



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 04
2088 SOUTH ARLINGTON RD. • AKRON, OH 44306 • 614-995-7904

Environmental Document

for

STA SR 173 0.00 PID 98392

Environmental Document Level: C2

Approved: 1/2/2018

Prepared By: District 4

Edward Deley
Phone: 330-786-4930
E-mail: Edward.Deley@dot.ohio.gov

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 11, 2015, and executed by FHWA and ODOT.

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C2

PID:	98392
Project Sponsor:	DISTRICT 4-PLANNING
ODOT District:	4
Funding Source:	Federal
Private Funding:	No

Project Description:

The Ohio Department of Transportation (ODOT) proposes to repair and resurface State Route (SR) 44 and SR 173 in Marlboro, Nimishillen, Lexington and Washington Townships, Stark County, Ohio. Pavement repair and resurfacing is proposed along 4.72 miles of SR 44 from straight line mile (SLM) 14.67, north of the U. S. Route 62/SR 44 interchange, to SLM 19.39 at the SR44/Saint Peters Church Road intersection and also along 4.60 miles of SR 173 from SLM 0.00 at the SR 173/SR 44 intersection to SLM 4.60 at the SR 173/U. S. Route 62 interchange. Moreover, the project includes bridge maintenance activities on the following six (6) bridges:

1. STA-44-1843/Structure File Number (SFN) 7601875: Remove accumulated sediment from the Middle Branch of Nimishillen Creek channel, remove vegetation within 15 feet of the structure and install new structure identification signs.
2. STA-173-0315/SFN 7605498: Asphalt overlay the existing bridge deck, repair erosion at both headwalls, replace guardrails, remove vegetation within 15 feet of the structure and install new structure identification signs.
3. STA-173-0427/SFN 7605536: Seal the existing structure wearing surface and approach slabs, replace guardrail, repair and patch the concrete substructure and floor with concrete, seal exposed concrete surfaces of the structure with Epoxy-Urethane sealer, remove vegetation within 15 feet of the structure, repair the rear right slope and install new structure identification signs.
4. STA-173-0447/SFN 7602855: Seal the existing structure wearing surface and approach slabs, repair and patch the concrete substructure and floor with concrete, clean the scuppers, seal exposed concrete surfaces with an Epoxy-Urethane sealer, remove vegetation within 15 feet of the structure and new install new structure identification signs.
5. STA-62T-0237/SFN 7602472: Seal the existing wearing surface and approach slabs, remove vegetation within 15 feet of the structure and install new structure identification signs.
6. STA-62T-0290/SFN 7602480: Seal the existing wearing surface and approach slabs, remove vegetation within 15 feet of the structure and install new structure identification signs.

Mapping that depicts the proposed project locations on United States Geological Survey (USGS) 7.5-Minute Topographic Quadrangle Maps is included in the Project File/General/Project Information subsection as USGS Quadrangle Topographic Map.pdf. Project plan information is also included in the Project File/General/Project Information subsection as Stage 3 Design.pdf.



All pavement and bridge maintenance work will be performed within existing roadway rights-of-way.

One lane of traffic will be maintained in each direction on all affected roadways and intersecting roads during project construction. Project construction and lane restriction information will be posted prior to the start of construction and access will be maintained to all properties at all times during project construction.

In accordance with Stipulation 4A and Appendix A of the Section 106 Programmatic Agreement, approved on November 30, 2011, (Agreement No. 16734) and amended on July 17, 2017, the proposed project is a type of undertaking with "minimal potential to cause effects" and is not a part of a larger undertaking.

The project will permanently impact 100 feet of the Middle Branch of Nimishillen Creek, permanently impact 40 feet of an unnamed tributary to Beech Creek and temporarily impact 40 feet of Beech Creek. Further, the project will reconstruct 50 feet of ditch resulting in permanent impact to 0.004 acre of jurisdictional ditch. The project will not impact any wetlands. A total of 0.06 acre of Suitable Wooded Habitat for the Indiana Bat (*Myotis sodalis*) and Northern Long-Eared Bat (*Myotis septentrionalis*) will be removed to construct the project. The project may affect, but is not likely to adversely affect these species. The project will not impact any other state or federally-listed threatened or endangered species.

