

Draft
Environmental Assessment



Delaware Wildlife Area
Proposed Shooting Range Facilities

Delaware County, Ohio

Prepared for:

U.S. Fish & Wildlife Service, Region 3
Division of Federal Aid
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BURGESS & NIPLE

DRAFT ENVIRONMENTAL ASSESSMENT

**DELAWARE WILDLIFE AREA
PROPOSED SHOOTING RANGE FACILITIES
DELAWARE COUNTY, OHIO**

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ENVIRONMENTAL ASSESSMENT

DELAWARE WILDLIFE AREA, PROPOSED SHOOTING RANGE FACILITIES, DELAWARE COUNTY, OHIO

Note to reviewers: This Environmental Assessment (EA) has been prepared on behalf of the Ohio Department of Natural Resources (ODNR) to be consistent with National Environmental Policy Act (NEPA) requirements for environmental review. NEPA requirements are applicable because ODNR is receiving federal Pittman-Robertson funds for the project. The U.S. Fish & Wildlife Service (USFWS) administers these funds and will ultimately decide if the project complies with NEPA and other applicable federal regulations. This EA evaluates probable environmental effects and will be used to help determine the applicability of a "Finding of No Significant Impact" (FONSI) decision or whether an Environmental Impact Statement (EIS) will be required. The EA includes a description of alternatives for the project, as well as the affected environment.

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1.0 PROJECT OVERVIEW

1.1 Project Background

The Federal Aid in Wildlife Restoration Act of 1937, also known as the Pittman-Robertson Act, originally created an excise tax that provided funds to each state (through the Department of the Interior) to manage wildlife and their habitats. Amendments in the 1970s created a tax on handguns, ammunition, accessories and archery equipment, with a portion of the money to be used for education and training of hunters through safety classes and construction and operation of public shooting ranges.

The Ohio Department of Natural Resources (ODNR), Division of Wildlife (DOW) owns and operates the current Delaware Wildlife Area (DWA) shooting range on land that is leased from the U.S. Army Corps of Engineers (USACE). This range is located in Marlboro Township, Delaware County, Ohio (T6N, R16E, Section 1). The existing shooting range facilities are subject to frequent flooding due to their proximity to Brondige Run and Delaware Lake. ODNR also operates a separate archery range currently located over 2.0 miles northeast of the shooting range. ODNR has received federal monies (Pittman-Robertson funds) administered by the U.S. Fish & Wildlife Service (USFWS) to help reconstruct the existing shooting range into a combined shooting and archery range facility utilizing the existing range and land immediately adjacent to the existing range.

A copy of the U.S. Geological Survey (USGS) 7.5-minute series topographic quadrangle for Waldo depicting the locations of existing shooting and archery range facilities is presented as **Figure 1** included in **Appendix A**.

There is a current lease agreement between the USACE and ODNR for operation of the existing shooting range. The current lease period is for 25 years starting October 1, 2000 and ending September 30, 2025. As part of this lease, ODNR is responsible for complying with the Americans with Disabilities Act (ADA), while the USACE retains the right to flood the property or manipulate lake levels. The lease agreement also requires that any historical, archaeological, architectural or other cultural artifacts, relics, remains or objects of antiquity located on the property not be removed or disturbed. In the event that any of these materials are discovered, coordination is to be completed with the USACE. A copy of the USACE and ODNR Lease Agreement is located in **Appendix B**.

1.2 Project Summary

The existing shooting range facilities consist of an asphalt parking lot; a portable trailer for the Range Master building; a portable toilet; wooden bench firing positions at the pistol, rifle, and shotgun ranges; and wooden/metal overhead structures at the pistol and rifle range firing lines. The existing shooting range is directly accessible via an asphalt driveway off of State Route (SR) 229. The existing shooting range is approximately 10 acres in size. The existing archery range consists of 11 targets, a broad-head shooting pit, and a 16-target archery-walking course approximately 5.5 acres, located approximately 2.3 miles east of the shooting range on the northeast portion of DWA.

The proposed project includes demolition of the existing shooting range that will require partial excavation of site soils to complete metal recovery. After metal recovery, these excavated soils will be used to help construct backstops for a new facility located immediately east of the existing range and south of SR 229. The reconstructed facility will consist of consolidated shooting and archery range facilities that will be open to the public, including provision of handicapped facilities to ensure compliance with the ADA. Partial elevation of new range facilities will be required to elevate required structures out of the 100-year floodplain surrounding Delaware Lake and Brondige Run and reduce potential impacts from flood events. The soil to raise the structures will be obtained from a borrow area on property owned by the USACE within the Delaware Lake 100-year floodplain to mitigate for the fill at the reconfigured range site. The borrow area will be addressed as an addendum to this EA Document as soon as the borrow area is identified.

1.3 Purpose and Need

The purpose of the project is to develop safe and publicly available shooting and archery range facilities within the limits of DWA to help promote hunter safety and skills training.

The existing DWA shooting range facilities are periodically unavailable for public use due to flooding of the facilities by Brondige Run and Delaware Lake. During flooding events, the existing shooting ranges are under water which restricts the period of use for these facilities. There is a current need for improved access to the range by extending the hours and days of range operation and access by the public. Any closures of the existing facilities affect opportunities for improved hunter safety and education. In addition, the existing shooting range is insufficient in size to meet current weekend demands. The existing

archery range is located in a separate remote area from the shooting range and has been subjected to ongoing vandalism and theft.

There is increasing demand for range facilities throughout Ohio due to increases in firearm sales and shooting range traffic. A Range Demand Study was conducted as part of the *Preliminary Assessment Report* for the proposed project and indicates that current regional demands exceed that which can be accommodated at the current facilities. Construction of new combined shooting and archery range facilities will allow the DOW to address the above issue and expand their ability to offer more hunter and safety training courses in a centralized location. Construction of the new facilities will better allow the DOW to meet the rising demand for shooting facilities and increase opportunities for training on proper firearm use and safety education.

The ODNR requires that all persons wishing to purchase a hunting license in Ohio first complete a hunter education course and successfully pass a written test in order to obtain certification. Public shooting and archery range facilities are the ideal place for individuals that want to learn how to handle firearms or archery gear or for members of the public who want to improve on existing skills. Maintaining an existing public range in this area of Delaware County is key to maintaining hunter safety in this portion of the state. The current condition of two separate ranges (one for archery and one for shooting) spreads instructors and rangers out requiring a duplication of staff. ADA requirements are not currently met by the existing ranges.

2.0 PROJECT ALTERNATIVES

2.1 Alternatives Considered and Dismissed

ODNR, DOW has historically evaluated off-site locations for relocation of shooting range facilities. Based on previous assessments, it has been determined that very few sites are available for purchase and/or have very high purchase costs associated with them. In addition, relocation of the existing range facilities to a new off-site location has raised potential concerns in relation to a variety of issues including proximity to residential properties, noise impacts, and the potential for impacts to natural resources.

As part of preliminary planning for the proposed project, one new site located on the north side of SR 229, approximately 0.4 mile northwest of the existing shooting range entrance, was evaluated as a potential location for new range facilities. This site currently consists of grassland/open field that is also part of the DWA. Preliminary evaluations of this site revealed that multiple residential properties are located approximately 0.8 mile north of this site which raised questions over the suitability of this property due to the proximity of sensitive receptors and noise issues. Based on these issues alone, this alternative was dismissed from further analysis and no detailed design was completed.

The location of the alternate range location originally evaluated, but not selected, is depicted on **Figure 2** in **Appendix A**.

2.2 Alternatives Carried Forward for Detailed Analysis

2.2.1 No Action (Alternative A)

Under this alternative, the new consolidated shooting and archery range facilities would not be constructed. The existing shooting and archery ranges would continue to operate at their current locations and periodic closure of the shooting range due to flooding would be required. The existing range facilities are not currently handicap accessible and do not meet ADA requirements. These issues would not be addressed by this alternative.

This alternative was not selected because it does not meet the purpose and need of the project.

2.2.2 Improve Existing Range (Alternative C)

Under this alternative, metal reclamation would be completed within designated areas of the existing range, including portions of the pistol range, rifle range, and shotgun range, along with their associated backstops. Soils would be excavated to a depth of 4 to 6 inches to allow for metal reclamation and soils then returned to the site. As part of this alternative, modification of the existing range site would be required in order to address ADA requirements and make all ranges handicap-accessible.

Flooding of the existing range site would continue to occur requiring periodic closure of the facility and reducing the availability of the shooting ranges to the general public. This alternative would also keep the separate shooting and archery ranges and would not include classrooms or other site improvements. Because this alternative does not fully address the purpose and need of the project, detailed design was not completed and this alternative was not carried forward for further evaluation.

2.2.3 Proposed Action - Range Reconstruction (Alternative B)

Under the proposed action, the existing shooting range will be demolished and surface soils (top 6 inches) will be excavated and screened to reclaim metal fragments. Excavated soils will then be reused to construct the relocated range backstops and berms. Burgess & Niple, Inc. (B&N) confirmed with the Ohio Environmental Protection Agency (EPA) that relocation of soils within the same site is acceptable in accordance with the U.S. EPA guidance document entitled *Best Management Practices for Lead at Outdoor Shooting Ranges*. Lime will be added to remaining areas of exposed subgrade to stabilize any remaining metals and minimize the potential for leaching of metals to surrounding soils. In accordance with the existing land use agreement between USACE and ODNR, excavated areas will be backfilled with topsoil and seeded with native grasses to restore the area to its baseline condition. The existing range does not require complete environmental closure because it will be within the shot fall zone for the reconfigured shotgun range.

The proposed action also involves construction of the consolidated shooting and archery range facilities that will be open to the public and handicap accessible. Proposed facilities will occupy approximately 59.18 acres of which 22 acres will be disturbed and include the following:

- 50-foot and 25-yard pistol ranges with covered shooting sheds and baffled for the standing position and fixed benches;
- 100/50-yard rifle range with covered shooting shed, baffled for the standing position with fixed bench;
- Four-position manual trap shot gun range;
- 90-meter archery field with 20 positions;
- 14-position 3D animal walking archery course;
- Two-position (5-foot and 10-foot) elevated archery range (ADA accessible) and one at grade position with four 3D animal targets;
- 5,900 square foot (sf) multi-purpose facility (ADA accessible) including indoor 18-meter archery range for training purposes, classroom space, equipment storage areas, office and restrooms;
- Range Master building for range and site surveillance;
- New 24-foot wide entry drive off of SR 229;
- Paved parking facilities including spaces for those with disabilities in compliance with ADA requirements;
- Security measures including perimeter fencing, security cameras and building intrusion alarms;
- On-site wastewater treatment/disposal system;
- On-site storm water retention pond(s); and
- On-site sediment pond to capture/retain particulate metal from the reconfigured ranges before it enters the site storm sewer system.

The proposed layout of the reconfigured combined shooting and archery range is shown on **Figure 3** in **Appendix A**.

It is anticipated that a borrow site located somewhere within the existing Delaware Lake floodplain will be required to raise the base elevation of the proposed buildings out of the 100-year floodplain. The borrow site will also serve to provide compensatory flood storage required by the USACE in return for placing fill material within the regulated floodplain. Although use of a borrow site within DWA may convert terrestrial habitats to aquatic habitats, the borrow site will be selected so that impacts to wetlands, streams, unique habitats and other natural resources are avoided or minimized to the fullest extent possible. Selection of the borrow site will be subject to approval by both the USACE and Delaware County.

Photographs depicting the existing range facilities, as well as conditions on the adjacent land to the east where the reconstructed ranges will extend, are included in **Appendix C**.

