

CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for
Church in the Valley Land Transfer

Appendix A

Laws (Statutes), Executive Orders, Regulations, Policies and Guidelines

Following are descriptions for some of the laws, executive orders, regulations, and policies that are referenced in the Environmental Assessment.

Antiquities Act of 1906 provided for protection of historic, prehistoric, and scientific features on federal lands, with penalties for unauthorized destruction or appropriation of antiquities; authorized the President to proclaim nation monuments; authorized scientific investigation of antiquities on federal lands subject to permit and regulations.

Archeological and Historic Preservation Act of 1974 (P.L. 93-291; 88 Stat. 174) amended the 1960 Reservoir Salvage Act; provided for the preservation of significant scientific, prehistoric, historic and archeological materials and data that might be lost or destroyed as a result of federally sponsored projects; provided that up to one percent of project costs could be applied to survey, data recovery, analysis, and publication.

Archeological Resources Protection Act (ARPA) of 1979 (P.L. 96-95; 93 Stat. 712) defined archaeological resources as any material remains of past human life or activities that are of archaeological interest and at least 100 years old; required federal permits for their excavation or removal and set penalties for violators; provided for preservation and custody of excavated materials, records, and data; provided for confidentiality of archaeological site locations; encouraged cooperation with other parties to improve protection of archaeological resources. Amended in 1988 to require development of plans for surveying public lands for archaeological resources and systems for reporting incidents of suspected violations.

The Clean Air Act of 1963 requires federal land managers to have an affirmative responsibility to protect a park's air quality from adverse air pollution impacts.

The Endangered Species Act of 1973, as amended, prohibits federal actions from jeopardizing the existence of federally-listed threatened or endangered species or adversely affecting designated critical habitat. Federal agencies must consult with the U.S. Fish and Wildlife Service to determine the potential for adverse effects. Federal agencies are also responsible for improving the status of listed species.

Federal Farmland Protection Policy Act (FPPA) of 1987, requires federal agencies to consider the adverse effects their programs may have on the preservation of farmland, review alternatives that could lessen adverse effects, and ensure that their programs are compatible with private, local and state programs and policies to protect farmland. The purpose of the FPPA is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses.

Historic Sites Act of 1935, declared it a national policy to preserve historic sites, buildings, and objects for public use and authorized the NPS to "restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archaeological significance."

The National Environmental Policy Act of 1969 (NEPA), as amended, requires detailed and documented environmental analysis of proposed federal actions that may affect the quality of the human environment.

The National Historic Preservation Act (NHPA) of 1966, as amended, declared historic preservation as a national policy and authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places that would include properties of national, state, and local historic significance. The Act recommends that federal agencies proposing action consult with the State

Historic Preservation Officer regarding the existence and significance of cultural and historical resource sites.

National Park Service Organic Act of 1916

National Park System General Authorities Act

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990. These regulations address the rights of lineal descendants, Indian tribes, and native Hawaiian organizations to Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. They require federal agencies and institutions that receive federal funds to provide information about Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to lineal descendants, Indian tribes, and native Hawaiian organizations and, upon presentation of a valid request, dispose of or repatriate these objects to them.

Public Law 93-555 is enabling legislation that established the Cuyahoga Valley National Recreation Area

Executive Order (EO) 11593 (Protection and Enhancement of the Cultural Environment) instructs all federal agencies to support the preservation of cultural properties and directs them to identify and nominate to the National Register cultural properties under their jurisdiction and to “exercise caution...to assure that any federally-owned property that might qualify for nomination is not inadvertently transferred, sold, demolished, or substantially altered.”

EO 11988 directs federal agencies to protect, preserve, and restore the natural resources and functions of floodplains; avoid the long- and short-term environmental effects associated with the occupancy and modification of floodplains; and avoid direct and indirect support of floodplain development and actions that could adversely affect the natural resources and functions of floodplains or increase flood risks.

