

## **Appendix E**

### **Agency Coordination:**

Ohio EPA

ODNR

US Department of the Interior, USFWS

US Army Corps of Engineers

Storm Water Coordination

Notice of Intent

Ohio Historic Preservation Office

Conceptual Alternatives Coordination

SAFETEA-LU 6002 Coordination

Burke Lakefront Airport Coordination

Air Quality Coordination



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

May 16, 2007

Timothy M. Hill, Administrator  
Ohio Department of Transportation  
Office of Environmental Services  
PO Box 899  
Columbus, Ohio 43216-0899

**Re: Pre-Application Coordination**  
CUY-Innerbelt Corridor, PID 77510

Dear Mr. Hill:

We have completed our review of the above subject report. The report describes a proposed project that consists of the upgrading and improvement of the existing I-71/I-90 Cleveland Innerbelt and access points in the City of Cleveland, Cuyahoga County, Ohio. The construction work is necessary to improve bottle-necking, traffic flow, merge and weave problems, and to improve traffic safety. At this point, ODOT has identified several alternatives consisting of Innerbelt Curve Section (Innerbelt Curve Alternative F), Trench Section (Far Eastern Alignment with Payne Avenue, Chester Avenue without Payne Avenue), I-77 Access Section, Central Interchange and Viaduct Section (Dual Intersections Alternative with North Bridge, Southern Alternative with South Bridge), No-build Alternative, and Southern Innerbelt Section (I-77 Access Improvements Alternative). ODOT eliminated the No-build Alternative because it does not meet the Purpose and Need of the project. The report stated the Cuyahoga River is the sole aquatic feature identified within the project area. It will be impacted by bridge work. According to the report, no wetlands were identified during field investigations. As far as endangered or threatened species identified within the project area, peregrine falcons were observed nesting on the I-90 Bridge.

We do not have any major concerns with the project alternatives described in the report. Although the actual stream impacts do not exceed Ohio EPA's limits requiring individual 401 certification, we would like to know whether the bridge work is subject to Sections 9 or 10 of the Clean Harbors and Rivers Act, requiring individual 401 certification, or if the project requires individual 404 authorization by the Army Corps of Engineers (Huntington). If the project requires individual 404 authorization it will also require individual 401 authorization. Also, please note for NWP 14 (Ohio EPA previous and proposed conditions) Ohio EPA restricts stream crossings to a total of three per stream mile per stream. Because the section of the Cuyahoga River targeted for construction work is designated a fish migratory corridor from February

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Ohio EPA is an Equal Opportunity Employer



Timothy M. Hill, Administrator  
Ohio Department of Transportation  
CUY-Innerbelt Corridor, PID 77510  
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through May, the necessary precautions should be used during construction to minimize any disturbances to migrating fish. We assume you are working with ODNR on procedures to protect the peregrine falcons nesting on the I-90 Bridge? We recommend using BMPs to minimize impacts and discharges in the Cuyahoga River during and subsequent to construction work.

This concludes our remarks on the proposed project. If you have any issues or questions you want to discuss with me, I may be reached at (614) 644-2138.

Sincerely,

Arthur L. Coleman, Jr., Environmental Specialist, DSW, Environmental Mitigation and Transportation Permitting Section

cc: Deborah L. Wegmann,, USACOE  
Wayne Gorski, Region V, US EPA  
William Cody, Asst. Administrator, OES/ODOT  
Mike Pettegrew, Supervisor Water Permits Unit, OES/ODOT  
Don Rostofer, Supervisor, Ecological Unit, OES/ODOT  
Troy Wilson, USFWS  
Ed Wilk, DSW/NEDO



Donald  
Rostofer/Environmental/CEN/  
ODOT  
04/20/2007 07:59 AM

To Mark Carpenter/Planning/D12/ODOT@ODOT, Tom  
Sorge/Planning/D12/ODOT@ODOT  
cc Larry Hoffman/Environmental/CEN/ODOT@ODOT  
bcc Matthew Perlik/Environmental/CEN/ODOT  
Subject Fw: 07-0080; ODOT EC for CUY-Innerbelt Corridor (PID  
77510)

Mark/Tom:

Below are ODNR's comments and recommendations for the CUY-Innerbelt Corridor project. Please add these comments as environmental commitments and/or address appropriately.

Thanks.

Donald E. Rostofer, Environmental Supervisor  
ODOT- CO- OES - Ecological Unit  
1980 West Broad Street, Columbus, OH 43223  
Phone: (614) 387-3057; FAX: (614) 728-7368  
Email: donald.rostofer@dot.state.oh.us

----- Forwarded by Donald Rostofer/Environmental/CEN/ODOT on 04/20/2007 07:56 AM -----



"Bankey, Mindy"  
<Mindy.Bankey@dnr.state.oh.us>  
04/19/2007 03:30 PM

To <tim.hill@dot.state.oh.us>,  
<donald.rostofer@dot.state.oh.us>  
cc  
Subject 07-0080; ODOT EC for CUY-Innerbelt Corridor (PID 77510)



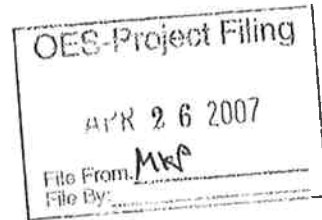
ODNR COMMENTS TO Timothy M. Hill, Administrator, Office of Environmental Services, ODOT, 1980 East Broad Street, Columbus, Ohio 43223

**Location:** The project is located in the City of Cleveland in Cuyahoga County, Ohio.

**Project:** The project involves the upgrading and improvement of the existing I-71/I-90 Cleveland Innerbelt and access points.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local state or federal agency nor relieve the applicant of the obligation to comply with any local state or federal laws or regulations.

