



OHIO DEPARTMENT OF TRANSPORTATION

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

Environmental Document

for

CUY IR 090 18.22/VAR PID 92069

Environmental Document Level: C2

Approved: 2/25/2020

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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 June 6, 2018, and executed by FHWA and ODOT.

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C2

PID:	92069
Project Sponsor:	ODOT SPONSORING AGENCY
ODOT District:	12
Funding Source:	Federal
Private Funding:	No

Project Description:

The Ohio Department of Transportation (ODOT) proposes to improve five deficient culverts by rehabilitation or replacement.

-CUY-90-18.22 (SFN 1800183) carries East 33rd Street storm sewer under IR 90 in the City of Cleveland, Cuyahoga County.

-CUY-90-19.99 (SFN 1809407) carries Addison Road sewer under IR 90 in the City of Cleveland, Cuyahoga County.

-CUY-2-16.88 (SFN 1800159) carries East 26th Street sewer under SR 2 Cleveland Memorial Shoreway in the City of Cleveland, Cuyahoga County

-CUY-480-16.28 (SFN 1812769) carries an unnamed tributary to West Creek under IR 480 in the City of Brooklyn Heights, Cuyahoga County

-GEA-44-9.16 (SFN 2800241) carries an unnamed tributary to West Branch Cuyahoga River under SR 44 in Newbury Township, Geauga County.

CUY-90-18.22; CUY-90-19.99; and CUY-2-16.88 locations are within the Lake Erie Coastal Management Zone.

If the culverts can be lined, then maintenance of traffic impacts will be minimal. Otherwise four Cuyahoga County locations will use part-width construction techniques and maintain at least 3 lanes of traffic in each direction on the mainline and maintain ramp access. At the GEA-44-9.16 location, one lane of traffic will be maintained using portable signals.

GEA-44-9.16 may require temporary right-of-way and may also require utility relocation.

Letters were sent to adjacent property owners for the CUY-480-16.28 and GEA-44-9.16 locations on October 15, 2019 notifying them of the project and providing them an opportunity to comment. No comments were received. The work at the other three locations is within the CUY IR 90 right-of-way, so did not require letters.

Environmental Impacts for CUY-90-18.22

No streams, wetlands, or potentially jurisdictional ditches were identified within the project area. The project is less than one mile from Lake Erie, therefore any trees/shrubs within the project area are considered migration habitat for Kirtland's warbler. A plan note will be included in the project plans that will avoid tree and brush clearing to between April 22 and June 1; and between August 15 and October 15.

Environmental Impacts for CUY-90-19.99

No streams, wetlands, or potentially jurisdictional ditches were identified within the project area. The project is less than one mile from Lake Erie, therefore any trees/shrubs within the project area are considered migration habitat for Kirtland's warbler.



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Approximately 0.06 acres of trees/brush will be removed within the project area. A plan note will be included in the project plans that will avoid tree and brush clearing to between April 22 and June 1; and between August 15 and October 15.

Environmental Impacts for CUY-2-16.88

No streams, wetlands, or potentially jurisdictional ditches were identified within the project area. The project is less than one mile from Lake Erie, therefore any trees/shrubs within the project area are considered migration habitat for Kirtland's warbler. A few small trees located within the right-of-way will be impacted by the project. A plan note will be included in the project plans that will avoid tree and brush clearing to between April 22 and June 1; and between August 15 and October 15.

Environmental Impacts for CUY-480-16.28

Approximately 0.08 acres of suitable wooded habitat for the Federally-listed Indiana bat (*Myotis sodalists*) and Northern long-eared bat (*Myotis septentrionalis*) will be impacted by this project. Approximately 0.04 acres of SWH is within 100' of EOP, while the other 0.04 acres is within 100-300' EOP and within 50' of a perennial stream. This impact May Affect, Not Likely to Adversely Affect these species. A plan note will be included in the project plans to limit tree clearing to between October 1 & March 31. Approximately 613 linear feet of stream and 0.241 acres of wetlands will also be impacted. Waterway permits will be obtained prior to construction.

Environmental Impacts for GEA-44-9.16

Approximately 0.082 acres of suitable wooded habitat containing roosting characteristics for the Federally-listed Indiana bat (*Myotis sodalists*) and Northern long-eared bat (*Myotis septentrionalis*) will be impacted by this project. All 0.082 acres of SWH is within 100' of EOP. This impact May Affect, Not Likely to Adversely Affect these species. A plan note will be included in the project plans to limit tree clearing to between October 1 & March 31. Approximately 148 linear feet of stream and 0.017 acres of wetlands will also be impacted. Waterway permits will be obtained prior to construction.

