Appendix H

Correspondence
Michael Voorhees  
U.S. Army Corps of Engineers, Buffalo District  
Environmental Analysis Team  
1776 Niagara Street  
Buffalo, New York 14207

Re: Scoping for the Grand River Section 14 Study, City of Painesville, Lake County, Ohio

Dear Mr Voorhees:

The U.S. Environmental Protection Agency has received the scoping materials for the above-mentioned project, dated April 2019, provided by the U.S. Army Corps of Engineers (USACE). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (1500-1508), and Section 309 of the Clean Air Act.

The proposed project would address streambank erosion along a portion of the Grand River in the City of Painesville, Ohio, near the intersection of Bank and State Streets. Approximately 325 feet of the streambank is severely eroded, with slope instability and public infrastructure threatened. Electric utility lines on Bank Street run parallel along the top of the bank. Gas, water, sanitary, and storm drain lines are within the centerline of Bank Street and continue to be threatened by slope instability.

USACE is proposing to implement protection measures to stabilize the streambank and prevent further erosion and slope failures that would impact Bank Street and nearby utilities. The proposed actions should also ensure a safe and stable environment along the west bank of the Grand River along Bank Street and protect public infrastructure. Based on the provided scoping materials, we recommend the following be addressed in the forthcoming Draft Environmental Assessment (EA).

Project Description
A full project description should be included in the EA.

Recommendations for the EA:
- Provide the length and acreage of the project footprint, including staging areas and access areas. Ensure project maps indicate locations of staging areas.
- Include details about the type and geometry of access proposed. Include the type of materials that would be used for access and staging areas and their approximate acreage.
- Provide proposed excavation depths and estimate the volume of soils and rock to be removed. Explain where excavated materials would be placed on-site, how
they would be protected from migration due to wind and rain, how and where they would be transported, and whether they would be disposed or reused.

- Discuss opportunities for beneficial reuse of excavated materials.
- Consider potential applicability of permeable pavements (for the access area) and other environmentally sustainable design features.

Aquatic Resources

The proposed project includes in-water work in the Grand River. Work done adjacent to the Grand River may also impact water quality.

Recommendations for the EA:

- Describe water quality and local uses of the Grand River. Include any subsistence users of the Grand River in the area.
- Assess potential direct and indirect impacts to water quality from the project.
- Clearly commit to protective measures to ensure water quality is not harmed by construction or operation of the project.
- Describe plans for managing and treating stormwater runoff within the project area before it enters the River.
- Discuss plans to avoid and address accidental spills from construction equipment and prevent wind from blowing materials into the water.

Resiliency

The National Climate Assessment\(^1\) finds that in the Midwest, extreme heat, heavy downpours, and flooding will affect infrastructure. Increases in the frequency and severity of storm events under changing climate conditions are particularly relevant to stream bank erosion and the durability of corrective measures.

Recommendations for the EA:

- Include a discussion of reasonably foreseeable effects that changes in the climate may have on the proposed project and the project area, including its long-term infrastructure. This may help inform the development of measures to improve the resilience of the propose project.
- Consider resiliency and adaptation measures or plans to ensure the proposed project would maintain its structural integrity and safe operating conditions under changing heat and precipitation conditions. See EPA’s Adaptation Resource Center\(^2\) for assistance.

Vegetation and Threatened and Endangered Species

Alternative 2 includes an access easement from the other side of the Grand River for any in-water work. It is labeled “permanent” on Figure 6, but materials do not describe the type of

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\(^2\) EPA’s Climate Adaptation Resource Center, https://www.epa.gov/arc-x
access proposed. The map depicts vegetation, including trees, in this area designated for the permanent access easement.

**Recommendations for the EA:**
- Describe how the project will be designed to avoid mature trees when siting the permanent access area and the bank protection easement area.
- Summarize the number and type of trees that would be impacted.
- Consider replacing trees at a 1:1 ration within or near the project area. If trees cannot be sited locally, we recommend working with county or state agencies to identify appropriate ongoing reforestation plans. Include any appropriate voluntary mitigation measures, including monitoring and management, to compensate for unavoidable tree loss.
- Discuss any potential impacts to state-listed and federally-listed Threatened and Endangered species from tree removal activities. Describe mitigation measures, such as time-of-year restrictions on tree clearing, if needed. Document the project team’s strategy for complying with the Endangered Species Act.

