



# OHIO DEPARTMENT OF TRANSPORTATION

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

## Environmental Document

for

### CUY US 422 18.74/VAR Slide PID 115759

Environmental Document Level: C2

Approved: 5/25/2022

Prepared By: District 12

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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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Approved: 5/25/2022

## C2

**PID:** 115759  
**Project Sponsor:** ODOT SPONSORING AGENCY  
**ODOT District:** 12  
**Funding Source:** Non-Federal  
**Does this project require a Federal permit or approval?** Yes  
**Private Funding:** No  
**Project Description:**

Repair slide damage at three locations along US-422 located just west of the bridges over the abandoned B&O railroad. Locations, CUY US 422 18.74 WB, CUY US 422 18.80 WB, and CUY US 422 19.89 EB.

No permanent or temporary right-of-way is required for this project. Utility impacts are likely. Construction will not require a maintenance of traffic (MOT).

One non-jurisdictional ditch (Ditch 4) will have approximately 176 linear feet of temporary impact due to construction regarding the slope repair. One wetland (Wetland A) will have approximately 0.09 acres of permanent impacts due to construction regarding the slope repair. Approximately 0.32 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' EOP. The project is located within two USFWS bat buffer zones, Indiana Bat Swarming Location (Red) and Indiana Bat Maternity Colony (Gold). The project will not affect these species, cutting restriction dates will occur. All trees will be removed prior construction between November 15-March 15 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. The city has made the determination to proceed with the project as currently designed. Permit Determination Request (PDR) is pending. Coordination with USFWS was completed 05/19/2022. All practicable measures have been considered and incorporated into the project design to minimize the wetland impacts to Ditch 4 and Wetland A 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. No buildings will be removed by the project and no relocations will be required. The literature search determined there are no inventoried buildings (OHI), no identified archaeological sites (OAI), and no listed or eligible historic properties found in the proposed construction area. Furthermore, the US 422 roadway was previously surveyed for cultural resources with negative results. Roadway rehabilitation and slip repair projects where the work is limited to areas of steep and/or failing slope are exempt from further cultural resource consideration by the August 29, 2012 State Funded Project Letter Agreement (No. 17075), if the project is not within the boundaries of any historic property or N. R. district.

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

A press release from ODOT and a news article from News 5 Cleveland published on April 11, 2022, 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. The project has been designed by the District 12 Engineering Staff. 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 3 design. A copy of the plans is included in the project file.

**STIP Reference #:** 21-24 STIP

### 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.**

<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>	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>	05/19/2022
<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:** 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 B

**Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date** 03/15/2022

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:** 05/20/2022

**Hazardous Materials - ESA Screening Conducted** Yes

**Hazardous Materials - OES Approval Date:** 04/18/2022

**Phase I ESA Warranted Based on Coordination with OES:** No Further Studies Warranted

**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 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)
152119	20	9	14	0



152246	17	13	35	0
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### Underserved Populations Remarks

According to the ODOT's TIMS, the EJ population percentages are low in the project area. The Minority population ranges from 17 to 20 percent. The Low Income population ranges from 9 to 13 percent. The older adult population ranges from 14 to 35 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.

### 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 US 422 18.74/VAR Slide	Wetland A	Adjacent	Category 1	0.10	0.09
	Wetland B	Adjacent	Category 1	0.50	0
	Wetland C	Adjacent	Category 1	0.10	0

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

Total impact to all wetlands (ac.): 0.09

Total acres of non-isolated wetlands impacted: 0.09

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 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 Not Meet the Identified Needs of the Project.

Include justification supporting the decisions noted above:

If no action is made, the slopes will continue to erode and jeopardize the pavement.

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



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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:

All practicable measures have been considered and incorporated into the project design to minimize the wetland impacts to Ditch 4 and Wetland A as best as possible.



## Environmental Commitments

### C2

1) The Project Designer shall incorporate the following note into the plans: NO TREES SHALL BE REMOVED UNDER THIS PROJECT FROM MARCH 16 THROUGH NOVEMBER 14. ALL NECESSARY TREE REMOVAL SHALL OCCUR FROM NOVEMBER 15 THROUGH MARCH 15. 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) 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.



Approved: 5/25/2022

### **Preparers and Approvals**

**Form Preparer**

District 12  
Contact: Mark Carpenter  
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**Supporting Form Preparer(s):** Corey Czinger

### **Approvals & Electronic Signatures**

<b>Approved &amp; Electronically Signed By:</b>	<b>Approval Date:</b>
Mark Carpenter (TRANS ENGR 3)	5/25/2022



## **Appendix**

### **General**

Aerial Map.pdf

County Map.pdf

USGS Topographical Map.pdf

### **Noise**

No Noise Analysis Required - District Determination.pdf

### **ESA**

OES Recommendations - Screening.pdf

### **Cultural Resources**

Minimal Potential to Cause Effect - Appendix B

Records Check.pdf

### **Ecological**

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions