1251) and the Ohio Revised Code Section 6111.03(P). Ohio Administrative Code (OAC) Chapter 3745-32 outlines the application process and criteria for decision by the Director of Ohio EPA. In order for Ohio EPA to issue a Section 401 certification, the project must comply with Ohio's Water Quality Standards (OAC 3745-1) and not potentially result in an adverse long-term or short-term impact on water quality. Included in the Water Quality Standards is the Antidegradation Rule (OAC Rule 3745-1-05), effective October 1, 1996, revised October, 1997 and May, 1998. The Rule includes additional application requirements and public participation procedures. **Because there is a lowering of water quality associated with every project being reviewed for Section 401 certification, every Section 401 certification applicant must provide the information required in Part 10 (pages 3 and 4) of this application.** In addition, applications for projects that will result in discharges of dredged or fill material to wetlands must include a wetland delineation report approved by the Corps of Engineers, a wetland assessment with a proposed assignment of wetland category(ies), official documentation on evaluation of the wetland for threatened or endangered species, and appropriate avoidance, minimization, and mitigation as prescribed in OAC 3745-1-50 to 3745-1-54. Ohio EPA will evaluate the applicant's proposed wetland category assignment and make the final assignment.

Information provided with the application will be used to evaluate the project for certification and is a matter of public record. If the Directory determines that the application lacks information necessary to determine whether the applicant has demonstrated the criteria set forth in OAC Rule 3745-32-05(A) and OAC Chapter 3745-1, Ohio EPA will inform the applicant in writing of the additional information that must be submitted. The application will not be accepted until the application is considered complete by the Section 401 Coordinator. An Ohio EPA Section 401 Coordinator will inform you in writing when your application is determined to be complete.

Please submit the following to "Section 401 Supervisor, Ohio EPA/DSW, P.O. Box 1049, Columbus, Ohio 43216-1049:

- Four (4) sets of the completed application form, including the location of the project (preferably on a USGS quadrangle) and 8-1/2 x 11" scaled plan drawings and sections.
- One (1) set of original scaled plan drawings and cross-sections (or good reproducible copies).

(See Application Primer for detailed instructions)

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1. The federal permitting agency has determined this project: (check appropriate box and fill in blanks)

   a. ☒ requires an individual 404 permit/401 certification- Public Notice # (if known) _____
   b. ☐ requires a Section 401 certification to be authorized by Nationwide Permit # _____
   c. ☐ requires a modified 404 permit/401 certification for original Public Notice # _____
   d. ☐ requires a federal permit under _____ jurisdiction identified by # _____
   e. ☐ requires a modified federal permit under _____ jurisdiction identified by # _____

2. Application number (to be assigned by Ohio EPA):

3. Name and address of applicant:
Dick Leffler
Seneca Builders, LLC
P.O. Box 190
Maumee, Ohio 43537

Telephone number during business hours:
(419) 351-5000 (Residence)

(419) 351-5000 (Office)

3a. Signature of Applicant: Date: 6/4/2008

4. Name, address and title of authorized agent:
Keith A. Carr, Hull & Associates, Inc.
3401 Glendale Ave., Suite 300
Toledo, OH 43614

Telephone number during business hours:
(419) 304-5864 (Residence)
(419) 385-2018 (Office)

4a. Statement of Authorization: I hereby designate and authorize the above-named agent to act in my behalf in the processing of this permit application, and to furnish, upon request, supplemental information in support of the application.

Signature of Applicant: Date: 6/4/2008

5. Location on land where activity exists or is proposed. Indicate coordinates of a fixed reference point at the impact site (if known) and the coordinate system and datum used.
Address: Occupied and vacant site, located at the intesection of Holland-Sylvania Road and Bancroft Street in Toledo, Ohio

Parcel Nos: 1200800000 & 1200800500, Erie County (OH) Auditor
Street, Road, Route, and Coordinates, or other descriptive location

Ottawa River	Lucas	N/A	Toledo	Ohio	43615
Watershed	County	Township	City	State	Zip Code

6. Is any portion of the activity for which authorization is sought complete? ☐ Yes ☒ No
If answer is "yes," give reasons, month and year activity was completed. Indicate existing work on the drawings.

7. List all approvals or certifications and denials received from other federal, interstate, state, or local agencies for any structures, construction, discharge or other activities described in this application.

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval	Date of Denial
City of Toledo	Floodplain Permit	n/a	5/19/2008	5/27/2008	
Ohio EPA	NPDES Permit	2GC02085*AG	5/19/2008	6/13/2008	

8. **DESCRIPTION OF THE ACTIVITY (fill in information in the following four blocks – 8a, 8b, 8c & 9)**

8a. Activity: Describe the Overall Activity:
See Alternatives Analysis and Surface Water Mitigation Plan Document

8b. Purpose: Describe the purpose, need and intended use of the activity:
See Alternatives Analysis and Surface Water Mitigation Plan Document

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8c. Discharge of dredged or fill material: Describe type, quantity of dredged material (in cubic yards), and quantity of fill material (in cubic yards). **(OAC 3745-1-05(B)(2)(a))**
See Alternatives Analysis and Surface Water Mitigation Plan Document

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9. Waterbody and location of waterbody or upland where activity exists or is proposed, or location in relation to a stream, lake, wetland, wellhead or water intake (if known). Indicate the distance to, and the name of any receiving stream, if appropriate.
Project is proposed for location in unnamed wetland areas. The limits of the residential development go to the top of the bank of Haefner Ditch that is part of the Ottawa River watershed. The sedimentation pond and other surface water runoff from the proposed project will discharge into Haefner Ditch.

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10. **To address the requirements of the Antidegradation Rule, your application must include a report evaluating the:**

- Preferred Design (your project) and Mitigative Techniques
- Minimal Degradation Alternative(s) (scaled-down version(s) of your project) and Mitigative Techniques
- Non-Degradation Alternative(s) (project resulting in avoidance of all waters of the state)

At a minimum, item a) below must be completed for the Preferred Design, the Minimal Degradation Alternative(s), and the Non-Degradation Alternative(s), followed by completion of item b) for each alternative, and so on, until all items have been discussed for each alternative (see Primer for specific instructions). (Application and review requirements appear at **OAC 3745-1-05(B)(2), OAC 3745-1-05(C)(6), OAC 3745-1-05(C)(1) and OAC 3745-1-54.**)

10a) Provide a detailed description of any construction work, fill or other structures to occur or to be placed in or near the surface water. Identify all substances to be discharged, including the cubic yardage of dredged or fill material to be discharged to the surface water. **(OAC 3745-1-05(B)(2)(b))**

10b) Describe the magnitude of the proposed lowering of water quality. Include the anticipated impact of the proposed lowering of water quality on aquatic life and wildlife, including threatened and endangered species (include written comments from Ohio Department of Natural Resources and U.S. Fish and Wildlife Service), important commercial or recreational sport fish species, other individual species, and the overall aquatic community structure and function. Include a Corps of Engineers approved wetland delineation. **(OAC 3745-1-05(C)(6)(a, b) and OAC 3745-1-54)**

10c) Include a discussion of the technical feasibility, cost effectiveness, and availability. In addition, the reliability of each alternative shall be addressed (including potential recurring operational and maintenance difficulties that could lead to increased surface water degradation). **(OAC 3745-1-05(C)(6)(h, j-k) and OAC 3745-1-54)**

10d) For regional sewage collection and treatment facilities, include a discussion of the technical feasibility, cost effectiveness and availability, and long-range plans outlined in state or local water quality management planning documents and applicable facility planning documents. **(OAC 3745-1-05(C)(6)(l))**

10e) To the extent that information is available, list and describe any government and/or privately sponsored conservation projects that exist or may have been formed to specifically target improvement of water quality or enhancement of recreational opportunities on the affected water resource. **(OAC 3745-1-05(B)(2)(g))**

10f) Provide an outline of the costs of water pollution controls associated with the proposed activity. This may include the cost of best management practices to be used during construction and operation of the project. **(OAC 3745-1-05(C)(6)(g))**

10g) Describe any impacts on human health and the overall quality and value of the water resource. **(OAC 3745-1-05(C)(6)(c) and OAC 3745-1-54)**

10h) Describe and provide an estimate of the important social and economic benefits to be realized through this project. Include the number and types of jobs created and tax revenues generated and a brief discussion on the condition of the local economy. **(OAC 3745-1-5(B)(2)(e) and OAC 3745-1-05(C)(6)(i))**

10i) Describe and provide an estimate of the important social and economic benefits that may be lost as a result of this project. Include the effect on commercial and recreational use of the water resource, including effects of lower water quality on recreation, tourism, aesthetics, or other use and enjoyment by humans. **(OAC 3745-1-05(B)(2)(e, f) and OAC 3745-1-05(C)(6)(e))**

10j) Describe environmental benefits, including water quality, lost and gained as a result of this project. Include the effects on the aquatic life, wildlife, threatened or endangered species. **(OAC 3745-1-05(B)(2)(e, f), OAC 3745-1-05(C)(6)(b) and OAC 3745-1-54)**

10k) Describe mitigation techniques proposed (except for the Non-Degradation Alternative):

- Describe proposed Wetland Mitigation (see **OAC 3745-1-54** and Primer)
- Describe proposed Stream, Lake, Pond Mitigation (see Primer)

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11. Application is hereby made for a Section 401 Water Quality Certification. I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of this application.

