



OHIO DEPARTMENT OF TRANSPORTATION

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

Environmental Document

for

MAH SR 165/SR 534 5.46/3.02 PID 110680

Environmental Document Level: C2

Approved: 10/20/2022

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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

| | |
|-------------------------|------------------------|
| PID: | 110680 |
| Project Sponsor: | ODOT SPONSORING AGENCY |
| ODOT District: | 4 |
| Funding Source: | Federal |
| Private Funding: | No |

Project Description:

The Ohio Department of Transportation (ODOT) proposes to mill/resurface State Route (SR) 165 and SR 534 in Goshen, Green and Beaver Townships, Mahoning County. The proposed pavement maintenance/resurfacing limits are described below.

- SR 165 from SR 14 at Straight Line Mile (SLM) 5.46 to SR 46 at SLM 16.64, a distance of 11.18 miles

- SR 534 from the Columbiana County Line at SLM 0.00 to 1st Street at SLM 0.05, approximately 50 feet south of the Norfolk-Southern Railroad at SLM 1.29 to approximately 217 feet north of the Norfolk-Southern Railroad at SLM 1.34 and from approximately 300 feet south of SR 165 at SLM 2.95 to approximately 2,500 feet north of W. Middletown Road at SLM 4.48, a total distance of approximately 1.63 miles.

Additional improvements proposed by this project include partial/full depth pavement repairs, loop detector replacement, rumble strip installations, raised pavement marker replacement and new edge line/center line/stop line/crosswalk lines pavement marking applications.

Moreover, the project proposes work on the following seven (7) bridges/culverts along SR 165 in Goshen, Green and Beaver Townships:

1. Structure No. MAH-11-3.04/Structure File Number (SFN) 5003660;
2. Structure No. MAH-165-5.78/SFN 5003431;
3. Structure No. MAH-165-9.02/SFN 5003482;
4. Structure No. MAH-165-9.12/SFN 5003520;
5. Structure No. MAH-165-11.53/SFN 5003555;
6. Structure No. MAH-165-11.70/SFN 5003571; and
7. Structure No. MAH-165-14.44/SFN 5003601.

The proposed bridge maintenance activities on these bridges/culverts are specified in the Project File/General/Project Information subsection as Project Description Structure Maintenance Activities.pdf.

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

A minimum of one 10-foot bidirectional lane of traffic shall be maintained on the existing pavement or completed pavement during project construction. Road closures and detours are not proposed to construct the project. Lane restrictions/reductions shall not be permitted after normal working hours. The duration of lane closures/restrictions shall be prescribed by the permitted lane closure chart. Construction and lane restriction/reduction information will be posted within the project construction limits prior to the start of project construction. Access shall be maintained to all adjacent properties, businesses and intersecting side roads during project construction. Substantial traffic disruptions are not expected during project construction.



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The project will be constructed within the existing roadway rights-of-way. Existing utilities within the project study areas will not be impacted/relocated to construct the project. Based on the project scope of work, its Path 1 Project Development Process (PDP) Classification and the proposed maintenance of traffic measures, emergency/public services contact activities were not conducted for the project. 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 that has minimal potential to cause effects to historic properties. No further coordination is required in accordance with the Section 106 Programmatic Agreement. 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 impact approximately 202 linear feet of stream channel by removal of accumulated sediments, scour repair and slope protection repairs at four locations: MAH-165-9.02/Middle Fork of Little Beaver Creek, MAH-165-9.12/Unnamed Tributary Middle Fork of Little Beaver Creek, MAH-165-11.70/Middle Fork of Little Beaver Creek and MAH-165-14.44/Cherry Valley Run. The project will not result in impacts to wetlands or potential jurisdictional ditches at these locations. The project will also remove 0.35 acre of suitable wooded habitat (SWH) for federal/state listed threatened and endangered bat species at MAH-165-9.02, MAH-165-9.12 and MAH-165-11.70. See the ecological documentation for the project in the Project File/Ecological/Reports subsection and the Ecological Tab.

