



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**PITTSBURGH DISTRICT, CORPS OF ENGINEERS**  
**WILLIAM S. MOORHEAD FEDERAL BUILDING.**  
**1000 LIBERTY AVENUE**  
**PITTSBURGH, PA 15222-4186**

May 16, 2007

Operations Division  
Regulatory Branch  
2007-28

Mr. Dan Maltese  
Civil & Environmental Consultants, Inc.  
333 Baldwin Road  
Pittsburgh, PA 15205

Dear Mr. Maltese:

Reference is made to your request for review of a wetland delineation prepared by your firm dated December 12, 2006 for a 622 acre study area located southwest of the city of Wellsville in Wellsville Township, Columbiana County, Ohio. This site was inspected and the wetland boundaries were field verified by Christina Schroeder on March 27 and March 28, 2007.

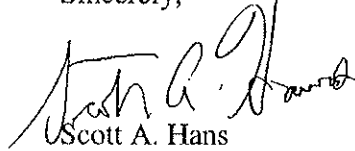
The Corps of Engineers' authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328. Navigable waters, their tributaries and adjacent wetlands are waters of the United States subject to the provisions of Section 404 of the Clean Water Act. Based on the information submitted and our field review of the area, it has been determined that 20 jurisdictional wetlands (Wetlands 6, 9, 10, 12-19, 21-27, 29, & 30) which total 1.62 acres, 49 jurisdictional streams (table attached) which total 27,767 feet of jurisdictional channel, and three ponds (Ponds C, D, & E) which total 2.33 acres are present within the study area. These streams and wetlands have a hydrological connection to the Ohio River, a Section 10 navigable waterway. Therefore, these streams and wetlands are part of a surface tributary system and are jurisdictional waters of the United States.

In addition, the study area has ten isolated wetlands (Wetlands 1-5, 7, 8, 11, 20, & 28) which total 2.03 acres, 10 isolated stream channels (table attached) which total 2,258 feet of channel, and two isolated ponds (Ponds A & B) which total 0.29 acre. Because these resources are isolated, non-jurisdictional waters, impacts to these areas do not require authorization from this office. However, you will need to obtain authorization from the Ohio EPA prior to disturbance of these isolated wetlands, streams, and ponds.

This delineation verification will remain valid for a period of five years from the date of this letter, unless new information warrants revision of the delineation.

If you have any questions, please contact Christina Schroeder at (412) 395-7375.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Hans". The signature is fluid and cursive, with the first name "Scott" being the most prominent.

Scott A. Hans

Acting Chief, Regulatory Branch

CF:

Dan Osterfeld, Ohio EPA



The size, CEC's interpretation of the USFWS classification, corresponding wetland test site numbers, and photograph numbers are summarized below.

<b>Wetland</b>	<b>Area (acres)</b>	<b>USF&amp;WS Classification</b>	<b>Photograph Number</b>	<b>Wetland Test Site Numbers</b>
1	0.04	PEM	1 & 2	TS 1A & TS 2A
2	0.20	PEM	3 & 4	TS 3A & TS 4A
3	0.56	PEM	5 & 6	TS 5A & TS 6A
4	0.02	PEM	7 & 8	TS 7A & TS 8A
5	0.02	PEM	9 & 10	TS 9A & TS 10A
6	0.01	PEM	11 & 12	TS 11A & TS 12A
7	0.25	PEM	13 & 14	TS 13A & TS 14A
8	0.35	PEM	15 & 16	TS 15A & TS 16A
9	0.20	PEM	17 & 18	TS 17A & TS 18A
10	0.03	PEM	19 & 20	TS 19A & TS 20A
11	0.33	PEM	21 & 22	TS 21A & TS 22A
12	0.02	PEM	23 & 24	TS 23A & TS 24A
13	0.05	PEM	25 & 26	TS 1B & TS 2B
14	0.32	PEM	27 & 28	TS 3B & TS 4B
15	0.02	PEM	29 & 30	TS 5B & TS 6B
16	0.18	PEM	31 & 32	TS 7B & TS 10B
17	0.09	PEM	33 & 34	TS 11B & TS 12B
18	0.01	PEM	35 & 36	TS 13B & TS 14B
19	0.08	PEM	37 & 28	TS 15B & TS 16B
20	0.18	PEM	39 & 40	TS 17B & TS 18B
21	0.04	PEM	41 & 42	TS 19B & TS 20B
22	0.19	PEM	43 & 44	TS 21B & TS 22B
23	0.01	PEM	45 & 46	TS 23B & TS 24B
24	0.04	PEM	47 & 48	TS 25B & TS 26B
25	0.02	PEM	49 & 50	TS 27B & TS 28B
26	0.06	PEM	51 & 52	TS 29B & TS 30B
27	0.01	PEM	53 & 54	TS 31B & TS 32B
28	0.08	PEM	55 & 56	TS 33B & TS 34B
29	0.14	PEM	57 & 58	TS 35B & TS 36B
30	0.10	PEM	59 & 60	TS 37B & TS 38B
<b>Total</b>	<b>3.65</b>			

Note: The wetland test site and photograph numbers are odd and the matching upland test site and photograph numbers are even.



