



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 12  
5500 TRANSPORTATION BLVD. • GARFIELD HGTS., OH 44125 • 216-581-2100

## **Supplemental Re-Evaluation** for **D12 MNT FY2020 Tree Removal PID 109530**

**Environmental Document Level: C2**

**Approved: 9/20/2019**

**Prepared By: District 12**

**Mark Carpenter**  
**Phone: 216-584-2089**  
**E-mail: [Mark.Carpenter@dot.ohio.gov](mailto:Mark.Carpenter@dot.ohio.gov)**

*The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated June 6, 2018, and executed by FHWA and ODOT.*

# Table of Contents

Re-evaluation Level.....	3
C2.....	4
Environmental Commitments.....	7
Preparers and Approvals.....	9
Appendix.....	10



**Supplemental Re-evaluation Level C2**  
PID 109530 D12 MNT FY2020 Tree Removal  
Approved: 9/20/2019

**Re-evaluation Level**

**Explain why a re-evaluation is needed?**

The project original was approved for removing trees from 49 locations in the District. Since C2 approval, another location was added to the project.



**Supplemental Re-evaluation Level C2**  
PID 109530 D12 MNT FY2020 Tree Removal

Approved: 9/20/2019

**C2**

**PID:** 109530  
**Project Sponsor:** ODOT SPONSORING AGENCY  
**ODOT District:** 12  
**Funding Source:** Non-Federal  
**Does this project require a Federal permit or approval?** Yes  
**Private Funding:** No

**Project Description:**

General tree and brush clearing along various freeway corridors in District 12.

All work is within existing right-of-way.

No work is within a FEMA 100-year Floodplain boundary.

Review of project mapping and aerial imagery did not identify any Section 4(f) sites within the project construction limits.

Review of the LCWFcoalition.org website did not identify any Section 6(f) sites within the project construction limits. The LWCFcoalition.org Grant List for Cuyahoga and Geauga Counties are included in Project File/Section 6(f)/Project Information/LWCF Grant Listing Cuyahoga County & LWCF Grant Listing Geauga County.

No deep excavation is required, therefore the RMR Screening was completed and no further RMR investigation was required.

Tree removal and brush removal within 3-mile of Lake Erie will be performed. cutting restriction dates will be included in the plans to avoid impacts to the federally endangered Indiana bat and Northern Long-eared bat during their roosting season and to the Kirtland's warble during its migration period to and from Canada.

Tree removal will be done within 1000-feet of the State Scenic Chagrin River. Coordination with the ODNR Scenic River Coordinator was completed and no impacts to the Chagrin River are anticipated. Environmental commitments as listed below will be incorporated into the plans to avoid impacts to the Scenic Chagrin River. The Scenic River dropdown box (57) below only has one option of "No National Wild or Scenic River Within 1000-feet of the proposed Project Area". It is chosen because it is the only option, although it is not correct.

Estimated Construction Cost: \$515,000 of state funding.



**Supplemental Re-evaluation Level C2**  
PID 109530 D12 MNT FY2020 Tree Removal

Approved: 9/20/2019

The C2 Approval is based on Stage 3 plans. Plans are included in Project File/General/Project Information/Stage 3 Design.pdf.

Re-evaluation 9-20-2019: Another location of tree removal was added to the project. It is located on IR-71 and is 1.2 acres of tree removal. All tree removal is within 100-feet of the IR-71 pavement and the trees will be removed between October 1st and April 1st. Therefore the total acreage of tree removal has increased from 56.0 acres to 57.2 acres. No new endangered or threatened species will be impacted and the effect call does not change. The supplemental plan is included in Project File/General/Project Information/Stage3 Design Supplemental.pdf.

The C2 Reevaluation is approved based on the Stage 3 Supplemental Design plans and all the original environmental commitments are still valid.

