U.S. Department of Homeland Security
United States Coast Guard

Commander (dpb)
Ninth Coast Guard District
1240 E. Ninth Street, Room 2025
Cleveland, OH 44199-2060

Phone: (216) 902-6087
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16590
B-032/sms
April 6, 2009

Mr. Timothy M. Hill
Administrator – Office of Environmental Services
Ohio Department of Transportation – Central Office
1980 Broad Street
Columbus , Ohio 43223

Mr. Hill:

I am responding to your letter dated March 13, 2009 regarding the Draft Environmental Impact Statement (DEIS) and request for agency comments for the Cleveland Innerbelt Project in Cleveland, Ohio. This office has submitted prior correspondence on October 3, 2006 and August 14, 2007 with comments related to this proposed project. The Coast Guard continues to endorse all prior comments.

I would like to provide the following specific comments on the DEIS provided:

1.) Under Section 4.2.10 – Other Transportation Modes – there is no discussion of marine transportation under the existing crossing. In addition to the required bridge permit for a possible new or replacement structure, coordination with the Coast Guard will be required prior to any construction or removal activities that could affect permitted navigation clearances or movement of marine traffic.

2.) Page 5-6 – Table 5-3- Agency Responses to SAFETEA-LU Coordination – Under "Status", the note states "required due to Section 10 permit". A Coast Guard Bridge permit is considered a "Section 9" action versus "Section 10". This is accurately reflected on the following table (5-4) under Ohio Environmental Protection Agency.

3.) Page 5-7 – Table 5-4 – Ohio Environmental Protection Agency – Discussion regarding Section 401 Water Quality Certification (WQC), the Coast Guard will require a statement from Ohio EPA either confirming that WQC is issued or not required once a bridge permit application is submitted.

4.) Appendix E – Prior Coast Guard correspondence mentioned above is contained in Appendix E, but the Coast Guard is not listed among the other agencies at the beginning of the Appendix.

5.) There is discussion through the document that a "design-build" contract may be awarded for the project. With design-build projects, the minimum vertical and horizontal navigation clearances must be identified and included in a bridge permit, and must be adhered to in the final structure.

If you require further assistance in this matter, please call me at (216) 902-6087.

Sincerely,

SCOT M. STRIFFLER
Chief, Bridge Branch
By direction of Commander,
Ninth Coast Guard District

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United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

TAKE PRIDE IN AMERICA

MAY 18 2009

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PEP/NRM

ER 09/286

Mr. Dennis Decker
Division Administrator
Federal Highway Administration
200 North High Street, Room 328
Columbus, Ohio 43215-2408

Dear Mr. Decker:

As requested, the Department of the Interior (Department) reviewed the draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation for the **Cleveland Innerbelt Project, City of Cleveland, Cuyahoga County, Ohio.** The Federal Highway Administration (FHWA) and the Ohio Department of Transportation (ODOT) prepared this document. The Department offers the following comments and recommendations for your consideration.

Section 4(f) Comments

This project proposes to update the Interstate system in central Cleveland, known as the Innerbelt. Built in the 1950's and 1960's, the Innerbelt has exceeded its design life and cannot handle the increased volume of traffic. The Innerbelt consists of portions of Interstate 71, 90, and connections to I-77, I-490, and State Routes 2 and 176. This project to rehabilitate and improve the Interstate system is complex and involves not only traffic flow but also bridges, the Central Viaduct, pavement conditions, and maintenance considerations. Alternatives developed address specific changes to segments of the system and to intersections with other roads.

Properties eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)) are addressed in the EIS in terms of three types: those that are not impacted (temporary occupancy, no use); those with *de minimis* impacts (minor use); and those with greater than *de minimis* impacts. The Department has reviewed the temporary and *de minimis* use descriptions in the evaluation and would agree with those determinations. We note for the one recreational property, the Cleveland State University pedestrian trail and greenspace, a concurrence

letter is contained in Appendix E, Agency Coordination. We also note that for the historic properties (eligible for inclusion on the National Register of Historic Places) in these categories, the text indicates agreement with the Ohio State Historic Preservation Officer (OHPO) but none of those concurrences appear in Appendix E. The Department requests that the concurrence letters be placed in the appendix.