See Project File/Ecological/Reports/Level 1 Ecological Survey STA-44-18.43.pdf, Level 1 Ecological Survey STA-173-3.15.pdf and Level 1 Ecological Survey STA-173-4.27.pdf.

Utility poles, overhead utility lines and underground utilities to be impacted by the project will be relocated within the existing roadway rights-of-way. Existing utilities will not be permanently removed to construct the proposed project. Coordination with affected utility owners is ongoing for the project.

No comments were received and no environmental controversy was noted as a result of the public involvement activities conducted for the project. Based on the project scope of work, its Path 1 Preliminary Development Process (PDP) Classification and the proposed maintenance of traffic measures, emergency/public services contact activities were not conducted for the project.

Stage 3 plans were utilized to evaluate environmental impacts by and obtain NEPA approval for the project.

STIP Reference #

Statewide Line Item (SLI) Number 32
and is fiscally constrained.

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 -
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.

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	12/14/2017
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:	12/21/2017
Section 4(f):	Not present



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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 Date:	11/28/2017
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:	12/20/2017
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	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

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1) The Project Designer shall incorporate the following note into the plans: The project is located within the known habitat ranges of the federally listed and protected Indiana Bat and Northern Long-eared Bat. 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 impact 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) The Project Designer shall incorporate the following note into the plans: The STA-173-0427/SFN 7605536 bridge spans Beech Creek. No excavation, grading or filling operations resulting in permanent impacts shall be performed below the ordinary high water mark of Beech Creek. Use of temporary scaffolding to access the forward abutment wall may be permitted with approval of the project engineer. Under no circumstances shall the contractor store other equipment and/or materials within Beech Creek.

3) The Project Designer shall incorporate the following note into the plans: STA-44-1843 (SFN 7601875) Bridge spans the Middle Branch of Nimishillen Creek channel and wetlands are present east and west of the STA-44-1843 bridge. Under no circumstances shall the contractor place any permanent or temporary fill within the Middle Branch of Nimishillen Creek and/or the abutting wetlands. Under no circumstances shall the contractor store equipment and/or materials within the Middle Branch of Nimishillen Creek channel and/or the abutting wetlands. When using a bucket-type excavator, the equipment is to be staged on the bridge or road and no more than incidental fallback is authorized. No bank shaping, stream relocation or channelization is authorized. Work shall not change the existing contour of the stream flow line or banks and existing rock channel protection should remain in place. Material resulting from vegetation removal and/or removal of accumulated sediment shall be directly loaded into a truck, removed from the site and disposed of in accordance with 105.16 and 105.17 of the CMS with approval of the Engineer. All work shall be performed to the satisfaction of the project engineer.



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Preparers and Approvals

Form Preparer

District 4
Contact: Edward Deley
330-786-4930
Edward.Deley@dot.ohio.gov

Supporting Form Preparer(s):

Brian Peck
Matthew Chaney

Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Edward Deley (PROGRAM ADMIN 3)	1/2/2018



Appendix

Environmental Justice

Underserved Populations Documentation Form.pdf

Census Mapping.pdf

General

USGS Quadrangle Topographical Map.pdf

ESA

Project Related ODOT Decision - ESA.pdf

Cultural Resources

Records Check.pdf

Ecological

Consult Form STA-173-4.27.pdf

Coordination with ODNR and USFWS.pdf

Response to Agency Comments.pdf

OES Approval - No ODNR and USFWS Notification.pdf

Consult Form STA-173-3.15.pdf

Public Involvement

ODOT District 4 Website Posting.pdf

Permits

District Determination - No Floodplain Impacts.pdf

FEMA FIRM.pdf