



*City of Independence, Ohio*  
"THE HEART OF CUYAHOGA COUNTY"

ENGINEERING DEPARTMENT  
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Stan Austin  
Superintendent  
Cuyahoga Valley National Park  
15610 Vaughn Road  
Brecksville, OH 44141

August 16, 2013

Subject: CUY INDEPENDENCE ALL-PURPOSE TRL (PID 80960)  
Section 4(f) Official with Jurisdiction Concurrence

Dear Superintendent Austin:

The City of Independence, in conjunction with the Federal Highway Administration (FHWA) and the Ohio Department of Transportation (ODOT), proposes to construct the Independence Trail (also known as Hemlock Trail) within the Cuyahoga Valley National Park. The proposed 1.7-mile multi-use trail will be located within the City of Independence and the Village of Valley View, Cuyahoga County, Ohio.

Use of federal funds subjects the proposed project to the requirements of Section 4(f) of the *Department of Transportation (DOT) Act of 1966*, which affords protection to publicly-owned parks, recreation areas, wildlife and waterfowl refuges, and public or privately-owned historic sites. The Cuyahoga Valley National Park (CVNP) is a recognized Section 4(f) property in accordance with 23 CFR 774. This letter specifically addresses the proposed work that will involve permanent placement of the proposed Hemlock Trail within the CVNP.

The multi-use trail will connect the City of Independence to the CVNP's Ohio & Erie Canal Towpath Trail to provide recreational opportunities as identified in the West Creek Greenway Trail Master Plan (2007). The proposed trail has regional and national impact as it meets the interconnectivity goals of the National Park Service (NPS) to the Ohio & Erie Canal Towpath Trail. The proposed project is scheduled for construction in 2016.

The eastern terminus of the proposed trail is located at the CVNP's Ohio & Erie Canal Towpath Trail in the Village of Valley View and the western terminus is located at Selig Drive and Brecksville Road (State Route 21). The majority of the proposed trail will be constructed within the Stone Road and Hemlock Road right-of-way, with sections traversing private property and CVNP property that is managed by the NPS.

### **Description of Section 4(f) Property**

The CVNP is an approximately 33,000-acre national park that is located in Cuyahoga and Summit Counties. The CVNP is comprised of approximately 19,113 acres of federal owned land and 14,432 acres of nonfederal owned land. The CVNP contains 250 historic sites, including a designated National Historic Landmark (NHL) (Ohio & Erie Canal [NHL #66000607]) and the National Register of Historic Places (NRHP) listed Valley Railway Historic District (NRHP #85001123). The NRHP listed Valley Railway Historic District (NRHP #85001123), the Ohio & Erie Canal, and the Ohio & Erie Canal Towpath Trail are located within and/or adjacent to the proposed project limits.

The park offers visitors over 125 miles of hiking, bicycling, and horseback riding trails including approximately 19.8 miles of the Ohio & Erie Canal Towpath Trail. The CVNP hosts five information centers and museums. In addition to regular public interpretive programs, the park also offers focused educational programs, including the NPS Junior Ranger Program, the residential Environmental Education Center, and a strong school services program, which provide a wide offering for students at the area's 1,800 schools. Each winter the park hosts the Ohio Special Olympics.

### **Impacts to the Section 4(f) Property**

The proposed project will require placement of the proposed trail on existing CVNP property. A Memorandum of Understanding (MOU) between the City of Independence and the CVNP will be executed to allow for placement of the proposed trail to occur on CVNP property. The proposed trail will be maintained by the City of Independence.

The proposed Trail is identified in the CVNP's 2012 Draft Trail Management Plan as a multi-use connector. The proposed Trail will require placement on land that is part of the CVNP. Attached for your use are exhibits showing the affected areas of the CVNP.

