



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 04
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Supplemental Re-Evaluation for **STA US 0062 05.10 SRTS PID 110990** **Environmental Document Level: D1**

Approved: 6/23/2022

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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 December 14, 2020, and executed by FHWA and ODOT.

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Re-evaluation Level

Explain why a re-evaluation is needed?

A site inspection performed by District 4 Environmental Section personnel on May 23, 2022, identified 0.13 acre of suitable wooded habitat (SWH) for threatened and endangered bat species within the project construction limits. Anticipated removal of the 0.13 acre of SWH will occur during the bats' active summer season and the project may result in adverse effects to the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened northern long-eared bat (*Myotis septentrionalis*). The resulting 'may affect, likely to adversely affect' determination changes the original Categorical Exclusion (CE) classification from a C2 to a D1 listed CE in accordance with 23 CFR 771.117 and the *ODOT NEPA Assignment Categorical Exclusion Guidance Prepared by the Ohio Department of Transportation, Office of Environmental Services* (January 2020).



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Project Type

Please check all of the following actions that apply (Must check at least one):

(13) Actions described in 23 CFR 771.117 (c)(26), (c)(27), and (c)(28) that do not meet the constraints listed in 23 CFR 771.117(e).

(a) Project types that exceed thresholds in Appendix A

(b) Project types that exceed thresholds in Appendix B



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General Project Information

Project, Cost Schedule and Work Limits

Project, Cost Schedule and Work Limits

| | |
|-------------------------------|--|
| Environmental Document Level: | D1 |
| PID: | 110990 |
| Project Name: | STA US 0062 05.10 SRTS |
| Project Sponsor: | Brewster, Village of |
| ODOT District: | 4 |
| Funding Source: | Federal |
| Private Funding: | No |
| Local Public Funding: | Yes |
| STIP Reference #: | 110990: 21-24 STIP/SLI Group Project. Fiscal constraint is at SLI Group level. |

The next phase of the proposed project is listed on the STIP Yes

The current cost estimate is in line with existing federal procedures for Ohio STIP Amendments and Administration Modifications Yes

Planning and Engineering: \$4,600.00

Right of Way: \$0.00

Construction: \$359,000.00

Other: \$0.00

An Interchange Modification/Justification/Operations Study (IMS/IJS/IOS) was completed No

Project Description:

The village of Brewster, in partnership with the Fairless Local School District and the Stark County Area Transportation Study (SCATS), proposes to construct approximately 2,002 feet of shared use path, in compliance with Americans with Disabilities Act (ADA) standards, from Fairless Elementary School to Fairless Middle School on a new 10-foot wide asphalt and concrete shared use path with 2-foot wide shoulders and on an existing 10-foot +/- wide concrete walk along the eastern side of U. S. Route (USR) 62 in the village of Brewster, Stark County, Ohio. This project also proposes new storm drainage culvert installations, existing curb removal, new curb/curb ramp installations, geotextile fabric installation, driveway reconstruction, existing fence removal and reconstruction, USR 62 pedestrian cross walk restriping/pavement markings applications and new pedestrian crossing/traffic sign installations within the project construction limits.



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Limits of Proposed Work:

From sidewalks on the north side of the elementary school to the existing pedestrian crossing north of the middle school

Start (SLM): 5.06
End (SLM): 5.32
Total Work Length (Miles): 0.26

Roadway Character

Route Number: US00062

Functional Classification: Minor Arterial (Rural)

Current Average Daily Traffic: 2946

Current Average Daily Traffic Year: 2021

Design Year Average Daily Traffic: N/A

Design Average Daily Traffic Year: N/A

Daily Hourly Volume: 265

Truck %: 7

Setting: Rural

Topography: Rolling

| | Existing: | Proposed: |
|----------------------|------------------|------------------|
| Design Speed (MPH): | 55 | 55 |
| Legal Speed (MPH): | 55 | 55 |
| Number of Lanes: | 2 | 2 |
| Type of Lanes: | Through | Through |
| Pavement Width (ft): | 22 | 22 |
| Shoulder Width (ft): | 3 | 3 |
| Median Width (ft): | N/A | N/A |
| Sidewalk Width (ft): | N/A | 10 |

No bridge data for PIDs associated with this CE Form

Maintenance of Traffic During Construction

A roadway, bridge or ramp closure is required No

A temporary bridge or roadway is proposed No

A detour is required for the proposed project No

The proposed MOT substantially impacts sensitive environmental resources No



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Substantial controversy is associated with the proposed MOT No

Coordination has been initiated and/or completed with local emergency services, schools, public institutions/facilities, etc. No

Remarks:

Short duration daytime closure of a single lane on USR 62 may occur using flaggers for project tree removal and access and drive reconstruction. Project construction is scheduled to be completed during the Fairless Local School District summer break period. Lane closures are to be coordinated with the Fairless Local School District. Access shall be maintained to the Fairless Local school buildings and all adjacent properties for the duration of the project. Construction information will be posted within the project limits prior to the start of project construction. Substantial traffic disruptions are not expected to construct the project.

Based on the project scope of work, its Path 2 Project Development Process (PDP) Classification and the proposed maintenance of traffic measures, emergency/public services contact activities were not conducted for the project.

Are there any Environmental Commitments? No

Right of Way and Utility Involvement

The project requires Permanent Right-of-Way Yes

The project requires Permanent Easement(s) Yes

The project requires Temporary Right-of-Way Yes

Right of Way and Utility Involvement

Number of parcels impacted by Permanent Right-of-Way: 4

Number of parcels impacted by Temporary Right-of-Way: 4

Approximate acreage of Permanent Right-of-Way needed: 0.801

Approximate acreage of Temporary Right-of-Way needed: 0.639

Electrical lines, gas lines, water lines, sewer lines, phone lines or other utilities exist in the project area Yes

Large scale transmission facilities are located within the project area No

Private utility easements are located within the project area Yes

The existing private utility easement will be impacted by the project Yes

Coordination with identified utilities has been initiated and/or completed Yes

Remarks:



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A total of 0.8013 acre of new permanent right-of-way was acquired from four (4) parcels and a total of 0.6391 acre of temporary right-of-way was acquired from four (4) parcels to construct the project. Total property takes/structure relocations are not required by the project. See the right-of-way plans for the project in the Project File/General/Project Information subsection.