EO 11990 (Protection of Wetlands) directs federal agencies to minimize impacts and mitigate the destruction, loss, or degradation of wetlands; preserve, enhance and restore the natural and beneficial values of wetlands; and avoid direct and indirect support of new construction in wetlands unless there are no practicable alternatives and the proposed action includes all practicable measures to minimize harm to wetlands. NPS policies for implementing EO 11990 are found in Director’s Order 77-1 “Wetland Protection” and the associated Procedural Manual. This order requires that parks assess all direct or indirect impacts, including whether each alternative “supports, encourages, or otherwise facilitates additional wetland development.”

EO 12898 (Environmental Justice in Minority and Low-Income Populations) directs federal agencies to assess whether their actions have disproportionately high and adverse human health or environmental effects on minority and low-income populations

EO 13112 requires that federal agencies act to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

EO 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds) directs Federal agencies to avoid taking actions that have a measurable negative effect on migratory bird populations. If such actions are taken, the EO directs agencies “to develop and implement within two years a Memorandum of Understanding with the U.S. Fish and Wildlife Service that shall promote the conservation of migratory bird populations.” This EO also defines migratory bird “species of concern” as “those species listed in the periodic report Migratory Nongame Birds of Management

Concern in the United States, priority migratory bird species as documented by established plans [such as Bird Conservation Regions in the North American Bird Conservation Initiative or Partners in Flight physiographic areas], and those species listed in 50 CFR 17.11 [Endangered Species Act].

Special Directive 82-12, "Historic Property Leases and Exchanges," elaborates on the leasing and exchange of historic properties under Section 111 of the NHPA of 1966 as amended.

Part 36 of the Code of Federal Regulations (CFR) provides for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the NPS.

- ❑ 36 CFR 18 (NHPA of 1966), "Leases and Exchanges of Historic Property," govern the historic property leasing and exchange provisions of this law.
- ❑ 36 CFR 60 (NHPA and EO 11593), "National Register of Historic Places," addresses concurrent state and federal nominations, nominations by federal agencies, and removal of properties from the National Register.
- ❑ 36 CFR 63 (NHPA and EO 11593), "Determinations of Eligibility for inclusion in the National Register of Historic Places," establishes process for federal agencies to obtain determinations of eligibility on properties.
- ❑ 36 CFR 65 (Historic Sites Act of 1935), "National Historic Landmarks Program," establishes criteria and procedures for identifying properties of national significance, designating them as national historic landmarks, revising landmark boundaries, and removing landmark designations.
- ❑ 36 CFR 68 (NHPA) contains the Secretary of the Interior's standards for historic preservation projects, including acquisition, protection, stabilization, restoration, and reconstruction.
- ❑ 36 CFR 800 (NHPA and EO 11593), "Protection of Historic and Cultural Properties," includes regulations of the Advisory Council on Historic Preservation to implement Section 106 of the NHPA as amended, and presidential directives issued pursuant thereto.

40 CFR 1500-1508 (Council on Environmental Quality NEPA regulations of 1978) - provides Regulations for Implementing the Procedural Provisions of NEPA.

43 CFR 3 (Antiquities Act) establishes procedures to be followed for permitting the excavation or collection of prehistoric and historic objects on federal lands.

43 CFR 7, Subparts A and B (ARPA, as amended), "Protection of archeological Resources, Uniform Regulations" and "Department of the Interior Supplemental Regulations," provides definitions, standards, and procedures for federal land managers to protect archaeological resources and provides further guidance for Interior bureaus on definitions, permitting procedures, and civil penalty hearings.

The NPS Management Policies (NPS 2001a) provide general guidance for managing natural resources.

Cuyahoga Valley National Park's General Management Plan (NPS, 1977) provides the overall concept for management and resource preservation for compatible recreational use.

CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for
Church in the Valley Land Transfer

Appendix B

IDT Screening Form

DO-12 APPENDIX 1
ENVIRONMENTAL SCREENING FORM
(REVISED November 2003)

This form should be attached to all documents sent to the regional director's office for signature. Sections A and B should be filled out by the project initiator (may be coupled with other park project initiation forms). Sections C, D, E, and G are to be completed by the interdisciplinary team members. While you may modify this form to fit your needs, you must ensure that the form includes information detailed below and must have your modifications reviewed and approved by the regional environmental coordinator.

A. PROJECT INFORMATION

Park Name

Cuyahoga Valley National Park

Project Number

13516

Project Type

Land Transfer (Exchange) (OTHER)

Project Location

County, State: Summit County/Boston Township, Ohio Other: Tract 114-72

Project Originator/Coordinator

Dennis Hamm

Project Title

Church in the Valley Land Transfer

Contract #/Contractor Name

Administrative Record Location

Cuyahoga Valley NP Headquarters

Administrative Record Contact

Dennis Hamm

B. PROJECT DESCRIPTION/LOCATION *[To begin the statutory compliance file, attach to this form, maps, site visit notes, agency consultation, data, reports, categorical exclusion form (if relevant), or other relevant materials.]*

In 2000, church officials reported to the NPS that the small size of the existing facility, and the limits space has on the range of services they can provide, required construction of an addition or relocation of the congregation to a facility capable of handling the needed services. However, while the church has sufficient land for the addition construction, it does not have enough remaining land to provide parking and waste water treatment for the larger facility. A request was made for use of NPS land to provide these required components. The NPS and the Church in the Valley propose to exchange land/interest associated with, or in proximity to the Everett Church of Christ. Under the planned exchange, the NPS would transfer ownership of 4.28 acres of tract 114-72 to the church in exchange for a historic preservation easement over the Church (Building # reference). The NPS sees the exchange providing for the long-term viability of the property and securing a historic preservation easement as critical elements for the long-term protection of the historic church and the historic use of the building.

Preliminary drawings attached? Yes No

Background info attached? Yes No

Date form initiated

04/10/2003

Anticipated compliance completion date

Projected advertisement/Day labor start

Construction start

C. RESOURCE EFFECTS TO CONSIDER *(Tailor the following to meet individual park/unit project needs.)*

Please see section F (Instructions for Determining Appropriate NEPA Pathway) prior to completing this section. Also, use the process described in DO-12, 2.9 and 2.10; 3.5; 4.5(G) to (G)(5) and 5.4(F) to help determine the context, duration and intensity of effects on resources.

Are any impacts possible on the following physical, natural or cultural resources?	Yes	No	N/A	Data Needed to Determine/Notes
1. Geological resources – soils, bedrock, streambeds, etc.		X		
2. From geohazards		X		
3. Air quality		X		
4. Soundscapes		X		
5. Water quality or quantity	X			
6. Streamflow characteristics		X		
7. Marine or estuarine resources		X		
8. Floodplains or wetlands		X		
9. Land use, including occupancy, income, values, ownership, type of use	X			
10. Rare or unusual vegetation – old growth timber, riparian, alpine		X		
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat		X		
12. Unique ecosystems, biosphere reserves, World Heritage Sites		X		
13. Unique or important wildlife or wildlife habitat		X		
14. Unique or important fish or fish habitat		X		
15. Introduce or promote non-native		X		

species (plant or animal)				
16. Recreation resources, including supply, demand, visitation, activities, etc.		X		
17. Visitor experience, aesthetic resources	X			
18. Cultural resources including cultural landscapes, ethnographic resources	X			
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure		X		
20. Minority and low income populations, ethnography, size, migration patterns, etc.		X		
21. Energy resources		X		
22. Other agency or tribal land use plans or policies		X		
23. Resource, including energy, conservation potential		X		
24. Urban quality, gateway communities, etc.		X		
25. Long-term management of resources or land/resource productivity		X		
26. Other important environment resources (e.g. geothermal, paleontological resources)?		X		

