



Reference: Phase - I: Preliminary Evaluation of Wetland, Channel and Pond Issues for Nationwide Permits and/or 404/401 Permits

**for ~7.9 Acre Property Site
Along Newmark Drive South of Lyons Road and I-675
Miami Township, Montgomery County, Ohio**

~7.9 Acres along the north side of Newmark Drive is located in Miami Township, Montgomery County, Ohio. The south boundary is along Newmark Drive; the north boundary is along Lyons Road with the northwest corner of the lot at the intersection of I-675 and Lyons Road; the east and west boundaries are adjacent to an undeveloped lots. The lot to the east is at the southwest corner of the intersection of Newmark Drive and Lyons Road.

February 7, 1999

The following report and summary do not identify conditions consistent with the designation of jurisdictional wetlands on this property. Therefore, it is recommended that this property ***NOT*** be assessed using delineations methods for identifying Jurisdictional Wetlands (Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987). However, drainage channel exists along and just north of Newmark Drive as well as along and/or adjacent to the west property boundary. Federal (USACE) and State (Ohio EPA) agencies regulate work in channels and can require individual permits for such work when construction exceeds threshold limits. This includes any alteration of channel such as fill and relocation, culverts and/or work in the channel to alter substrate.

Under current law up to three acres of channel, pond and wetland can be filled under USACE nationwide permit #26 (current regulation expires on September 15, 1999). Within the three acre limit, channel is limited to 500 linear feet and wetland is limited to 1/3 acre. If less than the limits for total acres, linear feet of channel and amount of wetland is involved, the USACE still needs drawings of proposed development for the channel work and will issue a compliance document and development can proceed without complications. If more than 500 feet of channel are involved the developer must apply for an individual 404 permit from the USACE. This involves public notification, followed by a 90 day comment period. The 404 permit application automatically involves the Ohio EPA which has a threshold limit of 200 linear feet for channel work and requires a 401 water quality permit application. The 404/401 permit process and waiting periods can easily involve a minimum of one year. Further, the EPA would also require mitigation for altered channel. **We recommend that the developer keep all channel work below 500 linear feet to stay within USACE nationwide #26 permit limits and avoid 404/401 regulation.** Details of the exact USACE regulations which will replace the existing nationwide permits have not been set. Similar or stricter regulation limits can be expected.

The following provides details of the process used to assess the potential of wetlands for the property site.

Wetlands are determined by three major components:

- Soils - hydric or non-hydric soils with hydric components,
- Plant Community - dominance by wet habitat species and
- Hydrology - persistence of wet conditions.

Each of these components have a number of criteria for evaluation when a full wetland assessment becomes necessary. The absence of wetland hydrology at the time of field assessment does not



necessarily determine wetland status. However, evidence of wetland hydrology in conjunction with hydric soils and the presence of a wetland plant community dominated by wetland species provides the rationale for an area being described as a Jurisdictional Wetland. The absence of any one of these three criteria precludes classification of an area as a Jurisdictional Wetland. This preliminary evaluation involved:

- 1) Maps supplied by Lockwood, Jones & Beals Inc. were used to delineate property limits.
- 2) The National Wetland Inventory (NWI) Map was used to locate areas which have been identified as wetland habitats from previous evaluations. This NWI map was produced after Newmark Drive was built but before construction of the Newmark Corporate Center Building located to the west of this site. No wetland is identified on this map (for this property site) prior to redirection of some drainage resulting from construction of sewers and placement of other utility services.
- 3) Maps in Soil Survey of Montgomery County, Ohio (1976) were used to identify soils. Soils were checked against supplemental lists of hydric and non-hydric soils with hydric components for Montgomery County and lists in Hydric Soils of the United States (Ohio) (1987).
- 4) **Hydric soil is present.** This property has mapped hydric soil (Brookston silt clay loam: Bs). Natural soil conditions have been disrupted by the existence of three conditions: a) grading associated with roadways (I-675 Lyons Road and Newmark Drive), b) rerouting of drainage pattern and damming of flow west of the west property boundary, and d) the construction of sewers and placement of other utility services. Apart from these disturbances, there is no reason to suspect that field checks of the soils will reveal anything other than a confirmation of the information on the county soil map for this site. Field checks confirmed the hydric nature of the soils on the property.
- 5) **Wetland hydrology is absent.** We made a preliminary field evaluation of conditions for the presence of hydrology indicators of wetlands. This property does not have evidence of wetland hydrology
- 6) **Wetland plant species are not dominant.** We made a preliminary field evaluation of current conditions for the presence of plant community indicators of wetlands in February. Tree species which can be associated with wetlands are present as well as upland scrub apple and a dominant understory of Amur Bush Honeysuckle which requires upland conditions. Wetland conditions are common at the edges of drained and developed residential/commercial areas, the edges of farm fields which are prior converted wetlands, and abandoned farm fields which were once natural wetlands or areas where poor drainage resulting from past constructions practices have produced wetland hydrology in areas of hydric soils. Such wetland conditions are **not** present on this property. The property has upland areas with trees and scrub including honeysuckle as well as mowed and/or disturbed roadside habitat which is dominated by upland plant species such as meadow fescue, blue grass, witch grass, crabgrass, chickweed, plantain, dandelions, ground-ivy, clovers, chicory, and thistles to name a few.

Summary:

Wetland Issues: This property has mapped hydric soils. Wetland hydrology and wetland plant communities are absent. Roadways and adjacent property have been developed over the past several years with drainage patterns which have probably increased the volume of water to this area. However, Jurisdictional wetland conditions do not exist since the property is well drained. The plant community indicators often associated with most wetland areas such as willows, sedges, rushes and cattails are not obvious. Preliminary evaluation suggests plant communities which are dominated by meadow fescue along with upland weedy species along the road. Full field evaluation of plant communities alone would suggest that this property is not a jurisdictional wetland; wetland hydrology is absent; but hydric soil is present on this property. Therefore, it is recommended that

this property **NOT** be assessed using wetland delineation methods for identifying **Jurisdictional Wetlands** (Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987).

Channel Issues: We recommend that the developer keep all channel work below 500 linear feet to stay within USACE nationwide #26 permit limits and avoid 404/401 regulation.

References:

Davis, P.E., Lerch, N., Ternes, L., Steiger, J., Smeck, N. Andrus, H., Trimmer, J. and Bottrell, G. 1976. Soil Survey of Montgomery County, Ohio. Soil Conservation Service, U.S.D.A.

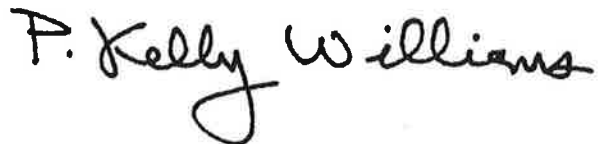
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U.S. Army Corps of Engineers. 1987. Corps of Engineers Wetlands Delineation Manual. 100 pp.



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