Minor relocations of existing utilities (utility pole guy wire) within the project study area will be necessary to construct the project. This minor utility relocation effort will occur within the existing and new permanent rights-of-way. Utilities will not be permanently removed to construct the project. Coordination with the utility companies affected by the proposed construction activities was conducted for the project during its preliminary engineering phase and during its detailed design phase.



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Purpose & Need

Purpose & Need

Project History:

The Safe Routes to School (SRTS) program provides resources, technical assistance and project funding to encourage and enable students in grades K-8 to walk or ride their bike to school. The Village of Brewster, in Cooperation with Fairless Local Schools, received SRTS project funding in 2019 to design and construct a shared use path that will provide safe connectivity from the existing USR 62 crosswalk from the High School to the Middle School and between the Middle School and Elementary School buildings.

Purpose Statement:

The purpose of the proposed project is to improve safety and mobility for students at the Fairless Local School complex which includes the Fairless Elementary (PK-Grade 5), Middle School (Grades 6-8) and High School (Grades 9-12) buildings located east and west of USR 62 in the village of Brewster, Stark County, Ohio.

Need Element(s):

Need Elements for the project include safety and system linkage. The primary need is safe and efficient pedestrian and bicycle access keeping students separated from motor vehicle and busing traffic. Need also includes system linkage to promote student walking and bicycling to school. Currently there are no pedestrian facilities providing a safe link between the USR 62 crosswalk and the Middle School building. Moreover, no dedicated walk/path exists from Middle School building to Elementary School building. Students must cut through open parking lot areas and use the narrow shoulders of USR 62 with steep grades and ditches and higher volumes of motor vehicles that operate at high speeds. Moreover, this transportation improvement is part of a larger need for a network of trails that will eventually complete connection/system linkage between the Fairless Local Schools and more dense residential areas of downtown Brewster.

Goals and Objectives:

Summary Statement:

In summary, the purpose of the proposed project is to enhance safety for students at the Fairless Local School complex by providing ADA accessible, shared use path that will provide safe connectivity from the USR 62 crosswalk to the Middle School and between the Middle School and Elementary School buildings.

Logical Termini and Independent Utility:

Logical Termini

The logical termini for the proposed project were defined by the need to provide ADA accessible safe connectivity from the existing USR 62 cross walk to the Middle School and between the Middle School and Elementary School buildings. The southern terminus is existing sidewalk at the Elementary School building. The northern terminus is existing cross walk at USR 62 extending from the High School parking lot drive to the northern Middle School entrance/exit drive.

Independent Utility

The proposed transportation improvement does not depend on any other transportation improvement project to meet the established purpose and need. Additionally, the proposed action is independent of any other future transportation/access improvement in the area. Future improvements in the area are neither precluded nor compelled by the proposed improvement. As such, independent utility is established for this transportation/access improvement.



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Alternatives

Alternatives

Discuss No Build Alternative:

The No-Build Alternative would not construct any improvements at the Fairless Local School complex located in the village of Brewster. Consequently, it does not address existing lack of safe student and pedestrian access/connectivity from the existing USR 62 crosswalk from the High School to the Middle School and between the Middle School and Elementary School buildings. The No-Build Alternative does satisfy the Purpose & Need for the proposed project to enhance safety for students and the general public at the Fairless Local School Complex. Based on existing conditions, with no improvements being made, the No-Build Alternative was dismissed from further consideration.

Was a Feasibility Study completed?

No

Was an Alternative Evaluation Report (AER) completed?

No

Alternatives Considered

| Name | Description | Reason Dismissed | Preferred Alternative |
|-------------------|---|------------------|-----------------------|
| Build Alternative | Construct shared use path that crosses driveways at the middle school and extends south along USR 62 from the Middle School to the Elementary School. The Build Alternative uses existing sidewalks at the middle school and follows utility easement through the private property between the two schools. | Not Applicable | Yes |



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| | | | |
|----------|--|--|----|
| No Build | The No-Build Alternative would not construct any improvements at the Fairless Local School complex located in the village of Brewster. | The No-Build Alternative does not address existing lack of safe student and pedestrian access/connectivity from the existing USR 62 crosswalk from the High School to the Middle School and between the Middle School and Elementary School buildings. The No-Build Alternative does satisfy the Purpose & Need for the proposed project to enhance safety for students and the general public at the Fairless Local School Complex. Based on existing conditions, with no improvements being made, the No-Build Alternative was dismissed from further consideration. | No |
|----------|--|--|----|

Discuss Reasons Alternative Identified as Preferred was selected:

The Build Alternative was selected as the preferred alternative because it best satisfies the Purpose & Need for the project providing safety benefit for students.



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Air

Mobile Source Air Toxics (MSATs)

Sensitive Areas are located within approximately 500' of the proposed project area Yes

The proposed project is listed as a C1 in ODOT's CE Guidance and/or falls under 40 CFR 93.126 Yes

Remarks:

No air quality studies or coordination are needed for this project. The project falls under 40CFR93.126 under 'Projects that correct, improve, or eliminate hazardous locations or features'.

Particulate Matter 2.5 (PM2.5)

The proposed project is in an air quality non-attainment or maintenance area Yes

The proposed project falls under 40 CFR 93.126 Yes

Remarks:

The project is located in a PM2.5 nonattainment area, however, a PM2.5 Hotspot Analysis and/or coordination with resource agencies are not required as the project action is exempt from air quality conformity for PM2.5 per 40CFR93.126 under 'Projects that correct, improve, or eliminate hazardous locations or features'.

