

Ohio Department of Transportation

County ATB Route 531 Section 2.40/2.90 PID 78883/87060 SJN 449648/440472

CATEGORICAL EXCLUSION DOCUMENT

Part I - General Project Identification, Description, and Design Information

Sponsor of the Project: Ohio Department of Transportation ODOT District: 4
Local Name of the Facility: Lake Road

Program: ODOT Let Funding Source: [X] Federal [X] State [] Local [] Private

PROJECT DESCRIPTION:

County and Township: Ashtabula County - Geneva and Saybrook Townships
Municipality:

Limits of Proposed Work:
Start: 272+00 Lake Road / End: 336+50 Lake Road /
Total Work Length: km or (1.22 mi).

Is an Interchange Modification Study / Interchange Justification Study (IMS/IJS) required? Yes* No
If yes, when did FHWA grant a conditional approval for this project? Date:

*If yes, for CE 2 or CE 3 projects a copy of the approved document must be submitted to FHWA with a request with for final approval of the IMS/IJS.

The Ohio Department of Transportation (ODOT) proposes to restore and preserve the structural integrity of the State Route (SR) 531 roadway and embankment between Myers Road and Ninevah Road in Geneva and Saybrook Townships in Ashtabula County, Ohio. The project length is approximately 1.22 mile. SR 531 (Lake Road) is a state and federal scenic byway which extends across northern Ashtabula County in northeastern Ohio following a portion of the Lake Erie shoreline. The lake-ward roadside terrain within the project study area generally consists of bluffs that have been graded for the roadway fore-slope ranging in elevation from 40 to 50 feet above the Lake Erie surface water level. Ongoing erosion and resulting slope failures and stability concerns along the fore-slope adjacent to Lake Erie are threatening the structural integrity of the transportation facility.

The proposed project includes repair and reconstruction of approximately 3,733 feet of existing stone revetment constructed by ODOT in 1976 and 1986 and construction of approximately 780 feet of new stone revetment at the base of the roadway slope. The roadway fore slope will be repaired and regraded as needed and drainage improvements made along the roadway and slope. The roadway pavement will be widened to accommodate 6-foot wide paved shoulders per current design standards and resurfaced upon completion of the project.

Specifically, the proposed transportation improvement project will:

- Provide roadway drainage improvements, including ditches, underdrains, and storm sewers, and eliminate mid-slope drainage outlets
Repair surficial sloughing/slope failures and regrade the roadway foreslope as required to maintain adequate factor of safety
Remove excess tree growth and manage vegetation along slopes
Stabilize and protect the toe of the roadway fore- slope against various forces of Lake Erie including wave action, storm surge and wind/ice forces by constructing new rock revetments in the unprotected area between STA 320+50 and STA 328+30 for a total length of 780 linear feet.
Stabilize and protect the toe of the fore-slope against various forces of Lake Erie by repairing existing revetments between STA 272+79 and STA 283+83; STA 299+30 and STA 320+50; and STA 330+64 and STA 335+73 for a total length of 3733 linear feet.
Provide a 6-foot paved shoulder per current design standards along both sides of SR 531.
Resurface the SR 531 pavement.

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PROJECT DESCRIPTION: continued

The proposed project will require new permanent and temporary rights-of-way. Approximately 5.779 acres of permanent right-of-way and 1.116 acres of temporary right-of-way are required to construct the project. One (1) vacant residence will be acquired. See right of way plans sheets for the project in Appendix B. Existing aerial utilities will be relocated to accommodate the proposed construction.

Four (4) jurisdictional wetlands totaling 0.227 acres will be impacted by constructing the project. Additionally, the project will impact approximately 3.45 acres of Lake Erie by placing varying amounts of fill below the Lake Erie ordinary high water mark elevation (573.6 NAVD 88/573.4 International Great Lakes Datum 1985) associated with constructing new stone revetments and repairing existing stone revetments.

Due to potential construction funding constraints, the project was initially designed in phases. Phases 1 and 2 were initially in one plan set (ATB-531 2.90; PID 78883) extending from STA 298+25 to STA 336+50. Phase 3 was a separate plan set (ATB-531-2.40; PID 87060) extending from STA 272+00 to STA 298+35. More recent developments with regard to funding availability have the projects being funded and sold as one complete project.

The project is included in the Statewide Transportation Improvement Program (STIP) 2014-2017. The STIP Reference for ATB-531-2.90, PID 78883 is 2012stipID0861FDCCO. The STIP Reference for ATB-531-2.40, PID 87060 is 2012stipID0860STACSV. See STIP information for the project in in Appendix A.

See project location mapping and photographs of the project area in Appendix A and plan sheets for the project in Appendix B.

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PURPOSE AND NEED FOR THE PROJECT:

Background

Ongoing erosion and resulting slope failures along portions of SR 531 (Lake Road) adjacent to Lake Erie in northern Ashtabula County are threatening the structural integrity of the transportation facility. This problem has been ongoing since the 1970's when ODOT constructed approximately 2,500 feet of stone revetments in 1976 and approximately 1,500 additional feet in 1986 to protect the roadway from erosion. More recently, an Erosion and Planning Study was conducted by ODOT entitled "ATB 531-3.35, PID 78882, Part 1 and ATB-531-13.20, PID 82819, Part 2B, SR 531 Erosion Planning Study, April 2008, McCoy Associates, Inc." to evaluate conditions and investigate alternatives along several sections of SR 531 in Ashtabula County including the ATB-531-2.90/2.40 project area. The study investigated numerous alternatives including:

- closing portions of the facility and re-routing SR 531 to parallel local or nearby state route facilities
- revising the roadway profile to lower the elevation of portions of SR 531 and reduce the height of the lake-ward bluffs
- relocating the alignment of portions of SR 531 southward away from Lake Erie to enable the bluffs to continue to erode without impacting the roadway.
- constructing off-shore improvements such as breakwaters and groins to mitigate the erosive forces of Lake Erie on the slope
- constructing new revetments in un-protected areas and repairing existing revetments previously constructed

As a result of the study and public input, constructing new revetments in un-protected areas and repairing existing revetments was selected as the preferred alternative to address the problem in Geneva and Saybrook Townships. This alternative provides a means to structurally repair the roadway slope to an acceptable factor of safety and protects the lower slope from Lake induced erosion. Accordingly, a transportation improvement is scheduled for construction in 2013/2014.

ODOT constructed an emergency repair project in 2006 along an approximate .10 mile section of SR 531 in this area to repair rotational failures and extend the service life of the facility while ATB-531-2.90/2.40 final design documents, environmental clearance, and necessary permits were prepared and obtained to enable construction of a long term solution.

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ALTERNATIVES:

Two Build Alternatives and the No-Build Alternative were considered during the development of the project.

No Build (Do Nothing) Alternative

The No Build Alternative was evaluated for this project. This alternative would not satisfy the purpose and need of reducing/eliminating the impacts of erosion and restoring the structural integrity of the State Route 531 roadway. The No Build Alternative would not address existing slope erosion, unprotected toe of slope areas, drainage deficiencies, and the need for maintenance and repair of the existing revetment structures. The No Build Alternative would result in the eventual closure of SR 531 to through traffic as erosion persists to the point of structural failure. Therefore, this alternative was eliminated from further consideration.

Build Alternatives

Two build alternatives were investigated during preliminary design with the primary difference being the manner in which the rehabilitation of the existing revetment systems constructed by ODOT in the 1970's and 1980's was addressed. Build Alternative 1 proposed the rehab work as a total reconstruction of the outer armor layer of the existing systems whereas Build Alternative 2 proposed the rehab in a more selective spot repair fashion.

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The Do Nothing Alternative is not feasible, prudent or practicable (Mark all that apply):

It would not correct existing capacity deficiencies;

It would not correct existing safety hazards;

It would not correct the existing roadway geometric deficiencies: (shoulder width)

It would not correct existing deteriorated conditions and maintenance problems, or

It would result in serious impacts to the motoring public and general welfare of the economy.

Yes No

	X
	X
X	
X	
	X

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PURPOSE AND NEED FOR THE PROJECT CONTINUED

Existing site conditions in the area of the emergency repair (between STA 320+50 and STA 328+30) are rapidly deteriorating due to the unprotected toe of slope being directly exposed to the erosive forces of the open lake resulting in "tension cracks" and failure due to softening, material separation, and material loss at the toe. In addition, severe mid-slope drainage outlet erosion is underway in several locations here.

The remaining areas along the project limits previously repaired by ODOT in the 1970s and 1980s are exhibiting varying levels of disrepair generally consisting of surficial sloughing and erosion on the slope face from drainage outlets, etc.; excessive growth of trees on the slope face and up through the revetment rock; numerous fractured, worn, dislodged and displaced armor stones; and insufficient revetment bench height to adequately protect against wave run-up. If the existing revetments are not rehabilitated, they will continue to deteriorate potentially resulting in material separation, material loss, and resulting rotational failures along the slope eventually jeopardizing the structural integrity of the road.

Purpose and Need

The purpose of the transportation improvement is to preserve SR 531 (Lake Road) between Myers Road and Ninevah Road in Geneva and Saybrook Townships in Ashtabula County, Ohio. ODOT performs inspections of roadway infrastructure to assess current conditions and coordinate the selection, programming, and scoping of transportation improvements to ensure that system conditions goals are achieved within budgetary constraints. Based on existing and future deteriorated conditions, a transportation improvement is scheduled for construction in 2013/2014.

The roadway fore-slope is being impacted by the erosive forces of Lake Erie and by poorly managed surface water drainage and groundwater seepage. Existing conditions consist of the following:

- Erosion of lake ward slopes and embankments including surficial sloughing and eroded mid-slope drainage outlets
- Absence of toe of slope protection at lake level in unrevetted areas resulting in "tension cracks" and failures due to softening, material separation, and material loss at the toe.
- Insufficient toe of slope protection due to disrepair of existing revetments as a result of dislodged stones, rounding of stones due to wave impact and excessive tree growth through the rock revetments
- Excessive tree growth on the slopes causing slope loading
- Deteriorating drain pipes and outlets resulting in erosion
- Roadway drainage problems including: groundwater saturation and standing water in roadside ditches due to flat grades, sedimentation, sink holes, and improper inlet elevations of drainage structures, resulting in excessive surface and groundwater accumulating and leaching along the project study area.
- Substandard existing roadway shoulder width which varies to less than 2' wide paved, while the current standards require 6' wide paved

The desired condition for the SR 531 roadway is a facility in good condition that is structurally sound and in accordance with current design standards, have properly managed surface/groundwater/roadway drainage, have slopes with an acceptable factor of safety against failure, and be protected from the erosive forces along Lake Erie. The desired condition will safely accommodate through and local vehicular traffic long term by eliminating the potential for structural roadway failure, enable access to be maintained to existing residences and businesses, and require minimal maintenance. The difference between the existing conditions described above, and the desired condition with these problems mitigated is the overall structural integrity of the roadway that directly relates to its ability to function properly in the future with minimal maintenance costs. The desired condition does not require frequent and major maintenance repairs to keep the facility open to traffic.

Existing erosion of lakeward slopes and embankments, deteriorated drainage structures and outlets, insufficient toe of slope protection, and deficient roadway shoulder widths and pavement need to be addressed to preserve the integrity of the facility for continuous use by the traveling public while expending minimal maintenance costs. In summary, the purpose of the transportation improvement is to preserve the SR 531 (Lake Road) between Myers Road and Ninevah Road in Geneva and Saybrook Townships, Ashtabula County, Ohio based on existing and future deteriorated conditions.

