



OHIO DEPARTMENT OF TRANSPORTATION

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

Environmental Document

for

ATB SR 0531 13.50/15.85 PID 118813

Environmental Document Level: C2

Approved: 3/23/2023

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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.

Table of Contents

C2.....	3
Environmental Commitments.....	8
Preparers and Approvals.....	9
Appendix.....	11



C2

PID: 118813
Project Sponsor: DISTRICT 4-PLANNING
ODOT District: 4
Funding Source: Federal

Project Description:

The Ohio Department of Transportation (ODOT) proposes repairs to mitigate Lake Erie shoreline erosion along State Route (SR) 531 in Ashtabula Township and the Village of North Kingsville in Ashtabula County.

SR 531 was closed to traffic between LaBounty Road and SR 193 on November 30, 2022, due to the erosion and potential for roadway failure. ODOT constructed steel sheet pile walls along the roadside to support the roadway in early 2023 as Type A Emergency project ATB-531-13.78, PID 118426. This system was designed to tie into an adjacent existing sheet pile retaining wall built in 2019 by project ATB-531-13.20, PID 82819.

Since the November 30, 2022, road closure and subsequent repairs by PID 118426, the progression of ongoing erosion along SR 531 has resulted in the need for additional repairs on an expedited schedule by PID 118813. The following areas were identified:

Area 1: LaBounty Road to Whitman's Creek

Area 2: Whitman's Creek to Ridge Avenue

Area 3: Monday Drive/SR 531 intersection

Proposed construction activities in these areas include installation of steel sheet piling, drainage improvements, grading, rock channel protection placement, roadway repair and guardrail repair/installation.

Mapping and design plans that depict the project location and proposed work is included in the Project File/General/Project Information subsection.

SR 531 in Areas 1 and 2 will remain closed until this proposed repair work is completed, most likely by late Autumn 2023.

Construction at Area 3 will occur between September 4, 2023, and December 31, 2023, with a road closure of up to 60 consecutive days. Electronic roadside portable message signs will be used to announce road closures 21 days prior to any closure. Detour signs will be posted prior to the start of project construction. While the road is closed in each area, access to residences will be maintained during project construction.

Based on the project scope of work and the proposed maintenance of traffic measures, emergency/public services contact activities were conducted for the project. See the Emergency and Public Services Notification.pdf for the project in the Project File/Public Involvement/Project Information subsection.

Much of the proposed activities will be within the limits of the existing roadway right-of-way. A total of 0.32 acre of new permanent right-of-way will be needed from First Energy Corporation (owner of the lands adjacent to Areas 1 and 2) for construction of the sheet pile wall and drainage features. A portion of Area 3 (Monday Drive Area) will require 0.51 acre of new permanent right-of-way from three property owners to accommodate utility work and construction of the sheet pile wall and drainage features. See the locations of the proposed new permanent rights-of-way on page/sheet numbers 18, 19, 24-27, and 79 of the Stage 3 plans for the project in the Stage 3 Design with ROW noted.pdf in the Project File/General/Project Information subsection.

Existing utilities within the project study areas will not be impacted/relocated to construct the project with the exception of overhead utility lines along the north side of SR 531 at Monday Drive that will be relocated to the south side of SR 531 at Monday Drive.

A Cultural Resources Records Check and Section 106 Scoping Request were submitted to OES-Cultural Resources staff for review. The literature search determined there are no inventoried buildings (OHI), no identified archaeological sites (OAI), and no listed or eligible historic properties found in proposed construction areas or the Area of Potential Effects (APE). Rehabilitation work within the operational right-of-way 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 November 8, 2017 Cultural Resource PA (Agreement 19319), if the project is not within the boundaries of any historic property or N. R. district. In accordance with Stipulation V(C)(1) and Appendix B of the Section 106 Programmatic Agreement executed on November 8, 2017 (Agreement No. 19319), amended on July 11, 2019, ODOT-OES 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 remove approximately 0.67 acre of suitable wooded habitat (SWH) for the federally-listed Indiana bat and Northern Long-eared bat, and state-listed little brown bat and tricolored bat species. A Level 1 Ecological Survey Report was coordinated with the United States Fish & Wildlife Service (USFWS) due to potential impacts to endangered bat species from tree cutting. ODOT committed to cutting all trees in the project limits by March 30, 2023, to avoid impacts to bats. Two nesting colonies for bank swallows were identified on bluffs adjacent to the construction limits in Area 2: Whitman's Creek to Ridge Avenue. The project will avoid impacting the bank swallow colonies by prohibiting construction activities near the colonies until after July 22 when the nesting period for bank swallows is complete. The project will have no other impacts to ecological resources. Lake Erie and streams/wetlands are not located within the construction limits and will be avoided by the project. The proposed construction activities at the locations described above are consistent per the Coastal MOU and the activities do not require an individual consistency review/concurrence. See the ecological documentation for the project in the Project File/Ecological/Coordination and Reports subsections and the Ecological tab.