Carbon (CO)

The State of Ohio is in attainment for CO at this time and no coordination or analysis is required

Ozone

The proposed project is in an Ozone non-attainment or maintenance area Yes

The proposed project is listed on the TIP Yes

Remarks:

Stark County is in an ozone non-attainment area. However, because the project is in the STIP/TIP, ozone is addressed for the project. The project's design concept and scope have not changed since the Stark County Area Transportation Study (SCATS) Plan and TIP Conformity Determination per 40 CFR 93.115.

Environmental Commitments

Are there any environmental commitments? No



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Noise

Noise

Noise Sensitive Areas located within approximately 500' of the proposed project area Yes

Noise Analysis conducted No

The proposed project is a Type I project No

The proposed project is a Type II project No

Remarks:

The project does not qualify as a Type I project for noise (i.e. not adding capacity, not moving thru travel lanes equal to or greater than 50% closer to noise sensitive areas) and a noise analysis is not required for the project under 23 CFR 772.

Environmental Commitments

Are there any environmental commitments? No



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ESA

| | |
|---|------------|
| ESA | |
| Does the project require any Permanent ROW or Easement?: | Yes |
| ESA Screening Report was completed by District Staff | Yes |
| Date when It was completed | 08/07/2020 |
| Date of ESA Screening IOC from OES: | 08/17/2020 |
| Do any sites require a Phase 1 ESA, Phase 2 ESA, or plan note according to the IOC from OES? | No |

Remarks:

Based on the information in the Regulated Materials Review (RMR) Screening completed for the project, ODOT OES determined further RMR activities or special material management are not warranted for the project. Moreover, updated project information was submitted to ODOT-OES on June 3, 2022. On June 3, 2022, ODOT-OES determined further RMR evaluation is not warranted for the project based on no change in project footprint. See RMR decision and other RMR documentation for the project in the Project File/ESA/Reports and Project Information subsections.

| | |
|---|----|
| According to the IOC from OES does the project require any Environmental Commitments (plan notes and/or other coordination)? | No |
|---|----|



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Cultural Resources

Cultural Properties Present

Please describe all of the efforts made to identify Historic Properties (including lit review, field investigation, etc.):

The cultural resources literature search determined there are no known architectural resources (OHIs), archaeological site (OAIs), or listed or eligible National Register (N. R.) properties in the proposed construction area or the area of potential effects (APE). The construction of pedestrian walkways, bicycle lanes, and shared-use paths that require additional right-of-way are exempt from further cultural resource consideration by the 11/8/2017 Cultural Resource PA (Agreement 19319 and amended on July 11, 2019), if the project is not within the boundaries of any historic property or National Register district.

Is there an eligible or listed NRHP Historic Property in the Area of Potential Effects Pursuant to 36 CFR part 800? No

OES Approval/OSHPO Concurrence Date: 08/14/2020

Remarks:

In accordance with Stipulation V(C)(1) and Appendix B of the Section 106 Programmatic Agreement executed on November 8, 2017 (Agreement No. 19319), amended on July 11, 2019, ODOT Office of Environmental Services (OES) determined the project is a type of undertaking that has 'minimal potential to cause effects' to historic properties and is not a part of a larger undertaking. See the cultural resources documentation for the project in the Project File/Cultural Resources/Project Information subsection.

Updated project information was submitted to ODOT-OES by electronic mail (e-mail) on June 3, 2022. Based on the information provided, ODOT-OES determined the original Section 106 clearance remains applicable for the project. See ODOT-OES e-mail, dated June 3, 2022, in the Project File/Cultural Resources/Project Information subsection as *Project Related OES Decision - Sec 106 Reevaluation.pdf*.

What is the Section 106 effect determination in the OES Transmittal? Minimal Potential to Cause Effect Appendix B

Archaeological Resource Adverse Effect

History/Architecture Adverse Effect

Tribal Consultation

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

Environmental Commitments

Are there any Environmental Commitments? No



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Ecological

ESR

| ESR Name: | ESR Type: | Coordination Complete Date: |
|-------------|-----------|-----------------------------|
| STA-62-5.10 | Level 1 | 6/8/2022 |

Wetlands

Based on the results of the ESR(s), no wetlands were observed within the study area(s) for this Environmental Document.

Remarks:

Based on the results of the Level 1 Ecological Survey Report (ESR) prepared by ODOT District 4 Environmental Staff, no wetlands were identified within the proposed project area. See ecological resource feature information for the project in the Level 1 Ecological Survey Report and agency coordination documentation in the Project File/Ecological/Reports and Coordination subsections.

Streams & Rivers

Based on the results of the ESR(s), no streams were observed within the study area(s) for this Environmental Document.

Remarks:

Based on the results of the Level 1 Ecological Survey Report (ESR) prepared by ODOT District 4 Environmental Staff, no streams or rivers were identified within the proposed project area. See ecological resource feature information for the project in the Level 1 Ecological Survey Report and agency coordination documentation in the Project File/Ecological/Reports and Coordination subsections.

Other Surface Waters / Ditches

| ESR Name: | Ditch Id: | Total Impact Area(ac.): |
|-----------|-----------|-------------------------|
|-----------|-----------|-------------------------|



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Total impact to all ditches (ac): 0

Other Surface Waters / Other Water Bodies

| ESR Name: | Water Body Id: | Hydrologic Connection: | Type: | Designated Function: | Total Impact |
|-----------|----------------|------------------------|-------|----------------------|--------------|
|-----------|----------------|------------------------|-------|----------------------|--------------|

Remarks:

Based on the results of the Level 1 Ecological Survey Report (ESR) prepared by ODOT District 4 Environmental Staff, no potentially jurisdictional ditches or other jurisdictional water bodies were identified within the proposed project area. See ecological resource feature information for the project in the Level 1 Ecological Survey Report and agency coordination documentation in the Project File/Ecological/Reports and Coordination subsections.