D. MANDATORY CRITERIA

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Data Needed to Determine/Notes
A. Have material adverse effects on public health or safety?		X		
B. Have adverse effects on such unique characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks?	X			
C. Have highly controversial environmental effects?		X		

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		X		
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	X			
F. Be directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?		X		
G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?	X			
H. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated Critical Habitat for these species?		X		
I. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?		X		
J. Threaten to violate a federal, state, local, or tribal law or requirement imposed for the protection of the environment?		X		
K. Involve unresolved conflicts concerning alternative uses of available resources (NEPA sec. 102(2)(E))?		X		
L. Have a disproportionate, significant adverse effect on low-income or minority populations (EO 12898)?		X		
M. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?		X		
N. Contribute to the introduction, continued existence, or spread of federally listed noxious weeds (Federal Noxious Weed Control Act)?		X		
O. Contribute to the introduction, continued existence, or spread of non-native invasive species or actions that may promote the introduction, growth or		X		

expansion of the range of non-native invasive species (EO 13112)?				
P. Require a permit from a federal, state, or local agency to proceed, unless the agency from which the permit is required agrees that a CE is appropriate?	X			
Q. Have the potential for significant impact as indicated by a federal, state, or local agency or Indian tribe?		X		
R. Have the potential to be controversial because of disagreement over possible environmental effects?		X		
S. Have the potential to violate the NPS Organic Act by impairing park resources or values?		X		

E. OTHER INFORMATION (*Please answer the following questions/provide requested information.*)

Are personnel preparing this form familiar with the site? **Yes**

Did personnel conduct a site visit? **No** (*If yes, attach meeting notes or additional pages noting when site visit took place, who attended, etc.*)

Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying environmental document? **No**

If so, plan name

Is the project still consistent with the approved plan? **Yes** (*If no, prepare plan/EA or EIS.*)

Is the environmental document accurate and up-to-date? (*If no, prepare plan/EA or EIS.*) FONSI ROD (Check) Date approved _____

Are there any interested or affected agencies or parties? **Yes**

Did you make a diligent effort to contact them? **Yes**

Has consultation with all affected agencies or tribes been completed? **Yes**

(*If so, attach additional pages detailing the consultation, including the name, the dates, and a summary of comments from other agencies or tribal contacts.*)

Are there any connected, cumulative, or similar actions as part of the proposed action? **No**

(*If so, attach additional pages detailing the other actions.*)

First, always check DO-12, section 3.2, "Process to Follow" in determining whether the action is categorically excluded from additional NEPA analyses. Other sections within DO-12, including sections 2.9 and 2.10; 3.5; 4.5(G)(4) and (G)(5), and 5.4(F), should also be consulted in determining the appropriate NEPA pathway. Complete the following tasks: conduct a site visit or ensure that staff is familiar with the site's specifics; consult with affected agencies, and/or tribes; and interested public and complete this environmental screening form.

If your action is not described in DO-12, section 3.3, and IS described in section 3.4, AND you checked yes or identified "data needed to determine" impacts in any block in section D (Mandatory Criteria), this is an indication that there is potential for significant impacts to the human environment, therefore, you must prepare an EA or EIS or supply missing information to determine context, duration and intensity of impacts.

In all cases, data collected to determine the appropriate NEPA pathway must be included in the administrative record.

By signing this form, you affirm the following: you have either completed a site visit or are familiar with the specifics of the site; you have consulted with affected agencies and tribes; and you, to the best of your knowledge, have answered the questions posed in the checklist correctly.

Interdisciplinary Team Leader Name	Field of Expertise	Date Signed
Technical Specialists Names	Field of Expertise	Date Signed

H. SUPERVISORY SIGNATORY

Based on the environmental impact information contained in the statutory compliance file and in this environmental screening form, environmental documentation for this stage of the subject project is complete.

