

Date of Public Notice: DATE

Portage County

PUBLIC NOTICE  
NOTICE OF RECEIPT OF LEVEL 2 ISOLATED WETLAND APPLICATION

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, an Isolated Wetland Permit (Level 2) for a project to replace a natural gas pipeline, impacting 0.51 acres of Category 1 isolated wetlands. The application was submitted by Sunoco Pipeline L.P. The project is located in Suffield and Randolph Townships, Portage County Ohio (Lat: 41.02'52.2"/, Long: - 81.15'04.84"). The Ohio EPA ID Number for this project is 134188.

The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Ohio Revised Code (ORC) Sections 6111.02 to 6111.028 and other applicable provisions of state laws. Other alternatives as proposed by the applicant resulting in less adverse impact to the isolated wetland ecosystem will be considered by Ohio EPA during the review process.

Starting DATE, copies of the application and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, by first calling (614) 644-2001. Copies of the application and technical support information can be made available upon request at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within twenty days of the date of this public notice.



State of Ohio Environmental Protection Agency

# GENERAL ISOLATED WETLAND PERMIT APPLICATION (Level One Review)

For impacts of 1/2 acre or less to Category 1 & 2 isolated wetlands

Please Print or Type (attach additional sheets if necessary)

	Applicant	Agent
Company Name:	Sunoco Pipeline L.P.	STV Energy Services, Inc
Address:	525 Fritztown Road	205 West Welsh Drive
City, State, Zip:	Sinking Spring, PA 19608	Douglasville, PA 19518
Contact Person:	Mr. Walter Skorupsky	Mr. James McGinley
Phone Number(s):	610-670-3252	610-385-8443
Fax Number:	610-670-6261	610-385-8510
E-Mail Address:	whskorupsky@sunocologistics.com	jim.mcginley@stvinc.com

### PROJECT INFORMATION

Project Name: Mogadore to Vanport Project Watershed (USGS 8-Digit HUC): 04110002  
 Street: N/A See Attachment 1 City/Township: Suffield, Randolph  
 County: Portage Latitude: See Attachment 3 Longitude: \_\_\_\_\_

#### Project Description:

See Attachment 2

#### Other water-related permits pending, issued, or required for this project:

- Nationwide Permit (# )
- Individual 401 Certification
- Individual 404 Permit
- Permit To Install
- Mining Permit
- Coastal Erosion Area Permit
- NPDES Discharge Permit
- NPDES Storm Water Permit
- Other: Hydro. Disch. Permit

#### I have included the following in this submittal:

- Maps showing project footprint & wetlands and a USGS topographic map
- Wetland delineation Submitted with 401 App.
- Corps isolated waters determination
- Wetland categorization (including all ORAM score sheets)
- Site photographs
- Mitigation proposal (including mitigation bank credit documentation if appropriate)
- Check for applicable fees

#### Are there other aquatic resources on the project site? (please check all that apply)

- Perennial Streams
- Intermittent Streams
- Ephemeral Streams
- Non-isolated wetlands
- Lakes/Ponds

*See other side*

#### Have any impacts to aquatic resources related to this project already occurred on this site?

- Yes
- No

Click to clear all entered information (on both pages of this form)

(over)

**Individual Isolated Wetland Information Table\***. Please list all isolated wetlands:

Wetland ID	ORAM Score	Category	Size (Acres)			Impacts (Acres)		
			Forest	Non-Forest	Total	Forest	Non-Forest	Total
MVRR01	22	1			0.00		0.10	0.10
DN	15	1			0.00		0.41	0.41
					0.00			0.00
					0.00			0.00
					0.00			0.00
Totals			0.00	0.00	0.00	0.00	0.51	0.51
Totals - Category 1 Wetlands					0.00			0.00
Totals - Category 2 Wetlands					0.00			0.00
Totals - Category 3 Wetlands					0.00			

\*List more on separate sheets if needed.

\* Due to survey restrictions, delineations were limited to proposed right-of-way

**List mitigation techniques utilized for the proposed filling:**

Onsite (check)	Offsite (check)	Mitigation Acreage				Name of Bank (If applicable)	USGS 8-Digit HUC
		Restored	Created	Enhanced	Preserved		
						Ohio 635419	PAID
						Amount \$ 155 -	Date 6/7/13
Totals		0.00	0.00	0.00	0.00	Check # 424356	Date 6/14/13

**Fee Table:**

- a. Application Fee: \$200.00
- b. Review Fee (\$500.00 X 0.51): \$255.00 (Maximum \$5,000.00)  
(Acres of impacts to the nearest 1/100 of an acre)
- c. Subtotal (add lines a and b): \$455.00 (Maximum \$5,200.00)
- d. After the Fact Fee (equal to line c): \_\_\_\_\_ (Maximum \$5,200.00)  
(Only if impacts have occurred without authorization)
- e. Total Fee Amount (add lines c and d): \$455.00 (Maximum \$10,000.00)

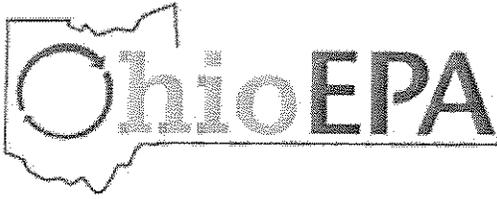
Please make fee check payable to: "Treasurer, State of Ohio"

I certify that the information provided on this form and submissions related to the project are true and accurate to the best of my knowledge:

Applicant Name (Print): WALTER H. SKORUPSKY Applicant Signature: Walter H. Skorupsky Date: 6/6/13

Send completed application, including fee check, to:  
 Name - Sunoco Pipeline - Isolated wetland Mogadore to Vanport  
 Swims → 134188

Ohio EPA, Division of Surface Water  
 P.O. Box 1049, Columbus, Ohio 43216-1049  
 ATTN: Isolated Wetlands Permitting  
 PERSON ID: \_\_\_\_\_  
 PLACE ID: \_\_\_\_\_  
 DOCUMENT ID: 167903  
 ORGANIZATION ID: 110104  
 REVENUE ID: 933929



**INDIVIDUAL ISOLATED WETLAND PERMIT APPLICATION (Level Two Review)**

For impacts greater than 1/2 acre for Category 1 isolated wetlands and greater than 1/2 acre but not exceeding 3 acres for Category 2 isolated wetlands

Please Print or Type (attach additional sheets if necessary)

Project Name: Mogadore to Vanport Project

Applicants must submit a completed General Isolated Wetland Permit Application (Level One Review) in addition to providing the following information and/or demonstrations:

- 1. Please provide an analysis of practicable on-site alternatives to the proposed filling of the isolated wetland that would have a less adverse impact on the isolated wetland ecosystem:

See Attachment 5

- 2. Please provide information indicating whether high quality waters, as defined in rule 3745-1-05 of the administrative code, are to be avoided by the proposed filling of the isolated wetland(s):

See Attachment 5

- 3. Please provide maps and narratives describing buffers provided for any isolated wetland(s) that will be avoided at the site:

No buffers are being provided, as this is an existing pipeline ROW. Additionally, the ROW must be maintained at a prescribed width of 50 feet.

- 4. Please demonstrate that the wetland(s) to be filled are not locally or regionally scarce and do not contain rare, threatened or endangered species:

See Attachment 4

- 5. Please demonstrate that the project impacts would not result in significant degradation to the aquatic ecosystem:

All impacts will be temporary in nature. Therefore, there will be no long term impacts to the isolated wetlands.

- 6. Please provide a comprehensive post-development storm water plan that includes water quality improvement measures:

See Attachment 5

I certify that the information provided on this form and as part of this submittal regarding the project is true and accurate to the best of my knowledge:

Applicant Name (Print): WALTER H. SKORUPSKIY Applicant Signature: Walter H. Skorupski Date: 6/6/11

Send completed application, including fee check, to: Ohio EPA, Division of Surface Water P.O. Box 1049, Columbus, Ohio 43216-1049 ATTN: Isolated Wetlands Permitting



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO  
ATTENTION OF:

June 11, 2013

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Application No. 2012-00852

Wendy K. Schellhamer  
STV Energy Services Incorporated  
205 West Welsh Drive  
Douglassville, Pennsylvania 19518

Dear Ms. Schellhamer:

I have reviewed the delineation maps submitted for the Vanport, Pennsylvania to Mogadore, Ohio project. The proposed project involves installing approximately 74 miles of new 12-inch petroleum products pipeline from Mogadore, Ohio, to Vanport, Pennsylvania. Within the Buffalo District, the project would impact streams and wetlands located in Portage County within the Cuyahoga River watershed.

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

Based upon our evaluation of the available information, we have determined that there is no clear surface water connection or ecological continuum between Wetlands MVRRO1 and DN and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. In addition, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Application No. 2012-00850

wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

I encourage you to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Finally, this letter contains two approved jurisdictional determinations (JDs) for Wetlands MVRRO1 and DN. If you object to these JDs, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Attn: Appeal Review Officer  
Great Lakes and Ohio River Division  
CELRD-PD-REG  
550 Main Street, Room 10524  
Cincinnati, OH 45202-3222  
Phone: 513-684-6212; FA 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **August 11, 2013**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

A copy of this letter has been provided to Todd Surrena of Ohio EPA.

Questions pertaining to this matter should be directed to me by calling 716-879-4262, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [michael.w.smith@usace.army.mil](mailto:michael.w.smith@usace.army.mil)

Sincerely,

**SIGNED**

Michael W. Smith  
Biologist

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Sunoco Pipeline L.P./Inland Corporation		File Number: 2012-00852	Date: 6/11/13
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/CECW/Pages/reg-materials.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Michael W. Smith  
United States Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207  
716-879-4262  
michael.w.smith@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Attn: Appeal Review Officer  
Great Lakes and Ohio River Division  
CELRD-PD-REG  
550 Main Street, Room 10524  
Cincinnati, OH 45202-3222  
513-684-6212; FAX 513-684-2460

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Date:

Telephone number:

APPROVED JURISDICTIONAL DETERMINATION FORM  
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 30, 2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District, Inland Corporation/Sunoco Logistics, Corps Id 2012-00852 (Form 1 of 2, Wetland MVR01)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Ohio County/parish/borough: Ashland City: Troy Township (T1N, R19W)  
Center coordinates of site (lat/long in degree decimal format): Lat. 41°03'50.83" N, Long. -81°22'48.84" W  
Universal Transverse Mercator:

Name of nearest waterbody: Mogadore Reservoir/Little Cuyahoga River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A. There is no direct or indirect surface flow to a TNW.

Name of watershed or Hydrologic Unit Code (HUC): 04110002/Cuyahoga River

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: May 30, 2013

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There  ~~are~~  ~~no~~ "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There  ~~are~~  ~~no~~ "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.  
Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on:  Pick List

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

commerce under 328.3(a)(3)(i-iii) (See Section IVB of this form); therefore, Wetland MVRRO1 is considered to be an intrastate, non-navigable, isolated water.

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

##### 1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size:

Pick List

Drainage area:

Pick List

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

State boundaries. Explain:

Identify flow route to TNW<sup>5</sup>:  
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is:  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width:        feet  
Average depth:        feet  
Average side slopes: Pick List.

Primary tributary substrate composition (check all that apply):

Silts                       Sands                       Concrete  
 Cobbles                   Gravel                     Muck  
 Bedrock                   Vegetation. Type/% cover:  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope):        %

(c) Flow:

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank     the presence of litter and debris  
 changes in the character of soil                 destruction of terrestrial vegetation  
 shelving     the presence of wrack line  
 vegetation matted down, bent, or absent       sediment sorting  
 leaf litter disturbed or washed away          scour  
 sediment deposition                               multiple observed or predicted flow events  
 water staining                                       abrupt change in plant community  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:                       Mean High Water Mark indicated by:  
 oil or scum line along shore objects             survey to available datum;  
 fine shell or debris deposits (foreshore)       physical markings;  
 physical markings/characteristics               vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Pick List. Explain:

Surface flow is: Pick List

Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
  - Discrete wetland hydrologic connection. Explain:
  - Ecological connection. Explain:
  - Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are Pick List river miles from TNW.

Project waters are Pick List aerial (straight) miles from TNW.

Flow is from: Pick List.

Estimate approximate location of wetland as within the Pick List floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: Pick List

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:  
 TNWs: linear feet width (ft), Or, acres.  
 Wetlands adjacent to TNWs: acres.
2. RPWs that flow directly or indirectly into TNWs.  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Provide rationale indicating that tributary flows

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters:

3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.<sup>9</sup>

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters:
- Wetlands: acres.

F. **NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: 0.104 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

A. **SUPPORTING DATA.** Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Suffield (1:24000).
- USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey, Soil Survey of Portage County, Ohio.
- National wetlands inventory map(s). Cite name: ORM2.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Bing, ORM.  
or  Other (Name & Date): Wetland Delineation Report for the Mogadore to Vanport Project (February 2013)
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

1. does not/has not supported interstate or foreign commerce;
2. is not an interstate water/wetland;
3. the degradation or destruction of which would not affect interstate or foreign commerce and does not include such waters:
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (iii) which are used or could be used for industrial purpose by industries in interstate commerce
4. is not an impoundment of water otherwise defined as WOUS under the definition;
5. is not a tributary of waters identified in paragraphs (a)(1)-(4) of this section;
6. is not a territorial sea;
7. is not wetland adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1)-(6) of this section;
8. is not prior converted cropland.

APPROVED JURISDICTIONAL DETERMINATION FORM  
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 30, 2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District, Inland Corporation/Sunoco Logistics, Corps Id 2012-00852 (Form 2 of 2, Wetland DN)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Ohio County/parish/borough: Ashland City: Troy Township (T1N, R19W)  
Center coordinates of site (lat/long in degree decimal format): Lat. 41°02'52.2" **N**, Long. -81°15'04.84" **W**.  
Universal Transverse Mercator:

Name of nearest waterbody: Congress Lake Outlet/Middle Cuyahoga River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A. There is no direct or indirect surface flow to a TNW.

Name of watershed or Hydrologic Unit Code (HUC): 04110002/Cuyahoga River

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: May 30, 2013

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: **Pick List**

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

connection to a water of the US. The wetland has no potential to affect interstate commerce under 328.3(a)(3)(i-iii) (See Section IVB of this form); therefore, Wetland DN is considered to be an intrastate, non-navigable, isolated water.

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

#### 1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: Pick List  
Drainage area: Pick List  
Average annual rainfall: inches  
Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.  
 Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.  
Project waters are Pick List river miles from RPW.  
Project waters are Pick List aerial (straight) miles from TNW.  
Project waters are Pick List aerial (straight) miles from RPW

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:  
 TNWs: linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs:      acres.
2. RPWs that flow directly or indirectly into TNWs.  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Provide rationale indicating that tributary flows

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.

Identify type(s) of waters:

3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.
- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.

Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.
- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
  - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.
- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.
- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.<sup>9</sup>
- As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
- Demonstrate that impoundment was created from "waters of the U.S.," or
  - Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
  - Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: 0.410 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA.** Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Suffield (1:24000).
- USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey, Soil Survey of Portage County, Ohio.
- National wetlands inventory map(s). Cite name: ORM2.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Bing, ORM.  
or  Other (Name & Date): Wetland Delineation Report for the Mogadore to Vanport Project (February 2013)
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

1. does not/has not supported interstate or foreign commerce;
2. is not an interstate water/wetland;
3. the degradation or destruction of which would not affect interstate or foreign commerce and does not include such waters:
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (iii) which are used or could be used for industrial purpose by industries in interstate commerce
4. is not an impoundment of water otherwise defined as WOUS under the definition;
5. is not a tributary of waters identified in paragraphs (a)(1)-(4) of this section;
6. is not a territorial sea;
7. is not wetland adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1)-(6) of this section;
8. is not prior converted cropland.



**Sunoco Pipeline, L.P.**  
525 Fritztown Road, Sinking Spring, PA 19608

# **Individual Isolated Wetland Permit Application**

**(Level Two Review)**

for the

**Mogadore to Vanport Project**  
**Ohio Environmental Protection Agency**  
Portage and Mahoning Counties, Ohio

OHIO EPA - DSW  
2013 JUN 14 PM 12:53



Mogadore to Vanport  
General Isolated Wetland Permit Application  
Table of Contents

OHIO EPA - DSW  
2013 JUN 14 AM 10:00

Application Form

- Level One Review
- Level Two Review

Attachment 1 Project Location Information

Attachment 2 Project Description

Attachment 3 Isolated Wetland Documentation

Attachment 4 Threatened/Endangered Species Coordination

Attachment 5 Additional Level Two Application Information

Wetland Delineation Report submitted with the Section 401 Water Quality Certification

## **Level One Review**



State of Ohio Environmental Protection Agency

# GENERAL ISOLATED WETLAND PERMIT APPLICATION (Level One Review)

For impacts of 1/2 acre or less to Category 1 & 2 isolated wetlands

Please Print or Type (attach additional sheets if necessary)

	Applicant	Agent:
Company Name:	Sunoco Pipeline L.P.	STV Energy Services, Inc
Address:	525 Fritztown Road	205 West Welsh Drive
City, State, Zip:	Sinking Spring, PA 19608	Douglassville, PA 19518
Contact Person:	Mr. Walter Skorupsky	Mr. James McGinley
Phone Number(s):	610-670-3252	610-385-8443
Fax Number:	610-670-6261	610-385-8510
E-Mail Address:	whskorupsky@sunocologistics.com	jim.mcginley@stvinc.com

### PROJECT INFORMATION

Project Name: Mogadore to Vanport Project Watershed (USGS 8-Digit HUC): 04110002

Street: N/A See Attachment 1 City/Township: Suffield, Randolph

County: Portage Latitude: See Attachment 3 Longitude: \_\_\_\_\_

#### Project Description:

See Attachment 2

#### Other water-related permits pending, issued, or required for this project:

- Nationwide Permit (# )
- Individual 401 Certification
- Individual 404 Permit
- Permit To Install
- Mining Permit
- Coastal Erosion Area Permit
- NPDES Discharge Permit
- NPDES Storm Water Permit
- Other: Hydro. Disch. Permit

#### I have included the following in this submittal:

- Maps showing project footprint & wetlands and a USGS topographic map
- Wetland delineation Submitted with 401 App.
- Corps isolated waters determination
- Wetland categorization (including all ORAM score sheets)
- Site photographs
- Mitigation proposal (including mitigation bank credit documentation if appropriate)
- Check for applicable fees

#### Are there other aquatic resources on the project site? (please check all that apply)

- Perennial Streams
- Non-isolated wetlands
- Intermittent Streams
- Lakes/Ponds
- Ephemeral Streams

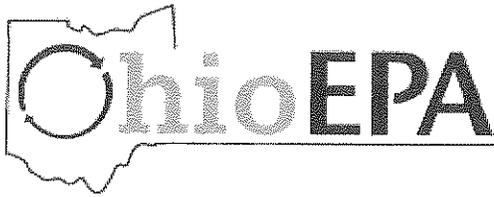
#### Have any impacts to aquatic resources related to this project already occurred on this site?

- Yes
- No

Click to clear all entered information (on both pages of this form)

(over)

## **Level Two Review**



# INDIVIDUAL ISOLATED WETLAND PERMIT APPLICATION (Level Two Review)

For impacts greater than 1/2 acre for Category 1 isolated wetlands and greater than 1/2 acre but not exceeding 3 acres for Category 2 isolated wetlands

Please Print or Type (attach additional sheets if necessary)

Project Name: Mogadore to Vanport Project

Applicants must submit a completed General Isolated Wetland Permit Application (Level One Review) in addition to providing the following information and/or demonstrations:

- 1. Please provide an analysis of practicable on-site alternatives to the proposed filling of the isolated wetland that would have a less adverse impact on the isolated wetland ecosystem:

See Attachment 5

- 2. Please provide information indicating whether high quality waters, as defined in rule 3745-1-05 of the administrative code, are to be avoided by the proposed filling of the isolated wetland(s):

See Attachment 5

- 3. Please provide maps and narratives describing buffers provided for any isolated wetland(s) that will be avoided at the site:

No buffers are being provided, as this is an existing pipeline ROW. Additionally, the ROW must be maintained at a prescribed width of 50 feet.

