



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
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COMM: 614/469-6923 FAX: 614/469-6919

October 29, 1999

Mr. Kevin Knight
Owner Representative
70 West Olentangy Street
Powell, Ohio 43065

Dear Mr. Knight:

We request your cooperation to address the needs of Lake Erie water snakes (*Nerodia sipedon insularum*) while planning and developing your proposed Long Point subdivision on Kelleys Island, Ohio. We understand your owner group plans to build homes on a subdivision comprising eight units over 17.3 acres on Long Point. The Lake Erie water snake became listed on August 30, 1999, as Federally threatened under the Endangered Species Act. The proposed Long Point subdivision contains Lake Erie water snakes and habitat important to their long-term survival.

On the islands of western Lake Erie, cliffs with crevices, rocky shorelines, and rock-filled structures such as docks and shoreline erosion barriers provide important shelter and foraging habitat for Lake Erie water snakes. During warm months, water snakes forage for small fish and amphibians near such locations and use spaces among rocks in structures or along the shoreline as shelter for rest, reproduction, and protection from predators. For hibernation during winter months, the water snakes use cliffs with crevices, rocky shorelines, portions of rock-filled docks or erosion structures above lake level. The snakes may also hibernate on inland portions of the islands away from the shoreline.

We will gladly meet with you to discuss legal concepts under the Endangered Species Act (ESA). Section 9 of the ESA states there shall be no "take" of a Federally threatened or endangered animal unless a permit is granted to allow such take. The ESA defines "take" very broadly to include harm, harass, shoot, wound, kill and other such actions that affect breeding, feeding, and sheltering (i.e., habitat). "Incidental take" is take that is incidental to, and not the purpose of, an otherwise lawful activity, such as building a home or repairing a boat dock. We often work with landowners to avoid or minimize take as much as possible. If beneficial to the species, we will sometimes issue permits that allow limited incidental

take. Since construction of the planned Long Point subdivision may result in take of Lake Erie water snakes or their habitat, we recommend your owner group and environmental advisory board work with us regarding the possibility of obtaining an ESA Section 10(a)(1)(B) incidental take permit and related Habitat Conservation Plan. The permit and plan are flexible tools available to landowners to help gain compliance with ESA Section 9 and 50 CFR 17.3 regulations. Habitat Conservation Plans must demonstrate a net benefit to the species in order to obtain an incidental take permit.

We encourage designs beneficial to Lake Erie water snakes. Your plan to build homes 125 feet or more away from the shoreline will help conserve Lake Erie water snakes and their habitat. Certain landscape designs, home designs, dock designs, and road designs can also help conserve Lake Erie water snakes. We encourage you to follow through with your proposed environmental advisory board and architectural advisory board to develop water snake friendly designs. We will gladly meet with you and your advisory boards to discuss such designs.

We appreciate your assistance to help us protect Lake Erie water snakes as important components of the Kelleys Island natural heritage. Please feel free to call us with any further questions you may have.

Sincerely,


Kent E. Kroonemeyer
Supervisor

cc: Jennifer Szymanski, USFWS-R3-TE, Fort Snelling, MN
Lisa Mandell, USFWS-R3-TE, Fort Snelling, MN
Marcia Kimball, Solicitor, DOI, Fort Snelling, MN
Dan LeClaire, USFWS-LE, Oak Harbor, OH
Carolyn Caldwell, Wildlife Mgt., DOW, Columbus, OH
John Marshall, Wildl. Envir. Sect., DOW, Columbus, OH
Mike Colvin, Coastal Zone Mgt., Div. REALM, Columbus, OH
Mark Lesinski, Corps of Engineers, Orwell, OH
Alan Sissleman, Corps of Engineers, Buffalo, NY
Bill Minshall, Mayor, Village of Kelleys Island, 121 Addison St.,
Kelleys Island, Ohio 43438
Lee Shadle, Chairman, Kelleys Island Planning Commission, 121 Addison
St., Kelleys Island, Ohio 43438

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January 28, 2002

Christopher A. Bergman, Ph.D.
BHE Environmental
11733 Chesterdale Road
Cincinnati, OH 45246

Re: Long Point Subdivision
Kelleys Island, Erie County, Ohio

Dear Dr. Bergman,

This is in response to correspondence from your office dated December 26, 2001 (received December 27) transmitting the report titled "Phase I Cultural Resource Survey for the Proposed Long Point, LLC, Subdivision on Kelleys Island, Erie County, Ohio" by Thomas A. Grooms, December 12, 2001. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]).