**Rare and Endangered Species:** The ODNR, Division of Natural Areas and Preserves, Natural Heritage Database



records for two additional species not included in the project documentation. They are shown on the attached map. Both species were found in the vicinity of the railroad tracks in the Cleveland Flats area along the Cuyahoga River.

1. *Cyperus schweinitzii* - Schweinitz' Umbrella-sedge, threatened
2. *Hieracium canadense* - Canada Hawkweed, threatened

In addition, on page 24 of the report, under the section on "Terrestrial Habitat Characterizations", it is mentioned that one of many "tree species common in this Dense Urban Area" is the White Cedar (*Thuja occidentalis*). This tree, also known as Arbor Vitae, is listed as potentially threatened in Ohio. Specific locations (preferably marked on a map and/or GPS points provided) and survey information (date seen, number of trees, who performed the survey, habitat description, etc.) for this species should be provided to the Natural Heritage Program for inclusion in the database. In addition, if any of these trees are encountered during the implementation of this project they should be left undisturbed if at all possible.

**Fish and Wildlife:** The ODNR, Division of Wildlife (DOW) has the following comments

The DOW recommends no in-water work on the Cuyahoga River from March 15 to June 30 to reduce impacts to aquatic species and their habitat.

Records exist for the muskellunge (*Esox masquinongy*), a state species of concern, and the upland sandpiper (*Bartramia longicauda*), a state threatened species, within one mile of the project area. If either of these species is encountered during construction of the project, work should immediately be stopped, and the DOW should be contacted.

As indicated in the report, the DOW recommends that, during nesting season, a minimum distance of 300 feet be maintained around any peregrine falcon nest located on the I-90 Bridge to serve as a buffer against human disturbance. We recommend all activity (maintenance, inspection, etc.) that must occur in close proximity to any falcon nest located on the I-90 Bridge be scheduled for completion outside the falcon breeding season. The breeding season is mid-March through July 30.

**Parks and Recreation:** The ODNR, Division of Parks and Recreation (DPR) has the following comments

The DPR would request that public access be maintained to the state park and recreational areas. It is also requested that the Cleveland State Park management be kept up to date in terms of any traffic pattern changes made during the construction phases. And, "Best Management Practices" should be utilized during and after construction to control stormwater run-off and erosion.

ODNR appreciates the opportunity to provide these comments. Please contact Mindy Bankey at 614.265.6836 if you have questions about these comments or need additional information.

Mindy Bankey  
Environmental Administrator  
Division of Real Estate & Land Management  
Ohio Department of Natural Resources  
2045 Morse Rd, C4  
Columbus, Ohio 43229-6693  
614.265.6836  
Fax 614.267.4764



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services  
6950 Americana Parkway, Suite H  
Reynoldsburg, Ohio 43068-4127

(614) 469-6923/Fax: (614) 469-6919  
April 25, 2007

Timothy M. Hill  
Office of Environmental Services  
Ohio Department of Transportation  
P.O. Box 899  
Columbus, OH 43216-0899

Attn: Donald Rostofer  
Matt Perlik  
Re: **CUY-Innerbelt Corridor (PID 77510)**  
**Ecological Coordination**

Dear Mr. Hill:

This is in response to your March 12, 2007 letter and Level 1 Ecological Survey Report received on March 16, 2007 requesting U.S. Fish and Wildlife Service concurrence and/or comments on your Endangered Species Act section 7(a)(2) effect determinations for Federally-listed species that may occur in the proposed project areas located within the City of Cleveland in Cuyahoga County, Ohio. The project involves the upgrading and improvement of the existing I-71/I-90 Cleveland Innerbelt and access points.

The proposed project lies within the ranges of the Federally-listed endangered Indiana bat (*Myotis sodalis*), Piping plover (*Charadrius melodus*), and the Federally-listed threatened Bald eagle (*Haliaeetus leucocephalus*). Due to the project type, size, and location, you have made a no effect determination for these species. Therefore, consultation will not be required.

The Service has reviewed the Level 1 Ecological Survey Report and provides the following comments. We note the presence of two active peregrine falcon nest boxes that are currently located on the Cleveland I-90 bridge. We recognize that ODNR, in conjunction with ODOT, has been actively working on providing suitable habitat for peregrine falcons on the Interstate 90 bridge understructure, and that it will be necessary in the future to perform major rehabilitation on the bridge, including possible demolition and replacement. The Service acknowledges ODOT's willingness to comply with all applicable regulations pertaining to the peregrine falcon including the Migratory Bird Treaty Act.

This technical assistance letter is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act, of 1973, as amended, and is consistent with the intent of the National Environmental Policy Act of 1969, and the U.S. Fish and Wildlife Service's Mitigation Policy.



DEPARTMENT OF THE ARMY  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO  
ATTENTION OF: May 11, 2007

Operations and Readiness Division  
Regulatory Branch  
Cuyahoga River - 2006-2136-CUY  
CUY-71/90, PID: 77510

Timothy M. Hill  
Office of Environmental Services  
Ohio Department of Transportation  
Post Office Box 899  
Columbus, Ohio 43216-0899

Dear Mr. Hill:

I refer to the Level I Ecological Survey Report (ESR) received in this office on March 19, 2007 requesting comments and jurisdictional determination. The ESR contains information concerning the proposed changes and improvements to Interstates 71 and 90 in the city of Cleveland, Cuyahoga County, Ohio.

