



OHIO DEPARTMENT OF TRANSPORTATION

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

Environmental Document

for

CUY SR 082 00.93 Replace PID 116837

Environmental Document Level: C2

Approved: 11/22/2023

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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C2

Project Information

PID:	116837
Project Sponsor:	ODOT SPONSORING AGENCY
ODOT District:	12
Funding Source:	Federal
Project Description:	

Reline the 22' corrugated metal drainage structure under Royalton Road (SR-82) located 0.11 miles west of SR-237 over Baker Creek in Strongsville.

Temporary r/w is needed. Utility impacts are unlikely.

Construction will not require a maintenance of traffic (MOT).

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. The project is on the 513 Exemption List. District approved Regulated Materials Review on 11/07/2023. See the RMR documentation for the project in the Project File/ESA/Reports subsection.

One wetland (Wetland A) will have approximately 0.022 acres of permanent impacts and Baker Creek (Stream 1) will have approximately 470 feet (163 feet culverted) of temporary impacts due to construction regarding relining of the 22' corrugated metal drainage structure. Approximately 0.90 acres of suitable wooded habitat (SWH) for the federally protected Indiana bat, northern long-eared bat, tricolored bat, and state protected little brown bat will be impacted. SWH impacts are all within 100' EOP. The project is not located within a USFWS bat buffer zone. 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 suitable habitat for four (4) other state listed species within the project area; the black-crowned night-heron, blanding's turtle, least bittern, and spotted turtle. However, per a search of the Ohio Natural Heritage Database, ODNR has no records of these species within a one-mile radius of this project. The Project Area is adjacent to the roadway, residential, and commercial areas, and does not contain high quality habitat, the project is not likely to impact these species. All practicable measures have been considered and incorporated into the project design to minimize the impacts to Wetland A and Stream 1 as best as possible.

Permit Determination Request (PDR) is pending.

The project is located within Special Flood Hazard Area Zone AE, therefore coordination was required. An email was sent on 11/09/23 to Ken Mikula, City of Strongsville Floodplain Administrator/City Engineer, supplying Aerial Map, FIRMETTE Floodplain Map, and Letter of Notification of SFHA Exemption LD-53. The relining of the 22' corrugated metal drainage structure is considered maintenance that does not change the alignment, grade, or hydraulic capacity of the existing structure. Thus, why only a courtesy email was sent



informing the floodplain administrator of this project. The floodplain coordination email can be found under Project File/Permits/Floodplain/Floodplain Coordination.

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. The Records Check can be found in the Project File Under Cultural Resources/Project Information. Cultural resources approved at the district on 11/21/23.

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

Property Owner Notification Letters were sent out on 11/01/2023. No comments were received. ODOT has decided to proceed with the project as currently designed.

The environmental documentation and associated studies are being approved using the feasibility study. A copy of the Feasibility Study 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
RW	
CO	116837: 24-27 STIP
DD	

The current cost estimate is in line with existing federal procedures for Ohio STIP Amendments and Administration Modifications: Yes

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 I 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 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



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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	11/01/2023
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

One wetland (Wetland A) will have approximately 0.022 acres of permanent impacts and Baker Creek (Stream 1) will have approximately 470 feet (163 feet culverted) of temporary impacts due to construction regarding relining of the 22' corrugated metal drainage structure. Approximately 0.90 acres of suitable wooded habitat (SWH) for the federally protected Indiana bat, northern long-eared bat, tricolored bat, and state protected little brown bat will be impacted. SWH impacts are all within 100' EOP. The project is not located within a USFWS bat buffer zone. 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 suitable habitat for four (4) other state listed species within the project area; the black-crowned night-heron, blanding's turtle, least bittern, and spotted turtle. However, per a search of the Ohio Natural Heritage Database, ODNR has no records of these species within a one-mile radius of this project. The Project Area is adjacent to the roadway, residential, and commercial areas, and does not contain high quality habitat, the project is not likely to impact these species. All practicable measures have been considered and incorporated into the project design to minimize the impacts to Wetland A and Stream 1 as best as possible.

No scenic river.

Floodplains

100-Year Floodplain:

Encroachment Within the SFHA is a
Functionally Dependent Use

EO 11988 Compliance Met

Yes

NFIP Coordination and Documentation Completed

Yes

NFIP Local Floodplain Coordinator Notification Date:

11/09/2023

Floodplain Remarks

The project is located within Special Flood Hazard Area Zone AE, therefore coordination was required. An email was sent on 11/09/23 to Ken Mikula, City of Strongsville Floodplain Administrator/City Engineer, supplying Aerial Map, FIRMETTE Floodplain Map, and Letter of Notification of SFHA Exemption LD-53. The relining of the 22' corrugated metal drainage structure is considered maintenance that does not change the alignment, grade, or hydraulic capacity of the existing structure. Thus, why only a courtesy email was sent informing the floodplain administrator of this project. The floodplain coordination email can be found under Project File/Permits/Floodplain/Floodplain Coordination.

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: Present; No Finding of Adverse Effect

Cultural Resources Coordination: Minimum Potential to Cause Effect
Appendix A

**Cultural Resources Coordination - ODOT Approval/SHPO
Concurrence Date** 11/21/2023

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. The Records Check can be found in the Project File Under Cultural Resources/Project Information. Cultural resources approved at the district on 11/21/23.

Environmental Resources Considered

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

Regulated Materials

Air Remarks

No air impacts.

Noise Remarks

No noise impacts.

**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: 11/07/2023

Regulated Materials Review Remarks:

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. The project is on the 513 Exemption List. District approved Regulated Materials Review on 11/07/2023. See the RMR documentation for the project in the Project File/ESA/Reports subsection.

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
390351861033	7	22
390251862062	24	1

Environmental Justice Remarks

Based on mapping from TIMS, the minority populations are 7% to 24% for the US Census Block Groups located within the project area and 1% to 22% 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 11/01/2023. No comments were received. ODOT has decided to proceed with the project as currently designed.

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.):
CUY SR 082 00.93 Replace	Wetland A	Adjacent	Category 1	0.101	0.022

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

Total impact to all wetlands (ac.): 0.022

Total acres of non-isolated wetlands impacted: 0.022

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:

If no action is made, the culvert will continue to deteriorate and jeopardize the roadway/stream.

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 the impacts to Wetland A and Stream 1 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 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

District 12
Contact: Corey Czinger
Corey.Czinger@dot.ohio.gov

Supporting Form Preparer(s): Corey Czinger

Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Mark Carpenter (TRANS ENGR 3)	11/22/2023



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

Permits

Coordination with Local Floodplain Administrator.pdf

FEMA FIRM.PNG