



# OHIO DEPARTMENT OF TRANSPORTATION

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

## Supplemental Re-Evaluation

for

### CUY IR 090 06.69 Major Rehab PID 76779

Environmental Document Level: C2

**Approved: 11/30/2023**

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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?**

A significant rain event in the summer of 2023 created severe erosion on the slopes underneath the IR-90 bridge over the Rocky River Valley within Rocky River Reservation. The erosion could cause instability for the bridge piers. It was determined to repair the slope erosion with the major rehabilitation project.

The erosion repair requires access on Rocky River Reservation property. Section 4(f) coordination with the Cleveland Metroparks was completed for the proposed impacts. Cleveland Metroparks concurred with the Measure to Minimize Harm as stated in the environmental commitments tab.

Rocky River Reservation is a Section 6(f) resource. Coordination with ODNR and NPS was completed for the erosion repair. The work within the Rocky River Reservation will be completed in a 6-month time frame, therefore, meeting Section 6(f) Temporary Non-Conforming Use. The 6-month time restriction is included in the Environmental Commitment Tab.

The merge elimination at IR90/IR-490/IR71 was originally programmed as a separate project and a Noise Analysis was approved for this section of IR-90. Since the original C2 approval, this work has been added to this project. noise barriers have been justified between West 44th Street and West 25th Street. The work will be included in the second construction project CUY-90-11.31 Major Rehab (PID 117881) scheduled for construction in 2027. Noise public involvement will be completed for design of the second project.

There will be no other new environmental impacts from the addition of the erosion repair. The original environmental commitments will be implemented.



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**C2**

**Project Information**

**PIDs:** 117881, 76779  
**Project Sponsor:** ODOT SPONSORING AGENCY  
**ODOT District:** 12  
**Funding Source:** Federal

**Project Description:**

Re-Evaluation PID 76779 : CUY-90-6.62 Major Rehab Pt 1:

A significant rain event in the summer of 2023 created severe erosion on the slopes underneath the IR-90 bridge over Rocky River Valley within Rocky River Reservation. The erosion could cause instability for the bridge piers. It was determined that the slope erosion with the major rehabilitation project.

The erosion repair requires access on Rocky River Reservation property. Section 4(f) coordination with the Cleveland Metroparks was completed. Cleveland Metroparks concurred with the Measure to Minimize Harm as stated in the environmental commitments tab.

Rocky River Reservation is a Section 6(f) resource. Coordination with ODNR and NPS was completed for the erosion repair. The work within Rocky River Reservation will be completed in a 6-month time frame, therefore, meeting Section 6(f) Temporary Non-Conforming Use. The 6-month time frame is detailed in the Environmental Commitment Tab.

There will be no other new environmental impacts from the addition of the erosion repair. The original environmental commitments will be in place.

The C2 Re-evaluation approval is based on Final Tracings. Plans are included in Project File/General/Project Information/Final Tracings.pdf.

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PID 76779 - CUY-90-6.83 Major Rehab Pt 1: The project includes replacing the existing pavement along I-90 from the Hilliard Road to the West 117<sup>th</sup> Street interchange in Rocky River, Lakewood and Cleveland in Cuyahoga County. Work will include bridge maintenance, replacing median barrier and drainage, upgrading lighting, and lowering the pavement under several structures for vertical clearance. Construction is scheduled for 2024-2026.

PID 117881 - CUY-90-10.40 Major Rehab Pt 2: Replace the existing pavement along IR-90 from the West 117th Street to the IR-71/IR-490 Interchange in Cleveland. Work will include bridge maintenance work, replacing median barrier and drainage, upgrading lighting, and lowering the pavement under several structures for vertical clearance. Construction is scheduled for 2024-2029.

All waters of the U.S. within the project limits will be avoided. Furthermore, no additional ecological resources will be impacted. The project will avoid cultural (historic) resources. OES determined the project is consistent with the policies of the Ohio Coastal Management Program per the MOU with ODNR because the project does not require a waterway permit and is not subject to authorization by the USACE. The project crosses over Rocky River Reservation, however, no impacts to the park or access to the park and park facilities are anticipated. No Section 4(f) or Section 6(f) coordination is required.