Four additional properties in the project study area are subject to greater than *de minimis* impacts, all of which are historic properties eligible for the National Register. These properties are the Broadway Mills building, a Marathon Gas Station, the Distribution Terminal Warehouse, and the Tremont Historic District, which is made up of several contributing structures, mainly small vernacular housing units and modest commercial buildings, including the Greek Orthodox Church of the Annunciation. As in other projects like the Innerbelt, there is limited space for improvements and almost no space for realignments and new alignments. Therefore, avoidance options are often very limited. An analysis of potential feasible and prudent alternatives determined that no alternative could avoid impacts to all Section 4(f) properties, and that all feasible and prudent alternatives would impact at least two or more Section 4(f) properties. Therefore, the Department concurs with the FHWA and ODOT that there are no feasible or prudent alternatives to the proposed alternatives resulting in impacts to Section 4(f) properties.

Because the measures to minimize harm will need to be negotiated with the OHPO, resulting in the development of a programmatic agreement to resolve the adverse effect determination, the Department cannot yet concur that all measures to minimize harm have been employed. Assuming that an agreement can be reached on mitigation of the adverse effects, the Department defers our final determination until that agreement is finalized. We expect the fully executed agreement document to appear in the final EIS.

Fish and Wildlife Coordination Act Comments

In general, the Fish and Wildlife Service (FWS) recommends that proposed projects minimize water quality impacts and impacts to fish and wildlife habitat, such as forests, streams, and wetlands. Note that wetlands may exist on sites that are not designated wetland by the National Wetland Inventory. It is recommended that the proposed project use best construction techniques to minimize erosion. Prevention of non-native, invasive plant establishment is critical in maintaining quality habitats. All disturbed areas should be mulched and re-vegetated with native plants.

The Cuyahoga River is the sole aquatic feature within the immediate project area. However, drainage in the watershed is directed toward and into Lake Erie. Although ODOT has determined that there will be no substantial long-term impacts on streams or water quality, the Department strongly recommends that even short-term impacts to Lake Erie and shoreline habitat be avoided and minimized to the greatest extent possible. The FWS provided detailed comments regarding impacts to Lake Erie in its August 21, 2007, letter to the FHWA (see Appendix E of the draft EIS). In addition, erosion and sedimentation control should be a priority concern when addressing the

stability issues on the west bank of the Cuyahoga River, as discussed on page 4-1 of the draft EIS.

Endangered Species Comments

The proposed project lies within the range of the Indiana bat (*Myotis sodalis*), a federally-listed endangered species. As stated on page 4-4 of the draft EIS, ODOT has determined that this project may affect, but is not likely to adversely affect the Indiana bat. The FWS concurs with this determination, due to the project's location in a dense urban area, the low density and small size of trees along the interstate, and the limited amount of suitable foraging habitat available for the bat.

The proposed project also lies within the range of the federally-endangered piping plover (*Charadrius melodus*), the Federal Candidate eastern massasauga rattlesnake (*Sistrurus catenatus*), and the Federal Species of Concern bald eagle (*Haliaeetus leucocephalus*). Due to the project location and description, the project as proposed, should not impact these species or their habitat.

Peregrine falcons (*Falco peregrinus*) have been fledging chicks from a nest tray on the I-90 Bridge (Innerbelt Bridge) each year since 2001. The FWS provided comments on ODOT's plans to avoid and minimize impacts to the falcons in a letter dated April 25, 2007, (see Appendix E of the draft EIS). The ODOT has committed to comply with all applicable regulations pertaining to the peregrine falcon, including the Migratory Bird Treaty Act, and is working with the Ohio Department of Natural Resources (ODNR) to move the nest prior to construction and to provide suitable habitat for the falcons on the Interstate 90 bridge understructure for the separate rehabilitation project (PID 86380).

Two State-listed species, the upland sandpiper (*Bartramia lingicauda*) and the muskellunge (*Esox masquinongy*) occur within one mile of the project area. The FWS agrees that work should immediately cease and the Ohio Division of Wildlife should be contacted if either of these species is encountered during construction of the project.

In addition, the FWS supports the use of ODNR's in-water work exclusion dates of March 15 — June 30, in order to reduce impacts to aquatic species and their habitat.

Summary Comments

The Department concurs with the determinations concerning Section 4(f) properties that will not be affected and those subject to *de minimis* impacts. The Department will defer to concurrence with determinations for those properties subject to greater than *de minimis* impacts until consultation with the OHPO is concluded and a signed agreement document is included in the final evaluation.