Logical Termini

The logical termini for the project are established on the basis of the existing and future deteriorated conditions along SR 531 between Myers Road and Ninevah Road including: eroded fore-slopes, unprotected toe of slope, limits of existing revetments in need of repair, limits of drainage repairs and limits of shoulder widening and roadway repaving.

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ALTERNATIVES CONTINUED

Alternatives continued:

Build Alternative 1

Build Alternative 1 proposes that the existing revetment rehabilitation work reconstruct the outer stone armor layer of the existing systems. This alternative provides for new toe stones to be set in front (lake-ward) of the existing toe stones on bedrock. A new stone armor layer would then be placed to extend from the new toe stones up the outside of the existing armor slope face. Further, additional stone would also be placed to raise the vertical elevation of the revetment bench to meet design water elevation and wave run-up criteria. This alternative also would construct a new stone revetment in the unprotected area between STA 320+50 and STA 328+30 (780 feet). An improved drainage system would be constructed along the roadway and slope, and upon completion of the revetment and slope work, the roadway would be resurfaced and widened to accommodate the existing 12 foot lanes (2) and 6 foot wide paved shoulders. Approximately 5.779 acres of permanent right-of-way and 1.116 acres of temporary right-of-way would be required to construct Build Alternative 1. One (1) vacant residence will be acquired. Alternative 1 disturbs approximately 5.59 acre of Lake Erie below the ordinary high water mark. The total cost of Build Alternative 1 is approximately \$12.5 million.

Build Alternative 2

Build Alternative 2 proposes that the existing revetments be fortified by selectively replacing dislodged and damaged stones along the slope face, repositioning existing stones, and placing additional stones to fill voids, maintaining the general existing rate of slope along the armor face rather than total reconstruction of the armor face and new toe stones. Additional stone will also be placed to raise the vertical elevation of the revetment bench to meet design water elevation and wave run-up criteria. The proposed new revetment design, drainage, and roadway work does not change. Approximately 5.779 acres of permanent right-of-way and 1.116 acres of temporary right-of-way would be required to construct Build Alternative 2. One (1) vacant residence will be acquired. This alternative does not disturb the existing toe stones and rock lying beneath the lake bed and relies on these to continue supporting the exposed slope armor and bench. This alternative disturbs approximately 3.45 acre of Lake Erie below the ordinary high water mark which is a reduction in disturbance to Lake Erie from Build Alternative 1 by approximately 2 acres. The cost of this option at approximately \$7 million is substantially less than that of Build Alternative 1.

Both build alternatives satisfy the purpose and need to preserve State Route 531 (Lake Road) by restoring the structural integrity of the roadway and foreslope and providing an adequate factor of safety to protect against rotation slope failure resulting in long term preservation of the State Route 531 roadway. However, Build Alternative 2 has less environmental impact and a lower estimated construction cost than Build Alternative 1. Therefore, Build Alternative 2 was selected as the preferred build alternative for the transportation improvement because of its lower environmental impacts and lower estimated construction cost.

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MAINTENANCE OF TRAFFIC DURING CONSTRUCTION:

	Y	N
Is a temporary bridge proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is a temporary roadway proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project involve the use of a detour or require a ramp closure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for access by local traffic and so posted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for through-traffic dependent businesses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made to accommodate any local special events or festivals.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the proposed MOT substantially change the environmental consequences of the action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there substantial controversy associated with the proposed method for MOT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

Local traffic will be maintained through the use of part width construction. Access to residences will be maintained at all times throughout the duration of project construction. Through traffic will be detoured a maximum of 120 days on SR 531 to SR 45 to US 20 to SR 534. Some minor inconveniences may be experienced due to short-term construction impacts.

The Contractor will advise the Project Engineer a minimum of fourteen (14) days prior to the following: the start of construction activities, lane closures, detours, and the switch from existing to temporary pavement and vice-versa. The Project Engineer will forward this information to the ODOT District 4 Public Information Officer (PIO). The PIO will, in turn, notify the public, the local emergency services, affected schools and businesses, and other impacted local public agencies a minimum of fourteen (14) days prior to any of the above-mentioned project and maintenance of traffic actions via media sources. ODOT will issue a news release prior to project construction to provide the traveling public, schools, and safety services with information regarding construction schedules and proposed maintenance of traffic measures. There are no known special events or festivals within the project area. However, SR 531 is a designated Scenic Byway within the project area and is used by traffic accessing Geneva State Park and the Geneva-on-the-Lake summer vacation area. See detour plans in Appendix B.

ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ 690,500.00 Right-of-Way: \$ 586,000.00 Construction: \$ 7,000,000.00
 Anticipated Start Date of Construction: June 2013

RIGHT OF WAY AND UTILITY INVOLVEMENT:

Number of parcels to be affected for temporary ROW: 82
 Number of parcels to be affected for permanent ROW: 120
 Approximate area of temporary right-of-way needed: 1.116 acre
 Approximate area of permanent right-of-way needed: 5.779 acre

Has Utility Coordination been completed? Yes No
 Are large scale transmission facilities located within the project area? Yes No
 Are there any private utility easements within the project area? Yes No
 If YES, will it be impacted by the project? Yes No

Remarks:

The proposed project will require new permanent and temporary rights-of-way. Approximately 5.779 acres of permanent right-of-way from 120 parcels and 1.116 acres of temporary right-of-way from 82 parcels are required to construct the project. See right-of-way plan sheets for the project in Appendix B. Of the 5.779 acre of permanent right-of-way, approximately 3.586 acre comprises a permanent easement between ODNR and ODOT to construct and maintain shore structures (revetments) from the point of the natural historic shoreline of Lake Erie as determined by the ODNR Office of Coastal Management, lakeward within the boundary of ODNR's jurisdiction. The remaining permanent right-of-way consists of strip right-of-way along SR 531 for shoulder, ditch, and utility work.

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RIGHT OF WAY AND UTILITY INVOLVEMENT CONTINUED

An ongoing activity, utility coordination has been conducted through all stages of design and will be completed during the final detailed design phase. The following utilities have been contacted and have been provided plans in each Stage of project design:

- Time Warner Cable
- Dominion East Ohio Gas
- Windstream
- CEI Illuminating Company
- Ashtabula County Department of Environmental Services (Water and Sewer Departments)

No utilities will be permanently removed to construct the proposed project. Overhead electric, cable and telephone lines will be relocated within the proposed new permanent right-of-way as part of this project. Some waterline appurtenances including hydrants and valves will be relocated where conflicts exist. All utility relocations will be coordinated by the ODOT utility coordinator.

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Part II – Identification and Evaluation of Impacts of the Proposed Action

SECTION A – ECOLOGICAL RESOURCES

Streams, Rivers & Watercourses
 National Scenic River
 State Wild, Scenic or Recreational River
Navigable Waterways (see "Other Surface Waters" discussion)
 Commercial
 Non-Commercial
 OEPA Aquatic Life Use Designation (eg. WWH)

Presence		Impacts	
Y	N*	Y***	N**
	X		X
	X		X
	X		X
X		X	
X		X	X
	X		X

Remarks: During preliminary planning studies, a Level 1 Ecological Survey Report, dated December 2007, was prepared by ASC Group, Inc.

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Other Surface Waters
 Reservoirs
 Lakes (*Lake Erie - navigable waters*)
 Farm Ponds
 Detention Basins
 Storm Water Management Facilities
 Other: _____

Presence		Impacts	
Y	N*	Y***	N**
X		X	
	X		X
X		X	
	X		X
	X		X
	X		X

Remarks: During preliminary planning studies, a Level 1 Ecological Survey Report, dated December 2007, was prepared by ASC Group, Inc. The Level 1 Ecological Survey Report was later re-evaluated and updated field work performed in June 2009. Accordingly, a revised Level 1 Ecological Survey Report dated, May 24, 2010 was prepared by ASC Group, Inc. ODOT-OES personnel, ASC Group staff, KCI environmental staff and the U.S. Army Corps of Engineers (USACE) Ohio Regulatory Transportation Office (ORTO) staff conducted a site field review on September 8, 2010 to verify jurisdictional waters of the United States identified in the May 24, 2010 Level 1 Ecological Survey Report prepared by ASC Group, Inc.

 Lake Erie has an Aquatic Life Use Designation of Exceptional Warmwater Habitat and an Antidegradation Designation of Superior High Quality Waters according to the Ohio Administrative Code Section 3745-1-31.

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*If the resource is not present, the remainder of this subject section will not be completed
 **If the resource is present but no impacts are anticipated, the reason why is described under Remarks.
 ***Any impacts, mitigation, and agency coordination are described under Remarks and coordination letters are attached.

Wetlands

Presence		Impacts	
Y	N****	Y***	N**
X		X	

Total wetland area impacted: 0.227 acre(s)

(If a determination has not been made for non-isolated/isolated wetlands, fill in the total wetland area impacted above.)

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SECTION A – ECOLOGICAL RESOURCES CONTINUED

Streams, Rivers, and Watercourses, continued

The Level 1 Ecological Survey Report was later re-evaluated and updated field work performed in June 2009. Accordingly, a revised Level 1 Ecological Survey Report dated, May 24, 2010 was prepared by ASC Group, Inc. ODOT-OES personnel, ASC Group staff, KCI environmental staff and the U.S. Army Corps of Engineers Ohio Regulatory Transportation Office (ORTO) staff conducted a site field review on September 8, 2010 to verify jurisdictional waters of the United States identified in the May 24, 2010 Level 1 Ecological Survey Report prepared by ASC Group, Inc. As a result of the September 8, 2010 field review, it was determined that no streams, rivers, or watercourses are located within the project study area. The proposed project will not impact any streams, rivers, or other watercourses. See the Department of Army, Huntington District, Corps of Engineers Jurisdictional Verification letter dated January 4, 2011 to ODOT OES in Appendix C.

Other Surface Waters, continued

The proposed project will impact approximately 3.45 acres of Lake Erie by placing varying amounts of fill below the Lake Erie ordinary high water mark elevation (573.6 NAVD 88/573.4 International Great Lakes Datum 1985) associated with constructing new stone revetments and repairing existing stone revetments. The fill associated with constructing new revetments consists of clean non-erodible embankment fill, toe stone, bedding stone, under-layer stone, armor stone, and geotextile fabric. Fill associated with repairing existing revetments consists of replacing displaced and dislodged armor stones and new stone to build up the existing revetment benches. Potentially fill may also consist of temporary work pad(s) along the shoreline.

Lake Erie is regulated by the USACE under Section 10 of the Rivers and Harbors Act of 1899 from the Michigan boundary to the Commonwealth of Pennsylvania boundary. In addition it has been determined that the same portion of Lake Erie is a traditional navigable water subject to regulation under Section 404 of the Clean Water Act (CWA). As such, the 3.45 acres of Lake Erie impacted by the proposed project is subject to regulation under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act of 1899. See the Department of Army, Huntington District, Corps of Engineers Jurisdictional Verification letter dated January 4, 2011 to ODOT-OES in Appendix C and the ODOT-OES Waterway Permit IOC dated 7/12/11 for the project in Appendix C.