The project crosses over a FEMA Flood Zone AE. No impacts to floodplain will occur. An LD-53 notification letter was sent to the Floodplain Administrator in Rocky River and Lakewood as a courtesy that work will be completed in the vicinity of the floodplain. Any comments received will be addressed.



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The RMR Screening identified 4 properties that require a PCS plan note to address excavation, handling, and disposal of soil. 3 properties require a plan note to address excavation, handling, and disposal of soil.

ODOT created a website to keep the public informed of the project status. Additionally, ODOT issued a press release regarding proposed construction activities and maintenance of traffic on August 9, 2022. A total of 66 comments were received and the comments were prepared and provided to the public. No revisions or additions to the project have been made based on the input. The PI Summary is included in the Project Files/Public Involvement/Project Information/Response to Public Comments. ODOT has decided to proceed with the project as currently designed.

The maintenance of traffic (MOT) will follow a stage/phase/step sequence during construction. At no time will there be a full closure of I-90 or any other roadway; however, temporary ramp closures during various construction phases are proposed. Public involvement activities during NEPA included initiation of MOT discussions with public and emergency services. Details regarding the specific MOT activities are provided in the Stage 2 plans in the project file.

No new right-of-way will be required to construct the project. A copy of the plans are included in the project file. Utility relocations within the project limits include the following: existing casting adjustments within resurfacing areas, isolated gas main lowering at a facility that is too shallow and requires cement stabilization, possibility for pole relocations at ramp intersections, existing lighting to be removed and replaced within the project limits, existing underground ITS conduit to be replaced within the project limits, and new storm sewer installations and removal of an existing sewer are also anticipated. Construction of western section is scheduled to begin on March 1, 2024 and last until October 31, 2024. The eastern section is scheduled to begin March 1, 2027 and last until October 31, 2029.

The C2 Environmental Determination and associated studies are being approved using Stage 2 Design. A copy of the studies are 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	76779: 24-27 STIP
DD	On Previous STIP

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

Select the appropriate project type:

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph I of this section. **Examples include: Joint or limited use of right-of-way where the proposed use would have minimal or no adverse social (including highway safety), economic or environmental impacts; Installation of new noise walls and other new noise mitigation projects; Construction of highway safety and truck escape ramps; Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths, or facilities and trailhead parking that do not otherwise qualify for a C1 designation; Beautification or facility improvement projects (i.e. landscaping, curb and gutter installation and replacement, ADA ramps/curb ramps, installation of park benches, decorative lighting, etc.); Construction of alternative energy facilities (fuel tank farms, wind turbines, etc.)**



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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 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

**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	11/28/2022
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened	11/28/2022

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



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Species Common Name	Species Scientific Name	Listing Status	Most Recent Coordination Date
Bald Eagle	Haliaeetus leucocephalus	Species of Concern	11/28/2022
Piping Plover	Charadrius melodus	Endangered	11/28/2022
Rufa Red Knot	Calidris canutus rufa	Threatened	11/28/2022

**Endangered Species Remarks:**

Coordination with USFWS was completed and the following comments/commitments are to be addressed in the project design.

The project is located within the known habitat ranges of the federally listed and protected Indiana bat and northern long-eared bat. No trees shall be removed from April 1 through September 30. All necessary tree removal shall occur from October 1 through March 31. This requirement is necessary to avoid and minimize impacts to these species as required by the Endangered Species Act. For the purposes of this note, a tree is defined as a live, dying, or dead woody plant, with a trunk three inches or greater in diameter at a height of 4.5 feet above the ground surface, and with a minimum height of 13 feet.

If construction will occur on a bridge structure greater than 20 feet in length over water, between the dates of March 31 and October 1, in areas of the bridge structure that provide suitable habitat for roosting bats, and greater than two years have elapsed since the last inspection for bats, an individual capable of identifying bats shall inspect the structure for bats. If bats are identified within the proposed work area, the following applies and shall be added as a note in the plans: Perform work between October 31 and March 31. The Contractor may work year-round if the Contractor blocks access to portions of the bridge that could become roosting locations prior to April 1. These areas include; vertical crevices sealed at the top, 0.5-1.25" wide, and 4" deep, crevices >12" deep & not sealed, expansion joints, and spaces between concrete end walls and the bridge deck. Provide written confirmation to the Engineer including a statement indicating measures taken to block access to roosting locations. Do not perform work that would result in harm to the bats.