2.3 Summary of Alternatives

Table 1
Alternative Characteristics

Characteristic	Alternative A No Action	Alternative B Proposed Action (Reconstructed Range Site)	Alternative C (Metal Reclamation & Address ADA Requirements)
Accessible to public?	Yes; with periodic closure due to flooding	Yes; with temporary closure during reconstruction	Yes; with temporary closure during construction and flooding
Site development required?	No	Yes	Yes
Utilities Present?	Yes; sanitary facilities not ADA accessible	Yes; available with modifications required	Yes; modifications required
Continued flooding and required closures?	Yes	No	Yes
Addresses ADA issues?	No	Yes	Yes
Addresses hunter education needs?	No	Yes	No

Characteristic	Alternative A No Action	Alternative B Proposed Action (Reconstructed Range Site)	Alternative C (Metal Reclamation & Address ADA Requirements)
Provides adequate facilities for outdoor skills training?	No	Yes	No
Environmental remediation required?	No	Yes	Yes
Require temporary range closure during construction?	No	Yes	Yes
Addresses Purpose and Need?	No	Yes	No

3.0 AFFECTED ENVIRONMENT

3.1 Physical Characteristics

The existing range site and proposed reconfigured range are both located within the limits of DWA, managed by the ODNR, DOW and spanning portions of Delaware, Marion, and Morrow Counties, Ohio. DWA consists of approximately 4,766 acres of wildlife area located adjacent to Delaware Reservoir and Delaware State Park. DWA provides public hunting and fishing opportunities, as well as camping opportunities, and shooting and archery range facilities. Habitats associated with DWA include forested tracts of land, grasslands, ponds, and other natural areas managed to promote waterfowl use.

Specifically, the existing range site is located approximately 1.3 miles east of the U.S. Route (USR) 23 and SR 229 intersection, within the DWA floodplain and immediately east of Brondige Run, which discharges directly to Delaware Lake. The existing shooting range facilities are accessible via an improved drive leading south off of SR 229 and terminating at an existing parking lot adjacent to the shooting ranges. There is an existing unnamed tributary to Brondige Run that flows across the existing range site. All ranges include areas of managed grasslands dominated primarily by herbaceous ground cover that is maintained on a regular basis. Areas surrounding the shooting range facilities include forested floodplains and uplands. The reconfigured range will be located on the existing range, as well as expanded onto land immediately east of the existing range's developed land in areas occupied primarily by shrub and herbaceous ground cover. Several wetlands have been delineated at the expanded range site. These areas will be avoided and incorporated into the design of the new facility.

3.2 Land Use

Within DWA, approximately 350 acres of land are under cultivation in row and small grain crops, with approximately 40 percent of wildlife areas occurring as old field habitat dominated by mixed grasses and small shrubs. Over 10 percent of the area has been planted in prairie grass and other herbaceous species to provide grassland wildlife habitat. Nearly 50 percent of the wildlife area consists of second growth hardwoods and brush in various stages of succession. Common trees include cottonwood, ash, elm, beech, maple, hickory, oak, and black walnut.

Developed uses at the site includes the existing pistol, rifle, and shotgun ranges that include shooting benches, berms/backstops, covered shelters, an access drive, and a paved parking area. A small range building on a trailer, a trash dumpster, and a port-a-john are also associated with the existing range site. Remaining land uses are associated with natural features of DWA and include Brondige Run, a small-unnamed tributary to Brondige Run and maintained grassy areas located at the entrance to the range, as well as the firing ranges.

Current land use associated with the range site is limited to natural areas within DWA, including mature forested uplands, scrub-shrub habitats, several wetlands, and open fields.

3.3 Terrestrial Environment (Habitats/Vegetation)

Terrestrial habitat associated with the existing range site is limited in comparison to the area where the reconstructed shooting and archery range will expand into, which includes areas that would be considered grassland or open fields. These areas are periodically maintained due to their landscape position and occur along either side of the access drive to the existing range, as well as the firing lines for the rifle and shotgun ranges. There is a narrow wooded riparian corridor associated with the unnamed tributary to Brondige Run that flows generally southwest across the existing range. Large areas of terrestrial habitat are associated with the reconstructed range site, immediately east of the existing range. These habitats include mature forested uplands located south of the existing parking lot that will be converted to archery range facilities, a narrow tree line that bisects the relocated shotgun range site, and open field/early successional communities with moderate shrub cover that are interspersed with other aquatic habitats across the remaining expanded range construction area.

3.4 Wildlife, including Threatened, Endangered and Candidate Species

In general, DWA provides extensive habitat for a variety of wildlife including the cottontail rabbit, ring-necked pheasant, various songbirds and raptors, a large variety of small mammals, white-tailed deer, and wild turkeys. Due to the presence of Delaware Lake and numerous small ponds scattered throughout DWA, the general area is utilized by a variety of waterfowl on either a permanent or temporary basis. The area also provides nesting and hunting grounds for the bald eagle and osprey.

The ODNR, DOW completed a review of the Natural Heritage Database for known records associated with the project site, including the existing ranges and the reconfigured combined range. The nearest known bald eagle nest was identified as approximately 5.0 miles south of the project. One additional record for the marsh bluet (*Enallagma eribium*), a state threatened damselfly species, was reported for an area located approximately 0.2 mile north/northeast of the existing shooting range, across SR 229.

Coordination with the USFWS, Reynoldsburg Field Office was initiated during completion of the Preliminary Assessment Report prepared for the project. Initial comments from their office were received on December 18, 2013. No federal wilderness areas, wildlife refuges or designated Critical Habitat was identified by the agency within the vicinity of the proposed project.

USFWS did indicate that the project is within the range of the following species: the federally endangered Indiana bat (*Myotis sodalis*), the proposed endangered northern long-eared bat (*Myotis septentrionalis*), the federally endangered rayed bean mussel (*Villosa fabalis*), the federally endangered snuffbox mussel (*Epioblasma triquetra*), and the bald eagle (*Haliaeetus leucocephalus*), a federal species of concern. The agency offered comments on positioning of shooting range shot fall areas in uplands, away from streams and wetlands. Based on the project description, USFWS determined that the project as proposed would have no impact on the bald eagle and that protected mussel species were not expected to occur within Brondige Run. However, additional information in the form of a habitat assessment was requested by the agency in order to make an effect call for the Indiana bat and northern long-eared bat.

A habitat assessment was completed for all proposed tree clearing areas associated with the reconfigured range site so that USFWS could fully evaluate potential impacts to the Indiana bat and northern long-eared bat. This assessment was conducted by B&N on Friday, February 21 and Monday, February 24, 2014 to identify potential roost trees and maternity roosts located within areas to be disturbed by the project. During the habitat assessment, it was determined that the total project site consists of 59.18 acres, including 13.59 acres of wooded habitat. No potential maternity roost trees were identified during the assessment, although numerous potential roost trees were identified within proposed tree clearing areas. The habitat assessment was submitted to USFWS for their review on February 28, 2014.

USFWS issued a letter response to the habitat assessment, dated March 12, 2014. The agency indicated that potential habitat for both the Indiana bat and northern long-eared bat may be present at the site, but that additional habitat is also available adjacent to the project within the limits of DWA. The agency recommended that potential roost trees and surrounding trees be saved wherever possible. The agency indicated that any trees cleared should only be cut between October 1 and March 31.

Agency correspondence related to threatened and endangered (T&E) coordination is included in **Appendix D**.

3.5 Aquatic Resources

Field investigations to identify aquatic resources, including wetlands and streams, were conducted by B&N during September 2013. Streams and other aquatic resources on the site (ponds, ditches, etc.) were documented using field notes and photographs. Potentially jurisdictional wetlands located at both the existing and expanded range sites were identified and delineated in accordance with the USACE 1987 Manual and Version 2.0 of the Midwest Regional Supplement.

As a result of field investigations, two jurisdictional stream channels were identified at the existing range site: Brondige Run (perennial) and an unnamed tributary to Brondige Run (intermittent). One potentially jurisdictional wetland (Wetland A- Existing Site) was also delineated south of the existing pistol range and west of the rifle range. This area was classified as a Category 2 (Ohio Rapid Assessment Method [ORAM] Score of 50) emergent/scrub-shrub wetland located in the floodplain of Brondige Run.

Evaluations conducted for the reconfigured range site revealed three potentially jurisdictional wetlands (all Categories 2 or 3) associated with the expanded area, including the following:

- Wetland A (Expanded Site) - Previously delineated wetland consisting of open water and emergent communities, surrounded by a scrub-shrub and forested buffer. Classified as Category 3 (ORAM score of 74).

- Wetlands B and C (Expanded Site) – Emergent wetlands located in the open field at the central to east end of the expanded range site. These wetlands appear to share surface water connections with other resources located to the north across SR 229 and/or potential forested wetlands located east and south of the reconfigured range site. The ORAM score for Wetland B (Expanded Site) (62) placed it within the gray zone as being either Category 2 or 3. The ORAM score for Wetland C (Expanded Site) (57) resulted in a Category 2 classification.

Conceptual design of the reconfigured range site has been planned so that any impacts to the above referenced wetlands could be avoided. **Figure 3** in **Appendix A** depicts the location of wetland resources. **Appendix E** contains a CD of the Ecological Study.

The existing and reconfigured shooting range site is located within the 100-year floodplain associated with Delaware Lake. A floodplain permit from Delaware County and approval from the USACE will be required for the excavation, demolition, and construction work associated with the project. The USACE has advised that approval will be required if any fill is placed above existing site elevations and compensatory excavation at a 1:1 ratio be provided within the Delaware Lake floodplain for any fill placement above existing elevations within the 100-year floodplain. Raising the elevation of the reconfigured range entirely out of the floodplain is not required by floodplain or building regulations. Only proposed permanent buildings, any on-site wastewater treatment tanks and electrical equipment must be elevated above the 100-year flood elevation. It is expected that flooding of the expanded range will still occur, but will be significantly less frequent than what occurs on the existing range.

As currently proposed, soil excavation work at the existing range site will not result in any impacts to wetlands or streams identified at the site. In addition, conceptual design of the reconfigured range facilities has been completed in order to avoid impacts to several wetlands located on or immediately adjacent to the range site. As currently proposed, no impacts to streams or wetlands will result from construction of the combined shooting and archery range facilities.

3.6 Cultural Resources

A preliminary review of potential cultural resource records was completed using the Ohio Historic Preservation Office (OHPO) on-line mapping system. This database identified

that no cultural resource studies had been completed in the project area and that no known cultural resources had been documented for the existing or reconfigured range site. Additional coordination with the USACE revealed no past cultural resource investigations had been completed for the project site.

Because the project is funded by the USFWS gun sales tax, Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, applies to the project and coordination with the OHPO is required. No structures were identified within the reconfigured range or within the viewshed of the reconfigured range. Hardlines Design Company (HDC) conducted an Archaeological Survey for the project site. The Area of Potential Effect (APE) for the project was defined as a 61.27-acre piece of land, south of SR 229 as delineated in the Archaeological Survey Report. A portion of the land (approximately 8 acres) was previously disturbed to construct the existing shooting range earthen backdrops and the parking lot. HDC survey work was conducted for six areas totaling 23 acres located within the APE where proposed work will result in ground disturbance. A total of 455 shovel test units (STUs) were identified across the six survey areas. There were 121 STUs that could not be excavated due to site constraints such as excessive wetness, slopes greater than 15 degrees, or corresponded to an area disturbed by modern activities associated with the existing shooting range. Cultural resource materials were identified in 20 of the 334 STU's that were completed and resulted in documentation of seven previously unrecorded archaeological sites (33DL2849-33DL2855). All of these sites were classified as small, moderate to low density, temporally unassigned prehistoric lithic scatters. HDC recommended that all identified sites be considered "not eligible" for listing in the National Register of Historic Places (NRHP) because they do not meet the NRHP eligibility criteria and have impaired integrity based on past plowing events. The *Archaeological Survey for the Delaware Shooting Range Improvements (DNR-120034)* dated April 24, 2014, prepared by HDC was submitted to the OHPO on May 28, 2014 for review and concurrence that none of the sites are eligible for the NRHP. A copy of the Archaeological Survey is on the CD in **Appendix E**.

3.7 Local Socio-Economic Conditions

The proposed project is located in a rural area of Marlboro Township, Delaware County, Ohio and is located within the limits of DWA with very sparse population. The existing shooting range is a public facility, with most of the surrounding area consisting of natural areas and wildlife habitat managed as part of DWA. A cluster of private residential homes

is located approximately 1.2 miles north of the site along Prospect-Mount Vernon Road, with additional homes located approximately 0.7 mile east and southeast of the site along Norton-Westfield Road, as well as SR 229. Many of these homes appear to be associated with active agricultural fields which may serve as a source of income for nearby residents. The Village of Waldo is the nearest town and is located approximately 2.7 miles northwest of the site. As of the 2010 census, the population of the Village of Waldo was 338 and the racial makeup was 96.4 percent white.