- 4. Please demonstrate that the wetland(s) to be filled are not locally or regionally scarce and do not contain rare, threatened or endangered species:

See Attachment 4

- 5. Please demonstrate that the project impacts would not result in significant degradation to the aquatic ecosystem:

All impacts will be temporary in nature. Therefore, there will be no long term impacts to the isolated wetlands.

- 6. Please provide a comprehensive post-development storm water plan that includes water quality improvement measures:

See Attachment 5

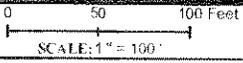
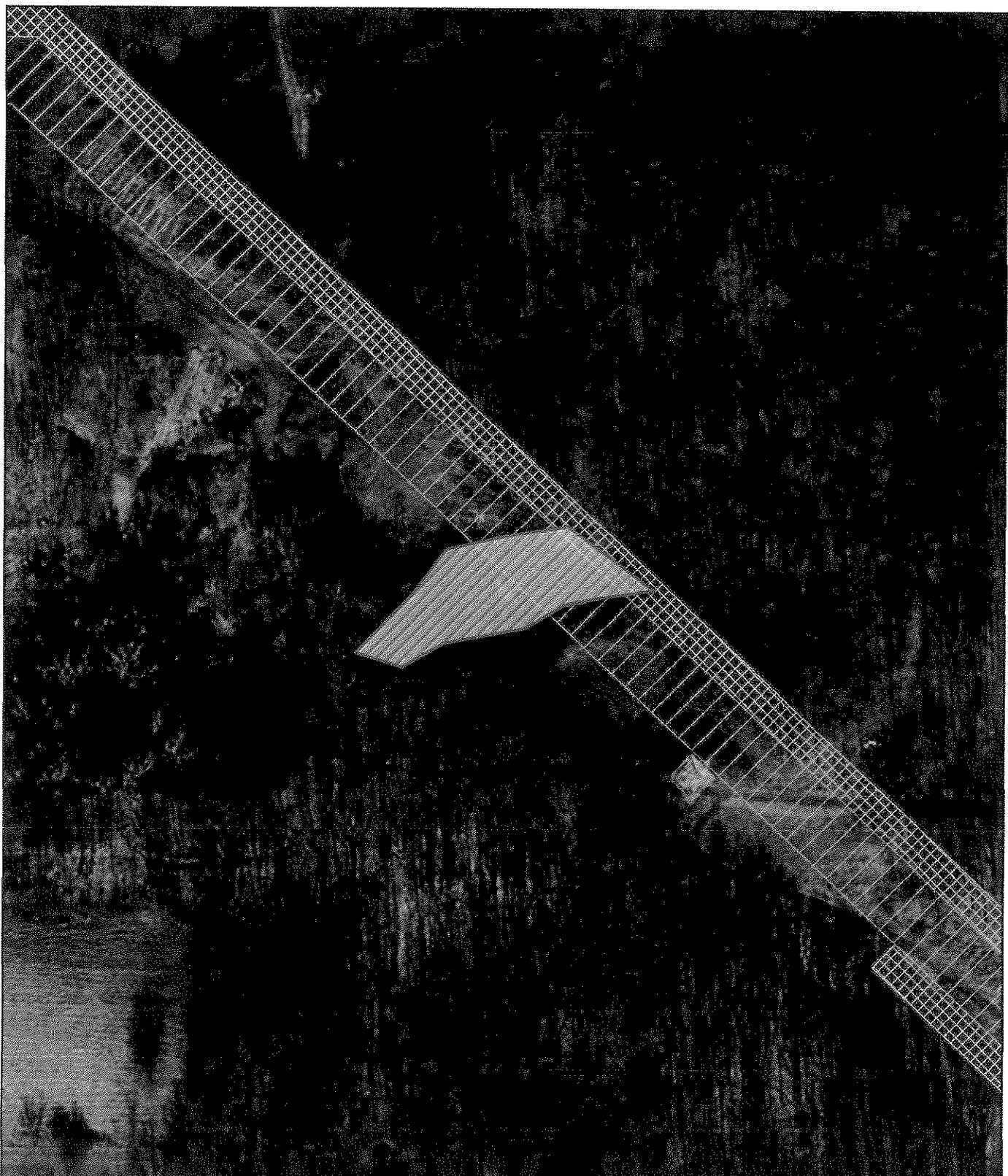
I certify that the information provided on this form and as part of this submittal regarding the project is true and accurate to the best of my knowledge:

Applicant Name (Print): \_\_\_\_\_ Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Send completed application, including fee check, to: Ohio EPA, Division of Surface Water P.O. Box 1049, Columbus, Ohio 43216-1049 ATTN: Isolated Wetlands Permitting

Sunoco Pipeline L.P. operating for Inland Corporation  
 Tiffin-Easton Project  
 Isolated Wetlands Impact Information

	Seq	Crossing	Impacted Acreage	Impacted PEM Acreage	Impacted PSS Acreage	Wetland Type	ORAM Score	Watershed	Connectivity	Crossing Methodology
<b>Portage</b>	1	MVRR01	0.104	0.104	0.000	PEM/PSS	22	Little Cuyahoga River	Isolated	Open Trench
	32	DN	0.410	0.410	0.000	PEM	15	Middle Cuyahoga River	Isolated	Open Trench
<b>Total</b>			<b>0.51</b>	<b>0.51</b>	<b>0.00</b>					



-  Delineated Stream
-  Delineated Wetland
-  Delineated Wetland Boundary
-  Right-Of-Way (ROW) - [Existing]
-  Right-Of-Way (ROW) - [Proposed]
-  Temporary Workspace (TWS)



**WETLAND LOCATION MAP**  
**ALLEGHENY ACCESS (Mogadore-Vanport)**  
**USACE BUFFALO DISTRICT**

WETLAND CROSSING: *MVRR01*

SOURCE: United States Army Corps of Engineers (USACE)  
 Bing Maps Web Mapping Service (Aerial)

CREATED BY: STV Energy Services, Inc.



**SUNOCO PIPELINE, L.P.  
Mogadore to Vanport Project**



**PHOTOGRAPH 1**

Wetland MVRR01 facing northwest.



**PHOTOGRAPH 2**

Wetland MVRR01 facing northwest.

**SOIL**

Sampling Point: MVRR01 wetland

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-12	Organic							
12-16	Gley1 6/10Y	70	10 YR 5/8	30	RM	M	sandy clay	

\*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. \*\*Location: PL = Pore Lining, M = Matrix

<p><b>Hydric Soil Indicators:</b></p> <p><input type="checkbox"/> Histisol (A1)</p> <p><input type="checkbox"/> Histic Epipedon (A2)</p> <p><input type="checkbox"/> Black Histic (A3)</p> <p><input type="checkbox"/> Hydrogen Sulfide (A4)</p> <p><input type="checkbox"/> Stratified Layers (A5)</p> <p><input type="checkbox"/> 2 cm Muck (A10)</p> <p><input checked="" type="checkbox"/> Depleted Below Dark Surface (A11)</p> <p><input type="checkbox"/> Thick Dark Surface (A12)</p> <p><input type="checkbox"/> Sandy Mucky Mineral (S1)</p> <p><input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)</p>	<p><input type="checkbox"/> Sandy Gleyed Matrix (S4)</p> <p><input type="checkbox"/> Sandy Redox (S5)</p> <p><input type="checkbox"/> Stripped Matrix (S6)</p> <p><input type="checkbox"/> Loamy Mucky Mineral (F1)</p> <p><input type="checkbox"/> Loamy Gleyed Matrix (F2)</p> <p><input type="checkbox"/> Depleted Matrix (F3)</p> <p><input type="checkbox"/> Redox Dark Surface (F6)</p> <p><input type="checkbox"/> Depleted Dark Surface (F7)</p> <p><input type="checkbox"/> Redox Depressions (F8)</p>	<p><b>Indicators for Problematic Hydric Soils:</b></p> <p><input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)</p> <p><input type="checkbox"/> Dark Surface (S7) (LRR K, L)</p> <p><input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)</p> <p><input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)</p> <p><input type="checkbox"/> Very Shallow Dark Surface (TF12)</p> <p><input type="checkbox"/> Other (explain in remarks)</p> <p>*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic</p>
---	---	--

<p><b>Restrictive Layer (if observed):</b></p> <p>Type: _____</p> <p>Depth (inches): _____</p>	<p>Hydric soil present? <u>Y</u></p>
--	--------------------------------------

Remarks:

**HYDROLOGY**

**Wetland Hydrology Indicators:**

<p><b>Primary Indicators (minimum of one is required; check all that apply)</b></p> <p><input type="checkbox"/> Surface Water (A1)</p> <p><input checked="" type="checkbox"/> High Water Table (A2)</p> <p><input type="checkbox"/> Saturation (A3)</p> <p><input type="checkbox"/> Water Marks (B1)</p> <p><input checked="" type="checkbox"/> Sediment Deposits (B2)</p> <p><input type="checkbox"/> Drift Deposits (B3)</p> <p><input type="checkbox"/> Algal Mat or Crust (B4)</p> <p><input type="checkbox"/> Iron Deposits (B5)</p> <p><input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)</p> <p><input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)</p> <p><input checked="" type="checkbox"/> Water-Stained Leaves (B9)</p>	<p><input type="checkbox"/> Aquatic Fauna (B13)</p> <p><input type="checkbox"/> True Aquatic Plants (B14)</p> <p><input type="checkbox"/> Hydrogen Sulfide Odor (C1)</p> <p><input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)</p> <p><input type="checkbox"/> Presence of Reduced Iron (C4)</p> <p><input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)</p> <p><input type="checkbox"/> Thin Muck Surface (C7)</p> <p><input type="checkbox"/> Gauge or Well Data (D9)</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>	<p><b>Secondary Indicators (minimum of two required)</b></p> <p><input type="checkbox"/> Surface Soil Cracks (B6)</p> <p><input checked="" type="checkbox"/> Drainage Patterns (B10)</p> <p><input type="checkbox"/> Dry-Season Water Table (C2)</p> <p><input type="checkbox"/> Crayfish Burrows (C8)</p> <p><input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)</p> <p><input type="checkbox"/> Stunted or Stressed Plants (D1)</p> <p><input checked="" type="checkbox"/> Geomorphic Position (D2)</p> <p><input type="checkbox"/> FAC-Neutral Test (D5)</p>
--	--	--

<p><b>Field Observations:</b></p> <p>Surface water present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): _____</p> <p>Water table present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): _____</p> <p>Saturation present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): _____</p> <p>(includes capillary fringe)</p>	<p><b>Wetland hydrology present?</b> <u>Y</u></p>
--	---

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## Background Information

<b>Name:</b>	Jim McGinley
<b>Date:</b>	10/30/2012
<b>Affiliation:</b>	STV Energy Services Inc, (consultant for Sunoco Pipeline L.P.)
<b>Address:</b>	205 West Welsh Drive, Douglassville, PA 19518
<b>Phone Number:</b>	(610) 385-8443 (Jim McGinley)
<b>e-mail address:</b>	jim.mcginley@stvinc.com
<b>Name of Wetland:</b>	MVRR01
<b>Vegetation Communit(ies):</b>	buttonbush swamp
<b>HGM Class(es):</b>	Depression - surface water
<b>Location of Wetland: include map, address, north arrow, landmarks, distances, roads, etc.</b>	See Attachment 1
<b>Lat/Long or UTM Coordinate</b>	41.064156 / -81.380232
<b>USGS Quad Name</b>	Suffield
<b>County</b>	Portage County
<b>Township</b>	Suffield Twp
<b>Section and Subsection</b>	
<b>Hydrologic Unit Code</b>	04110002
<b>Site Visit</b>	Yes
<b>National Wetland Inventory Map</b>	Not listed
<b>Ohio Wetland Inventory Map</b>	Not Listed
<b>Soil Survey</b>	Chili gravelly loam, 6-12% slopes, moderately eroded (CoC2)
<b>Delineation report/map</b>	

## Scoring Boundary Worksheet

INSTRUCTIONS. The initial step in completing the ORAM is to identify the “scoring boundaries” of the wetland being rated. In many instances this determination will be relatively easy and the scoring boundaries will coincide with the “jurisdictional boundaries.” For example, the scoring boundary of an isolated cattail marsh located in the middle of a farm field will likely be the same as that wetland’s jurisdictional boundaries. In other instances, however, the scoring boundary will not be as easily determined. Wetlands that are small or isolated from other surface waters often form large contiguous areas or heterogeneous complexes of wetland and upland. In separating wetlands for scoring purposes, the hydrologic regime of the wetland is the main criterion that should be used. Boundaries between contiguous or connected wetlands should be established where the volume, flow, or velocity of water moving through the wetland changes significantly. *Areas with a high degree of hydrologic interaction should be scored as a single wetland.* In determining a wetland’s scoring boundaries, use the guidelines in the ORAM Manual Section 5.0. In certain instances, it may be difficult to establish the scoring boundary for the wetland being rated. These problem situations include wetlands that form a patchwork on the landscape, wetlands divided by artificial boundaries like property fences, roads, or railroad embankments, wetlands that are contiguous with streams, lakes, or rivers, and estuarine or coastal wetlands. These situations are discussed below, however, it is recommended that Rater contact Ohio EPA, Division of Surface Water, 401/Wetlands Section if there are additional questions or a need for further clarification of the appropriate scoring boundaries of a particular wetland.

#	Steps in properly establishing scoring boundaries	done?	not applicable
Step 1	Identify the wetland area of interest. This may be the site of a proposed impact, a reference site, conservation site, etc.	✓	
Step 2	Identify the locations where there is physical evidence that hydrology changes rapidly. Such evidence includes both natural and human-induced changes including, constrictions caused by berms or dikes, points where the water velocity changes rapidly at rapids or falls, points where significant inflows occur at the confluence of rivers, or other factors that may restrict hydrologic interaction between the wetlands or parts of a single wetland.	✓	
Step 3	Delineate the boundary of the wetland to be rated such that all areas of interest that are contiguous to and within the areas where the hydrology does not change significantly, i.e. areas that have a high degree of hydrologic interaction are included within the scoring boundary.	✓	
Step 4	Determine if artificial boundaries, such as property lines, state lines, roads, railroad embankments, etc., are present. These should not be used to establish scoring boundaries unless they coincide with areas where the hydrologic regime changes.	✓	
Step 5	In all instances, the Rater may enlarge the minimum scoring boundaries discussed here to score together wetlands that could be scored separately.	✓	
Step 6	Consult ORAM Manual Section 5.0 for how to establish scoring boundaries for wetlands that form a patchwork on the landscape, divided by artificial boundaries, contiguous to streams, lakes or rivers, or for dual classifications.	✓	

**End of Scoring Boundary Determination. Begin Narrative Rating on next page.**

8b	<b>Mature forested wetlands.</b> Is the wetland a forested wetland with 50% or more of the cover of upper forest canopy consisting of deciduous trees with large diameters at breast height (dbh), generally diameters greater than 45cm (17.7in) dbh?	YES  Wetland should be evaluated for possible Category 3 status.  Go to Question 9a	<b>NO</b>  Go to Question 9a
9a	<b>Lake Erie coastal and tributary wetlands.</b> Is the wetland located at an elevation less than 575 feet on the USGS map, adjacent to this elevation, or along a tributary to Lake Erie that is accessible to fish?	YES  Go to Question 9b	<b>NO</b>  Go to Question 10
9b	Does the wetland's hydrology result from measures designed to prevent erosion and the loss of aquatic plants, i.e. the wetland is partially hydrologically restricted from Lake Erie due to lakeward or landward dikes or other hydrological controls?	YES  Wetland should be evaluated for possible Category 3 status  Go to Question 10	NO  Go to Question 9c
9c	Are Lake Erie water levels the wetland's primary hydrological influence, i.e. the wetland is hydrologically unrestricted (no lakeward or upland border alterations), or the wetland can be characterized as an "estuarine" wetland with lake and river influenced hydrology. These include sandbar deposition wetlands, estuarine wetlands, river mouth wetlands, or those dominated by submersed aquatic vegetation.	YES  Go to Question 9d	NO  Go to Question 10
9d	Does the wetland have a predominance of native species within its vegetation communities, although non-native or disturbance tolerant native species can also be present?	YES  Wetland is a Category 3 wetland  Go to Question 10	NO  Go to Question 9e
9e	Does the wetland have a predominance of non-native or disturbance tolerant native plant species within its vegetation communities?	YES  Wetland should be evaluated for possible Category 3 status  Go to Question 10	NO  Go to Question 10
10	<b>Lake Plain Sand Prairies (Oak Openings)</b> Is the wetland located in Lucas, Fulton, Henry, or Wood Counties and can the wetland be characterized by the following description: the wetland has a sandy substrate with interspersed organic matter, a water table often within several inches of the surface, and often with a dominance of the gramineous vegetation listed in Table 1 (woody species may also be present). The Ohio-Department of Natural Resources Division of Natural Areas and Preserves can provide assistance in confirming this type of wetland and its quality.	YES  Wetland is a Category 3 wetland.  Go to Question 11	<b>NO</b>  Go to Question 11
11	<b>Relict Wet Prairies.</b> Is the wetland a relict wet prairie community dominated by some or all of the species in Table 1. Extensive prairies were formerly located in the Darby Plains (Madison and Union Counties), Sandusky Plains (Wyandot, Crawford, and Marion Counties), northwest Ohio (e.g. Erie, Huron, Lucas, Wood Counties), and portions of western Ohio Counties (e.g. Darke, Mercer, Miami, Montgomery, Van Wert etc.).	YES  Wetland should be evaluated for possible Category 3 status  Complete Quantitative Rating	<b>NO</b>  Complete Quantitative Rating

<b>Site:</b> MVRR01	<b>Rater(s):</b> RB	<b>Date:</b> 10/30/2012
---------------------	---------------------	-------------------------

<b>1</b>	<b>1</b>
max 6 pts.	subtotal

**Metric 1. Wetland Area (size).**

Select one size class and assign score.

- >50 acres (>20.2ha) (6 pts)
- 25 to <50 acres (10.1 to <20.2ha) (5 pts)
- 10 to <25 acres (4 to <10.1ha) (4 pts)
- 3 to <10 acres (1.2 to <4ha) (3 pts)
- 0.3 to <3 acres (0.12 to <1.2ha) (2pts)
- 0.1 to <0.3 acres (0.04 to <0.12ha) (1 pt)
- <0.1 acres (0.04ha) (0 pts)

<b>5</b>	<b>6</b>
max 14 pts.	subtotal

**Metric 2. Upland buffers and surrounding land use.**

2a. Calculate average buffer width. Select only one and assign score. Do not double check.

- WIDE. Buffers average 50m (164ft) or more around wetland perimeter (7)
- MEDIUM. Buffers average 25m to <50m (82 to <164ft) around wetland perimeter (4)
- NARROW. Buffers average 10m to <25m (32ft to <82ft) around wetland perimeter (1)
- VERY NARROW. Buffers average <10m (<32ft) around wetland perimeter (0)

2b. Intensity of surrounding land use. Select one or double check and average.