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<p>Non-isolated Wetland OEPA Wetland Category: <u>1</u> Size of Area Impacted: <u>0.007</u> acre(s)</p>	<p>Isolated Wetland OEPA Wetland Category: _____ Size of Area Impacted: _____ acre(s)</p>
<p>Non-isolated Wetland OEPA Wetland Category: <u>Modified 2</u> Size of Area Impacted: <u>0.220</u> acre(s)</p>	<p>Isolated Wetland OEPA Wetland Category: _____ Size of Area Impacted: _____ acre(s)</p>

Wetlands	Documentation	
	Y	N
Wetland Determination	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland Delineation Report	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Individual Wetland Finding	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (Mark all that apply and explain):		
Substantial adverse impacts to adjacent homes, business or other improved properties;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Substantially increased project costs;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Unique engineering, traffic, maintenance, or safety problems;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Substantial adverse social, economic, or environmental impacts, or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The project not meeting the identified needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
USACOE Isolated Waters Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mitigation Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Measures to avoid, minimize and mitigate wetland impacts need to be discussed in the remarks section

Remarks: Based on the results of the Level 1 Ecological Survey Report by ASC Group, dated May 24, 2010, and the U.S. Army Corps of Engineers Ohio Regulatory Transportation Office (ORTO) site field review on September 8, 2010, five (5) wetlands were identified and delineated within the project study area. The wetlands are described as follows:

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	<u>Presence</u>		<u>Impacts</u>	
	Y	N****	Y***	N**
Terrestrial Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unique or High Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: During preliminary planning studies, a Level 1 Ecological Survey Report, dated December 2007, was prepared by ASC Group, Inc. The Level 1 Ecological Survey Report was later re-evaluated and updated field work performed in June 2009. Accordingly, a revised Level 1 Ecological Survey Report dated, May 24, 2010 was prepared by ASC Group, Inc. Based on the report and on field review of the project study area by KCI environmental personnel in October 2010, no unique or high quality terrestrial habitat exists in the project study area. The project study area consists of waste-ground/slopes, existing rock revetments, old field/scrub, dense second growth thicket, maintained lawn, narrow sandy-gravelly beach, and wetlands. Approximately 25.5 acres of terrestrial habitat will be disturbed by construction of the project. Of this, approximately 3.3 acres consists of mowed/maintained lawn areas.

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** If the resource is present but no impacts are anticipated, describe the reason why in the Remarks section.
 ***Any impacts, mitigation and agency coordination are described under Remarks and coordination letters are attached.
 ****If "no", discuss in the Remarks details how this determination was made.

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SECTION A – ECOLOGICAL RESOURCES CONTINUED

Wetlands, continued

Wetland Name	Approximate Total Wetland Area (ac)	Cowardin et al. 1979 Classification	Hydrologic Connectivity	ORAM v. 5.0 Score	Provisional ORAM Designation	Temporary Wetland Impacts (ac)	Permanent Wetland Impacts (ac)
Wetland 1	>50*	PFO1E	Connected to Indian Creek	78.5	Category 3	0.000	0.000
Wetland 4	0.010	PEME	Connected to Lake Erie	44	Modified Category 2	0.000	0.010
Wetland 5	0.204	PFO1/EME	Connected to Lake Erie	42	Modified Category 2	0.000	0.204
Wetland 6	0.006	PEME	Connected to Lake Erie	39	Modified Category 2	0.000	0.006
Wetland 8	0.007	PEME	Connected to Lake Erie	1	Category 1	0.000	0.007
Total						0.000	0.227

*Wetland 1 extends to the south well beyond the project area

The project proposes to permanently impact a total of 0.227 acres of jurisdictional wetlands.

All practical measures to avoid, minimize and mitigate impacts to the wetlands have been considered during project development. The project is in compliance with the Wetland Finding for Federal Aid Projects Covered under the Programmatic Categorical Exclusion Agreement dated March 6, 2003. All practicable measures to avoid or minimize the wetlands impact both inside and outside the roadway right-of-way have been considered and incorporated into the project design including use of a design exception to reduce the graded shoulder width from 10 feet to 8. Total avoidance of all wetlands for the project is not practicable because of the proposed slope work to mitigate erosion and the required grading, filling with rock, and pavement widening. A shift in the alignment and/or use of retaining walls is not feasible or prudent in this situation and would result in additional wetland impacts from its construction. Shifting the alignment horizontally to the south would result in impacts to Category 3 wetlands (Wetland 1).

The no-build (non-degradation) alternative, although it would avoid wetlands impacts, is not practical because it would not preserve State Route 531 (Lake Road) by reducing/eliminating the impacts of erosion and restoring the structural integrity of the State Route 531 roadway. Therefore, the no-build alternative was eliminated from consideration because it does not satisfy the purpose and need of the transportation improvement.

The proposed improvement will not result in substantial permanent impacts to existing wetlands. Best management practices for soil erosion and sediment control measures will be employed to minimize impacts to the remaining portion of the wetlands within the project study area. Under no circumstances shall the contractor impact additional wetlands areas beyond those identified above. Under no circumstances shall the contractor store equipment and/or materials within wetlands areas. Precautions shall be taken by the contractor to protect the wetlands from incidental discharges by site runoff, excavation, grading or filling. To protect and delineate existing wetlands areas, a quantity of construction fence and perimeter fabric fence shall be included in the construction plan. The construction fence and perimeter fabric fence is to be installed at the proposed construction limits within the right-of-way at all wetlands areas, maintaining a minimum 1' buffer between the fence and the wetland boundary. The fence will be installed by the contractor prior to the start of any construction activities within these limits and adjacent area, including any necessary clearing and grubbing activities. The fence shall be maintained by the contractor throughout the duration of the project.

There is no practical alternative to the proposed construction in the identified wetlands for this action processed under the September 13, 2010 Programmatic Categorical Exclusion Agreement. This finding of no practical alternatives to construction in wetlands is in accordance with the Wetland Finding for Federal Aid Projects covered under the Programmatic Categorical Exclusion Agreement signed by the Federal Highway Administration on March 6, 2003.

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County ATB Route SR 531 Section 2.90/2.40 PID 78883/87060 SJN 449648/440472

SECTION A – ECOLOGICAL RESOURCES CONTINUED

Wetlands, continued

All projects involving jurisdictional waters of the United States (streams, rivers, non-isolated wetlands) and/or isolated wetlands are subject to regulation under Sections 404 and 401 of the Clean Water Act, and possibly Ohio EPA Isolated Wetland law. The Section 404/401 waterway permits have not yet been authorized for this project. The contractor shall not perform any work in wetlands and/or place any fill in wetlands or below the ordinary high water mark of Lake Erie until the final Section 404/401 permits are authorized for the project. The complete authorized Section 404/401 waterway permits will be provided to the contractor by ODOT personnel prior to the start of construction activities. The project contractor shall adhere to the waterway permit terms and conditions throughout project construction.

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SECTION A – ECOLOGICAL RESOURCES CONTINUED

Terrestrial Habitat, continued

The remaining approximate 22 acres of disturbance consists of the following: paved and graded roadway shoulder; existing rock revetment; intermittent narrow beach and waste-ground and old-field/scrub along the slopes consisting of weedy disturbance-adapted species, crown vetch, bluegrass, tall fescue, orchard grass, quack grass, red clover, English plantain, colt's foot, scattered blackberry, and invasive honeysuckle. In addition, large areas of second growth thicket dominated by European black alder and invasive giant reed phragmites are located along the slopes as well. In addition to the habitat described, it is anticipated that approximately 53 trees will be removed along the 1.22 mile project area to accommodate construction of the project.

The intermittent beach areas are dominated by cobbles, gravels, coarse sand, lacerated shells, drift wood, and an array of debris, concrete, brick, and other human induced influence directed at combating erosion. Disturbance of beach areas will be minimized to the extent practicable. Based on water levels at the time of the survey in 2009, approximately .20 acre of beach will be impacted by the proposed new revetment construction between STA 320+50 and 328+30. It should be noted that the beach here is not always exposed. Fluctuating water levels due to storm events, directional wind surge, etc. often result in the water level rising over the beach into the deteriorating toe of slope.

In summary, no unique or high quality habitat exists within the project limits. The project will not impact any unique or high quality habitat.

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	<u>Presence</u>		<u>Impacts</u>	
	Y	N****	Y***	N
Threatened or Endangered Species	X			
Within the known range of and federal species?	X			X
Federal species found in project area?		X		X
State species found in project area?		X		X
Is the project in accordance with the Letter of Agreement on Endangered Species Coordination?	X			X

Remarks: Ashtabula County is within the known range of the federally endangered Indiana bat (*Myotis sodalis*), the federal species of concern bald eagle (*Haliaeetus leucocephalus*), the federal candidate species Eastern massasauga rattlesnake (*Sistrurus catenatus*), the federally endangered piping plover (*Charadrius melodus*), the federally endangered Kirtland's warbler (*Setophaga kirtlandii*) the federal endangered snuffbox mussel (*Epioblasma triquetra*) and the federally endangered clubshell mussel (*Pleuroblema clava*).

Continued on Page 7a

	<u>Coordination</u>		<u>Approval</u>	
	Y	N	Y	N
Agency Coordination ***	X		X	
Ohio Department of Natural Resources (ODNR)	X		X	
United States Fish and Wildlife Service (USFWS)	X		X	
Ohio Environmental Protection Agency (OEPA)	X		X	
United States Army Corps of Engineers (USACE)	X		X	
ODNR State Scenic River		X		X
National Park Service (NPS) National Scenic River		X		X

Remarks: Agency coordination for the proposed project included the following:

- Ecological Coordination - ODNR, USFWS, OEPA, USACE
- Coastal Management Area Coordination - ODNR
- Shoreline Protection Project Coordination - USACE

Ecological Coordination - ODNR, USFWS, OEPA, USACE:

ODOT-OES conducted ecological coordination through the MOA project notification by correspondence dated August 4, 2010 with ODNR, Ohio EPA (OEPA), and the U.S. Army Corps of Engineers (USACE). ODOT-OES also conducted Ecological coordination by correspondence dated August 6, 2010 with the U.S. Fish and Wildlife Service (USFWS). See ODOT-OES ecological coordination correspondence to ODNR, OEPA, and USACE dated August 4, 2010 and ecological coordination correspondence to USFWS dated August 6, 2010 for the project in Appendix C.

ODNR

In response to the MOA project notification, dated August 4, 2010, ODNR completed a review of the project and generated comments on September 13, 2010. The ODNR, Ohio Biodiversity database contains no data at this project site. The ODNR Division of Wildlife (DOW) commented recommending sufficient mitigation is provided for stream and wetland impacts that may occur as a result of this project. The DOW recommends no in-water work April 15 to June 30 to reduce impacts to aquatic species and their habitat. Further, DOW states the project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species and if suitable habitat trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and April 1.

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*If the resource is not present, the remainder of this section will not be completed.

**If the resource is present but no impacts are anticipated, the reason why is described under Remarks.

***Any impacts, mitigation, and agency coordination are described under Remarks and coordination letters are attached.

This is page 7 of 15, which is part of: Categorical Exclusion, Level 2 Date: 5/2/2013

Ohio Department of Transportation

County ATB Route SR 531 Section 2.90/2.40 PID 78883/87060 SJN 449648/440472

SECTION A – ECOLOGICAL RESOURCES CONTINUED

Threatened or Endangered Species, continued

None of these species or their habitat, except for Indiana bat and Kirtland’s warbler, would be expected within the project study area and no impacts to these species are expected as a result of the project.

The wide, flat, sparsely vegetated barrier beaches preferred by the piping plover for nesting habitat were not found in the study area, the proposed project should have “no effect” on the species. The preferred habitat for the Clubshell and Snuffbox Mussels (course sand and gravel riffles and runs in streams and small rivers) is not found within Lake Erie. This project will not impact any streams. Construction activities should have “no effect” on this species. Since no known populations of the Eastern Massasagua Rattlesnake have been identified within or near the project area, and the project area itself does not provide suitable habitat for the species, the proposed project should have “no effect” on the species. The nearest Bald Eagle nest is over ½ mile from the project area. Accordingly, “no effect” is expected to this species.

Indiana bat - A total of six (6) roost trees are located within or immediately adjacent to the project area. Four (4) of the trees will be cut to construct the project. None of these trees offer suitable maternity roosting habitat. This project is in the Northeast Management Unit, and is not within 5 miles of a capture record, or within 10 miles of a hibernacula record. To protect the Indiana bat, any clearing and grubbing activities involving trees will be performed only before April 1 or after October 15 when this species would not be using such habitats.

Kirtland’s warbler – This small bird requires areas with small jack pines for nesting. This species is known to nest in Michigan’s northern Lower and Upper peninsulas, Wisconsin, and Ontario, Canada. No known nesting habitat for this species is present within Ohio. However, this species does migrate through Ohio during the spring (typically May) and fall while traveling between its nesting grounds in the north and wintering grounds in the Bahamas. Important migratory stopover habitats for this, and many other neotropical migrants, include wooded areas and wetlands located along the Lake Erie coastline. These stopover habitats provide the species with an opportunity to rest and feed before making the journey across Lake Erie to its breeding grounds. To protect the Kirtland’s warbler, any clearing and grubbing activities involving trees and shrubs will be performed only before April 1 or after October 15 when this species would not be using such habitats.

See Agency Coordination discussion on page 7, 7b, 7c, 7d, 7e and 7f for additional threatened and endangered species discussion and agency coordination references.

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SECTION A – ECOLOGICAL RESOURCES CONTINUED

Agency Coordination, continued

Further, if suitable trees must be cut during the summer months of April 2 to September 29, a net survey must be conducted in May or June prior to cutting. Net surveys shall incorporate either two net sites per square kilometer of project area with each net site containing a minimum of two nets used for two consecutive nights, or one net site per kilometer of stream within the project limits with each net site containing a minimum of two nets used for two consecutive nights. If no tree removal is proposed, the project is not likely to impact this species.

The ODNR, Office of Coastal Management (OCM) has the following comments on the project:

- The ODOT S.R. 531 Ecological Survey Report does not provide information regarding the footprint or design specifications of the proposed bank stabilization work. Based on previous correspondence with ODOT with regard to this project it is anticipated that a shore structure permit will be required for portions of the project. In accordance with Ohio Revised Code §1506.40, “No person shall construct a beach, groin, or other structure to control erosion, wave action, or inundation along or near the Ohio shoreline of Lake Erie, including related islands, bays, and inlets, without first obtaining a shore structure permit from the director of natural resources.”
- Specific statutory sections related to the use and occupation of the Territory, including O.A.C. §1501-6-03 should be, at the minimum, referenced in the Project Area Description or Impacts chapter. This project will require a submerged lands authorization.
- The proposed project will require a review under Ohio’s State Consistency authority (O.R.C. §1506.03) and Federal Consistency authority (16 USC §1456), both of which can be conducted concurrently. The Office of Coastal Management would prefer to conduct the Consistency review when more detailed project information is available. Ideally, the Consistency review would occur in a coordinated manner with the reviews of the Shore Structure Permit and Submerged Lands Lease applications. These authorizations, along with any other required State of Ohio authorizations, are necessary to ensure consistency with the applicable policies of the Ohio Coastal Management Program.
- It would be beneficial for ODOT to state the method of GPS data collection for the wetlands.
- ODOT should identify the approximate acreage of impact within the CMA caused by occupation of Public Trust Territory.

See ODNR comments for the project dated, September 13, 2010 in Appendix C. In addition to the ODNR comments above, generated during interagency review of the ecological survey report, the ODNR-OCM provided additional cursory review comments regarding Coastal Permits and Lease Application dated February 9, 2011 including comments on Submerged Lands Lease and Shore Structure permits. See ODNR correspondence dated February 9, 2011 in Appendix C.

USFWS

In response to the MOA project notification, dated August 6, 2010, USFWS completed a review of the project and generated comments on September 9, 2010 and May 4, 2011.

September 9, 2010 USFWS Correspondence - USFWS recommends that water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands be avoided and minimized. Best construction techniques should be used to minimize erosion. Additionally, natural buffers around streams/wetlands should be preserved to enhance beneficial functions. In addition, USFWS supports and recommends mitigation 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 re-vegetated with native plant species. Staging areas should be kept well away from streams/wetlands, and construction areas should be quickly replanted with native vegetation following construction.

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Ohio Department of Transportation

County ATB Route SR 531 Section 2.90/2.40 PID 78883/87060 SJN 449648/440472

SECTION A – ECOLOGICAL RESOURCES CONTINUED

Agency Coordination, continued

Lake Erie and its shoreline provide internationally valuable habitat for fish, birds, and wildlife. Near shore areas provide essential spawning and nursery habitat for inter-jurisdictional fish species, and help to support the local sport fishing industry. The shoreline provides essential resting, feeding, and nesting habitat for waterfowl, colonial nesting waterbirds, and migratory birds. Placing fill in the Lake and along the shore disturbs these important habitats. Furthermore, natural shorelines contribute sand to the littoral zone, helping to maintain barrier beach systems that provide wildlife habitat and natural erosion control, while armored shorelines do not provide such benefits.

The proposed project will result in the elimination of bluff/beach shoreline habitat, with adverse impacts to the shoreline species that inhabit this area. The loss of this habitat, considered cumulatively with the past and potential future loss of natural shoreline along the southern shore of Lake Erie due to shoreline armoring, results in substantive shoreline habitat loss. The Service strongly recommends that impacts to Lake Erie and its shoreline habitat be avoided and minimized. Alternative stabilization methods should be considered. In addition, no in-water work should occur between April 15 and June 30 to protect fish spawning activities.

The proposed project lies within the range of the Federally Endangered Indiana bat (*Myotis sodalis*), clubshell mussel (*Pleurobema clava*), and piping plover (*Charadrius melodus*); the Federal Candidate eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*); and the Federal Species of Concern snuffbox mussel (*Epioblasma triquetra*) and bald eagle (*Haliaeetus leucocephalus*). ODOT has determined that this project will have *no effect* on the clubshell and snuffbox mussels, eastern massasauga, and bald eagle. Due to the project type, size, and location, USFWS does not anticipate impacts to these species or their habitats.

This project falls under the *Programmatic Consultation (PC) between USFWS, FHWA, and ODOT*. The proposed project would impact a total of 6 potential Indiana bat roost trees in the Northeast Management Unit identified in the PC. ODOT's August 6 letter states that the project is not located within 5 miles of an Indiana bat capture record, and has categorized the project within the PC1-level of impacts under the PC. However, the supporting Ecological Survey Report for the project indicates a pregnant female Indiana bat was captured approximately 4 miles from the project site in 2004, indicating the presence of a maternity colony. Therefore, this project falls within the PC-2b category of project impacts. The Service concurs with your determination that this project, as proposed, *may affect, but is not likely to adversely affect* the Indiana bat. USFWS stated that they appreciate ODOT's commitment to follow measure A-1 of the PC for this project, under which trees within the project area will be cleared only between September 15 and April 15 but notes that the Service encourages the use of the revised guidelines of tree removal between September 30 and April 1, if possible, as Indiana bats have been observed arriving at their traditional summer areas earlier in the spring and staying longer in the fall than previously documented.

USFWS further states that they do not agree with ODOT's determination that the proposed project will have "no effect" on the piping plover, a federally endangered shorebird that utilizes the shoreline of Lake Erie for nesting and migratory stopover. Piping plover habitat includes sand or pebble beaches with sparse vegetation. USFWS states that such habitat exists in the project area; therefore, the Service does not agree that a *no effect* determination is appropriate for this species. As stated earlier, the shoreline of Lake Erie in this area is already substantially armored, severely decreasing the amount of available habitat for migratory and nesting shorebirds, including the piping plover. The Service requests that ODOT explore alternative methods of stabilizing the roadway that would allow for the continued presence of the existing beach habitat while protecting the integrity of SR-531. See USFWS comments, dated September 9, 2010 for the project in Appendix C.

May 4, 2011 USFWS Correspondence - In the May 4, 2011 correspondence, USFWS states that the letter is in follow-up to the earlier September 9, 2010 correspondence responding to ODOT's August 6, 2010 request for comments and concurrence on the Endangered Species effects determination for federally listed species in the ATB-531-3.35 project area. ODOT-OES provided additional information and photographs of the project area shoreline by E-mail dated October 13, 2010 and reiterated the "no effect" determination. In addition, ODOT provided USFWS updated project plans for review in April 2011.

Upon receipt of this information and the updated project plans in April 2011, USFWS consulted with the service's Region 3 Migratory Bird Program regarding potential impacts to the piping plover. Based on the current information provided by ODOT and recommendations from USFWS's Regional Migratory Bird Program biologist, USFWS states that any potential habitat for the piping plover in the project area is marginal. Due to the narrow width of the beach and the limited site distance around the beach areas, these areas would not provide adequate nesting habitat for the plover, and would most likely only be used for brief respites during migration. Therefore, impacts to the piping plover are not anticipated due to the project.

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SECTION A – ECOLOGICAL RESOURCES CONTINUED

Agency Coordination, continued

The USFWS states that they recommend and support the consideration of alternative plans that include provisions for greater protection of upland areas from wave-based erosion while assuming a smaller construction footprint along the lakeshore. Appropriate options to consider include a groin field or detached breakwaters. In addition, excavated littoral material should be side-cast into the littoral nearshore, down drift of the work area to ensure that this material remains in the littoral system. These measures will allow the greatest potential to maintain, and potentially create, beach habitat for shorebirds, such as the piping plover.

Should, during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of this action that were not previously considered, consultation with the USFWS should be reinitiated to assess whether the determinations are still valid. See USFWS correspondence, dated May 4, 2011 for the project in Appendix C.

ODOT will continue to coordinate with USFWS regarding the Kirtland’s warbler prior to the start of construction and incorporate any requirements into the project construction plans.

Ohio EPA

In response to the MOA project notification, dated August 4, 2010, OEPA completed a review of the project and generated comments on September 7, 2010. See OEPA correspondence, dated September 7, 2010 for the project in Appendix C. OEPA stated that they appreciated the opportunity to review the ecological report and acknowledged the anticipated impacts at the time of the submittal to include approximately 5.59 acres of Lake Erie (below the OHWM) to accommodate the revetments and seven (7) wetlands, including a Category 3 wetland, for a total of approximately 2.409 acres of wetland impact.

OEPA states that based on the information in the report, the project will require Individual Section 401 authorization. Standard protocol involves OEPA’s receipt of written confirmation from the Army Corps of Engineers with regard to the jurisdictional status of the aquatic resources in the project area, as well as its’ regulatory oversight. Further, OEPA states the following information was used in the decision: According to the Lake Erie Coastal Management Zone, Wetland 1, a Category 3 wetland, marginally falls within the Coastal Management Area as a coastal wetland. In Part 1 (Nationwide Permits (NWP), General Limitations and Conditions “C” (Lake Erie) 2, temporary or permanent impacts to Lake Erie coastal wetlands, including coastal wetlands located on Lake Erie Islands and Sandusky Bay are prohibited (except for NWP 3 and NWP 27). However, according to Part F3 of the Coastal Management Program Federal Consistency Conditions (Issuance of Nationwide Permits with Ohio EPA 401 Water Quality Certification) published in the Army Corps of Engineers Public Notice (LRH-2006-2228-2), the following condition applies:

F. Ohio Coastal Management Program Federal Consistency Conditions

3. The applicant must obtain a Section 401 Water Quality Certification from the Ohio Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, Public Law 95-217, if applicable. This condition was effective on March 19, 2007.

In addition, OEPA commented that the Ecological report states Wetland 1 will be impacted at three separate locations for work affiliated with the SR 531 ditch/drainage improvements. OEPA requests ODOT clarify the specific nature of the impacts (e.g. culverts, concrete work, rock stabilization, filling-in with dirt, etc.); and to provide the locations of the three separate impact areas on a map in a future submittal. This concludes OEPA’s remarks.