Signature of Applicant	Date	Signature of Agent
	6/14/2010	

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 3 has been filled out and signed.

Do not send a certification processing fee with this application. The appropriate fee will be assessed when a certification is issued.

ALTERNATIVES ANALYSIS AND SURFACE WATER MITIGATION PLAN

FOR THE:
THE PROPOSED *GRAY STONE WOODS* RESIDENTIAL DEVELOPMENT IN THE CITY OF TOLEDO LUCAS COUNTY, OHIO

PREPARED FOR:
SENECA BUILDERS, LLC
P.O. BOX 190
MAUMEE, OHIO 43537

PREPARED BY:
HULL & ASSOCIATES, INC.
3401 GLENDALE AVENUE
SUITE 300
TOLEDO, OHIO 43614

JULY 2010

engineers | geologists | scientists | planners

Hull & associates, inc.

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1.0 INTRODUCTION

This document, in combination with the attached application forms, presents the components of complete applications for a Clean Water Act Section 404 permit for discharge of dredged and fill material into waters of the US from the US Army Corps of Engineers (USACE), and for a Section 401 Water Quality Certification from the Ohio Environmental Protection Agency (Ohio EPA). The information required for each application is similar. This document adheres to the Section 401 Water Quality Certification application format.

The purpose of this application is to seek authorization under the Clean Water Act to discharge fill material into federally regulated wetlands on a 12-acre site (Site) and adjacent site to allow construction of residential housing development on the Site located at the southwest corner of Holland-Sylvania Road and Bancroft Street in the City of Toledo, Ohio. This application presents an analysis of on-site alternatives and a compensatory mitigation plan.

2.0 APPLICATION ITEMS 1 THROUGH 7

See completed Section 401 application form.

3.0 APPLICATION ITEM 8A

(Give a brief explanation of what you are proposing to do.)

The proposed project is construction of a residential housing development on a site located at the southwest corner of Holland-Sylvania Road and Bancroft Street in the City of Toledo, Ohio (Site). Approximately 80% of the Site currently consists of open fields and emergent wetlands. The remainder of the Site consists of wetland and upland forest. The Site is zoned *Mx* (Mixed Zone Parcel) by the Lucas County Auditor's Office.

Seneca Builders, LLC (Applicant) proposes filling 1.93 acres of Ohio Modified Category 2 wetlands and avoiding 0.65 acres of Ohio Modified Category 2 wetlands. The avoided wetland acreage is a portion of Wetland A located on a two-acre property just north of the 12-acre Site in accordance with the Preferred Alternative described herein. The Applicant asserts that the proposed wetland impacts associated with the Preferred Alternative are necessary to meet legitimate development and economic goals at the Site.

4.0 APPLICATION ITEM 8B

(Give a brief explanation of why you are proposing to do the project.)

The intended use of the activity is to allow development of *Gray Stone Woods* residential development. This Site was chosen for construction of a residential development based on its location and the success of a similar-sized residential development that is within approximately ½ mile of the Site. The nearby residential development has homes of comparable size and prices range as those proposed in *Gray Stone Woods.* Construction of a residential development at the Site conforms to the City of Toledo's local zoning master plan. The Site is located in a City of Toledo designated *Enterprise Zone.* The City of Toledo has designated *Enterprise Zones* throughout the city to help with retaining and growing population within the City of Toledo limits. Homeowners who purchase a new home within the *Enterprise Zone* have their real estate property taxes abated for the first 15 years they own the home. Regular real estate propery tax rates resume after the 15-year abatement period.

5.0 APPLICATION ITEM 8C

(Describe type, quantity of dredged material (in cubic yards), and quantity of fill material (in cubic yards)]

Design Alternative	Material (c.y.) to be removed from below OHWM	Material (c.y.) to be placed below OHWM	Total material (c.y.) to be removed and placed below OHWM
Preferred Design	2,017	2,614	4,631
Minimal Degradation	2,017	2,341	4,358
Non-degradation	0	0	0

* Note: The cubic yard estimates were calculated based on the current ground elevations of the wetlands and the proposed final grade elevations proposed for the development and the extensions of the stormwater basin on the adjacent parcel.

6.0 APPLICATION ITEM 9

See completed Section 401 application form.

7.0 APPLICATION ITEM 10A

(Provide a detailed description of any construction work, fill or other structures to occur or to be placed in or near the surface water. Identify all substances to be discharged, including the cubic yardage of dredged or fill material to be discharged to the surface water.)

The present extent and type of land use and vegetative cover at the Site is shown on Figure 1. The locations of surface waters on the Site in relationship to proposed construction activities are shown on the Design Alternative Plates 2-4. The construction limits of the project are also shown for each alternative on Plates 2-4.

The following table shows the volume, type and origin of fill material to be placed in the wetlands and volume of material to be dredged for each alternative.

Alternative	Yard^3 of Fill to be placed in wetlands	Type of Fill Material	Origin of Fill Material	Material to be removed from wetlands (c.y.)
Preferred Design	2,614	Clean subsoil backfill	On-site soil	2,017
Minimal Degradation	2,341	Clean subsoil backfill	On-site soil	2,017
Non-degradation	0	N/A	N/A	0

* Note: The cubic yard estimates were calculated based on the current ground elevations of the wetlands and the proposed final grade elevations proposed for the development and the extensions of the stormwater basin on the adjacent parcel.

7.1 Preferred Design Alternative

The Preferred Design Alternative (PDA) (see Plate 2) is to develop the second phase of *Gray Stone Woods* residential development. This phase of the development will contain 30 lots that will be prepared for construction of single family homes. The first phase of the development is

in the northern portion of the Site and is currently under construction. No surface waters were identified in the northern portion of the Site, and the USACE approved construction in that area.

A stormwater detention basin will be constructed just east of the central portion of the 12-acre Site and used for surface water run-off from both phases of the development. The existing detention basin will be extended onto an adjacent parcel that is not part of the overall 12-acre site, but was investigated for surface waters by Hull. The Applicant has an agreement with the landowner to extend the stormwater basin onto this adjacent parcel.

A large portion of Wetland A (1.40 acres) and all of Wetland B (0.53 acres) will be backfilled and eliminated by these activities under the Preferred Design. A total of 0.69 acres of off-site wetlands will be avoided. The portion of Wetland A on the two acre property will be impacted by excavating soil to enlarge the stormwater basin.

7.2 Minimal Degradation Alternative

The Minimal Degradation Alternative design (MDA) (see Plate 2) is to develop a somewhat smaller residential development incorporating additional wetland avoidance. The Applicant will not prepare Lots 29 & 30 for construction of residential homes. The layout of the stormwater detention basin will be identical to the Preferred Design and for the stormwater basin will receive surface water run-off from the developed portions of the 12-acre Site. For this alternative, a smaller portion of Wetland A (1.25 acres) will be impacted and all of Wetland B will be filled. Approximately 0.15 acres of Wetland A will be avoided on-site and 0.69 acres avoided off-site in this alternative, totaling 0.84 acres of avoidance. The portion of Wetland A on the two- acre property will be impacted by excavating soil to enlarge the stormwater basin.

7.3 Non-degradation Alternative

Under the Non-degradation Alternative (NDA) design (see Plate 4) only seven lots (Lots 1 & 13-18) could be developed without some direct or indirect impact to wetlands. Roadway and utility access would also have to be re-designed, so that construction could occur without any wetland impacts. The Applicant has determined it would not be economically feasible and practicable to develop only seven lots in this phase of the development. The surface water detention basin would not extend southward onto the two-acre parcel as shown for the PDA & MDA and would serve as a detention basin for only the northern portion of the Site.

