



# OHIO DEPARTMENT OF TRANSPORTATION

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

## **Environmental Document**

for

## **CUY IR 090 07.58/VAR Slope PID 103161**

**Environmental Document Level: C2**

**Approved: 5/20/2020**

**Prepared By: District 12**

**Mark Carpenter**  
**Phone: 216-584-2089**  
**E-mail: [Mark.Carpenter@dot.ohio.gov](mailto:Mark.Carpenter@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 June 6, 2018, and executed by FHWA and ODOT.*

# Table of Contents

C2.....	3
Environmental Commitments.....	8
Preparers and Approvals.....	10
Appendix.....	12



## C2

**PID:** 103161  
**Project Sponsor:** ODOT SPONSORING AGENCY  
**ODOT District:** 12  
**Funding Source:** Federal  
**Private Funding:** No

### Project Description:

Slope and scour repairs to the IR-90, IR-480, and SR-10 (Lorain Road) bridges over the Rocky River

Ecological coordination with ODNR, and USFWS was completed for each bridge. Based on coordination, a mussel survey and relocation shall be conducted prior to in-water work for the CUY-90-7.58 location. Any tree removal at all 3 bridge sites must be completed between March 31st and October 1st when federally endangered bat species will not be occupying them. The marking of tree clearing limits prior to construction shall be included in the project plans. The ODNR Division of Watercraft shall be notified 2 weeks in advance of the construction start date if recreational impacts are anticipated. Coordination and notification should be through Tom Arbour at 614/265-6575 or [Thomas.arbour@dnr.state.oh.us](mailto:Thomas.arbour@dnr.state.oh.us). The project plans shall include accommodations for recreational paddlers during construction. This should include signage and take-out/portage upstream of construction activities.

The project meets the criteria for Regional General Permit Section B -Maintenance. Therefore, a State and Federal Coastal Consistency Review is not required. Special Provisions for waterway permit conditions have been prepared and will be included in the project plan package.

Floodplain coordination with Cities of Cleveland, Rocky River, Fairview Park and Lakewood has been initiated. ODOT submitted LD-53 to each City as documentation that all local, state, and federal guidelines are being satisfied. Per ORC 1521.13(D)(1), ODOT has self-permitted the project within floodplains.

On 10-29-19, OES determined that D12-BH FY 2020 Misc. PID 103161, will not alter or diminish the historic integrity of the CUY-10-8.69/Lorain Road Viaduct (SFN 1801325); and, that a finding of "no historic properties affected" is applicable to the subject undertaking in accordance with 36 CFR 800.4(d)(1) and the Section 106 Programmatic Agreement between FHWA, ODOT, Ohio's SHPO, and ACHP executed November 8, 2017 and amended on July 11, 2019 (*Agreement No. 19319*). In accordance with 23 CFR 774.11, ODOT-OES has determined the undertaking will not result in the use of a Section 4(f) Cultural Resource.

Recreational Section 4(f) coordination with Cleveland Metroparks was completed and the following Measures to Minimize Harm shall be included in the project design:



**Environmental Document Level: C2**  
PID 103161 CUY IR 090 07.58/VAR Slope

Approved: 5/20/2020

1. Access to Rocky River Reservation shall be maintained at all times, except for the time needed to temporarily occupy the property. The duration of the temporary occupancy shall be less than the time needed for construction of the project.
2. Appropriate signage shall be installed to alert users of Rocky River reservation of construction activities, access restrictions or closures, and to direct users to secondary access points
3. The staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within the defined boundaries of the 4(f) property.
4. The contractor shall be required to closely coordinate the construction schedule with ODOT and Cleveland Metroparks prior to the start of construction activities.
5. An Access Permit from Cleveland Metroparks will be obtained for work to be performed on park property beneath the bridges within the limits of the existing ODOT aerial right-of-way for the bridges.

The Department of Interior concurred the project as proposed to be completed within a 6-month time period is a temporary non-conforming use of Section 6(f) property, therefore, no conversion of Section 6(f) property. ODOT will require the project to be completed within a 6-month time period.

A Press Release was published on 11-26-2019 and several comments were received from residents in the area.

