



October 24, 2011

Notice of Issuance of a Limited Environmental Review and Finding of No Significant
Impact to All Interested Citizens, Organizations, and Government Agencies

**Nimisila Creek Preserve
WR391637-0001**

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

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

Our environmental review concluded that because the proposed project is limited in scope and meets all applicable criteria, a Limited Environmental Review is warranted. Specifically, the proposed land acquisition for preservation of high-quality water resources is a nonpoint source pollution control project consisting of non-structural measures.

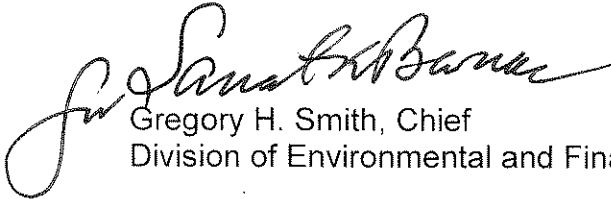
The proposed project:

- has no significant environmental effect;
- does not require extensive specific impact mitigation;
- has no effect on high value environmental resources;
- has a reasonable cost;
- is not a controversial action;
- does not create a new, or relocate an existing discharge to surface or ground waters;
- will not result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters; and
- will not provide capacity to serve a population substantially greater than the existing population.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Gregory H. Smith".

Gregory H. Smith, Chief
Division of Environmental and Financial Assistance

GHS/DH

c: NEDO-DSW

Sue Farmer, OWDA

File (2)

LIMITED ENVIRONMENTAL REVIEW

A. Project Identification

Project Name: Nimisila Creek Preserve
WRRSP Number: WR391637-0001
Address: Al Bollas, Mayor
City of New Franklin
5611 Manchester Road
Akron, OH 44319-4200

Sponsoring Project: Akron WPCS Step Feed Improvements
WPCLF Number: CS390095-0047
Address: Richard Merolla, Director of Public Service
City of Akron
166 South High Street
Akron, OH 44308

Steward Address: Keith Shy, Director - Secretary
Metro Parks Serving Summit County
975 Treaty Line Road
Akron, OH 44313-5898

B. History and Existing Conditions

The City of New Franklin in Summit County, working with Metroparks, Serving Summit County and the City of Akron, has requested funding to purchase for preservation 160 acres of high quality wetlands. Akron has requested \$24,000,000 from the Ohio Water Pollution Control Loan Fund (WPCLF) for the "WPCS Step Feed Improvements" project and has agreed to sponsor the Nimisila Creek Preserve purchase by participation in the Water Resource Restoration Sponsorship Program (WRRSP). The WRRSP provides a portion of the interest Akron would otherwise pay on its WPCLF loan to the Nimisila Creek Preserve project to protect water quality in the Tuscarawas River watershed. The Preserve will be owned by New Franklin and managed by Metroparks, Serving Summit County as a conservation area protected in perpetuity by an Environmental Covenant.

This proposed acquisition will permanently protect 160 acres of property in the Nimisila Creek sub-watershed of the Upper Tuscarawas River. The Nimisila Creek sub-watershed is typified by "interspersed wetlands, bogs and kettles" (Tuscarawas River Total Maximum Daily Load report) typical of glaciated northeast Ohio. The property is in the City of New Franklin, Ohio and includes 110 acres in Summit County and 50 acres in Stark County. The property contains approximately 115 acres of Category 3 wetlands (the highest quality) and 2,370 linear feet of Nimisila Creek. The wetlands are intact and minimally affected by adjacent land use. Wetland quality is threatened by off-road

vehicle use, invasive species, residential development, and stream and drainage changes (hydromodification).

Diverse vegetation in the area provides habitats for a wide variety of resident and migrant species and suggests areas of alkaline groundwater influence (fens), areas of acidic conditions (bogs) and marshy areas influenced by surface water flow. Upland ridges provide habitat for salamanders, bats, and migratory birds. The presence of four natural gas wells and 2 storage tanks and the access roads has had no significant impact on the wetlands, although the roads are used recreationally by off-road vehicle drivers which has affected the upland wooded areas.

Nimisila Creek in the property appears to have been dredged, possibly for flood control, but is biologically healthy, in full or partial attainment of its "Warmwater Habitat" designation, and its streamside (riparian) habitat is well developed and stable.