7.4 Summary

Implementation of the PDA will result in development of the most residential home lots and the largest impact on surface waters. The MDA would result in a somewhat smaller residential development and less impact to surface waters. The NDA will result in an economically infeasible development, but no impacts to surface waters will occur.

8.0 APPLICATION ITEM 10B

(Describe the magnitude of the proposed lowering of water quality. Include the anticipated impact of the proposed lowering of water quality on aquatic life and wildlife, including threatened and endangered species (including written comments from Ohio Department of Natural Resources and U.S. Fish and Wildlife Service), important commercial or recreational sport fish species, other individual species, and the overall aquatic community structure and function. Include a Corps of Engineers approved wetland delineation.)

8.1 Prior Submittals and Approval Status

A Hull report entitled 'Surface Water Delineation Report for a 12-acre Site Located in the City of Toledo, Lucas County, Ohio September 2008' was submitted to Ohio EPA and the USACE. Hull met USACE at the Site on June 16, 2009 to finalize the delineation. Hull then submitted a revised 'Surface Water Delineation Figure' and a 'Preliminary Determination Form' to USACE on July 15, 2009. A Jurisdictional Determination (JD) was received from the USACE (via email) dated November 6, 2009 verifying the surface water delineation along with a determination of isolation status of the Site's surface waters. USACE agreed that Wetlands A and B are connected to Haefner Ditch, and therefore non-isolated and under USACE jurisdiction.

Hull requested the Ohio DNR and the US Fish and Wildlife Service (US FWS) to identify any concerns about rare, threatened or endangered (RTE) species. The Ohio DNR has one record of Wild Lupine (*Lupinus perennis*) within one mile of the Site. This response is included in Appendix A. No wild lupine was found on the Site.

The US FWS response stated that the proposed project lies within the range of the Federally endangered Indiana bat (*Myotis sodalis*), the Karner blue butterfly (*Lycaeides melissa samuelis*), and the piping plover (*Charadrius melodus*); the Federally threatened eastern prairie fringed orchid (*Platanthera leucophaea*); and the eastern massasauga (*Sistrurus catenatus*), the rayed bean (*Villosa fabalis*), and the bald eagle (*Haliaeetus leucocephalus)* which are federal candidate species. Note that Hull did not identify any federally listed RTE species or their preferred habitats on the Site. The USFWS response is included in Appendix B.

8.2 Preferred Design Alternative

The Surface Water Delineation Report for the Site [Hull, September 2008 (revised June 2009)] documents that the wetlands on the Site are of moderate quality. The wetlands were scored using the Ohio Rapid Assessment Method for Wetlands Version 5.0 (ORAM) and received scores of 36 and 38.5. These scores indicate that the wetlands are Modified Category 2.

The proposed discharge of fill material into Wetlands A and B on the Site will have the effect of lowering water quality by eliminating wetland functions. Based on the quality of the wetlands falling at the low end of the moderate quality range, the proposed lowering of water quality will likely have moderate individual and cumulative impact on aquatic habitat and aquatic life, including amphibians, aquatic macroinvertebrates and aquatic plants. The proposed lowering of water quality will have no impact on sport and recreational fish species as none of the surface waters to be impacted possess sufficient water depth or habitat to support these species.

Prior to construction, the Applicant will take all necessary steps to comply with Ohio's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit, and meet the requirements of this permit during the construction phase. In addition, permanent sediment and erosion control measures will be incorporated as needed into the design of the Site.

8.2.1 Wetlands

Hull identified a total of 2.62 acres of Ohio Modified Category 2 emergent wetlands with a shrub component and a forest component (Wetland B). Approximately 0.97 acres of this total are located off-site where Wetland A extends onto the adjacent two-acre parcel. As indicated on Plate 1, the PDA proposes to create a residential development that will impact two Ohio Modified Category 2 wetlands totaling 1.93 acres (Wetland A, 1.40 acres and Wetland B, 0.53 acre) on the Site.

The methods for determining the Ohio wetland Category are described in the document entitled Surface Water Delineation Report for a 12-acre Site Located in the City of Toledo, Lucas County, Ohio, September 2008 (revised June 2009). These materials were delivered to USACE and Ohio EPA under separate cover.

8.3 Minimal Degradation Alternative

The proposed discharge of fill material into Wetlands A and B on the Site under the MDA will have less impact on water quality than the discharge proposed under the PDA, in proportion to the reduction in area of wetland impact.

8.3.1 Wetlands

As indicated on Plate 2, the MDA proposes to create a somewhat smaller residential development that will impact two Ohio Modified Category 2 wetlands totaling 1.78 acres (Wetland A, 1.25 acres and Wetland B, 0.53 acres) on the Site.

8.4 Non-degradation Alternative

Under this Alternative (see Plate 4), no impacts to surface waters will occur. Prior to construction, the Applicant will take all necessary steps to comply with Ohio's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit, and meet the requirements of this permit during the construction phase. In addition, permanent sediment and erosion control measures will be incorporated as needed into the design of the Site.

8.5 Effects on Receiving Waters

Haefner Ditch, which receives surface water runoff from the Site is part of Ottawa River tributaries grouped as HUC 04100001 020. Although the OEPA has not issued a TMDL report for the Ottawa River watershed, the Biological and Water Quality Study (2007) indicates that the lower six miles of this system is in non-attainment of the Warmwater Habitat aquatic life use. If activities on the Site might result in further degradation of biological water quality, these activities could be restricted by Ohio's Antidegradation Policy (OAC 3745-1-05). However, proposed construction of residential areas at the Site will not further degrade water quality in the receiving waters, because adequate stormwater detention will be in place to prevent potentially increased stormwater flows and sediments from the Site discharging into receiving waters.

8.6 Summary

Construction of the PDA or MDA will have moderate individual and cumulative impacts on on-site surface waters, and negligible impact on receiving waters. The NDA will have no impact on surface waters.

9.0 APPLICATION ITEM 10C

(Include a discussion of the technical feasibility, cost effectiveness, and availability. In addition, the reliability of each alternative shall be addressed (including potential recurring operational and maintenance difficulties that could lead to increased surface water degradation.)

9.1 Cost Effectiveness

The PDA is the most cost effective of the three Alternative designs. The PDA will result in the highest number of lots for residential home construction (30) for this phase of the project. The City of Toledo has designated this portion of the City as an *Enterprise Zone* to promote the development of residential housing to help with increasing population in the City of Toledo. Residential homes in this zone will have property taxes abated for the first 15-years they live in the home. Another residential development located approximately ½ mile away from *Gray Stone Woods* is very similar and was 100% occupied soon after the development was complete.

Development of *Gray Stone Woods* as shown in the PDA would results in satisfying the goals of the *Enterprise Zone* designation. The PDA is the most cost-effective alternative based on the number of buildable lots. The lots with a home are currently being advertised at approximately $170,000. Adopting the PDA and developing the entire 60-lot development will result in a total sale amount of $10,200,000, and annual real estate tax revenues for the City of Toledo of approximately $207,060 (after 15 years) if all the lots and homes are sold.

The MDA is the next most cost-effective alternative. The cost to construct the MDA will be close to that of the PDA cost, but will result in approximately two less buildable lots causing a net loss (profit minus expenditures) to the Applicant of approximately $45,000.

The NDA is the least cost effective alternative, since all of the pre-development tasks and permits have been completed and paid for, yet very minimal return would be realized if the Applicant developed the seven lots.

Based on the cost-effectiveness analysis, the MDA and NDA are the least cost-effective alternatives.

9.2 Availability

For all three alternatives, the technology and materials for grading residential building lots, installing roads and utilities and constructing a residential home development are readily available and proven.

9.3 Reliability/Operation Maintenance Difficulty

This residential development has a structural life of 50 to 100 years. The economy and available housing stock will drive demand for single family homes. All aspects of the alternatives designed to address water quality impacts (e.g., maintenance of buffer areas, and implementation of Best Management Practices required by the NPDES Construction Stormwater General Permit during construction) are reliable and dependable.

9.4 Summary

The PDA is the most cost-effective of the three Design Alternatives. The MDA is slightly less cost-effective than the PDA. The NDA does not appear to be cost-effective, as it would require construction of a roadway and utilities onto this phase of the project but yielding only seven buildable lots.