Terrestrial Habitats

| ESR Name: | Vegetative Communities and Land Cover found within the project study area: | Degree of man induced ecological disturbance: | Unique, rare, or high quality: | Within Project Study Area(s) (ac.): | Alternative Impacts (ac.): |
|-------------|---|---|--------------------------------|-------------------------------------|----------------------------|
| STA-62-5.10 | Developed, Medium Intensity (DM) - Includes Areas with a Mixture of Constructed Materials and Vegetation. Impervious Surfaces Account for 50-79% of the Total Cover. These areas most commonly include single-family housing units. | High Disturbance (Dominated by Widespread Taxa Not Typical of a Particular Community) | No | 2.71 | 1.05 |
| | Developed Open Space - DS - (Mown Right-of-Way, Large-Lot Single-Family Housing Units, Parks, Golf Courses, and Vegetation Planted in Developed Settings for Recreation, Erosion control, or Aesthetic Purposes) | High Disturbance (Dominated by Widespread Taxa Not Typical of a Particular Community) | No | 0.49 | 0.13 |

Remarks:

The proposed project area is located in commercial and residential area in the Village of Brewster, Stark County, Ohio. Vegetative communities present within the project study area consist of maintained, developed and disturbed areas with mowed grass and landscaped vegetation areas and including asphalt, gravel and concrete drives, parking areas and sidewalk. No unique or high quality terrestrial habitat were



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identified within the proposed project area. See ecological resource feature information for the project in the Level 1 Ecological Survey Report and agency coordination documentation in the Project File/Ecological/Reports and Coordination subsections.

Threatened or Endangered Species / Federally Listed Species

| Species Common Name: | Species Scientific Name: | Listing Status: |
|----------------------|--------------------------|-----------------|
| Indiana Bat | <i>Myotis sodalis</i> | Endangered |

ESR Name: STA-62-5.10

Effect Determination: May Affect, Likely to Adversely Affect

Discussion Including impacts to Suitable Habitat:

The project study area was investigated for the presence of suitable wooded habitat (SWH) for Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) using the 2016 Indiana Bat and Northern Long-eared Bat Programmatic Agreement/Programmatic Biological Opinion (PA/PBO) - Technical Guidance. The proposed project is located within the Western Management Unit. Based on field reconnaissance conducted on May 23, 2022 and May 25, 2022, approximately 0.49 acre of SWH is located within the project study area limits. Based on the construction limits, the proposed project is expected to impact 0.13 acres of SWH within 100' of the edge of pavement. A review of the Ohio Department of Natural Resources (ODNR) Division of Wildlife (DOW), Natural Heritage Database (NHDB) Program, dated May 26, 2022, identified no bat capture location records within a 1-mile radius of the project study area. The project site is not located within a bat buffer. See the NHDB review information in Appendix 5 . This project meets CC2-c Based on current inspection/observed tree conditions and proximity of trees to U.S. Route 62, the project is proposing to remove trees as soon as possible.

| Species Common Name: | Species Scientific Name: | Listing Status: |
|-------------------------|-------------------------------|-----------------|
| Northern Long-eared Bat | <i>Myotis septentrionalis</i> | Threatened |

ESR Name: STA-62-5.10

Effect Determination: May Affect, Likely to Adversely Affect

Discussion Including impacts to Suitable Habitat:

The project study area was investigated for the presence of suitable wooded habitat (SWH) for Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) using the 2016 Indiana Bat and Northern Long-eared Bat Programmatic Agreement/Programmatic Biological Opinion (PA/PBO) - Technical Guidance. The proposed project is located within the Western Management Unit. Based on field reconnaissance conducted on May 23, 2022 and May 25, 2022, approximately 0.49 acre of SWH is located within the project study area limits. Based on the construction limits, the proposed project is expected to impact 0.13 acres of SWH within 100' of the edge of pavement. A review of the Ohio Department of Natural Resources (ODNR) Division of Wildlife (DOW), Natural Heritage Database (NHDB) Program, dated May 26, 2022, identified no bat capture location records within a 1-mile radius of the project study area. The project site is not located within a bat buffer. See the NHDB review information in Appendix 5 . This project meets CC2-c Based on current inspection/observed tree conditions and proximity of trees to U.S. Route 62, the project is proposing to remove trees as soon as possible.



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| Species Common Name: | Species Scientific Name: | Listing Status: |
|----------------------|---------------------------------|--------------------|
| Bald Eagle | <i>Haliaeetus leucocephalus</i> | Species of Concern |

ESR Name: STA-62-5.10

Effect Determination: No Effect

Discussion Including impacts to Suitable Habitat:

According to ODNR NHDB review, dated May 26, 2022, the project is not within 0.5 miles of a known bald eagle nest. The study area does not contain open water and trees within proximity are not suitable for the bald eagle. No nests or bald eagles were observed during the field reconnaissance conducted on May 23, 2022 and May 25, 2022. See the NHDB review information in Appendix 5 .

| Species Common Name: | Species Scientific Name: | Listing Status: |
|----------------------|----------------------------|-----------------|
| Eastern Massasauga | <i>Sistrurus catenatus</i> | Threatened |

ESR Name: STA-62-5.10

Effect Determination: No Effect

Discussion Including impacts to Suitable Habitat:

According to ODNR NHDB review, dated May 26, 2022, the project is not located within a range polygon for this species. Field reconnaissance conducted on May 23, 2022 and May 25, 2022 did not identify potentially suitable habitat for this species within proximity of the project study area. The eastern massasauga is not expected to inhabit the study area. See the NHDB review information in Appendix 5 .

Threatened or Endangered Species / State Listed Species:

No state listed species or suitable habitats are impacted by this project location.