- VERY LOW. 2nd growth or older forest, prairie, savannah, wildlife area, etc. (7)
- LOW. Old field (>10 years), shrub land, young second growth forest. (5)
- MODERATELY HIGH. Residential, fenced pasture, park, conservation tillage, new fallow field. (3)
- HIGH. Urban, industrial, open pasture, row cropping, mining, construction. (1)

<b>7</b>	<b>13</b>
max 30 pts.	subtotal

**Metric 3. Hydrology.**

3a. Sources of Water. Score all that apply.

- High pH groundwater (5)
- Other groundwater (3)
- Precipitation (1)
- Seasonal/Intermittent surface water (3)
- Perennial surface water (lake or stream) (5)

3c. Maximum water depth. Select only one and assign score.

- >0.7 (27.6in) (3)
- 0.4 to 0.7m (15.7 to 27.6in) (2)
- <0.4m (<15.7in) (1)

3e. Modifications to natural hydrologic regime. Score one or double check and average.

- None or none apparent (12)
- Recovered (7)
- Recovering (3)
- Recent or no recovery (1)

3b. Connectivity. Score all that apply.

- 100 year floodplain (1)
- Between stream/lake and other human use (1)
- Part of wetland/upland (e.g. forest), complex (1)
- Part of riparian or upland corridor (1)

3d. Duration inundation/saturation. Score one or dbl check.

- Semi- to permanently inundated/saturated (4)
- Regularly inundated/saturated (3)
- Seasonally inundated (2)
- Seasonally saturated in upper 30cm (12in) (1)

Check all disturbances observed	
<ul style="list-style-type: none"> <li><input type="checkbox"/> ditch</li> <li><input type="checkbox"/> tile</li> <li><input type="checkbox"/> dike</li> <li><input type="checkbox"/> weir</li> <li><input type="checkbox"/> stormwater input</li> </ul>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> point source (nonstormwater)</li> <li><input type="checkbox"/> filling/grading</li> <li><input type="checkbox"/> road bed/RR track</li> <li><input type="checkbox"/> dredging</li> <li><input type="checkbox"/> other _____</li> </ul>

<b>3</b>	<b>16</b>
max 20 pts.	subtotal

**Metric 4. Habitat Alteration and Development.**

4a. Substrate disturbance. Score one or double check and average.

- None or none apparent (4)
- Recovered (3)
- Recovering (2)
- Recent or no recovery (1)

4b. Habitat development. Select only one and assign score.

- Excellent (7)
- Very good (6)
- Good (5)
- Moderately good (4)
- Fair (3)
- Poor to fair (2)
- Poor (1)

4c. Habitat alteration. Score one or double check and average.

- None or none apparent (9)
- Recovered (6)
- Recovering (3)
- Recent or no recovery (1)

Check all disturbances observed	
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> mowing</li> <li><input type="checkbox"/> grazing</li> <li><input type="checkbox"/> clearcutting</li> <li><input checked="" type="checkbox"/> selective cutting</li> <li><input type="checkbox"/> woody debris removal</li> <li><input type="checkbox"/> toxic pollutants</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> shrub/sapling removal</li> <li><input checked="" type="checkbox"/> herbaceous/aquatic bed removal</li> <li><input checked="" type="checkbox"/> sedimentation</li> <li><input type="checkbox"/> dredging</li> <li><input type="checkbox"/> farming</li> <li><input type="checkbox"/> nutrient enrichment</li> </ul>

<b>16</b>
subtotal this page

## ORAM Summary Worksheet

		circle answer or insert score	Result
Narrative Rating	Question 1. Critical Habitat	YES <input checked="" type="radio"/> NO	If yes, Category 3.
	Question 2. Threatened or Endangered Species	YES <input checked="" type="radio"/> NO	If yes, Category 3.
	Question 3. High Quality Natural Wetland	YES <input checked="" type="radio"/> NO	If yes, Category 3.
	Question 4. Significant bird habitat	YES <input checked="" type="radio"/> NO	If yes, Category 3.
	Question 5. Category 1 Wetlands	YES <input checked="" type="radio"/> NO	If yes, Category 1.
	Question 6. Bogs	YES <input checked="" type="radio"/> NO	If yes, Category 3.
	Question 7. Fens	YES <input checked="" type="radio"/> NO	If yes, Category 3.
	Question 8a. Old Growth Forest	YES <input checked="" type="radio"/> NO	If yes, Category 3.
	Question 8b. Mature Forested Wetland	YES <input checked="" type="radio"/> NO	If yes, evaluate for Category 3; may also be 1 or 2.
	Question 9b. Lake Erie Wetlands - Restricted	YES <input checked="" type="radio"/> NO	If yes, evaluate for Category 3; may also be 1 or 2.
	Question 9d. Lake Erie Wetlands – Unrestricted with native plants	YES <input checked="" type="radio"/> NO	If yes, Category 3
Question 9e. Lake Erie Wetlands - Unrestricted with invasive plants	YES <input checked="" type="radio"/> NO	If yes, evaluate for Category 3; may also be 1 or 2.	
Question 10. Oak Openings	YES <input checked="" type="radio"/> NO	If yes, Category 3	
Question 11. Relict Wet Prairies	YES <input checked="" type="radio"/> NO	If yes, evaluate for Category 3; may also be 1 or 2.	
Quantitative Rating	Metric 1. Size	1	
	Metric 2. Buffers and surrounding land use	5	
	Metric 3. Hydrology	7	
	Metric 4. Habitat	3	
	Metric 5. Special Wetland Communities	0	
	Metric 6. Plant communities, interspersions, microtopography	6	
	TOTAL SCORE	22	Category based on score breakpoints <span style="float: right; font-size: 2em;">1</span>

**Complete Wetland Categorization Worksheet.**



## Wetland Crossing

**Sequence Number:** 32

**Name:** DN

**Type:** PEM

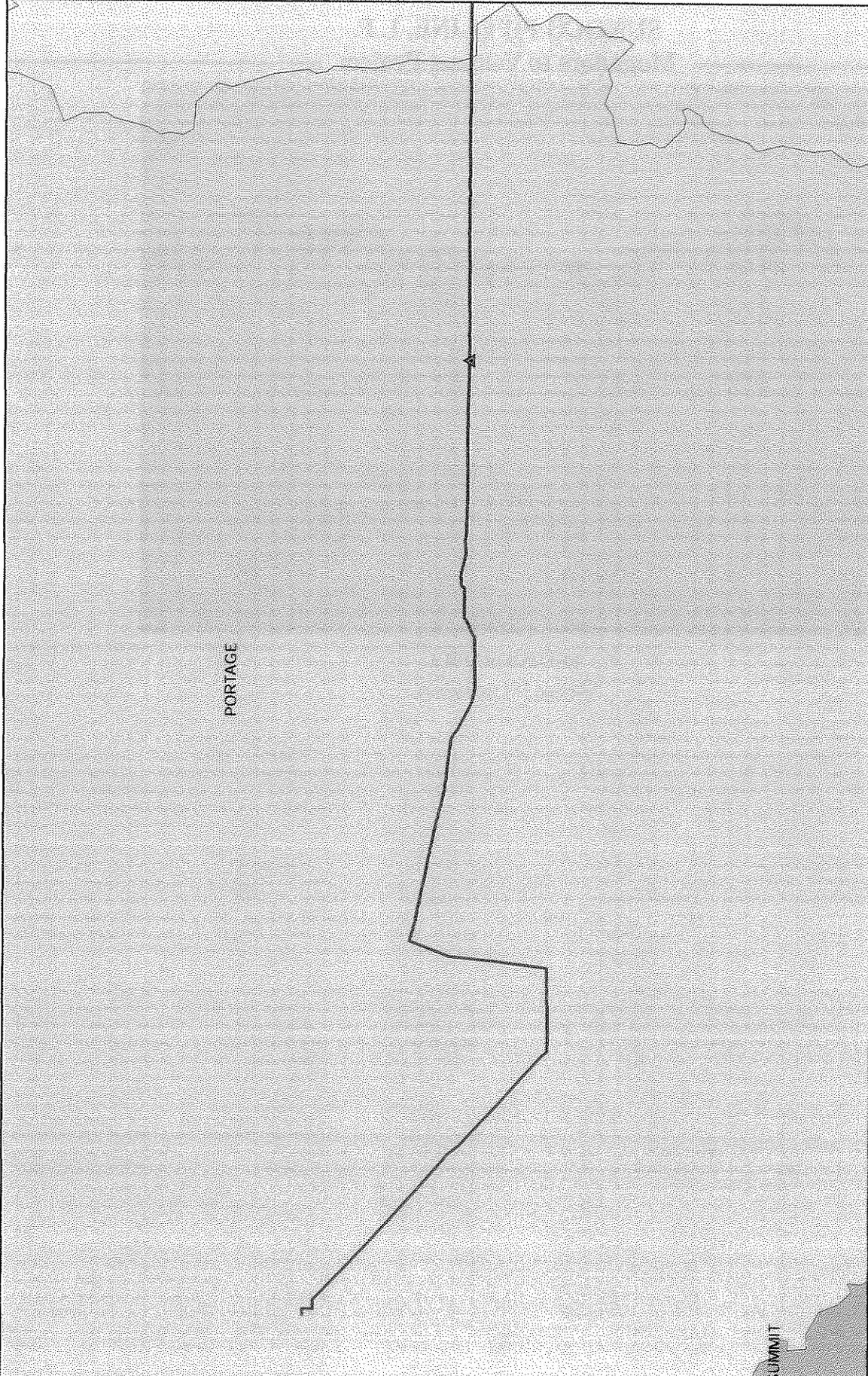
**ORAM Score:** 15

**County:** Portage County

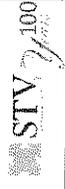
**Watershed:** Middle Cuyahoga River

**Crossing Method:** Open Trench

Impact Type	Impact Acreage	Impact Square Footage
PEM	0.410	17851.38



SOURCE: United States Army Corps of Engineers (USACE)  
 United States Census Bureau (TIGER/L In Data)

CREATED BY: STV Energy Services, Inc.  


**STREAM and WETLAND OVERVIEW MAP**  
**ALLEGHENY ACCESS (Mogadore-Vanport)**  
**USACE BUFFALO DISTRICT**

STREAM / WETLAND: DW

0 0.5 1 Miles  
 SCALE: 1 inch = 1 mile

N

-  Mogadore-Vanport Alignment
-  County Boundary
-  Stream/Wetland Location
-  USACE - Buffalo District
-  USACE - Huntington District
-  USACE - Pittsburgh District

<b>Version 5.0</b>	<b>Ohio Rapid Assessment Method for Wetlands 10 Page Form for Wetland Categorization</b>	
	<b>Background Information</b> <b>Scoring Boundary Worksheet</b> <b>Narrative Rating</b> <b>Field Form Quantitative Rating</b> <b>ORAM Summary Worksheet</b> <b>Wetland Categorization Worksheet</b>	Ohio EPA, Division of Surface Water Final: February 1, 2001

### Instructions

The investigator is *STRONGLY URGED* to read the Manual for Using the Ohio Rapid Assessment Method for Wetlands for further elaboration and discussion of the questions below prior to using the rating forms.

The Narrative Rating is designed to categorize a wetland or to provide alerts to the Rater based on the presence or possible presence of threatened or endangered species. The presence or proximity of such species is often an indicator of the quality and lack of disturbance of the wetland being evaluated. In addition, it is designed to categorize certain wetlands as very low quality (Category 1) or very high quality (Category 3) regardless of the wetland's score on the Quantitative Rating. In addition, the Narrative Rating also alerts the investigator that a particular wetland *may* be a Category 3 wetland, again, regardless of the wetland's score on the Quantitative Rating.

It is *VERY IMPORTANT* to properly and thoroughly answer each of the questions in the ORAM in order to properly categorize a wetland. To *properly* answer all the questions, the boundaries of the wetland being assessed must be correctly identified. Refer to Scoring Boundary worksheet and the User's Manual for a discussion of how to determine the "scoring boundaries." In some instances, the scoring boundaries may differ from the "jurisdictional boundaries."

Refer to the most recent ORAM Score Calibration Report for the scoring breakpoints between wetland categories. The most recent version of this document is posted on Ohio EPA's Division of Surface Water web page at: <http://www.epa.ohio.gov/dsw/wetlands/WetlandEcologySection.aspx>

Name of Wetland: DN		
Wetland Size (acres, hectares): > 0.1		
Sketch: Include north arrow, relationship with other surface waters, vegetation zones, etc.		
<b>Comments, Narrative Discussion, Justification of Category Changes:</b>  <p>Wetland DN is a filled in pond that is now comprised primarily of <i>Phragmites australis</i>. It has a herbaceous fringe on edges. Wetland DN is located in the middle of a corn field. Wetland DN drains to the DS-73 complex that wetlands DK, DL and DM drain into. Soils exhibited a depleted matrix.</p>		
Final score :	15	Category: 1

## Narrative Rating

INSTRUCTIONS. Answer each of the following questions. Questions 1, 2, 3 and 4 should be answered based on information obtained from the site visit or the literature *and* by submitting a Data Services Request to the Ohio Department of Natural Resources, Division of Natural Areas and Preserves, Natural Heritage Data Services, 1889 Fountain Square Court, Building F-1, Columbus, Ohio 43224, 614-265-6453 (phone), 614-265-3096 (fax), <http://www.dnr.state.oh.us/dnap>. The remaining questions are designed to be answered primarily by the results of the site visit. Refer to the User's Manual for descriptions of these wetland types. Note: "Critical habitat" is legally defined in the Endangered Species Act and is the geographic area containing physical or biological features essential to the conservation of a listed species or as an area that may require special management considerations or protection. The Rater should contact the Region 3 Headquarters or the Columbus Ecological Services Office for updates as to whether critical habitat has been designated for other federally listed threatened or endangered species. "Documented" means the wetland is listed in the appropriate State of Ohio database.

#	Question	Circle one	
1	<b>Critical Habitat.</b> Is the wetland in a township, section, or subsection of a United States Geological Survey 7.5 minute Quadrangle that has been designated by the U.S. Fish and Wildlife Service as "critical habitat" for any threatened or endangered plant or animal species? Note: as of January 1, 2001, of the federally listed endangered or threatened species which can be found in Ohio, the Indiana Bat has had critical habitat designated (50 CFR 17.95(a)) and the piping plover has had critical habitat proposed (65 FR 41812 July 6, 2000).	YES  Wetland should be evaluated for possible Category 3 status  Go to Question 2	<input checked="" type="radio"/> NO  Go to Question 2
2	<b>Threatened or Endangered Species.</b> Is the wetland known to contain an individual of, or documented occurrences of federal or state-listed threatened or endangered plant or animal species?	YES  Wetland is a Category 3 wetland.  Go to Question 3	<input checked="" type="radio"/> NO  Go to Question 3
3	<b>Documented High Quality Wetland.</b> Is the wetland on record in Natural Heritage Database as a high quality wetland?	YES  Wetland is a Category 3 wetland  Go to Question 4	<input checked="" type="radio"/> NO  Go to Question 4
4	<b>Significant Breeding or Concentration Area.</b> Does the wetland contain documented regionally significant breeding or nonbreeding waterfowl, neotropical songbird, or shorebird concentration areas?	YES  Wetland is a Category 3 wetland  Go to Question 5	<input checked="" type="radio"/> NO  Go to Question 5
5	<b>Category 1 Wetlands.</b> Is the wetland less than 0.5 hectares (1 acre) in size and <b>hydrologically isolated</b> and either 1) comprised of vegetation that is dominated (greater than eighty per cent areal cover) by <i>Phalaris arundinacea</i> , <i>Lythrum salicaria</i> , or <i>Phragmites australis</i> , or 2) an acidic pond created or excavated on mined lands that has little or no vegetation?	YES  Wetland is a Category 1 wetland  Go to Question 6	<input checked="" type="radio"/> NO  Go to Question 6
6	<b>Bogs.</b> Is the wetland a peat-accumulating wetland that 1) has no significant inflows or outflows, 2) supports acidophilic mosses, particularly <i>Sphagnum</i> spp., 3) the acidophilic mosses have >30% cover, 4) at least one species from Table 1 is present, and 5) the cover of invasive species (see Table 1) is <25%?	YES  Wetland is a Category 3 wetland  Go to Question 7	<input checked="" type="radio"/> NO  Go to Question 7
7	<b>Fens.</b> Is the wetland a carbon accumulating (peat, muck) wetland that is saturated during most of the year, primarily by a discharge of free flowing, mineral rich, ground water with a circumneutral ph (5.5-9.0) and with one or more plant species listed in Table 1 and the cover of invasive species listed in Table 1 is <25%?	YES  Wetland is a Category 3 wetland  Go to Question 8a	<input checked="" type="radio"/> NO  Go to Question 8a
8a	<b>"Old Growth Forest."</b> Is the wetland a forested wetland and is the forest characterized by, but not limited to, the following characteristics: overstory canopy trees of great age (exceeding at least 50% of a projected maximum attainable age for a species); little or no evidence of human-caused understory disturbance during the past 80 to 100 years; an all-aged structure and multilayered canopies; aggregations of canopy trees interspersed with canopy gaps; and significant numbers of standing dead snags and downed logs?	YES  Wetland is a Category 3 wetland.  Go to Question 8b	<input checked="" type="radio"/> NO  Go to Question 8b

**Table 1. Characteristic plant species.**

<b>invasive/exotic spp</b>	<b>fen species</b>	<b>bog species</b>	<b>Oak Opening species</b>	<b>wet prairie species</b>
<i>Lythrum salicaria</i>	<i>Zygadenus elegans</i> var. <i>glaucus</i>	<i>Calla palustris</i>	<i>Carex cryptolepis</i>	<i>Calamagrostis canadensis</i>
<i>Myriophyllum spicatum</i>	<i>Cacalia plantaginea</i>	<i>Carex atlantica</i> var. <i>capillacea</i>	<i>Carex lasiocarpa</i>	<i>Calamagrostis stricta</i>
<i>Najas minor</i>	<i>Carex flava</i>	<i>Carex echinata</i>	<i>Carex stricta</i>	<i>Carex atherodes</i>
<i>Phalaris arundinacea</i>	<i>Carex sterilis</i>	<i>Carex oligosperma</i>	<i>Cladium mariscoides</i>	<i>Carex buxbaumii</i>
<i>Phragmites australis</i>	<i>Carex stricta</i>	<i>Carex trisperma</i>	<i>Calamagrostis stricta</i>	<i>Carex pellita</i>
<i>Potamogeton crispus</i>	<i>Deschampsia caespitosa</i>	<i>Chamaedaphne calyculata</i>	<i>Calamagrostis canadensis</i>	<i>Carex sartwellii</i>
<i>Ranunculus ficaria</i>	<i>Eleocharis rostellata</i>	<i>Decodon verticillatus</i>	<i>Quercus palustris</i>	<i>Gentiana andrewsii</i>
<i>Rhamnus frangula</i>	<i>Eriophorum viridicarinatum</i>	<i>Eriophorum virginicum</i>		<i>Helianthus grosseserratus</i>
<i>Typha angustifolia</i>	<i>Gentianopsis</i> spp.	<i>Larix laricina</i>		<i>Liatris spicata</i>
<i>Typha xglauca</i>	<i>Lobelia kalmii</i>	<i>Nemopanthus mucronatus</i>		<i>Lysimachia quadriflora</i>
	<i>Parnassia glauca</i>	<i>Scheuchzeria palustris</i>		<i>Lythrum alatum</i>
	<i>Potentilla fruticosa</i>	<i>Sphagnum</i> spp.		<i>Pycnanthemum virginianum</i>
	<i>Rhamnus alnifolia</i>	<i>Vaccinium macrocarpon</i>		<i>Silphium terebinthinaceum</i>
	<i>Rhynchospora capillacea</i>	<i>Vaccinium corymbosum</i>		<i>Sorghastrum nutans</i>
	<i>Salix candida</i>	<i>Vaccinium oxycoccos</i>		<i>Spartina pectinata</i>
	<i>Salix myricoides</i>	<i>Woodwardia virginica</i>		<i>Solidago riddellii</i>
	<i>Salix serissima</i>	<i>Xyris difformis</i>		
	<i>Solidago ohioensis</i>			
	<i>Tofieldia glutinosa</i>			
	<i>Triglochin maritimum</i>			
	<i>Triglochin palustre</i>			

**End of Narrative Rating. Begin Quantitative Rating on next page.**

<b>Site:</b> DN	<b>Rater(s):</b> DD	<b>Date:</b> 6/20/12
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15
subtotal first page

0	15
max 10 pts.	subtotal

### Metric 5. Special Wetlands.

Check all that apply and score as indicated.