10.0 APPLICATION ITEM 10D

(For regional sewage collection and treatment facilities, include a discussion of the technical feasibility, cost effectiveness and availability, and long-range plans outlined in state or local water quality management planning documents and applicable facility planning documents.)

Not applicable. The proposed project is not a regional sewage collection or treatment facility.

11.0 APPLICATION ITEM 10E

(To the extent that information is available, list and describe any government and/or privately sponsored conservation project that exists or may have been formed to specifically target improvement of water quality or enhancement of recreational opportunities on the affected water resource.)

No such conservation projects are known.

12.0 APPLICATION ITEM 10F

(Provide an outline of the costs of water pollution controls associated with the proposed activity. This may include the cost of best management practices to be used during construction and operation of the project.)

The water pollution controls to be implemented as part of this project include sediment and erosion control Best Management Practices (BMPs) required under the Ohio NPDES Construction Stormwater General Permit. The Applicant estimates that implementation of BMPs such as silt fencing, temporary seeding, sediment basin, truck wash station, etc. at the Site during construction of the PDA or MDA will cost approximately $10,000. Implementation of these BMPs for the NDA will be approximately $5,000.

13.0 APPLICATION ITEM 10G

(Describe any impacts on human health and the overall quality and value of the water resource.)

The wetlands on the Site do not contribute significantly to the protection of human health and the overall quality and value of water resources. This determination is based upon the observed moderate quality and small size of the wetlands on the Site. While these water resources can be said to contribute incrementally to overall water quality on a cumulative, watershed-wide basis, the contribution is not significant and its loss can be adequately mitigated resulting in no overall net loss of functions. Note that all of Wetland A and a large portion of Wetland B were in row-crop agriculture as recent as 3-4 years ago and may have only been present seasonally.

14.0 APPLICATION ITEM 10H

(Describe and provide an estimate of the important social and economic benefits to be realized through this project. Include the number and types of jobs created and the revenues generated and brief discussion on the condition of the local economy.)

14.1 Jobs

The estimated population in Toledo, Ohio is 298,466 residents based on 2006 population estimates. Implementation of the PDA is expected to generate approximately five temporary jobs with average wages of approximately $30.00 per hour for a four month period. The median per capita income for Toledo male residents is $41,269 per year and $25,195 per year for female residents. The temporary jobs are likely be filled by residents within a 10-mile radius of the Site. This project will result in increased home ownership within the City of Toledo.

By adopting the MDA, it is estimated that a reduction of temporary job opportunities will not result. In adopting the NDA, very few temporary jobs will be generated from the project. Thus the PDA and MDA are optimal to the provision of jobs within the community and surrounding areas.

Note that jobs at local businesses that support site development and home construction (e.g. equipment rental stores, home building supply stores, mortgage lenders, title agencies, etc.) could be maintained or possibly increased as a result of the project. It is not possible to accurately estimate the number of these types of jobs that will benefit directly or indirectly by the project at this time.

14.2 Income Generated

Proportionally greater revenue will be associated with construction of the PDA at the Site. The MDA will generate somewhat less revenue. The Site has a current appraised value for the land of $41,600 and total annual taxes paid are $10,994 (information obtained from the Lucas County Auditor's website). With construction of a residential development at the Site as proposed in both the PDA and MDA, an increase in valuation of the entire 12- acre Site of approximately $10,158,400 is expected for the PDA and $9,918,400 for expected for the MDA. This increase in valuation will generate tax revenue for the City of Toledo of approximately $207,060 (approx. $3,451 per house x 60 houses) by developing the PDA. Developing the

MDA will reduce the tax revenues to $200,158 (approx. $3,451 per house x 58 houses). No increased tax revenue would be generated by the NDA. Note that this increase in tax revenue will not be realized until the 15-year tax abatement period ends.

14.3 Description of Local Economy

The largest employer in the Toledo area is the health care industry. Other major industries in the area include auto manufacturing and several Fortune 500 companies. Families (non-single residencies) represent 60% of the population. Median household income is $32,546. The poverty rate for this area (14.2%) is greater than the national rate (12.4%).

In the past year, the City of Toledo and Lucas County have experienced some of the highest unemployment, foreclosure and bankruptcy rates in the State of Ohio. As a result, very few residential developments have been initiated in the area. The development of *Gray Stone Woods* will be very positive for the City of Toledo and surrounding area by providing new, quality housing as well as supporting local businesses that serve site development and home construction projects.

14.4 Impact on Property Values

As discussed previously in Section 3.2, construction of *Gray Stone Woods* residential development will significantly improve the Site's value and also have a positive impact on surrounding land values.

14.5 Positive Aesthetics of the Proposed Project

Currently, most of the Site has a mix of old-field and scrub/shrub vegetation and forest. A small strip plaza is located just east of the Site with retail stores. Residential developments are present immediately west of the Site and across Holland-Sylvania Road. The proposed PDA and MDA will be an improvement over the current use of the site and a substantial aesthetic improvement for the surrounding homeowners.

14.6 Summary

The PDA will create the most income and the most tax revenue of the three Design Alternatives. The MDA will generate less income and slightly less tax revenue than the PDA. The NDA will generate few jobs, and little income or tax revenue.

15.0 APPLICATION ITEM 10I

(Describe and provide an estimate of the important social and economic benefits that may be lost as a result of this project. Include the effect on commercial and recreational use of the water resource, including effects of lower water quality on recreation, tourism, aesthetics, or other use and enjoyment by humans.)

Investigation of the Site's surface waters by Hull did not reveal any important social or economic benefits, or commercial or recreational uses, associated with the existing surface waters on the Site. Therefore, none of the Alternatives will result in the loss of important social and economic benefits or impact commercial or recreational uses.

16.0 APPLICATION ITEM 10J

(Describe environmental benefits, including water quality, lost and gained as a result of this project. Include the effects on the aquatic life, wildlife, threatened or endangered species.)

The quality of the surface waters on the Site is moderate, as discussed previously in Section 8.2 and in Hull's Surface Water Delineation Report (September 2008, revised June 2009). The wetlands on the Site have moderate aquatic habitat value as reflected in the ORAM scores. The wetlands that will be impacted are expected to have moderate pollutant filtering and flood retention functions, and provide moderate quality habitat for some aquatic organisms.

Based on ecological evaluation of the Site, use of the wetlands by wildlife is expected to be limited to generalist wildlife species adapted to living in close proximity to human activity and development. Direct visual observation or anecdotal evidence (tracks, scat, etc.) of whitetail deer, mallard, raccoon were witnessed in the wetland areas. Limited wildlife use of the wetlands will likely shift to other available surface waters and terrestrial areas near the Site after development.

Threatened and endangered species have been determined not to be a concern at the Site (see letters from Ohio DNR and US FWS, in Appendix A and Appendix B).

17.0 APPLICATION ITEM 10K

(Describe mitigation techniques proposed (except for the Non-Degradation Alternative.)

The compensatory mitigation requirement for the proposed surface water impacts described in this application consists of 4.0 acres of wetland mitigation for the PDA (1.78 acres of impacts at a ratio of 2.0:1 for emergent wetland impacts and 0.15 acres of impacts at a ratio of 2.5:1 for forested wetland impacts). Wetland mitigation for the MDA would consist of 3.68 acres (1.64 acres of impact at a mitigation ratio of 2.0:1 for emergent wetland impacts and 0.15 acres of impacts at a ratio of 2.5:1 for forested wetland impacts).

Because surface water impacts at the Site are being authorized under an Individual Permit, Hull followed USACE and Ohio EPA policy for identifying appropriate mitigation opportunities where the potential for cumulative impacts to surface waters must be addressed. The availability and practicability of mitigation opportunities were evaluated in order of decreasing preference:

- On-site (defined as within one mile of the project)
- Within 8-digit HUC
- MBRT-Approved Wetland Mitigation Banks within the Buffalo Corps District Boundary

Below, mitigation opportunities for wetlands are discussed. In preparing this analysis of mitigation opportunities, Hull contacted the following entities and their responses are discussed in section 16.2:

- Ohio EPA Division of Surface Water Mitigation Clearinghouse
- Ohio Wetland Foundation

17.1 Wetland Mitigation On-site

The Site was examined for opportunities to provide compensatory wetland mitigation. Hull assumed other opportunities for on-site mitigation (within one-mile of the site) were not likely since the Site is located in an urban and highly developed area. Current Ohio EPA and USACE policy requires wetland mitigation at 2.0 – 2.5 times to impacted wetland area, totaling 4.0 acres

for the PDA and 3.68 acres for the MDA. The created wetland area would require adequate hydrology to sustain hydrophytic vegetation and 25 to 50-foot-wide non-wetland buffers.

