



OHIO DEPARTMENT OF TRANSPORTATION

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

Environmental Document

for

LAK IR 090 02.93 Slope PID 112663

Environmental Document Level: C2

Approved: 1/12/2024

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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

Project Information

PID:	112663
Project Sponsor:	ODOT SPONSORING AGENCY
ODOT District:	12
Funding Source:	Federal

C2 Section

Project Description:



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GSM slope stabilization project to restore the hillside, perform channel cleanout, and repair/cleanout drainage along westbound IR-90 west of S.O.M. Center Rd (SR-91) in the City of Willoughby Hills.

No permanent or temporary right-of-way is required for this project. Utility impacts are unlikely.

One (1) wetland (Wetland 1) has a total of 0.122 acres within the Study Area and will have approximately 0.026 acres of permanent impacts due to construction access. All practicable measures have been considered and incorporated into the project design to minimize the wetland impacts to Wetland 1 as best as possible. Permit Determination Request (PDR) is pending.

A total of 1.238 acres of trees are within the Study Area and will involve 0.03 acres of tree impacts, all SWH. The project is within a male or non-reproductive female Indiana Bat green bat buffer. No hibernacula were noted during field investigations. All trees will be removed prior to construction between October 1-March 31 when the species would not be present. Coordination with USFWS was completed 01/11/2024.

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

A Cultural Resources Records Check was performed by district environmental staff 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 which has minimal potential to cause effects to historic properties in accordance with Minimal Potential to Cause Effect - Appendix A of the Section 106 Programmatic Agreement. No further coordination is required. Approved at the District on 12/20/23. The Records Check can be found in the Project File Under Cultural Resources/Project Information.

Regulated Materials Review Screening was created by Corey Czinger, Environmental Specialist 2. Based on findings, no further Regulated Materials Review is required. Corey Czinger, Environmental Specialist 2, approved Regulated Materials Review on 12/26/2023.

No other environmental, Section 4(f)/6(f), or environmental justice impacts will result from this project.

Property Owner Notification Letters were sent out on 12/15/23. No comments were received.

The environmental documentation and associated studies are being approved using Stage 1 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
ENV	On Previous STIP
CO	112663: 24-27 STIP
DD	112663: 24-27 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 ROW (exceeds strip takes)
2. **b.** Residential or non-residential displacements
3. **c.** A U.S. Coast Guard permit or an Individual Section 404 permit under the Clean Water Act
4. **d.** A Section 106 finding of *Adverse Effect*
5. **e.** Section 4(f) impacts greater than de minimis
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.** A full Environmental Justice Analysis Report (EJAR) is required (the project must be processed as a D-level CE or higher-level document). If a memo-to-file/letter/IOC-format EJAR Short Report is determined to be the appropriate level of documentation, contact OES regarding NEPA document level.

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.

Ecological

Waterways:	Present; No Coast Guard, Individual 404, and/or Section 10 Permit required
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	01/11/2024



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Endangered Species - Critical Habitat Present/Impacted

Indiana bat

Northern long-eared bat

Endangered Species - Other Critical Habitat Present/Impacted:

No

Scenic Rivers

No National Wild and Scenic River
Within 1000 Feet of the Proposed
Project Area

Scenic Rivers Remarks

No scenic river.

Floodplains

100-Year Floodplain:

No Encroachment Within a Special
Flood Hazard Area (SFHA)

Floodplain Remarks

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

Section 4(f)

Section 4(f):

Not present

Section 4(f) Remarks

No Section 4(f) impacts.

Section 6(f)

Section 6(f):

Not present

Cultural Resources

Cultural Resources:

Not Present

Cultural Resources Coordination - ODOT Approval/SHPO
Concurrence Date

12/20/2023

Cultural Resources Remarks

A Cultural Resources Records Check was performed by district environmental staff 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 which has minimal potential to cause effects to historic properties in accordance with Minimal Potential to Cause Effect - Appendix A of the Section 106 Programmatic Agreement. No further coordination is required. Approved at the District on 12/20/23. The Records Check can be found in the Project File Under Cultural Resources/Project Information.

Environmental Resources Considered



The following environmental resources are present and have been studied for potential impacts:

Noise

Regulated Materials

Air Remarks

No Air Quality impacts.

Noise:

Studies Not Required

Noise - Coordination with OES

No

Noise Remarks

No Noise impacts. District approval in Project File.

The project involves ROW acquisition, Deep Excavation, or OEPA 513 Landfill Authorization:

Yes - Screening

Regulated Materials Review Screening:

No Further Regulated Materials Review

Regulated Materials Review Screening - DEC/OES Approval Date:

12/26/2023

Regulated Materials Review Remarks:

Regulated Materials Review Screening was created by Corey Czinger, Environmental Specialist 2. Based on findings, no further Regulated Materials Review is required. Corey Czinger, Environmental Specialist 2, approved Regulated Materials Review on 12/26/23.

Environmental Justice

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
390852011002	67	29
390852008001	18	26

Environmental Justice Remarks



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Based on mapping from TIMS, the minority populations are between 29% to 67% for the US Census Block Groups located within the project area and between 18% to 26% 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

Public Involvement:

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

Public Involvement Remarks

Property Owner Notification Letters were sent out on 12/15/23. No comments were received.

Environmental Commitments

Environmental Commitments

Yes



Ecological

Wetlands

ESR Name:	Wetland ID:	Hydrologic connection:	Wetland category:	Estimated total size (ac.):	Total estimated impact area by alternative (ac.):
LAK-90-02.93 ESR	W1	Adjacent	Category 1	0.125	0.026
	W2	Adjacent	Category 2	1.0	0

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

Total impact to all wetlands (ac.): 0.026

Total acres of non-isolated wetlands impacted: 0.026

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 Not Meet the Identified Needs of the Project.

Include justification supporting the decisions noted above:

It "do nothing" alternative is chosen, then the slope will continue to erode and the roadway will be in jeopardy.

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.



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Remarks:

All practicable measures have been considered and incorporated into the project design to minimize impacts to the stream and wetland(s) as best as possible.



Environmental Commitments

C2

- 1) 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.
- 2) 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.
- 3) 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.
- 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.



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Preparers and Approvals

Form Preparer:

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Supporting Form Preparer(s):

Cody Flynn
Michael Flanagan

Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Mark Carpenter (TRANS ENGR 3)	1/12/2024



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Appendix

General

Aerial Map.pdf

County Map.pdf

USGS Quadrangle Topographical Map.pdf

Noise

No Noise Analysis Required - District Determination.pdf

Cultural Resources

Section 106 Scoping Request Form.pdf

Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

Public Involvement

Property Owner Notification Letter.pdf

Permits

FEMA FIRM.pdf