**STIP Reference #**

SLI 12, SLI 32

**Select the appropriate project type:**

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section. *Examples include: Lane reduction ("road diet") changes provided traffic analysis is completed; Railroad projects that close at-grade crossings to improve safety or traffic operations.*

In accordance with 23 CFR 771.117(e), the proposed project cannot be processed as a C2 CE, if it involves -  
a. Acquisition of more than a minor amount of right-of-way b. Residential or non-residential displacements c. A Coast Guard, Individual Section 404 and/or a Section 10 permit d. A Section 106 finding of Adverse Effect e. A Section 4(f) Programmatic or Individual Evaluation f. A finding of May Affect, Likely to Adversely Affect to Threatened and Endangered Species g. Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions h. Changes in access control i. Floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths) j. Construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers k. No minor public or agency controversy on environmental grounds ( no opposition from any organized groups or agencies and no unresolved environmental coordination ) l. If an EJ Analysis Report is required, the project must be processed as a D-level CE or higher level document For certification purposes, documentation is required to illustrate no significant impacts will occur to the following environmental resources and that no unusual circumstances exist that would warrant a higher level of NEPA document. Upload all supporting documentation to the project file.

**Waterways:**

Not Present

**Endangered Species:**

Present; No finding of May Affect, Likely to Adversely Affect

**Endangered Species - Coordination**

May Affect, Not Likely to Adversely Affect

**Endangered Species - Coordination Date**

08/14/2019

**Endangered Species - Critical Habitat Present/Impacted**

Kirtland's warbler



**Supplemental Re-evaluation Level C2**  
PID 109530 D12 MNT FY2020 Tree Removal

Approved: 9/20/2019

Indiana bat

Northern long-eared bat

**Endangered Species - Other Critical Habitat Present/Impacted:** No

**100-Year Floodplain:** No Encroachment Within a Special Flood Hazard Area (SFHA)

**Section 4(f):** Not present

**Section 6(f):** Not present

**Cultural Resources:** Not Present

**Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date** 08/20/2019

**Since no Tribe was interested in this project based on their customized preferences, no further Tribal consultation was conducted.**

Projects that meet C2 criteria are not anticipated to have impacts to the following environmental resources. If resources are present, documentation is only required if there is a potential for impacts.

**Air Quality:** Studies Not Required

**Air Quality - Coordination with OES:** No

**Noise:** Studies Not Required

**Noise Coordination - OES Approval Date:** 08/20/2019

**Hazardous Materials - ESA Screening Conducted** Studies Not Required

**Farmland:** Non-Urbanized Area; No Impacts in Accordance With the Farmland MOU, 7 CFR 658, and ORC 929.05

**Scenic Rivers** No National Wild and Scenic River Within 1000 Feet of the Proposed Project Area

Projects that meet C2 criteria must be in accordance with ODOT's UP Guidance and activities conducted for Public Involvement are commensurate to the project's type and scope of work.

**Underserved Populations** Does Not Exceed UP Guidance Criteria; No UP Analysis Report Required and No UP Issues Raised During Public Involvement

