

FINDING OF NO SIGNIFICANT IMPACT  
FOR THE VIRGINIA KENDALL LAKE SEDIMENT REMOVAL  
ENVIRONMENTAL ASSESSMENT

CUYAHOGA VALLEY NATIONAL PARK

BACKGROUND

Cuyahoga Valley National Park (the Park), under the administration of the National Park Service (NPS), was originally designated as a National Recreation Area in 1974 to preserve approximately 33,000 acres in the Cuyahoga River Valley. It was designated as a National Park in 2000. The Park has preserved several areas of recreational, cultural, educational, and historic significance, including the Cuyahoga Valley Environmental Education Center, the Blossom Music Center, the Porthouse Theater, Brandywine Golf Course, Shawnee Hills Golf Course, Astorhurst Golf Course, Brandywine Ski Resort, Brecksville Stables, Wetmore Bridle Trails, and the Cuyahoga Valley Scenic Railroad.

Virginia Kendall Lake is located within the Park on Salt Run, approximately 10 miles north of Akron, Ohio. Principal benefits of the reservoir include recreation and wildlife habitat. Virginia Kendall Dam was constructed in the 1930s and is a homogeneous earthfill structure containing a reinforced concrete core wall, with a structural height of 25 feet and a crest length of 565 feet.

The NPS has proposed to remove a portion of the accumulated sediments in Virginia Kendall Lake. The sediment removal would restore recreational, aesthetic, and wildlife habitat values and increase the storage volume of the lake. The areas proposed for dredging have silted in and developed dense submerged aquatic vegetation to the point where recreational usage for fishing, boating, and swimming has become very limited. The sediment removal would also retain the desired appearance of the constructed landscape built in the 1930s.

The Environmental Assessment for the Virginia Kendall Lake Sediment Removal was available for public review from January 28, 2009 until March 6, 2009. The EA analyzed two alternatives: Alternative 1 – No Action and Alternative 2 - Virginia Kendall Lake Sediment Removal. Alternative 2 was determined to be the Preferred Alternative. The EA was prepared pursuant to the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR 1500 et seq.), 42 U.S.C. 4332(2)(C), and NPS Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-making Handbook (2001) (DO-12).

SELECTED ALTERNATIVE

The NPS has selected Alternative 2 – Virginia Kendall Lake Sediment Removal. The primary goal of the action is to remove up to 6000 cubic yards of accumulated sediment from selected portions of Virginia Kendall Lake. Equipment will access the site from Truxell Road to an existing access road to the dam crest or on an optional, new access

road approximately 180 feet east of the existing road. No heavy equipment will be taken across the historic bridge to the existing Kendall Lake parking lot. Prior to excavation, the contractor would be required to divert the existing streamflow from Salt Run and an unnamed tributary to avoid wetting the sediment removal areas, reduce the amount of sedimentation, and to keep construction equipment out of wet areas. No permanent fill will be placed in the lake bottom for access road construction or sediment removal operations.

The contractor has the option to haul the sediments to an approved State landfill or the Shultz Barn site which is an existing Park maintenance and storage facility. No land surface disturbance will occur from the disposal activities. When the sediment material has dried, the contractor will grade it to contour, then seed and mulch with a native seed mix approved by NPS. The Park will then have the option to use the sediment material at the other sites in the Park where clean fill material is needed.

Construction activities/disturbance will only occur in the vicinity of the dam area and the lake bottom during sediment removal. Contractor access to the site will be limited to the existing dam road that is closed to public vehicle traffic. The established Ledges Parking Area will be available for use by the contractor for vehicle, construction machinery, and construction materials storage. All public use of the Lake Trail across the dam will be closed during the construction period, however, the Virginia Kendall Lake Shelter and surrounding trails will remain open.

Three existing culverts in the main parking area for the lake will be cleaned out during construction. Sediment obstructions will be removed without damaging the existing culverts, and the material will be disposed of with the lake bottom sediments. After all construction activities are complete, disturbed areas will be reseeded with a mix of native species that have been selected by NPS. The existing maintenance access road to the dam will be restored using aggregate base and the hiking trail will be reconstructed near its original location. If the alternate access road is used by the contractor, it will be reclaimed by removing the aggregate base and then will be reseeded with an NPS-approved native species mix.

#### OTHER ALTERNATIVES CONSIDERED

##### Alternative 1

Under Alternative 1, the No Action Alternative the work required to remove the accumulated sediment at Virginia Kendall Lake would not occur. The recreational use of the lake would continue to be reduced along with a reduction of retention time for flood events due to sedimentation and increases in the amount of aquatic vegetation in the lake.

## ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The environmentally preferable alternative is the alternative that will promote the national environmental policy expressed in NEPA (Sec. 101 (b)). This includes alternatives that:

- fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
- ensure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.
- attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.
- preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
- achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.
- enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Alternative 2, Virginia Kendall Lake Sediment Removal is the Environmentally Preferable Alternative. There is not one alternative that has the least impact to all of the historic, cultural, natural resources and visitor experiences; however, Alternative 2 is the alternative that best balances those impacts. Alternative 1, No Action would have the least impact to vegetation and wildlife species because there would be no disturbance. However, the temporary impact to vegetation from clearing for the access road and the removal of aquatic vegetation for sediment dredging will be compensated for by revegetation of all disturbed areas and natural recolonization of the lake bottom from existing seed sources. Local wildlife populations are expected to rebound to preconstruction levels in the short term. Alternative 2 would have a beneficial effect to both historical property and visitor experience. Kendall Lake and Dam are identified as contributing features as part of Virginia Kendall State Park Historic District. The removal of the accumulated lake bottom sediments will help keep the lake from filling and retain the desired look of the constructed landscape built in the 1930s. The continued development of large amounts of submerged aquatic vegetation has contributed to visitor dissatisfaction by eliminating the possibilities of fishing and boating from most of the lake. Restoring these recreational capabilities has been a major initiative in developing the project.

## WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined at 40 CFR §1508.27, from the regulations of the Council on Environmental Quality that implement the provisions of NEPA, significance is determined by examining the following criteria:

*Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

The Selected Alternative will include ground disturbance for the temporary access road and removal of aquatic vegetation during sediment removal. These activities will have minor adverse impacts to wildlife and wildlife habitat. The small areas of disturbance are expected to rapidly rebound to similar pre-construction conditions.

There are extensive wetlands upstream of Virginia Kendall Lake along Salt Run and on the unnamed tributary that will not be disturbed. Sediment removal activities will have a minor adverse impact on the emergent wetland in the lake which is considered an intentional artificial wetland because the reservoir is a constructed feature.

Virginia Kendall Lake and Dam are identified as contributing features as part of Virginia Kendall State Park Historic District. The removal of the accumulated lake bottom sediments will have a minor beneficial impact by keeping the lake from filling and retaining the desired look of the constructed landscape built in the 1930s.

Project construction associated with the sediment removal operations would occur during the fall/winter months when visitor use is lower than other times of the year. Draining the lake and closing the hiking trails across the dam will limit visitor use for the short term causing a minor adverse impact. The restoration of recreational opportunities by removing sediment and accumulated aquatic vegetation will improve visitor satisfaction causing a long term moderate beneficial impact.

*The degree to which the action affects public health or safety.*

Implementation of the project will not cause a change in public health or safety because all access to the construction site will be closed.

*Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

Virginia Kendall Lake and Dam are identified as contributing features as part of Virginia Kendall State Park which is now recognized as Historic District (NR96001515) on the National Register of Historic Places. The removal of accumulated lake bottom sediments will help keep the lake from filling and retain the desired look of the constructed landscape built in the 1930s. On December 12, 2007,

the Ohio Historic Preservation Office concurred with the findings of NPS that the proposed project will have no adverse effect on historic properties.

There are extensive wetlands upstream of Virginia Kendall Lake along Salt Run and on the unnamed tributary that will not be disturbed. All wetlands affected by this project are considered intentional artificial wetlands because the reservoir is a constructed feature. Actions being taken are considered to be regular maintenance of this constructed feature. The anticipated loss or degradation of wetland function and value is considered to be short term and minimal (minor adverse effects and loss of 0.16 acres).

The project area is within the range of the Federally endangered Indiana bat. Trees suitable as roost sites for Indiana bats could be removed at the site of the proposed alternate access road to the lake. NPS has incorporated the USFWS seasonal tree clearing dates (no cutting April 1 through September 30) into the contract specifications for the project. Based on previous surveys when no Indiana bats were found and the limitations on tree cutting, USFWS concurred with the NPS determination that the project was not likely to adversely affect the Indiana bat in a letter August 31, 2007 and again in a comment on the EA submitted March 5, 2009.

There are no prime farmlands or wild and scenic rivers within the study area.

*The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Implementation of the project will not result in controversial effects on the human environment. No public comments were received that indicated otherwise.

*Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.*

There are no identified risks associated with the selected alternative that are unique or unknown, and there are no effects associated with the selected alternative that are highly uncertain that were identified during the analysis for the EA or during the public review of the EA.