Based on information presented in the ESR it was determined that one perennial stream, the Cuyahoga River, totaling 4,200 linear feet is present within the 1,390 acre study area.

The Corps of Engineers' authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328. Navigable waters, their tributaries and adjacent wetlands are waters of the United States (U.S.) subject to the provisions of Section 404 of the Clean Water Act. The determination of jurisdiction for streams is based on the presence of an ordinary high water mark (OHWM) and evidence indicating the streams exhibit surface water connections to tributary systems to navigable waters. The Corps regulates streams up to the point where they no longer exhibit an OHWM. The Corps is also directed under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the U.S. The Cuyahoga River is a navigable water of the U.S.

This determination has been conducted to identify the limits of the Corps of Engineers' Clean Water Act jurisdiction for the sites identified within the study area of the ESR. This jurisdictional verification is approved and is valid for a period of five years from the date of this letter unless new information warrants revision of the delineation prior to the expiration date. Should you disagree with our jurisdictional determination, you have the right to file an administrative appeal under the Corps regulations at 33 CFR Part 331.

RECEIVED

MAY 25 2007

OFFICE OF  
ENVIRONMENTAL SERVICES

Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Great Lakes and Ohio River Division Office at the following address:


Mr. Mike Montone  
Great Lakes and Ohio River Division  
550 Main Street, Room 10032  
Cincinnati, Ohio 45202-3222  
Phone: (513) 684-6212

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. **It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.**

This determination has been conducted to identify the limits of the Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service (NRCS), prior to starting work.

Please direct any questions regarding this letter to Peter Clingan of the Ohio Regulatory Transportation Office at (614) 692-4654.

Sincerely,

  
Rebecca Rutherford  
Chief, North Regulatory Section

Enclosures

Copy Furnished w/o enclosures:

Mr. Art Coleman  
Ohio Environmental Protection Agency  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43215

Mr. Ric Queen  
Ohio Environmental Protection Agency  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43215

Mr. Michael Pettegrew  
Office of Environmental Services  
Ohio Department of Transportation  
Post Office Box 899  
Columbus, Ohio 43216-0899

Mr. Donald Rostofer  
Office of Environmental Services  
Ohio Department of Transportation  
Post Office Box 899  
Columbus, Ohio 43216-0899

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCEEDINGS AND  
REQUEST FOR APPEAL**

Applicant: Ohio Department of Transportation	File Number: 2006-2136-CUY	Date: MAY 11 2007
Attached is:	See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I:** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecw/reg/or/Corps.regulations.at.33.CER.Part.33>.

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II: REQUEST FOR APPEAL & OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

*(This area is left blank for the appellant to provide reasons for appeal or objections.)*

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION**

<p>If you have questions regarding this decision and/or the appeal process you may contact:</p> <p>Ginger Mullins, Chief, Regulatory Branch, 304-399-5389                  Rebecca Rutherford, Ch, North Regulatory Section 304-399-5210                  Mark Taylor, Chief, South Regulatory Section, 304 399-5710</p> <p>Address: U.S. Army Corps of Engineers                  Regulatory Branch                  502 8<sup>th</sup> Street                  Huntington, WV 25701</p>	<p>If you only have questions regarding the appeal process you may also contact:</p> <p>Mr. Mike Montone                  Great Lakes and Ohio River Division                  550 Main Street, Room 10032                  Cincinnati, Ohio 45202-3222                  Phone: (513) 684-6212</p>
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**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
----------------------------------	-------	-------------------



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 12, 5500 TRANSPORTATION BLVD., GARFIELD HEIGHTS, OHIO 44125

August 16, 2006

Mr. Frank Greenland, P.E.  
Northeast Ohio Regional Sewer District  
3900 Euclid Avenue  
Cleveland, Ohio 44115

**RE: CUY-Innerbelt Corridor, PID 77510; Storm Water Coordination**

Dear Mr. Greenland:

As a result of on-going dialogue between our organizations, we would like to request clarification on key issues relative to the Cleveland Innerbelt drainage design. Feedback from your organization is essential to understanding the potential implications of various storm water strategies.

Project Assumptions to Date:

1. ODOT is very cognizant of your upcoming investment in your combined sewer overflow (CSO) control program. This overflow control program is extremely important to the entire region. ODOT's Innerbelt design intent would be to minimize, if not eliminate, additional storm water inputs into the existing combined sewer system.
2. NEORS staff has stated that additional storm water to the combined sewer system that negatively impacts the CSO control program would be ODOT's responsibility. That is, ODOT would be asked to fund any incremental extra capital costs that NEORS would incur to remain within regulatory compliance.
3. ODOT is considering a build strategy that will separate the majority of the Cleveland Innerbelt storm sewer system from the existing combined sewer system. The separate storm water sewer system would outlet into the Cuyahoga River, or Lake Erie, as hydraulically appropriate. Under this separation scenario, ODOT would install storm water quality best management practices (BMPs) along the corridor, as required by the Ohio EPA's General Construction Permit.

