



SMART **SERVICES, INC.**



CA/CM ■ Environmental ■ Surveying ■ Traffic

An Ohio EDGE Certified Firm

June 26, 2017

Dr. Mary Knapp
U.S. Fish and Wildlife Service
4625 Morse Rd Suite 104
Columbus, OH 43230

Dr. Knapp:

Smart Services, Inc. plans to obtain JRS site certification, on behalf of Andy Kuchta of Clermont County CIC, Inc., to Jobs Ohio for commercial development of a parcel located along State Route 32, Batavia, Clermont County, Ohio.

Latitude: 39° 3'55.92"N Longitude: 84° 5'35.09"W

Currently, the Site is a 242 acre lot used for agricultural production. Within the study area is one (1) unvegetated wetland with a size of 0.3 acres. The NWI map describes the wetland as being part of a riverine system. It is described more as a riverine system with intermittent flow and class streambed and a modifier of a seasonally flooded water regime. A field investigation categorized the area as having vernal pool like characteristics, generally unvegetated, with strong evidence of wetland hydrology and hydric soils, and no evidence of stream flow. Vegetation was lacking because of shading from trees and ponded soil conditions. The Site is tentatively split into thirteen (13) lots for future development with railway connections coming in from the south end of the Site. A first phase access road has been built at the time of the field visit. See the attached map, layout drawings, and photos for additional information.

This letter constitutes a request for information on federally listed threatened, endangered, or candidate species, or critical habitat within the vicinity of this project.

SMART SERVICES, INC.

Kyle A. Dixon, Environmental Scientist

88 W. Church Street, Newark, Ohio 43055

■ Phone: (740) 345-4700 ■ Fax: (740) 522-4706 ■

Site Photographs



Photograph 1. East of wetland looking to southeast corner of Site.



Photograph 2. North of wetland looking north.



Photograph 3. North of wetland looking northwest. Note State Route 32 in the background.



Photograph 4. West of wetland looking east to wetland.



Photograph 5. West of wetland looking south to proposed rail entrance area.



Photograph 6. Center of Site looking north.



Photograph 7. East end of Phase I access road looking southwest.



Photograph 8. East end of Phase I access road looking northwest. Note State Route 32 in the background.

Kyle

From: susan_zimmermann@fws.gov on behalf of Ohio, FW3 <ohio@fws.gov>
Sent: Tuesday, May 30, 2017 12:36 PM
To: kdixon@smartservices-inc.com
Cc: nathan.reardon@dnr.state.oh.us; kate.parsons@dnr.state.oh.us
Subject: Railroad Spur Construction in Batavia, Clermont Co. OH



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / Fax (614) 416-8994



TAILS: 03E15000-2017-TA-1244

Dear Mr. Dixon,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

FEDERALLY LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be

considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Should the proposed site contain trees ≥ 3 inches dbh, we recommend that trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees ≥ 3 inches dbh cannot be avoided, we recommend that removal of any trees ≥ 3 inches dbh only occur between October 1 and March 31. Seasonal clearing is being recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see <http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are assumed present.

If implementation of this seasonal tree cutting recommendation is not possible, summer surveys may be conducted to document the presence or probable absence of Indiana bats within the project area during the summer. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied. Surveys must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office. Surveyors must have a valid federal permit. Please note that summer surveys may only be conducted between June 1 and August 15.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, 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, consultation with the Service should be initiated to assess any potential impacts.

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 ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

A handwritten signature in blue ink that reads "Dan Everson". The signature is written in a cursive style with a large, sweeping initial "D".

Dan Everson

Field Supervisor

cc: Nathan Reardon, ODNR-DOW

Kate Parsons, ODNR-DOW