Recommended:

<i>Compliance Specialist</i>	<i>Telephone Number</i>	<i>Date</i>

Approved:

<i>Superintendent</i>	<i>Telephone Number</i>	Date

CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for
Church in the Valley Land Transfer

Appendix C

Public Scoping and Consultation References

1. Scoping Letter and Responses



United States Department of the Interior
NATIONAL PARK SERVICE
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141-3097

IN REPLY REFER TO:

L32 (CUVA)

June 23, 2003

Mr. John Fisk, Pastor
Church in the Valley
2241 Everett Road
Peninsula, OH 44264

RE: Cuyahoga Valley National Park
Land Exchange with Everett Church of Christ
Environmental Assessment

Dear Mr. Fisk:

This letter provides you with the opportunity to comment or guide an environmental assessment being undertaken by the National Park Service (NPS) in association with a project involving Cuyahoga Valley National Park and the Church in the Valley, the congregation occupying a historic church in the hamlet of Everett within park.

In recent years, church leaders have concluded, through an evaluation of their facilities and programs, that their existing facilities are insufficient to serve the needs of an active, growing congregation. Specifically, the existing structure does not have needed classroom, assembly and office space to meet the long-term needs of the congregation. In response, the church has developed plans for the construction of an addition that would provide the needed space. Unfortunately, because of the small size of their property, the addition and existing church would essentially occupy all of their property. As a result, the church would not have the necessary land to provide the associated parking and waste water handling components of the expanded facility. A further complication is that all of the land surrounding this property is in public ownership. The surrounding land is predominantly owned by the National Park Service, but some is also owned by also MetroParks, Serving Summit County. Ultimately, these conditions frame the primary challenge facing the Church, that of securing additional land necessary for expansion at the Everett location or of relocating to a larger facility in a different location.

The National Park Service has long supported protection of the existing, historic church, which is included in the listing in the National Register of Historic Places as part of the Everett Historic District. The National Park Service has concluded that the present church, with its single purpose design, massing and floor plans, is not well suited to adaptive reuse. The NPS has further concluded that the best approach to protection of the property is the continued use as a church coupled with National Park Service acquisition of a historic preservation easement.

In response to both of these circumstances, the NPS plans to determine the feasibility of exchanging land with the church in order to provide a sufficient amount of National Park Service land as needed for the proposed addition. The land exchange would involve approximately 4.28 acres. The federal land exchanged would be transferred with restrictive covenants in order to protect archaeological resources and the open space qualities of this property. In return, the NPS would receive a Historic Preservation Easement over the existing church structure.

Because transfer of federal land to the church would result in a change in its use, the National Park Service is conducting an Environmental Assessment in order to evaluate potential environmental effects of this proposal. The Environmental Assessment will consider alternative options for the location of parking facilities and sanitary wastewater disposal fields. The alternative of making no action will also be considered.

The Environmental Assessment will identify and analyze potential impacts to the natural and man-made environment resulting from these three alternatives. Issues to be analyzed include:

- ☐ water quality and quantity
- ☐ land use,
- ☐ visitor experience, aesthetic resources, and
- ☐ cultural resources including cultural landscapes and ethnographic resources.

The National Park Service intends to be the lead agency for this project in accordance with Section 1501.6 of the Council on Environmental Quality regulations.¹ Federal and State agencies that have jurisdiction by law or special expertise with respect to any environmental issue are requested to be *cooperating agencies* as described in that section of the Council on Environmental Quality regulations.

As part of the process for determining the scope of issues to be addressed in the Environmental Assessment, and for identifying the important issues related to the proposed action, we request your comments on these issues and any other issues that you can identify as pertinent. We intend to use your comments to:

- ☐ Identify the range of alternatives and impacts and the important issues to be addressed in the Environmental Assessment;
- ☐ Identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review; and
- ☐ Identify other environmental review and consultation requirements.

We look forward to your comments and response to this request. If you have any questions or would like to discuss in more detail the project, please contact Management Assistant Dennis Hamm at 440-546-5902 or via electronic mail at dennis_hamm@nps.gov. Please return your comments to Dennis by **July 23, 2003**.