It should be noted that since the time of the MOA project notification, dated August 4, 2010 and OEPA’s review of the project and comments generated on September 7, 2010, additional avoidance measures were incorporated into project design resulting in a reduction in impacts to Lake Erie below the OHWM; total avoidance of Wetland 1 (Category 3) and further reduction in overall wetland impacts. See Section A - Ecological Resources Other Surface Waters and Wetlands discussion on Pages 5 and 6.

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SECTION A – ECOLOGICAL RESOURCES CONTINUED

Agency Coordination, continued

USACE

In response to the MOA project notification, dated August 4, 2010, USACE completed a review of the project and site and generated a jurisdictional determination letter dated January 4, 2011. USACE refers to the Level 1 Ecological Survey Report (ESR) prepared by ASC Group, Inc. dated May 24, 2010 and received in their office on August 10, 2010 stating that based on the information provided, site visit conducted on September 8, 2010, and other information available to them, it has been determined that Wetland 1, Wetland 4, Wetland 5, Wetland 6, and Wetland 8 are all adjacent to Lake Erie (TNW). Therefore, Wetland 1, Wetland 4, Wetland 5, Wetland 6, and Wetland 8 are waters of the United States subject to regulation under Section 404 of the CWA. Roadside Ditches 1, 2, 3, 4, 5, and 6 were evaluated under current ditch criteria. These constructed roadside ditches are not RPWs with ordinary high water marks; therefore they are not waters of the US.

USACE authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFI 329. Section 404 of the Clean Water Act (CWA) requires that a Department of the Army (DA) permit be obtained prior to placing dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for any work in, on, over or under a navigable water. Lake Erie is regulated by the USACE under Section 10 of the Rivers and Harbors Act of 1899 from the Michigan State boundary to the Common Wealth of Pennsylvania boundary. In addition, it has been determined that the same portion of Lake Erie is a traditional navigable water (TNW) subject to regulation under Section 404 of the CWA. As such, the 3.45 acres of Lake Erie within the study area is subject to regulation under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act of 1899.

USACE states that the jurisdictional verification is valid for a period of five years from the date of this letter unless new information warrants revision of the delineation prior to the expiration date. See USACE jurisdictional determination letter dated January 4, 2011 for the project in Appendix C.

In response to agency comments, this project has been designed to minimize water quality impacts and impacts to fish and wildlife habitat, such as woodlots and wetlands and buffers surrounding these systems have been minimized to the maximum extent practicable. ODOT will follow current OEPA and USACE guidelines and rules for mitigation of impacts to wetlands and Lake Erie. Best management practices will be implemented during and following project construction activities to minimize water quality impacts. No high quality fish and wildlife habitat exists within the project study area. Therefore, the project will not impact any high quality fish and wildlife habitats. Any area disturbed by equipment activities shall be seeded with native plant species to prevent the spread of invasive plants and erosion of sediments into waters of the United States. The mechanical equipment used to execute the work shall be operated in a manner to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life. All soil erosion and sediment control measures shall be in place prior to any excavation, grading or filling operations. They shall remain in place until construction is complete and the area is stabilized as accepted by the engineer. Under no circumstances shall the contractor be allowed to store equipment and/or materials within any wetlands or Lake Erie. In-water construction will be avoided from April 15 thru June 30 to allow undisturbed fish spawning along the nearshore. Work on existing revetments may transpire during this time. To protect the Indiana bat and Kirtland’s warbler, any clearing and grubbing activities involving trees and shrubs will be performed only before April 1 or after October 15 when this species would not be using such habitats.

Coastal Management Area Coordination - ODNR:

The project area is located along the Lake Erie shoreline within the limits of the ODNR Coastal Management Area. To ensure consistency with the applicable policies of the Ohio Coastal Management Program, the proposed project requires a review under Ohio’s State Consistency authority Ohio Revised Code (O.R.C. §1506.03) and Federal Consistency authority (16 USC §1456). Other statutory sections related to the use and occupation of the Coastal Management Area (Territory) include ORC §1506.40 which states, “No person shall construct a beach, groin, or other structure to control erosion, wave action, or inundation along or near the Ohio shoreline of Lake Erie, including related islands, bays, and inlets, without first obtaining a shore structure permit from the director of natural resources.”

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SECTION A – ECOLOGICAL RESOURCES CONTINUED

Coordination with the ODNR-Office of Coastal Management (OCM) has been ongoing throughout project planning and design to complete requirements for a Shore Structure Permit and a Submerged Land Lease, which are needed to obtain coastal zone management consistency for the proposed project. The following is a summary of the coastal management coordination between ODNR-OCM and ODOT for a Shore Structure Permit and a Submerged Land Lease:

- January 18, 2011: ODOT submits draft plans and project information for a Shore Structure Permit and a Submerged Land Lease to OCM.
- February 9, 2011: OCM provides comments based on a cursory review of draft plans and project information submitted by ODOT. OCM requested additional information and plan modifications.
- September 2, 2011: After numerous conference calls, emails, and other correspondence between ODOT and OCM, ODOT provide written response to OCM comments, dated February 9, 2011. ODOT provided clarifications and information requested by OCM, however, some issues remained unresolved.
- November 2, 2011: OCM provides response to ODOT letter, dated September 2, 2011. ODNR reemphasized legal requirements and provide clarifications for the Shore Structure Permit and a Submerged Land Lease as they apply to the proposed project. During this time, OCM and ODOT communicated often. Discussions continued between OCM, ODOT and the Ohio Attorney General's Office regarding the legal instruments for the Submerged Land Lease. For the Shore Structure Permit, OCM and ODOT worked on construction plan details, including material specifications, excavation/sidecasting of littoral materials, alternative designs and structural stability.
- March 29, 2012: ODOT provided revised construction plans and documented responses to the OCM letter, dated November 2, 2011, and subsequent discussions.
- June 15, 2012: ODOT provided revised Shore Structure Permit and Submerged Land Lease applications to OCM.
- June 22, 2012: OCM advised ODOT that the revised Shore Structure Permit and Submerged Land Lease applications are incomplete and provided a checklist of missing or deficient items.
- July 24, 2012: ODOT provided responses to missing or deficient items in the Shore Structure Permit and Submerged Land Lease applications that were described in the OCM letter, dated June 22, 2012.
- August 7, 2012: OCM stated that the revised Shore Structure Permit and Submerged Land Lease applications submitted to OCM by ODOT are considered complete.
- January 7, 2013: After numerous technical review discussions between ODOT and OCM regarding the Shore Structure Permit, OCM documented outstanding issues with the application, including design modifications to stone size and fill material specifications.
- January 31, 2013: OCM provided a letter documenting technical review discussions between ODOT and OCM regarding the Shore Structure Permit, including design modifications to stone size and fill material specifications. OCM noted that differences between OCM and ODOT on the stone size could be mitigated if ODOT provided an acceptable Monitoring and Maintenance Plan.
- April 23, 2013: ODOT provided revised construction plans to OCM via email.
- April 24, 2013: OCM acknowledged receipt of construction plans submitted by ODOT on April 23, 2013 and noted that the Monitoring and Maintenance Plan was not included.
- April 25, 2013: ODOT provided the draft Monitoring and Maintenance Plan to OCM via email.

See correspondence regarding coastal management coordination between ODNR-OCM and ODOT for a Shore Structure Permit and a Submerged Land Lease for the project in Appendix C.

ODOT will continue to coordinate with OCM to obtain the Shore Structure Permit and a Submerged Land Lease prior to the start of construction and incorporate the requirements into the project construction plans.

Shoreline Protection Project Coordination - USACE:

Coordination with the USACE has been ongoing throughout project planning and design. The existing stone revetments proposed to be modified as part of this project are subject to coordination and approval with the USACE-Buffalo District Operations and Technical Support Section. The coordination document titled "Sponsor Request for New Modification (Alteration) to a Buffalo District Corps of Engineers Shoreline Protection Project" and project construction plans were submitted by ODOT to USACE in a letter, dated April 22, 2013. ODOT will continue to coordinate with USACE to obtain approval of the modifications to the existing stone revetments prior to the start of construction and incorporate any requirements into the project construction plans. See correspondence from ODOT to USACE, dated April 22, 2013, in Appendix C.

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****If "no", discuss in the Remarks details how this determination was made.

SECTION B – OTHER RESOURCES

	<u>Presence</u>		<u>Impacts</u>	
	Y	N*	Y	N
Drinking Water Resources		X		
Sole Source Aquifer		X		X
Source Water Protection Area(s)		X		X
Public Water System(s)		X		X
Groundwater Source		X		X
Surface Water Source		X		X
Residential Well(s)		X		X

Remarks: Based on review of Ohio EPA water source mapping of the project study area by KCI environmental personnel on June 30, 2011 and field review of the project study area by KCI environmental personnel in September 2010, no drinking water source protection areas, local wellhead protection areas, sole source aquifers, municipal reservoirs, or community/non-community public water systems are located within the project study area. Residents in this section of Geneva and Saybrook Township obtain drinking water from the Ashtabula County Dept. of Environmental Services municipal water supply. The project as proposed will not impact any drinking water resources. See Ohio EPA Drinking Water Source Protection Areas and Public Water Systems Well Mapping for the Project in Appendix C.

	Y	N*	Y	N
Flood Plains				
Longitudinal Encroachment	X			X
Transverse Encroachment		X		
Is the project located in a regulated floodplain?	X			
Will the proposed project result in an encroachment in the designated floodway?	X			
Will the proposed project result in an increase in the 100-year base flood elevation discharge?		X		
Does the project conform to the local flood plain standard?	X			

Remarks: According to a review of the FEMA National Flood Insurance Rate Map, Ashtabula County, Ohio, Community Panel Number 39007C0131D and 39007C0135D by KCI environmental personnel, the project area is located within the mapped 100-year flood zone of Lake Erie listed as Zone AE with a base flood elevation of 576 which essentially follows the Lake Erie shoreline. Based on the proposed work along the toe of slope below the Lake Erie ordinary high water mark of 573.6, an encroachment results. The project will require coordination with the Ashtabula County Flood Plain Administrator prior to construction of the project. FEMA National Flood Insurance Rate Map, Ashtabula County, Ohio, Community Panel Number 39007C0131D and 39007C0135D are included in Appendix C.

	Y	N*	Y	N
Farmland				
Active Agricultural Lands		X		X
Agricultural District		X		X
Project in compliance with ORC 929.05(a)	X			
FPPA Project Screening Sheet	X			
Farmland Conversion Impact Rating Sheet		X		

Remarks: Approximately 5.779 acres of permanent right-of-way and 1.116 acres of temporary right-of-way are required to construct the project. Based on review of aerial photography and a field review by KCI environmental personnel in October 2010, no active agricultural lands are located within the project study area.

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* If the resource is not present, the remaining boxes for this subject section will not be completed. State how and who made this determination.

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Remarks:

Completion of the Farmland Conversion Impact Rating (FCIR) Form is not required as the proposed project will not impact prime or unique farmland as define in 7 CFR Part 658, as amended. Furthermore, the proposed project meets the criteria of the Memorandum of Understanding (MOU) between NRCS, FHWA, and ODOT, executed on 12/15/2011. See the completed Farmland Policy Protection Act (FPPA) Project Screening Sheet for the proposed project in Attachment C.

See completed Farmland Protection Policy Act (FPPA) Project Screening Sheet, with ODOT District Environmental Coordinator concurrence, dated May 2, 2013 for the project in Appendix D.