**Scenic Rivers**

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

**Scenic Rivers Remarks**

The project is not within 1000-feet of scenic river.

**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:**

12/06/2022

**Floodplain Remarks**

Work will be done over the Rocky River floodplain, however, there will be no impacts below the base flood elevation. The project is exempt from further floodplain coordination.



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**Section 4(f)**

**Section 4(f):**

Present; No Programmatic  
Evaluation or Individual Evaluation  
Required

**Section 4(f) Determination:**

Temporary No Use Exception - 774.13(d)

**Section 4(f) Determination Date - 774.13(d)**

11/21/2023

**Section 4(f) Remarks**

A Section 4(f)/6(f) Determination Request Form for Recreational Properties (DRF) was submitted to ODOT-OES Policy Staff on October 19, 2023. Based upon review of the DRF it was determined the proposed project can be processed as an exception to the requirement for Section 4(f) approval. In accordance with 23 CFR 774.13(d), the temporary occupancy of land and/or access will not constitute a use upon the protected recreational activities, features, or attributes associated with the Rocky River Reservation. The determination was made based on the proposed scope of work and concurrence received from the Official with Jurisdiction (OWJ) regarding the assessment of impacts that are included in the DRF.

**Section 6(f)**

**Section 6(f):**

Present; No 6(f) Conversion  
Required

**Section 6(f) Determination:**

Temporary Non-Conforming Use

**Section 6(f) Determination Date:**

11/20/2023

**Cultural Resources**

**Cultural Resources:**

Not Present

**Cultural Resources Coordination - ODOT Approval/SHPO  
Concurrence Date**

04/18/2022

**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:**

Air Quality

Noise



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**Air Quality:**

Studies Not Required

**Air Quality - Coordination with OES:**

Yes

**Air Quality - OES Approval Date:**

06/17/2022

**Air Remarks**

Quantitative MSAT coordination with OEPA, USEPA, and FHWA on 6/1/2022.  
The Determination is that the project is not of air quality concern.  
OEPA accepted MSAT on 6/14/2022. USEPA accepted on 6/14/2022. FHWA approved on 6/6/2022.

**Noise:**

Studies and Coordination  
Conducted; No Impacts

**Noise Coordination:**

Noise Analysis Completed

**Noise Remarks**

A Noise Analysis justified noise barriers for 3 NSAs between West 53rd Street and West 25th Street. Noise public involvement will be completed so that noise barriers can be included in the CUY-90-11.31 Major Rehab (PID 117881) scheduled for construction in 2027.

**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.

**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 posted on 12/2/2022. Several news reports aired on the project. in August 2022. A summary of public comments received and ODOT's response are in Project File/Public Involvement/Response to Public Comments.pdf.

Based on the public comments, no revisions to the project design were required. ODOT has decided to proceed with the project as currently designed.

Noise public involvement will be completed for the second project to be constructed in 2027.