- None
- Bog (10)
  - Fen (10)
  - Old growth forest (10)
  - Mature forested wetland (5)
  - Lake Erie coastal/tributary wetland-unrestricted hydrology (10)
  - Lake Erie coastal/tributary wetland-restricted hydrology (5)
  - Lake Plain Sand Prairies (Oak Openings) (10)
  - Relict Wet Prairies (10)
  - Known occurrence state/federal threatened or endangered species (10)
  - Significant migratory songbird/water fowl habitat or usage (10)
  - Category 1 Wetland. See Question 1 Qualitative Rating (-10)

0	15
max 20 pts.	subtotal

### Metric 6. Plant communities, interspersions, microtopography.

6a. Wetland Vegetation Communities.

Score all present using 0 to 3 scale.

- Aquatic bed
- 1 Emergent
- Shrub
- Forest
- Mudflats
- Open water
- Other \_\_\_\_\_

6b. horizontal (plan view) Interspersion.

Select only one.

- High (5)
- Moderately high(4)
- Moderate (3)
- Moderately low (2)
- Low (1)
- None (0)

6c. Coverage of invasive plants. Refer to Table 1 ORAM long form for list. Add or deduct points for coverage

- Extensive >75% cover (-5)
- Moderate 25-75% cover (-3)
- Sparse 5-25% cover (-1)
- Nearly absent <5% cover (0)
- Absent (1)

6d. Microtopography.

Score all present using 0 to 3 scale.

- 1 Vegetated hummocks/tussocks
- Coarse woody debris >15cm (6in)
- Standing dead >25cm (10in) dbh
- 1 Amphibian breeding pools

#### Vegetation Community Cover Scale

0	Absent or comprises <0.1ha (0.2471 acres) contiguous area
1	Present and either comprises small part of wetland's vegetation and is of moderate quality, or comprises a significant part but is of low quality
2	Present and either comprises significant part of wetland's vegetation and is of moderate quality or comprises a small part and is of high quality
3	Present and comprises significant part, or more, of wetland's vegetation and is of high quality

#### Narrative Description of Vegetation Quality

low	Low spp diversity and/or predominance of nonnative or disturbance tolerant native species
mod	Native spp are dominant component of the vegetation, although nonnative and/or disturbance tolerant native spp can also be present, and species diversity moderate to moderately high, but generally w/o presence of rare threatened or endangered spp
high	A predominance of native species, with nonnative spp and/or disturbance tolerant native spp absent or virtually absent, and high spp diversity and often, but not always, the presence of rare, threatened, or endangered spp

#### Mudflat and Open Water Class Quality

0	Absent <0.1ha (0.247 acres)
1	Low 0.1 to <1ha (0.247 to 2.47 acres)
2	Moderate 1 to <4ha (2.47 to 9.88 acres)
3	High 4ha (9.88 acres) or more

#### Microtopography Cover Scale

0	Absent
1	Present very small amounts or if more common of marginal quality
2	Present in moderate amounts, but not of highest quality or in small amounts of highest quality
3	Present in moderate or greater amounts and of highest quality

15
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**End of Quantitative Rating. Complete Categorization Worksheets.**

## Wetland Categorization Worksheet

Choices	Circle one		Evaluation of Categorization Result of ORAM
Did you answer "Yes" to any of the following questions:  Narrative Rating Nos. 2, 3, 4, 6, 7, 8a, 9d, 10	YES  Wetland is categorized as a Category 3 wetland	(NO)	Is quantitative rating score <i>less</i> than the Category 2 scoring threshold ( <i>excluding</i> gray zone)? If yes, reevaluate the category of the wetland using the narrative criteria in OAC Rule 3745-1-54(C) and biological and/or functional assessments to determine if the wetland has been over-categorized by the ORAM
Did you answer "Yes" to any of the following questions:  Narrative Rating Nos. 1, 8b, 9b, 9e, 11	YES  Wetland should be evaluated for possible Category 3 status	(NO)	Evaluate the wetland using the 1) narrative criteria in OAC Rule 3745-1-54(C) and 2) the quantitative rating score. If the wetland is determined to be a Category 3 wetland using either of these, it should be categorized as a Category 3 wetland. Detailed biological and/or functional assessments may also be used to determine the wetland's category.
Did you answer "Yes" to  Narrative Rating No. 5	YES  Wetland is categorized as a Category 1 wetland	(NO)	Is quantitative rating score <i>greater</i> than the Category 2 scoring threshold ( <i>including</i> any gray zone)? If yes, reevaluate the category of the wetland using the narrative criteria in OAC Rule 3745-1-54(C) and biological and/or functional assessments to determine if the wetland has been under-categorized by the ORAM
Does the quantitative score fall within the scoring range of a Category 1, 2, or 3 wetland?	(YES)	NO	If the score of the wetland is located within the scoring range for a particular category, the wetland should be assigned to that category. In all instances however, the narrative criteria described in OAC Rule 3745-1-54(C) can be used to clarify or change a categorization based on a quantitative score.
Does the quantitative score fall with the "gray zone" for Category 1 or 2 or Category 2 or 3 wetlands?	YES  Wetland is assigned to the higher of the two categories or assigned to a category based on detailed assessments and the narrative criteria	(NO)	Rater has the option of assigning the wetland to the higher of the two categories or to assign a category based on the results of a nonrapid wetland assessment method, e.g. functional assessment, biological assessment, etc, and a consideration of the narrative criteria in OAC rule 3745-1-54(C).
Does the wetland otherwise exhibit <i>moderate OR superior</i> hydrologic OR habitat, OR recreational functions AND the wetland was <i>not</i> categorized as a Category 2 wetland (in the case of moderate functions) or a Category 3 wetland (in the case of superior functions) by this method?	YES  Wetland was undercategorized by this method. A written justification for recategorization should be provided on Background Information Form	(NO)	A wetland may be undercategorized using this method, but still exhibit one or more superior functions, e.g. a wetland's biotic communities may be degraded by human activities, but the wetland may still exhibit superior hydrologic functions because of its type, landscape position, size, local or regional significance, etc. In this circumstance, the narrative criteria in OAC Rule 3745-1-54(C)(2) and (3) are controlling, and the under-categorization should be corrected. A written justification with supporting reasons or information for this determination should be provided.

Choose one
(Category 1)
Category 2
Category 3

**End of Ohio Rapid Assessment Method for Wetlands.**

**VEGETATION - Use scientific names of plants**

Sampling Point: Wet.-DN

Tree Stratum	Plot Size ( )	Absolute % Cover	Dominant Species	Indicator Staus
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
		0 = Total Cover		
Sapling/Shrub Stratum	Plot Size ( 15' )	Absolute % Cover	Dominant Species	Indicator Staus
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
		0 = Total Cover		
Herb Stratum	Plot Size ( 5' )	Absolute % Cover	Dominant Species	Indicator Staus
1	<i>Phragmites australis</i>	40	Y	FACW
2	<i>Cyperus diandrus</i>	25	Y	FACW
3	<i>Juncus tenuis</i>	20	Y	FAC
4	<i>Solidago canadensis</i>	7	N	FACU
5	<i>Euthamia graminifolia</i>	5	N	FACW
6	<i>Erigeron philadelphicus</i>	3	N	FACW
7				
8				
9				
10				
11				
12				
13				
14				
15				
		100 = Total Cover		
Woody Vine Stratum	Plot Size ( 30' )	Absolute % Cover	Dominant Species	Indicator Staus
1				
2				
3				
4				
5				
		0 = Total Cover		

**50/20 Thresholds**

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	20	50
Woody Vine Stratum	0	0

**Dominance Test Worksheet**

Number of Dominant Species that are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across all Strata: 3 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

**Prevalence Index Worksheet**

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	73	x 2 =	146
FAC species	20	x 3 =	60
FACU species	7	x 4 =	28
UPL species	0	x 5 =	0
Column totals	100 (A)		234 (B)
Prevalence Index = B/A =			<u>2.34</u>

**Hydrophytic Vegetation Indicators:**

Rapid test for hydrophytic vegetation

Dominance test is >50%

Prevalence index is ≤3.0\*

Morphological adaptations\* (provide supporting data in Remarks or on a separate sheet)

Problematic hydrophytic vegetation\* (explain)

\*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

**Definitions of Vegetation Strata:**

**Tree** - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** - All woody vines greater than 3.28 ft in height.

**Hydrophytic vegetation present?** Y

Remarks: (Include photo numbers here or on a separate sheet)

Other species in wooded portion of the wetland include sensitive fern and stinging nettle.

**WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region**

Project/Site: Mogadore to Vanport Pipeline Project City/County: Portage Sampling Date: 6-20-12  
 Applicant/Owner: Sunoco Pipeline LP State: Ohio Sampling Point: Up.-DN  
 Investigator(s): Dotty Daly & Andrew Thompson Section, Township, Range: OH91 T1N R8W  
 Landform (hillslope, terrace, etc.): Plains Local relief (concave, convex, none): none  
 Slope (%): 0-1% Lat.: 41° 02' 52.20"N Long.: 81° 15' 04.84"W Datum: NAD 83  
 Soil Map Unit Name: ReB Ravenna silt loam, 2-6% NWI Classification: U  
 Are climatic/hydrologic conditions of the site typical for this time of the year? Yes (If no, explain in remarks)  
 Are vegetation X, soil \_\_\_\_\_, or hydrology \_\_\_\_\_ significantly disturbed? Are "normal  
 Are vegetation \_\_\_\_\_, soil \_\_\_\_\_, or hydrology \_\_\_\_\_ naturally problematic? circumstances" present? No  
 (If needed, explain any answers in remarks)

**SUMMARY OF FINDINGS**

Hydrophytic vegetation present? <u>  N  </u> Hydric soil present? <u>  N  </u> Wetland hydrology present? <u>  N  </u>	Is the sampled area within a wetland? <u>  N  </u> If yes, optional wetland site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.)  Previously disturbed	

**HYDROLOGY**

Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	Secondary Indicators (minimum of two required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Microtopographic Relief (D4)
Field Observations: Surface water present? Yes _____ No <u>  X  </u> Depth (inches): _____ Water table present? Yes _____ No <u>  X  </u> Depth (inches): _____ Saturation present? Yes _____ No <u>  X  </u> Depth (inches): _____ (includes capillary fringe)		Wetland hydrology present? <u>  N  </u>
Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:  soil moist		
Remarks:		



**ATTACHMENT 7  
THREATENED/ENDANGERED SPECIES COORDINATION**

Threatened/endangered species coordination was conducted early in the project between U.S. Fish & Wildlife Service (USFWS) and Ohio Department of Natural Resources (ODNR). A summary of species of concern identified by each agency and the resolution of potential impacts is presented in the following table. Copies of coordination between STV and the resource agencies is also attached. Full copies of the Indiana bat and Eastern Massasauga studies can be provided upon request.

Agency	Species of Concern	Resolution
ODNR	Indiana Bat	
USFWS		Survey done July and August 2012. No bats found. Concurrence received December 18, 2012.
ODNR	Eastern Massasauga	Three areas of suitable habitat were identified during habitat surveys. STV will directionally drill these areas to avoid potential impacts to the Eastern massasauga. Concurrence received from ODNR on this approach 1/23/13.
USFWS		Coordination with USFWS ongoing.
ODNR		No impact anticipated July 25, 2012
ODNR	Eastern Pondmussel	Coordination with ODNR ongoing.
ODNR	American emerald dragonfly, Frosted whiteface dragonfly, Brush-tipped emerald dragonfly, and Chalk-fronted corporal dragonfly	Coordination with ODNR ongoing.
ODNR	Northern Harrier	Coordination with ODNR ongoing.



June 1, 2012

United States Fish and Wildlife Service  
Endangered Species Section  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230

Reference: Sunoco Pipeline, LP  
Mogadore-Vanport Line  
Brimfield, Suffield, Randolph, Atwater, Deerfield, Berlin, Ellsworth, Canfield,  
Boardman, Poland, Springfield, Townships; Portage and Mahoning Counties, OH  
Little Beaver, Darlington, South Beaver, Chippewa, Brighton Townships;  
Lawrence and Beaver Counties, PA;

Subject: Threatened/Endangered Species Project Review

STV Project No.: 38-15486

To whom it may concern:

STV Incorporated (STV) was retained by Sunoco Pipeline, LP (SPLP) to perform an environmental investigation associated with a proposed pipeline. SPLP proposes to install the Sunoco Mogadore-Vanport (size tbd) petroleum products line for approximately 74 miles from the existing facility in Mogadore, OH to the Vanport facility in Beaver, PA. A 9 mile section of existing 8-inch pipeline within the same ROW will also be replaced with 10-inch pipeline in conjunction with the installation of the new pipeline. This section is located in Mahoning County, OH. Land use within the project is a mix of agricultural land, forested land, herbaceous and scrub/shrub rangeland. Topographically the route is characterized by flat rolling fields and hills segueing to more pronounced slopes in Western PA.

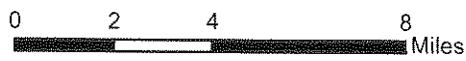
The proposed alignment will be installed in existing Sunoco Pipeline, LP right-of-way (ROW). Temporary workspace for construction of the pipeline will be 75-100 feet with a final permanent ROW of 50 feet. Total impact acreage for construction is approximately 850 acres.

The purpose of this letter is to determine if there are any species of concern within the Sunoco Pipeline project area. The project location map is shown on the Akron East, Suffield, Atwater, Deerfield, Lake Milton, Canfield, Youngstown, Columbiana, New Middleton, East Palestine, New Galilee, Midland, and Beaver USGS topographical maps.

A project review letter was submitted in conjunction to the Region 5 office of the USFWS. Thank you for your prompt attention to this request. If you have any questions, please contact me at 610-385-8359.

Sincerely,

Wendy Schellhamer  
Environmental Scientist



SCALE: 1:240,000 (or 1" = 20000')

———— Mogadore to Vanport Alignment

**FIGURE 1**  
**PROJECT LOCATION MAP**  
**MOGADORE to VANPORT**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / FAX (614) 416-8994

June 18, 2012

STV

Attn: Wendy Schellhamer  
205 West Welsh Drive  
Douglassville, PA 19518-8713

TAILS: 03E15000-2012-TA-0894

Re: Inland Mogadore-Vanport Line  
STV Project: 38-15486  
Mahoning and Portage Counties, OH.

Dear Ms. Schellhamer:

This is in response to your June 1, 2012 letter requesting information regarding potential impacts to federally listed threatened and endangered species within the vicinity of the above referenced site. The project involves replacement of approximately 74 miles of 8-inch petroleum products pipeline with new 10-inch pipeline. The entirety of the project will occur in existing Sunoco Pipeline Right of Way. The land use within the project area consists of agricultural land, forested land, herbaceous and scrub/shrub rangeland.

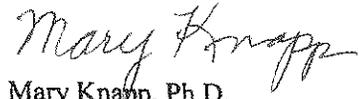
There are no Federal wildlife refuges, wilderness areas, or Critical Habitat within the vicinity of this site.

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, particularly on slopes. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. In addition, 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. Staging areas should be kept well away from streams and wetlands, and construction areas should be quickly replanted with native vegetation following construction.

**BALD EAGLE COMMENTS:** The project lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*), 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, this species would not be expected within the project area, and no impact to this species is expected. Relative to this species, this precludes the need for further action on this project as required by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

**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.

Sincerely,

A handwritten signature in cursive script that reads "Mary Knapp".

Mary Knapp, Ph.D.  
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH  
jrowan@normandeau.com

## Gary Alt

---

**From:** Henry, David <david\_henry@fws.gov>  
**Sent:** Tuesday, December 18, 2012 7:06 AM  
**To:** Gary Alt  
**Subject:** Mogadore-Vanport Bat Survey

Mr. Alt,

This email provides U.S. Fish and Wildlife Service (Service) review of an Indiana bat (*Myotis sodalis*) survey report, dated October 2012 for the Mogadore-Vanport Pipeline Project in Mahoning and Portage Counties, Ohio, by Normandeau Associates. The projects, as proposed, would involve replacement of 96.9 km of 10-inch pipeline in an existing right-of-way.

Mist net survey for Indiana bats were conducted following Service guidance for minimal level of effort, and included 348 net-nights from July 18 to August 14, 2012. No Indiana bats were detected. We concur with the results of the mist-net survey and believe that the survey results and habitat information provided in the report, document the likely absence of Indiana bats in the project area. Negative Indiana bat mist-net survey results are valid for a period of 2 years. Therefore, no tree clearing should occur on the site after September 30, 2014 without further coordination with this office. However, if there is a Federal nexus for the project (Federal funding provided, Federal permits required to construct, etc.) then no tree clearing on any portion of the parcel should occur until consultation under section 7 of the Endangered Species Act of 1973, as amended, between the Service and the Federal action agency is completed. We recommend that the Federal action agency submit to this office a determination of effects to the Indiana bat for our review and concurrence.

Should additional information on listed species become available, or if new information reveals effects of the action that were not previously considered, this finding may be reconsidered. If project plans change, or if portions of the proposed project were not evaluated, it is our recommendation that the changes be submitted for our review. If you have questions, or if we may be of further assistance in this matter, please contact me.

Sincerely,

David C. Henry  
Wildlife Biologist  
US Fish & Wildlife Service  
Ohio Ecological Services Field Office  
4625 Morse Road, Suite 104  
Columbus, OH 43230  
Phone: 614-416-8993 x: 27  
Fax: 614-416-8994  
E-mail: [david\\_henry@fws.gov](mailto:david_henry@fws.gov)



June 22, 2012

John Kessler  
Ohio Department of Natural Resources  
Office of Real Estate  
2045 Morse Rd, Bldg F-1  
Columbus, OH 43229

Reference: Sunoco Pipeline, LP  
Sunoco Mogadore-Vanport Line  
Brimfield, Suffield, Randolph, Atwater, Deerfield, Berlin, Ellsworth, Canfield,  
Boardman, Poland, Springfield, Townships; Portage and Mahoning Counties,  
OH  
Little Beaver, Darlington, South Beaver, Chippewa, Brighton Townships;  
Lawrence and Beaver Counties, PA;

Subject: Threatened/Endangered Species Project Review

STV Project No.: 38-15486

Dear Mr. Kessler:

STV Incorporated (STV) was retained by Sunoco Pipeline, LP (SPLP) to perform an environmental investigation associated with a proposed pipeline. SPLP proposes to install the Sunoco Mogadore-Vanport (size tbd) petroleum products line for approximately 74 miles from the existing facility in Mogadore, OH to the Vanport facility in Beaver, PA. A 9 mile section of existing 8-inch pipeline within the same ROW will also be replaced with 10-inch pipeline in conjunction with the installation of the new pipeline. This section is located in Mahoning County, OH. Land use within the project is a mix of agricultural land, forested land, herbaceous and scrub/shrub rangeland. Topographically the route is characterized by flat rolling fields and hills segueing to more pronounced slopes in Western PA.