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SECTION C – CULTURAL RESOURCES

	<u>Results of Research</u> Eligible and/or Listed Resource Present		<u>Project Effect</u>		
	Y	N	No Historic Properties Affected	No Adverse Effect	Adverse Effect
Prehistoric Archaeology		X	X		
Historic Archaeology		X	X		
History/Architecture		X	X		
NRHP Buildings/Sites		X	X		
NRHP Districts		X	X		
NRHP Bridges		X	X		

Documentation

Lit Search/ODOT field review	X		ODOT-OES Inter-Office Communication (IOC) dated April 27, 2010		
Lit Search/ODOT field review	X		ODOT-OES Inter-Office Communication (IOC) dated April 7, 2010		
Phase I Archaeology Survey Report					
Phase II Cultural Resources Survey Report					
Phase II History/Architecture Survey Report					
Phase II Archaeology Survey Report					
Phase III Archaeology Data Recovery					
Documentation for Consultation / MOA					
HABS / HAER Documentation					

Remarks:

As an update to the report “Phase I Literature Review for the ATB-531 Study Area in Geneva, Saybrook, and Ashtabula Townships and the Village of North Kingsville, in Ashtabula County, Ohio, ASC Group, Inc. 2006” ODOT-OES conducted an electronic literature search on March 28, 2010 to determine if previously recorded sites and standing structures would be affected by the project. Based on electronic data from the Ohio State Historic Preservation Office (i.e. listed or eligible resources, Ohio Archaeological Inventory (OAI) sites, or Ohio Historic Inventory (OHI) buildings and structures), no known or previously recorded cultural resources of either an architectural or archaeological nature were found within or adjacent to the APE. The updated literature review indicates no change from the 2006 literature review, which noted no previous cultural resource survey and no identified archaeological and history/architecture resource within or immediately adjacent to the Area of Potential Effect (APE). In fact, the cartographic sources suggest the western section of state land previously contained seven residences which were lost to shoreline erosion in the past 20 to 25 years, while the middle section lost 14 of 15 residences.

The web search of the county soil survey indicated the APE contains recent beach, eroded steep (25%+) bluff slope, and Conneaut silt loam along the bluff. As part of the nearly level lake plain, the poorly drained, seasonal wet, and acidic silt loam formed in lacustrine deposits overlying glacial till. Hydric components are common in the numerous level to slightly depressional locales within and adjacent to the APE. Residential structures bordering the APE set upon built slightly elevated landforms or naturally occurring slightly elevated and better drained glacial beach ridges. The updated literature review indicates limited to no potential for any substantive archaeological resource in the APE.

An archaeological field review was conducted by ODOT-OES on March 28, 2010. The field review confirmed steep and partially eroded bluff for the three sections of state owned land. SR 531 follows either directly along the bluff edge or less than 15 ft. back from it. The narrow level strips bordering the north side of the road represents the frontage remnants of the former residences. In the APE, SR 531 appears recently resurfaced with new guardrail for state land sections. Roadside drainage on the south side of SR 531 varies by residential lot.

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CULTURAL RESOURCES CONTINUED

Some contain deep, narrow and open drainage immediately adjacent to the edge of pavement, with paved shoulders measuring 2 ft. or less in width. In other lots the road is on a slight embankment while the yard slightly reduces in grade towards the road forming a narrow grass covered linear depression between 4 and 10 ft. from the edge of pavement. For a few open lots the road embankment borders a slightly depressional area containing wetland vegetation and standing water. Buried gas and water lines run adjacent to the open ditches or under the grass covered linear depressions and are set back between 6 and 8 ft. from the edge of pavement. The field review indicates a total lack of archaeological resources, important or otherwise within the APE because of shoreline and bluff erosion, disturbance from the utility and drainage installation, yard grading, and/ or hydric soils.

In accordance with Stipulation 3(E), Identifying Historic Properties, of the *Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The Ohio Historical Society, State Historic Preservation Office, And The State Of Ohio, Department Of Transportation Regarding The Implementation Of The Federal-Aid Highway Program In Ohio (Agreement No 12642) executed July 17, 2006*, ODOT-OES determined that no further archaeological investigation is warranted for the SR 531 drainage improvements and the Lake Erie shoreline revetment repair. This completes the archaeological portion of the Section 106 review process. See ODOT-OES Inter-Office Communication (IOC) dated April 7, 2010 regarding cultural resources review in Appendix C.

All of the history/architecture properties within the APE were constructed in the context of Lake Erie Recreation (Tonetti, 19). The curbside reconnaissance and photo documentation package provided by KCI Associates and included the coordination package, characterized the project area as residential land use. The buildings and structures were summarized as varying in type from mobile homes and small cottages to larger homes, with most of the larger homes appearing to serve as recreation/vacation homes on the Lake Erie shorefront (KCI, 3). The majority of the residential properties present along the project corridor appear to have been constructed between the 1950's and 1979, as evidenced in historic aerial photography, although there is some limited recent construction. There are no industrial or commercial properties within the APE

Properties on the National Register of Historic Places (NRHP) that represent Lake Erie recreation history include the Lakewood Historic District (NRHP Reference #83002020), which includes properties from the early history of Lake Erie recreation from 1870-1920. A review of the electronic data from the Ohio State Historic Preservation Office did not show any comparable NRHP nominations for subsequent periods. No pre-1960 history/ architecture properties representative of important patterns, events, persons, the work of a master, construction or of an architectural style were identified within the APE. No further history /architecture investigations are recommended for the project.

No further cultural resource investigations are recommended for the project. Based on the undertaking as planned and in accordance with Stipulation 4B of the *Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The Ohio Historical Society, State Historic Preservation Office, And The State Of Ohio, Department Of Transportation Regarding The Implementation Of The Federal-aid Highway Program In Ohio (Agreement No. 12642) executed July 17, 2006, and in compliance with 36 CFR Section 800.4(d)(1)*, ODOT-OES has determined that "no historic properties affected" is the appropriate finding for the proposed erosion and drainage improvements project based on the following:

- 1) *The project will utilize strip right-of-way from areas previously disturbed by shoreline and bluff erosion, disturbance from utility and drainage installation, yard grading, and/ or hydric soils; therefore, no additional archaeological investigations are required.*
- 2) *The undertaking, as proposed, will not affect any known important cultural resources.*

This completes the Section 106 review by ODOT-OES and no further cultural resource investigations are required for the project. See ODOT-OES Inter-Office Communication (IOC) dated April 27, 2010 regarding cultural resources review for the project in Appendix C.

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SECTION D – SECTION 4(F) RESOURCES

	<u>Presence</u>		<u>Impacts</u>		<u>FHWA / OES approval dates</u>
	Y	N****	Y***	N**	
Parks & Other Recreational Land		X		X	
Publicly owned park		X		X	
Publicly owned recreation area		X		X	
National Wild & Scenic River		X		X	
Section 4(f) Determination of No-Use		X			
Programmatic Section 4(f) Evaluation		X			
Individual Section 4(f)		X			
Section 6(f) involvement		X			
Other (school, state/national forest, bikeway, etc.)					

	<u>Presence</u>		<u>Impacts</u>		<u>FHWA / OES approval dates</u>
	Y	N****	Y***	N**	
Natural & Wildlife & Waterfowl Refuges		X		X	
Federal					
National Wildlife Refuge		X		X	
National Natural Landmark		X		X	
State					
State Wildlife Area		X		X	
State Natural Preserve		X		X	
Section 4(f) Determination of No-Use		X			
Programmatic Section 4(f)		X			
Individual Section 4(f) Evaluation		X			
Section 6(f) involvement		X			

	Y	N**	Y***	N**	<u>FHWA / OES approval dates</u>
	Cultural Resources Areas		X		
Sites eligible and/or listed for the NRHP					
Section 4(f) Determination of No-Use					
Programmatic Section 4(f)					
Individual Section 4(f) Evaluation					

Remarks: The National Park Service Land & Water Conservation Fund listing of grants since 1965 was reviewed for Ashtabula County and found that no Section 6(f) resources are located in the project study area. Therefore, the project will not impact any Section 6(f) resources.

Based on review of USGS mapping, aerial photographs, and field review of the project study area conducted by KCI Associates of Ohio environmental personnel on numerous occasions between 2006 and present; field review by ODOT-OES personnel on March 28, 2010; and ODOT-OES cultural resources clearance, dated April 27, 2010, no publicly-owned parks, recreation areas, or waterfowl/wildlife refuges and no properties listed in or eligible for listing in the National Register of Historic Places are located within the project study area.

The project will not impact any Section 4(f) resources.

See ODOT-OES IOC, dated April 27, 2010, regarding cultural resources review for the project in Appendix C.

** If the resource is present but no impacts are anticipated, the reason why is described under Remarks.
 *** Any impacts, mitigation and agency coordination are described under Remarks and coordination letters are attached.
 ****If "No", discuss in the remarks section details about how this determination was made.

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SECTION E – AIR QUALITY & NOISE
--

	Y	N
Will the project move the travel lanes closer to the receptors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Air Quality

	Y	N
Conformity Status of the Project	<input type="checkbox"/>	<input type="checkbox"/>
Is the project in an air quality non-attainment or maintenance area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is this project in the STIP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In this project in the most current MPO air quality conforming TIP?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If NO, is this project exempt from conformity analysis?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Y	N
Project-Level Analysis and Impacts	<input type="checkbox"/>	<input type="checkbox"/>
Has the project scope changed substantially since the conformity analysis?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, will this change require a reevaluation of the MPO TIP conformity?	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: Ashtabula County is not in a Metropolitan Planning Organization (MPO). This project is listed in the State Transportation Improvement Program (STIP) for State Fiscal Year (SFY) 2014-2017, Federal –Aid Urban and Rural Projects as *Exempt* from Air Quality Status. This project will not result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility or any other factor that would cause an increase in emissions impacts relative to the no-build alternative. As such, the Federal Highway Administration has determined that this project will generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special Mobile Source Air Toxics (MSAT) concerns. Consequently, this project is exempt from analysis for MSATs. Although the project is located in a non-attainment area (partial county) for the Particulate Matter (PM) 2.5 standard, it does not require a PM 2.5 analysis based on the proposed scope of work.

The constructed project will not result in an increase in the ADT of more than 10,000 vehicles within 10 years of project completion date. Also, the project does not involve a new project right of way that will have an ADT of more than 20,000 vehicles within 10 years of construction. Hence, no Carbon Monoxide studies are required for the project.

Ashtabula County is in an ozone maintenance area. However, because the project is on the STIP, ozone is addressed for the project.

	Y	N
<u>Noise</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is a noise analysis required in accordance with FHWA regulations and ODOT's statewide noise abatement policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, is a design year noise impact predicted?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, have all noise attenuation measures been considered, consistent with the policy?	<input type="checkbox"/>	<input type="checkbox"/>
If NO, explain why not: _____	<input type="checkbox"/>	<input type="checkbox"/>
Is noise attenuation found to be reasonable and feasible?	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: The proposed project will not cause an increase in traffic volumes, will not substantially change the vehicle mix or speed, will not involve new roadways or substantially change the alignments or shielding effects of the existing roadway. Therefore this project is deemed unrelated to increased traffic noise.

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SECTION F – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors

Will the proposed action comply with the local/regional development patterns for the area?
 Will the proposed action result in substantial impacts to community cohesion?
 Will the proposed action result in substantial impacts to local tax base or property values?

Y	N
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: The project is included in the State Transportation Improvement Program (STIP) for SFY 2012 to 2015, Federal –Aid Urban and Rural Projects. The project is consistent with local and regional development patterns in the area. The project proposes to repair slopes, improve drainage, and add consistent width 6’ paved shoulders to SR 531 essentially along the existing roadway alignments and grades.

