

OHIO

Ohio has adopted detailed criteria and standards for the protection of wetlands as part of its water quality program.

Wetland Definition

Wetlands are defined in Ohio Administrative Code 3745-1-02:

(90) “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. “Wetlands” includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States Army Corps of Engineers wetland delineation manual and any other procedures and requirements adopted by the United States Army Corps of Engineers for delineating wetlands.”

Wetland Water Quality Standards

Wetland water quality standards were developed by Ohio EPA and placed in Ohio Administrative Code, Sections 3745-1-50 through 1-54. The Code provides that the following narrative criteria shall apply to wetlands:

“(A) The hydrology necessary to support the biological and physical characteristics naturally present in wetlands shall be protected to prevent significant adverse impacts on:

- (1) Water currents, erosion or sedimentation patterns;
- (2) Natural water temperature variations;
- (3) Chemical, nutrient and dissolved oxygen regimes of the wetland;
- (4) The movement of aquatic fauna;
- (5) The pH of the wetland; and
- (6) Water levels or elevations, including those resulting from ground water recharge and discharge.”

“(B) (1) Water quality necessary to support existing habitats and the populations of wetland flora and fauna shall be protected to prevent significant adverse impacts on:

- (a) Food supplies for fish and wildlife;
- (b) Reproductive and nursery areas; and

(c) Dispersal corridors, as that term is defined in rule 3745-1-50 of the Administrative Code.

(2) Water quality shall be protected to prevent conditions conducive to the establishment or proliferation of nuisance organisms, as that term is defined in rule 3745-1-50 of the Administrative Code.

(C) Conditions shall not occur that will have a significant adverse impact on the ability of the wetland to be used for wetland-dependent recreational opportunities in or on the water.”

In addition, Section 3745-1-52 provides numeric chemical criteria for waste water discharges into wetlands.

Designated Uses

Wetlands are assigned a designated “wetland use”. More specific categorization is undertaken on a permit by permit basis as provided in the Wetland Rules, Ohio Administrative Code, Sections 3745-1-53:

“(C) Wetland categories.

(1) Wetlands assigned to category 1.

(a) Wetlands assigned to category 1 support minimal wildlife habitat, and minimal hydrological and recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director. Wetlands assigned to category 1 do not provide critical habitat for threatened or endangered species or contain rare, threatened or endangered species.

(b) Wetlands assigned to category 1 may be typified by some or all of the following characteristics: hydrologic isolation, low species diversity, a predominance of non-native species (greater than fifty per cent areal cover for vegetative species), no significant habitat or wildlife use, and limited potential to achieve beneficial wetland functions.

(c) Wetlands assigned to category 1 may include, but are not limited to, wetlands that are acidic ponds created or excavated on mined lands without a connection to other surface waters throughout the year and that have little or no vegetation and wetlands that are hydrologically isolated and comprised of vegetation that is dominated (greater than eighty per cent areal cover) by species including, but not limited to: *Lythrum salicaria*; *Phalaris arundinacea*; and *Phragmites australis*.

(2) Wetlands assigned to category 2.

(a) Wetlands assigned to category 2 support moderate wildlife habitat, or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director or his authorized representative.

(b) Wetlands assigned to category 2 may include, but are not limited to: wetlands dominated by native species but generally without the presence of, or habitat for, rare, threatened or endangered species; and wetlands which are degraded but have a reasonable potential for reestablishing lost wetland functions.

(3) Wetlands assigned to category 3.

(a) Wetlands assigned to category 3 support superior habitat, or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director or his authorized representative.

(b) Wetlands assigned to category 3 may be typified by some or all of the following characteristics: high levels of diversity, a high proportion of native species, or high functional values.

(c) Wetlands assigned to category 3 may include, but are not limited to: wetlands which contain or provide habitat for threatened or endangered species; high quality forested wetlands, including old growth forested wetlands, and mature forested riparian wetlands; vernal pools; and wetlands which are scarce regionally and/or statewide including, but not limited to, bogs and fens.

(4) In addition to assigning a wetland a category pursuant to this rule, the director may designate a wetland which has national ecological or recreational significance as an outstanding national resource water pursuant to rule 3745-1-05 of the Administrative Code. Requests to undertake activities which will result in short-term disturbances to water quality in wetlands which are designated as outstanding national resource waters shall be evaluated in accordance with rule 3745-1-05 of the Administrative Code.”

Narrative and/or Numeric Criteria

Wetlands in all three classes are subject to avoidance, impact minimization and compensation requirements. See Section 3745-1-54 (antidegradation policy).

Wetland narrative criteria are included in Ohio Administrative Code, Sections AC 3745-1-51. This section provides, in part:

“(B) (1) The wetland designated use shall be maintained and protected such that degradation of surface waters through direct, indirect, or cumulative impacts does not result in the net loss of wetland acreage or functions in accordance with paragraphs (D) and (E) of this rule.”

See listing of functions in the antidegradation policy below.

Section 3745-1-54 (antidegradation policy) provides that the functions of a wetland which are to be protected may include, but are not limited to, the following:

- “(i) Ground water exchange, including the discharge and recharge of ground water;
 - (ii) Nutrient removal and/or transformation;
 - (iii) Sediment and/or contaminant retention;
 - (iv) Water storage;
 - (v) Sediment stabilization;
 - (vi) Shoreline stabilization;
 - (vii) Maintenance of biodiversity, as that term is defined in rule 3745-1-50 of the Administrative Code;
 - (viii) Recreation;
 - (ix) Education and research; and
 - (x) Habitat for threatened or endangered species.
- (3) The director may consider the regional significance of the function(s) a wetland performs (e.g., wetlands recognized as providing important hydrological functions in watershed management plans) when determining whether degradation of the wetland can be authorized.
- (4) Threatened or endangered species.”

Antidegradation Policy

A wetland-specific antidegradation policy is set forth in Ohio Administrative Code, Section 3745-1-54. In addition, wetlands are subject to the general antidegradation policy contained in Section 3745-1-5. Section 3745-1-54. provides, in part:

Section 3745-1-54 Wetland antidegradation.

“(A) The provisions in this rule apply in addition to the provisions in rule 3745-1-05 of the Administrative Code.

(B) (1) The wetland designated use shall be maintained and protected such that degradation of surface waters through direct, indirect, or cumulative impacts does not

result in the net loss of wetland acreage or functions in accordance with paragraphs (D) and (E) of this rule.

(2) (a) Each wetland shall be assigned a category by Ohio EPA for the purposes of reviews of projects pursuant to this rule.

(i) A category will be assigned based on the wetland's relative functions and values, sensitivity to disturbance, rarity, and potential to be adequately compensated for by wetland mitigation.”