Executive Order (E.O.) 13112 on Invasive Species calls for the restoration of native plant and tree species. The proposed project could introduce non-native invasive plants species. Early recognition and control are essential to stopping the spread of invasive plants and avoiding future use of herbicides, which could have adverse impacts on biodiversity and water quality.

**Recommendations for the EA:**
- Commit to specific best practices to avoid introducing, and assist with controlling, invasive species into the project area.
- Describe how the project would meet requirements of E.O. 13112.
- Revegetate all disturbed green spaces after the project is complete. Use native species whenever feasible.
- Commit to best practices to create pollinator friendly habitat, in line with the 2014 Presidential Memorandum entitled Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators.

**Construction Air Quality and Children’s Health**
Excavation of materials and construction of new stabilization features would result in temporary air emissions from equipment engines, truck engines, and earthwork activity. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Diesel exhaust can also lead to other serious health conditions and can worsen heart and lung disease, especially in vulnerable populations, such as children and the elderly.

E.O. 13045 on children’s health and safety directs each federal agency to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children, and to ensure that its policies, programs, activities, and standards address these risks. Children may be present in the project area due to the presence of nearby residences.
Recommendations for the EA:

- Require construction contractors to use best practices, as appropriate. This may include dust suppression measures, limiting idling times, and soliciting bids that require zero-emission technologies or advanced emission control systems. See additional best practices in the enclosed Construction Emission Control Checklist.
- Prior to construction, consider requiring a construction traffic management plan to ensure that trucks hauling materials and heavy machinery avoid areas where children congregate. Route construction truck traffic away from schools, daycare facilities, and parks when possible, and use crossing guards when such areas cannot be avoided.

Outreach and Public Engagement

EPA notes a cluster of homes near the mouth of the access easement. It appears the residents do not currently have official site access to the forested land next to the river. Any change in site access would change the area’s use, and we recommend involving the adjacent community in creating appropriate precautions for both residents and employees working at the site.

Recommendations for the EA:

- Work with communities near the mouth of the access easement so they are aware of how site access will be modified. This should include specifically asking how the community current uses or accesses the site. For instance, children may regularly play within the wooded area and along the streambank. Any proposed safety precautions should be outlined in the Draft EA.
- Create a list of applicable best practices and other mitigation measures for adjacent communities on both sides of the Grand River. Include a phone number for residents to call if they observe a required practice not being followed (such as idling time exceedances). Make the list available to the public.
- Include signs on both sides of the river describing the nature of work being done and why it is necessary. Include any additional design measures included in the project, such as areas where native plants are proposed.

Thank you in advance for your consideration of our comments. We look forward to reviewing the Draft EA. Please send an electronic copy to Elizabeth Poole, Lead NEPA Reviewer, at poole.elizabeth@epa.gov. If you have any questions, please contact her at (312) 353-2087.

Sincerely,

[Signature]

Kenneth A. Westlake
Deputy Director, Office of Multi-media Programs
Office of the Regional Administrator

Enclosure (1): Construction Emission Control Checklist
Enclosure 1

U.S. Environmental Protection Agency
Construction Emission Control Checklist

Diesel emissions and fugitive dust from project construction may pose environmental and human health risks and should be minimized. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Acute exposures can lead to other health problems, such as eye and nose irritation, headaches, nausea, asthma, and other respiratory system issues. Longer term exposure may worsen heart and lung disease. We recommend the U.S. Army Corps of Engineers consider the following protective measures and commit to applicable measures in the Draft EA.

Mobile and Stationary Source Diesel Controls
Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available. Commit to the best available emissions control technologies for project equipment in order to meet the following standards.

