



OHIO DEPARTMENT OF TRANSPORTATION

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

Environmental Document for **D12 CU FY2024 PID 112947** Environmental Document Level: C2

Approved: 3/31/2023

Prepared By: Angela Tribuzi

Environmental Design Group

Phone: 330-375-1390

E-mail: atribuzi@envdesigngroup.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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PID: 112947
Project Sponsor: ODOT SPONSORING AGENCY
ODOT District: 12
Funding Source: Federal

Project Description:

In this project ODOT plans to rehabilitate 2 deficient culverts in Cuyahoga County (CUY-77-7.84 and CUY-18271-0.13), replace 1 deficient culvert in Cuyahoga County (CUY-90-29.92)), rehabilitate and extend two culverts in Geauga County (GEA-322-13.88 and GEA-44-4.52), and remove one culvert in Lake County (LAK-84-14.25). The project may be split into multiple construction projects.

Construction will not require a maintenance of traffic (MOT) detour. Traffic will be maintained using lane shifts and/or temporary signals.

0.18 acres of permanent right-of-way and 2.35 acres of temporary right-of-way is required for this project. Utility impacts are likely.

Wetland/Stream Impacts:

CUY-90-29.92 Stream 3 45' Total (45' Temporary), Wetland 4 0.032 Ac. Total (0.007 Ac. Permanent, 0.025 Ac. Temporary), Wetland 5 0.234 Ac. Total (0.234 Ac. Temporary)

CUY-18271-0.13 Stream 1 24' Total (24' Temporary)

GEA-322-13.88 Stream 2 - 174' Total (13' Permanent, 161' Temporary), Wetland 2 0.119 Ac. Total (0.119 Ac. Temporary), Wetland 3 0.005 Ac. Total (0.005 Ac. Temporary), Ditch 2 0.024 Ac. Total (0.001 Ac. Permanent, 0.023 Ac. Temporary)

GEA-44-4.52 Wetland 1 0.005 Ac. Total (0.002 Ac. Permanent, 0.003 Ac. Temporary), Ditch 1 0.027 Ac. Total (0.025 Ac. Permanent, 0.002 Ac. Temporary)

In Total: Streams 243' (13' Permanent, 230' Temporary), Wetland 0.395 Ac. (0.009 Ac. Permanent, 0.386 Ac. Temporary)

Approximately 0.50 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 will not affect these species, cutting restriction dates will occur. All trees will be removed prior to 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. ODOT has made the determination to proceed with the project as currently designed. Coordination with USFWS was completed 3/14/23. All practicable measures have been considered and incorporated into the project design to minimize the Stream, Wetland, and Ditch impacts. Permit Determination Request (PDR) is pending and any required permits will be acquired prior to construction. 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 A. A Cultural Resources Records Check was conducted and filed in EnviroNet on November 22, 2022. No National Register properties are located within the APE. None of the culverts are classified as historically significant stone culverts. No Tribal comments were received.

Culvert repair or replacement projects do not require an air quality study. The project does not require a Noise Analysis.

No other environmental, hazardous materials, 4(f), 6(f), or underserved population impacts will result from this project.

Property Owner Notification Letters were sent out to the adjacent property owners. No comments were received. The project has been designed by Environmental Design Group. The Ohio Department of Transportation has determined to proceed with the current design of the project.

The environmental documentation and associated studies are being approved using Stage 2 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 |
|--------------------|------------------------|
| PE Environmental | 112947: 21-24 STIP |
| Right of Way | 112947: 21-24 STIP |
| Construction | |
| PE Detailed Design | 112947: 21-24 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:

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section. *Examples include: Lane reduction ("road diet") changes provided traffic analysis is completed; Railroad projects that close at-grade crossings to improve safety or traffic operations.*

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.