*The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Selected Alternative does not establish a precedent for any future actions that may have significant effects, nor does it represent decisions about future considerations. The purpose of the proposed Federal action is to remove a portion of the accumulated sediments in Virginia Kendall Lake. The sediment removal would restore recreational, aesthetic, and wildlife habitat values and increase the storage volume of the lake.

*Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

There are no other actions with individually insignificant and cumulatively significant impacts. The Selected Alternative, along with the known impacts from other actions in the past, will not cause a significant cumulative impact.

*The degree to which the action may adversely affect items listed or eligible for listing in the National Register of Historic Places, or other significant scientific, cultural or historic resources.*

Virginia Kendall Lake and Dam are identified as contributing features as part of Virginia Kendall State Park which is now recognized as Historic District (NR96001515) on the National Register of Historic Places. The removal of accumulated lake bottom sediments will help keep the lake from filling and retain the desired look of the constructed landscape built in the 1930s. On December 12, 2007, the Ohio Historic Preservation Office concurred with the findings of NPS that the proposed project will have no adverse effect on historic properties.

*The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The project area is within the range of the federally-endangered Indiana bat. Trees suitable as roost sites for Indiana bats could be removed at the site of the proposed alternate access road to the lake. NPS has incorporated the USFWS seasonal tree clearing dates (no cutting April 1 through September 30) into the contract specifications for the project. Based on previous surveys when no Indiana bats were found and the limitations on tree cutting, USFWS concurred with the determination that the project was not likely to adversely affect the Indiana bat in a letter August 31, 2007 and again in a comment on the EA submitted March 5, 2009. The Selected Alternative will not adversely affect any federally-listed species.

*Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

This action violates no Federal, State, or local environmental protection laws.

## MITIGATION

In order to minimize the environmental impacts associated with the selected alternative, the following measures will be taken:

- Access to the construction sites will be controlled at all times.
- All staging will occur within previously disturbed areas of the Park. The Ledges Parking Area will be used for staging.

- Closure of a portion of the Lake Trail and Salt Run Trail will be maintained during the project, along with the connector detour.
- An erosion and sediment control plan will be prepared to meet Ohio and NPS standards and guidelines. All Best Management Practices to limit erosion and sedimentation will be incorporated to the extent possible.
- If any archeological resources are discovered during the construction of the project, all work will stop, and the appropriate agency personnel would be notified.
- In the unlikely event that human remains or cultural items subject to the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered, all work would stop, and the appropriate provisions of NAGPRA would be followed.

## PUBLIC INVOLVEMENT

External scoping was conducted with Federal, State, and local agencies, along with solicitation for public comment in the region surrounding CVNP. A request for public comment and project description was posted on the CVNP Planning, Environment and Public Comment (PEPC) website at <http://parkplanning.nps.gov> from 5/22/07 until 6/30/07. A notice was also published in the Akron Beacon Journal in June of 2007 requesting comments on the scope of the project and impact topics. A radio interview was conducted between WAKR (AM 1590, Akron, Ohio) and Robert W. Bobel, Park Engineer on June 1, 2007. The interview included a description of the project and encouraged comments from the public on the scope of the project. Additional interviews of Mr. Bobel for WKSU (FM 90.3, Kent, Ohio) on December 5, 2007 and a local television affiliate were also conducted. There were no comments or new issues identified during the comment period that would require further consideration in this EA.

The EA was made available for public review and comment from January 28, 2009 through March 14, 2009. A press release was issued, a copy of the EA was made available for review at Park Headquarters, and the document was available on the PEPC website. Three comments were received. No substantive changes to the document were required.

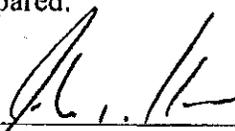
## IMPAIRMENT STATEMENT

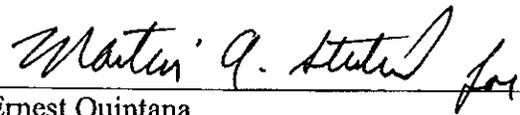
In addition to reviewing the list of significance criteria, the National Park Service has determined that implementation of the proposal will not constitute an impairment to the critical resources and values of the Park. This conclusion is based on a thorough analysis of the environmental impacts described in the EA, public comments, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in National Park Service Management Policies 2006. The plan under the selected alternative will not result in any adverse impacts to Park resources. Overall, the plan results in benefits to Park resources and values, opportunities for their enjoyment, and it does not result in their impairment.

CONCLUSIONS

The Selected Alternative does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are negligible or minor in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any Federal, State, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended:  3-27-09  
John P. Debo Date  
Superintendent  
Cuyahoga Valley National Park  
National Park Service

Approved:  3/31/09  
Ernest Quintana Date  
Regional Director, Midwest Region  
National Park Service