- On-Highway Vehicles: On-highway vehicles should meet, or exceed, the EPA exhaust emissions standards for model year 2010 and newer heavy-duty, on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).
- Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, the EPA Tier 4 exhaust emissions standards for heavy-duty, non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).
- Marine Vessels: Marine vessels hauling materials for infrastructure projects should meet, or exceed, the latest U.S. EPA exhaust emissions standards for marine compression-ignition engines (e.g., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).
- Low Emission Equipment Exemptions: The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.

Consider requiring the following best practices through the construction contracting or oversight process:

- Establish and enforce a clear anti-idling policy for the construction site.
- Use onsite renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer’s recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).
- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Repower older vehicles and/or equipment with diesel- or alternatively-fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.).

1 http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm
2 http://www.epa.gov/otaq/standards/nonroad/nonroademi.htm
3 http://www.epa.gov/otaq/standards/nonroad/marineemi.htm
• Retire older vehicles, given the significant contribution of vehicle emissions to the poor air quality conditions. Implement programs to encourage the voluntary removal from use and the marketplace of pre-2010 model year on-highway vehicles (e.g., scrappage rebates) and replace them with newer vehicles that meet or exceed the latest EPA exhaust emissions standards.

**Fugitive Dust Source Controls**
• Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
• Install wind fencing and phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
• When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

**Occupational Health**
• Reduce exposure through work practices and training, such as maintaining filtration devices and training diesel-equipment operators to perform routine inspections.
• Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
• Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators’ exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
• Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number.

**NEPA Documentation**
• Per Executive Order 13045 on Children’s Health 4, EPA recommends the lead agency and project proponent pay particular attention to worksite proximity to places where children live, learn, and play, such as homes, schools, and playgrounds. Construction emission reduction measures should be strictly implemented near these locations in order to be protective of children’s health.
• Specify how impacts to sensitive receptors, such as children, elderly, and the infirm will be minimized. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

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4 Children may be more highly exposed to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Also, children’s normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed, and their growing organs are more easily harmed. EPA views childhood as a sequence of life stages, from conception through fetal development, infancy, and adolescence.
May 14, 2019

Michael E. Voorhees  
U.S. Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, New York 14207-3199

RE: Section 106 Review-Emergency Streambank and Shoreline Stabilization-Bank Street  
City of Painesville, Lake County, Ohio

Dear Mr. Voorhees:

This is in response to your correspondence, received on May 2, 2019, regarding the streambank and shoreline stabilization project along Bank Street in the City of Painesville, Lake County, Ohio. The comments of the State Historic Preservation Office (SHPO) are made in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

The project involves the construction of wall approximately 325 feet in length near the top-of-slope. The likelihood of impacting significant historic properties is very low. Therefore, SHPO agrees that this project will not affect historic properties. No further coordination is required unless the scope of work changes or archaeological remains are discovered during the course of the project.

If you have any questions, please contact me at tgrooms@ohiohistory.org. Thank you for your cooperation.

Sincerely,

Thomas Grooms, Archaeology Transportation Reviews Manager  
State Historic Preservation Office

Serial No. 1079051
June 6, 2019

US Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, New York 14207
ATTN: Michael Voorhees

Re: 19-417; Emergency Streambank and Shoreline Erosion Protection, City of Painesville

Project: The proposed project involves emergency bank stabilization and erosion protection along a section of the Grand River

Location: The proposed project is located in the City of Painesville, Lake County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR’s experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Natural Heritage Database: The Natural Heritage Database has the following records at or within a one-mile radius of the project area:

Early butter (Ranunculus fascicularis), T
Eastern sand darter (Ammocrypta pellucida), SC, FSC
Northern brook lamprey (Ichthyomyzon fossor), E
River redhorse (Moxostoma carinatum), SC
Mussel bed
Grand State Scenic River

The review was performed on the project area you specified in your request as well as an additional one-mile radius. Records searched date from 1980. This information is provided to inform you of features present within your project area and vicinity.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.
Statuses are defined as: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; A = species recently added to state inventory, status not yet determined; X = presumed extirpated in Ohio; FE = federal endangered, FT = federal threatened, FSC = federal species of concern, FC = federal candidate species.

