



OHIO DEPARTMENT OF TRANSPORTATION

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

Environmental Document

for

CUY Bennett Road Path TLCI PID 113317

Environmental Document Level: C2

Approved: 8/2/2022

Prepared By: Lindsey Jakovljevic

CT Consultants

Phone: 440-477-1503

E-mail: ljakovljevic@ctconsultants.com

District Contact: Mark Carpenter

Phone: 216-584-2089

E-mail: Mark.Carpenter@dot.ohio.gov

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2020, and executed by FHWA and ODOT.

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C2

PID:	113317
Project Sponsor:	North Royalton, City of
ODOT District:	12
Funding Source:	Federal
Private Funding:	No

Project Description:

NOACA TLCI Project: Sidewalk/Pathway improvement project on the west side of Bennett Road (CR-109) in the City of North Royalton connecting existing paths from Valley Parkway to S. Akins Road. Work will include striping, landscaping, sidewalks, curbs, curb ramps, asphalt pathway, etc. The City of North Royalton in partnership with ODOT District 12 is proposing to provide a connection from the existing 10' wide asphalt path at S. Akins Road to Valley Parkway to the south on the West side of Bennett Road.

0.03 acres of permanent and 0.01 acres of temporary right-of-way is required for this project. Utility impacts are likely.

Construction will require a maintenance of traffic (MOT).

Approximately 0.01 acres of suitable wooded habitat (SWH) for the federally protected Indiana bat and northern long-eared bat, and state protected tricolored bat and little brown bat will be impacted. SWH impacts are all within 100' ECP. The project may affect, but not likely to adversely affect endangered bat species, due to tree cutting restriction dates. All trees will be removed prior construction between October 1-March 31 to avoid impacts to summer roosting and spring/fall swarming. There is no suitable habitat for any other federally or state listed species within the project area. Coordination with USFWS was completed 06/03/2022. All practicable measures have been considered and incorporated into the project design to minimize the SWH removal as best as possible.

The project is not located in a regulated floodplain, therefore no coordination is required.

Cultural Resources was coordinated as Minimal Potential to Cause Effect - Appendix B. The undertaking involves the construction of a ten foot wide multi-use pedestrian connector in the City of North Royalton, Cuyahoga County, Ohio. North Royalton is found 13 mile south of downtown Cleveland, Ohio. The proposed connector measures about 1000 long and will extends from Atkins Road to Valley Parkway. Construction will be limited to the existing Bennett Road right-of-way. The path will extend through a residential setting. No buildings will be involved in construction and no relocations will be required. There are no inventoried (OAI or OHI) resources and no listed or eligible National Register properties found in the immediate area or in the area of potential effects (APE). Multi-use trail construction is exempt from further cultural resource consideration by the 11/8/17 Cultural Resource PA (Agreement 19319) as long as no new permanent right-of-way from a historic property will be acquired and when no contributing element of a historic property or N. R. district will be diminished by construction.

ESA, no further RMR or special material is warranted for the project prior to disposal.

Section 4(f) was approved as Section 4(f) Exception - Determination of Transportation Enhancement. In accordance with 23 CFR 774.13(g), the proposed project will preserve and/or enhance the Valley Parkway Bike Trail, and will not adversely affect the protected recreational activities, features, or attributes. The proposed project will preserve and/or enhance the Valley Parkway Bike Trail, and will not adversely affect the protected recreational activities, features, or attributes. Measures to minimize harm were approved and are included as Environmental Commitments.

Section 6(f) was approved as Section 6(f) Maintenance Determination. Access to the Section 6(f) property, Valley



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Parkway Bike Trail, will be maintained at all times during construction activities. Furthermore, the type of work is designed to enhance the property and will not change the use of land from recreational to transportation. The duration of occupancy is anticipated to be less than the time needed for construction of the overall Project and will also be less than six months. Commitment that the park property will be impacted for less than 6 months is included as an Environmental Commitment.

No other environmental, hazardous materials, or underserved population impacts will result from this project.

A news article from the City of North Royalton was published on their website on March 8, 2022. The news article provided project information, construction details, and invited the public to reach out with any comments and questions about the project. No questions or comments were received. Property Owner Notification Letters were also sent out to the adjacent home owners on February 25, 2022. No questions or comments were received. No revisions to the project design have been made based on public input. The City of North Royalton has decided to proceed with the project as currently designed.

