



OHIO DEPARTMENT OF TRANSPORTATION

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

Supplemental Re-Evaluation for **LAK US 020 17.21 Deck PID 114486** Environmental Document Level: C2

Approved: 7/10/2023

Prepared By: District 12

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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?

The contractor requested to notify recreational boat traffic under the bridge. The action requires an administrative re-eval to document the recreational boating coordination with ODNR on the subject project. No additional environmental impacts are anticipated, and no other environmental section needs to be updated.



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Project Information

PID: 114486

Project Sponsor: ODOT SPONSORING AGENCY

ODOT District: 12

Funding Source: Federal

Project Description:

Deck replacement of the U.S. 20 (Erie Street) bridge over the Grand River in Painesville Township. The project will repair the abutments on the east and west sides of the bridge.

Funding:

Preliminary engineering: 100% state

Construction: \$3,000,000.00 80% federal and 20% local

No Permanent and temporary right-of-way will be required from adjacent parcels.

Approximately 0.06 acre of suitable wooded habitat for the federally listed Indiana bat and northern long-eared bat, and state protected tricolored bat and little brown bat is located within the project area. USFWS determined the impact 'May Affect Not Likely to Adversely Affect' these species. A plan note will be included restricting tree clearing to October 1 through March 31 in case tree clearing must occur. All wetlands will be avoided. A plan note will be included stating the Contractor is not authorized to place any fill or work within any wetland or below the Ordinary High Water Mark of the Grand River. All files related to ecological resources can be found in the project file under Ecological.

No Section 4(f) properties are located within or adjacent to the project.

The project is located within a regulated floodplain. Coordination with local floodplain coordinator was completed in 8/30/22. No plan notes are required for Floodplain.

Review of the LWCF Grant Listing for Lake County did not identify any Section 6(f) sites in the project area. See project file.

No underserved population impacts will result from this project.

A press release was sent on August 11, 2021. One comments was received. No revisions or additions to project have been made based on public input. Public Involvement will continue through until September 11, 2022 and ODOT will respond to all comments. Responses will be uploaded to EnviroNet.

The environmental document and associated studies are being approved using Stage 3 Design. A copy of the plans is included in the project file.

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

Ellis STIP Details

Phase	Current STIP Reference
ENV	On Previous STIP
CO	On Previous STIP
DD	On Previous STIP

The next phase of project development is outside of the current STIP/TIP or not federally funded: Yes



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

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**

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 ROW (exceeds strip takes)
2. **b.** Residential or non-residential displacements
3. **c.** A U.S. Coast Guard permit or an Individual Section 404 permit under the Clean Water Act
4. **d.** A Section 106 finding of *Adverse Effect*
5. **e.** Section 4(f) impacts greater than de minimis
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.** A full Environmental Justice Analysis Report (EJAR) is required (the project must be processed as a D-level CE or higher-level document). If a memo-to-file/letter/IOC-format EJAR Short Report is determined to be the appropriate level of documentation, contact OES regarding NEPA document level.

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.

Ecological

Waterways:	Present; No Coast Guard, Individual 404, and/or Section 10 Permit required
Waterways Permit Type:	Permit Determination and/or Permit Application Approval Pending
Isolated Wetland Permit	No
Will any wetlands be impacted?	No



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The following Federally Listed Species received an effect determination of May Affect, Not Likely to Adversely Affect:

Species Common Name	Species Scientific Name	Listing Status	Most Recent Coordination Date
Indiana Bat	<i>Myotis sodalis</i>	Endangered	06/27/2022
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened	06/27/2022
Round Hickorynut	<i>Obovaria subrotunda</i>	Proposed Threatened	06/27/2022
Snuffbox	<i>Epioblasma triquetra</i>	Endangered	06/27/2022

The following Federally Listed Species received an effect determination of No Effect:

Species Common Name	Species Scientific Name	Listing Status	Most Recent Coordination Date
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Species of Concern	06/27/2022
Eastern Massasauga	<i>Sistrurus catenatus</i>	Threatened	06/27/2022
Piping Plover	<i>Charadrius melodus</i>	Endangered	06/27/2022
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	06/27/2022