No other environmental, hazardous materials, Section 4(f), cultural resources, or underserved population impacts will result from this project at any of the five locations.

The environmental document and associated studies are being approved using Stage 2 Design. A copy of the plans is included in the project file.

STIP Reference #

SLI 32

Select the appropriate project type:

(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 -
a. Acquisition of more than a minor amount of right-of-way b. Residential or non-residential displacements c. A Coast Guard, Individual Section 404 and/or a Section 10 permit d. A Section 106 finding of Adverse Effect e. A Section 4(f) Programmatic or Individual Evaluation f. A finding of May Affect, Likely to Adversely Affect to Threatened and Endangered Species g. Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions h. Changes in access control 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) 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 k. No minor public or agency controversy on environmental grounds (no opposition from any organized groups or agencies and no unresolved environmental coordination) 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.



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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
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	11/22/2019
Endangered Species - Critical Habitat Present/Impacted	
Kirtland's warbler	
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:	12/18/2019
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	12/13/2019
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



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Noise Coordination - OES Approval Date:	01/17/2020
Hazardous Materials - ESA Screening Conducted	Yes
Hazardous Materials - OES Approval Date:	12/11/2019
Phase I ESA Warranted Based on Coordination with OES:	No Further Studies Warranted
Farmland:	Urbanized Area; No Impacts in Accordance With the Farmland MOU and 7 CFR 658
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	Does Not Exceed UP Guidance Criteria; No UP Analysis Report Required and No UP Issues Raised During Public Involvement
Public Involvement:	Minimum PI Requirements Met; No Minor Public or Agency Controversy on Environmental Grounds
Environmental Commitments	Yes



Environmental Commitments

C2

- 1) Locations CUY-480-16.28 and GEA-44-9.16: These locations are located within the known habitat ranges of the federally listed and protected Indiana bat and northern long-eared bat. The Contractor shall not remove trees under this project from April 1 through September 30. All necessary tree removal shall occur from October 1 through March 31. The Contractor shall demarcate clearing limits in the field to avoid any unauthorized tree clearing. 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.
- 2) Locations CUY-90-18.22; CUY-90-19.99; and CUY-2-16.88: These locations are within the migration range of the federally endangered Kirtland's warbler. In order to avoid impacts to any vegetation that the Kirtland's warbler would use as a habitat during migration, trees and woody vegetation that are greater than 3-feet tall cannot be removed between April 22 and June 1 or between August 15 and October 15.
- 3) ODOT will obtain all appropriate waterway permits prior to any work within the jurisdictional boundary of any waterway, including wetlands, and all Waterway Permit Special Provisions will be noted under Special Provisions in the plans and adhered to during construction.



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Preparers and Approvals

Form Preparer:

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Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Mark Carpenter (TRANS ENGR 3)	2/25/2020



Appendix

General

Aerial Map.pdf

Ecological

Coordination with ODNR and USFWS.pdf

General

County Map.pdf

Noise

District Determination - No Noise Analysis Required.pdf

Cultural Resources

Minimal Potential to Cause Effect - Appendix B

Ecological

OES Approval - No ODNR and USFWS Notification.pdf

ESA

OES Recommendations - Screening.pdf

General

STIP Listing.pdf

Other Resources

Urbanized Area Maps.pdf

Ecological

USFWS Comments Consult Form CUY-480-16.28 PID 92069.pdf

USFWS Comments Consult Form GEA-44-9.16 PID 92069.pdf

General

USGS Quadrangle Topographical Map.pdf

Other Resources

Water Source Protection Area Map.pdf

Well Log Data.pdf

Underserved Populations

Census Mapping.pdf

Permits



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Coordination with Local Floodplain Administrator.pdf

FEMA FIRM.pdf

Local Floodplain Administrator Responses.pdf

Public Involvement

Property Owner Notification Letter.pdf

Public Involvement Letter CUY-480-16.28.pdf

Public Involvement Letter GEA-44-9.16.pdf

Public Notification Mailing List.pdf

Permits

Statement of Findings.pdf

Underserved Populations

Underserved Populations Documentation Form.docx