**Environmental Commitments**

**Environmental Commitments**

Yes



## Environmental Commitments

### C2

- 1) The project is located within the known habitat ranges of the federally listed and protected Indiana bat and northern long-eared bat. No trees shall be removed from April 1 through September 30. All necessary tree removal shall occur from October 1 through March 31. This requirement is necessary to avoid and minimize impacts to these species as required by the Endangered Species Act. For the purposes of this note, a tree is defined as a live, dying, or dead woody plant, with a trunk three inches or greater in diameter at a height of 4.5 feet above the ground surface, and with a minimum height of 13 feet.
- 2) If construction will occur on a bridge structure greater than 20 feet in length over water, between the dates of March 31 and October 1, in areas of the bridge structure that provide suitable habitat for roosting bats, and greater than two years have elapsed since the last inspection for bats, an individual capable of identifying bats shall inspect the structure for bats. If bats are identified within the proposed work area, the following applies and shall be added as a note in the plans: Perform work between October 31 and March 31. The Contractor may work year-round if the Contractor blocks access to portions of the bridge that could become roosting locations prior to April 1. These areas include; vertical crevices sealed at the top, 0.5-1.25" wide, and 4" deep, crevices >12" deep & not sealed, expansion joints, and spaces between concrete end walls and the bridge deck. Provide written confirmation to the Engineer including a statement indicating measures taken to block access to roosting locations. Do not perform work that would result in harm to the bats.
- 3) ODOT will address and incorporate and comments from local floodplain coordinators.
- 4) The contractor will coordinate the project schedule with local Emergency Management Services and School District two weeks prior to the start of the project.
- 5) 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) 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) A Petroleum Contaminated Soil (PCS) plan note shall be developed to address excavation, handling, and disposal of PCS adjacent to the following four properties:  
RM-004 BP Gas Station & River Automotive 19400 Hilliard, Rocky River  
RM-005 Shell Gas Station 19300 Hilliard, Rocky River  
RM-006 Joe's Fine Deli & Restaurant 19215 Hilliard, Rocky River  
RM-046 Eagle Tires 9025 Lorain, Cleveland
- 8) A solid waste plan note shall be developed to address excavation, handling, and disposal of soil adjacent to the following three properties:  
RM-031 Supply Hut Packaging Supply Store 12201 Elmwood, Cleveland  
RM-032 Guaranteed Finishing Unlimited Plating Service 3206 & 3200 West 121St, Cleveland  
RM-062 Rock & Roll City Music Conservatory 5500 Walworth
- 9) Noise public involvement to be completed for the second project (PID 117881).
- 10) Access to Rocky River Reservation shall be maintained at all times, except for the time needed to temporarily occupy the property, which shall be less than the time needed for construction of the project
- 11) Temporary construction fencing shall be installed along proposed construction limits prior to the start of construction activities to protect the Section 4(f) property and the public



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12) The contractor shall be required to closely coordinate the construction schedule with ODOT and the Cleveland Metroparks prior to the start of construction activities

13) In accordance with Section 6(f) Temporary Non-Conforming Use, work within the Cleveland Metropark's Rocky River Reservation must be less than 6 months in length.



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**Preparers and Approvals**

**Form Preparer:**

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**Supporting Form Preparer(s):**

Mark Carpenter

**Approvals & Electronic Signatures**

<b>Approved &amp; Electronically Signed By:</b>	<b>Approval Date:</b>
Mark Carpenter (TRANS ENGR 3)	11/30/2023



## Appendix

### Underserved Populations

Census Mapping.pdf

Public Housing Map.pdf

### General

Aerial Map.pdf

Correspondence Related to Utility Coordination.pdf

County Map.pdf

USGS Quadrangle Topographical Map.pdf

### Air

Coordination with OEPA and USEPA - Quantitative MSAT.pdf

Coordination with OEPA-USEPA-FHWA - PM 2.5.pdf

FHWA Approval - PM2.5.msg

FHWA Approval - PM2.5.pdf

OEPA Acceptance - PM 2.5 2022.pdf

OEPA Acceptance - PM 2.5.pdf

OES Concurrence - PM 2.5.pdf

USEPA Acceptance - PM2.5 2022.pdf

USEPA Acceptance - PM2.5.pdf

### Noise

District Determination - No Noise Analysis Required.pdf

### ESA

OES Recommendations - Screening.pdf

### Cultural Resources

Records Check.pdf

### Ecological

ODNR Scenic River MOA Conditions

OES Coastal Zone Consistency Determination.pdf

USFWS/ODNR Ecological MOA Conditions

### Other Resources



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Census Bureau Urbanized Area Map.pdf

Water Source Protection Area Map.pdf

**Section 4(f)**

OES Recreational 4(f) Determination.pdf

OWJ Concurrence.pdf

**Section 6(f)**

ODNR Approval - Temporary Non-Conforming Use.pdf

**Public Involvement**

News Article Cleveland Scene 8-9-22.pdf

News Article Fox8News 8-9-22.pdf

News Article - WEWS News 5 Cleveland 8-9-22.pdf

News Article Chronicle Telegram 8-9-22.pdf

Press Release.pdf

Response to Public Comments.pdf

**Permits**

Coordination with Local Floodplain Administrator - Lakewood.pdf

Coordination with Local Floodplain Administrator FIRM Map.pdf

Coordination with Local Floodplain Administrator Rocky River.pdf

FEMA FIRM.pdf

**Environmental Commitments**

C2 Approval and Commitments to PM email.pdf