

Appendix H
Environmental Assessment: Agency Responses



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

REPLY TO
ATTENTION OF:

DEC 12 2006

Operations and Readiness Division
Regulatory Branch
Ottawa River – 20062387
LUC-75-4.52, PID 23548

Mr. Adam Johnson
Federal Highways Administration
200 North High Street
Columbus, Ohio 43215

RECEIVED
DEC 15 06
OHIO DIVISION

Dear Mr. Johnson,

This letter is in response to your request for a review of the Environmental Assessment for the project involving road improvements along Interstates 75 and 475 in Lucas County, Ohio. A report titled *LUC-75/I-475 Interchange Improvement Project Environmental Assessment, October 2006, LUC-75-4.52, PID 23548* was submitted to our office by cover letter dated November 14, 2006. We received this report November 21, 2006.

A review of the environmental assessment reveals that early coordination with federal and state agencies and project planning has been ongoing. Previous documents submitted for review include a Conceptual Alternatives Study and Feasible Alternatives Study. The resulting preferred alternative addressed in the EA (I-475 Alternative C, I-75 Alternative C combination) would result in impacts to the Ottawa River, three unnamed tributaries to the Ottawa River and three wetlands.

The wetlands within the project area were identified as wetlands A, B, and C. Streams were identified as unnamed tributaries 1, 2, and 3, and the Ottawa River. The location of these streams and wetlands is documented on Figures 2.2.1: I-475 Preferred Alternative and 2.2.1: (Cont.) I-75 Preferred Alternative in Appendix A of the EA. The wetlands and streams on site appear to be part of a surface tributary system of the Ottawa River a navigable water way which flows into Lake Erie. Based on our review of the environmental assessment you provided, we have preliminarily determined that the Project area does contain waters of the United States and that your proposed project would impact these waters. A delineation of the affected resources will be required and a Department of the Army 10/404 permit will be required prior to placing any fill material into these waters.

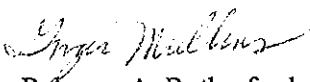
Based on our review this information, we have preliminarily determined that the streams and wetlands within the project area are jurisdictional waters of the United States and that your proposed project would impact these waters. This is a preliminary jurisdictional determination and is valid for a period of five years from the date of this letter unless new information warrants revision of the delineation before the expiration date. 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.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

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

Sincerely,


Rebecca A. Rutherford
Chief, North Regulatory Section

Enclosure

Copy Furnished:

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

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

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Ohio Department of Transportation	File Number: 2006-2387	Date: 12 Dec 06
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 type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" 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/cecwo/reg> or Corps regulations at 33 CFR Part 331.

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 or 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.)

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:

If you have questions regarding this decision and/or the appeal process you may contact:

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

Address: U.S. Army Corps of Engineers
Regulatory Branch
502 8th Street
Huntington, WV 25701

If you only have questions regarding the appeal process you may also contact:

Mr. Mike Montone
Great Lakes and Ohio River Division
Post Office Box 1159
Cincinnati, Ohio 45201-1159
Phone: (513) 684-6212

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

PID 23648
 LUC 75-1.98
 "JEEP SPLIT"

DEC 19 2006

REPLY TO THE ATTENTION OF:

B-19J

OHIO DIVISION

DEC 22 06

RECEIVED PERVA

Adam Johnson
 Federal Highway Administration
 200 North High Street, Room 328
 Columbus, OH 43215

**RE: IR 75/IR 475 Interchange Modification in Downtown Toledo, Ohio
 (LUC-75.52, PID 23548) Draft Environmental Assessment**

Dear Mr. Johnson:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (U.S. EPA) has reviewed the Draft Environmental Assessment (EA) for the IR 75/IR 475 interchange modification project in downtown Toledo, Ohio. The project is intended to improve traffic flow and level of service, improve safety, decrease accident rates, and update geometric features to meet current standards. The EA identifies a preferred alternative that involves providing new highway access points and changing or eliminating other existing access points. It also provides additional lanes on selected interchange ramps. The preferred alternative shifts the I-75 southbound roadway east of its current alignment, placing it over the Ottawa River and affecting approximately 1420 linear feet of the stream. The project area is urban, and the project will increase noise impacts for some receptors and cause relocation of 78 residences and two small businesses.

In general, we have no objections to this project or the preferred alternative, but offer the following comments.

