



# OHIO DEPARTMENT OF TRANSPORTATION

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

## **Environmental Document**

for

## **LAK IR 090 05.57 Slide PID 115152**

**Environmental Document Level: C2**

**Approved: 11/30/2022**

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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>	115152
<b>Project Sponsor:</b>	ODOT SPONSORING AGENCY
<b>ODOT District:</b>	12
<b>Funding Source:</b>	Non-Federal
<b>Does this project require a Federal permit or approval?</b>	No
<b>Private Funding:</b>	No
<b>Project Description:</b>	



The Ohio Department of Transportation proposes to stabilize the roadway embankment along I-90 eastbound in Waite Hill, Lake County, Ohio. The project will involve roughly 400 feet of repair using a drilled shaft pile wall along the southern embankment of I-90. Additionally, the project will redirect the median storm sewer outfall to the north side of I-90 in order to avoid the proposed new wall. Construction is tentatively scheduled for the Summer of 2023.

No temporary or permanent right-of-way is required for this project. Two lanes of traffic will be maintained at all times during construction by shifting the eastbound traffic to the inner lane and inner shoulder.

The Level 1 ESR indicates that there are no permanent impacts to streams, wetlands, or ditches within the project area. A Bat Field Habitat Assessment Checklist was completed September 10, 2021, 0.07 acres suitable wooded habitat within 100 feet of the edge of pavement, and without roosting characteristics for federal bat species, was identified within the construction limits. No caves, or abandoned mines that provide cool, humid, stable conditions for hibernation were observed in the project area. All tree removal will occur between October 1 and March 31 to protect these species during their summer roosting period. ODOT OES approved the project as Ecologically Exempt on 11/17/22.

Project is located adjacent to the State Scenic Chagrin River. However, the project is located within an incorporated area and no coordination with ODNR Scenic Rivers is required. The District has notified ODNR that the Level 1 ESR is available for their review. The project will have no impacts to below the OHWM of the Chagrin River.

The project is located within a regulated floodplain associated with the Chagrin River. Floodplain Coordination was initiated on November 18, 2022 with the Floodplain Administrator of Waite Hill, Mr. Robert Ranallo. See the Project File\Permits\Floodplain subsection for coordination.

A Regulated Materials Review (RMR) Screening was conducted in November 2022. The project is considered exempt from further evaluation because it does not require permanent ROW. ODOT District 12 provided concurrence with no further investigations required on November 30, 2022. See the Project File\ESA\Coordination and Reports subsections for documentation.

A Section 106 Scoping Request Form was reviewed by the district on November 29, 2022 and the project was shown to have no Cultural Resources listed on or determined eligible for listing on the National Register of Historic Places 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. See the Section 106 Scoping Request Form in the Project File under Cultural Resources/Project Information.

The type of work proposed in this project does not warrant any air or noise studies. The project will not impact any other environmentally sensitive resources within the project area. See District Determination IOC in the Project File.

The adjacent property owners were notified of the project by Property Owner Notification Letters on July 14, 2021. No public comments were received on the proposed project, there no revisions to the design were made due to public comments. The PONL and Mailing List are in the Project File under Public Involvement \Project Information. ODOT is proceeding with the current design.

The environmental document and associated studies are being approved using Stage 2 Design. See the Stage 2 Design in the Project File\General\Project Information\Stage 2 Design.

**STIP Reference #:**

115152: 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)
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.**

<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>	No
<b>Endangered Species:</b>	Present; No finding of May Affect, Likely to Adversely Affect
<b>Endangered Species - Coordination</b>	May Affect, Not Likely to Adversely Affect
<b>Endangered Species - Coordination Date</b>	11/17/2022
<b>Endangered Species - Critical Habitat Present/Impacted</b>	



Indiana bat

Northern long-eared bat

**Endangered Species - Other Critical Habitat Present/Impacted:** No

**100-Year Floodplain:** Encroachment Within the SFHA is a Functionally Dependent Use

**EO 11988/NFIP Coordination and Documentation Completed:** Yes

**NFIP Local Floodplain Coordinator Notification Date:** 11/18/2022

**Section 4(f):** Not present

**Section 6(f):** Not present

**Cultural Resources:** Not Present

**Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date** 11/29/2022

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:** 11/30/2022

**Hazardous Materials - ESA Screening Conducted** Yes

**Hazardous Materials - OES Approval Date:** 11/30/2022

**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** The project is within 1000 feet of a National Wild or Scenic River, but no impacts will occur to the river or its tributaries.

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)
390852064001	3	9	34	0
390852014002	0	15	15	1

## Underserved Populations Remarks

According to the ODOT's TIMS, the EJ population percentages are low in the project area. The Minority population is 0 - 3 percent. The Low Income population is 9 - 15 percent. The older adult population is 15 - 34 percent and the Limited English Proficiency (LEP) is 0- 1 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.

## Public Involvement:

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

## Environmental Commitments

Yes



## Environmental Commitments

### C2

- 1) ODOT will obtain a FEMA floodplain permit prior to plan file.
- 2) The project is located within the known habitat ranges of the federally listed and protected Indiana bat and northern long-eared bat. The Contractor shall not remove trees under this project from April 1 through September 30. All necessary tree removal shall occur from October 1 through March 31. The Contractor shall demarcate clearing limits in the field to avoid any unauthorized tree clearing. 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.



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### Preparers and Approvals

**Form Preparer:**

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### Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Mark Carpenter (TRANS ENGR 3)	11/30/2022



## Appendix

### General

County Map.pdf

Project Study Area Map.pdf

USGS Quadrangle Topographical Map.pdf

### ESA

Regulated Materials Review Form.pdf

### Cultural Resources

Section 106 Scoping Request Form.pdf

### Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

### Underserved Populations

Underserved Populations Documentation Form for C2 Projects.pdf

### Public Involvement

Property Owner Notification Letter.docx

### Permits

FEMA FIRM.pdf