A 2010 biological assessment of the property discovered fourteen plant species that are locally decreasing in number and five plant species that had been listed as threatened and now de-listed.

The proposed Nimisila Creek Preserve would directly address three of seven goals developed in the state-endorsed Tuscarawas River Watershed Action Plan (1999):

1. Reduce sedimentation/siltation within lakes and streams
2. Protect riparian areas and along select wetlands
3. Public education.

C. Project Description

New Franklin intends to purchase for preservation 160 acres of undeveloped land containing 115 acres of Category 3 wetlands and 2,370 linear feet of Nimisila Creek that traverses the property (Figure 1). Preservation of this land will help protect water quality in Nimisila Creek downstream. If this land is not protected, residential development of the uplands would impact the Category 3 wetlands due to hydrologic alteration and nutrient enrichment, and increase sedimentation and non-point source pollution in Nimisila Creek.

The natural gas wells on the property have not negatively impacted wetland or stream water quality. Eventual decommissioning of the wells will be followed by site restoration to a natural setting. New Franklin and Metroparks, Serving Summit County have extensive experience managing land subject to oil and gas extraction leases and will ensure the property is not adversely impacted by their presence.

Management of the property anticipates limited infrastructure for access for passive recreation to be developed in the indefinite future, specifically a small parking area, information kiosk, and trails. The parking area and trails would be of pervious materials and designed, located, and constructed on uplands to minimize disturbance of the site's ecological resources.