Based on the information presented in the two reports, discussed below, it is our opinion that there will be no historic properties affected by the proposed Long Point development. Given that this project is located within an historic district listed in the National Register of Historic Places, we provide additional comments on the extended efforts completed by the applicant to identify contributing elements and assess the potential for this project to affect historic properties.

The project proposes construction near the tip of Long Point, on Kelleys Island. Kelleys Island is listed in the National Register of Historic Places. The report documents an intensive survey of the project area. The survey included background review, pedestrian walk-over, and shovel testing. The results of the survey include the identification of one property, historic-era ruins at the Watkins house foundation (33-ER-499). Based on the information presented in the report, we concur that site 33-ER-499 is not a sensitive contributing element to the Kelleys Island Historic District.

Cultural resources consultation for this project also included preparation of a management plan and survey strategy document prior to the initiation of the archaeological survey. The management plan document titled "Management Plan and Survey Strategy for the Long Point, LLC, Subdivision on Kelleys Island, Erie County, Ohio" by Christopher A. Bergman, December 5, 2001, was also transmitted with your correspondence.

The management plan provides basic guidance covering priorities in identifying properties and assessing significance of resources. Important prehistoric archaeological sites are correlated with deeper soils along the coastline, although manifestations such as Inscription Rock may be found in areas with very thin soil. Historic-era archaeological remains on the island are expected in association with historic architecture or architectural remains. Important shipwrecks and other submerged resources may be found anywhere off shore where there have not been significant impacts such as dredging. Important architectural properties are associated with one or more of several periods of significance beginning with farming in the early nineteenth century and extending through periods of viticulture and limestone quarry operations to the emphasis seen today on tourism and summer homes. In particular, we are concerned about the preservation of the setting around homes dating from the mid nineteenth century vineyards as the settings convey the relationship of the house to the surrounding fields. Many of the mid to late nineteenth century houses on Kelleys Island retain an unusual level of architectural significance. It is important to give careful consideration to the potential for adverse effects on important older architectural properties from proposed new construction.

Dr. Christopher A. Bergman
January 26, 2002
Page 2

The management plan provided a well reasoned basis for designing the archaeological investigations and for considering the potential for impacts to architectural properties. The archaeological survey included shovel tests and a systematic pedestrian walk-over. The survey showed uniformly shallow soils and no prehistoric artifacts were identified. We believe that the archaeological survey contributed to the understanding of the archaeological record in this area. Previous archaeological investigations had interpreted burned limestone as associated with prehistoric activities. This report provides a sound argument for considering these features as likely associated with limestone quarrying activities and therefore not demanding the level of archaeological testing previously recommended for these types of sites. The report also begins to lay out a theoretical framework to distinguish later stone foundations and stone walls from the mid nineteenth century stone foundations and stone walls. We believe that the development of this theoretical model will become increasingly important in identifying and interpreting historic-era archaeological ruins in areas of Kelleys Island where viticulture was prominent. Based on the investigations completed for this project, we agree with the interpretation presented in the report that the identified stone foundation and stone wall (site 33-ER-499) represent a later, and short lived, occupation on Long Point that does not embody the distinctive qualities expected with remains of activities that were more closely associated with the major themes or significant periods on Kelleys Island.

Based on the information presented in the report, supporting project documentation, and project plans, it is our opinion that there will be no historic properties affected by the proposed project. No properties were identified within or immediately surrounding the project area that contribute significantly to our understanding of the Kelleys Island Historic District. The project is being designed to present a low profile. The plans show widely spaced, modest sized buildings. As designed, the project will not introduce prominent, new visual elements into the viewshed of significant properties within the Kelleys Island Historic District and the project will not result in the construction of prominent, new structures along the shoreline of Long Point. If substantial construction along the shoreline is planned at sometime in the future, further consultation with this office is recommended. Given the design of the proposed project it is our opinion that there will be no historic properties affected. No further coordination with this office is necessary for this project unless there is a change in the scope of work.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Archaeology Reviews Manager
Resource Protection and Review

DMS/ds

cc: H. John Dobrovolny, Fish and Wildlife Service, Bishop Henry Whipple Federal Building
1 Federal Drive, Fort Snelling, MN 55111-4056