



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 04  
2088 SOUTH ARLINGTON RD. • AKRON, OH 44306 • 330-786-3100

## **Environmental Document**

for

### **SUM TR 0236 00.01 (Benner Rd) PID 112085**

**Environmental Document Level: C2**

**Approved: 6/24/2021**

**Prepared By: Robert Lang**

ODOT DISTRICT 4

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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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## C2

<b>PID:</b>	112085
<b>Project Sponsor:</b>	New Franklin, City of
<b>ODOT District:</b>	4
<b>Funding Source:</b>	Federal
<b>Private Funding:</b>	No

### Project Description:

The city of New Franklin proposes to replace the deficient bridge that carries Benner Road (Township Road 236) over Nimisila Creek in the city of New Franklin, Summit County. The bridge is currently closed to traffic due its existing deteriorated condition. The existing 43-foot long, 24-foot wide single-span steel beam bridge with asphalt-filled corrugated metal deck on capped pile abutments will be replaced on the same alignment with a new 53-foot long, 24-foot wide single-span composite prestressed concrete box beam bridge with semi-integral reinforced concrete abutments on pile foundations. Other improvements include approach pavement work, guardrail replacement and rock channel protection placement.

Mapping that depicts the project location on United States Geological Survey (USGS) 7.5-Minute Topographic Quadrangle Mapping is included in Project File/General/Project Information as USGS Quadrangle Topographical Map.pdf.

Traffic is currently detoured around the bridge since it is closed to traffic and will remain closed to traffic until construction is complete. Substantial traffic disruptions are not expected during project construction.

The project will be constructed within the existing roadway right-of-way.

Existing utilities within the project study area will not be impacted/relocated 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 with the bridge currently closed to traffic, emergency/public services contact activities were not conducted for the project.

A Cultural Resources Records Check was performed by ODOT District 4 Environmental Section personnel 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 that has minimal potential to cause effects to historic properties. No further coordination is required in accordance with the Section 106 Programmatic Agreement. The Records Check can be found in the Project File under Cultural Resources/Project Information. In accordance with Stipulation V(C)(1) and Appendix A of the Section 106 Programmatic Agreement executed on November 8, 2017 (Agreement No. 19319), amended on July 11, 2019, ODOT 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 and the Cultural Resources Tab.

Based on the information in the Regulated Materials Review (RMR) Form completed for the project, further RMR activities or special materials management are not warranted for the project. See the RMR documentation for the project in the Project File/ESA/Reports subsection.

The project proposes to permanently impact a total of 30 linear feet of Nimisila Creek and permanently impact 0.012 acre of Wetland 1, a Category 3 wetlands. Nimisila Creek is a Group 1 mussel stream. A mussel reconnaissance survey was not performed for the project due to the field survey effort occurring outside of the



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approved season as listed in the 2020 Ohio Mussel Survey Protocol. A mussel reconnaissance survey will be completed for the project prior to project construction. If mussels are found during the mussel reconnaissance survey, then a mussel survey/relocation of found mussels will be completed for the project prior to project construction activities in Nimisila Creek. The suitable habitat for the State-listed Threatened Spotted turtle (*Clemmys guttata*) will be impacted by this project. However, given the mobility of the species, the relatively minor impacts to the suitable habitat versus suitable habitat available, and the suitable habitat outside of the construction limits appears to be of substantively higher quality, it is unlikely an individual specimen would be found within the project construction limits. See the ecological documentation and threatened/endangered species documentation for the project in the Project File/Ecological/Reports subsection.

ODOT District 4 Environmental Section personnel reviewed the FEMA FIRM for the project study area and determined the project is located within a special flood hazard area (SFHA) Zone AE. The city of New Franklin will obtain the floodplain permit for the project prior to project construction. See the floodplains documentation for the project in the Project File/Permits/Floodplains subsection.

The project will not impact any other environmentally sensitive resources within the project study area. The city of New Franklin conducted various public involvement activities for the project, including a news release and New Franklin website posting. The project was also discussed during multiple city council meetings. Various local media outlets published articles about the bridge closure and project on their respective websites. New Franklin 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.