**TABLE 4  
SUMMARY OF ONSITE STREAMS**

Stream Name	Stream Length (ft)	Classification	QHEI Score	HHEI Score	HMFEI Score	Stream Class
Rocky Run (RR)	3,308	Perennial	77		25	
RR - A	3,665	Perennial		52	13	<b>Class II</b>
RR - Aa	471	Intermittent			2	<b>Class I</b>
RR - Aa	173	Ephemeral			0	<b>Class I</b>
RR - Ab	885	Intermittent			1	<b>Class I</b>
RR - Ab1	83	Intermittent			1	<b>Class I</b>
RR - Ad	76	Intermittent			8	<b>Class II</b>
RR - Ad	160	Ephemeral			0	<b>Class I</b>
RR - Ae	1,109	Intermittent		15	0	<b>Class I</b>
RR - B	501	Intermittent			10	<b>Class II</b>
RR - C	841	Perennial		62	12	<b>Class II</b>
RR - C	468	Intermittent			2	<b>Class I</b>
RR - Ca	299	Intermittent			2	<b>Class I</b>
RR - Cb	427	Intermittent			2	<b>Class I</b>
RR - Cc	421	Intermittent			2	<b>Class I</b>
RR - D	1,697	Perennial		61	18	<b>Class II</b>
RR - Da	504	Perennial			11	<b>Class II</b>
RR - Da	115	Ephemeral			0	<b>Class I</b>
RR - Da1	82	Intermittent			3	<b>Class I</b>
RR - Db	257	Perennial			17	<b>Class II</b>
RR - Db	80	Intermittent			4	<b>Class I</b>
RR - Db	174	Ephemeral			1	<b>Class I</b>
RR - Db1	29	Intermittent			8	<b>Class II</b>
RR - Db1	20	Ephemeral			0	<b>Class I</b>
RR - Db1.1	6	Ephemeral			0	<b>Class I</b>
RR - Db2	19	Ephemeral			0	<b>Class I</b>
RR - Dc	154	Ephemeral			0	<b>Class I</b>
RR - E	127	Perennial			12	<b>Class II</b>
UNT - A	1,073	Perennial		58	10	<b>Class II</b>
UNT - A	262	Ephemeral		45	0	<b>Class I</b>
UNT - Aa	16	Perennial			8	<b>Class II</b>
UNT - Aa	115	Ephemeral			0	<b>Class I</b>
UNT - B	1,628	Perennial		75	17	<b>Class II</b>
UNT - Ba	532	Perennial			18	<b>Class II</b>
UNT - Ba	140	Intermittent			3	<b>Class I</b>
UNT - Bb	1,562	Intermittent		27	3	<b>Class I Mod.</b>
UNT - Bb1	60	Ephemeral			0	<b>Class I</b>



SUMMARY OF ONSITE STREAMS (Continued)						
UNT - Bc	1,018	Intermittent			3	Class I
UNT-C (Isolated)	275	Intermittent			2	Class I
UNT-Ca (Isolated)	50	Intermittent			2	Class I
UNT-Ca 1 (Isolated)	32	Ephemeral			0	Class I
UNT-D (Isolated)	828	Intermittent			2	Class I
UNT-Da (Isolated)	33	Ephemeral			0	Class I
UNT-Db (Isolated)	224	Ephemeral		26	1	Class I Mod.
UNT-Dc (Isolated)	56	Ephemeral			0	Class I
UNT-Dc1 (Isolated)	162	Perennial			13	Class II
UNT - E	1,483	Perennial		69	18	Class II
UNT - E	716	Intermittent			2	Class I
UNT - Ea	187	Intermittent			0	Class I
UNT - Ea	184	Ephemeral			0	Class I
UNT - Eb	423	Ephemeral			0	Class I
UNT - Ec	251	Ephemeral			0	Class I
UNT - F	436	Perennial			8	Class II
UNT - Fa	202	Intermittent			2	Class I
UNT - Fb	313	Perennial			11	Class II
UNT - G	166	Intermittent			2	Class I
UNT - G	251	Ephemeral			0	Class I
UNT-H (Isolated)	541	Intermittent			3	Class I
UNT-Ha (Isolated)	57	Ephemeral			1	Class I
<b>Total Perennial (ft)</b>	<b>16,042</b>					
<b>Total Intermittent (ft)</b>	<b>10,616</b>					
<b>Total Ephemeral (ft)</b>	<b>2,769</b>					
<b>Total All Streams (ft)</b>	<b>29,427</b>					