During informal discussions with you and Lester Stumpe, it was noted that your office is investigating the implementation of a storm water utility for your service area. It was also noted that future OEPA storm water permits might require higher levels of storm water treatment. It was suggested that the Innerbelt might want to consider a strategy to utilize the existing combined sewer system to obtain water quality treatment for the Innerbelt's "first flush".



**RE: CUY-Innerbelt Corridor, PID 77510; Storm Water Coordination**

August 16, 2006

Page 2

Certainly this "first flush" methodology would have to ensure that it not cause any disruptions to your existing combined sewer overflow control program. These concepts bring up important questions for ODOT as we continue preliminary engineering on the Innerbelt.

1. Will a potential future NEORS storm water utility charge ODOT a fee for the Innerbelt R/W area? If yes, can NEORS quantify these potential fees at this time?
2. If it can be determined that the "first flush" methodology does not negatively impact your existing CSO control program, will NEORS charge an ongoing fee to ODOT for treating this "first flush" storm water.

Since a "first flush" storm sewer system will have to convey larger flows away from the combined sewer system, it is anticipated that the needed storm sewer pipe infrastructure for a separate storm sewer system, and a system that conveys a "first flush" to the combined sewer system, will have similar initial capital costs. The significant difference in these systems will be the capital and operating costs of the necessary storm water quality BMPs. At this time, ODOT can project the capital and operating costs for storm water BMPs anticipated to meet current regulatory requirements. The unknown variable in trying to analyze a "first flush" methodology would be any on-going fees charged by NEORS.

In order for us to commit to analyzing this "first flush" methodology, we respectfully request guidance from your office on potential future charges to ODOT.

We look forward to working with you on these important infrastructure projects.

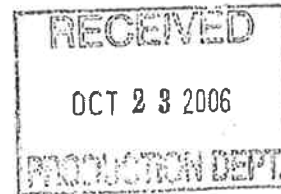
Respectfully,

David R. Lastovka, P.E.  
Transportation Engineer

- c: Lester Stumpe, NEORS  
David Riley, ODOT Central Office - Hydraulics  
Rob Lang, ODOT Central Office - Office of Environmental Services  
Bill Cody, ODOT Central Office - Office of Environmental Services  
Dale Schiavoni, ODOT D-12 Planning  
John Motl, ODOT D-12 Planning  
Mike Kubek, ODOT D-12 Production  
Craig Hebebrand, ODOT D-12 Production  
Mike Moriarty, ODOT D-12 Production  
file (PID 77510)



October 16, 2006



Mr. David R. Lastovka, P.E.  
Transportation Engineer  
Ohio Department of Transportation - District 12  
5500 Transportation Blvd.  
Garfield Heights, Ohio 44125

Dear Mr. Lastovka:

In response to the questions raised in your letter of August 16, 2006, I offer the following:

1. Will a potential future NEORS D storm water utility charge ODOT a fee for the Innerbelt R/W area? If yes, can NEORS D quantify these potential fees at this time?

The District is in the early stages of a strategic implementation "roadmap" study which seeks to identify key hurdles, issues, desires and needs relative to expanding the District's role in regional storm water management. Key tasks in this study include establishment of future program objectives and methods to fund future activities. Identification of the "fee" for storm water and who might be billed a storm water fee are uncertain at this time. The District will be discussing potential storm water options with numerous public entities, including ODOT, in the coming year.

2. If it can be determined that the "first flush" methodology does not negatively impact your existing CSO control program, will NEORS D charge an ongoing fee to ODOT for treating this "first flush" storm water?

Again, it is uncertain at this time as to the potential charges that may be applied for storm water and who would be billed for storm water discharges. Potential fees for storm water discharges to the existing combined sewer system or to receiving water are unclear at this time. This item will be addressed during the District's ongoing storm water study.

As we've discussed, the District is willing to work with ODOT to identify strategies to best handle Innerbelt storm water discharges. Unfortunately, at this time, the District's future role in regional storm water management is unclear. We will meet with ODOT during our ongoing strategic implementation "roadmap" study to discuss storm

water issues. Please feel free to contact me if you have any questions regarding this information.

Sincerely,

Frank P. Greenland  
Director of Capital Programs

Cc: Betsy Yingling

**Cleveland Innerbelt Corridor  
PID 77510**

Key Dates Relative to Storm Water Issues  
(Last updated 3/7/2007)

2004

02/09/2004 NEORS to ODOT on Innerbelt stormwater

2005

09/02/2005 Transmit conceptual drainage maps to NEORS  
10/04/2005 NEORS/ODOT Coordination Meeting at NEORS

2006

02/14/2006 ODOT attends Transwac Meeting  
03/20/2006 Transwac Innerbelt Work Group issues Findings and Recommendations  
04/10/2006 ODOT transmit draft stormwater separation study to NEORS  
04/21/2006 ODOT provides stormwater statement to NOACA TAC  
05/03/2006 ODOT follow-up email to NEORS on 4/10/06 submission  
05/16/2006 ODOT attends Transwac Meeting  
06/23/2006 ODOT follow-up email to NEORS on 4/10/06 submission  
07/07/2006 Informal meeting between ODOT and NEORS concerning Innerbelt stormwater  
08/16/2006 ODOT letter to NEORS requesting information on "first flush" methodology  
10/16/2006 NEORS letter to ODOT on "first flush" methodology  
11/12/2006 PD Editorial – Regional concern over cost of CSO control program  
11/20/2006 ODOT letter to NEORS on pursuit of separation strategy

2007

01/12/2007 ODOT formal response to Transwac Innerbelt Work Group  
March 2007 ODOT issues Level 1 Ecological Survey Report to resource agencies



**OHIO DEPARTMENT OF TRANSPORTATION**

DISTRICT 12, 5500 TRANSPORTATION BLVD., GARFIELD HEIGHTS, OHIO 44125

November 20, 2006

Mr. Frank Greenland, P.E.  
Northeast Ohio Regional Sewer District  
3900 Euclid Avenue  
Cleveland, Ohio 44115

**RE: CUY-Innerbelt Corridor, PID 77510; Storm Water Coordination**

Dear Mr. Greenland:

Thank you for your letter dated October 16, 2006 concerning the questions raised in our August 16, 2006 letter.