ODOT District 4 Environmental Section personnel reviewed the FEMA FIRM for the project study areas and determined the project is located within an Area of Minimal Flood Hazard/Zone X. The project will not impact a special flood hazard area. See the floodplain mapping for the project in the Project File/Permits/Floodplains subsection.

The project will not impact any environmentally sensitive resources within the project study areas.

ODOT District 4 conducted various public involvement activities for the project, including creation of a website with project information and public commenting feature, issuance of a news release and letters to affected property owners. One public comment was received from the public outreach efforts involving maintenance of traffic and a response was provided. A news article regarding the project was published in the local *Star Beacon* news outlet. See the public involvement documentation, including the received comments and responses to comments, for the project in the Project File/Public Involvement/Project Information subsection.

The environmental document and associated studies, as applicable, were approved using the Final Plans for the project. A copy of the Final Plans for the project is included in the Project File/General/Project Information subsection as Final Plans.pdf.

The estimated total project cost specified in Ellis is 29.59% 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.

The next phase of the proposed project is listed on the STIP: Yes

Ellis STIP Details

Phase	Current STIP Reference
Construction	118813: 21-24 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:

(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.

Waterways: Not Present

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 03/15/2023

Endangered Species - Critical Habitat Present/Impacted

Other

Indiana bat

Northern long-eared bat

Endangered Species - Other Critical Habitat Present/Impacted: Yes

Endangered Species - Other Description:

Project to remove 0.67 acre of habitat for federal proposed endangered Tricolored Bat.

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 03/16/2023

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 Yes

Hazardous Materials - OES Approval Date: 03/21/2023

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 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
390070002004	11	16
390070003001	5	31

Environmental Justice Remarks



Environmental Document Level: C2

PID 118813 ATB SR 0531 13.50/15.85

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The proposed project will have no disproportionately high and adverse effects to minority or low-income populations. 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, no further analysis is required. See Environmental Justice documentation for the project in the Project File/Environmental Justice/Project Information subsection.

Public Involvement:

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

Environmental Commitments

Yes



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Environmental Commitments

C2

- 1) The project is located within the known habitat ranges of the federally listed and protected Indiana bat and northern long-eared bat. All necessary tree removal shall be accomplished by ODOT by March 31, 2023. This requirement is necessary to avoid and minimize impacts to these species as required by the Endangered Species Act. For the purposes of this environmental commitment, 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 Project Designer will add a note to the plans to avoid all impacts to Lake Erie.
- 3) The Project Designer will add a note to the plans to avoid all impacts to wetlands.
- 4) The Project Designer will add a note to the plans to avoid construction activities associated with driving pile or earth disturbance within 100 feet of identified bank swallow nesting areas between May 1 and July 22 to avoid impacts to bank swallows, their eggs, and their young not yet able to fly.



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Preparers and Approvals

Form Preparer:

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Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Edward Deley (PROGRAM ADMIN 3)	3/23/2023



Appendix

General

Project Study Area Map.pdf

USGS Quadrangle Topographical Map - Monday Dr. Area.pdf

USGS Quadrangle Topographical Map - Whitman Area.pdf

ESA

District Approval - RMR Form.pdf

Regulated Materials Review Screening.pdf

Cultural Resources

Minimal Potential to Cause Effect - Appendix B

Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

Other Resources

Urbanized-non-urbanized Areas Map.pdf

Environmental Justice

Census Mapping_Area 2_West of Whitmans Cr_390070002004.pdf

Census Mapping_Area 3_Monday Dr_390070002004.pdf

Census Mapping_Area1_East of Whitmans Cr_390070003001.pdf

Public Involvement

Correspondence with Stakeholders_North Kingsville.pdf

Emergency and Public Services Notification.pdf

News Article - Star Beacon.pdf

Press Release.pdf

Project Website.pdf

Property Owner Notification Letter.pdf

Public Notification Mailing List.pdf

Response to Public Comments.pdf

Permits

FEMA FIRM Monday Drive Area.pdf



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PID 118813 ATB SR 0531 13.50/15.85

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FEMA FIRM West and East of Whitman's Creek.pdf