The comments requested that pedestrian traffic be maintained during construction. Pedestrian traffic will be maintained during construction. A Public Involvement Summary is included in the Project File/Public Involvement/Response to Comment.pdf. ODOT has determined to proceed with the project as designed.

Review of underserved populations within the project area determined that there are no impacts to underserved populations. The Underserved Population Documentation Form is included in Project File/Underserved Populations/Project Information/Underserved Population Documentation Form.pdf.

The C2 approval is based on Stage 2 plans. Plans are included in Project File/General/Project Information/Stage 2 design.pdf.



STIP Reference #

SLI 32

**Select the appropriate project type:**

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section. **Examples include: Lane reduction ("road diet") changes provided traffic analysis is completed; Railroad projects that close at-grade crossings to improve safety or traffic operations.**

(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.

<b>Waterways:</b>	Present; No Coast Guard, Individual 404, and/or Section 10 Permit required
<b>Waterways Permit Type:</b>	Regional General Permit
<b>Waterways Permit Approval Date</b>	02/26/2020
<b>Isolated Wetland Permit</b>	No
<b>Endangered Species:</b>	Present; No finding of May Affect, Likely to Adversely Affect
<b>Endangered Species - Coordination</b>	May Affect, Not Likely to Adversely Affect
<b>Endangered Species - Coordination Date</b>	11/22/2019
<b>Endangered Species - Critical Habitat Present/Impacted</b>	
Indiana bat	
Northern long-eared bat	
<b>Endangered Species - Other Critical Habitat Present/Impacted:</b>	No



Approved: 5/20/2020

<b>100-Year Floodplain:</b>	Encroachment Within the SFHA is a Functionally Dependent Use
<b>EO 11988/NFIP Coordination and Documentation Completed:</b>	Yes
<b>NFIP Local Floodplain Coordinator Notification Date:</b>	05/15/2020
<b>Section 4(f):</b>	Present; No Programmatic Evaluation or Individual Evaluation Required
<b>Section 4(f) Determination:</b>	
Temporary No Use Exception - 774.13(d)	
<b>Section 4(f) Determination Date - 774.13(d)</b>	12/05/2019
<b>Section 6(f):</b>	Present; No 6(f) Conversion Required
<b>Section 6(f) Determination:</b>	Temporary Non-Conforming Use
<b>Section 6(f) Determination Date:</b>	11/26/2019
<b>Cultural Resources:</b>	Present; No Finding of Adverse Effect
<b>Cultural Resources Coordination:</b>	No Historic Properties Affected
<b>Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date</b>	10/29/2019
<b>Tribal Consultation Summary/Remarks:</b>	
No comments or objections from Tribal Consultation was received.	
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.	
<b>Air Quality:</b>	Studies Not Required
<b>Air Quality - Coordination with OES:</b>	No
<b>Noise:</b>	Studies Not Required
<b>Noise Coordination - OES Approval Date:</b>	09/30/2019
<b>Hazardous Materials - ESA Screening Conducted</b>	Yes
<b>Hazardous Materials - OES Approval Date:</b>	04/27/2020
<b>Phase I ESA Warranted Based on Coordination with OES:</b>	No Further Studies Warranted
<b>Farmland:</b>	Non-Urbanized Area; No Impacts in Accordance With the Farmland MOU, 7 CFR 658, and ORC 929.05