ESR Name: STA-62-5.10

Species Common Name: Little Brown Bat

Species Scientific Name: *Myotis lucifugus*

Listing Status: Endangered

The species or its suitable habitat will be impacted by this project: Yes

Effect Determination: Yes

Discussion Including impacts to Suitable Habitat:

Based on field reconnaissance conducted on May 23, 2022 and May 25, 2022, approximately 0.49 acre of trees are located within the project study area limits. Based on the construction limits, the proposed project is expected to impact 0.13 acres of wooded habitat that consist of scattered yard trees of varying size directly next to the roadway. As the little brown bat may utilize a wide variety of trees and structures for roosting, these trees may offer some roosting habitat for this species. The roosting habitat on these trees do not appear to offer a large amount of habitat that could support a maternity colony. Based on the small number of trees, their location, and the type of roosting habitat. ODOT does not believe that this tree removal will adversely impact this species. Tree removal will occur during the roosting period. Impacts to federally listed bats will be mitigated by subtracting credits from ODOT's



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existing pooled mitigation sites. Although this is not direct mitigation for this species, this species has been recorded from the pooled sites and have indirectly benefitted from the purchase of those properties. A review of the ODNR DOW, Natural NHDB Program, dated May 26, 2022, identified no bat capture location records within a 1-mile radius of the project study area. Based on current inspection/observed tree conditions and proximity of trees to U.S. Route 62, the project is proposing to remove trees as soon as possible.

Species Common Name: Tricolored Bat

Species Scientific Name: *Perimyotis subflavus*

Listing Status: Endangered

The species or its suitable habitat will be impacted by this project: Yes

Effect Determination: Yes

Discussion Including impacts to Suitable Habitat:

Based on field reconnaissance conducted on May 23, 2022 and May 25, 2022, approximately 0.49 acre of trees are located within the project study area limits. Based on the construction limits, the proposed project is expected to impact 0.13 acres of wooded habitat which consists of scattered yard trees of varying size located directly adjacent to the roadway. Some of the trees that will be impacted are large, but they are not part of a woodlot. Most habitat descriptions for this species note that they are generally found in large trees in woodlots. This type of habitat will not be impacted. A review of the ODNR DOW, Natural NHDB Program, dated May 26, 2022, identified no bat capture location records within a 1-mile radius of the project study area. Impacts to federally listed bats will be mitigated by subtracting credits from ODOT's existing pooled mitigation sites. Although this is not direct mitigation for this species, this species has been recorded from the pooled sites and have indirectly benefitted from the purchase of those properties. Based on current inspection/observed tree conditions and proximity of trees to U.S. Route 62, the project is proposing to remove trees as soon as possible (during the summer roosting period). As only a small amount of very marginal habitat for this species will be impacted during the summer, this project is not likely to impact this species.

Species Common Name: Spotted Turtle

Species Scientific Name: *Clemmys guttata*

Listing Status: Not Provided - No impact to this species

The species or its suitable habitat will be impacted by this project: No

Effect Determination: No Impact

Species Common Name: Purple Pitcher Plant

Species Scientific Name: *Sarracenia purpurea*

Listing Status: Not Provided - No impact to this species

The species or its suitable habitat will be impacted by this project: No

Effect Determination: No Impact

Species Common Name: Northern Harrier

Species Scientific Name: *Circus hudsonius*

Listing Status: Not Provided - No impact to this species



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The species or its suitable habitat will be impacted by this project: No

Effect Determination: No Impact

Remarks:

Agency Coordination

Project Coordination:

Project locations for which no agencies are listed are considered ecologically exempt or non-notifying.

The ODNR and USFWS conditions outlined in the Ecological MOA apply to all projects that are not considered ecologically exempt. These conditions have been evaluated for the project locations listed below.

| ESR Name: | Agency: | Submitted for Coordination Date: | Coordination Complete Date: | Were project specific comments received? |
|-------------|---------|----------------------------------|-----------------------------|--|
| STA-62-5.10 | ODNR | 5/26/2022 | 06/01/2022 | Yes |
| | USFWS | 6/2/2022 | 06/06/2022 | Yes |

Additional Coordination Considerations:

Are other ecological coordination requirements applicable? No

Remarks:

The proposed Project will remove a total of 0.13 acres of SWH for the Indiana bat and Northern Long-eared bat species. All tree removal will occur during the bats' active summer season and the removal of 0.13 acres of habitat within 100 feet from edge of pavement (EOP) will result in adverse effects to these species. The U.S. Fish and Wildlife Service (Service) determined that projects consistent with the conservation measures and scope of the program analyzed in the Revised Programmatic Biological Opinion on the Ohio Department of Transportation's Federal-Aid Program and Its Effects on Federally Endangered Indiana Bat and Federally Threatened Northern Long-eared Bat (December 12, 29017) (PBO) are not likely to jeopardize the continued existence of the Indiana bat and/or Northern Long-eared bat species. ODNR provided the following project-specific comments via ODOT's EnviroNet electronic Project File Management System: The project is within the range of the long-solid (*Fusconaia maculata maculata*), a state endangered mussel. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact this species. The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species. The project is within the range of the