At this time, the Department is recommending that our design team begin further investigation on a storm water separation strategy. This separation strategy will look to provide separate storm sewer systems for the Cleveland Innerbelt roadway drainage, where hydraulically appropriate. This strategy will include the installation of storm water quality best management practices (BMPs) along the corridor. The types and designs of BMPs will be coordinated with the Ohio EPA.

The Department believes that the storm water separation strategy will have a positive impact on one of our region's greatest challenges, combined sewer overflows. The removal of direct storm water inputs into the region's combined sewer system should assist your organization in its combined sewer control program.

We look forward to working with you on these important infrastructure projects.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Lastovka".

David R. Lastovka, P.E.  
Transportation Engineer

c: Lester Stumpe, NEORS  
David Riley, ODOT Central Office - Hydraulics  
Rob Lang, ODOT Central Office – Office of Environmental Services  
Bill Cody, ODOT Central Office – Office of Environmental Services  
Dale Schiavoni, ODOT D-12 Planning  
John Motl, ODOT D-12 Planning  
Mike Kubek, ODOT D-12 Production  
Craig Hebebrand, ODOT D-12 Production  
Mike Moriarty, ODOT D-12 Production  
file (PID 77510)



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# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 12, 5500 TRANSPORTATION BLVD., GARFIELD HEIGHTS, OHIO 44125

May 29, 2007

Mr. Frank Greenland, P.E.  
Northeast Ohio Regional Sewer District  
3900 Euclid Avenue  
Cleveland, Ohio 44115

**RE: CUY-INNERBELT CORRIDOR, PID 77510; STORM WATER COORDINATION**

Dear Mr. Greenland:

Thank you for meeting with us on April 26, 2007. This meeting was extremely beneficial in furthering our understanding of the technical interaction between the existing combined sewer system and the proposed Cleveland Innerbelt project.

As noted in our November 20, 2006 letter, the Department is pursuing a storm water separation strategy for this project, as hydraulically appropriate. This strategy will include the installation of storm water quality best management practices (BMPs) along the corridor which:

- Will address water quality requirements on existing storm water only sewer systems within the corridor
- Will address water quality requirements on storm water only systems which may need to be designed and constructed as a result of separating highway runoff from discharging into the existing combined sewer system.

The following is a summary of NEORSD Combined Sewer Overflow (CSO) locations that receive highway storm water runoff within the Innerbelt corridor. As we advance in the design of this project, we will continue to work closely with your agency to identify any additional CSO's which may receive highway storm water. As noted at our meeting, the dates provided for your CSO Control Strategy are from the start of the program. Due to your on-going negotiations with the USEPA, the exact time frame of your program start is unknown. We thought this summary might be useful as you further develop your CSO control strategy and program. Additionally, ODOT will work with your office to provide existing highway plan information for areas which your GIS mapping is missing information.

#### Central Interchange Area – CSO 090, 093, and 094

CSO-090 (end of Superior Ave @ Cuyahoga River) – Regulators E-24 and E-27

- Current Predicted Overflow Frequency: From NEORSD website (5/01/07)-Estimated 34 overflows/year
- CSO Control Strategy – Pump System Upgrade
  - Time Frame – Proposed start 6 years after program start, estimate 3 years for design-construction-certification

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#### CSO-093 (North of Municipal Stadium) – Regulator E-20A

- Current Predicted Overflow Frequency: From NEORSD website (5/01/07)-Estimated 66 overflows/year
- CSO Control Strategy – Addressed by Easterly Early Action Plan (EEAP)

#### CSO-094 (North of E12th at Lakeside (USS Cod) - Regulator E-18

- Current Predicted Overflow Frequency: From NEORSD website (5/01/07)-Estimated 35 overflows/year
- CSO Control Strategy – Shoreline Tunnel
  - Time Frame – Proposed start 10 years after program start, estimate 7 years for design-construction-certification

#### I-77 Approach to Central Interchange Area – CSO 040

CSO-040 (Kingsbury Run @ Cuyahoga River, Approx 100' North of Jefferson Rd) – Regulator S-04

- Current Predicted Overflow Frequency: From NEORSD website (5/01/07)-Estimated 79 overflows/year
- CSO Control Strategy – The Southerly District Combined Sewer Overflow, Phase II Facilities Plan, March 2002 (Metcalf and Eddy with CH2MHill), recommends removal of I-77 storm water. The report recommends connecting the storm-only I-77 system to the Kingsbury Run storm only culvert, downstream of regulator S04;
  - Time Frame – Proposed start 7 years after program start, estimate 3 years for design-construction-certification

Interstate storm water currently enters CSO-039 downstream of Regulator S-01A. The proposed Innerbelt project will not impact the proposed CSO Control Strategy for this CSO.