### **Section 6(f)**

Section 6(f) applies to recreation lands that have received Land and Water Conservation Fund (LWCF) money and prohibits the conversion of certain recreation lands to non-recreational purposes. Based on discussions with the NPS staff that manages the CVNP property, Section 6(f) funds were obtained by the Ohio Department of Natural Resources in 1973 for the original purchase of the CVNP, and transferred to the NPS. The proposed project area is located on CVNP property that is not designated for formal recreational activities and/or functions, and provides limited access to the public along a former and unmaintained haul road. Furthermore, the proposed trail is an enhancement project on new location that will not interfere with existing public access.

### **Proposed Measures to Minimize Harm**

The following commitments to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the NEPA document.

- Access to the Ohio & Erie Canal Towpath Trail will be maintained at all times during normal park hours through duration of construction, with the exception of short temporary closures (not to exceed a period of 20 minutes) needed to facilitate construction activities. A flagger will be on site to facilitate traffic during these periods;
- The contractor will install appropriate signage in visible areas along the Ohio & Erie Canal Towpath Trail to alert users of possible delays 14 days prior to construction activities;
- Within proposed construction limits, temporary fencing will be installed adjacent to the Ohio & Erie Canal Towpath Trail prior to the start of construction activities in order to protect the existing Section 4(f) property and the public;
- CVNP land within proposed construction limits not used for the placement of the proposed Trail will be restored to a condition as good or better than existing prior to construction activities;
- No staging and/or storage of construction equipment will occur outside proposed construction limits within the existing boundaries of the CVNP;
- The contractor will be required to closely coordinate the construction schedule with the City of Independence Engineering Department, the CVNP, and ODOT;
- The City of Independence and ODOT will coordinate project plans with the CVNP Superintendent during Stage 2 and Final Plans.

### **Summary**

Based upon the proposed scope of work, the following assessment has been made with respect to the proposed transportation improvement:

- The proposed project includes all possible planning to minimize harm to the Section 4(f) property (CVNP);
- The primary planned functions and components of CVNP will not be substantively impaired by the proposed project;
- Construction activities will not create permanent adverse physical impacts nor permanent interference with the planned activities or use of recreational facilities within CVNP, in whole or in part;
- Considering avoidance, minimization, and enhancement measures incorporated into project development, the proposed improvement will not adversely affect the features, functions, and attributes that qualify CVNP for protection under Section 4(f);
- The proposed scope of work and the magnitude of changes to the Section 4(f) properties are minimal and the assessment of impacts and proposed mitigation, in

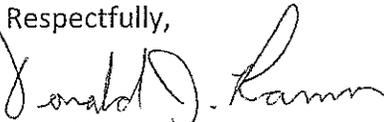
regards to maintaining access and safety, are considered to be reasonable and acceptable.

Due to the scope of the proposed project, proposed measures to minimize harm, and the above assessment, the proposed project will have a *de minimis* impact on the Section 4(f) property (CVNP), as defined in 23 CFR 774. A *de minimis* impact is one that will not adversely affect the features, attributes, or activities qualifying the Section 4(f) property for protection.

There must be documented agreement of the appropriate federal, state, or local official having jurisdiction over the Section 4(f) property regarding the above conditions. As the Official with Jurisdiction (owner and administer) over the Section 4(f) property (CVNP), if you concur with the conditions and assessment of impacts in regards to the proposed project, please sign and date on the line provided below and return this correspondence to this office at your earliest convenience.

Should you have any questions, please contact me at (216) 524-1374. Thank you for your time and cooperation on this matter.

Respectfully,

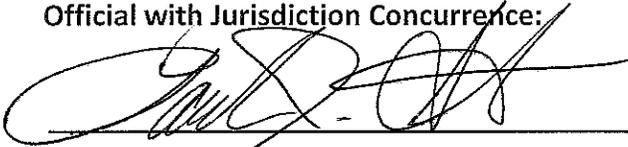


Donald Ramm, P.E.