Impacts to natural resources do not appear to differ between the two Central Interchange/Central Viaduct Bridge alternatives (A and B). Therefore, the Department does not have a preference for one alternative over the other based on these impacts.

This 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 Mitigation Policy of the FWS. Should, during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the FWS should be reinitiated to assess whether the determinations are still valid.

The Department has a continuing interest in working with the FHWA and ODOT to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to Section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, National Park Service, Midwest Regional Office, 601 Riverfront Drive, Omaha, Nebraska 68102; telephone 402-661-1844. For matters related to fish and wildlife resources, please contact Karen Hallberg, U.S. Fish and Wildlife Service, Ecological Services Office, 4625 Morse Road, Suite 104, Columbus, Ohio 43230; telephone 614-416-8993, extension 23.

We appreciate the opportunity to provide these comments.

Sincerely,

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:
Mr. Craig K. Hebebrand
Project Manager
Ohio Department of Transportation, District 12
5500 Transportation Boulevard
Garfield Heights, Ohio 44125

Mr. Timothy Hill
Administrator
Ohio Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

U.S. Department of Transportation
Federal Aviation Administration

Detroit Airports District Office
11677 South Wayne Road
Suite 107
Romulus, MI 48174

May 21, 2009

Mr. Craig Hebebrand P.E.
Ohio Department of Transportation, District 12
5500 Transportation Blvd.
Garfield Heights, Ohio 44125

Dear Mr. Hebebrand:

Burke Lakefront Airport, Cleveland, Ohio
Review of Draft Environmental Impact Study (DEIS)
Cleveland Inner belt Project
PID No. 77510

The Federal Aviation Administration (FAA) appreciates the opportunity to participate in Federal Highway Administration (FHWA) Environmental Impact study (EIS) on the Cleveland Inter Belt project. Together, we can assist you in meeting your goal of improving highway safety while preserving the safety, operational and future development potential of Burke Lakefront Airport. We have the following comments concerning the DEIS:

- The State of Ohio and the City of Cleveland need to continue their dialog on the feasibility of acquiring land currently owned by City of Cleveland and dedicated to Burke Lakefront Airport. If the final project will require the taking of any land within the boundaries of the Burke Lakefront Airport, a FAA land release will be required. This approval can take several months for the FAA to complete as special public notice is required. The request for land release will also require the FAA to approve a NEPA document related to the property.

- As you refine your development plans, the FAA will need to conduct an aeronautical study of your proposed development and the resulting land changes at Burke Lakefront Airport. You will need to work with the City of Cleveland and their consultant to depict the proposed changes on an Airport Layout Plan (ALP). After our aeronautical study is complete, the FAA will be able to determine any possible safety/operational/development concerns with the proposed development. We are unable to determine specific concerns based upon the preliminary drawings provided for Alternative A in the DEIS on pages 32 and 33. It appears that the aircraft holding pad is missing from drawing 32.

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- The FEIS should contain meeting minutes of past and future meetings on road modifications near the airport (Page 4-40, and 5-9). Also we would recommend that the FEIS include a final description of land requirements and mitigation, concurred with by the airport sponsor.

- The FEIS should clearly note that FAA approval will be required for any land transfer from City of Cleveland (airport property) to the State of Ohio. (Actions required from other State and Federal Agencies. Pages ES-13 and 6-2.)

- 14 CFR Part 77 requires that notice be filed for construction near airports. We would recommend that notice be filed for the estimated location and heights of the innerbelt curve and the proposed eastbound/westbound bridges. This office will assist you in filing this paper work. With the results of the FAA study you will be able to better determine what, if any height/lighting requirements may apply to future construction.

- You may also want to reference in the FEIS, FAA Order 5000.3C "*Coordination with the Federal Highway Administration*".

If you have any question concerning this letter please, I can be contacted at (734) 229-2905. We look forward to assisting you in completing the FEIS.