3.8 Noise

As stated above, the existing and proposed range sites are located within DWA. Private residential properties are well removed from these locations. No known noise issues have been identified in association with the existing range. Because the reconfigured range incorporates the existing range and expands onto open land to the south and east toward SR 229, no noise issues are anticipated.

3.9 Cumulative Impacts

The impacts of a proposed action should be evaluated in terms of cumulative impacts in regards to impacts resulting from other past, present, and reasonably foreseeable future actions. The proposed project is not expected to conflict with any local, state, or federal plans for the area. Due to the adjacent land under the management of the ODNR and owned by the USACE, no additional development or further expansion of the range is planned. The project as proposed will involve the recovery of spent lead shot from the existing shooting range facilities, which will have an overall net benefit for wildlife and terrestrial/aquatic habitats in the area.

4.0 ENVIRONMENTAL CONSEQUENCES

This section addresses the various impacts associated with the alternatives considered for project completion, including the No Action Alternative, Proposed/Preferred Alternative and one additional alternative to the proposed action.

4.1 No Action (Alternative A)

With the No Action Alternative, the existing range would continue to operate at its current location and there would be no changes in land use. The existing range would continue to be subject to periodic flooding resulting in required closures and unavailability to the general public, which is considered a negative environmental consequence of this alternative. There would be no direct loss of terrestrial habitats/vegetation, wildlife, wetlands, streams, or cultural resources. However, in the absence of any soil excavation for metal recovery, the potential for impacts to wildlife and aquatic resources still exists in that these materials will continue to be present in site soils and the above resources may be exposed to this material.

Table 2
Summary of Environmental Consequences
of No Action Alternative

	Impact	Comments
Land Use	No	No change in land use with continued operation of existing range.
Terrestrial Habitats/Vegetation	No	No change; terrestrial habitats/vegetation remains same.
Wildlife, including T&E Species	Potential for Impact	No metal recovery from existing soils means potential for uptake by wildlife.
Wetlands	Yes	No metal recovery from existing soils results in potential leaching into adjacent wetlands along Brondige Run.
Streams	Potential for Impact	No metal recovery from existing soils results in potential leaching into adjacent streams.
Cultural Resources	No	No work completed and no potential for disturbance of any cultural resource sites.

	Impact	Comments
Socio-Economic Conditions	Yes	Continued use of existing range facilities means separate shooting and archery ranges, continued closure due to flooding. Limits use of this range by general public and availability of hunter training and education services. No work would be completed to make range ADA compliant.
Noise	No	There is no known noise issues associated with the existing range.
Cumulative Impacts	No	No work would be completed and no cumulative impacts would result.

4.2 Proposed Action (Alternative B)

The Proposed Action/Preferred Alternative will result in impacts to various natural resources, but is also characterized by positive environmental consequences. The environmental consequences of implementing this action are summarized below by resource type.

Table 3
Summary of Environmental Consequences
for Proposed/Preferred Alternative

	Impact	Comments
Land Use	Yes	Both positive and negative consequences; metal recovery at existing range with partial reversion of area to natural conditions; new shotgun shot fall zone overlaps with current portion of current range. Some wildlife habitat at reconfigured range site will be converted to a developed use. Approximately 22 acres of land disturbance.
Terrestrial Habitats/Vegetation	Yes	The reconfigured range site is located within DWA. In order to construct the new facilities, there will be a loss of some terrestrial habitats (old fields, successional fields and minimal forested areas). To offset these impacts, new berms and disturbed areas will be seeded to encourage vegetative growth.

	Impact	Comments
Wildlife, including T&E Species	Yes	There will be a loss of some wildlife habitat due to construction of the reconfigured range as terrestrial areas are converted to a developed land use. Seasonal tree clearing restrictions will be used to minimize potential impacts to T&E species (i.e., Indiana and Northern long-eared bat). Perimeter fencing may restrict wildlife access to the new range facilities, especially for larger mammals. New berms will be seeded to encourage use of these areas by small mammals.
Wetlands	No	The reconfigured range has been designed to avoid all impacts to existing wetland features. In addition, the metal recovery effort associated with this alternative will reduce potential introduction of metals to wetlands.
Streams	No	The reconfigured range has been designed to avoid stream impacts. In addition, the metal recovery effort will reduce potential leaching issues into Brondige Run and an adjacent tributary.
Cultural Resources	No	A site investigation of the reconfigured range site revealed no sites eligible for listing on the NRHP. No cultural resource impacts are anticipated.
Socio-Economic Conditions	Yes	The impact of this alternative will be positive in terms of overall socio-economic conditions. The new facility will be ADA compliant making it available to more of the general population. In addition, flooding is expected to be reduced meaning fewer range closures.
Noise	No	During construction, there will be increase truck and equipment noise for metal recovery, construction of the earth backdrops, and buildings. Due to the location of the reconfigured range and the fact that it will partially overlap with the existing range, no new noise issues are anticipated.
Cumulative Impacts	No	There are no other known plans for the immediate project area that would result in cumulative impacts when combined with this alternative.

4.3 Modification of Existing Range Site Only (Alternative C)

One possible alternative to the proposed action would be to modify the existing range facilities only. This would still involve the excavation of site soils from the pistol, rifle, and shotgun ranges to allow for metal recovery, as well as modifications that would be necessary to make the facilities fully ADA compliant. This alternative does not address the flooding issue associated with the site and would still result in ongoing range closures which would disturb use of the range by the public. Environmental consequences associated with this alternative are summarized below.

Table 4
Summary of Environmental Consequences
for Modification of Existing Range Only

	Impact	Comments
Land Use	No	The existing range would remain open after metal recovery efforts, with only temporary land use impacts. Approximately 4.5 acres of land disturbance.
Terrestrial Habitats/Vegetation	Yes	Temporary disturbance within shot fall zones during metal recovery. No permanent change/impact. Disturbed areas to be reseeded.
Wildlife, including T&E Species	Yes	Positive impact due to metal recovery from soils and improved habitat quality. Will need to continue in the future.
Wetlands	Yes	Positive impact due to metal recovery and reduced chance for leaching into adjacent wetlands. Will need to continue in the future.
Streams	No	Positive impact due to metal recovery and reduced chance for leaching into Brondige Run and tributaries.
Cultural Resources	No	A site investigation of the existing range revealed no sites eligible for listing on the NRHP. No cultural resource impacts are anticipated.
Socio-Economic Conditions	Yes	While this alternative would result in the range being ADA compliant, it does nothing to address the significant flooding issue associated with the existing range. Implementation of this alternative would not eliminate the need to close the range, which affects the availability of hunter safety training opportunities.

	Impact	Comments
Noise	No	After completion of metal recovery and ADA modifications, the range would continue to operate as it currently does. No environmental consequences related to noise would be expected.
Cumulative Impacts	No	There are no other known plans for the immediate project area that would result in cumulative impacts when combined with this alternative.

4.4 Impacts Common to Both Action Alternatives

Both Action Alternatives would result in impacts to existing soil conditions and would disturb over 1.0 acre of land requiring approval under the construction storm water permit from Ohio EPA and Delaware County, a requirement in order to complete the project. These impacts are considered a positive environmental consequence of either Action Alternative since the end result involves removal and reclamation of lead from soils at the existing range and/or construction of a reconfigured range where closure due to flooding would be reduced. Preparation of a Storm Water Pollution Prevention Plan (SWP3) will help minimize land use disturbances and ensure that appropriate sediment and erosion controls are in place during soil excavation and new construction activities.

In addition, either Action Alternative would result in positive impact in terms of streams and wetlands since they both call for the excavation of soil from the existing range in order to complete metal recovery efforts. Removal of these metals reduces the chance for leaching of these materials into nearby wetlands associated with Brondige Run and its tributaries. Neither build alternative requires work within jurisdictional waters of the State, so no waterway permits are required. In addition, no isolated wetlands were identified in the project site so an isolated wetland permit will not be required from the Ohio EPA.

Both Action Alternatives would have no negative impacts in terms of cultural resource issues, noise, and cumulative impacts.

4.5 Summary of Environmental Consequences by Alternative

Table 5
Summary of Environmental Consequences
for All Alternatives

Area of Concern	Alternative A No Action	Alternative B Proposed/Preferred Action (Metal Recovery + Reconfigured Range Site)	Alternative C Modify Existing Range Only
Land Use	No change in land use with continued operation of existing range	Both positive and negative consequences; metal recovery at existing range with partial reversion of area to natural conditions; new shotgun shot fall zone overlaps with current portion of current range. Some wildlife habitat at reconfigured range site will be converted to a developed use. Approximately 22 acres of land disturbance. Existing Archery Range will convert to natural area (approximately 5 acres).	The existing range would remain open after metal recovery efforts, with only temporary land use impacts. Approximately 4.5 acres of land disturbance.
Terrestrial Habitats/Vegetation	No change; terrestrial habitats/vegetation remains same	The reconfigured range site is located within DWA. In order to construct the new facilities, there will be a loss of some terrestrial habitats (old fields, successional fields and minimal forested areas). To offset these impacts, new berms and disturbed areas will be seeded to encourage vegetative growth, approximately 20 acres will be converted.	Temporary disturbance within shot fall zones during metal recovery. No permanent change/impact. Disturbed areas to be re-seeded.

Area of Concern	Alternative A No Action	Alternative B Proposed/Preferred Action (Metal Recovery + Reconfigured Range Site)	Alternative C Modify Existing Range Only
Wildlife/T&E	No metal recovery from existing soils means potential for uptake by wildlife	There will be a loss of some wildlife habitat due to construction of the reconfigured range as terrestrial areas are converted to a developed land use. Seasonal tree clearing restrictions will be used to minimize potential impacts to T&E species (i.e., Indiana and Northern long-eared bat). Perimeter fencing may restrict wildlife access to the new range facilities, especially for larger mammals. New berms will be seeded to encourage use of these areas by small mammals.	Positive impact due to metal recovery from soils and improved habitat quality. Metal recover will need to continue in the future.
Wetlands	No metal recovery from existing soils results in potential leaching into adjacent wetlands along Brondige Run	Positive impact due to metal recovery and reduced chance for leaching into adjacent wetlands.	Positive impact due to metal recovery and reduced chance for leaching into adjacent wetlands. Will need to continue in the future.
Streams	No metal recovery from existing soils results in potential leaching into adjacent streams	The reconfigured range has been designed to avoid stream impacts. Positive impact due to metal recovery and reduced chance for leaching into Brondige Run and tributaries.	Positive impact due to metal recovery and reduced chance for leaching into Brondige Run and tributaries. Will need to continue in the future.

Area of Concern	Alternative A No Action	Alternative B Proposed/Preferred Action (Metal Recovery + Reconfigured Range Site)	Alternative C Modify Existing Range Only
Cultural Resources	No work completed and no potential for disturbance of any cultural resource sites	A site investigation of the existing and proposed range sites revealed no sites eligible for listing on the NRHP. No cultural resource impacts are anticipated.	A site investigation of the existing range revealed no sites eligible for listing on the NRHP. No cultural resource impacts are anticipated.
Socio-Economic Conditions	Continued use of existing range facilities means separate shooting and archery ranges, continued closure due to flooding. Limits use of this range by general public and availability of hunter training and education services. No work would be completed to make range ADA compliant.	The impact of this alternative will be positive in terms of overall socio-economic conditions. The new facility will be ADA compliant making it available to more of the general population. In addition, flooding is expected to be reduced meaning fewer range closures.	While this alternative would result in the range being ADA compliant, it does nothing to address the significant flooding issue associated with the existing range. Implementation of this alternative would not eliminate the need to close the range, which affects the availability of hunter safety training opportunities.
Noise	There is no known noise issues associated with the existing range.	During construction, there will be increase truck and equipment noise for metal recovery and construction of the earth backdrops. Due to the location of the reconfigured range and the fact that it incorporates the existing range, no new noise issues are anticipated.	After completion of metal recovery and ADA modifications, the range would continue to operate as it currently does. No environmental consequences related to noise would be expected.