The proposed alignment will be installed in existing Sunoco Pipeline, LP right-of-way (ROW). Temporary workspace for construction of the pipeline will be 75-100 feet with a final permanent ROW of 50 feet. Total impact acreage for construction is approximately 850 acres.

The purpose of this letter is to determine if there are any species of concern within the Sunoco Pipeline project area. The project location map is shown on the Akron East, Suffield, Atwater, Deerfield, Lake Milton, Canfield, Youngstown, Columbiana, New Middleton, East Palestine, New Galilee, Midland, and Beaver USGS topographical maps. Previous coordination was conducted with Greg Schneider at the Division of Wildlife. Copies of this coordination are enclosed.

Thank you for your attention to this request. If you have any questions, please contact me at 610-385-8359.

Sincerely,

A handwritten signature in cursive script that reads "Wendy K. Schellhamer".

Wendy Schellhamer  
Environmental Scientist

## Wendy K. Schellhamer

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**From:** Kessler, John [John.Kessler@dnr.state.oh.us]  
**Sent:** Wednesday, July 25, 2012 10:24 AM  
**To:** Wendy K. Schellhamer  
**Subject:** FW: 12-419 comments

Hello Wendy. Here are the ODNR comments. Please let me know if you have any questions.

john



**ODNR COMMENTS TO: Wendy.K.Schellhamer, STV; [WENDY.SCHELLHAMER@stvinc.com]**

**Project: Sunoco Mogadore to Vanport Pipeline**

**Location: Portage and Mahoning Counties**

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.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The Division of Wildlife (DOW) recommends no in-water work from at least April 15 to June 30<sup>th</sup> to reduce impacts to native aquatic species and their habitat.

Portions of the proposed project cross Berlin Lake Wildlife Area. Please contact John Sambuco, Lands Coordinator for DOW, at (614) 265-6613 to coordinate options for access onto the Wildlife Area.

### Portage County

The project is within the range of the Indiana bat (*Myotis sodalis*), a state 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 habitat consists of suitable trees that include dead and dying trees of the species listed above with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees of the species listed above with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and April 1. If suitable trees must be cut during the summer months, a net survey must be conducted in May or June prior to cutting. Net surveys shall incorporate either two net sites per square kilometer of project area with each net site containing a minimum of two nets used for two consecutive nights, or one net site per kilometer of stream within the project limits with each net site containing a minimum of two nets used for two consecutive nights. If no tree removal is proposed, the project is not likely to impact this species.

The project is within the range of the Eastern massasauga (*Sistrurus catenatus*), a state endangered and a federal candidate snake species. Since wetlands are within the vicinity of the project area, a habitat survey is required on the proposed site to determine if eastern massasaugas are likely to occur on site. The survey must be done by a professional herpetologist approved by the DOW. If necessary, a presence/absence survey may be required.

Please note that wetlands known to contain an individual of or documented occurrences of federal or state-listed threatened or endangered plant or animal species are most likely considered high quality, Category 3 wetlands by the Ohio Environmental Protection Agency.

ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have any other questions about these comments or need additional information.

John Kessler, P.E.  
Ohio Department of Natural Resources  
Office of Real Estate  
2045 Morse Rd., Columbus, OH 43229-6605  
phone: 614-265-6621  
email: [john.kessler@dnr.state.oh.us](mailto:john.kessler@dnr.state.oh.us)

## Wendy K. Schellhamer

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**From:** Mitch, Brian [Brian.Mitch@dnr.state.oh.us]  
**Sent:** Wednesday, January 23, 2013 8:29 AM  
**To:** Wendy K. Schellhamer  
**Cc:** Kessler, John  
**Subject:** RE: Sunoco Pipeline - Mogadore to Vanport Pipeline Project

Wendy,

Thanks for submitting the report. The DOW concurs that if impacts to the areas of suitable habitat (sites 4,7 and 8) are avoided via directional drilling, then impacts to the Eastern massasauga are not likely to occur and a presence/absence survey is not required.

For all projects that lie within the range of the eastern massasauga: this species could possibly be found traveling through or basking within the project areas. Due to the potential for the snakes to occur in these areas, all workers should be instructed not to harm or kill the snakes and to use caution, as the eastern massasauga is a venomous species. If Eastern massasaugas are encountered during project construction, please notify the Division of Wildlife.

Thanks,  
Brian Mitch, Compliance Coordinator  
Ohio Division of Wildlife  
2045 Morse Road, Building G-2  
Columbus, Ohio 43229-6693  
Office: (614) 265-6715  
[brian.mitch@dnr.state.oh.us](mailto:brian.mitch@dnr.state.oh.us)

**From:** Wendy K. Schellhamer [mailto:WENDY.SCHELLHAMER@stvinc.com]  
**Sent:** Wednesday, January 16, 2013 3:24 PM  
**To:** Kessler, John; Mitch, Brian  
**Subject:** Sunoco Pipeline - Mogadore to Vanport Pipeline Project

John/Mitch –

As requested in the letter below, STV subcontracted the services of a certified Eastern massasauga surveyor (Doug Wynn) to conduct a habitat survey of the project area. Please find a copy of the report attached (please let me know if you would like a hard copy mailed to you). Mr. Wynn identified three areas of suitable habitat within the project area, and has recommended a presence/absence survey be conducted in these areas.

Permits for this project are scheduled to be submitted in February 2013, with construction starting in November 2013. Due to the permit submittal schedule, Sunoco has agreed to directionally drill the three areas with suitable Eastern massasauga habitat in lieu of a presence/absence survey in order to avoid any potential conflicts with this species. Please let me know if this approach is acceptable to your agency.

Thank you for your assistance, and please let me know if you need any additional information.

Wendy

Wendy K. Schellhamer, LEED AP  
Environmental Operations Manager  
STV Energy Services, Inc.  
205 West Welsh Drive  
Douglassville, PA 19518

The project is within the range of the pointed sallow (*Epiglaea apiata*), a state endangered moth, and the Mitchell's satyr (*Neonympha mitchellii*), a state and federally endangered butterfly. Due to the habitat used by these species and the type of work proposed, the project is not likely to impact these species.

The project is within the range of the Eastern massasauga (*Sistrurus catenatus*), a state endangered and a federal candidate snake species. Due to the location of the project the project is not likely to impact this species.

The project is within the range of the bald eagle (*Haliaeetus leucocephalus*), a state threatened species. However, the Ohio Biodiversity Database currently has no records of this species near the project area.

The project is within the range of the eastern pondmussel (*Ligumia nasuta*), a state endangered mussel. If there is a history of mussels near the proposed project area, it may be necessary for a professional malacologist approved by the DOW to conduct a mussel survey in the project area. Surveys are to be done within six months before in-water work. If mussels that cannot be avoided are found in a project area, as a last resort, the DOW may recommend a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the proposed project. The mussel survey must be conducted using standard mussel survey methodologies to include hand grabbing, snorkeling, and the use of SCUBA equipment if depths preclude efficient sampling by other methods. The survey should include excavation of two to three, one-quarter meter quadrants to a depth of at least 10 cm to search for juvenile mussels, and any located must be relocated along with the adult specimens. Individual adult mussel specimens must be marked when relocated. Juveniles are not to be marked and will not be part of future monitoring efforts. If mussels are relocated, it is recommended the recipient site be monitored in two years to determine survivorship. Monitoring must follow the same survey protocol used during the relocation effort, and all marked individuals must be tallied. If no in-water work is proposed in perennial streams, the project is not likely to impact this species.

The project is within the range of the American emerald (*Cordulia shurtleffi*), a state endangered dragonfly, the frosted whiteface (*Leucorrhinia frigida*), a state endangered dragonfly, the brush-tipped emerald (*Somatochlora walshii*), a state endangered dragonfly, and the chalk-fronted corporal (*Ladona julia*), a state endangered dragonfly. Wetland impacts must be avoided in order to avoid potential impacts to these species.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species, and the bobcat (*Lynx rufus*), a state endangered species. Due to the mobility of these species, the project is not likely to have an impact on these species.

#### Mahoning County

The project is within the range of the Indiana bat (*Myotis sodalis*), a state 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 habitat consists of suitable trees that include dead and dying trees of the species listed above with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees of the species listed above with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and April 1. If suitable trees must be cut during the summer months, a net survey must be conducted in May or June prior to cutting. Net surveys shall incorporate either two net sites per square kilometer of project area with each net site containing a minimum of two nets used for two consecutive nights, or one net site per kilometer of stream within the project limits with each net site containing a minimum of two nets used for two consecutive nights. If no tree removal is proposed, the project is not likely to impact this species.

The project is within the range of the bald eagle (*Haliaeetus leucocephalus*), a state threatened species. However, the Ohio Biodiversity Database currently has no records of this species near the project area.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species. Due to the mobility of this species, the project is not likely to have an impact on this species.

The project is within the range of the Northern harrier (*Circus cyaneus*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. A statewide survey has not been completed for this species. A lack of records does not indicate the species is absent from the area. Therefore, if this type of habitat will be impacted, construction must not occur in this habitat during the species' nesting period of May 15 to August 1. If this habitat will not be impacted, the project is not likely to impact this species.



Photo 15: Photograph of tree clearing equipment used to maintain 50-foot ROW. Large machinery has been used within this 50-foot ROW to maintain and clear since the pipeline was constructed in the 1930's.

# INDIVIDUAL ISOLATED WETLAND PERMIT APPLICATION (Level Two Review)

## Additional Information

Project Name: Mogadore to Vanport Project

1. Please provide an analysis of practicable on-site alternatives to the proposed filling of the isolated wetland that would have a less adverse impact on the isolated wetland ecosystem:

The proposed project has been designed to limit impacts to streams and wetlands to the greatest extent possible. Following construction, wetlands and streams will be restored to pre-existing conditions and seeded with native vegetation. There will be no fill within streams or wetlands, and no dredging activities. Efforts to minimize wetland and stream impacts include the following:

- The pipeline is being constructed within an existing, maintained ROW corridor which reduces impacts that would result from construction within new ROW.
- Where possible efforts have been made to minimize impacts to wetlands and streams by reducing work space through high quality and forested wetland areas as well as directional drilling several stream and wetland complexes
- Earth disturbance in the 25 foot temporarily cleared areas will be minimal and involve no soil removal. These areas will be revegetated with native seed mixes.
- Erosion and sedimentation control plans will be established in accordance with all state and local regulations so as to protect the water quality of all wetlands and waterways within the project area.
- Pollution prevention plans will be developed in accordance with at federal, state and local regulations so as to avoid contamination to soils, wetlands and waterways.

2. Please provide information indicating whether high quality waters, as defined in rule 3745-105 of the administrative code, are to be avoided by the proposed filling of the isolated wetland(s):

There are four categories of high quality waters, which are as follows:

- a) General High Quality Waters – These are defined as Category 2 or 3. No Category 2 or 3 isolated wetlands are being impacted by this project.
- b) Superior High Quality Waters – These are defined as waters containing threatened/endangered species. There are no threatened/endangered species in the project area (see Attachment 4). The rest of the definition for Superior High Quality Waters refers to streams, and therefore, is not applicable to an isolated wetland.
- c) Outstanding state waters – These are waters with exceptional recreational values for boating, fishing or other personal enjoyment, and are not applicable to isolated wetlands.
- d) Outstanding national resource water – These are surface waters that have a national ecological or recreations significance. There are no isolated wetlands in the project area with these characteristics.

**Wetland Mitigation Proposal- Allegheny Access Project  
Vanport, Pennsylvania to Mogadore, Ohio  
Isolated Wetland Permit Application  
USACE Buffalo District**

***Mitigation Intention- Wetlands:***

Within the pipeline Right-of-Way (ROW), all emergent wetlands that will be trenched will be replaced on site. Prior to accessing wetlands, timber matting will be installed. Excavated soil from the pipeline installation will be temporarily stored along the ditch line on geotextile fabric, as shown in the construction details. Wetland topsoil will be stockpiled separately from subsoil. All exposed soils shall be contained within the limit of disturbance and controlled by the erosion and sediment control measures illustrated on the Construction Drawings and in accordance with the Ohio Dept. of Natural Resources Division of Soil and Water Conservation District "Rainwater and Land Development" Standards. When the construction is complete, the wetland matting will be removed and the area will be permanently seeded with Wet Mesic Prairie Mix, in accordance of the plan.

**Wet Mesic Prairie Mix- (Grasses and Sedges)**

- 14.4% *Andropogon gerardii* (Big Bluestem)
- 1.8% *Carex annectans xanthocarpa* (Yellow fox sedge)
- 1.8% *Carex frankii* (Frank's sedge)
- 5.4% *Carex vulpinoidea* (Fox Sedge)
- 28.5% *Elymus canadensis* (Canada wild rye)
- 28.5% *Elymus virginicus* (Virginia wild rye)
- 1.8% *Glyceria striata* (Fowl Manna grass)
- 3.6% *Panicum virgatum* (Switchgrass)
- 14.4% *Sorghastrum nutans* (Indian grass)

All scrub-shrub and forested wetlands located within the ROW will be cleared so that the 50-foot ROW is maintained except in areas where the wetlands are drilled. The scrub-shrub and forested wetland areas that are located within cleared ROW will be converted to emergent wetlands. The trees and shrubs will be removed in their entirety and the disturbed areas will be seeded with the native wetland seed mix.

Within the 25-foot Temporary Work Space (TWS) the trees and scrub-shrub will be removed by cutting the trees and shrubs down to the ground level, the trunks and roots of the plants will remain. There will be no soil disturbance or grubbing in these areas.

All tree material shall be removed from within 25 feet of an existing stream bank or the 100 year floodplain line, whichever is greater. These areas will be allowed to re-vegetate naturally.

#### *Stream Crossings:*

Stream crossings will be performed during optimum dry conditions. Timber matting will be installed for access. Grubbing shall not take place within 50-feet from the top of the streambanks. Wetland topsoil and subsoil will be stockpiled separately. Stream flumes or pump around bypass and rock energy dissipater will be installed prior to construction. Upon stabilization, all perimeter Silt Soxx or silt fence and all other erosion control measures will be removed.

Following construction, all remaining disturbed areas will be permanently seeded and mulched. All temporary Rock Construction Entrances shall be removed and restored. The stream channel will be restored to its original cross-section, and all disturbed areas will be smoothed and appropriately stabilized. Trenches will be backfilled and compacted. Timber matting at stream crossings will be removed, and stream bank restoration will be installed.

#### *HDD Wetland Crossings:*

Timber matting will be installed to protect existing utilities, as needed. Prior to the drill rig setup, the existing gas pipeline will be exposed. The directional drill rig site will be set up. After completion, the entry and exit pits will be backfilled and compacted, timber mats will be removed, disturbed areas will be graded, and the drill setup area and pull-back area will be permanently seeded and mulched.

#### *Temporary E&S Measures pertinent to Wetland Restoration activities on site:*

Mulching may be used as an alternative to temporary seeding to provide temporary stabilization of surface grading. Mulching shall be used in conjunction with permanent seeding to provide additional moisture conservation to speed seed germination and growth.

Temporary stabilization shall be achieved with mulch when the season and other conditions may not be suitable for growing an erosion resistant cover, or where stabilization is needed for a short period until more suitable material can be applied.

The temporary construction areas will be inspected weekly and within 24 hours after storm events to check for movement of mulch or for erosion. If washout, breakage, or erosion is present, the surface will be repaired and the area will be re-seeded and re-mulched. If required, new netting will be installed. Inspections will continue until vegetation is firmly established.

#### *Permanent E&S Measures pertinent to Wetland Restoration activities on site:*

Permanent Seeding will be installed and established in accordance with Construction Plans and specifications. After seeding, if the plant cover is sparse or patchy, the plant materials chosen, soil fertility, moist condition, and mulching will be evaluated then repaired either by over-seeding or re-seeding and mulching after re-preparing the seedbed.

Weekly inspections and inspections 24 hours after storm events of a minimum of 1/2 inch will be conducted until the stand is successfully established. Characteristics of a successful stand include: vigorous dark green or bluish-green plants that are uniform in density. Damaged, bare, or sparse areas will be repaired by filling any gullies, re-fertilizing, over- or re-seeding, and mulching.

### *Mitigation Requirements:*

According to the Wetland Antidegradation rules (OEPA 3745-1-54), the compensatory mitigation requirement for off-site mitigation of Category 1 wetlands is 1.5:1 for non-forested and forested wetlands and for Category 2 wetlands is 2.0:1 for non-forested and 2.5:1 for forested wetlands.

In coordination with the permitting agencies, it was determined that restoring the wetlands on-site will mitigate impacts at a 1:1 replacement ratio. A balance of 0.5:1 for Category 1 wetlands and 1:1 for Category 2 wetlands will require mitigation either on-site replacement/restoration or through mitigation banking. Scrub-shrub and forested wetlands will not be replanted on-site, so the balance of the 1.5:1 replacement ratio for Category 1 wetlands and the 2:1 replacement ratio for Category 2 wetlands will have to be met either by on-site replacement/restoration or through mitigation banking.

Additional on-site replacement/restoration cannot be accomplished due to right-of-way restrictions associated with the project, so wetland mitigation banking is the preferred option. The wetland mitigation banking involves purchasing credits or use of a fee-in-lieu program. For purchasing credits, one credit equals one acre and credits can be purchased for tenths of an acre.