The environmental document and associated studies, as applicable, were approved using the Stage 3 Design plans for the project. A copy of the Stage 3 Design plans for the project is included in the Project File/General/Project Information subsection as Stage 3 Design.pdf.

The estimated total project cost specified in Ellis agrees with the total project cost specified in the ODOT State Fiscal Years 2021 - 2024 Statewide Transportation Improvement Program (STIP).

**STIP Reference #:**

112085: 21-24 STIP/SLI Group  
Project. Fiscal constraint is at SLI  
Group level.

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



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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>	No Impacts to Protected Species and Critical Habitat
<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>	06/23/2021
<b>Section 4(f):</b>	Not present
<b>Section 6(f):</b>	Not present
<b>Cultural Resources:</b>	Present; No Finding of Adverse Effect
<b>Cultural Resources Coordination:</b>	Minimum Potential to Cause Effect Appendix A
<b>Cultural Resources Coordination - ODOT Approval/SHPO Concurrent Date</b>	05/11/2021
<b>Since no Tribe was interested in this project based on their customized preferences, no further Tribal consultation was conducted.</b>	
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>	
<b>Hazardous Materials - ESA Screening Conducted</b>	Studies Not Required
<b>Farmland:</b>	Non-Urbanized Area; No Impacts in Accordance With the Farmland MOU, 7 CFR 658, and ORC 929.05
<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**

Does Not Exceed UP Guidance  
Criteria; No UP Analysis Report  
Required and No UP Issues Raised  
During Public Involvement

**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.):
SUM-236-0.01 (Benner Rd)	Wetland 1	Adjacent	Category 3	364	0.012

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

Total impact to all wetlands (ac.): 0.012

Total acres of non-isolated wetlands impacted: 0.012

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 Substantially Increase Project Costs.

They Will Result in Unique Engineering, Traffic, Maintenance, or Safety Problems.

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

Wetlands are located immediately adjacent to the existing fore slope of the bridge and the abutments. Avoidance of wetland impacts would involve construction of retaining walls and other cost prohibitive engineering measures.

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, ;



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regulated by the US Army Corps of Engineers and Ohio EPA regulations (33 CFR parts 325 and 332 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:

The bridge is currently closed to traffic due its condition.



## Environmental Commitments

### C2

- 1) A mussel reconnaissance survey in Nimisila Creek will be performed prior to construction. If mussels are found in the mussel reconnaissance survey, then a State permitted malacologist must complete a mussel salvage and relocation in accordance with the most recent version of the Ohio Mussel Survey Protocol prior to the initiation of construction activities below the ordinary high water mark of Nimisila Creek. The permitted malacologist will submit the salvage and relocation work plan to ODNR for review and approval prior to any survey work. The results of the mussel survey and/or salvage work must be provided to the ODOT District 4 Environmental Coordinator for coordination with ODNR. The contractor cannot perform any work below the ordinary high water mark of Nimisila Creek until the mussel salvage and relocation work has been completed and approval has been received from ODNR.
- 2) The project is located within a FEMA flood zone and will be designed to comply with all applicable Local, State, and Federal floodplain protection standards. Appropriate floodplain permitting shall be obtained for the project prior to the start of project construction.
- 3) The city of New franklin will obtain all appropriate waterway permits prior to any work below the ordinary high water mark of Nimisila Creek and in Wetland 1. The waterway permits conditions shall be incorporated into the project plans as Special Provisions and the project contractor shall adhere to the waterway permits conditions at all times during project construction.



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### Preparers and Approvals

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**Supporting Form Preparer(s):** Jeffrey Cutler  
Robert Lang

### Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Edward Deley (PROGRAM ADMIN 3)	6/24/2021



## **Appendix**

### **General**

Aerial Map.pdf

USGS Quadrangle Topographical Map.pdf

### **Ecological**

ODNR Comments

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

### **Underserved Populations**

Underserved Populations Documentation Form.pdf

### **Public Involvement**

News Article\_Akron Beacon Journal.pdf

News Article\_Akron.com.pdf

News Article\_The Suburbanite.pdf

Press Release.pdf

Website Posting.pdf