The project will not result in substantial impacts to community cohesion. The proposed project will attribute to maintaining the local tax base and property values by allowing the roadway to remain open by protecting it from erosion and slope failure.

Will the proposed action result in reasonably foreseeable secondary or cumulative impacts?

Y	N
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: The purpose of the transportation improvement is to preserve State Route 531 (Lake Road) by restoring the structural integrity of the roadway and foreslope. The proposed project is in response to existing deteriorating conditions along the fore-slopes and along existing previously constructed revetments. The project does not provide new access to undeveloped areas in the project study area. Therefore, the project will not result in reasonably foreseeable secondary or cumulative impacts.

Public Facilities & Services

Will the proposed action result in substantial impacts on health and educational facilities, public utilities, fire, police, emergency services, religious institutions, public transportation or pedestrian and bicycle facilities?

Y	N
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: Based on the project scope of work to preserve State Route 531 (Lake Road) by restoring the structural integrity of the roadway and foreslope, no substantial negative impacts on health and educational facilities, public utilities, fire, police, emergency services, religious institutions, public transportation or pedestrian and bicycle facilities will result with the project. Long term benefits include continued long term use of the facility/scenic byway and proposed shoulder widths that will safely accommodate bicycle traffic.

Minor, short-term temporary impacts to fire, police and emergency medical services will occur during construction with the proposed closing of Lake Road to through traffic during project construction. Local traffic and access to residences will be maintained at all times throughout the duration of project construction. ODOT will issue a news release prior to project construction to provide the traveling public, schools, and safety services with information regarding construction schedules and proposed maintenance of traffic measures.

Environmental Justice (Presidential Executive Order 12898)

During public involvement activities, were Environmental Justice issues raised?
 Are any Environmental Justice populations located within the project area?
 Will the project result in adversely high or disproportionate impacts to the population?

Y	N
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: A review of the USEPA EJView mapping for the project study area by ODOT District 4 Environmental Section personnel did not reveal a disproportionately large percentage of below poverty or minority populations within the project study area.

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SECTION F - COMMUNITY IMPACTS CONTINUED

ENVIRONMENTAL JUSTICE CONTINUED

USEPA EJ data in the table below indicate that census block groups within the project study area have minority populations ranging from 4.4-6.5% and the population below poverty map range from 0-11.5%. See USEPA EJ mapping in Appendix C.

<u>Census Block Group</u>	<u>Percent Minority</u>	<u>Percent Below Poverty</u>
390070000000	4.4	0
390070006031	6.5	11.5

Source: USEPA EJView.

The proposed project will have no disproportionately high and adverse impacts to minority or low-income populations based upon the table above and the USEPA EJ mapping in Appendix C. No Environmental Justice issues were raised as a result of public involvement activities conducted as part of the proposed project. Therefore, in accordance with the protections of Executive Order 12898 and FHWA Order 6640.23A, no further EJ analysis is required for the project.

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Displacement of People, Businesses or Farms:

Will the proposed action displace people, businesses or farms?

Y N
[] [X]

Number of displacements: Residences: 0 Businesses: 0 Farms: 0 Institutions: 0

Remarks:

The vacant residence at 7016 Lake Road West (Permanent Parcel No 480311000100) on the southeastern corner of the Lake Road and Stone's Long Beach Road intersection will be acquired to accommodate the shoulder widening and drainage improvements. ODOT operates under the Uniform Relocation Assistance and Acquisition Policies Act of 1970 and amendments of 1987. The main objective of this Act is to ensure that every effort is made to acquire the needed right-of-way in a fair and equitable manner. Property owners will be compensated based on fair market value of their properties and given adequate time and assistance in any relocation The act provides financial assistance to persons whose residence, business, farm, and/or non-profit organization may be acquired as part of the project. Operated in accordance with Chapter 163 of the Ohio Revised Code and (Public Law 91-646 and Public Law 100-17), the relocation assistance program (RAP) ensures fair and equitable treatment of each individual, family, business, farm, and/or non-profit organization. Basic policies have been established in this effort by the Federal Highway Administration and the ODOT.

SECTION G - PUBLIC INVOLVEMENT

Per ORC 5511.01 and 23 CFR 771.111 (h)(2)(i) and (ii), every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. The level of public involvement should be commensurate with the proposed action.

Discuss what public involvement activities (letters to affected property owners and residents, meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.

Were you inclusive of minority and low income people in your public involvement activities? Yes* [X] No []
* If YES, explain below.

Public/stakeholder involvement has been an important element throughout development of the project. In addition to holding several stakeholder meetings involving regulatory agencies and public officials, ODOT conducted three open house public meetings regarding the development of the project. The purposes of the meetings were to present study findings, preliminary alternatives and the preferred alternative; and final design construction and right of way plans to the general public, residents, business owners, and public officials and to solicit public input and comments. The following summarizes key public/stakeholder involvement activities chronologically.
News Release May 16, 2006 - The general public was notified of the SR 531 Erosion Study including location of the study areas (including the current project between Myers and Ninevah Roads) and general planning activities being conducted. Notification was done through the local newspapers, The Ashtabula Star Beacon and Jefferson Gazette by way of a news release by the ODOT District 4 Office of Public Information on May 16, 2006. See Appendix E for News Release dated May 16, 2006
Stakeholder Meeting - Regulatory Agency Engineering Representation (USACE, USCG, ODNR Office of Coastal Management) September 26, 2006 - A stakeholder meeting was conducted by ODOT and the design consultant to discuss conceptual alternatives to preserve SR 531 along Lake Erie and key issues that each of the regulatory agency engineering representatives viewed as important elements of the project. A variety of topics were discussed including funding, environmental impacts, various types of structures, sand resource and littoral impacts and other issues related to concerns of the various agencies. See Appendix E for September 26, 2006 stakeholder meeting list of attendees.
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Public Controversy on Environmental Grounds

Will the project involve substantial controversy concerning community and/or natural resource impacts?

Y N
[] [X]

Remarks:

All public comments were responded to accordingly and no substantial controversy concerning community and/or natural resource impacts was identified as a result of the public involvement process for the project.

This is page 13 of 15, which is part of: Categorical Exclusion, Level 2 Date: 5/2/2013

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PUBLIC INVOLVEMENT CONTINUED

Stakeholder Meeting – November 16, 2006 (Local public officials, ODNR Div. Watercraft/Office of Coastal Management, U.S. Coast Guard)— A stakeholder meeting was conducted by ODOT and the design consultant to further discuss development of conceptual alternatives to preserve SR 531 along Lake Erie and obtain additional input from regulatory representatives and local governmental officials regarding their opinions with regard to each of the alternatives. See Appendix E for November 16, 2006 stakeholder meeting list of attendees.

Stakeholder Meeting – January 29, 2007, ODNR Office of Coastal Management - A stakeholder meeting was conducted by the design consultant and ODOT project manager to solicit information and input regarding the project from the ODNR Office of Coastal Management (OCM). Various topics were discussed including ODNR OCM's regulatory authority and permitting required, types of structures for shoreline/erosion control ie; revetments, groins, breakwaters, proprietary units, etc.; other similar structures and applications in northeastern Ohio; and coastal design resources. See Appendix E for January 29, 2007 stakeholder meeting list of attendees.

December 16, 2006 Public Meeting - During the project planning study phase, an open house public involvement meeting was held by the ODOT on December 16, 2006 at Edgewood Senior High School, Ashtabula, Ohio. The purpose of the meeting was to present the planning study findings which included conceptual alternatives to restore the structural integrity of SR 531, mitigate erosion along the lakeside slopes, maintain the general location and function of the Scenic Byway, and solicit comments regarding the proposed project and alternatives. Public officials, residents, property owners, and interested citizens were invited to attend the meeting by ODOT District 4 correspondence, dated December 5, 2006. In addition, a public meeting notice news release was placed in the local newspapers to notify the general public.

In addition to representatives from ODOT District 4, and McCoy Associates (aka: KCI Associates of Ohio), the design consultant for the project, approximately forty-five (45) persons attended the December 16, 2006 meeting including several public officials from Saybrook and Ashtabula Counties and the Village of Geneva-on-the-Lake, and a representative from the Ohio Department of Natural Resources. Project mapping, preliminary environmental documentation and conceptual alternative descriptions and schematics were available for viewing and comments. A half-hour slide presentation was also given by the consultant. Questions were fielded and addressed by ODOT and McCoy Associates' representatives. Informational handouts were distributed which included a comment sheet on which attendees could provide input on the conceptual alternatives and comments regarding the project.

The alternatives consisted of the following options:

Alternative 1 - No Build (do nothing)

Alternative 2 – Existing Revetment Repair/New Revetment Construction in unprotected areas

Alternative 3 - Profile Revision (with or without shoreline stabilization)

Alternative 4 - Relocation to a new parallel alignment

Alternative 5 - Rerouting to the nearest existing parallel facility

Alternative 6 - Rerouting to the nearest existing parallel state route facility

Alternative 7 - Off-Shore improvements – detached breakwaters, groins, seawalls, etc.

A total of 19 written comments were received as a result of the meeting. Generally, the public was supportive of the project and believed SR 531 was vital to the region and were generally against any options that would abandon, close or re-route SR 531. There was generally strong support of Alternative 2 and Alternative 7 and no support of the No-build. There were several comments regarding concern for impact to adjacent properties due to groins/revetments or other structures. Numerous comments were directed at existing drainage problems and stressing the importance of providing for adequate drainage along the project area. See Appendix E for December 16, 2006 public meeting handout, notification letter, news release, mailing list, comments and public meeting summary/response to comments.

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PUBLIC INVOLVEMENT CONTINUED

November 20, 2008 Public Meeting - A second open house public involvement meeting was held by ODOT on November 20, 2008 at the Kent State University, Ashtabula Campus, Ashtabula, Ohio. The purpose of the meeting was to present and discuss with the general public, residents, business owners and public officials the preferred alternative solutions in each study area and to solicit comments regarding the preferred alternatives. Preferred alternatives were presented to the public and local public officials that addressed Part 1 (current ATB-531-2.40/2.90 construction project) and Part 2A, and Part 2B (east of Ashtabula). Public meeting notices were sent to residents/property-business owners and other stakeholders in the project area. In addition, a public meeting notice news release was placed in the local newspapers.

In addition to representatives from ODOT District 4 and KCI Associates (aka McCoy Associates), the design consultant for the project, approximately forty-two (42) persons attended the meeting. Project mapping, preliminary environmental and planning documentation, and preliminary and preferred alternative schematics were available for viewing and comments. A Power Point presentation was set up at one end of the room and run in a repeating loop presentation for attendees to view at their convenience. Questions were addressed by ODOT and KCI Associates of Ohio representatives. Handouts were distributed which included an overview of the project status, identification of the preferred alternatives, an overview of environmental studies, preliminary schedule and projected costs, and a comment sheet on which attendees could provide their input regarding the project.

A total of 34 written comments were received as a result of the meeting. The majority of comments received supported maintaining the current location of SR 531 and keeping this essential thoroughfare open to the public. Comments received from both residents and local officials stressed that SR 531 is an indispensable route for commerce, tourism, and residential travel along the lakeshore. Several comments described the "North Coast" route as an absolutely vital transportation link in an area of Ohio that needs to continue encouraging economic growth through tourism and development of its lakefront. It is viewed by many as a defining feature of Ashtabula County that provides a rewarding scenic experience with unobstructed scenic vistas of the lake. Other comments consisted of right-of-way related issues and assorted particulars involving the actual structures, drainage, and regulatory agency involvement.