TABLE 5 SUMMARY OF ONSITE PONDS		
Open Water/Pond Name	Area (acres)	Pond Photograph Number
Pond A	0.12	1
Pond B	0.17	2
Pond C	0.45	3
Pond D	0.51	4
Pond E	1.37	5
<b>Total</b>	<b>2.62</b>	



May 8, 2007

Lawrence A. Drane III  
Civil and Environmental Consultants  
333 Baldwin Road  
Pittsburg, Pennsylvania 15205

Dear Mr. Drane:

Re: Ohio River Clean Fuels, LLC

This is in response to your letter of March 16, 2007 transmitting the report, "A Phase I Cultural Management Survey for a 267.1 ha (660 ac.) Development Site in Yellow Creek Township, Columbiana County, Ohio" by Ryan Weller. Our comments are submitted in accordance with the regulations implementing Section 106 of the National Preservation Act of 1966, as amended (36 CFR Part 800) and Ohio Revised Code: Sections 149.51 - 149.54.

Subsurface testing, surface collection and inspection of the project area resulted in the identification of six sites, 33 CO 883-888, nine buildings (COL 941-17 through COL 950-17) and a cemetery (COL 950-17). Based on the information in the report we agree that five of the sites, 33 CO 884-888, and the nine documented buildings, COL 941-17 through COL 949-17 are not eligible for the National Register of Historic Places. No investigation of 33 CO 883 was done due to landowner objection so we cannot comment. We agree that further evaluation of the Cuppy Cemetery (COL 950-17) may be needed to establish a context to evaluate the cemetery.

In regard to the indirect effects of the construction of a power plant, further information and identification efforts are needed. The area of potential effects presented in the report is not sufficient, as it is not based information about the project, such as height and mass of the buildings or auditory and olfactory effects that may be anticipated.

We look forward to the receipt of additional information. If you have any questions please contact me at (614) 298-2043 or [jquinlan@ohiohistory.org](mailto:jquinlan@ohiohistory.org).

Sincerely,

Julie Quinlan  
Program Reviews Manager

1011681

MAY 14 2007



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
6950 Americana Parkway, Suite H  
Reynoldsburg, Ohio 43068-4127  
(614) 469-6923 / FAX (614) 469-6919  
July 31, 2006

Jeff Mihalik  
Civil & Environmental Consultants  
333 Baldwin Road  
Pittsburgh, PA 15205

TAILS: 2006-TA-0782

Re: CEC Project 061-069

Dear Mr. Mihalik:

This is in response to your June 22, 2006 letter requesting information regarding federally threatened and endangered species at the proposed project site. The proposed development area is approximately 400 acres of land located in Wellsville, Columbiana County Ohio.

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

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

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

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

There are no other Federally listed or candidate species in the vicinity of the proposed project.

Should additional information on listed or proposed species or their critical habitat become available or if new information reveals effects of the action that were not previously considered, our comments and recommendations may be reconsidered. If project plans change or if portions of the proposed project were not evaluated, it is our recommendation that you contact our office for further review.

AUG 16 2006

This technical assistance letter is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C.661 et seq.), the Endangered Species Act of 1973, as amended, and is consistent with the intent of the National Environmental Policy Act of 1969, and the U.S. Fish and Wildlife Service's Mitigation Policy.

If you have questions, or if we may be of further assistance in this matter, please contact Jeromy Applegate at extension 21 in this office.

Sincerely,

A handwritten signature in cursive script that reads "Mary Knapp". The signature is written in black ink and has a horizontal line extending to the right from the end of the name.

Mary Knapp, Ph.D.  
Field Supervisor

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



# Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

## Division of Natural Areas and Preserves

*Tom Linkous, Chief*

2045 Morse Rd., Bldg. F-1

Columbus, OH 43229-6693

Phone: (614) 265-6453; Fax: (614) 267-3096

June 23, 2006

Jeff Mihalik  
Civil & Environmental Consultants, Inc.  
333 Baldwin Rd.  
Pittsburgh, PA 15205

Dear Mr. Mihalik:

I have reviewed our Natural Heritage maps and files for the unnamed development project area, including a one mile radius, in Yellow Creek Township, Columbiana County, Ohio, and on the Wellsville Quad (061-069). We have no records for rare or endangered species or other significant natural features within the project area. However, we have one record within the one mile radius of the project site. The location for the Linton Fossil Deposit (geologic feature) is shown in red on the attached map. The site has produced exceptionally diverse 300 million year old Pennsylvanian Period fossils of fish, amphibians and reptiles.