#### CSO 039 (At Cuyahoga River Turning Basin, 400' West of Independence Rd) – Regulator S-01A

- Current Predicted Overflow Frequency: From NEORSD website (3/27/07)-Estimated 51 overflows/year
- CSO Control Strategy – Southerly Tunnel
  - Time Frame – Proposed start 14 years after program start, estimate 22 years for design-construction-certification

#### Central Viaduct/Southern Innerbelt - CSO 080

CSO-080 (University Road, southeast of 2065 Scranton Road) – Regulator WR-27

- Current Predicted Overflow Frequency: From NEORSD website (3/27/07)-Estimated 43 overflows/year
- CSO Control Strategy – Westerly CSO Tunnel
  - Time Frame – Proposed start 25 years after program start, estimate 5 years for design-construction-certification

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The above geographic regions of the Innerbelt (Central Interchange, I-77 approach, and the Central Viaduct/Southern Innerbelt) are currently funded for construction in State Fiscal Years 2010-2014. Because of this near term time frame, the removal of Innerbelt stormwater from these CSOs could have a positive impact on the regions existing combined sewer overflows in the next 4-8 years with respect to reductions in CSO volume/frequency.

**Innerbelt Trench & Curve - CSO 097**

As explained at our meeting, Regulator E-09 has been modified recently to reduce the combined sewer overflows to CSO-097. The current long term strategy for CSO-097 is to divert these CSOs to CSO-098 as part of the Shoreline Tunnel project. It is our understanding that this strategy will likely keep the E-09 CSO separate from the normal I-90 storm runoff. Additional coordination will be necessary between our organizations in the future depending on which project (Innerbelt Curve reconstruction or Shoreline Tunnel) gets constructed first. As noted, ODOT currently intends to continue the use of this existing outfall (CSO-097) for the reconstructed I-90 storm only sewer system.

**CSO-097 (North of I-71 and I-90) - Regulator E-09**

- Current Predicted Overflow Frequency: From NEORSD website (5/1/07)-Estimated 8 overflows/year
- CSO Control Strategy - Easterly Early Action Plan/Shoreline Tunnel
  - o Time Frame - Easterly Early Action Plan - Completed; Shoreline Tunnel - Proposed start 10 years after program start, estimate 7 years for design-construction-certification

We look forward to continuing our cooperative relationship on these important regional infrastructure projects.

Respectfully,



David R. Lastovka, P.E.  
Transportation Engineer

- c:
- Lester Stumpe, NEORSD
  - Mark McCabe, URS
  - Bruce Mansfield, B&N
  - David Riley, ODOT Central Office - Hydraulics
  - Tim Hill, ODOT Central Office - Office of Environmental Services
  - Larry Hoffman, ODOT Central Office - Office of Environmental Services
  - Bill Cody, ODOT Central Office - Office of Environmental Services
  - Dale Schiavoni, ODOT D-12 Planning
  - John Motl, ODOT D-12 Planning
  - Mike Kubek, ODOT D-12 Production
  - Craig Hebebrand, ODOT D-12 Production
  - file (PID 77510)



**OHIO DEPARTMENT OF TRANSPORTATION**

CENTRAL OFFICE, 1980 WEST BROAD STREET, COLUMBUS, OH 43223

**OFFICE OF ENVIRONMENTAL SERVICES**

March 16, 2007

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
567 East Hudson Street  
Columbus, Ohio 43211

Attn: Nancy Campbell, ODOT Review Manager, History/Architecture  
Thomas Grooms, ODOT Review Manager, Archaeology

Subject: CUY-I71/90, PID 77510 Cleveland Inner Belt

Re: Section 106 of the National Historic Preservation Act  
36 CFR 800.4(b) *Identify Historic Properties*

Dear Mr. Epstein:

This letter supersedes our February 12, 2007 project letter to your office. We seek your review and acceptance of resources eligible for inclusion in the National Register of Historic Places (NRHP) that maybe impacted by the subject undertaking.

In accordance with 36 CFR 800.2(a)(4) *Consultation* and 36 CFR 800.4(a) *Determine scope of identification efforts*, FHWA, with ODOT as their agent, conducted the first Section 106 Consultation Meeting on May 24, 2006. An overview of the Section 106 process, responsibilities and roles of the agency officials and the Section 106 Consulting Parties were presented. Handouts and a display board illustrated the Area of Potential Effects (APE).

In accordance with 36 CFR 800.4(b) *Identify historic properties*, a Phase I Cultural Resource Survey was conducted of the APE. On July 17, 2006 the Section 106 Consulting Parties were provided a CD ROM of the Phase I Cultural Resources Survey and on July 22, 2006, the Section 106 Consulting Parties were provided a copy of the revised APE map. All Consulting Party comments were forwarded to the Ohio State Historic Preservation Office (OSHPO) on September 1, 2006 for review and consideration. A second Section 106 Consulting Party Meeting was held on September 6, 2006. The consulting parties and the OSHPO were provided a tour of the identified properties within the APE.

In accordance with 36 CFR 800.4(b) *Identify historic properties* and (c) *Evaluate historic significance*, on September 21, 2006, the OSHPO recommended Phase II investigations to determine NR eligibility of twenty-five resources. On January 19, 2007, a copy of the Phase II History/architecture Survey was forwarded to the identified consulting parties for review on CD ROM with an invitation to participate in the next Section 106 Consultation Meeting. The Consulting Parties were notified of the expansion of the APE and that a history/architecture survey is in progress for these expanded areas.