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

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees to include: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniosa*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*), post oak (*Quercus stellata*), and white oak (*Quercus alba*). Indiana bat roost trees consists of trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within the project area and trees must be cut, the DOW recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the DOW recommends a net survey be conducted between June 1 and August 15, prior to any cutting. Net surveys should incorporate either nine net nights per square 0.5 kilometer of project area, or four net nights per kilometer for linear projects. If no tree removal is proposed, this project is not likely to impact this species.

The project is within the range of the snuffbox (*Epioblasma triqueta*), a state endangered and federally endangered mussel, the eastern pondmussel (*Ligumia nasuta*), a state endangered mussel, the threehorn wartyback (*Obliquaria reflexa*), a state threatened mussel, the black sandshell (*Ligumia recta*), a state threatened mussel, and the fawnsfoot (*Truncilla donaciformis*), a state threatened mussel. This project must not have an impact on freshwater native mussels at the project site. This applies to both listed and non-listed species. Per the Ohio Mussel Survey Protocol (2018), all Group 2, 3, and 4 streams (Appendix A) require a mussel survey. Per the Ohio Mussel Survey Protocol, Group 1 streams (Appendix A) and unlisted streams with a watershed of 10 square miles or larger above the point of impact should be assessed using the Reconnaissance Survey for Unionid Mussels (Appendix B) to determine if mussels are present. Mussel surveys may be recommended for these streams as well. This is further explained within the Ohio Mussel Survey Protocol. Therefore, if in-water work is planned in any stream that meets any of the above criteria, the DOW recommends the applicant provide information to indicate no mussel impacts will occur. If this is not possible, the DOW recommends a professional malacologist conduct a mussel survey in the project area. If mussels that cannot be avoided are found in the project area, as a last resort, the DOW recommends a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the project site. Mussel surveys and any subsequent mussel relocation should be done in accordance with the Ohio Mussel Survey Protocol. The Ohio Mussel Survey Protocol (2018) can be found at:
The project is within the range of the northern brook lamprey (*Ichthyomyzon fossor*), a state endangered fish, and the American eel (*Anguilla rostrata*), a state threatened fish. The DOW recommends no in-water work from September 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed, this project is not likely to impact these or other aquatic species.

The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, the habitat at the project site and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the Kirtland’s warbler (*Setophaga kirtlandii*), a state endangered and federally endangered bird. This species migrates through Ohio in the spring and fall, traveling between its breeding grounds in Michigan, Wisconsin, and Ontario and its wintering grounds in the Bahamas. While migration occurs in a broad front across the entire state, approximately half of all observations in Ohio have occurred within 3 miles of the Lake Erie shoreline. Migrating birds usually forage in forested or shrub/scrub habitat and may stay in one area for several days. Because so much of the southern Lake Erie shoreline is already developed, and stopover habitat is already so fragmented, the DOW recommends that this stopover habitat, (i.e. forested or shrub/scrub area), within three miles of the shoreline be preserved whenever possible. If clearing of suitable habitat cannot be avoided, to preclude adverse effects to Kirtland’s warblers, clearing within 3 miles of the Lake Erie shoreline should be avoided from April 22nd through June 1st, and from August 15th through October 15th.

The project is within the range of the piping plover (*Charadrius melodus*), a state endangered and federally endangered bird. This species does not nest in the state but does utilize stopover habitat as it migrates through the region. Due to the location, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). Due to the location, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the least bittern (*Ixobrychus exilis*), a state threatened bird. Habitat includes marshes with dense, tall growths of aquatic or semiaquatic vegetation (particularly cattail, sedge, rushes, arrowheads, or sawgrass) interspersed with clumps of woody vegetation and open water. Nests are made from dried vegetation suspended .5 to 2.5 feet above the water. Due to the location, and the type of work proposed, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the U.S. Fish & Wildlife Service.

**Parks and Watercraft:** The Division of Parks and Watercraft has the following comment.
The Division of Parks and Watercraft acknowledges the Grand River as a waterway that is used by recreational paddlers and, where water levels permit, motorized watercraft. The Division recommends that the following be included as mitigatory commitments:

- The river should be kept open to boating traffic as much as feasibly and safely possible during construction to keep impacts to recreation at a minimum. The state authority for approval of any “closure” on Ohio’s waterways is the Chief of the ODNR Division of Parks and Watercraft.