The criteria that must be met for the mitigation banking is as follows: credits must be purchased within the individual Army Corps of Engineers District that the impacts occur in (these are known as Service Areas) and requirements for the size/location of the watershed that the wetland banks are located in must be met. The Primary Service Area is the HUC-8 watershed area and it is required for Category 2 wetlands. The Secondary Service Area can be located within the HUC-8 watershed or within watersheds that share similar ecological boundaries; this applies to Category 1 wetlands. The table from the *Guidelines for Wetland Mitigation Banking in Ohio* (March 2011) summarizes the requirements:

#### Bank Service Areas:

The entire Ohio portion of the Corps District in which the bank is located for:

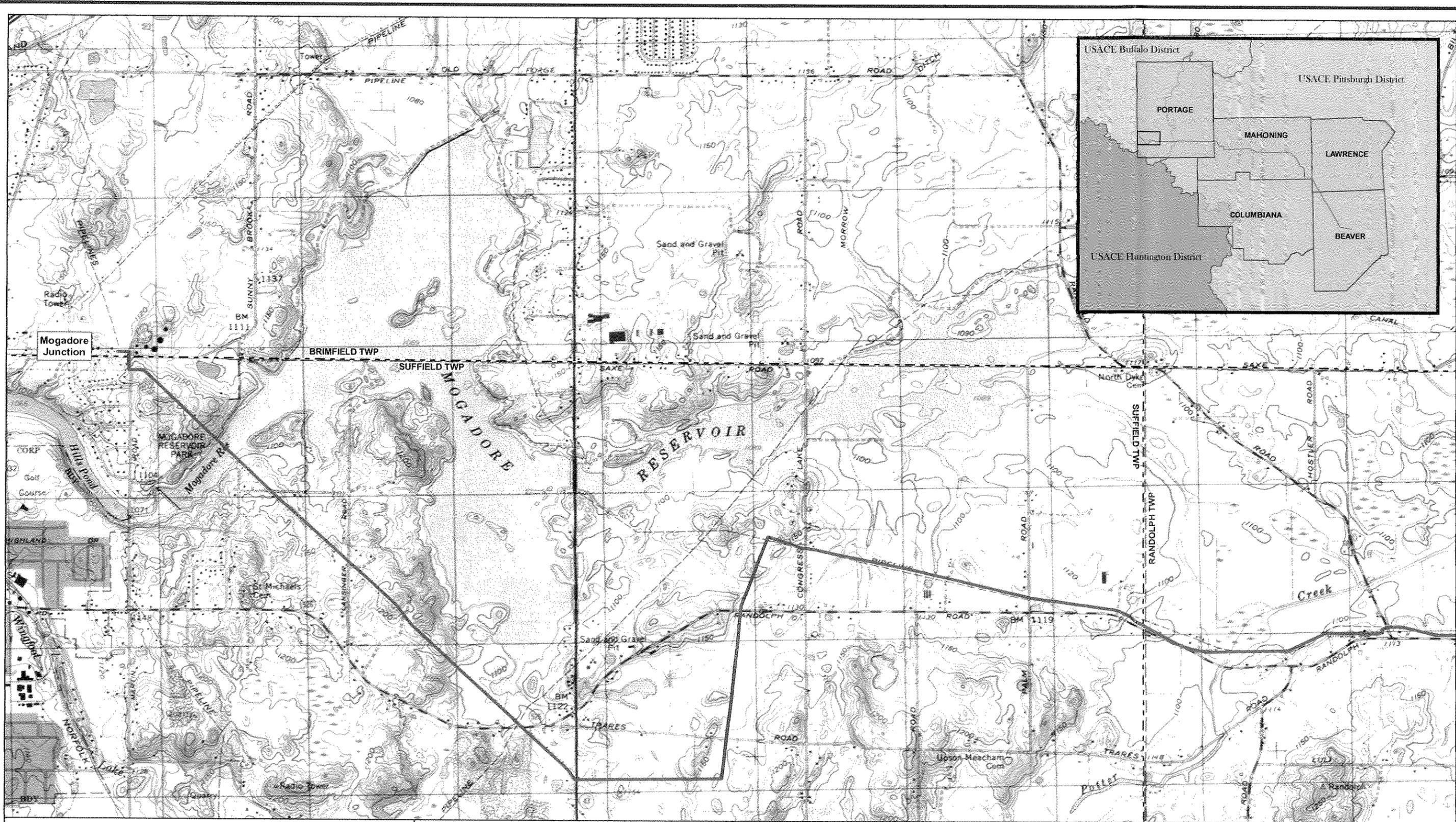
- all jurisdictional and isolated Category 1 wetlands of any size; and isolated Category 2 wetlands of 0.5 acre and less.
- The 8-digit HUC in which the bank is located for all other wetland impacts.

**Mogadore to Vanport:**

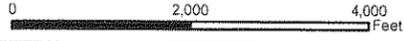
<b>USACE District</b>	Buffalo
<b>Cat 1</b>	<b>0.51</b>
<b>Total</b>	<b>0.51</b>

***Buffalo District: HUC Code 0411002***

Mitigation Bank: Pine Brook, owned by Ohio Wetlands Foundation. Propose purchasing 0.5 credits non forested credits (restoration). Granger, located in HUC 04110001 no longer has forested wetland credits available.



SCALE: 1:24000  
 (1" = 2000')



- Main Map Legend**
- Mogadore-Vanport (Proposed Alignment)
  - Township Boundary
  - County Boundary
  - USACE District Boundary

- Inset Map Legend**
- Mogadore-Vanport (Proposed Alignment)
  - County
  - USACE Buffalo District
  - USACE Pittsburgh District
  - USACE Huntington District

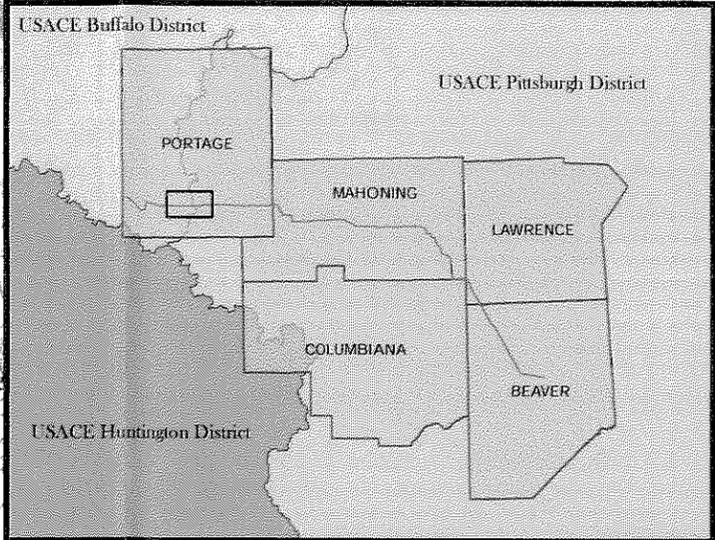
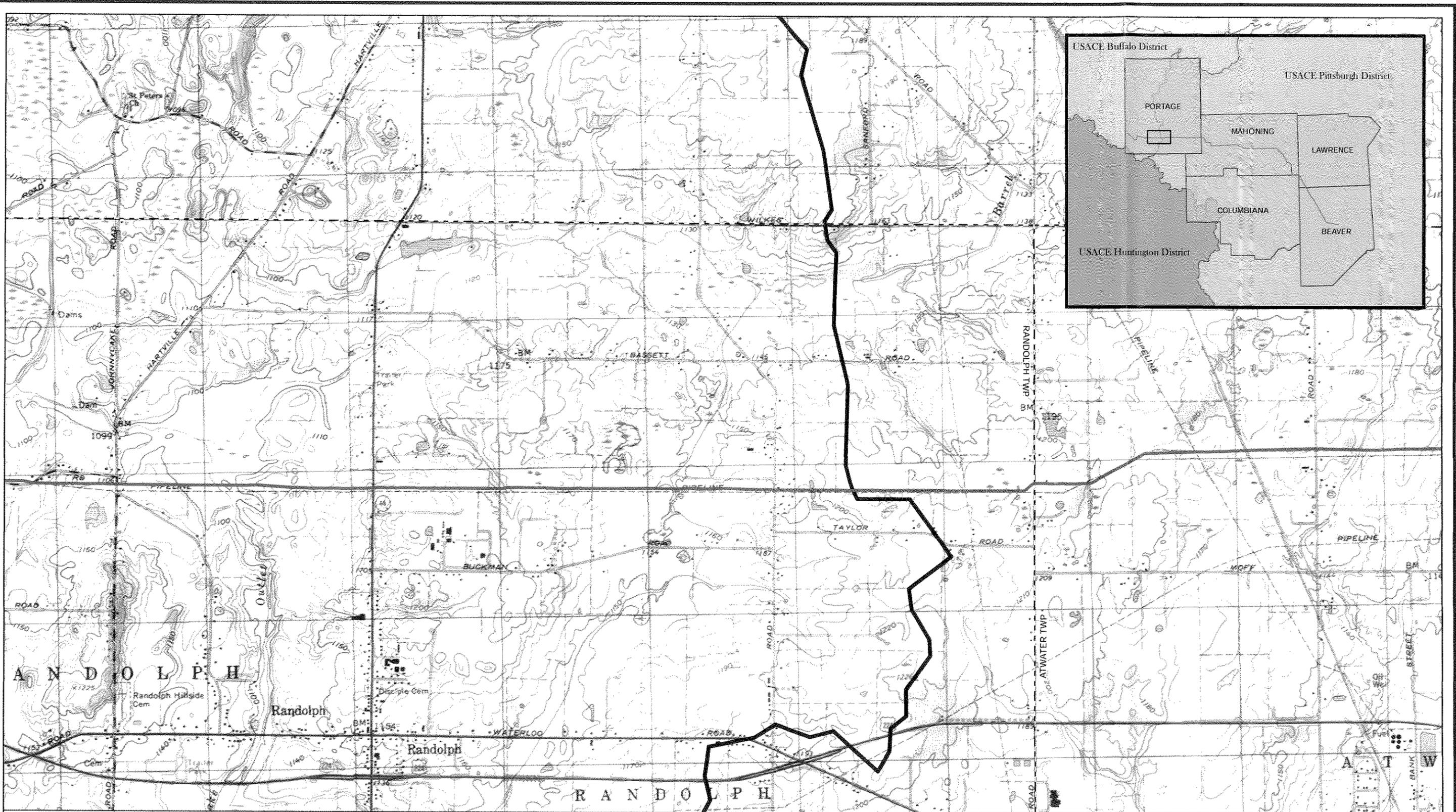


**PROJECT LOCATION MAP  
 ALLEGHENY ACCESS  
 MOGADORE -to- VANPORT**

SOURCE: Esri ArcGIS Online Map Service (USA Topo Maps)  
 United States Army Corps of Engineers (USACE)  
 United States Census Bureau (TIGER/Line Data)

CREATED BY: STV Energy Services, Inc.





SCALE: 1:24000  
 (1" = 2000')



- |                                       |                         |                                       |                           |
|---------------------------------------|-------------------------|---------------------------------------|---------------------------|
| <b>Main Map Legend</b>                |                         | <b>Inset Map Legend</b>               |                           |
| Mogadore-Vanport (Proposed Alignment) | Township Boundary       | Mogadore-Vanport (Proposed Alignment) | County                    |
| County Boundary                       | USACE District Boundary | USACE Buffalo District                | USACE Pittsburgh District |
|                                       |                         | USACE Huntington District             |                           |

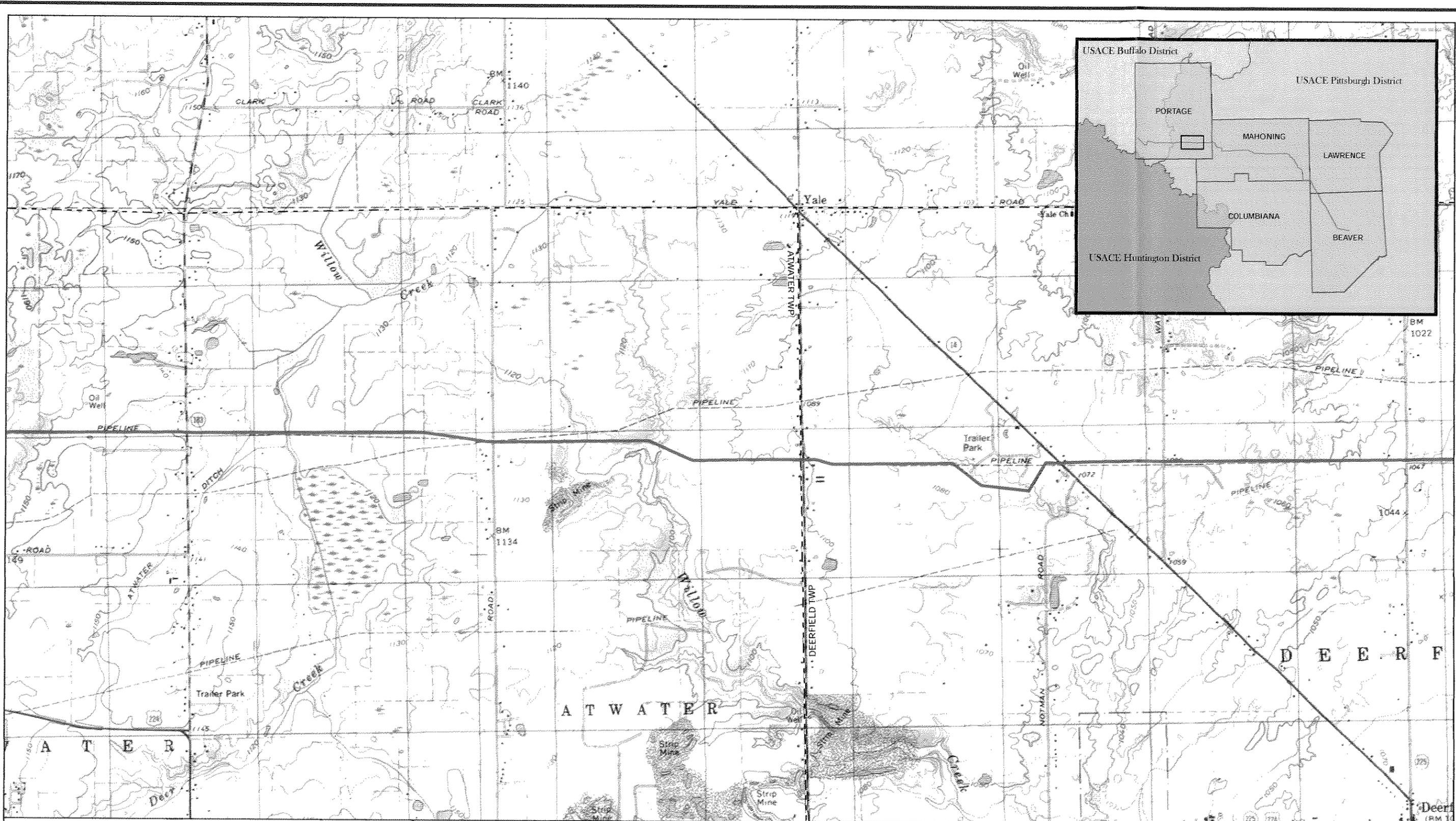


**PROJECT LOCATION MAP  
 ALLEGHENY ACCESS  
 MOGADORE -to- VANPORT**

SOURCE: Esri ArcGIS Online Map Service (USA Topo Maps)  
 United States Army Corps of Engineers (USACE)  
 United States Census Bureau (TIGER/Line Data)

CREATED BY: STV Energy Services, Inc.





SCALE: 1:24000  
(1" = 2000')



- |                                       |                         |                                       |                           |
|---------------------------------------|-------------------------|---------------------------------------|---------------------------|
| <b>Main Map Legend</b>                |                         | <b>Inset Map Legend</b>               |                           |
| Mogadore-Vanport (Proposed Alignment) | Township Boundary       | Mogadore-Vanport (Proposed Alignment) | County                    |
| County Boundary                       | USACE District Boundary | USACE Buffalo District                | USACE Pittsburgh District |
|                                       |                         | USACE Huntington District             |                           |

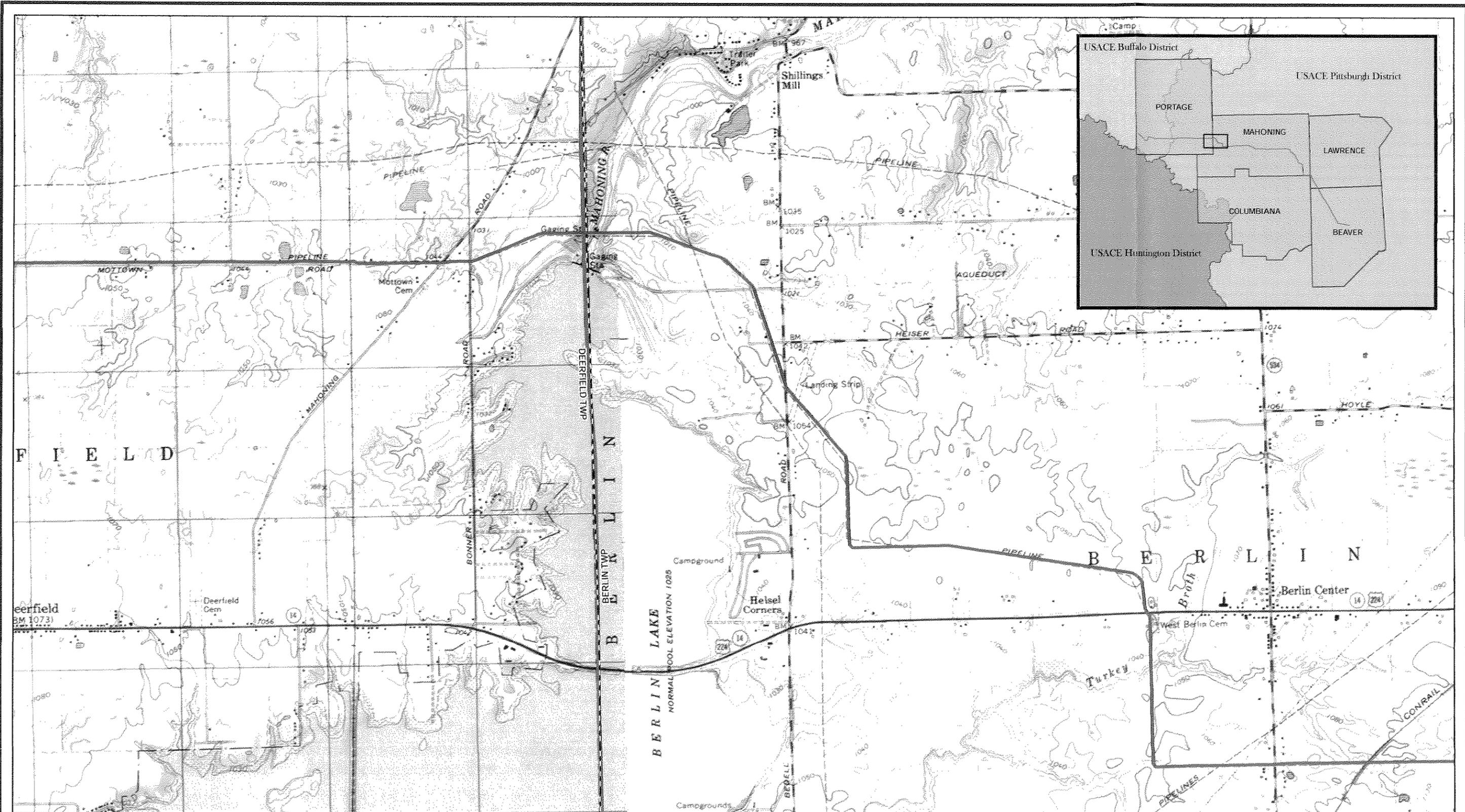


**PROJECT LOCATION MAP  
ALLEGHENY ACCESS  
MOGADORE -to- VANPORT**

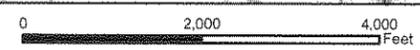
SOURCE: Esri ArcGIS Online Map Service (USA Topo Maps)  
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United States Census Bureau (TIGER/Line Data)