Area of Concern	Alternative A No Action	Alternative B Proposed/Preferred Action (Metal Recovery + Reconfigured Range Site)	Alternative C Modify Existing Range Only
Cumulative Impacts	No work would be completed and no cumulative impacts would result.	There are no other known plans for the immediate project area that would result in cumulative impacts when combined with this alternative.	There are no other known plans for the immediate project area that would result in cumulative impacts when combined with this alternative.

5.0 LIST OF PREPARER(S)

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6.0 COORDINATION WITH PUBLIC AND OTHERS

The site of the proposed new shooting and archery range facilities is located within DWA, Marlboro Township, Delaware County, Ohio on land that is owned by the USACE. ODNR has a current lease agreement with USACE to allow for operation of the existing facilities and is responsible for complying with the conditions set forth in this document. The USACE has been involved in all stages of project planning and design.

This EA will be made available as a draft document for public review and comment in order to identify any controversy associated with the project. Any comments received and a description of agency responses will be forwarded to USFWS as part of the final EA. The USFWS will make a final determination on whether a Finding of No Significant Impact (FONSI) is appropriate for the project or if an Environmental Impact Statement (EIS) will be required.

7.0 PUBLIC COMMENT ON DRAFT EA AND RESPONSES

To be completed after the Public Notice Period is over.

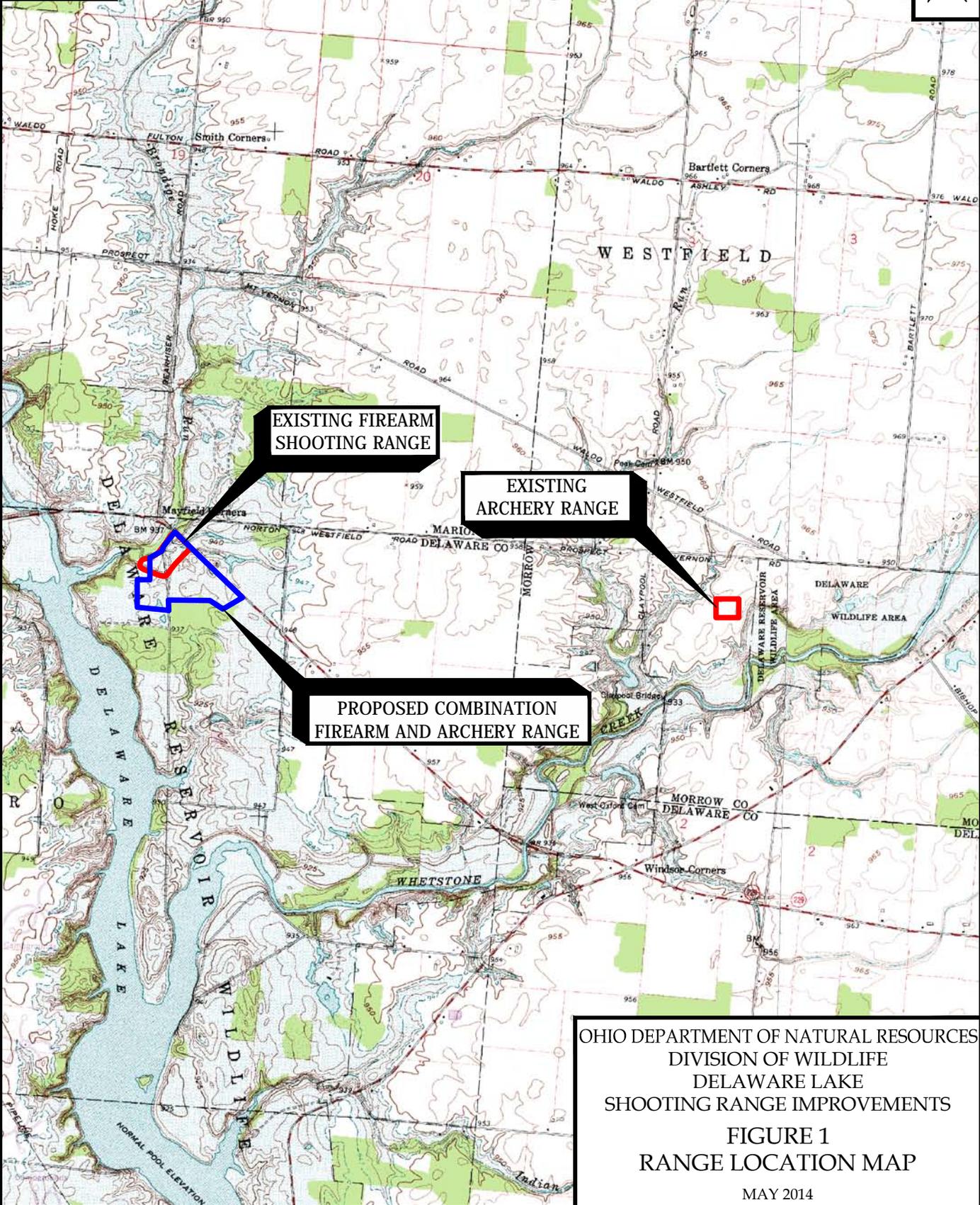
8.0 REFERENCES CITED

- Ohio Department of Natural Resources, Division of Wildlife, <http://wildlife.ohiodnr.gov>.
- Ohio Department of Natural Resources, Division of Wildlife, <http://wildlife.ohiodnr.gov/Portals/wildlife/Maps>.
- Preliminary Assessment Report. *Delaware Lake Shooting Range Improvements, Delaware, Ohio*. Ohio Department of Natural Resources, prepared by Burgess & Niple, Inc., Donahue IDEAS, and C. Vargas & Associates, Ltd., January 2014.
- Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss.
- U.S. Army Corps of Engineers. 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0)*, ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-10-16. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- U.S. EPA. *Best Management Practices for Lead at Outdoor Shooting Ranges*. EPA-902-B-01-001, Revised June 2005.
- Burgess & Niple, Inc. *Aquatic Resource Inventory & Wetland Delineation, Delaware Wildlife Area, Existing Shooting Range*. October 2013.
- Burgess & Niple, Inc. *Aquatic Resource Inventory & Wetland Delineation, Delaware Wildlife Area, Proposed Shooting Range Facilities*. October 2013.
- Hardlines Design Company. *Archaeology Survey for the Delaware Shooting Range Improvements (DNR-120034)*. Delaware Wildlife Area, Marlboro Township, Delaware County, Ohio. April 24, 2014.

ATTACHMENT A

FIGURES

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P:\PR52412\Delaware\cadd\Environmental Assessment\Figure 1.dwg 5/23/2014 8:38:28 AM Cox, Doug

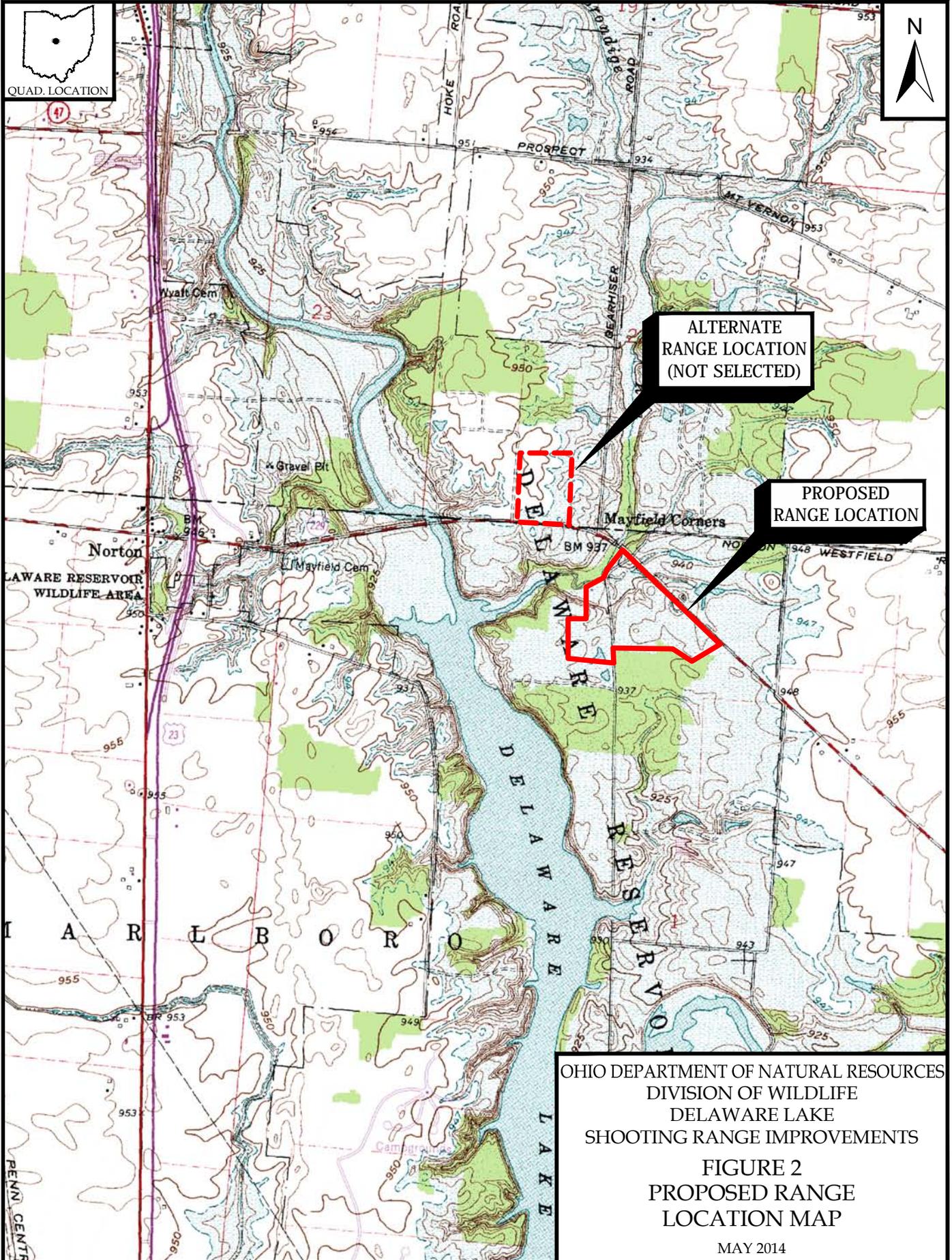
OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
DELAWARE LAKE
SHOOTING RANGE IMPROVEMENTS
FIGURE 1
RANGE LOCATION MAP

MAY 2014

SOURCE: DELAWARE AND WALDO, OHIO
7.5 MINUTE U.S.G.S. QUADRANGLE MAP

BURGESS & NIPLE
Engineers • Environmental Scientists • Geologists

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ALTERNATE RANGE LOCATION (NOT SELECTED)