Due to the small size of the Site, Implementation of the PDA or MDA would not allow for sufficient room for construction of an on-site wetland mitigation area with acceptable upland buffers.

17.2 Wetland Mitigation Opportunities within 8-digit HUC

Hull next researched opportunities for wetland mitigation within the eight-digit HUC for permitted wetland impacts at the Site. There are no proposed mitigation projects posted on the Ohio EPA Mitigation Clearinghouse database for this watershed.

17.3 Wetland Mitigation Bank within Buffalo Corps District

The Applicant contacted the Ohio Wetland Foundation regarding the availability of wetland mitigation credits for purchase at wetland mitigation banks they operate in the Buffalo Corps District. Ohio Wetland Foundation informed the Applicant that they have credits available at *Pearson Wetlands Mitigation Bank*, in Oregon, Ohio for forested and non-forested wetlands and they would be available for this project at $19,425 per credit (acre). The Site is within the geographical area covered by this mitigation bank.

17.4 Analysis of Wetland Mitigation Opportunities

Based on this analysis, Hull concludes that the most feasible, practicable and reasonable wetland mitigation for the Preferred Design for this project is to purchase 4.0 credits from Ohio Wetland Foundation at the *Pearson Wetland Mitigation Bank*. The Ohio Wetland Foundation operates the *Pearson Wetland Mitigation Bank*, which is approved as a vendor of mitigation credits by the USACE and the Mitigation Banking Review Team. The bank is owned by Metroparks of the Toledo Area who will manage the property in perpetuity after the mitigation bank is full. The applicant has purchased 4.0 credits of mitigation banking credit at *Pearson Wetland Mitigation Bank* at a cost of $19,425 per acre. A deposit was given to Ohio Wetland Foundation to hold these credits and the remaining balance was provided on June 5, 2010. The Mitigation Agreement and letter stating that the entire balance has been paid is enclosed in Appendix C.

18.0 ALTERNATE SITES ANALYSIS

Prior to deciding to develop his Site, the Applicant explored the possibility of developing a residential development on a similar site in the area, but could not find a greenfield site for sale that was large enough to accommodate a 60-lot residential development within a City of Toledo's Enterprise Zone. The success of a similar-sized residential development within ½ mile of the Site narrowed the Applicant's search to this Site close by that hopefully will experience similar success within the City of Toledo.

19.0 SELECTION OF DESIGN ALTERNATIVE

Upon completion of the Alternative Analysis process, the Applicant finds that the PDA best balances legitimate socioeconomic needs with environmental impacts.

The PDA is demonstrated to have superior cost effectiveness and will result in the most buildable lots jobs and tax revenue, but it will also result in greater impact to wetland acreage. The Preferred Design was developed to optimize the use of space within the parcel's physical configuration.

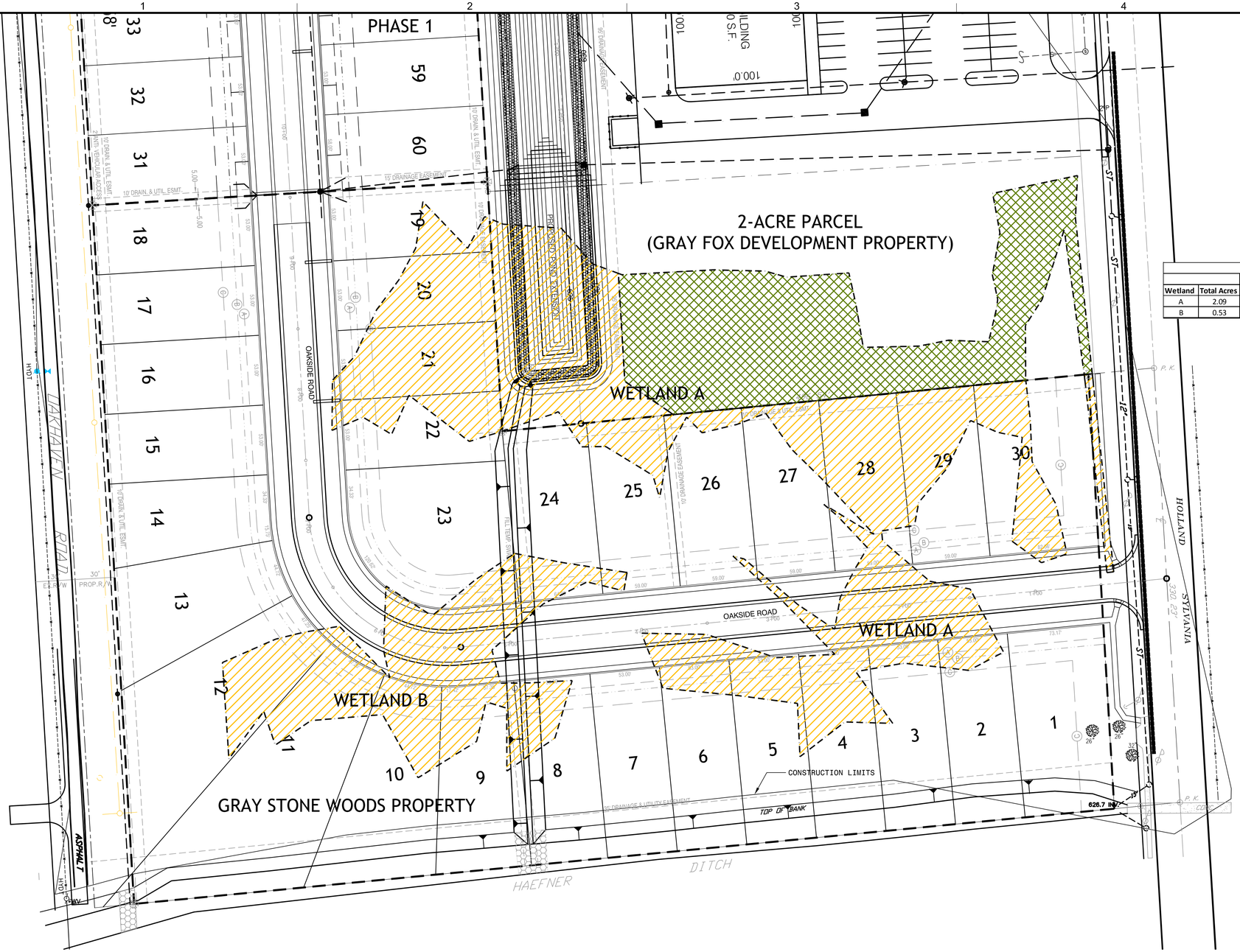
Upon full examination of the Alternatives, the Applicant finds that it can justify greater impact to wetlands to realize improvements in profitability and socioeconomic factors. The cost to construct the MDA will be very close to the PDA cost, but will result in approximately 93% of the developable acreage of the PDA. The MDA will generate 96% of the tax revenue generated by the PDA.

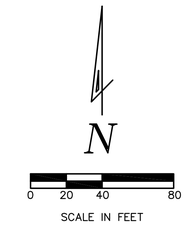
20.0 REFERENCES

Hull, September 2008 (Revised June 2009). Surface Water Delineation Report for a 12-acre Site Located in the City of Toledo, Lucas County. OH. Hull & Associates Inc., Toledo, OH.

Ohio EPA, 2007. Biological and Water Quality Study of the Ottawa River; Lower Nine Miles. Ohio EPA, Division of Surface Water, Columbus, Ohio.

