



# OHIO DEPARTMENT OF TRANSPORTATION

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

## Supplemental Re-Evaluation

for

**CUY SR 008/010 02.26/08.69 PID 113674**

**Environmental Document Level: C2**

**Approved: 2/2/2023**

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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?**

Temporary ROW is needed within the City of Bedford Cemetery to gain access to the project. The original project only required access through Cleveland Metroparks property.



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**C2**

<b>PID:</b>	113674
<b>Project Sponsor:</b>	ODOT SPONSORING AGENCY
<b>ODOT District:</b>	12
<b>Funding Source:</b>	Federal
<b>Private Funding:</b>	No
<b>Project Description:</b>	



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**Re-evaluation 1/31/2023** - The project will no longer use property from the Bedford Reservation. Access will be made through the City of Bedford Cemetery. Approximately 2.0 acres of temporary right-of-way is needed from The City of Bedford Cemetery, Access Agreement is pending. Temporary removal of pillars will be required to gain access. Re-paving of access road may be required as a condition of the Access Agreement. Final Plans uploaded to project file.

The C2 Reevaluation approval is based on Final Plans. Plans are included in Project File.

**Original Project Description 4/26/2022:**

The project involves the repair of deteriorated steel members, painting of inside of towers 4-7, and making drainage repairs to the bridge (SFN 1801325) carrying Lorain Road (SR 10) over the Rocky River Reservation located in the Cities of Cleveland and Fairview Park.

The project also involves making miscellaneous repairs to the bridge (SFN 1801244) carrying Northfield Road (SR-8) over Tinkers Creek/SR-14 located in the City of Bedford. These repairs will include drainage system repairs, sidewalk repairs, fence repairs, and expansion joint repairs. Spot painting and concrete patching will be done where needed. One pier of this bridge requires scour countermeasures and thus work below the Ordinary High Water Mark of Tinkers Creek. This work would occur within the boundaries of the Bedford Reservation, owned by Cleveland Metroparks.

Mapping that depicts project location is included in Project File/General/Project Information.

A total of approximately 1.14 acre of temporary right-of-way will also be acquired from one parcel(s) to implement the scour countermeasures under the SR-8 bridge. Total takes and/or relocations are not proposed to construct the project. See the right-of-way plan information for the project in the Project File/General/Project Information/Final Right of Way Plans.pdf.

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, FHWA 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 MSAT concerns. Consequently, this effort is exempt from analysis for MSATs.

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-OES has determined that the proposed 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.

As part of the Tribal Consultation process, the ODOT EnviroNet System notified several Tribes about the project. No comment or objection was received from any Tribe concerning this project within 30 days of the project notification date.

Based on the information contained in the RMR Form prepared for the project, further environmental site assessment or special materials management is not warranted for the project. See the RMR Form for the project in the Project File/ESA/Reports subsection.

An Ecological Survey Report, Level 1, was prepared for the project by AECOM ecological personnel. The proposed work on the SR-10 bridge will have no impacts on identified ecological resources. The proposed scour countermeasures on the SR-8 bridge will require work below the Ordinary High Water Mark of Tinkers Creek. A waterway permit from the US Army Corps of Engineers will be required for this work. The Ohio Department of Transportation will obtain all appropriate waterway permits prior to any work within the jurisdictional boundary of any waterway, including wetlands, and all applicable waterway permit conditions will be included in the plans and adhered to during construction.

The Ohio Department of Transportation has informed the public of the project through a notification letter sent to property owners and other stakeholders. No comments were received by ODOT during a 30-day comment period. All public involvement documentation can be found in the Project File/Public Involvement/Project Information subsection. No revisions to the project design have been made based on public comments. ODOT has decided to proceed with the project as currently designed.

The C2 environmental document approval and associated studies, as applicable, were approved using the Stage 1 Design Plans for the project. A copy of the Stage 1 Design plans for the project is included in the Project File/General/Project Information subsection as Stage 1 Design.pdf.

**STIP Reference #:**

113674: 21-24 STIP

**Select the appropriate project type:**

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR 771.117(e). **Examples include: Railroad projects that close or relocate at-grade crossings**



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**In accordance with 23 CFR 771.117(e), the proposed project cannot be processed as a C2 CE, if it involves -**

1. a. Acquisition of more than a minor amount of right-of-way
2. b. Residential or non-residential displacements
3. c. A Coast Guard, Individual Section 404 and/or a Section 10 permit
4. d. A Section 106 finding of *Adverse Effect*
5. e. A Section 4(f) Programmatic or Individual Evaluation
6. f. A finding of *May Affect, Likely to Adversely Affect* to Threatened and Endangered Species
7. g. Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions
8. h. Changes in access control
9. 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)
10. 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
11. k. No minor public or agency controversy on environmental grounds (no opposition from any organized groups or agencies and no unresolved environmental coordination)
12. 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.**