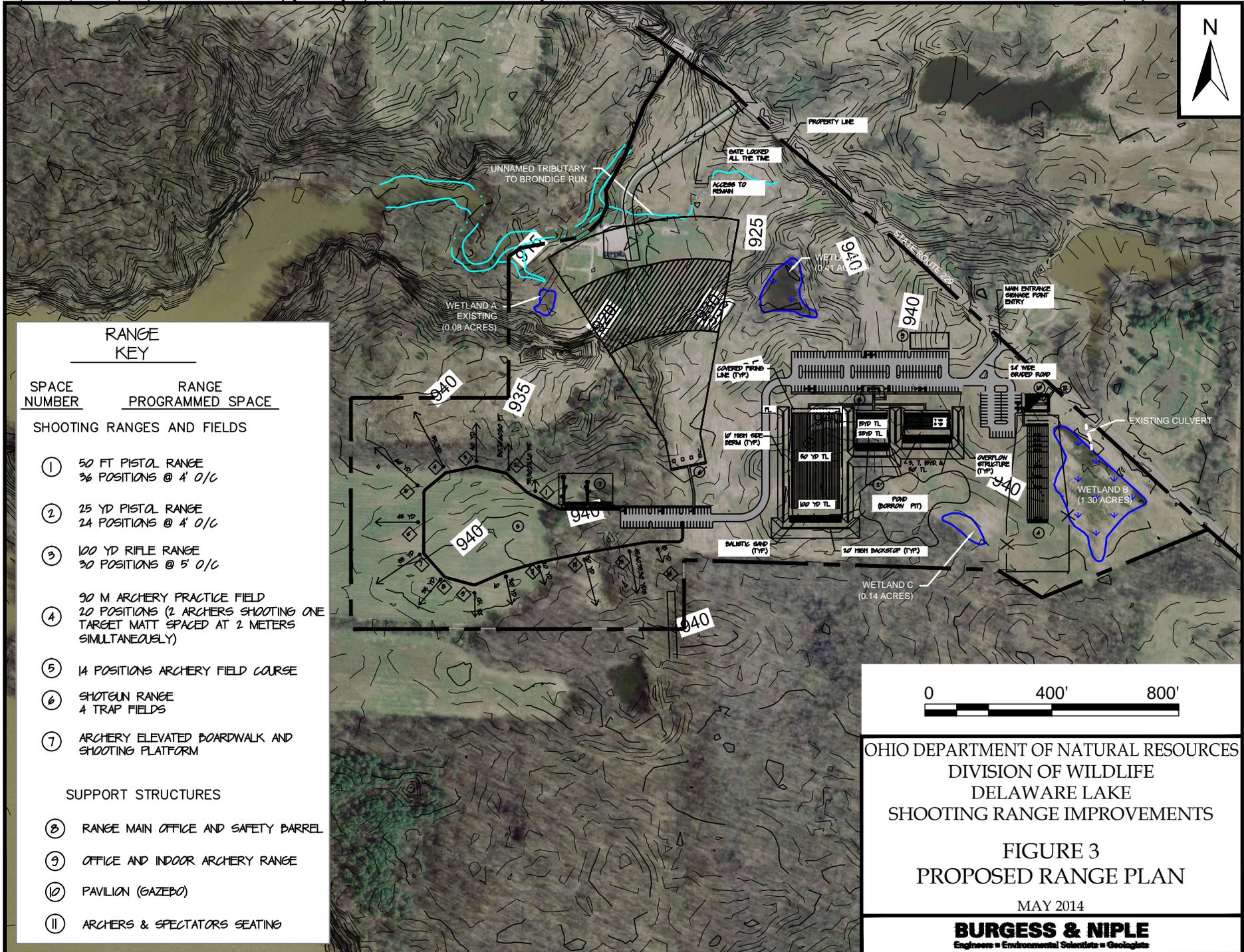
PROPOSED RANGE LOCATION

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
DELAWARE LAKE
SHOOTING RANGE IMPROVEMENTS
FIGURE 2
PROPOSED RANGE
LOCATION MAP
MAY 2014

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SOURCE: DELAWARE AND WALDO, OHIO
7.5 MINUTE U.S.G.S. QUADRANGLE MAP

BURGESS & NIPLE
Engineers • Environmental Scientists • Geologists



ATTACHMENT B

ODNR & USACE LAND USE AGREEMENT

NO. _ DACW69-1-01-1127 _ _

**DEPARTMENT OF THE ARMY
LEASE TO STATES
FOR PUBLIC PARK AND RECREATIONAL PURPOSES
FISH AND WILDLIFE, AND FOREST MANAGEMENT PURPOSES
DELAWARE LAKE
DELAWARE, MARION AND MORROW COUNTIES, OHIO**

THIS LEASE is made on behalf of the United States and the **SECRETARY OF THE ARMY**, hereinafter referred to as the Secretary, and **STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES**, hereinafter referred to as the Lessee,

WITNESSETH:

That the Secretary, by authority of Title 16, United States Code, Section 460d, and for the consideration hereinafter set forth, hereby leases to the Lessee, the property identified in Exhibit A, attached hereto and made a part hereof, comprised of approximately 7,409 acres of land and water areas, hereinafter referred to as the premises, for public park and recreational purposes and fish and wildlife, and forest management purposes.

THIS LEASE is granted subject to the following conditions:

1. TERM

Said premises are hereby leased for a term of twenty-five years, beginning October 1, 2000, and ending September 30, 2025

2. CONSIDERATION

The consideration for this lease is the operation and maintenance of the premises by the Lessee for the benefit of the United States and the general public in accordance with the conditions herein set forth.

3. NOTICES

All correspondence and notices to be given pursuant to this lease shall be addressed, if to the Lessee to Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 3224-1388; and if to the United States, to the District Engineer, ATTN: Chief, Real Estate Division, 502 Eighth Street Huntington, West Virginia 25701-2070, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed

in a properly sealed envelope, or wrapper, addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary of the Army," "District Engineer," "said officer" or "Lessor" shall include their duly authorized representatives. Any reference to "Lessee" shall include sublessees, assignees, transferees, concessionaires, and its duly authorized representatives.

5. DEVELOPMENT PLANS

a. ~~The Lessee shall be guided by an implementing Plan of Recreation Development and Management (Development Plan) attached as Exhibit B~~ which shows the facilities and services necessary to meet the current and potential public demand and the management and development activities to be undertaken by the Lessee and any sublessees. The Lessee shall provide a copy of any amendment to the Development Plan before proceeding to implement any changes in the development or management of the leased premises. The use and occupation of the premises shall be subject to the general supervision and approval of the District Engineer.

b. During the term of the lease, the District Engineer will notify the Lessee of any updates to the existing project Master Plan affecting the premises and the Lessee may provide comments.

6. STRUCTURES AND EQUIPMENT

The Lessee shall have the right, during the term of the lease, to erect such structures and to provide such equipment upon the premises as may be necessary to furnish the facilities and services authorized. Those structures and equipment shall be and remain the property of the Lessee, except as otherwise provided in the Condition on **RESTORATION**.

7. APPLICABLE LAWS AND REGULATIONS

a. The Lessee shall comply with all applicable Federal laws and regulations and with all applicable laws, ordinances, and regulations of the state, county, and municipality wherein the premises are located, including, but not limited to, those regarding construction, health, safety, food service, water supply, sanitation, use of pesticides, and licenses or permits to do business. The Lessee shall make and enforce such regulations as are necessary and within its legal authority in exercising the privileges granted in this lease, provided that such regulations are not inconsistent with those issued by the Secretary of the Army or with the provisions of 16 U.S.C. § 460d.

b. The Lessee will provide an annual certification that all water and sanitary systems on the premises have been inspected and comply with Federal, state and local standards. The Lessee will also provide a statement of compliance with the Rehabilitation Act and the

Americans with Disabilities Act, as required in the Condition on **NON-DISCRIMINATION**, noting any deficiencies and providing a schedule for correction.

8. CONDITION OF PREMISES

The Lessee acknowledges that it has inspected the premises, knows its condition, and understands that the same is leased without any representations or warranties whatsoever and without obligation on the part of the United States to make any alterations, repairs, or additions thereto.

9. FACILITIES AND SERVICES

The Lessee shall provide the facilities and services as agreed upon in the Development Plan referred to in the Condition on **DEVELOPMENT PLANS** either directly or through subleases or concession agreements that have been reviewed and accepted by the District Engineer. These subleases or agreements shall state: (1) that they are granted subject to the provisions of this lease; and (2) that the agreement will not be effective until the third party activities have been approved by the District Engineer. The Lessee will not allow any third party activities with a rental to the Lessee or prices to the public which would give the third party an undue economic advantage or circumvent the intent of the Development Plan. The rates and prices charged by the Lessee or its sub-lessees or concessionaires shall be reasonable and comparable to rates charged for similar goods and services by others in the area. The use of sub-lessees and concessionaires will not relieve the Lessee from the primary responsibility for ensuring compliance with all of the terms and conditions of this lease.

10. TRANSFERS, ASSIGNMENTS, SUBLEASES

a. Without prior written approval of the District Engineer, the Lessee shall neither transfer nor assign this lease nor sublet the premises or any part thereof, nor grant any interest, privilege, or license whatsoever in connection with this lease. Agreements covered by the condition on **FISH AND WILDLIFE ACTIVITIES** are not subject to this condition.

b. The Lessee will not sponsor or participate in timeshare ownership of any structures, facilities, accommodations, or personal property on the premises. The Lessee will not subdivide nor develop the premises into private residential development.

11. FEES

Fees may be charged by the Lessee for the entrance to or use of the premises or any facilities, however, no user fees may be charged by the Lessee or its sub-lessees for use of facilities developed in whole or part with federal funds if a user charge by the Corps of Engineers for the facility would be prohibited under law.

12. ACCOUNTS, RECORDS AND RECEIPTS

All monies received by the Lessee from operations conducted on the premises, including, but not limited to, entrance, admission and user fees and rental or other consideration received from its concessionaires, may be utilized by the Lessee for the administration, maintenance, operation and development of the premises. Beginning 5 years from the date of this lease and continuing at 5-year intervals, any such monies not so utilized or programmed for utilization within a reasonable time shall be paid to the District Engineer. The Lessee shall provide an annual statement of receipts and expenditures to the District Engineer. Annual or weekly entrance fees not collected on the Project, which also are honored at other recreational areas operated by the Lessee, are excluded from this requirement. The District Engineer shall have the right to perform audits or to require the Lessee to audit the records and accounts of the Lessee, third party concessionaires and sub-lessees, in accordance with auditing standards and procedures promulgated by the American Institute of Certified Public Accountants or by the state, and furnish the District Engineer with the results of such an audit.

13. PROTECTION OF PROPERTY

The Lessee shall be responsible for any damage that may be caused to property of the United States by the activities of the Lessee under this lease and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the Lessee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the Lessee to the satisfaction of the District Engineer, or, at the election of the District Engineer, reimbursement may be made therefore by the Lessee in an amount necessary to restore or replace the property to a condition satisfactory to the District Engineer.

14. RIGHT TO ENTER AND FLOOD

The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with Government purposes; to make inspections; to remove timber or other material, except property of the Lessee; to flood the premises; to manipulate the level of the lake or pool in any manner whatsoever; and/or to make any other use of the land as may be necessary in connection with project purposes, and the Lessee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

15. LIGHTS, SIGNALS AND NAVIGATION

There shall be no unreasonable interference with navigation by the exercise of the privileges granted by this lease. If the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the Coast Guard or by the District Engineer shall be installed and maintained by and at the expense of the Lessee.

16. INSURANCE

a. At the commencement of this lease, the Lessee, unless self-insured, and its sub-lessees and concessionaires at the commencement of operating under the terms of this lease as third parties, shall obtain from a reputable insurance company or companies contracts of liability insurance. The insurance shall provide an amount not less than that which is prudent, reasonable and consistent with sound business practices, for any number of persons or claims arising from any one incident with respect to bodily injuries or death resulting therefrom, property damage, or both, suffered or alleged to have been suffered by any person or persons, resulting from the operations of the sub-lessees and concessionaires under the terms of this lease. The Lessee shall require its insurance company to furnish to the District Engineer a copy of the policy or policies or, if acceptable to the District Engineer, certificates of insurance evidencing the purchase of such insurance.

b. The insurance policy or policies shall specifically provide protection appropriate for the types of facilities, services and products involved; and shall provide that the District Engineer be given thirty (30) days notice of any cancellation or change in such insurance.

c. The District Engineer may require closure of any or all of the premises during any period for which the sub-lessees and concessionaires do not have the required insurance coverage.

17. RESTORATION

On or before the expiration of this lease or its termination by the Lessee, the Lessee shall vacate the premises, remove the property of the Lessee, and restore the premises to a condition satisfactory to the District Engineer. If, however, this lease is revoked, the Lessee shall vacate the premises, remove said property therefrom, and restore the premises to the aforesaid condition within such time as the District Engineer may designate. In either event, if the Lessee shall fail or neglect to remove said property and restore the premises, then, at the option of the District Engineer, said property shall either become the property of the United States without compensation therefore, or the District Engineer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The Lessee shall also pay the United States on demand any sum which may be expended by the United States after the expiration, revocation or termination of this lease in restoring the premises.