PLATES





Wetland Impact Table							
		Primary Impacted Acres		Secondary Impacted Acres			
Wetland	Total Acres	Gray Stone Woods	Gray Fox Development	Gray Stone Woods	Gray Fox Development	Category	Isolated
A	2.09	1.12	0.28	0	0.69	2	No
B	0.53	0.53	0	0	0	2	No

LEGEND

WETLANDS TO BE IMPACTED DIRECTLY (1.93 ACRES)

2-ACRE PARCEL WETLANDS TO BE IMPACTED SECONDARILY (0.69 ACRES)

NOTE:

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Professional Seal:

Name:

Date:

Project Title:

ALTERNATIVES ANALYSIS AND MITIGATION PLAN GRAY STONE WOODS CITY OF TOLEDO, LUCAS COUNTY, OHIO

Owner:

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Mark	Description	Date

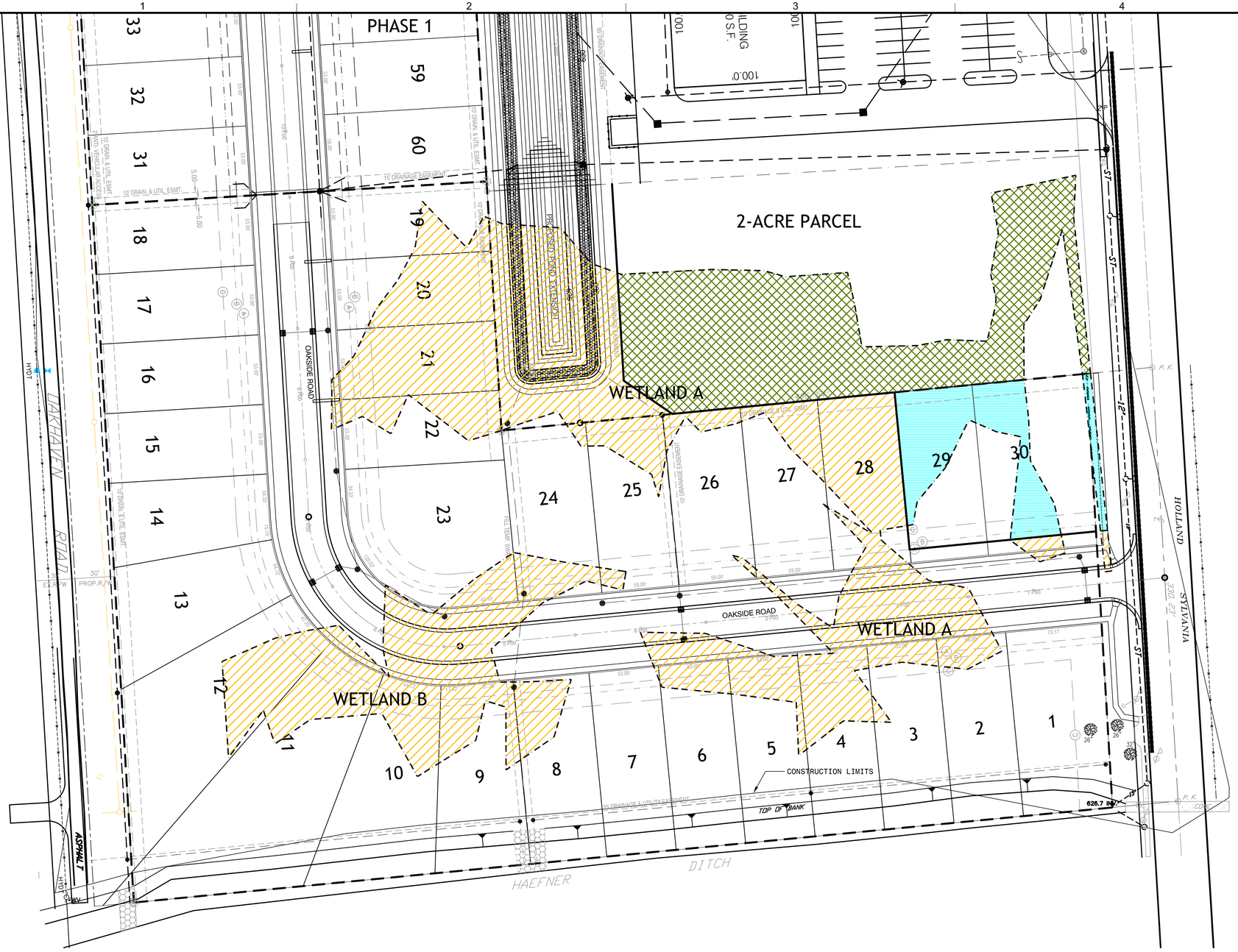
Project No.:	SNC002
CAD DWG File:	SNC002.100.0002
Plot Date:	1/12/12
Layout By:	KC
Drawn By:	GAC
Check By:	KC
Scale:	1"=40'
Issue Date:	JANUARY 2012

Sheet Title:

PLATE 1
PREFERRED
ALTERNATIVE

Sheet Number:

C-101



N

0 20 40 80

SCALE IN FEET

WETLAND IMPACT TABLE					
WETLAND	TOTAL ACRES	IMPACTED ACRES	AVOIDED ACRES	CATEGORY	ISOLATED
A	2.09	1.25	0.84 (ON-SITE AND 2-ACRE PARCEL)	2	NO
B	0.53	0.53	0	2	NO

LEGEND

- WETLANDS PROPOSED IMPACTED DIRECTLY (1.78 ACRES)
- 2-ACRE PARCEL AVOIDED WETLANDS (0.69 ACRES)
- 12-ACRE PARCEL AVOIDED WETLANDS (0.15 ACRES)
- SHEET PILE

NOTE:

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Name:

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Mark	Description	Date

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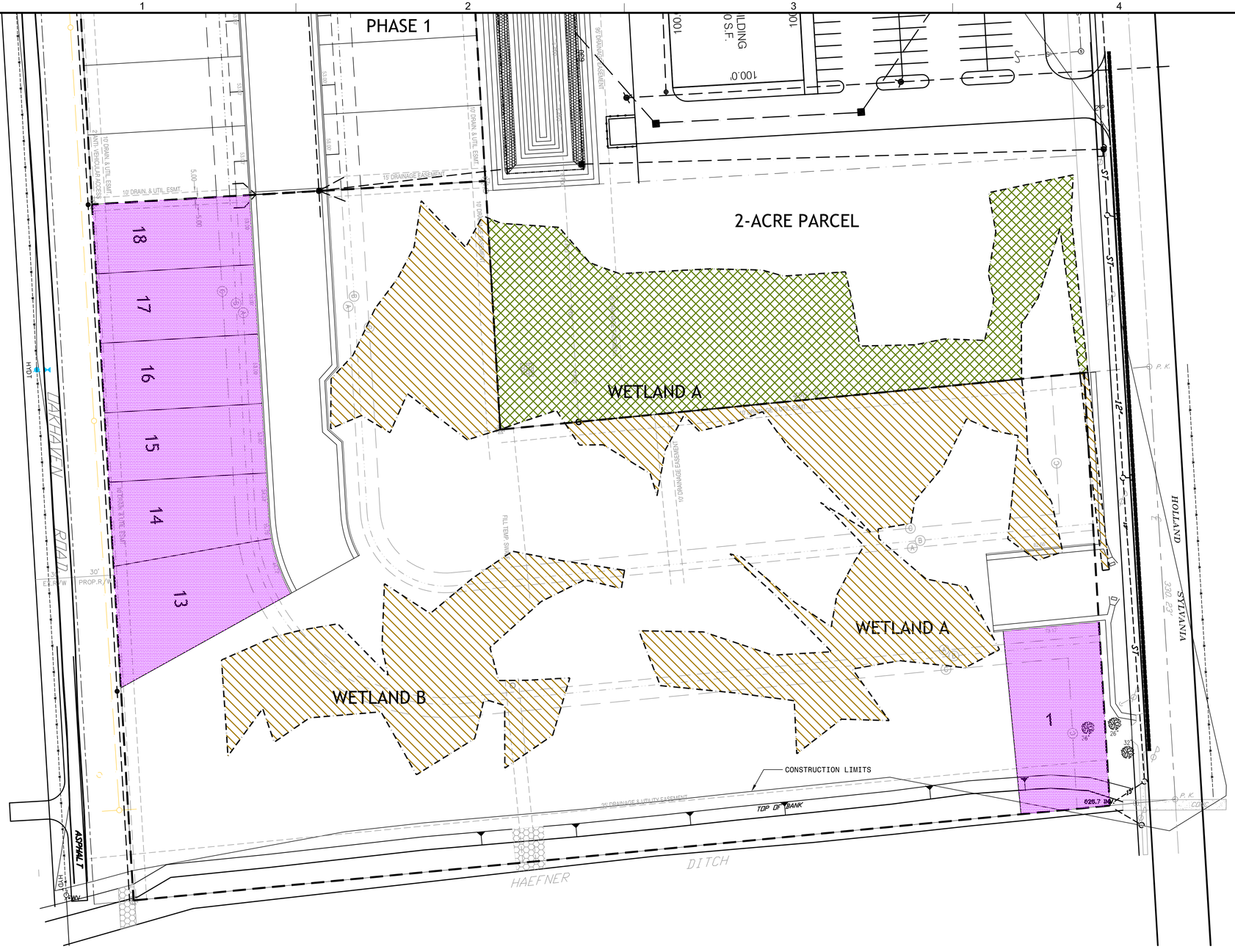
CAD DWG File:	SNC002.100.0001
Plot Date:	6/1/11
Layout By:	KC
Drawn By:	GAC
Check By:	KC
Scale:	1"=40'
Issue Date:	JUNE 2011