Endangered Species Remarks:

Approximately 0.06 acre of suitable wooded habitat for the federally listed Indiana bat and northern long-eared bat, and state protected tricolored bat and little brown bat is located within the project area. USFWS determined the impact 'May Affect Not Likely to Adversely Affect' these species. A plan note will be included restricting tree clearing to October 1 through March 31 in case tree clearing must occur. All wetlands will be avoided. A plan note will be included stating the Contractor is not authorized to place any fill or work within any wetland or below the Ordinary High Water Mark of the Grand River. All files related to ecological resources can be found in the project file under Ecological.

Scenic Rivers

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

Scenic Rivers Remarks

The Grand River is not designated as Scenic River in this location.

Floodplains

100-Year Floodplain:

Encroachment Within the SFHA is a Functionally Dependent Use

EO 11988 Compliance Met

Yes

NFIP Coordination and Documentation Completed

Yes

NFIP Local Floodplain Coordinator Notification Date:

08/30/2022

Floodplain Remarks

The project is located within a regulated floodplain. Coordination with local floodplain coordinator was completed in 8/30/22. No plan notes are required for Floodplain.



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Section 4(f)

Section 4(f):

Not present

Section 4(f) Remarks

No Section 4(f) properties are located within or adjacent to the project.

Section 6(f)

Section 6(f):

Not present

Cultural Resources

Cultural Resources:

Not Present

Cultural Resources Coordination - ODOT Approval/SHPO
Concurrence Date

08/19/2022

Cultural Resources Remarks

A Cultural Resources Records Check was performed by district environmental staff using the SHPO GIS online database. No Cultural Resources listed on or determined eligible for listing on the National Register of Historic Places were identified within and/or immediately adjacent to the proposed project area. The undertaking is a type which has minimal potential to cause effects to historic properties. No further coordination is required in accordance with the Section 106 Programmatic Agreement. The Record Check can be found in the Project File Under Cultural Resources/Project Information.

Environmental Resources Considered

The following environmental resources are present and have been studied for potential impacts:

Regulated Materials

Air Remarks

The project is exempt from Air Quality management.

Noise Remarks

The project does not require noise analysis.

The project involves ROW acquisition, Deep Excavation, or OEPA 513 Landfill Authorization: No

Hazardous Materials - OES Approval Date:

09/01/2022

Regulated Materials Review
Remarks:

No regulated material impacts are anticipated.

Environmental Justice

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



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Environmental Justice Populations

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

Public Involvement

Public Involvement:

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

Public Involvement Remarks

A press release was sent on August 11, 2021. One comments was received. No revisions or additions to project have been made based on public input.

Environmental Commitments

Environmental Commitments

Yes



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Environmental Commitments

C2

- 1) Asbestos inspection to be completed prior to filing project. The PM will include the asbestos plan note in the General Notes of the project plans.
- 2) The contractor must contact school districts, emergency services, Painesville Township, City of Painesville 15-days prior to start of the project about the detour.
- 3) A plan note will be included stating the Contractor is not authorized to place any fill or work within any wetland or below the Ordinary High Water Mark of the Grand River.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) Ecological studies identified swallow nests on the LAK-20-17.23. Projects performing construction activities between the dates of September 1 and April 30 do not require an inspection for migratory birds or avoidance measures. If construction activities will occur between May 1 and August 31 on this structure, inspect the structure for evidence of an active bird nest containing an egg or chick prior to starting work. Provide written confirmation of the inspection, including a statement whether an active nest was found, to the Engineer. If no nests are encountered during the inspection, or if only inactive nests that do not contain an egg or chick are encountered, proceed with construction activities. The Contractor may remove and destroy inactive nests. If an active nest containing an egg or chick is encountered, avoid impacts to the nest until all developing birds are able to independently fly from the nest.



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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)	7/10/2023



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Appendix

Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

Section 4(f)

Project Related OES Decision - Section 4(f).pdf