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northern harrier (*Circus hudsonis*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 through July 31. If this habitat will not be impacted, this project is not likely to impact this species. All ODNR comments were noted and no further response is required for the project. The Service reviewed ODOT's project request, dated May 26, 2022, which included a Level 1 Ecological Survey Report and other supporting documents made available via ODOT's EnviroNet electronic Project File Management System. Based on the information provided, the Service issued a Biological Opinion Response Letter, dated June 6, 2022, pursuant to section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). In conclusion, the Service has reviewed the effects of the proposed Project, which includes ODOT's commitment to implement the avoidance, minimization, and compensation measures as described for tiered formal Consultation Category (CC) 2-c projects in the PBO. These measures include the implementation of: Conservation Measure CM-1a, which will offset the acreage of SWH to be removed in the Western Management Unit, as follows: 0.13 acres of SWH will be removed during the bats' active summer season within 100 feet from the edge of pavement (EOP), this acreage will be replaced at a ratio of 1.5:1. Therefore, 0.195 acres of credits will be subtracted from the acreage credit available at the Roberts Bat Conservation Area. The Service also determined that projects consistent with the conservation measures and scope of the program analyzed in the PBO are not likely to jeopardize the continued existence of the Indiana bat and/or Northern Long-eared bat (NLEB). The Service anticipates tree removal associated with the proposed Project will result in incidental take of Indiana bats. As described in the Framework Incidental Take Statement of the PBO, such taking will be difficult to detect. The Service determined it is appropriate to measure the amount or extent of incidental take resulting from PBO projects using the proposed acreage of SWH removal as a surrogate for the number of individuals taken. The proposed Project will remove a total of 0.13 acres of SWH for the Indiana bat. All tree removal will occur during the bats' active summer season and all avoidance, minimization, and compensation measures will be implemented to comply with those required under CC2-c of the PBO. Based on the analysis described in the PBO, removal of 0.13 acres of habitat within 100 feet from EOP during the bats' active summer season will result in adverse effects. A total of 0.195 acre of replacement habitat will offset impacts from the Project. The Service will add the acreage of Project-related tree removal to the annual total acreage attributed to the PBO as a surrogate measure for take of the Indiana bat. This consultation will exempt ODOT from the prohibitions of section 9 of the ESA. Such exemption is effective so long as ODOT implements the reasonable and prudent measures and accompanying terms and conditions stipulated in the PBO. The Service anticipates some NLEBs will be harmed or harassed during tree removal associated with the proposed Project. However, the Project is consistent with the PBO, and incidental take for the NLEB is exempted pursuant to the 4(d) rule for this species (50 CFR §17.40(o)). Reinitiation Notice - The Biological Opinion Response Letter, dated June 6, 2022, concludes consultation for the proposed Project, which qualifies for inclusion in the PBO issued to ODOT on February 26, 2016, as revised. To maintain this inclusion, reinitiation of this project-level consultation is required where ODOT's and/or Federal Highway Administration's discretionary involvement or control over the Project has been retained (or is authorized by law) and if: the amount or extent of incidental take of Indiana bat is exceeded; new information reveals the Project may affect listed species or critical habitat in a manner or to an extent not considered in the PBO; the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the PBO; or a new species is listed or critical habitat is designated that the Project may affect. Per condition #1 above, the anticipated incidental take is exceeded if the Project: Removes trees from more than 0.13 acres of SWH for the Indiana bat, or bats are observed flying from trees during felling, as described in the first paragraph under 'Reporting Dead or Injured Bats' above. In instances where the amount or extent of incidental take is exceeded, any



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operations causing such take must cease and reinitiation of this project-level consultation must be requested immediately. The above information provided by the Service has been incorporated into the environmental document as environmental commitments and this information will be provided to the Construction Contractor and adhered to during project construction. See ecological resource feature and threatened and endangered species information for the project in the Level 1 Ecological Survey Report and agency coordination documentation in the Project File/Ecological/Reports and Coordination subsections.

Are there any environmental commitments? Yes



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Other Resources

Farmlands

Farmlands

The proposed project is located within an Urbanized Area No

The proposed project is located within a Non-Urbanized Area Yes

The proposed project involves new permanent right-of-way (ROW) Yes

The proposed project involves temporary ROW Yes

The proposed project is a type of action listed below and meets allowable ROW thresholds: Yes
Bridge replacement requiring ROW of three (3) acres or less to accommodate bridge piers, wingwalls, and/or approach work
Widening requiring linear strip ROW of 10 acres or less per linear mile
Intersection improvement requiring ROW of three (3) acres or less

Undeveloped land being used for construction purposes is protected by a conservation easement No

Undeveloped land being used for temporary ROW will be returned to equal or greater productive capability upon completion of the proposed project Yes

Based on the scope and type of work, the proposed project is in compliance with the executed Farmland Memorandum of Understanding (MOU), the FPPA, and 7 CFR 658. Completion of the Farmland Conversion Impact Rating (FCIR) Form is not warranted. No further coordination is required.

OES Concurrence Date 06/08/2022

NRCS Approval Date 01/01/1900

Land being used for the proposed project is part of an Agricultural District No

FCIR Required Completion of the Farmland Conversion Impact Form is required and coordination with USDA & NRCS is required.

Remarks:

Based upon review of appropriate mapping, the proposed project is located in a non-urbanized area. Based on the scope and type of work, the proposed project meets the terms and conditions of the Memorandum of Understanding between the Natural Resource Conservation Service and the Ohio Department of Transportation for Projects Involving Farmlands (Agreement No. 19552), executed on March 15, 2016. Any right-of-way needed to facilitate construction activities from land within the Agricultural District is not anticipated to be considered significant or require extensive mitigation. Therefore, in compliance with *Guidance for ODOT Projects Involving Farmland Developed by the Office of Environmental Services (OES)-Policy Section* (Last Updated February 2021), completion of the Farmland Conversion Impact Rating (FCIR) Form is not warranted and no further coordination is required for the project.



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Are there any environmental commitments?