The third Section 106 Consulting Party meeting was held on February 22, 2007. In accordance with 36 CFR 800.4(d) *Results of identification and evaluation*, the Federal agency is required to notify all consulting parties if there are historic properties present which may be affected by the undertaking. FHWA, with ODOT as their agent notified the OSHPO and the Consulting Parties:

Due to the number of known resources in the APE, impacts are inevitable. Types of impacts may include: removal of properties, removal of non-contributing features, change in use, increased noise and vibration. Identification of appropriate mitigation for impacted historic properties throughout the corridor will be developed in conjunction with the identified Section 106 Consulting Parties, ODOT, FHWA and the OSHPO. When adverse effects are known, formal consultation will be initiated. Documentation as specified by 36 CFR 800.11 will be forwarded to the Advisory Council on Historic Preservation (ACHP) and the identified Section 106 Consulting Parties. The overall NEPA public involvement process will take into account economic impacts, social impacts, construction impacts, noise abatement and aesthetic design treatments. As a result of the overall NEPA public involvement process, there may be additional benefits to adjacent historic properties (ODOT February 12, 2007).

Five (5) Section 106 Consulting Parties provided comments prior to the February 22, 2007 meeting. The comments were forwarded to the agency officials.

As a result of the February 22, 2007 meeting and in accordance with 36 CFR 800.4(b) *Identify historic properties*, the FHWA, with ODOT as their agent, extended the Section 106 Consulting Party comment period in order to "make a reasonable and good faith effort to carry out appropriate identification efforts". The ODOT District 12 office sent an electronic notification to all identified Section 106 Consulting Parties requesting comments on the eligibility of properties within the APE by March 7, 2007. Four (4) additional Section 106 Consulting Party comment letters were received. The comments were forwarded to the agency officials.

In accordance with 36 CFR 800.4(c)(1) *Apply National Register criteria*, the FHWA, with ODOT as their agent, applied the NR Criteria to the resources identified as a result of the Phase I and Phase II surveys and by the Section 106 Consulting Parties. The Section 106 regulations do not define the eligibility criteria for the National Register (NR). The NR criteria are defined by the Keeper of the NR in separate regulations. Under these regulations, one of four significance criteria must apply and the resource must retain integrity. The Federal agency is responsible for making eligibility findings in the Section 106 process in consultation with the OSHPO. The following sources were taken into consideration by the agency:

- Section 106 Consulting Party comments
- Results of the Phase I Cultural Resource Survey
- Results of the Phase II History/Architecture Survey
- Ohio & Erie Canal National Heritage Corridor Management Plan
- National Register Bulletins
- Section 6007 of SAFETEA-LU
- ODOT Bridge Inventories and Evaluations
- ACHP Interstate System Exemption
- Revised FHWA Section 4(f) Policy Paper

The attached table (Attachment 1) documents the results of the Phase I and Phase II surveys, Consulting Party Comments, the ODOT determination, and the OSHPO concurrence to date. Consulting Party comments are attached (Attachment 2). The majority of the Consulting Parties agreed with the results of the Phase II survey which recommended the King-Otis Cleveland Mounted Police Station, the Distribution Terminal, Ohio Boxboard Building and the Tactical Rescue Station eligible for inclusion on the NRHP. The majority of the Consulting Parties disagreed with the Phase II report regarding the Central Viaduct Ruins. The Consulting Parties deem the ruins eligible. A representative from the Western Reserve Fire Museum requested additional consideration of a potential National Heritage Area, "Central Viaduct Historic Way", which would incorporate the Central Viaduct Ruins and Tactical Rescue Station (Carpenter 2007:1). Several Consulting Parties requested additional consideration of the Central Viaduct/Inner Belt Bridge. One Consulting Party recommended consideration of the Nickel Plate Rail Road Viaduct as a "place marker" in the history of Cleveland (Eakin 2007:1). The Consulting Parties disagreed with the Phase II survey recommendation of eligible in regard to the Sterling & Welch Company Warehouse. The Consulting Parties agreed with the ODOT determination of not eligible. In addition, the Consulting Parties agreed with the ODOT determination that additional studies were warranted to determine the NR eligibility of the Norfolk Southern Rail Road Truss over Scranton Road

In accordance with 36 CFR 800.4(b) *Identify historic properties* and 36 CFR 800.4(c) *Evaluate historic significance*, ODOT took into consideration the Consulting Party Comments and applied the NR Criteria to each of the history/architecture resources where eligibility recommendations differ or where additional consideration was requested. The following represents this analysis.

#### Central Viaduct/Inner Belt Bridge Eligibility

The Consulting Parties requested a closer evaluation of the NR eligibility of the Central Viaduct/Inner Belt Bridge. Amendment 103(c)(5)(A) of Section 6007 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU), acts in conjunction with the Historic Preservation Exemption under Section 106 of the National Historic Preservation Act (NHPA) adopted by the Advisory Council on Historic Preservation (ACHP). Both exempt the majority of the "Dwight D. Eisenhower System of Interstate and Defense Highways (Interstate System) from review as a historic property under Section 106 and Section 4(f). Only distinct elements of the system, which meet the National Register of Historic Places (NRHP) criteria for national or exceptional significance, will continue to be treated as historic properties under both authorities." The Central Viaduct/Inner Belt Bridge was omitted from this list by FHWA. A list of the national exemptions may be found at <http://www.fhwa.dot.gov>.