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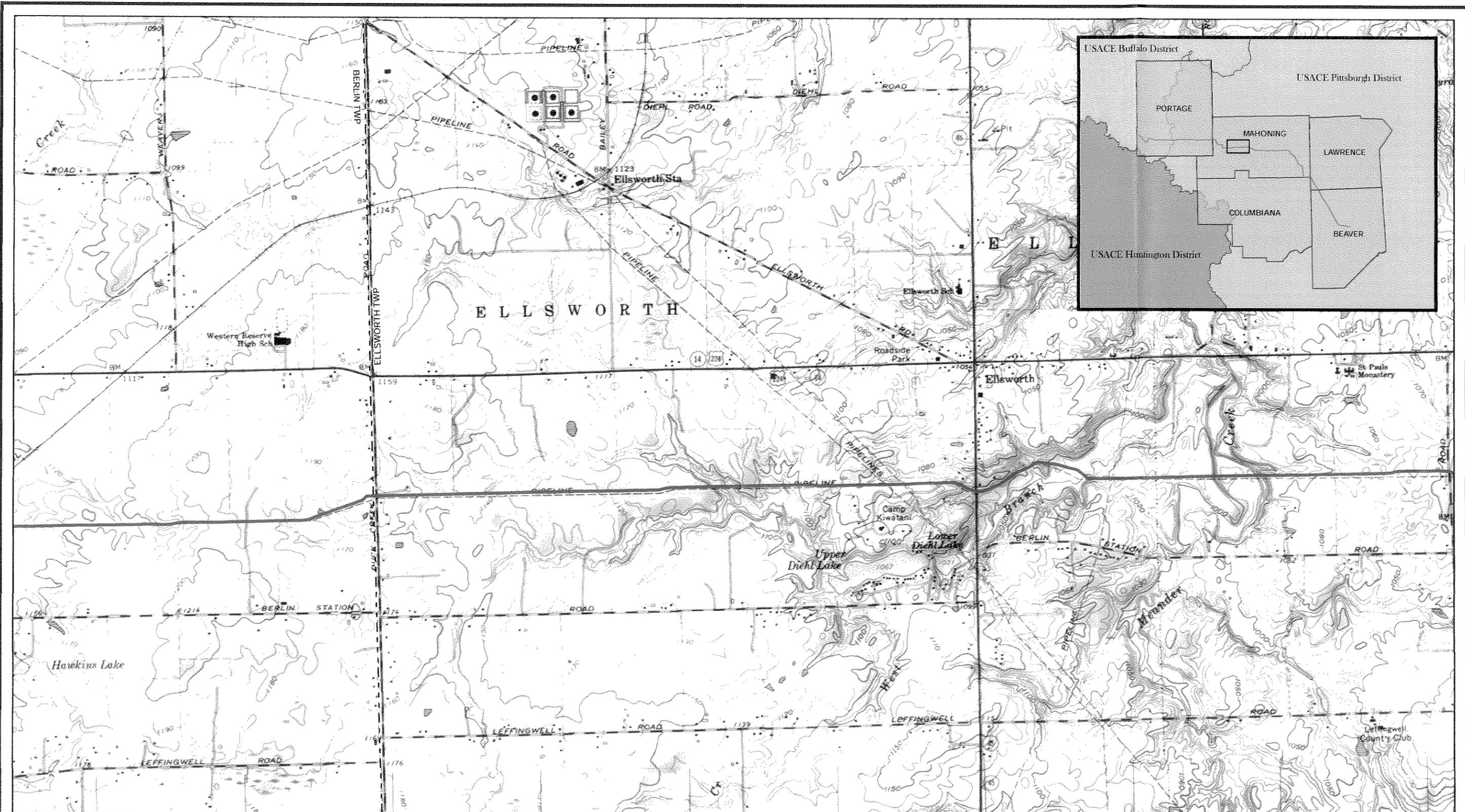
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	Mogadore-Vanport (Proposed Alignment)	
	Township Boundary	
	County Boundary	
	USACE District Boundary	
<b>Inset Map Legend</b>		
	Mogadore-Vanport (Proposed Alignment)	
	County	
	USACE Buffalo District	
	USACE Pittsburgh District	
	USACE Huntington District	

**PROJECT LOCATION MAP  
ALLEGHENY ACCESS  
MOGADORE -to- VANPORT**

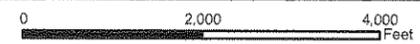
SOURCE: Esri ArcGIS Online Map Service (USA Topo Maps)  
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SCALE: 1:24000  
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- Main Map Legend**
- Mogadore-Vanport (Proposed Alignment)
  - Township Boundary
  - County Boundary
  - USACE District Boundary

- Inset Map Legend**
- Mogadore-Vanport (Proposed Alignment)
  - County
  - USACE Buffalo District
  - USACE Pittsburgh District
  - USACE Huntington District

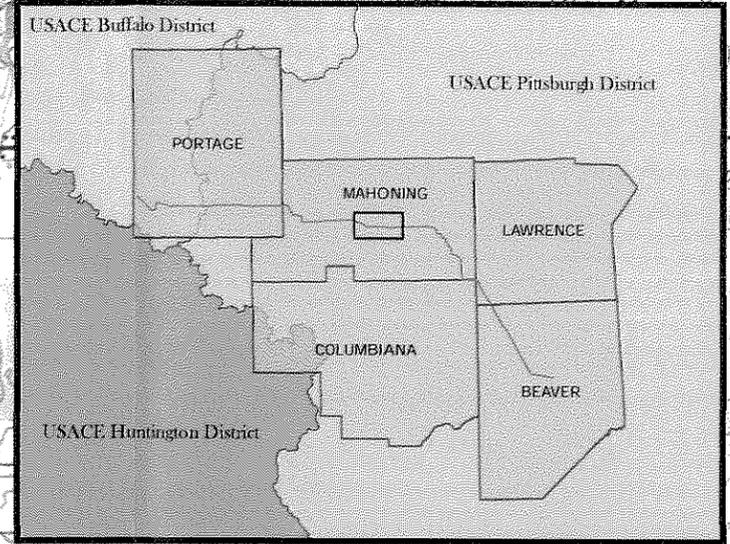
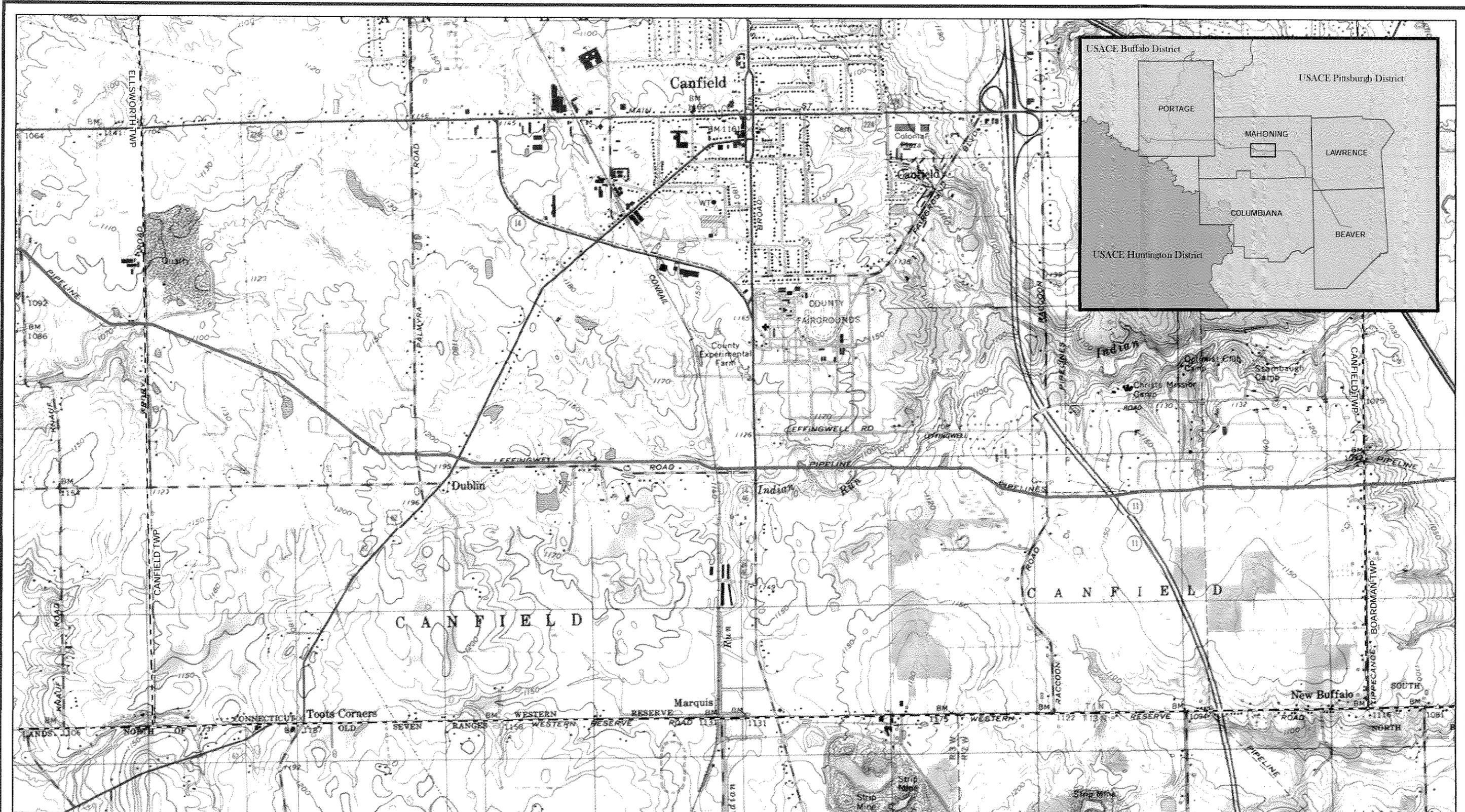


**PROJECT LOCATION MAP  
ALLEGHENY ACCESS  
MOGADORE -to- VANPORT**

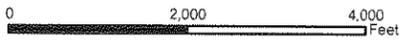
SOURCE: Esri ArcGIS Online Map Service (USA Topo Maps)  
United States Army Corps of Engineers (USACE)  
United States Census Bureau (TIGER/Line Data)

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|---------------------------------------|---------------------------------------|
| <b>Main Map Legend</b>                | <b>Inset Map Legend</b>               |
| Mogadore-Vanport (Proposed Alignment) | Mogadore-Vanport (Proposed Alignment) |
| Township Boundary                     | County                                |
| County Boundary                       | USACE Buffalo District                |
| USACE District Boundary               | USACE Pittsburgh District             |
|                                       | USACE Huntington District             |

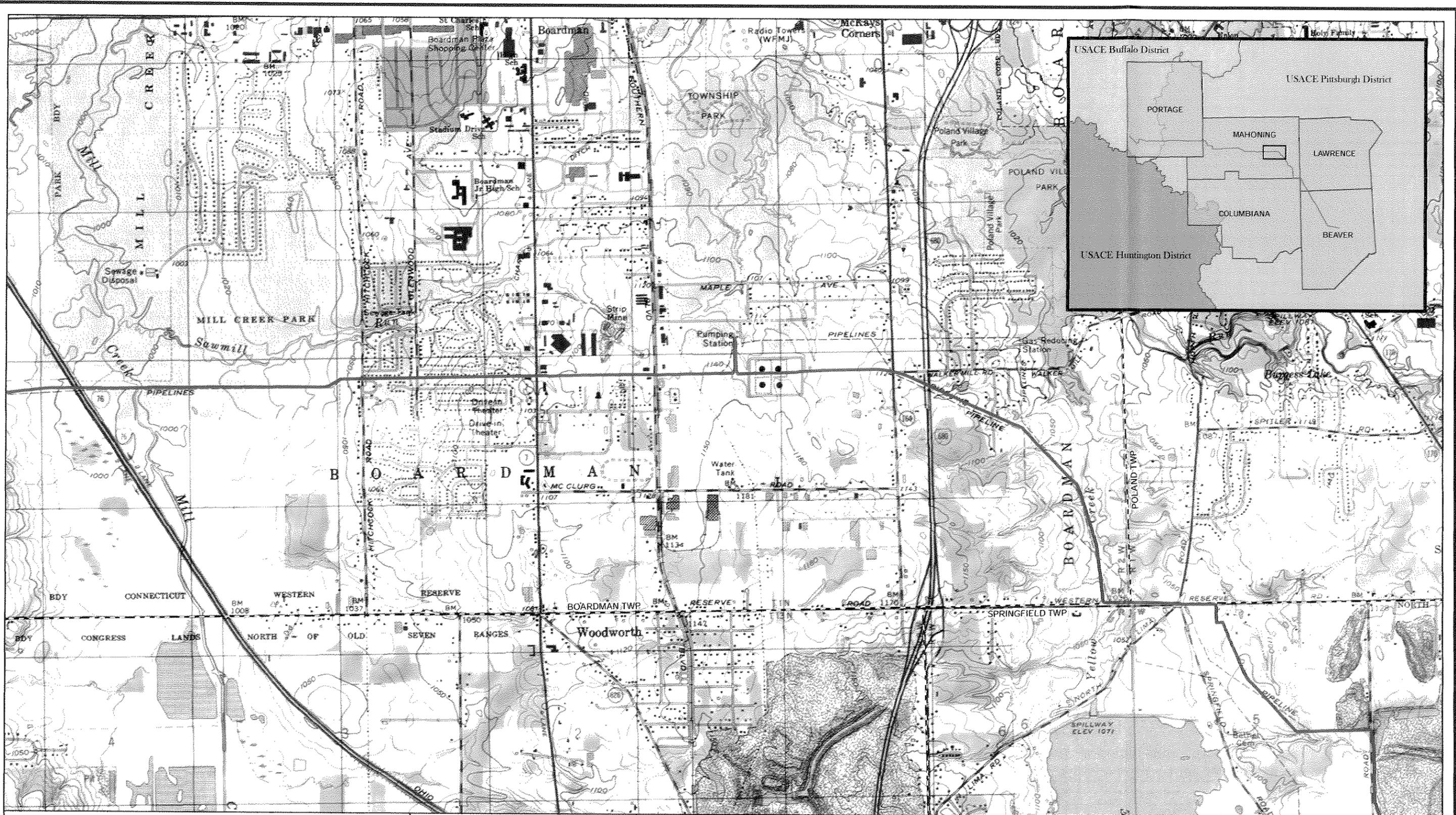


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- Main Map Legend**
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  - County Boundary
  - USACE District Boundary

- Inset Map Legend**
- Mogadore-Vanport (Proposed Alignment)
  - County
  - USACE Buffalo District
  - USACE Pittsburgh District
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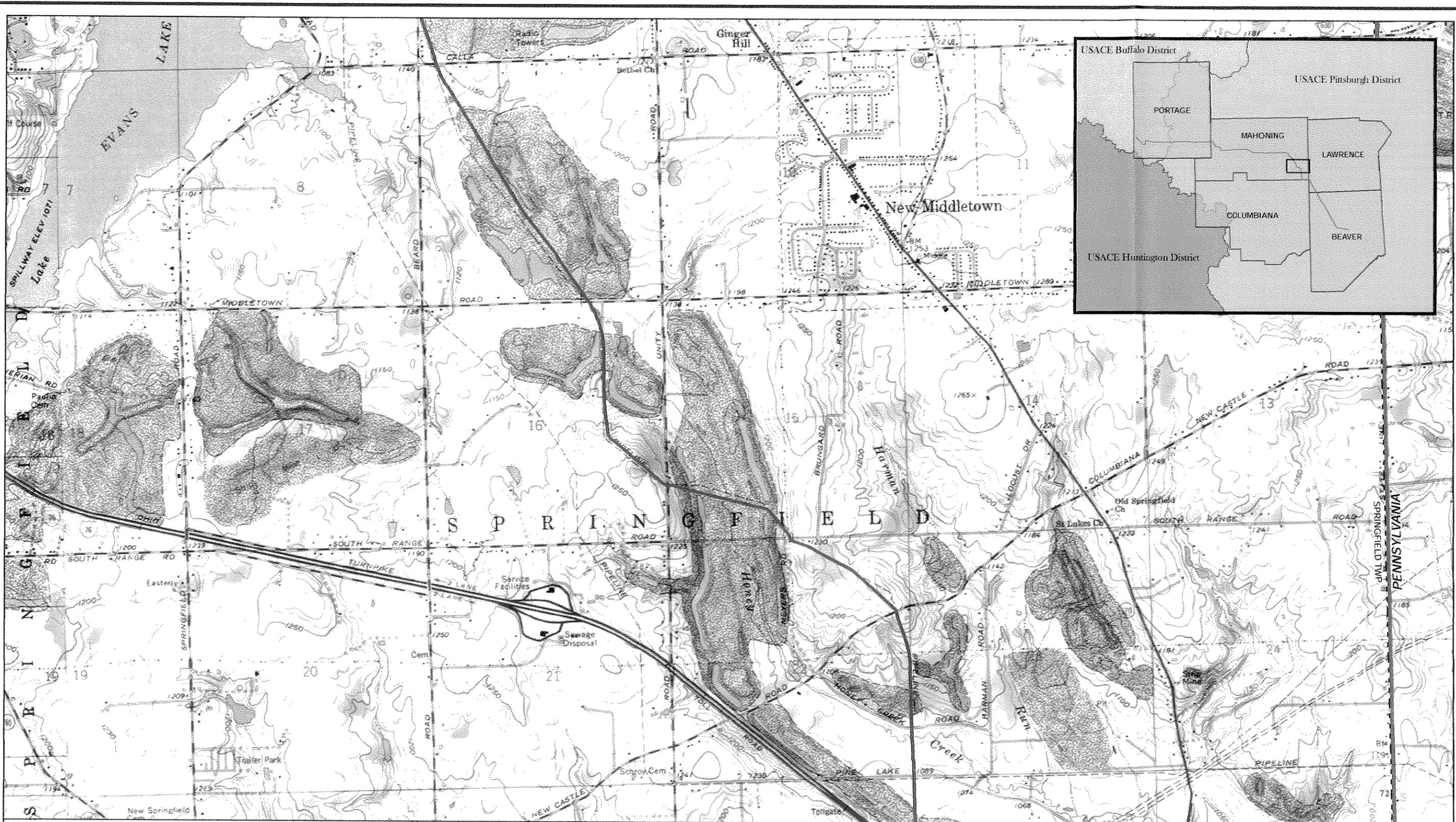


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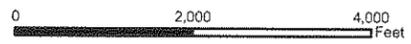
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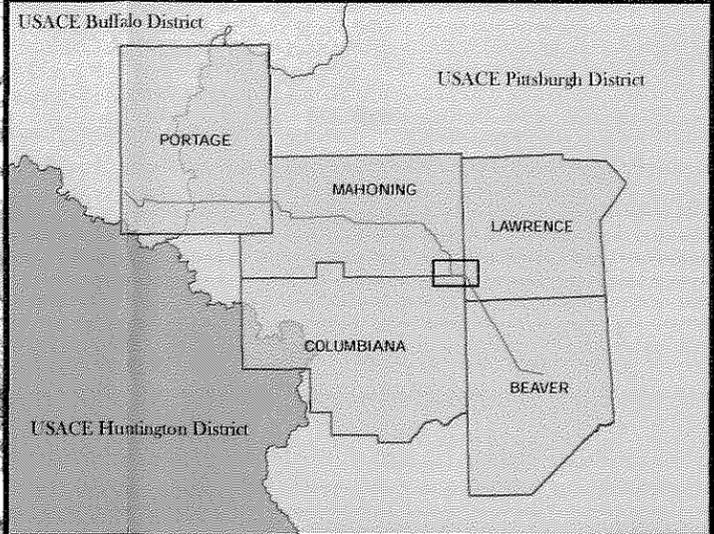
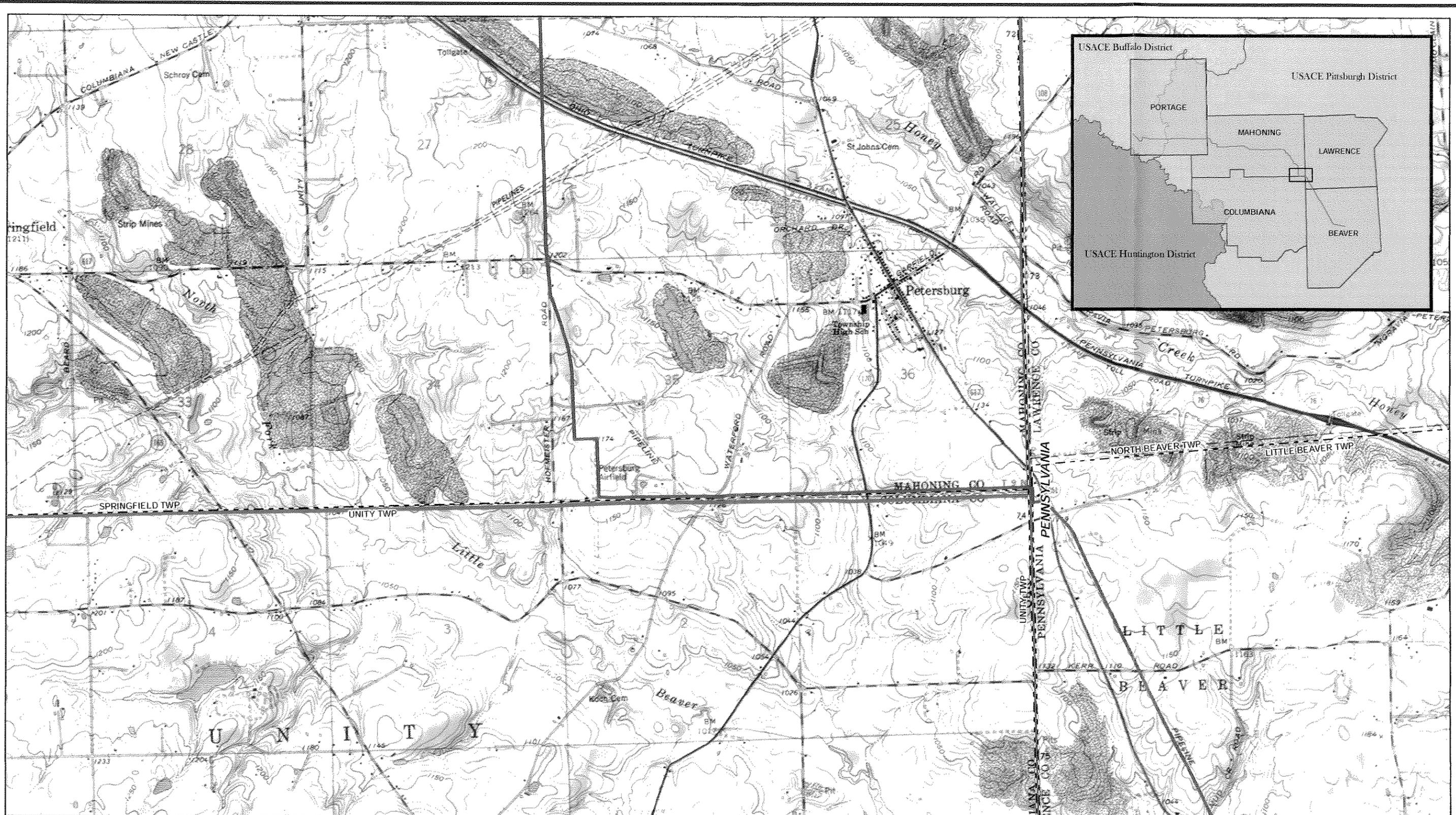