No

Drinking Water

The proposed project is wholly or partially located within the USEPA designated boundaries of a Sole Source Aquifer

No

| | Present: | Impacted: |
|---|-----------------|------------------|
| The proposed project is wholly or partially located within the OEPA designated boundaries of a Source Water Protection Area | No | |

Coordination with the Local Public Water Administrator is required

No

| | Present: | Impacted: |
|-------------------------------|-----------------|------------------|
| Residential Wells are present | No | |

Remarks:

The Ohio EPA Division of Drinking and Ground Waters mapping tool was used to identify the presence of drinking water resources within the project study area. The map indicates public water system wells, intakes, drinking water source protection areas, non-transient, non-community Water Systems or transient non-community water systems and/or protective zones are not within proximity to the project study area. The project area does not lie over a Federally-designated sole source aquifer. There are no sole source aquifers present in Stark County. See Project File/Other Resources/Drinking Water/*Site Specific Resource Mapping - Drinking Water Reevaluation.pdf*. The project will not impact any drinking water resources.

Are there any environmental commitments? No



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Section 4(f)

Section 4(f) Determination

Section 4(f) properties are within and/or adjacent to the proposed project area

No

Identified Section 4(f) Properties

Remarks:

The project involves work on Fairless Local School grounds. However, the impacted area does not serve as a primary recreation facility for the community when school is not in session and the adjacent playground areas do not serve organized or substantial walk-on recreational purposes that are significant to the community. Therefore, Section 4(f) does not apply. No publicly owned parks, recreational areas, waterfowl or wildlife refuges or historic sites were identified within the proposed project study area. No further coordination is required for the project. See Section 4(f) documentation for the project in the Project File/Section 4(f) subsection.

Are there any environmental commitments? No



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Section 6(f)

Section 6(f) Determination

Section 6(f) Determination

| | Present: | Impacted: |
|------------------|-----------------|------------------|
| 6(f) Properties: | No | |

Remarks:

A review of the National Park Service (NPS) State Grant Listing of Land and Water Conservation Fund (LWCF) properties for Stark County, Ohio, was conducted to confirm the absence or presence of Section 6(f) properties within and/or adjacent to the proposed project area. No Section 6(f) properties are present within and/or adjacent to the proposed project area. No impacts are anticipated and no additional coordination is required for the project.

Are there any environmental commitments? No



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Community Impacts

Community Impacts

Will the proposed action comply with the local/regional development patterns for the area? Yes

Remarks:

The proposed transportation improvement complies with the local development patterns for the area.

Will the proposed action result in substantial negative impacts to community cohesion? No

Remarks:

Substantive negative impacts to community cohesion will not occur as a result of the project.

Will the proposed action result in indirect or cumulative impacts? No

Remarks:

The project will not result in any foreseeable secondary or cumulative impacts to land use or travel patterns established within the project study area.

Will the proposed action result in substantial impacts on health and educational facilities, public utilities, fire, police, emergency services, religious institutions, public transportation, pedestrian and bicycle facilities? No

Remarks:

The construction phase of the project will have minor, temporary, short-term impacts to emergency and public transportation services based on anticipated short-term lane restrictions required to construct the project. Project construction is scheduled to be completed during the Fairless Local School District summer break period. Lane closures will be coordinated with the Fairless Local School District.

Based on the project scope of work, its Path 2 Project Development Process (PDP) Classification and the proposed maintenance of traffic measures, emergency/public services contact activities were not conducted for the project.

The project will not result in substantial impacts on health and educational facilities, public utilities, fire, police, emergency services, religious institutions, public transportation and pedestrian/bicycle facilities.

Will the proposed action displace residents, businesses, institutions or farms? No

Remarks:

Total property takes/structure relocations are not required by the project. See the right-of-way plans for the project in the Project File/General/Project Information subsection.

Are there any Environmental Commitments? No



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Underserved Populations

Underserved Populations

Identified Underserved Populations

| Census Block Group # | % Minority | % Low Income | % Older Adults | % Limited English Proficiency (LEP) |
|----------------------|------------|--------------|----------------|-------------------------------------|
| 391517148016 | 1 | 22 | 20 | 1 |

Are Underserved Populations located within and/or adjacent to the proposed project area? Yes

Are there any relocations? No

Will there be changes to access? No

Will the proposed project result in unanticipated additional impacts to any Underserved Populations? No

Were any concerns related to impacts on Environmental Justice Populations or any other unique factors that could result in a disproportionately high and adverse effect raised during public involvement? No

Were any concerns related to impacts on Title VI Populations or any other unique factors that could result in a disparate impact raised during Public Involvement? No

Were any concerns or any other unique factors that could result in an impact to any of the other Underserved Populations (Limited English Proficiency, Older Adults, or Individuals with Disabilities) raised during Public Involvement? No

Remarks:

The proposed project will have no disproportionately high and adverse effects to minority or low-income populations or disparate impacts to a Title VI population. No concerns related to impacts on Environmental Justice or Title VI populations 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, FHWA Order 6640.23A and Title VI of the Civil Rights Act of 1964, no further analysis is required. See underserved population documentation for the project in the Project File/Underserved Populations/Project Information subsection.

Are there any Environmental Commitments? No



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Public Involvement

Public Involvement

Please provide a summary of the Public Involvement activities that have been conducted for this project. (For example press releases, letters to affected property owners and residents, meetings, special purpose meetings, newspaper articles, etc)

ODOT District 4 conducted various public involvement activities for the project, including a property owner notification letter with project right-of-way/schedule information mailed to affected property owners and project information posted on the ODOT website. Comments were requested by all of the public involvement activities conducted for the project. See the public involvement documentation for the project in the Project File/Public Involvement/Project Information subsection.

Was Public Involvement conducted in compliance with Title VI requirements? Yes

Is there any substantial environmental controversy on environmental grounds? No

Please summarize the Public Involvement responses received.

ODOT District 4 did not receive any comments as a result of the public involvement activities conducted for the project. See the public involvement documentation for the project in the Project File/Public Involvement/Project Information subsection.

Are there any Environmental Commitments? No



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Permits

Waterway Permits

Are Waterway Permits required? No

ODNR

Shore Structure Permit : No

Remarks:

Based on the absence of wetlands and waterways within the proposed project area, no waterway permits or further coordination is required.