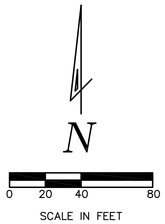
Sheet Title:

PLATE 2
MINIMUM DEGRADATION ALTERNATIVE

Sheet Number:

C-101





WETLAND IMPACT TABLE					
WETLAND	TOTAL ACRES	IMPACTED ACRES	AVOIDED ACRES	CATEGORY	ISOLATED
A	2.09	0	2.09	2	NO
B	0.53	0	0.53	2	NO

LEGEND

- ON-SITE AVOIDED WETLANDS (1.65 ACRES)
- 2-ACRE PARCEL AVOIDED WETLANDS (0.97 ACRES)
- BUILDABLE LOTS

NOTE:

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ALTERNATIVES ANALYSIS AND MITIGATION PLAN GRAY STONE WOODS CITY OF TOLEDO, LUCAS COUNTY, OHIO

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Mark	Description	Date

Project No.:	SNC002
CAD DWG File:	SNC002.100.0003
Plot Date:	6/1/11
Layout By:	KC
Drawn By:	GAC
Check By:	KC
Scale:	1"=40'
Issue Date:	JUNE 2011

Sheet Title:

PLATE 3
NON-DEGRADATION ALTERNATIVE

Sheet Number:

C-101

FIGURES

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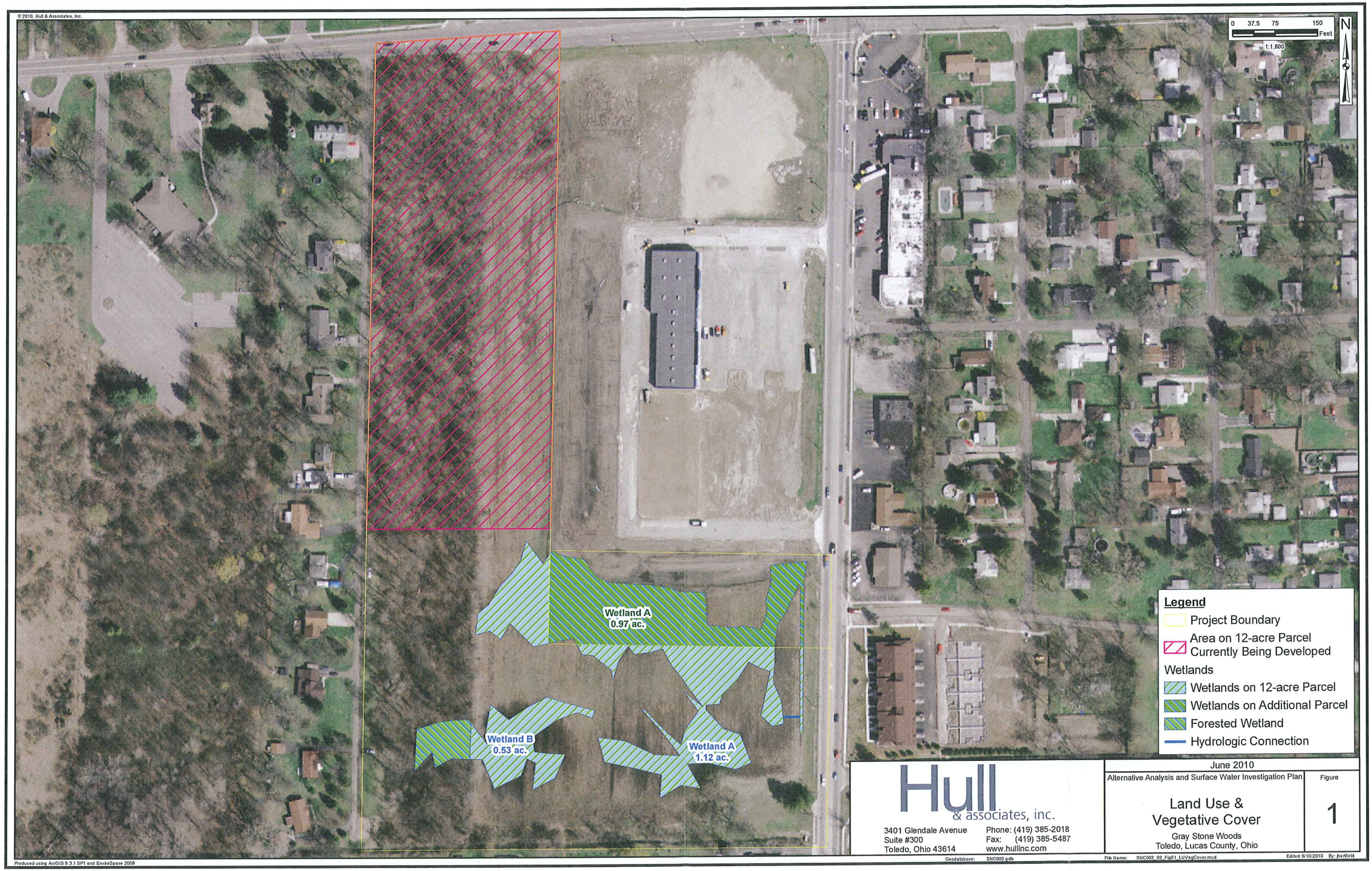

Produced using ArcGIS 9.3.1 SP1 and EnviroSpase 2008

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June 2010

Alternative Analysis and Surface Water Investigation Plan

Land Use & Vegetative Cover

Gray Stone Woods
Toledo, Lucas County, Ohio

Figure 1

Geodatabase: SNC002.gdb
File Name: SNC002_02_Fig01_LUVegCover.mxd
Edited: 6/10/2010 By: jhardfield

APPENDIX A

ODNR Correspondence

Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR | SEAN D. LOGAN, DIRECTOR

Division of Natural Areas and Preserves
Steven D. Maurer, Chief
2045 Morse Rd., Bldg. F-1
Columbus, OH 43229-6693
Phone: (614) 265-6453; Fax: (614) 267-3096

July 11, 2008

Sarah Harrelson
Hull & Associates, Inc.
6397 Emerald Parkway, Suite 200
Dublin, OH 43016

Dear Ms. Harrelson:

I have reviewed our Natural Heritage maps and files for the unnamed residential development project area, including a one mile radius, southwest of the junction of Holland-Sylvania Rd. and Bancroft St. in Toledo, Lucas County, and on the Sylvania Quad (SNC001). We have no records for rare or endangered species or other significant natural features within the project area. However, we have one record within the one mile radius of the project site. The location for the Wild Lupine (*Lupinus perennis*), potentially threatened, is shown in red on the attached map.

There are no state nature preserves or scenic rivers at the project site. We are also unaware of any unique ecological sites, geologic features, animal assemblages, state parks, state forests or state wildlife areas within a one mile radius of the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Please note that although we inventory all types of plant communities, we only maintain records on the highest quality areas.

Please contact me at 614-265-6818 if I can be of further assistance.

Sincerely,

Debbie Woischke, Ecological Analyst
Natural Heritage Program

APPENDIX B

USFWS Correspondence

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6950 Americana Parkway, Suite H
Reynoldsburg, Ohio 43068-4132

(614) 469-6923
Fax: (614) 469-6919

July 24, 2008

Ms. Sarah Harrelson
Hull & Associates, Inc.
6397 Emerald Pkwy., Suite 200
Dublin, OH 43016

TAILS #31420-2008-TA-0901

Dear Ms. Harrelson

This is in response to your July 8, 2008 letter requesting information we may have regarding the occurrence or possible occurrence of Federally-listed threatened or endangered species within the vicinity of the proposed site. The project involves a proposed residential development on a 12-acre parcel of land located south of Bancroft Road, Toledo, Lucas County, Ohio. Currently the site is composed of open fields, emergent wetlands, and upland woods.

There are no Federal wilderness areas or wildlife refuges, or designated Critical Habitat within the vicinity of the proposed project.