ODOT District 4 Environmental Section personnel reviewed the FEMA FIRM mapping for the project study areas and determined the proposed bridge maintenance activities at MAH-165-11.53, MAH-165-11.70 and MAH-165-14.44 are located within a designated Special Flood Hazard Area (SFHA) Zone AE floodplains. However, the proposed bridge maintenance activities at these bridges are considered maintenance and, therefore, are exempt from the normal permit process required for work encroaching on a SFHA. Floodplain coordination is not required for the project, however, a letter was sent to the local floodplain administrator as a courtesy notification of the project and proposed bridge maintenance activities within the designated SFHA. 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 areas. ODOT District 4 mailed project notification letters to the adjoining property owners for right-of-entry purposes. Comments were requested by this public involvement activity conducted for the project. A comment was received from one of the adjoining property owners as a result of the public involvement activities conducted for the project. See the public involvement documentation for the project, including the received comment and response to the comment, 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 is less than 1% greater than the total project cost specified in the ODOT State Fiscal Years 2021 - 2024 Statewide Transportation Improvement Program (STIP). However, fiscal constraint is at the Statewide Line Item (SLI) Group level. Therefore, an individual project utilizing a SLI does not require a STIP/TIP amendment.

STIP Reference #:

110680: 21-24 STIP SLI Group
Project/Fiscal constraint is at SLI
Group level.

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.)**

(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 -

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 |
| Waterways Permit Type: | Permit Determination and/or Permit Application Approval Pending |
| Isolated Wetland Permit | No |
| Will any wetlands be impacted? | No |



| | |
|---|---|
| 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 | 08/01/2022 |
| Endangered Species - Critical Habitat Present/Impacted | |
| 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: | 09/15/2022 |
| 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 | 09/12/2022 |
| 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: | |
| Hazardous Materials - ESA Screening Conducted | No ROW |
| Hazardous Materials - ODOT Approval Date: | 09/12/2022 |
| 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) |
|----------------------|------------|--------------|----------------|-------------------------------------|
| 390998133003 | 0 | 48 | 15 | 0 |
| 390998133001 | 3 | 24 | 18 | 0 |
| 390998133002 | 3 | 28 | 24 | 0 |
| 390998134001 | 0 | 5 | 26 | 0 |
| 390998134002 | 2 | 11 | 24 | 0 |
| 390998135004 | 3 | 10 | 30 | 0 |
| 390998135003 | 0 | 29 | 23 | 0 |

Underserved Populations Remarks

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. 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. See underserved population documentation for the project in the Project File/Underserved Populations/Project Information subsection.

Public Involvement:

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

Environmental Commitments

Yes



Environmental Commitments

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- 1) FRESHWATER MUSSELS - MAH-165-11.70 & MAH-165-9.02: ODOT WILL CONDUCT FRESHWATER MUSSEL RECONNAISSANCE SURVEYS AND RELOCATIONS AT THE AFOREMENTIONED LOCATIONS, IF NECESSARY, PRIOR TO PROJECT CONSTRUCTION.
- 2) The project designer shall incorporate the following note into the plans: IN-STREAM WORK RESTRICTIONS - MAH-165-11.70 & MAH-165-9.02: NO IN-WATER WORK (EXCAVATION, FILLING, ETC.) SHALL OCCUR IN THE MIDDLE FORK OF LITTLE BEAVER CREEK AT THE AFOREMENTIONED LOCATIONS FROM APRIL 15 THROUGH JUNE 30 TO MINIMIZE IMPACTS TO INDIGENOUS AQUATIC SPECIES AND THEIR HABITAT.
- 3) The project designer shall incorporate the following note into the plans:
ENDANGERED SPECIES HABITAT - INDIANA BAT/NORTHERN LONG-EARED BAT - MAH-165-9.02, MAH-165-9.12 & MAH-165-11.70:
THE AFOREMENTIONED PROJECT SITES ARE LOCATED WITHIN THE KNOWN HABITAT RANGES OF THE FEDERALLY LISTED AND PROTECTED INDIANA BAT AND NORTHERN LONG-EARED BAT. NO TREES SHALL BE REMOVED AT THESE LOCATIONS 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 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.
- 4) The project designer shall incorporate the following note into the plans: STRUCTURE PAINTING AND SEALING OPERATIONS THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO PREVENT EPOXY-URETHANE SEALER, PAINT, OR OTHER MATERIALS USED TO REPAIR, CLEAN, SEAL, OR TREAT ANY BRIDGE STRUCTURE FROM ENTERING ANY STREAMS, RIVERS, WETLANDS OR OTHER WATERS OF THE UNITED STATES AND TAKE THE APPROPRIATE ACTIONS IN THE EVENT OF A RELEASE.
- 5) The project designer shall incorporate the following note into the plans:
WETLANDS/DITCH AVOIDANCE - MAH-165-9.02, MAH-165-9.12 & MAH-165-11.70:
NO EXCAVATION, GRADING, OR FILLING OPERATIONS SHALL BE PERFORMED IN THE WETLANDS OR THE DITCHES DELINEATED BEYOND THE PROJECT CONSTRUCTION LIMITS AND DEPICTED IN THE PROJECT PLANS AND/OR THE ECOLOGICAL RESOURCES MAPPING AVAILABLE FOR VIEWING AT THE ODOT DISTRICT 4 OFFICE LOCATED AT 2088 SOUTH ARLINGTON ROAD, AKRON, OH. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR STORE EQUIPMENT (LIFT, SCAFFOLDING, BACKHOE, EARTH MOVING EQUIPMENT, ETC.) AND/OR MATERIALS IN ANY WETLANDS, ETC. ODOT CONSTRUCTION AND MATERIALS SPECIFICATIONS SECTION 107.10 (PROTECTION AND RESTORATION OF PROPERTY) PROHIBIT THE CONTRACTOR FROM CREATING STAGING AREAS NEAR STREAMS AND/OR WETLANDS.
- 6) The project designer shall incorporate the following note into the plans: WATERWAY PERMIT COMPLIANCE: THE OHIO DEPARTMENT OF TRANSPORTATION WILL OBTAIN ALL NECESSARY WATERWAY PERMITS PRIOR TO PROJECT CONSTRUCTION. THE CONTRACTOR IS NOT AUTHORIZED TO PLACE ANY FILL OR WORK WITHIN ANY WATERWAY BELOW THE ORDINARY HIGH WATER MARK ELEVATION DURING CONSTRUCTION UNTIL THE PERMIT(S) ARE OBTAINED FOR THE PROJECT.



