

3745-1-50 Wetland definitions.

In addition to the definitions in rule 3745-1-02 of the Administrative Code technical words used in rules 3745-1-50 to 3745-1-54 of the Administrative Code shall be defined as follows:

- (A) "Alternatives analysis" means a systematic review and evaluation of practicable alternatives including avoidance, minimization and/or compensatory mitigation for impacts to a wetland.
- (B) "Areal cover" means the per cent of vegetation covering any area of vegetated wetland. Areal measurements are those made as if the wetland were being viewed from the air.
- (C) "Avoidance" is the first step in the alternatives analysis and means that the applicant must demonstrate that alternatives which fulfill the basic project purpose and have less impacts to the wetland are not practicable, so long as the alternative does not have other significant adverse environmental consequences.
- (D) "Biodiversity" means the number of community types, different species, and genetic variants of species found in a given area.
- (E) "Bog" means a peat-accumulating wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly *Sphagnum* spp.
- (F) "Compensatory mitigation" refers to the final step in the alternatives analysis and means restoration, creation, enhancement or, in exceptional circumstances, preservation of wetlands expressly for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization have been achieved.
- (G) "Creation" means the establishment of a wetland where one did not formerly exist. This would involve wetland construction on non-hydric soils.
- (H) "Critical habitat" means:
 - (1) The specific areas within the geographical area currently occupied by a species, at the time it is listed in accordance with the Endangered Species Act (16 U.S.C.A. section 1531 et seq., as amended) on which are found those physical or biological features

essential to the conservation of the species, and that may require special management considerations or protection; and

- (2) Specific areas outside the geographical area occupied by a species at the time it is listed in accordance with the Endangered Species Act, upon a determination by the secretary of the department of the interior, that such areas are essential for the conservation of the species.
- (I) "Cumulative impacts" mean the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonable foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Cumulative impacts shall be considered on a watershed basis.
- (J) "Direct impacts" mean effects which are caused by the action and occur at the same time and place.
- (K) "Dispersal corridor" means a linear area that is used by organisms to move from one place of suitable habitat to another.
- (L) "Endangered species" means a native Ohio plant species listed or designated by the Ohio department of natural resources as endangered pursuant to section 1518.01 of the Revised Code, and animal species listed or designated as endangered by the Ohio department of natural resources pursuant to section 1531.25 of the Revised Code; or any plant or animal species that is native to Ohio or that migrates or is otherwise reasonably likely to occur within the state which has been listed as endangered pursuant to section 4 of the Endangered Species Act, (16 U.S.C.A. 1531 *et seq.*, as amended).
- (M) "Enhancement" means activities conducted in existing wetlands to improve or repair existing or natural wetland functions and values of that wetland.
- (N) "Fen" means a carbon accumulating (peat, muck) wetland that is saturated, primarily by a discharge of free flowing ground water during most of the year. Fens are rarely inundated. Fens often have a sloped surface which prevents the accumulation of stagnant or ponded water. The water of

fens is usually mineral rich and has a circumneutral pH (5.5-9.0). In calcareous fens, soil may be dominated by deposits of calcium carbonate rich sediments (marl). Characteristic indicator vegetation species may include, but are not limited to *Potentilla fruticosa*, *Solidago ohioensis*, *Lobelia kalmii*, *Cacalia plantaginea*, *Deschampsia cespitosa*, *Triglochin* spp., *Parnassia glauca*, *Gentianopsis* spp., *Rhynchospora* spp., and some *Eleocharis* spp.

- (O) "Forested wetland" means a wetland class characterized by woody vegetation that is twenty feet tall or taller.
- (P) "Floodplain" means the relatively level land next to a stream or river channel that is periodically submerged by flood waters. It is composed of alluvium deposited by the present stream or river when it floods.
- (Q) "Function" means processes occurring in, or because of, the presence of a wetland that contribute to a larger ecological condition such as water quality improvement, flood control and/or biodiversity maintenance.
- (R) "Ground water discharge" means water flowing out of a ground water zone. In regards to wetlands, ground water discharge occurs when water flows from a ground water zone to a wetland.
- (S) "Ground water recharge" means water flow into a ground water zone. In regards to wetlands, ground water recharge occurs when water flows from a wetland to a ground water zone.
- (T) "Hydrologically isolated wetlands" means those wetlands which;
 - (1) Have no surface water connection to a surface water of the state;
 - (2) Are outside of, and not contiguous to, any one hundred-year "floodplain" as that term is defined in this rule; and
 - (3) Have no contiguous hydric soil between the wetland and any surface water of the state.
- (U) "Indirect impacts" means effects which are caused by the project that occur farther removed in distance from the project, but are still reasonably foreseeable. Indirect

impacts may include related effects on air and water and other natural systems, including ecosystems, and other adverse environmental impacts that may be a consequence of the project.