**Environmental Document Level: C2**  
PID 103161 CUY IR 090 07.58/VAR Slope

Approved: 5/20/2020

**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) The Project Designer shall ensure that a mussel survey and relocation be conducted prior to in-water work for the CUY-90-7.58 location.
- 2) The Project Designer shall incorporate the following plan note into the project 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 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.
- 3) The Project Designer will ensure that for work in the Rocky River under IR-90, the project plans will include accommodations for recreational paddlers during construction. This should include signage and take-out/portage upstream of construction activities.
- 4) The ODNR's Division of Parks and Watercraft should be notified 2 weeks in advance of the construction start date if recreational impacts are anticipated. Coordination and notification should be through Tom Arbour at 614/265-6575 or thomas.arbour@dnr.state.oh.us.
- 5) If the project requires an Individual Section 404 Permit from the U.S. Army Corps of Engineers, The Project Designer shall ensure that a State and Federal Consistency review be requested from the Office of Coastal Management as early as possible.
- 6) The District Environmental Coordinator shall ensure that Waterway permits are obtained as required and incorporated into the project plans.
- 7) Project designer to ensure that the marking of tree clearing limits prior to construction is included in the project plans.
- 8) The District Environmental Coordinator shall complete Floodplain Permit coordination with the Cities of Cleveland, Rocky River, Fairview Park, and Rocky River.
- 9) The Project Designer will ensure that access to Rocky River Reservation shall be maintained at all times, except for the time needed to temporarily occupy the property. The duration of the temporary occupancy shall be less than the time needed for construction of the project.
- 10) The Project Designer shall ensure that appropriate signage shall be installed to alert users of Rocky River Reservation of construction activities, access restrictions or closures, and to direct users to secondary access points
- 11) The Project Designer shall included a plan note stating that the staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within the defined boundaries of the 4(f) property.
- 12) The Project Designer shall ensure that Contractor is required to closely coordinate the construction schedule with ODOT and Cleveland Metroparks prior to the start of construction activities.
- 13) The District Environment Coordinator shall apply for and obtain a Cleveland Metroparks Work Access Permit prior to the sale of the project.



**Environmental Document Level: C2**  
PID 103161 CUY IR 090 07.58/VAR Slope

Approved: 5/20/2020

14) To meet the Temporary Non-Conforming Use criteria for Section 6(f), construction shall be completed within a 6-month time period.



**Environmental Document Level: C2**  
PID 103161 CUY IR 090 07.58/VAR Slope  
Approved: 5/20/2020

### **Preparers and Approvals**

**Form Preparer**

District 12  
Contact: Mark Carpenter  
216-584-2089  
Mark.Carpenter@dot.ohio.gov

### **Approvals & Electronic Signatures**

<b>Approved &amp; Electronically Signed By:</b>	<b>Approval Date:</b>
<b>Mark Carpenter (TRANS ENGR 3)</b>	<b>5/20/2020</b>



## Appendix

### Ecological

Consult Form CUY-480-4.67.pdf

Consult Form CUY-90-7.58.pdf

Coordination with ODNR and USFWS 2 CUY-90-7.58.pdf

Coordination with ODNR and USFWS CUY-480-4.67.pdf

Coordination with ODNR and USFWS.pdf

### Noise

District Determination - No Noise Analysis Required.pdf

### Ecological

ODNR Comments CUY-10-8.69.pdf

ODNR Comments CUY-90-7.58.pdf

### Cultural Resources

SHPO Comments

Transmittal 1 - Effect Determination

Tribal Consultation

### Ecological

USFWS Comments Consult Form CUY-10-8.69 PID 103161.pdf

### Underserved Populations

Census Mapping.pdf

### Permits

Coordination with Local Floodplain Administrator 2.pdf

Correspondence with Local Floodplain Administrator 3.msg

Correspondence with Local Floodplain Administrator 4.pdf

Correspondence with Local Floodplain Administrator 5.pdf

FEMA FIRM CUY-10-8.69.pdf

FEMA FIRM IR-90.pdf

### Section 6(f)

Informal Consultation with ODNR.pdf

### Permits



Approved: 5/20/2020

Local Floodplain Administrator Responses.pdf

**Section 6(f)**

NPS Approval - Temporary Non-Conforming Use.pdf

ODNR Informal Consultation Response.pdf

**Section 4(f)**

OES Cultural Resources 4(f) Determination.pdf

OES Recreational 4(f) Determination.pdf

**Public Involvement**

Press Release.pdf

Response to Public Comments - Difillipo.pdf

Response to Public Comments - Iseli.pdf

Response to Public Comments - Riehl.pdf

Response to Public Comments - Schwartz.pdf

Response to Public Comments Stoerel NEORS.pdf

Response to Public Comments.pdf

**Permits**

Summary of Floodplain Impacts ODOT website.pdf

**Underserved Populations**

Underserved Populations Documentation Form.pdf