City Engineer

City of Independence – Department of Engineering

**Official with Jurisdiction Concurrence:**



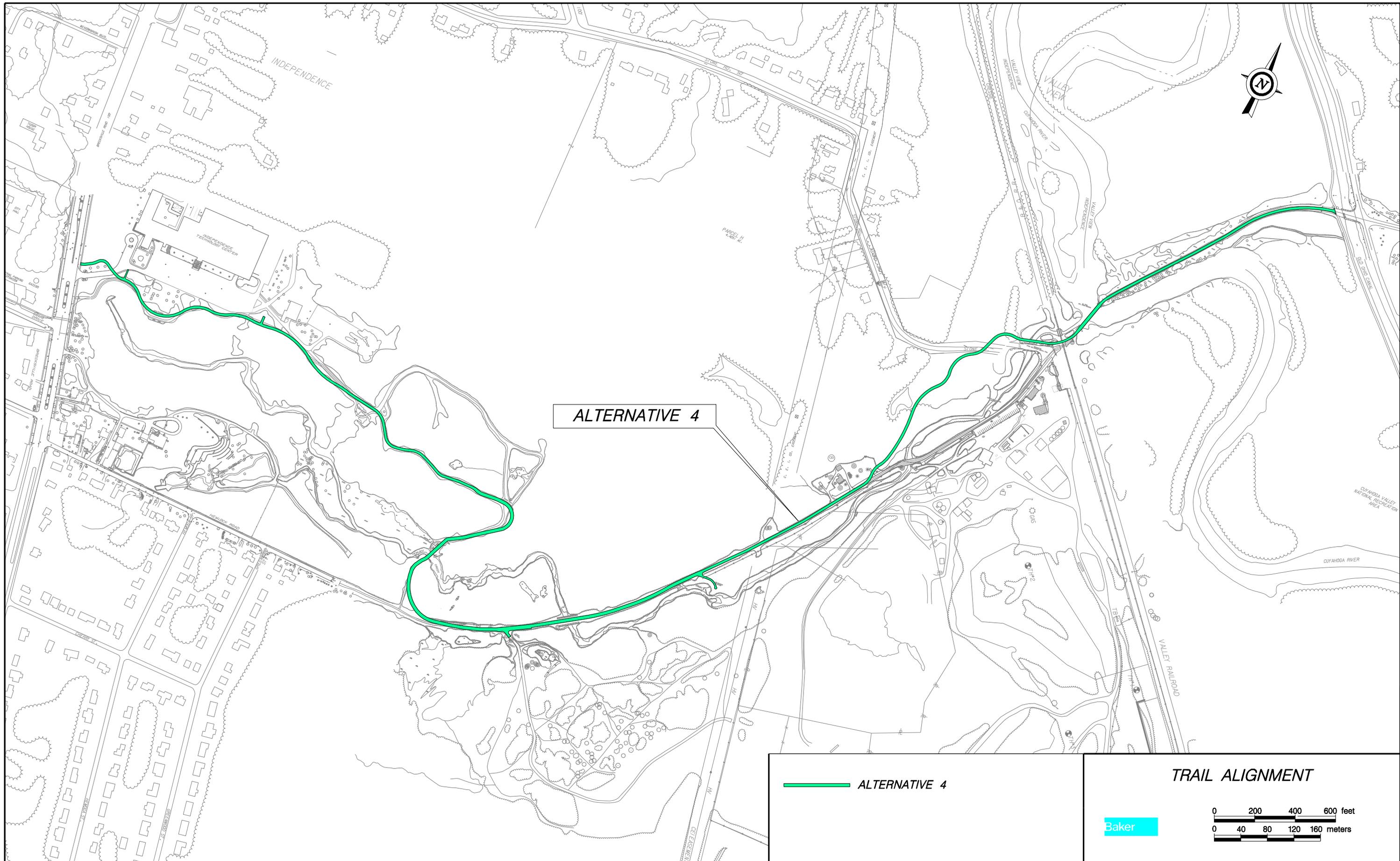
~~Stan Austin~~, Superintendent  
Cuyahoga Valley National Park

9/10/13

Date

Enclosures

cc: Project File, D. Ramm, M. Carpenter, C.Owen, D.App



ALTERNATIVE 4

ALTERNATIVE 4

TRAIL ALIGNMENT

Baker