<b>Waterways:</b>	Present; No Coast Guard, Individual 404, and/or Section 10 Permit required
<b>Waterways Permit Type:</b>	Permit Determination and/or Permit Application Approval Pending
<b>Isolated Wetland Permit</b>	No
<b>Will any wetlands be impacted?</b>	Yes
<b>Endangered Species:</b>	Present; No finding of May Affect, Likely to Adversely Affect
<b>Endangered Species - Coordination</b>	May Affect, Not Likely to Adversely Affect
<b>Endangered Species - Coordination Date</b>	03/10/2022
<b>Endangered Species - Critical Habitat Present/Impacted</b>	
Indiana bat	
Northern long-eared bat	
<b>Endangered Species - Other Critical Habitat Present/Impacted:</b>	No



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<b>100-Year Floodplain:</b>	Encroachment Within the SFHA is a Functionally Dependent Use
<b>EO 11988/NFIP Coordination and Documentation Completed:</b>	Yes
<b>NFIP Local Floodplain Coordinator Notification Date:</b>	03/31/2022
<b>Section 4(f):</b>	Present; No Programmatic Evaluation or Individual Evaluation Required
<b>Section 4(f) Determination:</b>	
Temporary No Use Exception - 774.13(d)	
<b>Section 4(f) Determination Date - 774.13(d)</b>	04/26/2022
<b>Section 6(f):</b>	Present; No 6(f) Conversion Required
<b>Section 6(f) Determination:</b>	Temporary Non-Conforming Use
<b>Section 6(f) Determination Date:</b>	04/21/2022
<b>Cultural Resources:</b>	Present; No Finding of Adverse Effect
<b>Cultural Resources Coordination:</b>	Minimum Potential to Cause Effect Appendix B
<b>Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date</b>	04/25/2022
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.	
<b>Air Quality:</b>	Studies Not Required
<b>Air Quality - Coordination with OES:</b>	No
<b>Noise:</b>	Studies Not Required
<b>Noise Coordination - OES Approval Date:</b>	04/25/2022
<b>Hazardous Materials - ESA Screening Conducted</b>	Yes
<b>Hazardous Materials - OES Approval Date:</b>	04/20/2022
<b>Phase I ESA Warranted Based on Coordination with OES:</b>	No Further Studies Warranted
<b>Farmland:</b>	Urbanized Area; No Impacts in Accordance With the Farmland MOU and 7 CFR 658
<b>Scenic Rivers</b>	No National Wild and Scenic River Within 1000 Feet of the Proposed Project Area



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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**

Present; No UPIAR Required, Does Not Exceed UP Guidance Criteria, and No Issues Raised During Public Involvement

**Identified Underserved Populations**

Census Block Group #	% Minority	% Low Income	% Older Adults	% Limited English Proficiency (LEP)
390351323021	45	46	19	1
390351322001	61	48	18	3
390351322002	63	45	10	3
390351531071	9	16	20	0
390351236032	15	20	23	0

**Underserved Populations 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 based upon the table above, the attached mapping, and the answers to the questions above. 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.

The proposed project will have no substantial impacts to Limited English Proficiency, Older Adults, and Individuals with Disabilities Populations based upon the table above, the attached mapping, and the answers to the questions above. No concerns related to impacts on these Underserved Populations were raised as a result of public involvement activities conducted as part of the proposed project. Therefore, in accordance with the protections of the Age Rehabilitation Act of 1973, Discrimination Act of 1975, Americans with Disabilities Act of 1990, and Executive Order 13166, no further analysis is required.

Based on the above findings an UPIAR is not required.

**Public Involvement:**

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

**Environmental Commitments**

Yes



## Ecological

### Wetlands

ESR Name:	Wetland ID:	Hydrologic connection:	Wetland category:	Estimated total size (ac.):	Total estimated impact area by alternative (ac.):
CUY-008-02 .24	Wetland A	Adjacent	Category 2	0.06	0
	Wetland B	Adjacent	Category 2	0.19	0.01

Has an Approved and/or Preliminary Jurisdictional Determination been made by the USACE? No

Total impact to all wetlands (ac.): 0.01

Total acres of non-isolated wetlands impacted: 0.01

Total acres of isolated wetlands impacted: 0

In accordance with Executive Order 11990 - USDOT Order 5660.1A, this Wetland Finding has been prepared to document that wetlands have been avoided to the extent possible to minimize the long and short term adverse impacts associated with the destruction or modification of wetlands, and to document that there are no practicable alternatives to avoid construction in wetlands.

An analysis of the 'Do Nothing' alternative indicates that it is not practicable because (check all that apply):

It Would Not Correct Existing Condition and Maintenance Problems.

An analysis of improvements that avoid all wetland impacts indicates that they are not practicable because (check all that apply):

They Will Not Meet the Identified Needs of the Project.