**Public Involvement:** Minimum PI Requirements Met; No Minor Public or Agency Controversy on Environmental Grounds

**Environmental Commitments** Yes



## **Environmental Commitments**

### **C2**

- 1) The Project Designer shall incorporate the following note in the plans: To minimize impacts to the Kirtland's warbler during migration, trees and brush located within 3 miles of the Lake Erie shoreline will not be removed between April 22nd and June 1st and between August 15th and October 15th.
- 2) The Project Designer shall incorporate the following note to the plans: In accordance with ORC 3750.06, reportable spills must be reported to the local fire department (911); the local emergency coordinator: in Cuyahoga County (216) 698-2357; in Geauga County (440) 279-2171; in Lake County (440) 350-5368, and the Ohio Spill Line (1-800-282-9378).
- 3) The Project Designer shall incorporate the following note in the plans: THE PROJECT IS LOCATED WITHIN THE KNOWN HABITAT RANGES OF THE FEDERALLY LISTED AND PROTECTED INDIANA BAT AND NORTHERN LONG-EARED BAT. NO TREES SHALL BE REMOVED UNDER THIS PROJECT FROM APRIL 1 THROUGH SEPTEMBER 30. ALL NECESSARY TREE REMOVAL SHALL OCCUR FROM OCTOBER 1 THROUGH MARCH 31. THIS REQUIREMENT IS NECESSARY TO AVOID AND MINIMIZE IMPACTS TO THESE SPECIES AS REQUIRED BY THE ENDANGERED SPECIES ACT. FOR THE PURPOSES OF THIS NOTE, A TREE IS DEFINED AS A LIVE, DYING, OR DEAD WOODY PLANT, WITH A TRUNK THREE INCHES OR GREATER IN DIAMETER AT A HEIGHT OF 4.5 FEET ABOVE THE GROUND SURFACE, AND WITH A MINIMUM HEIGHT OF 13 FEET.
- 4) The Project Designer shall incorporate the following note in the plans: The Contractor shall develop and implement a sediment and erosion control plan before earthwork commences. The plan shall include a list of applicable BMPs, per SS 832 that will be used throughout the project, such as perimeter controls and/or seeding and mulching, and must be submitted to the Project Engineer [or applicable ODOT staff for State Funded projects] for review and acceptance. Sediment and erosion controls shall be properly installed and maintained throughout the duration of the project. Straw bales shall not be permitted as a form of sediment control. All temporary sediment and erosion controls shall be removed upon stabilization of the project area. Particular attention shall be given to any drainage ways, unprotected slopes, ditches, and streams that could convey sediment laden waters directly to the State Scenic Chagrin River.
- 5) The Project Designer shall incorporate the following note to the plans: Any and all construction debris, earthen debris, excess asphalt or concrete, wood debris from clearing, excess fill material, and trash should be disposed of at an approved upland site or land fill above FEMA 100-year flood elevations. Disposal of any such materials within 1000 feet of the State Scenic Chagrin River is prohibited.
- 6) The Project Designer shall incorporate the following note into the plans: The Contractor shall notify the Project Engineer 40 days prior to work within 1000 feet of the State Scenic Chagrin River. The Project Engineer shall notify the District Environmental Coordinator 35 days prior to work within 1000 feet of the scenic river. If coordination with ODNR has not already occurred, and the project requires notification to the Scenic River Manger prior to construction per the Scenic River MOA, the District Environmental Coordinator shall coordinate with ODNR Scenic Rivers 30 days prior to any work within 1000 feet of State Scenic Chagrin River.
- 7) The Project Designer shall incorporate the following note in the plans: The Contractor shall not discharge toxic or hazardous materials such as sealants, paint, solvents, cleaning agents, earthen materials, waste-water, fuels or debris of any kind to a scenic river, its tributaries, or drainage ways. If refueling of immobile equipment is necessary within the floodplain or near any tributary drainage ways, ditches, or stream, the contractor shall provide secondary containment with enough capacity to completely contain and collect all potential liquid wastes in the event of a spill.



**Supplemental Re-evaluation Level C2**  
PID 109530 D12 MNT FY2020 Tree Removal

Approved: 9/20/2019

8) The Project Designer shall incorporate the following note in the plans: The Contractor shall keep all idle equipment, fuels, lubricants, and any storage for/of potentially toxic or hazardous materials out of the FEMA designated special flood hazard area and not within 1000 feet of the State Scenic Chagrin River.

9) The Project designer shall incorporate the following note in the plans: If the Kirtland's warbler is encountered within the construction limits during construction operations, all construction operations will cease and the USFWS Columbus Field Office shall be notified immediately (614-416-8993). Activity shall not resume until coordination with USFWS has been concluded.



**Supplemental Re-evaluation Level C2**  
PID 109530 D12 MNT FY2020 Tree Removal  
Approved: 9/20/2019

**Preparers and Approvals**

**Form Preparer**

District 12  
Contact: Mark Carpenter  
216-584-2089  
Mark.Carpenter@dot.ohio.gov

**Approvals & Electronic Signatures**

Approved & Electronically Signed By:	Approval Date:
Mark Carpenter (TRANS ENGR 3)	9/20/2019



**Supplemental Re-evaluation Level C2**  
PID 109530 D12 MNT FY2020 Tree Removal

Approved: 9/20/2019

## **Appendix**

### **Ecological**

Coordination with ODNR - Scenic River Field Review Form.pdf

Coordination with ODNR and USFWS.pdf

### **Cultural Resources**

Records Check.pdf

### **ESA**

Regulated Materials Review Form.pdf

### **Ecological**

USFWS Comments Consult Form D12 MNT FY2020.pdf

### **Underserved Populations**

Census Mapping.pdf

### **Section 6(f)**

LWCF Grant Listing Cuyahoga County.pdf

LWCF Grant Listing Geauga County.pdf

### **Underserved Populations**

Underserved Populations Documentation Form.pdf