Waterways:

Present; No Coast Guard, Individual 404, and/or Section 10 Permit required



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| | |
|--|---|
| Waterways Permit Type: | Permit Determination and/or Permit Application Approval Pending |
| Isolated Wetland Permit | No |
| Will any wetlands be impacted? | Yes |
| 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 | 03/14/2023 |
| 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): | Not present |
| Section 6(f): | Not present |
| Cultural Resources: | Present; No Finding of Adverse Effect |
| Cultural Resources Coordination: | Minimum Potential to Cause Effect Appendix A |
| Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date | 11/22/2022 |
| 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: | 03/16/2023 |
| Hazardous Materials - ESA Screening Conducted | Yes |
| Hazardous Materials - OES Approval Date: | 03/15/2023 |
| Phase I ESA Warranted Based on Coordination with OES: | No Further Studies Warranted |



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Farmland:

Non-Urbanized Area; No Impacts in Accordance With the Farmland MOU, 7 CFR 658, and ORC 929.05

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 EJ Guidance and activities conducted for Public Involvement are commensurate to the project's type and scope of work.

Environmental Justice Populations

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

Identified Environmental Justice Populations

| Census Block Group # | % Minority | % Low Income |
|----------------------|------------|--------------|
| 151809 | 8 | 7 |
| 151791 | 47 | 36 |
| 152257 | 98 | 77 |
| 154911 | 9 | 20 |
| 155008 | 12 | 9 |
| 155010 | 8 | 12 |
| 153594 | 1 | 18 |
| 153596 | 11 | 34 |
| 153622 | 6 | 8 |

Environmental Justice Remarks

Based on mapping from TIMS, the minority populations are between 1% and 98% for the US Census Block Groups located within the project area and 7% and 77% of the population is designated as low income. The proposed project will have no disproportionately high and adverse effects to minority or low-income populations or disparate impacts based upon the table above, the attached mapping, and the answers to the questions above. No concerns related to impacts on Environmental Justice 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, DOT Order 5610.2(a), and FHWA Order 6640.23A, no further analysis is required. Based on the above findings an Environmental Justice Analysis Report (EJAR) is not required. The Census mapping may be found in the project file under Environmental Justice.

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-90-29.921 (PID 112947) | Wetland 4 | Adjacent | Category 1 | 16.0 | 0.032 |
| | Wetland 5 | Adjacent | Category 1 | 1.2 | 0.234 |
| GEA-322-13.88 (PID 112947) | Wetland 2 | Adjacent | Category 1 | 15.6 | 0.119 |
| | Wetland 3 | Adjacent | Category 1 | 0.1 | 0.005 |
| GEA-44-4.532 (PID 112947) | Wetland 1 | Adjacent | Category 1 | 0.03 | 0.005 |

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

Total impact to all wetlands (ac.): 0.395

Total acres of non-isolated wetlands impacted: 0.395

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 or Projected Capacity Deficiencies.

It Would Not Correct Safety Hazards.

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

They Will Not Meet the Identified Needs of the Project.

Include justification supporting the decisions noted above:



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The Do Nothing alternative would not correct the condition of the existing culverts that need to be replaced. The Do Nothing alternative would result in the roadways being closed due to the condition of the culverts which could lead to serious impacts to the traveling public and the general welfare of the economy in the areas.

Avoidance of impacts is not possible due to streams and wetlands being located immediately adjacent to the culverts that need to be replaced. Avoidance of impacts does not meet the identified need of the project (replacing deteriorated culverts) and will result in substantial social and economic impacts resulting from the roadways being closed due to the condition of the culverts.

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 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:

Minor impacts to streams and wetlands are necessary to construct the project. These impacts will be accounted for in the CWA waterway permitting process and necessary impact minimization measures implemented during construction.



Environmental Commitments

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- 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 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 Ohio Department of Transportation will obtain all appropriate waterway permits prior to any work with 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.



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Preparers and Approvals

Form Preparer:

Angela Tribuzi
Environmental Design Group
450 Grant Street, Akron OH 44311
330-375-1390
atribuzi@envdesigngroup.com

Supporting Form Preparer(s):

Robert Sabol
Scott Cook

Approvals & Electronic Signatures

| | |
|---|-----------------------|
| Approved & Electronically Signed By: | Approval Date: |
| Mark Carpenter (TRANS ENGR 3) | 3/31/2023 |



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Appendix

General

Aerial Map.pdf

County Map.pdf

ODOT Tims Stone Culvert Mapping.pdf

USGS Quadrangle Topographical Map.pdf

Cultural Resources

Section 106 Scoping Request Form.pdf

Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

Permits

FEMA FIRM.pdf