Are there any environmental commitments? No

Storm Water Permits

NPDES Construction General Permit for Stormwater (NOI): Yes

Watershed Specific NPDES Construction General Permit for Stormwater (NOI): No

Remarks:

The proposed project will involve earth disturbance of greater than one (1) acre in order to facilitate construction activities. Therefore, a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit was obtained from the OEPA. Furthermore, a Storm Water Pollution Prevention Plan (SWPPP) will be prepared for review by ODOT and a co-permittee Notice of Intent (NOI) will be prepared and submitted to the OEPA prior to start of project construction. See the NPDES Notice of Intent (NOI) and NPDES Permit information for the project in the Project File/Permits/Stormwater subsection.

Are there any environmental commitments? No

Floodplains

The proposed project involves encroachment within a Special Flood Hazard Area (SFHA) No

Remarks:

ODOT District 4 Environmental Section personnel reviewed the FEMA FIRM for the project study area and determined the project is not located within a special flood hazard area.

Are there any environmental commitments? No

Landfills

Is a 2713 Permit required? No

Remarks:



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ODOT District 4 Environmental Section personnel reviewed regulatory information available on the Ohio Regulated Properties Search (ORPS) Database for the project study area and determined the project is not located within proximity of a known landfill area. See the RMR documentation for the project in the Project File/ESA/Reports and Project Information subsections.

Are there any environmental commitments? No



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Environmental Commitments

Ecological

1) Assigned District 4 Environmental and Construction personnel will coordinate with the project contractor prior tree removal operations to ensure compliance with the following US Fish & Wildlife Service requirements:

Reporting Dead or Injured Bats - Please note that removal of Suitable Wooded Habitat (SWH) during the active summer season for bats could result in felling trees in which individual bats or maternity colonies of female bats and their pups may be roosting. In addition, pups may not be volant when the tree clearing activity is conducted. Therefore, if workers at the Project site observe any bats flying from the trees being felled, all work should cease, and our office must be notified immediately for guidance on how best to proceed.

All workers should be instructed not to handle any live, dead or injured bats discovered at the project site. This is to ensure that both the handler and the animal are protected from exposure to injury and/or disease. Any party finding a dead, injured, or sick specimen must promptly notify the Ohio Field Office at (614) 416-8993. Reporting the discovery of dead or injured bats is required in all cases to enable the Service to determine whether the level of incidental take exempted by this PBO has been exceeded and to ensure the terms and conditions are appropriate and effective. Biological material must be preserved in the best possible condition; therefore, project personnel are responsible for ensuring that any evidence essential for determining the cause of death or injury is not unnecessarily disturbed.

Reinitiation Notice - This letter concludes consultation for the proposed Project, which qualifies for inclusion in the PBO issued to ODOT on February 26, 2016, as revised. To maintain this inclusion, reinitiation of this project-level consultation is required where ODOT's and/or Federal Highway Administration's discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. the amount or extent of incidental take of Indiana bat is exceeded;
2. new information reveals the Project may affect listed species or critical habitat in a manner or to an extent not considered in the PBO;
3. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the PBO; or
4. a new species is listed or critical habitat is designated that the Project may affect.

Per condition #1 above, the anticipated incidental take is exceeded if the Project: Removes trees from more than 0.13 acres of SWH for the Indiana bat, or bats are observed flying from trees during felling, as described in the first paragraph under "Reporting Dead or Injured Bats" above.

In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease and reinitiation of this project-level consultation must be requested immediately.



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2) Assigned District 4 Environmental and Construction personnel will coordinate with the project contractor prior tree removal operations to ensure compliance with the following US Fish & Wildlife Service requirements:

If any of the following instances occur, all tree removal operations must cease and reinitiation of this project-level consultation shall be requested immediately:

1. the amount or extent of incidental take of Indiana bat is exceeded;
2. new information reveals the Project may affect listed species or critical habitat in a manner or to an extent not considered in the PBO;
3. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the PBO; or
4. a new species is listed or critical habitat is designated that the Project may affect.

Per condition #1 above, the anticipated incidental take is exceeded if the Project removes trees from more than 0.13 acres of SWH for the Indiana bat, or bats are observed flying from trees during felling.

In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease and reinitiation of this project-level consultation must be requested immediately.



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| | |
|---|-----------------------|
| Approved & Electronically Signed By: | Approval Date: |
| Edward Deley (PROGRAM ADMIN 3) | 6/23/2022 |



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Appendix

General

County Map.pdf

Final Right of Way Plans.pdf

USGS Quadrangle Topographical Map.pdf

Purpose and Need

OES Acceptance - Purpose and Need.pdf

ESA

Project Related OES Decision - ESA.pdf

Project Related OES Decision - RMR Screening Reevaluation.pdf

Cultural Resources

Minimal Potential to Cause Effect - Appendix B

Project Related OES Decision - Sec 106 Reevaluation.pdf

Records Check.pdf

Ecological

Ecological Review Form - Ecologically Exempt Project.pdf

ODNR Comments

ODNR Scenic River MOA Conditions

Response to ODNR USFWS MOA Conditions.pdf

USFWS Comments - Formal PBO letter STA-62-5.10.pdf

USFWS Formal Bat Consultation Form - Reevaluation.pdf

USFWS and ODNR submission email - Reevaluation.pdf

USFWS/ODNR Ecological MOA Conditions

Other Resources

Site Specific Resource Mapping - Drinking Water Reevaluation.pdf

Section 4(f)

ODOT OES Determination - No 4(f).pdf

Underserved Populations

Census Mapping - Reevaluation.pdf

Census Mapping.pdf



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Underserved Populations Documentation Form.pdf

Public Involvement

Project Website Posting.pdf

Project Website Snap Shot.pdf

Property Owner Notification Letter Mailing List.pdf

Property Owner Notification Letter.pdf

Permits

FEMA FIRM.pdf