**Include justification supporting the decisions noted above:**

Scour has occurred at CUY-008 Piers 4 and 5. The magnitude of the scour and the need for scour countermeasures that will result in impacts to wetlands and Tinkers Creek is documented in the Project File under Alternatives/Reports/Feasibility Study SR-8.pdf.

All practicable measures have been considered and incorporated into the project design to avoid, minimize, wetland impacts. The wetland impact minimization measures that will be followed for the project are documented in the environmental commitments for the project. Wetland mitigation for unavoidable impacts will be provided if required by the Clean Water Act or Ohio isolated wetland law, as regulated by the US Army Corps of Engineers and Ohio EPA regulations (33 CFR parts 325 and 332



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and 40 CFR part 230, and OAC 3745-01-54), and (ORC 6111.027). No practicable alternatives exist for the proposed construction in wetlands, and the proposed action includes all practicable measures to minimize harm to the wetlands that may result from such use.

**Remarks:**

As born out in the Feasibility Study referenced above, scour countermeasures are necessary and by their nature require work in a wetland and Tinkers Creek. All practicable measures to avoid and minimize waterway impacts have been taken.



## Environmental Commitments

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- 1) The Ohio Department of Transportation will obtain all appropriate waterway permits prior to any work within the jurisdictional boundary of any waterway, including wetlands, and all applicable waterway permit conditions will be included in the plans and adhered to during construction.
- 2) The Project Designer shall incorporate the following note into the plans: 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 FEDERALLY AND STATE LISTED BAT SPECIES AS REQUIRED BY THE ENDANGERED SPECIES ACT. FOR THE PURPOSE 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.
- 3) Tree Removal AMM 3. Ensure tree removal is limited to that specified in project plans by clearly marking clearing limits. Ensure that contractors understand clearing limits and how they are marked in the field.
- 4) The Contractor will submit the completed notification form to OEPA at least 10 days prior to demolition.
- 5) Tree Removal AMM 1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal in excess of what is required to implement the project safely.
- 6) Access to the Rocky River Reservation and Bedford Reservation shall be maintained at all times, except for the time needed to temporarily occupy the properties related to closure or access restrictions and/or work needed to facilitate construction activities.
- 7) Temporary construction fencing shall be installed along proposed construction limits prior to the start of construction activities to protect the 4(f) properties and the public.
- 8) Appropriate signage shall be installed to alert user of the Rocky River Reservation and Bedford Reservation of construction activities and temporary access restrictions and/or closures in order to direct users to secondary access points.
- 9) The staging and/or storage of construction equipment shall not take place outside proposed construction limits that are within the defined boundaries of the 4(f) properties.
- 10) The contractor shall be required to closely coordinate the construction schedule with ODOT and Cleveland Metroparks prior to the start of construction activities.
- 11) Tree Removal AMM 2(a) (OH PBO: A-1). Time of year restrictions for tree removal when bats are not likely to be present - To avoid impacts to summer roosting bats, SWH will be cleared only between 1 October and 31 March, when the species would not be present.
- 12) ODOT shall obtain Cleveland Metroparks Access Permit prior to Start of construction
- 13) The Contractor shall obtain a Cleveland Metroparks Access Permit prior to start of Construction.



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**Preparers and Approvals**

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**Approvals & Electronic Signatures**

Approved & Electronically Signed By:	Approval Date:
Mark Carpenter (TRANS ENGR 3)	2/2/2023



## Appendix

### General

Aerial Map Re-evaluation.pdf

Aerial Map.pdf

City of Bedford Cemetery Access.pdf

County Map.pdf

USGS Quadrangle Topographical Map.pdf

### Air

District Determination - No Air Quality Analysis Required.pdf

### ESA

OES Recommendations - RMR Screening NFA.pdf

Regulated Materials Review Form Updated.pdf

### Cultural Resources

Minimal Potential to Cause Effect - Appendix B

Records Check SR 008 Re-evaluation.pdf

Section 106 Scoping Request Form SR 008 Re-evaluation.pdf

### Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

### Other Resources

Census Bureau Urbanized Area Map.pdf

### Section 4(f)

OES Recreational 4(f) Determination.pdf

### Section 6(f)

LWCF Grant Listing Cuyahoga County.pdf

ODNR Approval - Temporary Non-Conforming Use.pdf

### Underserved Populations

Census Mapping.pdf

Underserved Populations Documentation Form.docx

### Public Involvement



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Press Release.pdf

Property Owner Notification Letter.pdf

Public Involvement Summary.pdf

Public Notification Mailing List.pdf

Public Notification Mailing List\_Additional Addresses.pdf

**Permits**

FEMA FIRM.pdf

Floodplain Coordination Email to City of Bedford.pdf

Floodplain Coordination Email to City of Fairview Park.pdf

Floodplain Coordination Emails to City of Cleveland.pdf