The environmental documentation and associated studies are being approved using Stage 2 design. A copy of the Stage 2 plans are included in the Project File/General/Project Information/Stage 2 Design.pdf.

STIP Reference #:

21-24 STIP

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 (e) 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.)***

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)



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12. 1. If an EJ Analysis Report is required, the project must be processed as a D-level CE or higher level document

For certification purposes, documentation is required to illustrate no significant impacts will occur to the following environmental resources and that no unusual circumstances exist that would warrant a higher level of NEPA document. Upload all supporting documentation to the project file.

Waterways:	Not Present
Will any wetlands be impacted?	No
Endangered Species:	Present; No finding of May Affect, Likely to Adversely Affect
Endangered Species - Coordination	May Affect, Not Likely to Adversely Affect
Endangered Species - Coordination Date	06/03/2022
Endangered Species - Critical Habitat Present/Impacted	
Indiana bat	
Northern long-eared bat	
Endangered Species - Other Critical Habitat Present/Impacted:	No
100-Year Floodplain:	No Encroachment Within a Special Flood Hazard Area (SFHA)
Section 4(f):	Present; No Programmatic Evaluation or Individual Evaluation Required
Section 4(f) Determination:	
Transportation Enhancement Exception - 774.13(g)	
Section 4(f) Determination Date - 774.13(g)	07/15/2022
Section 6(f):	Present; No 6(f) Conversion Required
Section 6(f) Determination:	Maintenance
Section 6(f) Determination Date:	07/18/2022
Cultural Resources:	Present; No Finding of Adverse Effect
Cultural Resources Coordination:	Minimum Potential to Cause Effect Appendix B
Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date	05/10/2022



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.

Air Quality:	Studies Not Required
Air Quality - Coordination with OES:	No
Noise:	Studies Not Required
Noise Coordination - OES Approval Date:	07/01/2022
Hazardous Materials - ESA Screening Conducted	Yes
Hazardous Materials - OES Approval Date:	07/29/2022
Phase I ESA Warranted Based on Coordination with OES:	No Further Studies Warranted
Farmland:	Urbanized Area; No Impacts in Accordance With the Farmland MOU and 7 CFR 658
Scenic Rivers	No National Wild and Scenic River Within 1000 Feet of the Proposed Project Area

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

Underserved Populations 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)
151958	7	9	15	0

Underserved Populations Remarks

According to the ODOT's TIMS, the EJ population percentages are low in the project area. The Minority population ranges is 7 percent. The Low Income population is 9 percent. The older adult population is 15 percent and the Limited English Proficiency (LEP) is 0 percent population.

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 Underserved Populations Impact Analysis Report is not required.

The Census mapping may be found in the project file under Underserved Populations.



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Public Involvement:

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

Environmental Commitments

Yes



Environmental Commitments

C2

- 1) The Project Designer shall incorporate the following note 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) The duration of occupancy is anticipated to be less than the time needed for construction of the overall Project and will also be less than six months.
- 6) Access to Cleveland Metroparks Property shall be maintained at all times during construction activities
- 7) 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
- 8) Appropriate signage shall be installed to alert users of Cleveland Metroparks of construction activities, if in proximity to recreational facilities or features
- 9) The contractor shall closely coordinate the construction schedule with ODOT and Cleveland Metroparks prior to the start of construction activities



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Preparers and Approvals

Form Preparer:

Lindsey Jakovljevic
CT Consultants
8150 Sterling Court, Mentor OH 44060
440-477-1503
ljakovljevic@ctconsultants.com

Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Mark Carpenter (TRANS ENGR 3)	8/2/2022



Appendix

ESA

OES Recommendations - Screening.pdf

Regulated Materials Review Form.pdf

Cultural Resources

Minimal Potential to Cause Effect - Appendix B

Records Check.pdf

Section 106 Scoping Request Form.pdf

Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

Section 4(f)

OES Recreational 4(f) Determination.pdf

Section 6(f)

OES Approval - Maintenance.pdf

Underserved Populations

Census Mapping.pdf

Public Involvement

Property Owner Notification Letter.pdf