- (V) "In-kind" means compensatory mitigation of wetland losses by restoring or creating a forested wetland for a forested wetland and a non-forested wetland for a non-forested wetland.
- (W) "Minimization" refers to a step in the alternatives analysis and means that unavoidable impacts are reduced to the maximum extent practicable.
- (X) "Mitigation bank" means a site where wetlands have been restored, created, enhanced or, in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation generally in advance of authorizing impacts.
- (Y) "Mitigation bank service area" means the designated area where a mitigation bank can reasonably be expected to provide appropriate compensation for impacts to wetlands and other aquatic resources.
- (Z) "Mitigation ratio" means the rate at which wetland units (e.g., acres) will be restored, created, enhanced or preserved to provide for compensation of unavoidable wetland losses.
- (AA) "Native species" means a species which, by scientific evidence, was present in Ohio just prior to European exploration and settlement.
- (BB) "Non-native species" means a species which, by scientific evidence, was not present in Ohio just prior to European exploration and settlement.
- (CC) "Nuisance organisms" means organisms that are primarily vegetative organisms, that generally are non-native and have opportunistic growth patterns, and that displace more diverse assemblages.
- (DD) "Off-site mitigation" means wetland restoration, creation, enhancement or preservation occurring farther than one mile from the project boundary but within the same watershed.

- (EE) "Old-growth forests" means forests characterized by, but not limited to, the following characteristics: overstory canopy trees of great age (exceeding at least fifty per cent of a projected maximum attainable age for a species); little or no evidence of human-caused understory disturbance during the past eighty to one hundred years; an all-aged structure and multilayered canopies; aggregations of canopy trees interspersed with canopy gaps; and significant numbers of standing dead snags and downed logs.
- (FF) "On-site mitigation" means wetland restoration, creation, enhancement or preservation occurring within one mile of the project boundary but within the same watershed.
- (GG) "Practicable" means available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall and basic project purposes. For the purposes of this definition,
- (1) "Available" means an alternative which is obtainable for the purpose of the project;
 - (2) "Basic project purpose" means the generic function of the project; and
 - (3) "Overall project purpose" means the basic project purpose plus consideration of costs and technical and logistical feasibility.
- (HH) "Preservation" means protection of ecologically important wetlands in perpetuity through the implementation of appropriate legal mechanisms to prevent harm to the wetland. Preservation may include protection of adjacent upland areas as necessary to ensure protection of the wetland.
- (II) "Public need" means an activity or project that provides important tangible and intangible gains to society, that satisfies the expressed or observed needs of the public where accrued benefits significantly outweigh reasonably foreseeable detriments.
- (JJ) "Restoration" means the re-establishment of a previously existing wetland at a site where it has ceased to exist.
- (KK) "Substrate" means solid material, such as soil, on or within which organisms can live.

- (LL) "Threatened species" means: a native Ohio plant species listed or designated by the Ohio department of natural resources as threatened with extirpation pursuant to section 1518.01 of the Revised Code; or an animal species listed or designated as threatened with statewide extinction by the Ohio department of natural resources pursuant to section 1531.25 of the Revised Code; or a species that appears on the threatened species registry, as defined in rule 3745-1-05 of the Administrative Code; or any plant or animal species that is native to Ohio or that migrates or is otherwise reasonably likely to occur within the state and which has been listed as threatened pursuant to section 4 of the Endangered Species Act (16 U.S.C.A. 1531 *et seq.*, as amended).
- (MM) "Vernal pools" means shallow, temporarily flooded, depressional forested or forest edge wetlands, that are typically dry for most of the summer and fall. These wetlands are generally inundated in the late winter and spring when they are subject to a burst of biological activity, including amphibian breeding. When flooded, vernal pools are often comprised of areas of open water that are not densely vegetated. They also tend to accumulate organic (woody) debris.
- (NN) "Watershed" means a common surface drainage area corresponding to one from the list of thirty-seven adapted from the forty-four cataloging units as depicted on the hydrologic unit map of Ohio, U.S. geological survey, 1988, and as described in paragraph (F)(2) of rule 3745-1-54 of the Administrative Code or as otherwise shown on map number 1 found in rule 3745-1-54 of the Administrative Code. Watersheds are limited to those parts of the cataloging units that geographically lie within the borders of the state of Ohio.

Effective: May 1, 1998

Promulgated under: RC Chapter 119

Rule authorized by: RC Sections 6111.041 and 6111.12

Rule amplifies: RC Sections 6111.041 and 6111.12

119.032 review date: May 1, 2003

Prior effective dates: none