Sincerely,

Ernest P. Gubry
Environmental Protection Specialist
Detroit Airports District Office

cc: Khalid Bahhur, Burke Lakefront Airport
Steve Nagy, Cleveland Airport
Monica Geygan, L&B Consultant
Mark Justice, ODOT Airports

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 21 2009

REPLY TO THE ATTENTION OF E - 19J

Craig K. Hebebrand, Project Manager
Ohio Department of Transportation, District 12
5500 Transportation Boulevard
Garfield Heights, Ohio 44125

Re: Comments on the Draft Environmental Impact Statement for the Cleveland Innerbelt Project, CEQ No. 20090071

Dear Mr. Hebebrand:

In accordance with U.S. Environmental Protection Agency (EPA) responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), we have reviewed the Draft Environmental Impact Statement (DEIS) for the Cleveland Innerbelt Project in Cuyahoga County, Ohio. This project proposes to replace the existing aged Central Viaduct Bridge over the Cuyahoga River Valley with two parallel spans, thus providing increased capacity. Upgrading original roadway design components will improve safety, traffic flow, and capacity at many points throughout the corridor. Redesign of the corridor interchanges are proposed to improve access and compliance with federal highway standards.

EPA participated in scoping conversations with the Ohio Department of Transportation (ODOT) regarding this project and provided comments to the August 11, 2006 document, Conceptual Alternatives (CA), on December 11, 2006. We presented concerns regarding impacts from the historic design of traffic through the metropolitan area and that the proposed project continues to concentrate traffic on the Central Interchange and Trench segments. City and suburban traffic converge on the Central Interchange from the west and northeast via I-90 and from the south via I-71, I-77, and State Route 176. Average Daily Traffic levels (ADT) do not appear to be the purpose and need for this project. Rather, purpose and need are driven principally by the congestion at morning and evening peak hours of service, which the system does not handle efficiently or safely. We expressed concern that this concentration of vehicles could elevate local air pollution levels, creating "hot spots." We also requested the DEIS discuss collection and pretreatment of roadway construction and operational stormwater runoff to the Cuyahoga River and Lake Erie.

The DEIS discusses how various interchange options along the Trench segment have been negotiated to reach a single solution. The earlier CA document discussed several options for the Central Interchange, the Outer Curve configuration, and interchanges for other project segments. Design parameters identified as optimal from the CA document are incorporated in

this DEIS as the proposed configurations for these segments. This leaves only the Central Viaduct Bridge segment with two alternatives, those being a second bridge structure to the north of the present bridge or a second bridge to the south of the current structure. Both bridge alternatives include replacing the present bridge structure with a comparable structure matching the new bridge. The DEIS selects the northern bridge as the Preferred Alternative.

Our review of the DEIS has focused upon our former comments regarding stormwater runoff and air quality concerns. During scoping, we inquired whether transportation system management (TSM) might be a considered alternative, and concurred that TSM could not solve the current Innerbelt design flaws and was appropriately dropped as a stand-alone alternative. Below, we raise the possible use of TSM in coordination with the proposed construction solutions to congestion. We commend the DEIS writers on the Indirect (Secondary) and Cumulative Impacts discussion.

STORMWATER RUNOFF

The discussion on page 4-2 depicts the surface area of the proposed project as a very small percentage (0.5%) of the total city impervious surface, implying the proposed roadway contributes insignificantly to the discharge impact. The Innerbelt handles a substantial portion of traffic to and through the Central Business District (CBD), appearing to account for up to half of the vehicle miles traveled on roads within the CBD served by the Innerbelt, thus concentrating pollutant loading of stormwater runoff to the Cuyahoga River and Lake Erie. Therefore, we recommend that the EIS examine and discuss "green infrastructure" alternatives for managing wet weather flows. This could potentially include features like swales, detention ponds, and rain gardens to filter and absorb stormwater. Such control measures can reduce the volume of discharges, trap pollutants, and help restore the hydrological regime. In addition, there are many vacant parcels in the project area, providing opportunities to work in collaboration with local units of government, parks departments, and Northeast Ohio Regional Sewer District (NEORSD) to install green infrastructure on vacant parcels to manage stormwater. "Stormwater parks" can potentially be designed to store/infiltrate stormwater and improve the fabric of the community. Post-construction stormwater control measures, including green infrastructure alternatives, are not specifically discussed in the DEIS; they should be addressed in the Final EIS.

Stormwater discharges associated with construction activities will require a National Pollution Discharge Elimination System (NPDES) stormwater discharge permit from the Ohio Environmental Protection Agency (OEPA). The permit will require erosion and sediment controls and pollution prevention (e.g., preventing spills of fuels/fluids from construction equipment) during construction. The NPDES permit will also require post-construction stormwater management measures. The Final EIS should include a description of both during-construction and post-construction stormwater control measures.