Prior to the enactment of SAFETEA-LU and the ACHP exemption, ODOT completed *The Third Ohio Historic Bridge Inventory, Evaluation and Management Plan for Bridges Built 1951-1960 and The Development of Ohio's Interstate System* in cooperation with the FHWA and the OSHPO. Thirteen bridges were determined eligible for inclusion on the NRHP as a result. The Cleveland Inner Belt and Central Viaduct were determined not eligible. The FHWA and the OSHPO concurred with the results of the survey on November 23, 2004 and January 7, 2005 respectively (Attachment 3).

#### Central Viaduct Ruins

The Phase I survey recommended the Central Viaduct Ruins not eligible under Criteria B and C. A Phase II survey was recommended to determine whether Criterion A applied. The Phase II History/Architecture Survey recommended the resource not eligible. The FHWA, with ODOT as their agent, does not recommend the Central Viaduct Ruins eligible for inclusion on the NRHP.

Criterion A – The Central Viaduct was the second viaduct connecting downtown Cleveland with its suburban neighborhoods south and north of the Cuyahoga River. The first, Superior Viaduct ruins, is listed on the NRHP. The remnants are more intact than the Central Viaduct. The Central Viaduct was razed in 1943 and converted to 500 tons of scrap metal for use during World War II (Gray and Pape 2006: 121). The Central Viaduct was locally recognized for its association with the 1895 trolley car accident where 17 passengers died. The NR Bulletin, “How to Apply the National Register Criteria for Evaluation” states, “The event or trends, however, must clearly be important within the associated context . . . the property must have an important association with the event or historic trends, and it must retain historic integrity” (NPS 1991:12). The remaining remnants do not represent the essential elements of the viaduct constructed in 1888 and reconstructed in 1912.

Criterion B – The site does not represent the major achievement of individual or individuals.

Criterion C – Conventional technologies were used on the bridge. The bridge was not an example of advanced or innovative engineering technology at the time of its 1888 construction or 1912 reconstruction.

Criterion D – The site does not have the potential to yield information important in history or prehistory.

#### King-Otis Cleveland Mounted Police Station

The Consulting Parties agreed with the Phase II survey which concluded the King-Otis Cleveland Mounted Police Station is eligible for inclusion on the NRHP under Criterion A “in the areas of Law and Social History for its association with the Cleveland Mounted Police” (Poh 2007:1). “Although this very utilitarian property has had minor alterations to its original windows and stable doors, it does retain sufficient integrity of Location, Setting, Design (especially the interior features), Workmanship, Feeling and Association to meet historic significance under Criterion A as established in the Gray & Pape report” (Beimers 2007: 2).

The Phase I survey recommended the resource not eligible under Criteria A, B and C. Upon further consideration and in accordance with 36 CFR 800.4(c) *Evaluate historic significance*, the FHWA, with ODOT as their agent, recommends the King-Otis Cleveland Mounted Police Station as not eligible for inclusion on the NRHP.

Criterion A – “At the time of the construction of the King-Otis Stables, the unit had 85 horses. . . . the building was constructed late in the history of the Mounted Police; it reflects only the post-1948 history of the unit. Moreover, the building has lost some integrity through alterations, including a large west-wing addition and replacement of all original windows and doors. . . this building is not a sufficiently significant reflection of law enforcement history in Cleveland to be individually eligible for the NRHP; it reflects only the later history of the Cleveland Mounted Police, and it has limited integrity” (Hardlines Design, Inc. 2006: 57).

Criterion B – The resource is not associated with a significant person or persons in history.

Criterion C – “There is no evidence that the building is a significant work of an important designer, or that it was stylistically or technologically innovative. Small brick stables do not appear to be an important property type” (Hardlines Design, Inc. 2006: 57).

Criterion D – The structure does not have the potential to yield information important in history or prehistory.

#### Viktor Schreckengost Sculpture

On July 5, 2006, the OSHPO clarified that the Viktor Schreckengost Sculpture should be considered an object in accordance with NR guidance. The OSHPO went on to state in response to the Phase I survey recommendations, “I agree with the authors that if the stable building is demolished, the sculpture should be re-located. I would suggest that ODOT include this possible need for relocating in the planning process, but eliminate the sculpture from the NRHP eligibility question.”

In accordance with 36 CFR 800.4(c) *Evaluate historic significance*, the FHWA, with ODOT as their agent, recommend the Viktor Schreckengost Sculpture not eligible for inclusion on the NRHP. If the object must be moved to implement the undertaking, the object should be relocated in consultation with the current owner and as an environmental commitment in the NEPA document.

#### Distribution Terminal

The Consulting Parties agreed with the Phase II survey which concluded the Distribution Terminal is eligible under Criteria A and C. “Although this building has very utilitarian history, but important to urban development, it is one of the best remaining examples of Cleveland civil engineer Wilbur Watson’s work of integrating subtle and graceful architectural detail into a massive civil engineering structure” (Beimers 2007:2). “This property is eligible under Criterion A in the area of Industry and Transportation for its association with food storage and distribution before the advent of small-scale refrigeration for homes and businesses. Designed by the eminent civil engineer Wilbur Watson (1871-1939), the building is also possibly eligible under Criterion C in the area of Architecture” (Poh 2007: 2).