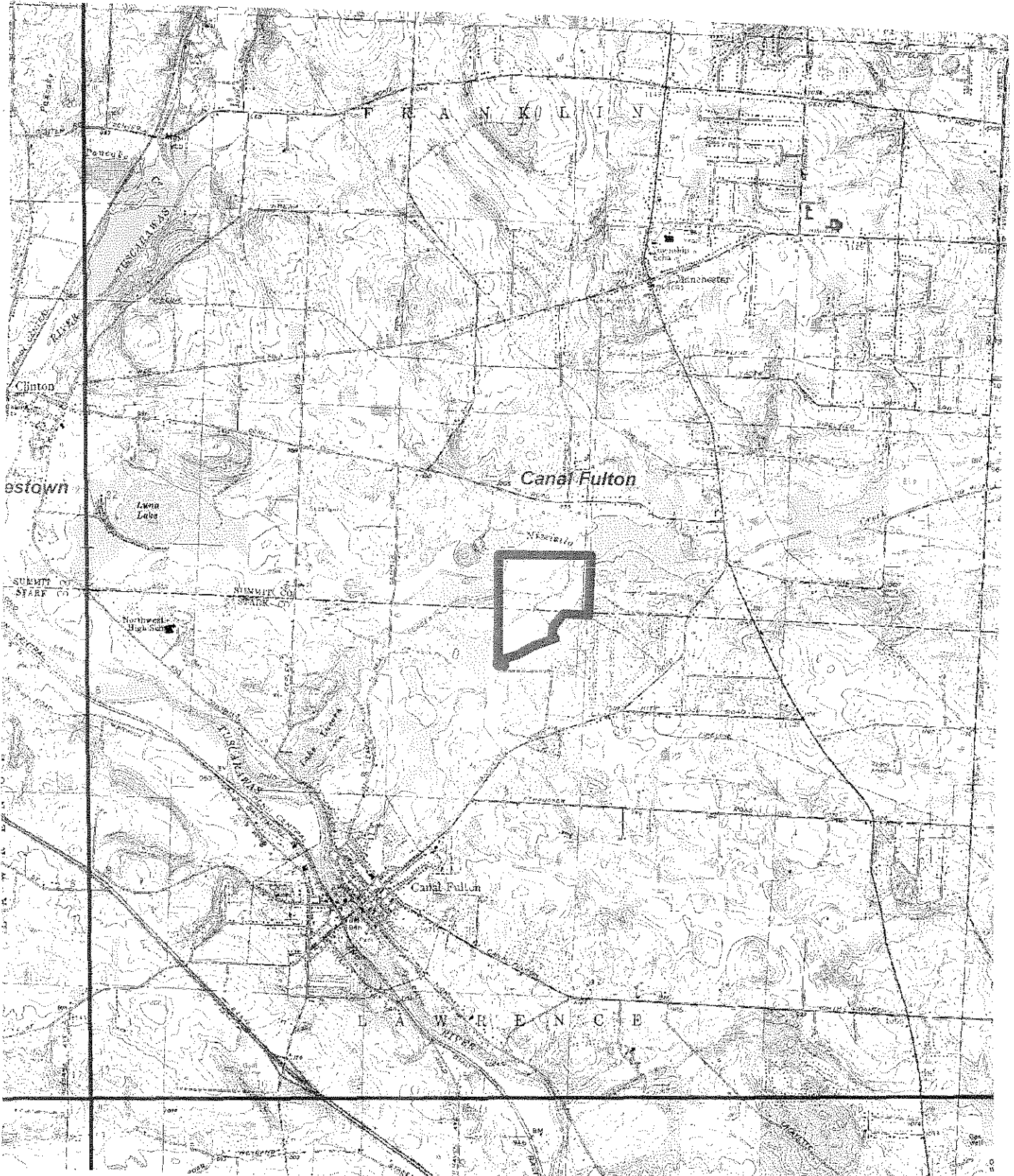


Figure 1 – Project Location

To help ensure the WRRSP's interest in funding water quality protection in perpetuity on behalf of Ohioans, use restrictions are prescribed for property purchased in the program. Except as provided in the management plan accepted by Ohio EPA and further detailed in an environmental covenant that will be applied to the property, the use restrictions generally:

- require management of the property in perpetuity as a natural area;
- prohibit new industrial, commercial or agricultural activity and mining, drilling, exploring for or removal of minerals, oil or gas;
- prohibit subdividing or partitioning of the property;
- prohibit land or water manipulation except as needed for reasonable preservation, management, and restoration; and
- prohibit use of motorized recreational vehicles.

D. Estimated Project Costs

The total estimated acquisition cost is \$1,388,000, of which up to \$1,380,000 from the WRRSP program (through Akron's \$24,000,000 WPCLF loan) will cover the property purchase and due diligence costs (survey, title search, environmental assessment, etc, except for appraisal costs, which are ineligible for WRRSP reimbursement). The purchase agreement fair market value of the property, based on a June 2010 appraisal, is \$1,360,000.

In exchange for sponsoring the project, Akron will receive an interest rate reduction of 0.1%.

E. Project Schedule

The land purchase transaction will occur promptly following loan award for the Akron project set for October, 2011.

F. Public Notification

Akron provided webpage and local newspaper coverage of its 2011 WPCLF and WRRSP projects in July 2011. The request for comments yielded no responses. Ohio EPA is unaware of opposition to or controversy about the proposed purchase or the sponsoring project.

The Ohio EPA is sending this Limited Environmental Review (LER) decision and Finding of No Significant Impact to interested parties. Information supporting the LER is available from the project contact named below.

G. Conclusion

The proposed land acquisition for preservation is a nonpoint source pollution control project consisting of non-structural measures that qualifies for a LER and meets the following additional criteria for a LER:

It has no significant environmental effect, it has no effect on high value environmental resources, and it does not require extensive specific impact mitigation – The proposed land purchase for preservation of high-quality wetlands and associated habitat in Summit and Stark counties involves no land disturbing activity or proposed use that would adversely affect the ecological values of the property.

The cost is reasonable – The proposed purchase price is based on a recent appraisal and appears to represent fair market value.

It is not a controversial action – The proposed purchase will have no economic effect on New Franklin residents and will allow Akron to minimize costs for its wastewater customers by use of the WRRSP interest rate reduction.

It does not create a new, or relocate an existing, discharge to surface or ground waters and it will not result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters – (This refers only to infrastructure projects.) The proposed purchase involves no development or land use change and no wastewater discharge. The purchase for preservation will ensure no new development or wastewater discharge is constructed.

It will not provide capacity to serve a population substantially greater than the existing population – (This refers only to infrastructure projects and is not germane to a land acquisition for preservation.)

The planning activities for the project have identified no potentially significant adverse impacts. The project is expected to have no significant short-term or long-term adverse impacts on the quality of the human environment or on sensitive resources (floodplains, wetlands, prime or unique agricultural lands, aquifer recharge zones, archaeologically or historically significant sites, threatened or endangered species, or on minority or low-income populations).

H. For further information, please contact:

Dan Halterman
Ohio EPA - DEFA
P.O. Box 1049
Columbus, OH 43216-1049
(614) 644-3658
dan.halterman@epa.state.oh.us