



**ODNR COMMENTS TO Dan Halterman, Ohio EPA-DEFA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio 43215**

**Project:** The proposed Baldwin Creek Dam Removals project will eliminate three small lowhead dams on Baldwin Creek, a tributary of the Rocky River in Berea, Cuyahoga 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.

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

The DOW recommends no in-water work April 15 to June 30 to reduce impacts to aquatic species and their habitat.

The project must not have an impact on freshwater mussels in the area. This applies to both listed and non-listed species. Surveys and other information regarding the location of mussels in Ohio are limited. This includes information regarding the possibility of mussels being located in this area of Baldwin Creek. Therefore, the possibility of mussels within the area of the project cannot be eliminated. If mussels are encountered during dam removal, work should immediately be stopped and the DOW should be contacted.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: Shagbark hickory (*Carya ovata*), Shellbark hickory (*Carya laciniosa*), Bitternut hickory (*Carya cordiformis*), Black ash (*Fraxinus nigra*), Green ash (*Fraxinus pennsylvanica*), White ash (*Fraxinus americana*), Shingle oak (*Quercus imbricaria*), 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 habitat consists of suitable trees that include dead and dying trees of the species listed above with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees of the species listed above with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and April 1. If suitable trees must be cut during the summer months of April 2 to September 29, a net survey must be conducted in May or June prior to cutting. If no tree removal is proposed, the project is not likely to impact this species.

The project is within the range of the piping plover (*Charadrius melodus*), a state and federally endangered bird species, and the Kirtland's warbler (*Dendroica kirtlandii*), a state and federally endangered species. These species do not nest in the state but only utilize stopover habitat as they migrate through the region. Therefore, the project is not likely to have an impact on these species.

The project is within the range of the bald eagle (*Haliaeetus leucocephalus*), a state threatened species. However, the Ohio Biodiversity Database currently has no records of this species near the project area.

The project is within the range of the Canada darner (*Aeshna canadensis*), a state endangered dragonfly. Due to the mobility of this species, the project is not likely to impact this species.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species, and the bobcat (*Lynx rufus*), a state endangered species. Due to the mobility of these species, the project is not likely to have an impact on these species.

The project is within the range of the golden-winged warbler (*Vermivora chrysoptera*), a state endangered bird, the king rail (*Rallus elegans*), a state endangered bird, and the yellow-bellied sapsucker (*Sphyrapicus varius*), a state endangered bird. Due to the type of work proposed, the project is not likely to impact these species.

The Ohio Biodiversity Database (OBD) has one record from the East Branch Rocky River for a population of the Bigmouth Shiner (*Notropis dorsalis*), a state threatened species. The population has been documented in this stretch of the river since 1967 with at least 1,278 fish taken from nine sites. The most recent collection, in 2000, was for 39 fish by ODOT biologists. As indicated above, the DOW recommends no in-water work April 15 to June 30 to reduce impacts to aquatic species and their habitat.

Also, this project area borders or is located within the Mill Stream Run Reservation (Cleveland Metro Parks.)

**Soil and Water Conservation:** The ODNR, Division of Soil & Water Resources has reviewed the proposal to remove three lowhead dams along Baldwin Creek in Berea. We are supportive of the removal of these lowhead dams because they impede fish migration and degrade habitat throughout the project reach. Removal of these dams will provide positive ecological benefits to the stream and the watershed.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6378 if you have questions about these comments or need additional information.

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