18. NON-DISCRIMINATION

a. The Lessee shall not discriminate against any person or persons or exclude them from participation in the Lessee's operations, programs or activities conducted on the leased premises, because of race, color, religion, sex, age, handicap, or national origin. The Lessee will comply with the Americans with Disabilities Act and attendant Americans with Disabilities Act Accessibility Guidelines (ADAAG) published by the Architectural And Transportation Barriers Compliance Board.

b. The Lessee, by acceptance of this lease, is receiving a type of Federal assistance and, therefore, hereby gives assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 300) issued as Department of Defense Directive 5500.11 and 1020.1, and Army Regulation 600-7. This assurance shall be binding on the Lessee, its agents, successors, transferees, sub-lessees and assigns.

19. SUBJECT TO EASEMENTS

This lease is subject to all existing easements, easements subsequently granted, and established access routes for roadways and utilities located, or to be located, on the premises, provided that the proposed grant of any new easement or route will be coordinated with the Lessee, and easements will not be granted which will, in the opinion of the District Engineer, interfere with developments, present or proposed, by the Lessee. The Lessee will not close any established access routes without written permission of the District Engineer.

20. SUBJECT TO MINERAL INTERESTS

This lease is subject to all outstanding mineral interests. As to federally owned mineral interests, it is understood that they may be included in present or future mineral leases issued by the Bureau of Land Management (BLM), which has responsibility for mineral development on Federal lands. The Secretary will provide lease stipulations to BLM for inclusion in such mineral leases that are designed to protect the premises from activities that would interfere with the Lessee's operations or would be contrary to local laws.

21. COMPLIANCE, CLOSURE, REVOCATION AND RELINQUISHMENT

a. The Lessee and/or any sub-lessees or licensees are charged at all times with full knowledge of all the limitations and requirements of this lease, and the necessity for correction of deficiencies, and with compliance with reasonable requests by the District Engineer. This lease may be revoked in the event the Lessee violates any of the terms and conditions and continues and persists in such non-compliance. The Lessee will be notified of any non-compliance, which notice shall be in writing or shall be confirmed in writing, giving a period of time in which to correct the non-compliance. Failure to satisfactorily correct any substantial or persistent non-compliance within the specified time is grounds for closure of all or part of the premises, temporary suspension of operation, or revocation of the lease, after notice in writing of such intent. Future requests by the Lessee to extend the lease, expand the premises, modify authorized activities, or assign the lease shall take into consideration the Lessee's past performance and compliance with the lease terms.

b. This lease may be relinquished by the Lessee by giving one (1) year prior written notice to the District Engineer in the manner prescribed in the Condition on NOTICES.

22. HEALTH AND SAFETY

a. The Lessee shall keep the premises in good order and in a clean, sanitary, and safe condition and shall have the primary responsibility for ensuring that any sub-lessees and concessionaires operate and maintain the premises in such a manner.

b. In addition to the rights of revocation for non-compliance, the District Engineer, upon discovery of any hazardous conditions on the premises that presents an immediate threat to health and/or danger to life or property, will so notify the Lessee and will require that the affected part or all of the premises be closed to the public until such condition is corrected and the danger to the public eliminated. If the condition is not corrected, the District Engineer will have the option to revoke the lease. The Lessee and its assignees or sub-lessees shall have no claim for damages against the United States, or any officer, agent, or employee thereof on account of action taken pursuant to this condition.

23. PUBLIC USE

No attempt shall be made by the Lessee, or any of its sub-lessees or concessionaires, to forbid the full use by the public of the premises and of the water areas of the project, subject, however, to the authority and responsibility of the Lessee to manage the premises and provide safety and security to the visiting public.

24. PROHIBITED USES

a. The Lessee shall not permit gambling on the premises. Specifically prohibited are the use of gambling devices, such as slot machines, video gambling machines, or other casino type devices that would detract from the family atmosphere. District Engineers may allow the sale of state lottery tickets, in accordance with state and local laws and regulations, as long as the sale of tickets constitutes a collateral activity, rather than primary activity, of the Lessee. The Lessee shall not install or operate, or permit to be installed or operated thereon, any device which is illegal; or use the premises or permit them to be used for any illegal business or purpose. There shall not be conducted on or permitted upon the premises any activity which would constitute a nuisance.

b. As an exception, some games of chance, such as raffles, games and sporting events, may be conducted by nonprofit organizations under special permits issued in conjunction with special events, if permissible by state and local law. Any request to conduct such activities must be submitted in writing to the District Engineer.

c. In accordance with state and local laws and regulations, the Lessee may sell, store, or dispense or permit the sale, storage, or dispensing of beer, malt beverages, light wines or other intoxicating beverages on the premises in those facilities where such service is customarily found. Bar facilities will only be permitted if offered in connection with other approved

activities. Advertising of such beverages outside of buildings is not permitted. Carry out package sales of hard liquor is prohibited.

25. NATURAL RESOURCES

The Lessee shall cut no timber, conduct no mining operations, remove no sand, gravel, or kindred substances from the ground, commit no waste of any kind, nor in any manner substantially change the contour or condition of the premises, except as may be authorized under and pursuant to the Development Plan described in the Condition on **DEVELOPMENT PLANS** herein. However, the Lessee is hereby authorized to cut timber and harvest crops as may be necessary to further such beneficial uses and to collect and utilize the proceeds of any sales of timber and crops in the development, conservation, maintenance, and utilization of such lands. Any balance of proceeds not so utilized shall be paid to the United States no later than the end of each 5 years of the lease term as described in the Condition on **ACCOUNTS, RECORDS AND RECEIPTS**. Except for fallen, diseased or dead timber, or timber salvaged by the Lessee when in the way of construction of improvements or other facilities, all harvests and/or sales of forest products will be in accordance with an approved Forest Management Plan amendment to the Development Plan.

26. DISPUTES CLAUSE

a. Except as provided in the Contract Disputes Act of 1978 (41 U.S.C. § 601-613) (the Act), all disputes arising under or relating to this lease shall be resolved under this clause and the provisions of the Act.

b. "Claim," as used in this clause, means a written demand or written assertion by the Lessee seeking, as a matter of right, the payment of money in a sum certain, the adjustment of interpretation of lease terms, or other relief arising under or relating to this lease. A claim arising under this lease, unlike a claim relating to the lease, is a claim that can be resolved under a lease clause that provides for the relief sought by the Lessee. However, a written demand or written assertion by the Lessee seeking the payment of money exceeding \$100,000 is not a claim under the Act until certified as required by subparagraph c. (2) below.

c. (1) A claim by the Lessee shall be made in writing and submitted to the District Engineer for a written decision. A claim by the Government against the Lessee shall be subject to written decision by the District Engineer.

(2) For Lessee claims exceeding \$100,000, the Lessee shall submit with the claim a certification that:

- (i) The claim is made in good faith;
- (ii) Supporting data are accurate and complete to the best of the Lessee's knowledge and belief; and

(iii) The amount requested accurately reflects the lease adjustment for which the Lessee believes the Government is liable.

(3) (i) If the Lessee is an individual, the certificate shall be executed by that individual.

(ii) If the Lessee is not an individual, the certification shall be executed by:

(A) A senior company official in charge at the Lessee's location involved;

or

(B) An officer or general partner of the Lessee having overall responsibility of the conduct of the lessee's affairs.

d. For Lessee claims of \$100,000 or less, the District Engineer must, if requested in writing by the Lessee, render a decision within 60 days of the request. For Lessee-certified claims over \$100,000, the District Engineer must, within 60 days, decide the claim or notify the Lessee of the date by which the decision will be made.

e. The District Engineer's decision shall be final unless the Lessee appeals or files as suit as provided in the Act.

f. At the time a claim by the lessee is submitted to the District Engineer or a claim by the Government is presented to the Lessee, the parties, by mutual consent, may agree to use alternative means of dispute resolution. When using alternate dispute resolution procedures, any claim, regardless of amount, shall be accompanied by the certificate described in paragraph c.(2) of this clause, and executed in accordance with paragraph c.(3) of this clause.

g. The Government shall pay interest on the amount found due and unpaid by the Government from (1) the date the District Engineer received the claim (properly certified if required), or (2) the date payment otherwise would be due, if that date is later, until the date of payment. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury, as provided in the Act, which is applicable to the period during which the District Engineer receives the claim, and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

h. The Lessee shall proceed diligently with the performance of the lease, pending final resolution of any request for relief, claim, appeal or action arising under the lease, and comply with any decision of the District Engineer.

27. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties to this lease shall protect the project against pollution of its air, ground, and water. The Lessee shall comply

promptly with any laws, regulations, conditions or instructions affecting the activity hereby authorized, if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is specifically prohibited. Such regulations, conditions, or instructions in effect or prescribed by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency, are hereby made a condition of this lease. The Lessee shall require all sanitation facilities on boats moored at the Lessee's facilities, including rental boats, to be sealed against any discharge into the lake. Services for waste disposal, include swage pump-out of watercraft, shall be provided by the Lessee as appropriate. The Lessee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The Lessee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs from the Lessee's activities, the Lessee shall be liable to restore the damaged resources.

c. The Lessee must obtain approval in writing from the District Engineer before any pesticides or herbicides are applied to the premises.

28. ENVIRONMENTAL BASELINE STUDY

An Environmental Baseline Study (EBS) documenting the known history of the property with regard to the storage, release or disposal of hazardous substances thereon is attached hereto and made a part hereof as Exhibit C. Upon expiration, revocation or termination of this lease, another EBS shall be prepared which will document the environmental condition of the property at that time. A comparison of the two assessments will assist the District Engineer in determining any environmental restoration requirements. Any such requirements will be completed by the Lessee in accordance with the condition on **RESTORATION**.

29. HISTORIC PRESERVATION

The Lessee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archaeological, architectural or other cultural artifacts, relics, remains, or objects of antiquity. In the event such items are discovered on the premises, the Lessee shall immediately notify the District Engineer and protect the site and the material from further disturbance until the District Engineer gives clearance to proceed.

30. SOIL AND WATER CONSERVATION

The Lessee shall maintain, in a manner satisfactory to the District Engineer, all soil and water conservation structures that may be in existence upon said premises at the beginning of, or that may be constructed by the Lessee during the term of, this lease, and the Lessee shall take appropriate measures to prevent or control soil erosion within the premises. Any soil erosion

occurring outside the premises resulting from the activities of the Lessee shall be corrected by the Lessee as directed by the District Engineer.

31. TRANSIENT USE

a. Camping, including transient trailers or recreational vehicles, at one or more campsites for a period longer than thirty (30) days during any sixty (60) consecutive day period is prohibited. The Lessee will maintain a ledger and reservation system for the use of any such campsites.

b. Occupying any lands, buildings, vessels or other facilities within the premises for the purpose of maintaining a full- or part-time residence is prohibited, except for employees residing on the premises for security purposes, if authorized the District Engineer.

32. COVENANT AGAINST CONTINGENT FEES

The Lessee warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty, the United States shall have the right to annul this lease without liability or, in its discretion, to require the Lessee to pay, in addition to the lease rental or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

33. OFFICIALS NOT TO BENEFIT

No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this lease or to any benefits to arise therefrom. However, nothing herein contained shall be construed to extend to any incorporated company if the lease be for the general benefit of such corporation or company.

34. MODIFICATIONS

This lease contains the entire agreement between the parties hereto, and no modification of this agreement, or waiver, or consent hereunder shall be valid unless the same be in writing, signed by the parties to be bound or by a duly authorized representative; and this provision shall apply to this clause as well as all other conditions of this lease.

35. DISCLAIMER

This lease is effective only insofar as the rights of the United States in the premises are concerned; and the Lessee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this lease does not eliminate the necessity of obtaining any Department of the Army permit which may be required pursuant to

the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat.1151; 33 U.S.C. § 403), or Section 404 of the Clean Water Act (33 U.S.C. § 1344).

36. FISH AND WILDLIFE ACTIVITIES

a. The lessee may plant or harvest crops, either directly, by service contract, by sharecrop agreements with local farmers, or by agricultural agreements to provide food and/or habitat for wildlife and for the development and conservation of land, fish and wildlife, forests, and other natural resources. Where feasible, contracts and agreements with third parties shall be by competitive bid procedures.

b. Any lands not being managed by the lessee for wildlife habitat will be made available for lease by the District Engineer for agricultural or grazing purposes under conditions which would not be incompatible with the lessee's use of the premises.

c. The Lessee may take, trap, remove, stock or otherwise control all forms of fish and wildlife on the premises, and may place therein such additional forms of fish and wildlife as it may desire from time to time, and shall have the right to close the area, or any parts thereof from time to time, to fishing, hunting or trapping, provided that the closing of any area to such use shall be consistent with the state laws for the protection of fish and wildlife.