As noted in the DEIS, some of the sewers in the project area are combined. High volumes of runoff into the combined system during and after storm events result in substantial combined sewer overflows (CSOs). CSO overflows discharge to the Cuyahoga River and Lake Erie with some regularity each year. The CSO discharges deliver sediment, biological oxygen demand (BOD) components, pathogens, and other pollutants to the Cuyahoga River and Lake Erie. Separating wet weather discharges from the highway to the combined system will contribute to reduced pollutant loadings to the River and the Lake from CSO discharges. However, green stormwater control measures, as described above, will still be appropriate to reduce the pollutant loadings and volume of stormwater discharges from the storm sewer system.

We are well aware of the continued degraded condition of the lower Cuyahoga River, a designated Great Lakes Area of Concern. Great investments continue to be made to improve the Cuyahoga River and the Great Lakes ecosystems. We disagree with the DEIS's implication on page 4-2 that, just because the OEPA concedes that contamination of the Cuyahoga River makes its full recovery improbable, it is therefore acceptable to consider the pollution load this project contributes to these waters to be negligible.

AIR QUALITY

We appreciate that air quality concerns for conformity and local "hot spot" and toxic situations were analyzed and discussed. Although the region remains as a moderate non-attainment area for 8-hour ozone levels and non-attainment for particulate matter of 2.5 micron size, we accept the analysis discussed in the DEIS for these concerns and that this project will meet the region's transportation conformity requirements.

We recommend that the Final EIS estimate the greenhouse gas emissions associated with this project. Conversely, how global climate changes might impact this project should also be discussed.

TRANSPORTATION SYSTEM MANAGEMENT

Because peak hour traffic congestion is a significant component of the purpose and need for this project, we recommend that some of the developing TSM concepts should be considered in combination with the build alternatives being proposed in the Final EIS. We acknowledge that cost / benefit is a consideration in such matters, as was earlier pointed out, but new technologies may warrant their inclusion in this project solution. Because the Innerbelt has a limited number of pathways and key control points, TSM components may be more economically incorporated with significant results. For example, with only four signs, a real-time messaging system could advise inbound traffic on the four interstate approaches (I-90 eastbound, I-90 westbound, I-71 and I-77 northbound) regarding Innerbelt congestion backups and recommend alternate routing. Simple flashing light signs or lighted arrows could similarly convey when drivers should consider either exiting the Innerbelt early or not entering the Innerbelt at a specific ramp; signs could also redirect traffic flow as needed. Providing alerts via GPS on-board systems may be useful. Some form of congestion pricing could significantly reduce projected peak hour travel, bringing it to manageable levels.

Our comments on the DEIS requests that the Final EIS give additional consideration to stormwater runoff, CSO separation, air quality including climate change considerations, and reconsider TSM techniques. We therefore give the document a rating of "EC-2" (environmental concerns, insufficient information). We refer you to the enclosed Summary of Rating Definitions Sheet for a fuller definition. This rating will be published in the Federal Register.

We appreciate the opportunity to review and comment on this DEIS for the Cleveland Innerbelt Project. Should you have any questions regarding these comments, please feel free to contact me or Norm West of my staff at 312-353-5692 or west.norman@epa.gov.

Sincerely,

Kenneth A. Westlake, Supervisor
NEPA Implementation
Office of Enforcement and Compliance Assurance

Cc: David Snyder, FHWA - Ohio Division
Herman Rodrigo, FHWA - Ohio Division
Timothy M. Hill, ODOT

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SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS sate, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate
The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alterative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information
The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

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April 22, 2009

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

Re: Draft Environmental Impact Statement
CUY-90-Innerbelt Project, PID 77510

Dear Mr. Hill:

This is to acknowledge our receipt (March 23, 2009) and review of the subject report (Draft Environmental Impact Statement, DEIS). The report describes the proposed Cleveland Innerbelt Project, a major project in the Cleveland area to address several deficiencies in the existing roadway infrastructure, including design, safety, traffic flow in and out of the downtown area, and access shortcomings. Our last comments on this effort were submitted to you on May 16, 2007 and appear in the report.