- If a closure is needed or the project area becomes unsafe for boaters to pass through at any time during the project, a portage should be established for paddlers and marked for safe passage around or through the construction area.

- Appropriate signage/buoys/markers should be placed upstream and downstream of the project area to alert boaters of construction activity.

- The ODNR Division of Parks and Watercraft should be notified at least 2 weeks in advance of construction to post notice of the impending project on ODNR’s online boating webpage and associated maps. Coordination and notification should be through the Division of Parks and Watercraft’s trail program administrator, Tom Arbour. Mr. Arbour can be reached at thomas.arbour@dnr.state.oh.us or 614-265-6575.

- If on-the-water law enforcement assistance is needed during any portion of the construction phase or if you have any specific questions about navigation on the Grand River please contact the Division of Parks and Watercraft law enforcement supervisor, Chuck Stiver at charles.stiver@dnr.state.oh.us or 216-337-2906.

**Water Resources:** The Division of Water Resources has the following comment.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.


ODNR appreciates the opportunity to provide these comments. Please contact Sarah Tebbe, Environmental Specialist, at (614) 265-6397 or Sarah.Tebbe@dnr.state.oh.us if you have questions about these comments or need additional information.

John Kessler
Environmental Services Administrator
DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3189

To: U.S. Fish and Wildlife Service, Ohio Ecological Services Field Office

Request for review pursuant to:

☒ Section 7(a)(2) of the Endangered Species Act (ESA) of 1973
☐ Fish and Wildlife Coordination Act (FWCA)

Date: January 13, 2020

Project Name: Cap 14 Bank Street Bank Stabilization

County: Lake

Corps Contact Name, Address, Fax No.: Michael Voorhees
716-879-4488

Listed/candidate species and/or designated critical habitat with potential to occur in proposed project area:

E - Endangered    T - Threatened    C - Candidate    PE - Proposed Endangered    PT - Proposed Threatened

☒ Clubshell mussel - E
☒ Copperbelly watersnake - T
☒ Eastern massasauga rattlesnake - T
☒ Eastern Prairie fringed orchid - T
☒ Indiana bat - E
☒ Karner blue butterfly - E
☒ Kirtland’s Warbler - E
☒ Lakeside daisy - T
☒ Mitchell’s satyr butterfly - E
☒ Northern long-eared bat - T (with 4(d) rule)

☒ Northern monkshood - T
☒ Northern ruffs - T
☒ Piping plover - E
☒ Piping plover - Critical Habitat
☒ Rabbitsfoot mussel - T
☒ Rabbitsfoot mussel - Critical Habitat
☒ Rayed bean mussel - E
☒ Rufa red knot - T
☒ Snuffbox - E
☒ White cat’s paw pearly mussel - E

The U.S. Army Corps of Engineers has determined the proposed project:

☒ will result in no effect to Eastern massasauga rattlesnake, Kirtland’s Warbler, Piping plover, Rufa red knot, Snuffbox

☐ may affect

☒ may affect, but is not likely to adversely affect Indiana and northern long-eared bats

☐ is likely to adversely affect

See attached for the rationale for the above-listed determination(s), project description and applicable permit conditions including any conservation measures that are part of the proposal.

The U.S. Army Corps of Engineer’s requests:

☒ USFWS concurrence with our determination

☐ Additional assistance to make our determination

Date USFWS response due: (for LOPs - 15 days; for SPs - length of PN; for NWP - 10 days). January 24, 2020

The U.S. Fish and Wildlife Service:

☐ Requests additional time for review

☒ Concurs with your determination and has no further ESA comments DUE TO SEASONAL CLARIFICATION

☐ Considered potential impacts to Candidate Species and has no further comments

☐ Has no comments pursuant to FWCA

☐ Will provide FWCA comments separately

☐ No concurrence needed

USFWS Contact(s): 

Jennifer L. Finke

Date: 1/16/2020

Updated 1-NOV-2016