See Appendix E for November 20, 2008 public meeting handout, notification letter, news release, mailing list, comments and public meeting summary/response to comments.

June 2, 2011 Public Meeting - A third open house public involvement meeting was held by ODOT on June 2, 2011 at the Kent State University, Ashtabula Campus, Ashtabula, Ohio. The purpose of the meeting was to present and discuss with the general public, residents, business owners and public officials the currently proposed project in Part 1 Geneva and Saybrook Townships, (ATB-531-2.40/2.90) and to solicit comments regarding the social, economic, right of way, and environmental impacts. The general public was notified of the meeting by local newspapers, *The Ashtabula Star Beacon and Jefferson Gazette* resulting from a news release by the ODOT District 4 Office of Public Information on May 27, 2011. Public officials, residents, property owners, and interested citizens were invited to attend the meeting by ODOT District 4 correspondence, dated May 20, 2011.

Construction plans and mapping showing the proposed improvements and detailed environmental studies completed to date were displayed for viewing. Representatives from ODOT District 4 and KCI Associates, the design consultant for the project, were available to discuss the proposed improvements and to address any questions.

Handouts were distributed which included an overview of the project, environmental considerations, maintenance of traffic, right-of-way acquisition, preliminary schedule and projected costs, and a comment sheet on which attendees could provide written comments. In addition to representatives from ODOT and KCI Associates, approximately fifty-four (54) persons attended the meeting including representatives from the ODNR Office of Coastal Management.

During the open house meeting and the public comment period that concluded on June 24, 2011, 8 written comments were received regarding the project. See Appendix E for June 2, 2011 public meeting handout, notification letter, news release, mailing list, comments and public meeting summary/response to comments.

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SECTION H – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

	Documentation	
	Y	N
Environmental Site Assessment Screening / Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phase I Environmental Site Assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Phase II Environmental Site Assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design for Remediation	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: An Environmental Site Assessment (ESA) Screening, dated February 2010, was completed by KCI for the proposed project. The ESA Screening identified no apparent or specific environmental conditions or concerns within the project limits. ODOT-OES reviewed the ESA Screening and concurred with the consultant that no further ESA or special material management is warranted for the project. See ODOT-OES Interoffice Communication dated March 8, 2010, regarding the ESA Screening for the project in Appendix C.

SECTION I – PERMITS CHECKLIST

	Required	Not Required	Complete	
			Y	N
OES Permit Determination (PD) (7/12/11)			<input checked="" type="checkbox"/>	<input type="checkbox"/>
ODNR Shore Structure Permit/Submerged Land Lease	X			
Army Corps of Engineers (404/Section 10 Permit)				
Individual (IP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Nationwide (NWP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Pre-Construction Notification (PCN)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
OEPA				
Level 1 Review – General Isolated Wetland Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Level 2 Review – Individual Isolated Wetland Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Level 3 Review – Individual Isolated Wetland Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
401 Water Quality Certification (WQC)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
NPDES Construction Storm Water Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
US Coast Guard Section 9 Bridge Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Wetland and/or Stream Mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Flood Plain Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

Remarks: All projects involving jurisdictional waters of the United States and/or isolated wetlands are subject to regulation under Sections 404 and 401 of the Clean Water Act, and possibly Ohio EPA Isolated Wetland law. ODOT OES-WPU has determined that a USACE Individual Permit, USACE Section 10 permit, and Ohio EPA Individual water quality certification is required based upon the anticipated impacts to wetland(s) and placing fill below the ordinary high water mark of Lake Erie. See ODOT Permit determination IOC, dated 7/12/11, in Appendix C.

The Section 404/401 waterway permits for this project have not yet been authorized by the U.S. Army Corps of Engineers and/or Ohio EPA. The contractor shall not perform any work in and/or place fill in any wetlands or Lake Erie until the final Section 404/401 waterway permits are authorized for the project by U.S. Army Corps of Engineers and/or Ohio EPA. Upon verification, the waterway permit(s) shall be incorporated into the project construction plan as special provisions and the contractor shall adhere to all waterway permit terms and conditions throughout project construction.

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SECTION I - PERMITS CONTINUED

The project area is located along the Lake Erie shoreline within the limits of the Ohio Department of Natural Resources (ODNR) Coastal Management Area (watershed HUC 04110003-040-050). To ensure consistency with the applicable policies of the Ohio Coastal Management Program, the proposed project will require a review under Ohio's State Consistency authority Ohio Revised Code (O.R.C. §1506.03) and Federal Consistency authority (16 USC §1456). Other statutory sections related to the use and occupation of the Coastal Management Area (Territory) include ORC §1506.40 which states, "No person shall construct a beach, groin, or other structure to control erosion, wave action, or inundation along or near the Ohio shoreline of Lake Erie, including related islands, bays, and inlets, without first obtaining a shore structure permit from the director of natural resources." Coordination with the Ohio Department of Natural Resources (ODNR) Coastal Management Office has been ongoing throughout project design. ODOT will continue to coordinate with ODNR-OCM to obtain the Shore Structure Permit and a Submerged Land Lease prior to the start of construction and incorporate the requirements into the project construction plans as special provisions. The contractor shall not perform any work in and/or place fill in Lake Erie until ODNR verifies that the proposed project is consistent with the applicable policies of the Ohio Coastal Management Program.

Coordination with the US Coast Guard has been ongoing throughout project planning and design. A US Coast Guard Section 9 Bridge Permit based on the scope of the project.

The project will disturb greater than 1 acre of earthen area. Therefore, a National Pollutant Discharge Elimination System (NPDES) construction storm water permit from the Ohio Environmental Protection Agency (Ohio EPA) is required and shall be obtained for the project, as appropriate, prior to construction.

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SECTION J – ENVIRONMENTAL COMMITMENTS MADE & RESOURCES TO BE AVOIDED

The contractor will advise the Project Engineer a minimum of fourteen (14) days prior to the start of construction activities. The contractor must also provide notification fourteen (14) days prior to any road closures and detours. The Project Engineer will forward the information to the District Public Information Officer for use to notify emergency services and the public a minimum fourteen (14) days prior to the start of construction, road closures and detours.

The project will disturb greater than 1 acre of earthen area, therefore, a National Pollutant Discharge Elimination System (NPDES) construction storm water permit is required and shall be obtained from the Ohio Environmental Protection Agency (Ohio EPA) prior to construction activities as appropriate.

The project is located within the regulated 100 year flood zone along the Lake Erie shoreline. Accordingly, coordination with the Ashtabula County Local Floodplain Administrator will be required prior to construction of the project.

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SECTION K – CONCURRENCE

It is hereby determined that the subject project meets the criteria for CE in accordance with the *Programmatic Categorical Exclusion Agreement* between ODOT and FHWA. This action does not: induce significant impacts to planned growth or land use for the area; require relocation of significant numbers of people; have significant impact on any natural, cultural, recreational, historic, or other resource; involve significant air, noise, or water quality impacts; have significant impacts on travel patterns; or otherwise, either individually or cumulatively, have any significant impacts and do not require the preparation of an Environmental Assessment or an Environmental Impact Statement.

As supported by information contained in this Categorical Exclusion Document, this project qualifies for a CE Level 2, Item Number 16, in accordance with the *Programmatic Categorical Exclusion Agreement* between FHWA, ODOT and ORDC dated Sept. 13, 2010.

Charles E. Kessler, KCI Associates of Ohio

May 2, 2013

Name of Preparer and Organization

Date

Edward W. DeJoy, ODOT

May 2, 2013

James Turk

5/2/13

District Environmental Coordinator

Date

District Planning & Engineering Administrator

Date

Office of Env. Services Administrator

Date

If CE-4: Date Submitted to FHWA

Ohio Department of Transportation

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SECTION J – ENVIRONMENTAL COMMITMENTS MADE & RESOURCES TO BE AVOIDED - CONTINUED

Five (5) wetlands are located within the project study area with four (4) of these wetlands proposed to be impacted by the project. Under no circumstances shall the contractor store equipment and/or materials within wetlands areas. To protect and delineate existing wetlands areas, a quantity of construction fence and perimeter fabric fence shall be included in the construction plan. The construction fence and perimeter fabric fence is to be installed at the proposed construction limits within the right-of-way at all wetland areas, maintaining a minimum 1' buffer between the fence and the wetland boundary. The fence will be installed by the contractor prior to the start of any construction activities within these limits and adjacent area, including any necessary clearing and grubbing activities. The fence shall be maintained by the contractor throughout the duration of the project.

In-water construction will be avoided from April 15 through June 30 to allow undisturbed fish spawning along the nearshore. Work on existing revetments may transpire during this time.

To protect the Indiana bat and Kirtland's warbler, any clearing and grubbing activities involving trees and shrubs will be performed only before April 1 or after October 15 when these species would not be using such habitats.

ODOT will continue to coordinate with USFWS regarding the Kirtland's warbler prior to the start of construction and incorporate any requirements into the project construction plans.

The contractor shall take all precautions to avoid and/or limit construction and demolition debris from entering the lake. Any debris that does fall into Lake Erie shall be removed as soon as possible. The contractor shall take all precautions necessary to prevent incidental discharges of unsuitable material associated with the excavation and hauling of material from the lake. This pertains to any excavation operation such as, toe stone excavation, excavation for rock channel protection or flanking and removal of any temporary fill associated with construction operations.

The mechanical equipment used to execute the work in Lake Erie shall be operated in such a way as to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life. The equipment is to work from the shore or temporary work platform and not be operated from within the lake. Platforms shall consist of timber mats or be constructed of clean non-erodible material and shall be constructed to maintain the mechanical equipment a minimum of one (1) foot above the normal lake water elevation. Equipment track and under carriages are not to be in contact with the lake water. Operations of the buckets, grapples, and booms within the water are acceptable.

In areas of the project requiring excavation along the beach for the placement of proposed rock, any native sand, gravel, or cobble that is encountered during the excavation shall be sidecast into the littoral nearshore (shallow water) downdrift (easterly) of the work area so the material remains in the littoral system. No sand, gravel or cobble should be trapped beneath the revetment or flanking protection. Other excavated material that is not sand, gravel, or cobble, such as silt, muck, or clay, shall not be sidecast into the littoral nearshore and shall be disposed in an upland location in the same manner as normal excavated material.

With the exception of "sidecasting of littoral material" as noted above, water column and sedimentation impacts shall be kept to a minimum through the use of best management practices for soil erosion and sedimentation control. All soil erosion and sediment control measures shall be in place prior to any excavation, grading, or filling operations, placement of revetment stone, and installation of proposed drainage structures. They shall remain in place until construction is completed and the area is stabilized as accepted by the engineer. These shall comply to ODOT's standard construction drawings and Supplemental Specification 832. This requirement is intended to apply to grading and excavation activities above the existing revetment and above the normal water elevation in the area of the proposed revetment.

The contractor shall not perform any work in and/or place fill in any wetlands or Lake Erie until the final Section 404/401 waterway permits are authorized for the project by U.S. Army Corps of Engineers and/or Ohio EPA. Upon verification, the waterway permit(s) shall be incorporated into the project construction plan as special provisions and the contractor shall adhere to all waterway permit terms and conditions throughout project construction.

ODOT will continue to coordinate with ODNR-OCM to obtain the Shore Structure Permit and a Submerged Land Lease for the project prior to the start of project construction and incorporate the requirements into the project construction plans as special provisions. The contractor shall not perform any work in and/or place fill in Lake Erie until ODNR verifies that the proposed project is consistent with the applicable policies of the Ohio Coastal Management Program.

ODOT will continue to coordinate with USACE to obtain approval of the modifications to the existing stone revetments prior to the start of project construction and incorporate any requirements into the project construction plans.