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ALLEGHENY ACCESS  
MOGADORE -to- VANPORT**

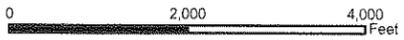
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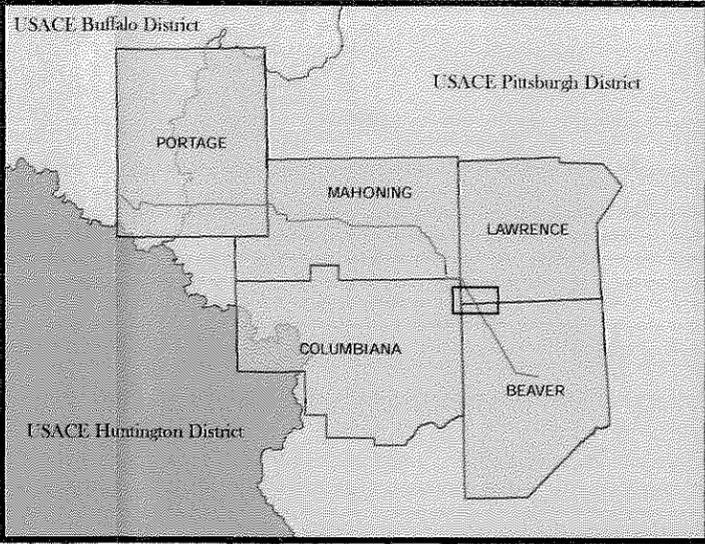


**PROJECT LOCATION MAP  
 ALLEGHENY ACCESS  
 MOGADORE -to- VANPORT**

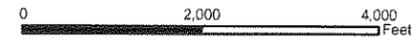
SOURCE: Esri ArcGIS Online Map Service (USA Topo Maps)  
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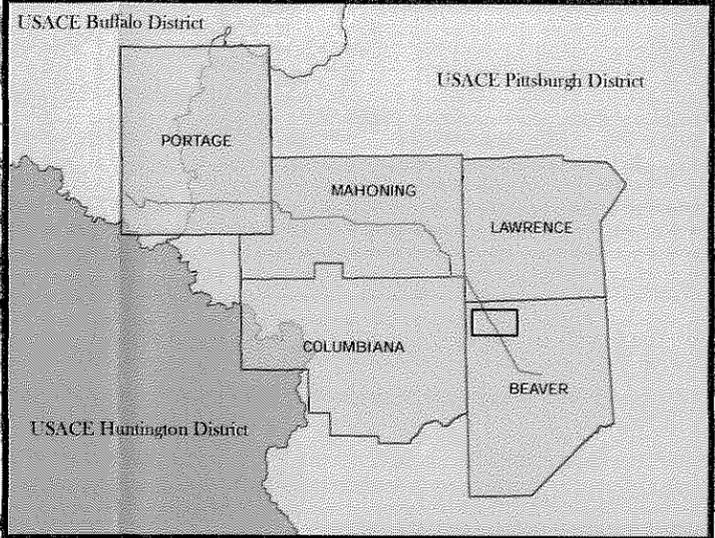
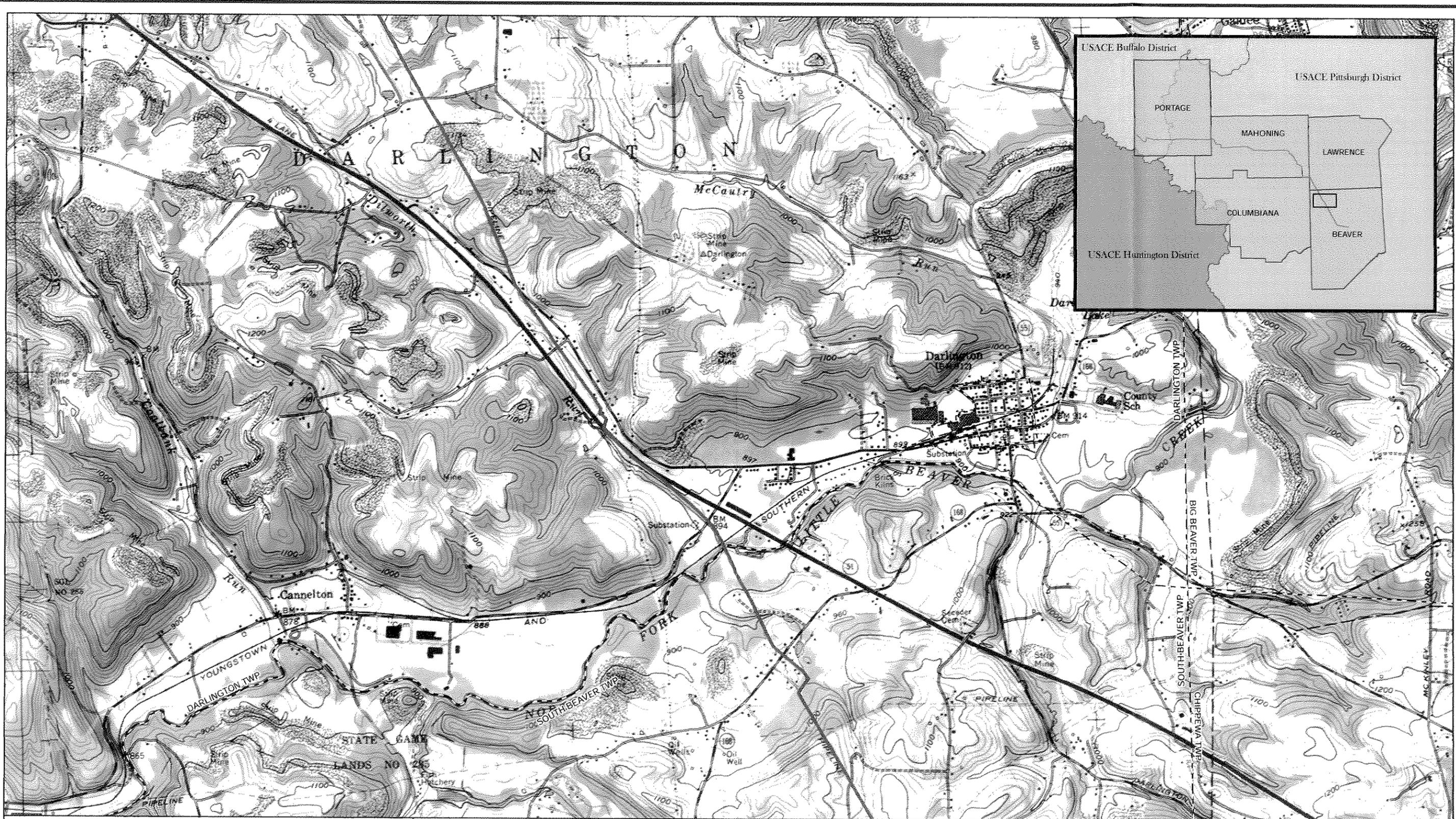


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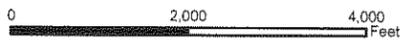
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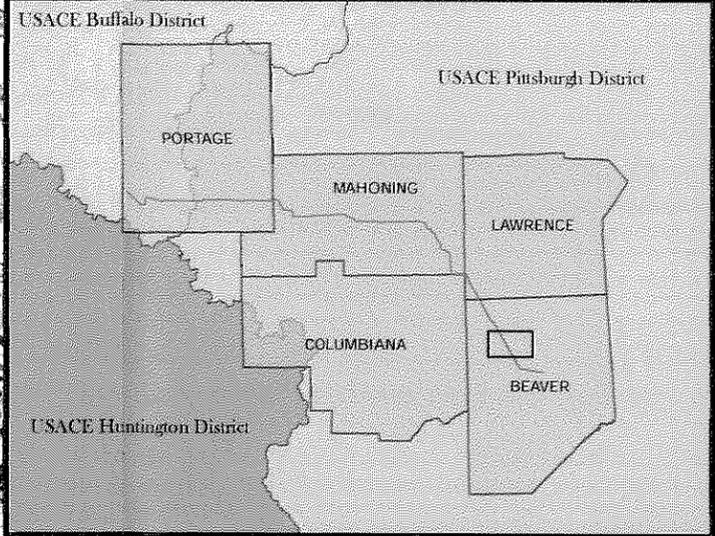
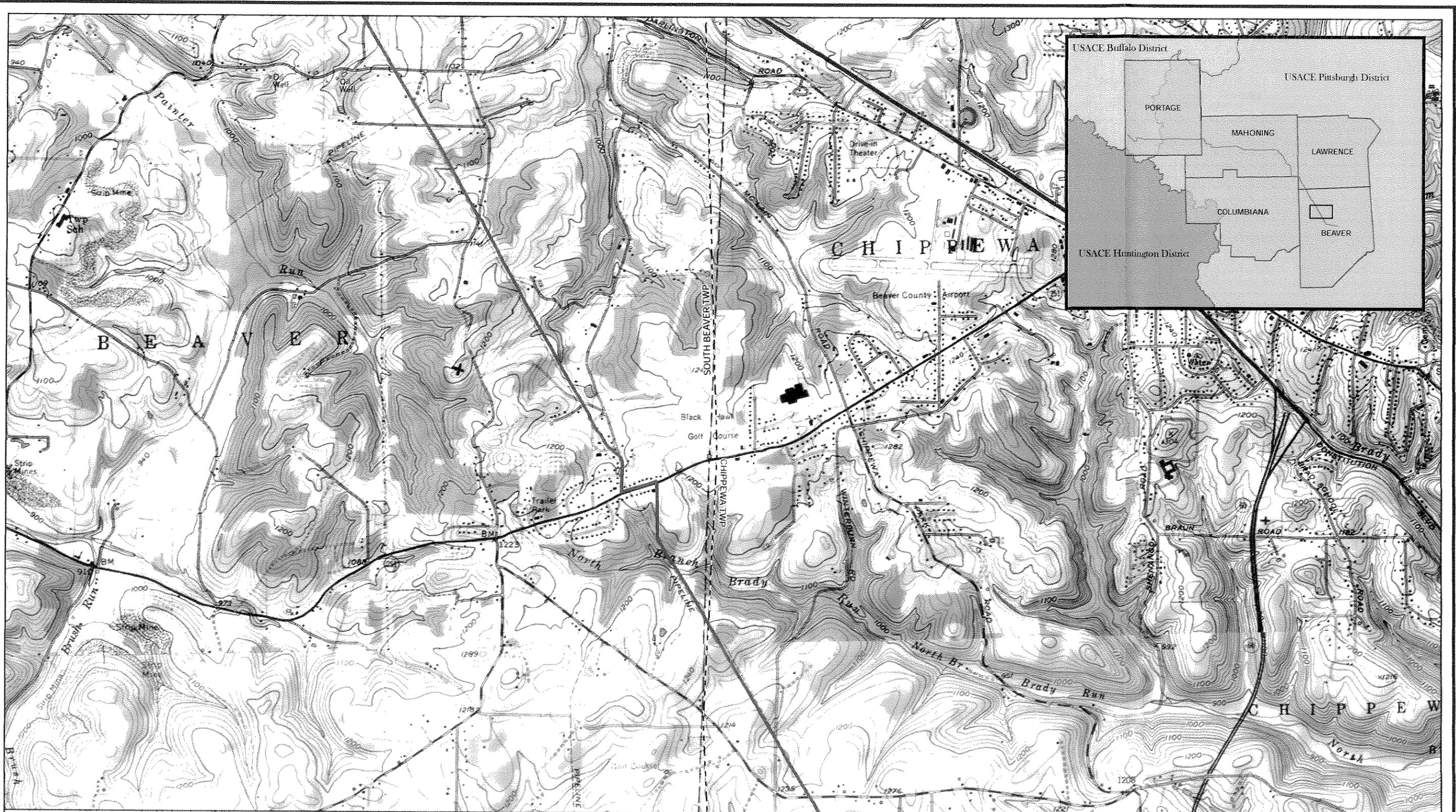


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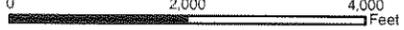
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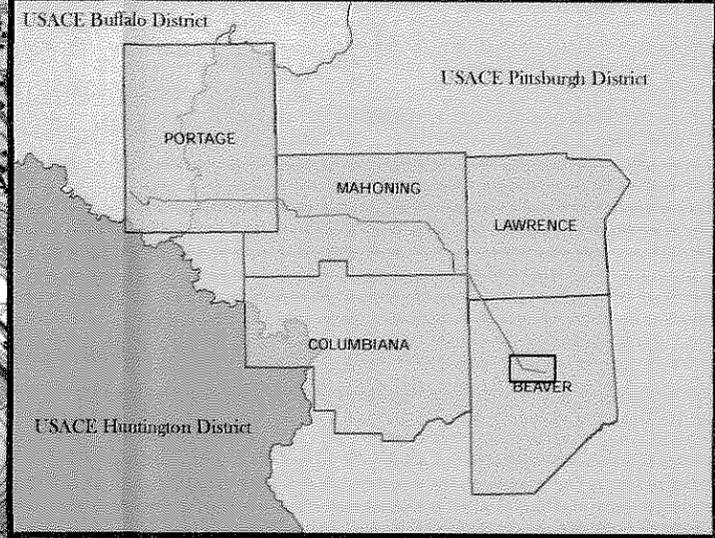
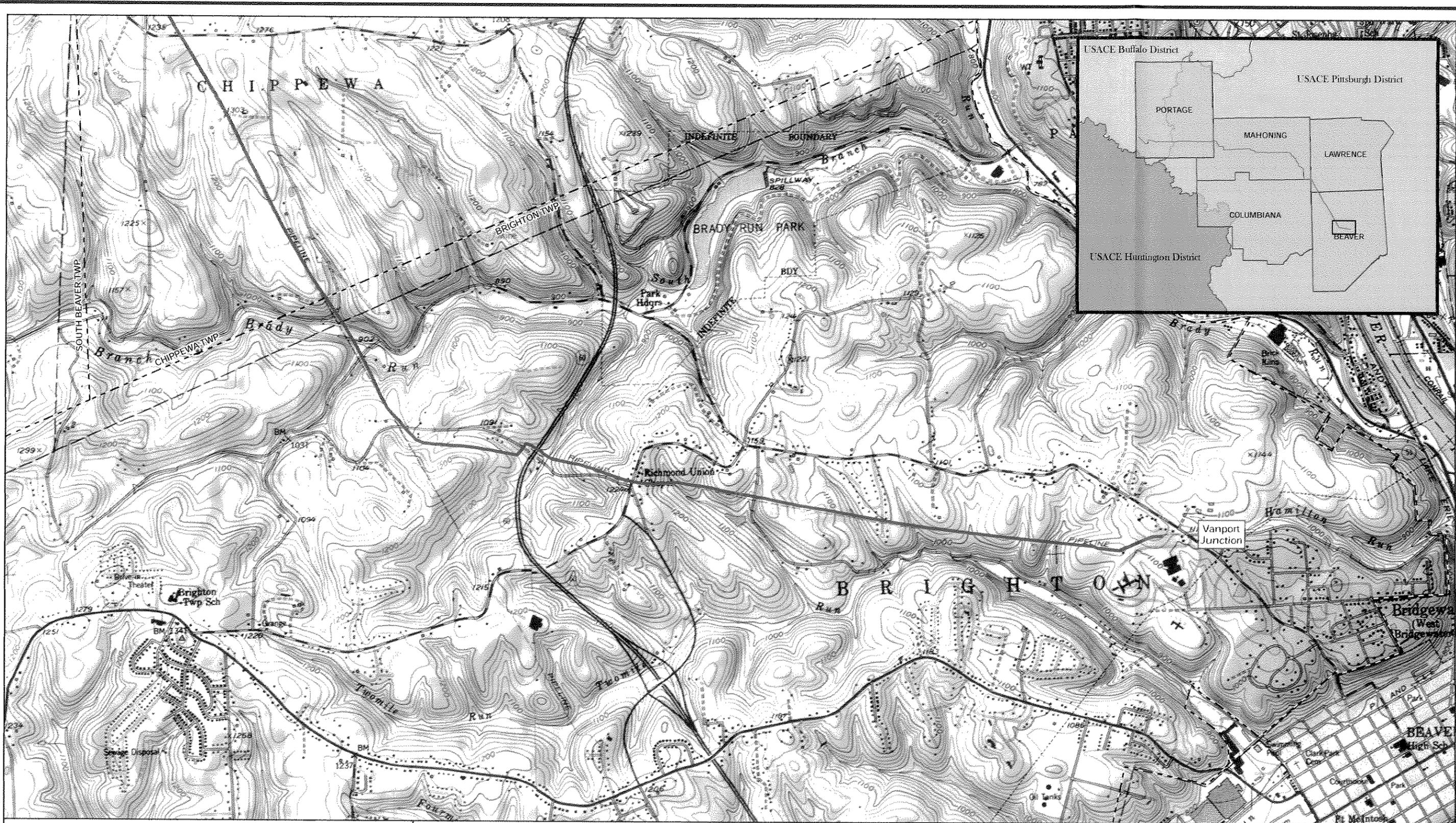


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