There are no existing or proposed state nature preserves or scenic rivers at the project site. We are also unaware of any breeding or non-breeding animal concentrations or state parks, forests or wildlife areas in the project vicinity.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Please note that although we inventory all types of plant communities, we only maintain records on the highest quality areas. Also, we do not have data for all Ohio wetlands. For National Wetlands Inventory maps, please contact Madge Fitak in the Division of Geological Survey at 614-265-6576.

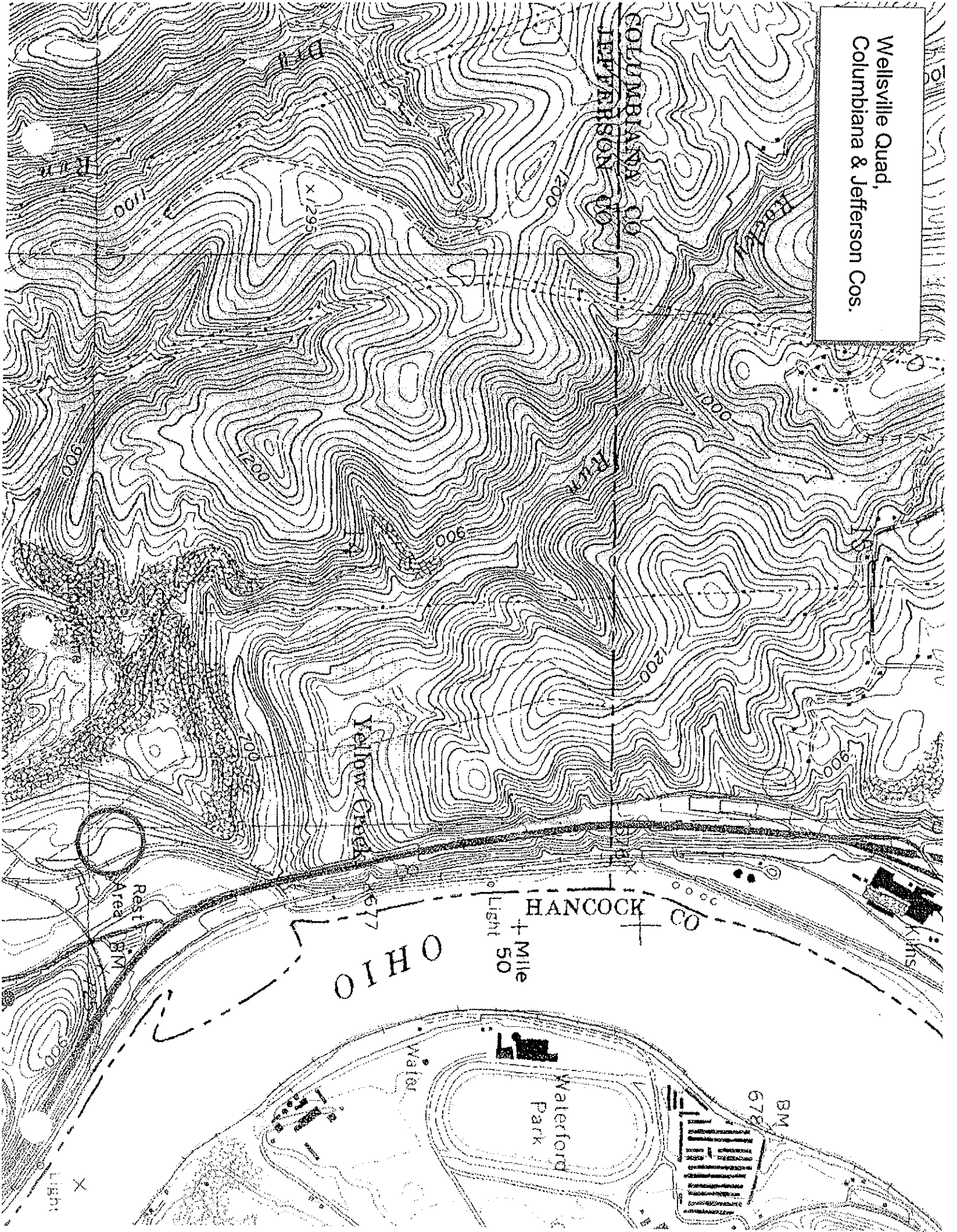
Please contact me at 614-265-6818 if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Woischke".

Debbie Woischke, Ecological Analyst  
Natural Heritage Program

Wellsville Quad,  
Columbiana & Jefferson Cos.



OHIO

HANCOCK CO

Light 50

Waterford Park

BM 678

X 1295

Light

1100

1200

900

1200

900

1000

Rest Area

Light

1/4 mile