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7) The project designer shall incorporate the following note into the plans: DRINKING WATER PROTECTION AREAS - A SECTION OF THE SR 165 ROADWAY IS LOCATED WITHIN THE ABLE TALENT SPACE CENTER (GREENFORD), LOCUST GROVE BAPTIST CHURCH (SR 165/WASHINGTONVILLE ROAD) AND ANGELS FOR ANIMALS PUBLIC WATER SYSTEM (SR 165/COOK ROAD) DRINKING WATER SOURCE PROTECTION AREAS. USE PROPER CONTAINMENT AND DIKING IN REFUELING AREAS ESTABLISHED FOR THE PROJECT. DO NOT STORE FUELS, TOXIC/HAZARDOUS MATERIALS AND CHEMICALS NEAR DRAINAGE WAYS, DITCHES OR STREAMS. MAINTAIN A SPILL KIT ON-SITE THROUGHOUT CONSTRUCTION ACTIVITIES. IMMEDIATELY MITIGATE ANY EVENT, SUCH AS A SPILL OF FUELS, OILS OR CHEMICALS, THAT COULD THREATEN TO CONTAMINATE THE DRINKING WATER SUPPLY. IF THE SPILL IS A REPORTABLE AMOUNT (PER OHIO EPA RELEASE REPORTING REQUIREMENTS), CONTACT THE SUMMIT COUNTY EMERGENCY MANAGEMENT AT 330-643-2522 OR THE TRUMBULL COUNTY EMERGENCY MANAGEMENT AT 330-675-2667 OR THE OHIO EPA SPILLS HOTLINE AT 800-282-9378 FOR CLEAN-UP OF THE SPILL.



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Preparers and Approvals

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Approvals & Electronic Signatures

| Approved & Electronically Signed By: | Approval Date: |
|---|-----------------------|
| Edward Deley (PROGRAM ADMIN 3) | 10/20/2022 |



Appendix

General

Project Description Structure Maintenance Activities.pdf

USGS Quadrangle Topographical Map.pdf

Cultural Resources

Records Check.pdf

Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

Other Resources

Urbanized Area Map.pdf

Water Source Protection Area Map.pdf

Underserved Populations

Census Mapping.pdf

Public Involvement

Property Owner Notification Letters for right-of-entry.pdf

Public Comments Received.pdf

Response to Public Comments.pdf

Permits

District Determination - No Floodplain Impacts.pdf

FEMA FIRM.pdf

ODOT Form LD-53.pdf