Major Project Components/Two Project Alignment Alternatives

The report describes five primary components of the proposed project: Southern Innerbelt, Central Viaduct/Central Interchange, Innerbelt Trench, Innerbelt Curve, and I-77 Access, each of which will serve a vital function in restoring vehicular traffic functions in the Cleveland area. The scope of the project has been narrowed to two primary alternatives: Alternative A (Northern Alignment Alternative) and Alternative B (Southern Alignment Alternative). According to the report, Alternative B is essentially identical with Alternative A with exception that it includes the construction of a new bridge to the south of the existing Central Viaduct. It will carry traffic eastbound and replace the existing Viaduct on essentially the same alignment to direct traffic westbound.

Ohio EPA's Overall Impression of the Proposed Project

At this stage in project development, we do not have any major concerns regarding the project alternatives described in the report. However, the report states (page 4-55) that the Northern Alignment Alternative has fewer overall impacts than the

Southern Alignment Alternative and is preferable. We assume this includes aquatic impacts. If so, we concur with the preference.

Impacted Water Resources

For a project of this size, the ecological impacts appear to be relative minor. However, we encourage any refinements in the project to avoid or reduce primary, secondary, and cumulative impacts to ecological resources to the best extent practicable.

Details on Aquatic Resources and their Impacts: The report stated the Cuyahoga River will be impacted by bridge construction work. We would appreciate more details on the nature and magnitude of the impacts to the river and its tributaries, if applicable, in future reports.

Aquatic Red Flag Concerns: We are not aware of any problematic aquatic resource issues relative to the proposed project, at present. Because a small portion of the proposed project resides within the Lake Erie drainage area and Coastal Zone Management Area, please be aware of the prohibition in Part 1, C of our NWP conditions regarding impacts to Lake Erie coastal wetlands (including coastal wetlands on Lake Erie islands and Sandusky Bay, except NWP 3 and 27).

As you know, there are many water quality concerns in the Cuyahoga River Watershed, and an increase in impervious surface area in the project area, especially in the highly urbanized Cleveland area, will likely magnify the problem by increasing the volume and velocity of storm water in the watershed. There now is general agreement of a direct relationship between the amount of impervious surface in a watershed and the degree of degradation. Although there probably is not a practical solution to this problem, especially in an urbanized center such as Cleveland, there are many ways to minimize the extent and magnitude of the problem, for example, by implementing BMPs, pursuing "green space" opportunities (e.g. riparian corridors), and exploring innovative technologies. If compensatory mitigation is necessary for the project, it may be fruitful to consider these efforts. It is encouraging to see several state transportation agencies, such as ODOT, conducting or sponsoring research in porous pavement and its application in roadway infrastructure.

Stability Issues on the West Bank of the Cuyahoga River: We understand a section of the west bank, including the bridge area, of the Cuyahoga River is experiencing bank stability issues. We assume the problem will be fixed and will not compromise the integrity of the river?

Potential Regulatory Oversight

Information Needs: The aquatic impacts described in the report appear to be small and fall below the regulatory threshold levels that would trigger individual 401 authorization. However, because the project is still in development phase, the impact values could substantially change and require a reinterpretation of regulatory oversight. We realize it may be some time before the impact data becomes available.

Also, there are other regulatory issues to consider such as U.S. Coast Guard Section 9 permitting and the Corps jurisdictional and regulatory determinations (see below).

Coast Guard Section 9 Permit: The report stated the project will require a Coast Guard Section 9 permit (page 6-1). If a Section 9 permit is required, we understand the Coast Guard also requires an Individual Section 401 Certificate. Please update us on this.

Army Corps of Engineers Section 404 Permit: If the project requires Individual 404 authorization, it also will require Individual 401 authorization.

Note Regarding NWP 14 Authorization: Please note for NWP 14, Ohio EPA restricts stream crossings to a total of three per stream mile per stream.

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.

Arthur L. Coleman, Jr., Environmental Specialist, DSW,
Environmental Mitigation and Special Permitting Section, EM&SPS

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
Donald Rostofer, Supervisor, Ecological Section, OES/ODOT
Ric Queen, Manager, EM&SPS
Karen Hallberg, USFWS
Brian Mitch, ODNR
Peter Clingan, USACE, Huntington District (Columbus Transportation Office)
Ed Wilk, DSW/NEDO
Joseph Loucek, DSW/NEDO