



**Department of
Natural Resources**
ohiodnr.gov

Attachment C

Mike DeWine, Governor
Jon Husted, Lt. Governor
Mary Mertz, Director

Office of Real Estate & Land Management
Tara Paciorek - Chief
2045 Morse Road – E-2
Columbus, Ohio 43229-6693

March 16, 2026

David L. Koontz, PE, SI
Summit County Engineer's Office
538 E. South Street
Akron, OH 44311-1843

Re: Summit County Engineer's Office – Copley Ditch (County Ditch No. 38) Petition Ditch Project

The Ohio Department of Natural Resources (ODNR) has reviewed the plans submitted by the Summit County Engineer's Office seeking approval under Ohio Revised Code (ORC) Section 6131.14 for the project referenced above.

Based on a review of the provided plan sheets, it is ODNR's understanding that the Copley Ditch (County Ditch No. 38) Petition Ditch Project proposes to repair and improve Copley Ditch through a combination of cleaning, obstruction removal, regrading, and stabilization measures. The proposed improvements are designed to reduce erosion, scour, and flooding while also improving stormwater quality. Spanning less than two miles and involving approximately 10.82 acres of earth disturbance, the project incorporates several natural infrastructure practices. These include construction of a two-stage ditch, stream restoration, levee removal, and wetland creation to enhance floodplain connectivity and ecological function. While construction of the wider two-stage ditch will require the removal of a number of trees, a comprehensive planting plan has been developed to replace those trees and restore vegetative cover along the corridor.

ODNR appreciates the Summit County Engineer's Office for incorporating a two-stage ditch design and stream restoration into this petition ditch project and for its ongoing commitment to improving water quality and watershed health in Ohio. This project reflects strong local leadership in addressing nutrient reduction, stream stability, and long-term maintenance needs through its innovative drainage design. For additional comments from ODNR, please refer to the attached Environmental Review letter.

Following our project review, and if you agree to consider the Environmental Review comments, the submitted plans for this drainage project are approved in accordance with ORC Section 6131.14. Please confirm your consideration and any questions you may have to Mike Pettegrew in the Office of Real Estate at Mike.Pettegrew@dnr.ohio.gov.

Sincerely,

Steven A. Gray, Assistant Director



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David Koontz
Summit County Engineer
538 East South Street
Akron, Ohio 44311-1843

Re: 26-0312_Copley Ditch Drainage Improvement

Project: The proposed project involves repairing the watercourse and the installation of measures to mitigate the erosive and flooding effect of future storms.

Location: The proposed project is located in Copley Township, Summit County, Ohio.

Center Coordinates: (41.0696, -81.6111)

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: A review of the Ohio Natural Heritage Database indicates there are no records of state or federally listed plants or animals within one mile of the specified project area. Records searched date from 1980.

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.

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 vicinity of records for the little brown bat (*Myotis lucifugus*), a state endangered species. Because presence of state endangered bat species has been established in the

area, summer tree clearing is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree clearing inside this buffer may be acceptable after further consultation with DOW (contact Eileen Wyza at Eileen.Wyza@dnr.ohio.gov).

In addition, the entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally endangered species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these bat species predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in clusters of dead leaves on tree limbs. However, these species are also dependent on the forest structure surrounding roost trees. The DOW recommends tree and/or tree limb clearing only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with a Diameter Breast Height (DBH) $\geq 20''$ if possible.

For every project, the DOW also recommends that a winter bat habitat assessment is conducted to determine if potential hibernacula are present within the project area. This is to limit possible disturbances that seasonal tree clearing and/or subsurface work (e.g., trenching, blasting, etc.) may cause to hibernating bats. Potential hibernacula include rocky outcroppings, caves, and underground mines. Direction on how to conduct winter habitat assessments can be found in the joint guidance [OHIO DIVISION OF WILDLIFE AND U.S. FISH AND WILDLIFE SERVICE \(OH-FIELD OFFICE\) JOINT GUIDANCE FOR BAT SURVEYS](#). If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile permanent tree clearing buffer around the hibernaculum entrance. Limited summer or winter tree clearing may be acceptable after consultation with the DOW. If a habitat assessment for projects involving subsurface disturbance finds that a potential hibernaculum is present within 5 miles of the project area, please consult with Eileen Wyza for project recommendations. If no tree clearing or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish, the pugnose minnow (*Opsopoeodus emiliae*), a state endangered fish, the western banded killifish (*Fundulus diaphanus menona*), a state endangered fish, the lake chubsucker (*Erimyzon sucetta*), a state threatened fish, and the paddlefish (*Polyodon spathula*) a state threatened fish. The DOW recommends no in-water work in perennial streams from March 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact these or other aquatic species.

The project is within the range of the smooth greensnake (*Ophedrys vernalis*), a state endangered species. This species is primarily a prairie inhabitant but can also be found in marshy meadows and roadside ditches. Due to the location, the type of habitat within 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 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. The DOW recommends that an approved herpetologist conducts a habitat suitability survey to determine if suitable habitat is present within the project area. If suitable habitat is determined to be present; the DOW recommends that a presence/absence survey be conducted, or an avoidance/minimization plan be developed and

implemented by the approved herpetologist. A list of [approved herpetologists](#) has been provided for your convenience.

The project is within the range of the northern harrier (*Circus hudsonius*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 through July 31. If this habitat will not be impacted, this project is not likely to impact this species.

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

Water Resources: The Division of Water Resources has not conducted a project specific review and/or comments, however, the guidance provided below should be reviewed by the Environmental Review applicant for applicability on this project and subsequent compliance.

If the subject project is in a floodplain regulated by the Federal Emergency Management Agency (FEMA), the [local floodplain administrator](#) should be contacted concerning the possible need for any floodplain permits or approvals. The FEMA National Flood Hazard Layer (NHFL) Viewer [website](#) can be utilized to see if the project is in a FEMA regulated floodplain. If the project is not in a FEMA regulated floodplain, then no further action is required.

Ohio Revised Code (ORC) Section 1521.16 mandates that any owner of a property or a facility that has the capacity of withdrawing 100,000 gallons per day (gpd) of water from groundwater, surface water, or both must register with the Division of Water Resources' [Water Withdrawal Facilities Registration \(WWFR\) Program](#) and report their withdrawals annually.

Additional coordination may be required depending on the location of the withdrawal and consumptive use. Restrictions or permitting may be required for:

- New or increased consumptive use of water averaging 2 million gallons per day (mgd) within 30 days within the Ohio River basin.
- New or increased withdrawal and consumptive water use in the Lake Erie watershed averaging 1 million gallons per day (mgd) or more in 90 days.
- New or increased water withdrawal directly from Lake Erie averaging 2.5 million gallons per day (mgd) or more in 90 days.
- Diversion or movement of water across the Ohio River and Lake Erie basin divide.

If the project does not involve activities that are subject to water withdrawal regulatory requirements as described above, then no further action is required. For more information, visit the [Water Inventory & Planning website](#).

ODNR appreciates the opportunity to provide these comments. Please contact Mike Pettegrew (Environmental Services Administrator) at mike.pettegrew@dnr.ohio.gov if you have questions about these comments or need additional information.

Expiration: *ODNR Environmental Reviews are typically valid for 2 years from the issuance date. If the scope of work, project area, construction limits, and/or anticipated impacts to natural resources have changed significantly from the original project submittal, then a new Environmental Review request should be submitted.*