37. LEVEE EMBANKMENTS

a. Where the boundary of the outgranted land shown in Exhibit A is parallel and adjacent to the embankment of Dam Levee East, running through Wildlife Management Unit A from the spillway to Panhandle Road, as shown in the Development Plan, there shall be no encroachment within 100 feet of the upstream toe of the embankment.

b. Where the boundary of the outgranted land shown in Exhibit A is parallel and adjacent to the embankment of Dam Levee East, running through Wildlife Management Units A and B from Panhandle Road to the east end of the levee, as shown in the Development Plan, there shall be no encroachment within 10 feet of the upstream and downstream toes of the embankment.

c. Where the boundary of the outgranted land shown in Exhibit A is parallel and adjacent to the embankment of Dam Levee North, running between U.S. Route 23 and Delaware State Park as shown in the Development Plan, there shall be no encroachment within 10 feet of the toe of the embankment.

d. The area of the Waldo Levee, including 10 feet of toe along both the upstream and downstream embankments, shown hatched in light red on Exhibit A is specifically excluded from the leased area.

IN WITNESS WHEREOF I have hereunto set my hand by authority/direction of the Secretary of the Army this 12th day of July, 2001.

Alicia J. Smith
Witness

Garry L. Bennett
GARRY L. BENNETT
Chief, Management and Disposal Branch
Real Estate Division
U.S. Army Corps of Engineers
Huntington District

Merly Hall
Witness

THIS LEASE is also executed by the Lessee this 2nd day of July, 2001.

STATE OF OHIO DEPARTMENT
OF NATURAL RESOURCES

Barbara Bryant
Witness

By [Signature]

Alicia C. Granger
Witness

Its DIRECTOR

CERTIFICATE OF AUTHORITY

I, J. William Moody (official other than the one signing the lease),
certify that I am the ASST. DIRECTOR of the State of Ohio Department of Natural
Resources; that SAMUEL W. SPECK who signed the foregoing lease on behalf
of the Lessee was then DIRECTOR of the Ohio Department of Natural
Resources. I further certify that the said officer was acting within the scope of the powers
delegated to this officer in executing said instrument.

Date 7/2/01

J. William Moody

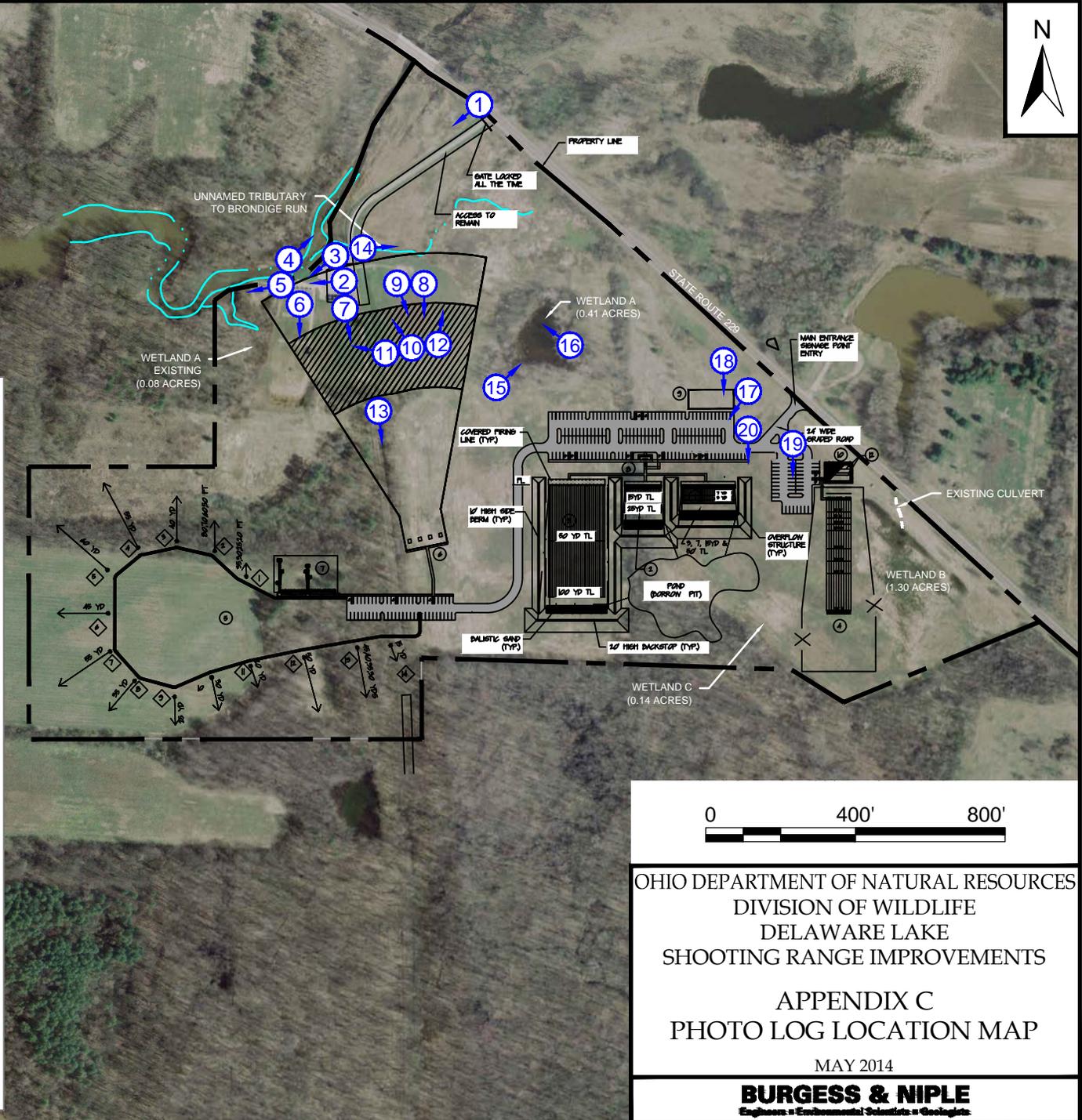
ATTACHMENT C

PHOTO LOG AND PHOTO LOCATION MAP



RANGE KEY

SPACE NUMBER	RANGE PROGRAMMED SPACE
SHOOTING RANGES AND FIELDS	
①	50 FT PISTOL RANGE 36 POSITIONS @ 4' O/C
②	25 YD PISTOL RANGE 24 POSITIONS @ 4' O/C
③	100 YD RIFLE RANGE 30 POSITIONS @ 5' O/C
④	90 M ARCHERY PRACTICE FIELD 20 POSITIONS (2 ARCHERS SHOOTING ONE TARGET MATT SPACED AT 2 METERS SIMULTANEOUSLY)
⑤	14 POSITIONS ARCHERY FIELD COURSE
⑥	SHOTGUN RANGE 4 TRAP FIELDS
⑦	ARCHERY ELEVATED BOARDWALK AND SHOOTING PLATFORM
SUPPORT STRUCTURES	
⑧	RANGE MAIN OFFICE AND SAFETY BARREL
⑨	OFFICE AND INDOOR ARCHERY RANGE
⑩	PAVILION (GAZEBO)
⑪	ARCHERS & SPECTATORS SEATING



OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
DELAWARE LAKE
SHOOTING RANGE IMPROVEMENTS

APPENDIX C
PHOTO LOG LOCATION MAP

MAY 2014

BURGESS & NIPLE
Engineers • Environmental Scientists • Geologists

Photo Log Delaware Shooting Range Environmental Assessment



Photo 1: Looking southwest along the existing range driveway from SR 229

Photo Log Delaware Shooting Range Environmental Assessment



Photo 2: Looking west from the existing range parking lot toward the shooting range firing line. This area will become the shot fall zone for the shotgun range.

Photo Log Delaware Shooting Range Environmental Assessment



Photo 3: Looking west from the existing parking lot toward the existing firing line.



Photo 4: Looking north from the firing line toward Brondige Run. This area is outside of the construction limits of the reconfigured range.

Photo Log Delaware Shooting Range Environmental Assessment



Photo 5: Looking southwest along Brondige Run as it flows on the north side of the existing shooting range. The stream will not be impacted by the reconfigured range.



Photo 6: Looking south from the hand gun firing line toward the target area and the earthen backdrop.



Photo 7: Looking south from the rifle firing line toward the target area and the earthen backdrop.



Photo 8: Looking south from the existing shotgun range at the backdrop. This area will be the shot fall zone for the new shotgun range.



Photo 9: Looking southeast at the existing trap shooting range.

Photo Log Delaware Shooting Range Environmental Assessment



Photo 10: Looking northwest from the existing shot gun range fall zone at the parking lot (left side) and shot gun range shooting positions (right side)



Photo 11: Looking west at the existing rifle range

Photo Log Delaware Shooting Range Environmental Assessment



Photo 12: Looking north at the existing shot gun range shooting positions



Photo 13: Looking south along the access drive south of the existing ranges



Photo 14: Looking east at the unnamed tributary to Brondige Run from the existing site access drive.

Photo Log Delaware Shooting Range Environmental Assessment



Photo 15: Looking north at Wetland A



Photo 16: Looking west at Wetland A



Photo 17: Looking southwest at the reconfigured range parking lot area and pistol ranges.



Photo 18: Looking south from SR 229 at the reconfigured range parking lot and ranges.



Photo 19: Looking southeast at proposed archery and shooting ranges



Photo 20: Looking south at proposed archery/shooting range location

ATTACHMENT D

AGENCY COORDINATION LETTERS



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Ohio Division of Wildlife
Scott Zody, Chief
2045 Morse Rd., Bldg. G
Columbus, OH 43229-6693
Phone: (614) 265-630

October 11, 2013

Jennifer Walker
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

Dear Ms. Walker

I have reviewed the Natural Heritage Database for the Delaware Shooting Range Improvements project area, including a one mile radius, in Marlboro Township, Delaware County, Ohio. We have records in your search area. A map showing the locations of these elements is provided with this letter. I have also performed a search for Indiana Bat (*Myotis sodalis*) capture sites within a five mile radius and hibernacula within a ten mile radius of the project site. We have no records in your search area. The nearest known Bald Eagle nest is about 5 miles to the south. The Bald Eagle nest location is based on information from 2009-2012. The Natural Heritage Program will no longer be maintaining comprehensive Bald Eagle nest data going forward.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Please note that although we inventory all types of plant communities, we only maintain records on the highest quality areas.

This letter only represents a review of rare species and natural features data within the Ohio Natural Heritage Database. It does not fulfill coordination under the National Environmental Policy Act (NEPA) or the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S. C. 661 et seq.) and does 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.