In general, we recommend that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. Best construction techniques should be used to minimize erosion, in particular, on slopes. All disturbed areas should be mulched and revegetated. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. We support and recommend mitigation activities that reduce the likelihood of invasive plant spread and encourage native plant colonization. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats. All disturbed areas in the project vicinity should be mulched and revegetated with native plant species.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a Federally-listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

(1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
(2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
(3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above, we recommend that the habitat and surrounding trees be saved wherever possible. If the trees must be cut, further coordination with this office is requested to determine if surveys are warranted. Any survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office.

The project lies within the range of the **eastern prairie fringed orchid** (*Platanthera leucophaea*), a Federally-listed threatened species. This tall showy orchid is found in wet prairies, sedge meadows, and moist road-side ditches. We recommend that the project location be examined to determine if suitable habitat for the orchid is present. If suitable habitat is present, we recommend that surveys for this species be conducted in early July when the orchids are in bloom.

The proposed project lies within the range of the Federal endangered **Karner blue butterfly** *(Lycaeides melissa samuelis)*. This butterfly is found in the Oak Openings region of northwest Ohio, due to the presence of *Lupinus perennie*, an important plant in the life cycle of the butterfly. We encourage the conservation of native lupine plants wherever possible. We also encourage that native lupine plants be incorporated into site restoration efforts, green areas, and other project designs to benefit the Karner blue butterfly.

The proposed project lies within the range of the piping plover, eastern massasauga, and rayed bean mussel, federally-listed endangered and candidate species, and the bald eagle, a species protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Due to the project type, location, and onsite habitat, none of these species would be expected within the project area, and no impacts to these species are expected. Relative to these species, this precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act.

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 Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy. Please note that consultation under section 7 of the ESA may be warranted for this project since suitable habitat for federally listed species may be impacted by this project. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

If you have questions, or if we may be of further assistance in this matter, please contact Megan Seymour at extension 16 in this office.

Sincerely,

Angela L. Boyer

for Mary Knapp, Ph.D.
Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH

APPENDIX C

Wetland Mitigation Agreement

WETLAND MITIGATION PURCHASE AGREEMENT
PEARSON METROPARK WETLANDS MITIGATION BANK

Replaces Previous Agreement for 2.1 Credits Upon Execution

WHEREAS, the discharge of dredged or fill material into waters of the United States and waters of the State of Ohio, including wetlands, is regulated pursuant to Section 404 of the Clean Water Act, 33 U.S.C. § 1344, and/or Ohio Revised Code Chapter 6111; and

WHEREAS, entities planning to place dredged or fill material into waters of the United States or waters of the State of Ohio, including wetlands, must comply with standards and conditions imposed by the Army Corps of Engineers (the "Corps") and/or the Ohio Environmental Protection Agency (the "Ohio EPA") including, in many cases, the mitigation of wetland impacts; and

WHEREAS, the Ohio Wetlands Foundation ("the Foundation") has participated in the Mitigation Bank Review Team ("MBRT") review process and received approval from the MBRT (which includes the Corps and Ohio EPA) to establish the Pearson Metropark Wetlands Mitigation Bank and to sell wetland mitigation credits to entities required to mitigate for impacts to wetlands and other waters pursuant to the Section 404/401 permit process and Ohio's Isolated Wetland Permit process; and

WHEREAS, the Corps and the Ohio EPA have agreed to consider the purchase of wetland mitigation credits in an appropriate service area approved by the MBRT to fulfill an entity's requirement to mitigate wetland impacts.

THEREFORE, Seneca Building Co. ("Client") and The Foundation agree they will comply with the following guidelines and procedures by which Client will purchase wetland mitigation credits from the Foundation, representing the restoration of wetlands in the State of Ohio which will be permanently maintained and which will serve to mitigate wetland impacts permitted under Sections 404 and 401 of the Clean Water Act and in accordance with ORC Chapter 6111.

I. RESERVATION OF CREDITS AND PAYMENT TERMS FOR THE CLIENT

A. Pursuant to the requirements of Sections 401 and 404 of the Clean Water Act and the regulations promulgated thereunder and/or ORC Chapter 6111, Client is obligated to mitigate for impacts to 1.775 acres of non-forested wetlands and 0.155 acres of forested wetlands at its

Bancroft and Holland Road site located in the City of Toledo, Lucas County, Ohio. The Client hereby agrees to pay the Foundation the amount of $77,700.00 in consideration for the purchase of 3.6 acres of non-forested and 0.4 acres of forested wetlands mitigation credits at the Pearson Metropark Mitigation Bank. The Client has previously made a three deposit payments totaling $11,340 . The Foundation will reserve the necessary wetland credits (acreage) until March 30, 2010 (the "Reservation Period") provided it recieves a signed Purchase Agreement and an additional deposit payment of $11,970.00 from the Client by January 6, 2010. The previous agreement for 2.1 credits shall become null and void upon execution of this agreement or on January 6, 2010, whichever occurs first. If the existing contract for 2.1 credits becomes null and void and this contrct is not executed by the Client by the required deadlin, then the 2.1 credits shall become available for purchase by other clients of Ohio Wetlands. All deposit payments are non-refundable after January 6, 2010.

B. The remaining balance shall be paid within 30 days of the permit issuance date or by April 30, 2010, whichever occurs first. If the remaining balance is not paid in full by April 30, 2010, a new agreement will be required and the price of mitgiation credits at that time will be applied to the new contract. If a new contract is completed, all deposit payments made by the Client shall be applied towards the cost of credits in the new mitigation purchase agreement. If a new contract is not completed on or before April 30, 2010, this contract shall become null and void and the reserved credits shall be made available for sale to other clients of the Foundation.

C. Within thirty (30) days of issuance of the Clean Water Act Section 404 permit and, if necessary, the Section 401 Certification or Ohio Isolated Wetland Permit, Client will provide the Foundation with a copy of the Section 404 permit and, if applicable, the Section 401 Certification or the Ohio Isolated Wetland Permit or other approval to proceed.

D. The Client shall have no other obligation other than the payments detailed in this agreement for future maintenance or remedial measures of the Pearson Metropark Mitigation Bank.

II. OBLIGATIONS OF OHIO WETLANDS FOUNDATION

A. The Foundation has available for sale mitigation credits at the Pearson Metropark Mitigation Bank which have been approved by the MBRT to mitigate for certain wetland impacts.

B. In consideration for the payment of $77,700.00 by Client, the Foundation hereby agrees to provide 3.6 acres of non-forested wetlands mitigation credit and 0.4 acres of forested wetlands mitigation credit at the Pearson Metropark Mitigation Bank for the benefit of Client hereunder. The Foundation shall have all responsibility for assuring the restoration and the monitoring and maintenance of the wetlands as provided herein.

C. The Foundation will provide written confirmation to the Client that full payment has been made for the purchase of wetland mitigation credits specified in paragraphs IA of this agreement.

OHIO WETLANDS FOUNDATION

Signed By: Vincent E. Messerly

Vincent E. Messerly, President

Date: December 22, 2009

CLIENT Seneca Building Co.

Signed By: _____

Printed Name: Richard M Leffler

Title: Managing Member

Date: 1-3-09

Address: P.O. Box 190

Maumee, OH 43537

Telephone: 419 467-1622

Facsimile: 419 865-1071

CLIENT'S CONSULTING FIRM

Firm Name: Hull & Associates

Contact Name: Keith Carr

PMWMB 07212009VEM

OHIO WETLANDS
FOUNDATION

T: 740.654-4016 | F: 740-689-0890 | 1220 Stone Run Court | P.O. Box 369 | Lancaster, OH 43130

June 7, 2010

Seneca Building Co.
Richard M. Leffler, Managing Member
P. O. Box 190
Maumee, OH 43537

RE: Bancroft and Holland Road, Lucas Co.
ACCT: PMP-20

Dear Mr. Leffler:

The Ohio Wetlands Foundation received on June 5, 2010 a final payment of $42,422.00 (check #'s 3827 and 1059) for the purchase of 0.4 acres of forested wetland and 3.6 acres of non-forested wetlands mitigation credits for the proposed impact of 0.155 acres of forested wetlands and 1.755 acres of non-forested wetlands for the above referenced project from Pearson Metro Park Mitigation Bank.

Please retain a copy of this letter for your records to verify payment completion.

Thank you for allowing the Ohio Wetlands Foundation to assist you with the wetlands mitigation needs of your project. Should you need further assistance, please feel free to call anytime.

Vincent E. Messerly, P.E.
President

Cc: Keith Carr, Hull & Associates

VM/js