- The EA identifies that noise impacts will increase as a result of the project. The EA states that noise mitigation is considered reasonable and feasible and will be discussed during public involvement during the final design phase. We encourage the noise mitigation recommended by studies cited in the EA.
- Both highway alternatives for the I-75 portion shift the roadway to the east so that it traverses the Ottawa River. The discussion on page 2-26 states that while both alternatives satisfy the purpose and need, the preferred alternative (C/I-75 leg) has fewer environmental impacts. It is not clear, however, from the preceding information and analysis (pages 2-22 through 2-26) that this alternative does have fewer impacts; these sections discuss geometry, right-of-way, utility relocations, and other issues, but do not

discuss environmental impacts. From the tables, we note that C/I-75 appears to affect more linear feet of stream than B/I-75 (1,224 linear feet for C/I-75 compared to 317 linear feet for B/I-75), but avoids more hazardous material sites. We recommend the final EA include a more thorough discussion of the environmental impacts of both alternatives to support the statement that the preferred alternative has fewer impacts. Furthermore, we encourage the Ohio Department of Transportation to use all mitigation measures identified in the EA to prevent further impairments to Ottawa River.

Thank you for the opportunity to comment on this EA. If you have any questions, please contact Anna Miller of my staff at (312) 886-7060.

Sincerely,

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Science, Ecosystems, and Communities

cc: Tim Hill, Ohio Department of Transportation



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
December 19, 2006



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

Attn: Mr. Donald Rostofer
RE: LUC-75-4.52, PID ~~23548~~
23648

Dear Mr. Hill:


This is in response to your November 14, 2006 letter and the accompanying Environmental Assessment for the proposed Interstate-75/475 Interchange Study, Toledo, Lucas County, Ohio we received on November 20, 2006. The project involves the rehabilitation and upgrade of the existing I-75/I-475 interchange and surrounding exits to eliminate traffic congestion and improve safety at this location.

The Service has commented on this project in letters dated July 19, 2004 and December 29, 2005. The Service has no additional comments at this time. 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 Service should be reinitiated to assess whether the determinations are still valid.

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.

If you have questions, or if we may be of further assistance in this matter, please contact Troy Wilson at extension 23 in this office.

Sincerely,


for Mary Knapp, Ph.D.
Field Supervisor

cc: Noel Alcala, Office of Environmental Services, Ohio Department of Transportation
ODNR, DOW, SCEA Unit, Columbus, OH
Ohio Regulatory Transportation Office, Columbus, OH



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
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

December 5, 2006

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

**Re: Environmental Assessment Report
LUC-75-4.52, PID 23548**

Dear Mr. Hill:

We received the above referenced document in our office on November 16, 2006. The report describes the proposed modification of the IR75/IR-475 Interchange in Downtown Toledo, Lucas County, Ohio. The recommended Preferred Alternative for the project consists of Alternative C/I-75 Leg and Alternative C /I-475 Leg. We offer the following comments on the proposal:

- 1. Preferred Alternative:** The Preferred Alternative (PA), especially Alternative C (I-75) Leg, will impact significantly more stream habitat in comparison to the other alternatives presented in the report. The PA (I-75 section) also has more stream crossings than the other alternatives. We recommend consideration given to reducing the number of proposed bridges across the Ottawa River, using clear-span structures, and shifting the alignments of ramps/bridges to lower impacts.
- 2. Ecological Impacts:** Several streams and wetlands in the project area were either omitted or were difficult to discern in the figures. A clearer depiction of these features would have facilitated our analysis of impacts. At this point in the planning process, the magnitude of stream impacts (1420 lf) and wetland impacts (> 0.5 acre) described in Tables 3.1.3.4 (Page 3-6) and Table 3.1.4.2 (Page 3-8), respectively, of the report for the PA will require Individual Section 401 authorization, as acknowledged in the report.

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncek, Director



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Timothy M. Hill, Administrator
Ohio Department of Transportation
Environmental Assessment
LUC-75-4.52, PID 23548
Page 2 of 2

3. **Mitigation Opportunities:** We recommend targeting the Ottawa River corridor for stream mitigation opportunities. This includes enhancement of riparian habitat.

If you have any questions or issues you would like to discuss, please contact me at (614) 644-2138.

Sincerely,



Arthur L. Coleman, Jr.
Ohio EPA, DSW, Environmental Mitigation & Transportation Permitting Section

cc: Deborah Wegmann, US Army Corps of Engineers, Huntington District
William Cody, Asst. Administrator, OES/ODOT
Mike Pettegrew, Supervisor, Waterway Permits Unit, OES/ODOT
Donald Rostofer, Environmental Supervisor, Ecological Unit, OES/ODOT
Troy Wilson, US Fish & Wildlife Service
Mindy Bankey, ODNR
Rachel Babb, DSW/NWDO