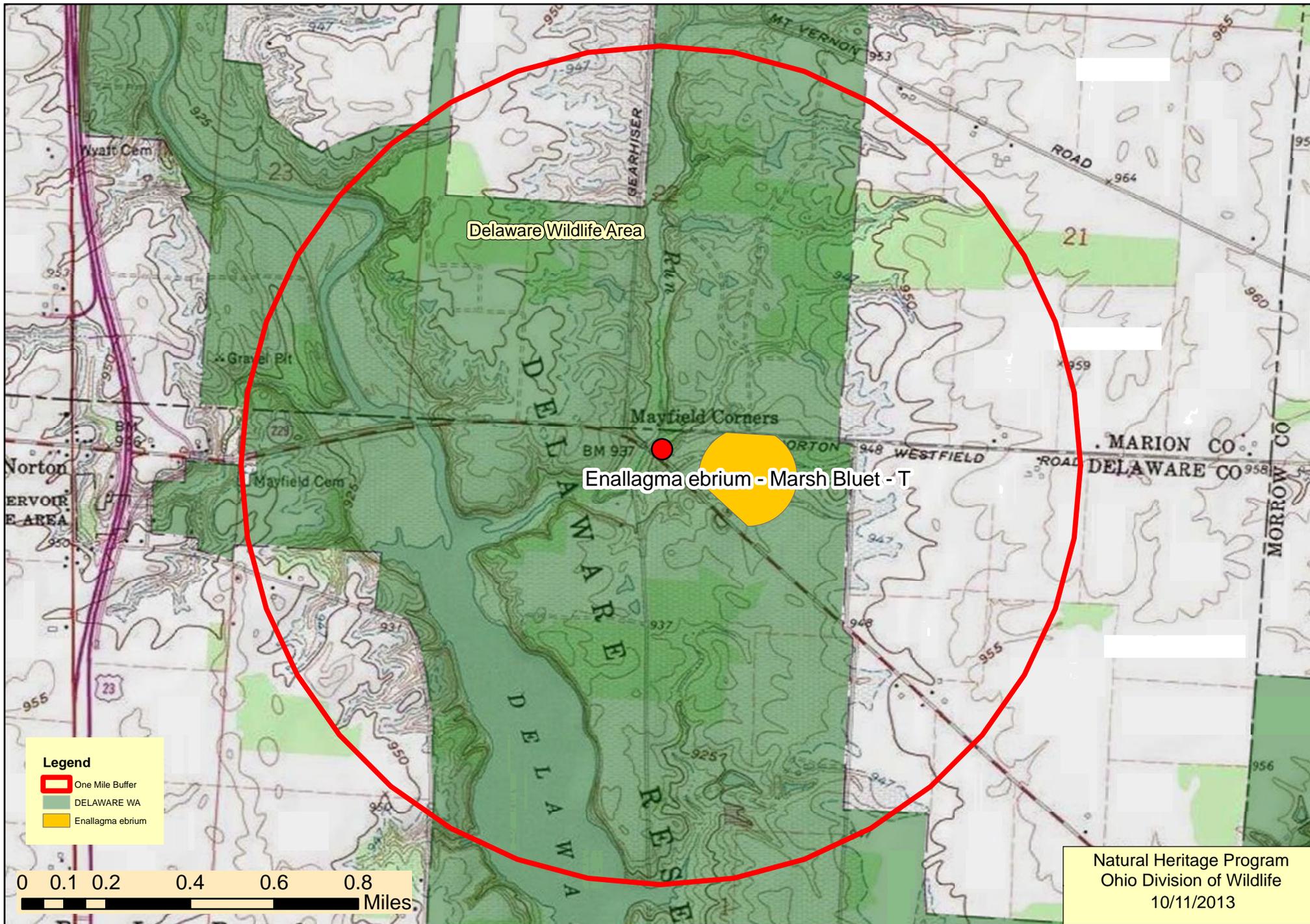
Please contact me at 614-265-6452 if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Greg Schneider".

Greg Schneider, Administrator
Ohio Natural Heritage Program

Delaware Shooting Range Improvements





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / FAX (614) 416-8994

December 18, 2013

Burgess & Niple
Attn: Jennifer Walker
5085 Reed Road
Columbus, Ohio 43220

TAILS: 03E15000-2014-TA-0134

Re: Request for Agency Comments
Delaware Wildlife Area Shooting Range, Delaware County, Ohio

Dear Ms. Walker:

This is in response to the October 10, 2013 email request for agency comments on the Delaware Wildlife Area Shooting Range project located in Delaware County, Ohio. The project as proposed includes assessment and investigations and the construction of a new shooting range with gun/archery facilities. The proposed work includes excavation of soil and reclamation of spent lead shot, with soil recycling for new berms and backstops.

There are no Federal wilderness areas, wildlife refuges, or designated Critical Habitat within the vicinity of the proposed site. The site is located within the Delaware Wildlife Area operated by the Ohio Division of Natural Resources.

FISH AND WILDLIFE COORDINATION ACT COMMENTS:

We recommend that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. Shooting range shotfall areas should be positioned in upland areas away from streams and wetlands. Risk to wildlife increases when lead pellets and fragments are introduced to streams and wetlands. We recommend that developers reconsider the configuration in the master plan. The master plan (dated November 1, 2013) includes a shotgun range in close proximity to Brondige Run. We understand that the main shotfall area (depicted in red on the plan) does not overlap with the Brondige Run; however, the extended shotfall area comes in close proximity to the waterway and is likely to be within the floodplains of Brondige Run. Therefore, we recommend that the shotgun range be moved to an area that is located in an upland area where lead shot will not be deposited within a flood plain, creek, or wetland area.

Best construction techniques should be used to minimize erosion, particularly on slopes. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. In particular, best management practices should be used to reduce runoff at the site especially during soil excavation and lead recycling. Appropriate buffering and filtration

mechanisms should be put in place to protect streams and wetlands from runoff at the site. Staging areas and lead recycling activities should take place in an upland area, well away from streams and wetlands.

In addition, we support and recommend activities that reduce the likelihood of invasive plant spread and encourage native plant colonization. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats. All disturbed areas in the project vicinity should be mulched and revegetated with native plant species. We recommend that cover be planted immediately after excavation, construction of new berms and recycling activities are complete. Ensuring that soil has an appropriate vegetative cover will reduce the risk of incidental soil ingestion by wildlife.

ENDANGERED SPECIES COMMENTS:

The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a federally listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. Most recently white-nose syndrome (WNS), a novel fungal pathogen, has caused serious declines in the Indiana bat population in the northeastern U.S. WNS has also been documented in Ohio and declines of Indiana bats during winter censuses have been noted, but the full extent of the impacts from WNS in Ohio are not yet known.

During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
- (3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above, we recommend that the habitat and surrounding trees be saved wherever possible. If the trees must be cut, further coordination with this office is requested to determine if surveys are warranted. Any survey should 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 must be conducted between May 15 and August 15.

The proposed project lies within the range of the **northern long-eared bat** (*Myotis septentrionalis*), a species that is currently proposed for listing as federally endangered. Recently white-nose syndrome (WNS), a novel fungal pathogen, has caused serious declines in the northern long-eared bat population in the northeastern U.S. WNS has also been documented in Ohio, but the full extent of the impacts from WNS in Ohio are not yet known.

During winter, northern long-eared bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) Roosting habitat in dead or live trees and snags with cavities, peeling or exfoliating bark, split tree trunk and/or branches, which may be used as maternity roost areas;
- (2) Foraging habitat in upland and lowland woodlots and tree lined corridors;
- (3) Occasionally they may roost in structures like barns and sheds.

Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above, we recommend that the habitat and surrounding trees be saved wherever possible. If the trees must be cut, further coordination with this office is requested to determine if surveys are warranted. Any survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office.

The proposed project lies within the range of the following freshwater mussel species: the **rayed bean** (*Villosa fabalis*), a federally listed endangered species; and the **snuffbox** (*Epioblasma triquetra*), a federally listed endangered species. Brondige Run is located within the project area and is designated as a Group 1 stream in the 2013 Ohio Mussel Survey Protocols. Group 1 streams are small to mid-sized streams where federally listed species are not expected. Therefore, the rayed bean and snuffbox mussels are not expected within the project area and no impact to these species are expected. All mussel species are protected within Ohio and we recommend that the Ohio Department of Natural Resources Division of Wildlife be contacted to comply with any State survey requirements.

BALD EAGLE COMMENTS:

The project lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*), a species protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Due to the project type, location, and onsite habitat, this species would not be expected within the project area, and no impact to this species is expected.

Should 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, our comments and recommendations may be reconsidered. 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 Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy.

If you have questions, or if we may be of further assistance in this matter, please contact Sarah Bowman at extension 18 in this office, or through email at sarah_bowman@fws.gov.

Sincerely,



Mary Knapp, Ph.D.
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH
ODNR, DOW, Nathan Reardon
ODNR, DOW, Carolyn Caldwell
ODNR, DOW, John Navarro
ODNR, Division of Real Estate & Land Management, Columbus, OH
Ohio EPA, 401/Wetland Section, Attn: Randy Bournique, Columbus, OH
US EPA, Watersheds and Wetlands Branch Attn: Wendy Melgin, Chicago, IL



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / FAX (614) 416-8994

March 12, 2014

Burgess & Niple
Attn: Jennifer Walker
5085 Reed Road
Columbus, Ohio 43220

TAILS: 03E15000-2014-TA-0134

Re: Habitat Assessment – Request for Agency Comments
Delaware Wildlife Area Shooting Range, Delaware County, Ohio

Dear Ms. Walker:

This is in response to the February 28, 2014 letter request for agency comments on the Delaware Wildlife Area Shooting Range project located in Delaware County, Ohio. The project as proposed includes assessment and investigations and the construction of a new shooting range with gun/archery facilities. The proposed work includes excavation of soil and reclamation of spent lead shot, with soil recycling for new berms and backstops.

The Service provided technical assistance for the project in a letter dated December 18, 2014. Jennifer Walker (Burgess & Niple) provided additional information including a habitat assessment in her February 28, 2014 letter to the Service. This follow-up letter only addresses the habitat assessment and potential impacts to the Indiana bat and Northern long-eared bat. All previous comments from our December 18, 2014 letter are still valid at this time.

ENDANGERED SPECIES COMMENTS:

The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a federally listed endangered species. We appreciate your thorough review and descriptions of potential habitat at the proposed project site. We understand that no potential maternity roost trees were found at the site during your February 21 and 24, 2014 site visits. Your description states that most of the forested areas at the site have dense understory growth of small diameter trees, honeysuckle, multiflora rose and brambles. Furthermore, the canopy cover in most areas is 100%.

The project as proposed includes 3.89 acres of tree clearing. We understand that the total project site includes 13.59 wooded acres most of which are connected to the Delaware Wildlife Area and other wooded areas. We understand that avoidance and minimization measures were built into the project including: conserving buffers around Brondige Run and Wetlands A, B, and C; and construction of new trails will be completed without clear-cutting.

It appears that potential habitat may be present at the proposed project site. However, the photos

and habitat assessment provided indicate that habitat availability for the Indiana bat at the proposed site is limited and that there is suitable habitat located near the project site in the Delaware Wildlife Area. Therefore, we recommend that any trees exhibiting any of the characteristics listed above, as well as surrounding trees, be saved wherever possible. However, if these trees cannot be avoided, they should only be cut between October 1 and March 31.

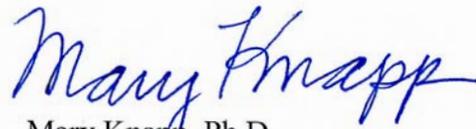
If the applicant plans to clear trees prior to issuance of a 404 and/or 401 permit the following two conditions must be adhered to: 1) Section 7 consultation for the Indiana bat between the Service and the Corps of Engineers must be completed; and 2) No tree clearing on any portion of the parcel should occur until both the Corps and the Ohio EPA anticipate that issuance of both a 404/NWP and a 401 permit authorizing the project as a whole is imminent. This will ensure that clearing will be limited to the footprint of whichever alternative is ultimately permitted, and that no unnecessary clearing will occur. No tree clearing should occur until these two conditions have been satisfied.

The proposed project lies within the range of the **northern long-eared bat** (*Myotis septentrionalis*), a species that is currently proposed for listing as federally endangered. It appears that potential habitat may be present at the proposed project site. However, based on the photos and habitat assessment, it appears that potential habitat is limited. Therefore, we recommend that trees exhibiting any of the characteristics listed above, as well as any wooded areas or tree lined corridors be saved wherever possible. However, if these areas cannot be avoided, they should only be cut between October 1 and March 31.

Should 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, our comments and recommendations may be reconsidered. 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 Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy.

If you have questions, or if we may be of further assistance in this matter, please contact Sarah Bowman at extension 18 in this office, or through email at sarah_bowman@fws.gov.

Sincerely,



Mary Knapp, Ph.D.
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH
ODNR, DOW, Nathan Reardon
ODNR, DOW, Carolyn Caldwell
ODNR, DOW, John Navarro
ODNR, Division of Real Estate & Land Management, Columbus, OH
Ohio EPA, 401/Wetland Section, Attn: Randy Bournique, Columbus, OH
US EPA, Watersheds and Wetlands Branch Attn: Wendy Melgin, Chicago, IL

APPENDIX E

**CD WITH WETLAND DELINEATION REPORTS
AND CULTURAL RESOURCE REPORT**