Sincerely,

John P. Debo, Jr.
Superintendent

Enclosure

PT¹ See http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm



Summit Soil & Water Conservation District

2795 Front Street, Suite D Cuyahoga Falls, Ohio 44221
Phone (330) 929-2871 Fax (330) 929-2872 Email staff@summitswcd.org

July 3, 2003

Dennis Hamm
U. S. Department of the Interior
National Park Service
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141-3097

Dear Mr. Hamm:

I have reviewed your proposal (L32 (CUVA)) regarding acquisition of a Historic Preservation Easement for the Everett Church of Christ in exchange for approximately 3.6 acres of National Park property. Regarding the plan to build ancillary buildings on the slope behind the current church building, please note the following comments:

- The soil type (Glenford silt loam, 2 – 6%) is unstable on slopes, is characterized by a seasonally high water table and is soft and compressible when wet. The slope of the proposed building area is between 2 – 3%, however, land surrounding the proposed building area is characterized by very steep slopes (approximately 16 - 28%), which could present overland drainage and soil erosion concerns. It is recommended that these steep slopes not be disturbed. Soil testing is recommended to determine suitability for building and installation of a septic system.
- A stream that runs northeast of the proposed site could contribute to soil erosion and instability of surrounding area. If this stream were located within an unincorporated area of the county, it would be protected by the Summit County Riparian Setback Ordinance 2002-154. The stream would receive a 30 foot setback* based upon its watershed size of approximately 0.45 square miles or 29 acres. Upon reviewing the two-foot contours of the area, this stream appears to be the only drainageway which could affect the site in this way.
- The current parking area, which is approximately ¼ acre in size, appears to be asphalt. It is recommended that this, as well as the proposed parking area, be constructed of gravel to reduce the amount of impervious surface impacting the immediate watershed.
- Storm water must be managed on site for quantity and quality to reduce negative impacts to downstream areas. A Stormwater Pollution Prevention Plan (SWPPP) is mandated by Ohio EPA's National Pollutant Discharge Elimination System (NPDES) Phase II requirements for areas of disturbance one acre or larger. The SWPPP should show all erosion and sediment practices used during construction, as well as the permanent water quality practices and should be directed to Summit SWCD for review.

*Thirty feet horizontal map distance from the ordinary high water mark on each side of the stream.

- If the area to be disturbed is at least one acre, the lead contractor or developer for this project will need to apply for an NPDES permit and follow applicable guidelines for NPDES Phase II, file a Notice of Intent with Ohio EPA, and develop an SWPPP, as already mentioned. Structural and non-structural Best Management Practices are to be noted on the plan. Contact Summit SWCD for more information.

Land use within the park has been modified in the past to accommodate other historical features, especially farming operations, as well as environmental education. Impacts to local watersheds vary, of course, depending on types of land use changes, soil types, and weather conditions. However, when impacts such as these are added together, their effects can become greater than the sum of their parts

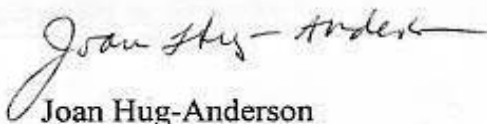
I recommend to refer non-public land uses to areas outside of National Park boundaries and to restrict new construction projects to those considered to be essential for public use. These two recommendations set a precedent in favor of park preservation when deciding future non-park related expansions of buildings and uses. Retaining natural and historic areas assures public access to public land, preserves the character of the National Park, and protects wildlife habitat.

Considering all factors presented in your letter, I strongly recommend the following:

1. Everett Church of Christ review all prospects outside of National Park boundaries for land purchase in building a structure more compatible to suit their needs for a growing congregation. Local zoning regulations of municipal and unincorporated areas are highly equipped to assure a good fit with surrounding communities.
2. Outright purchase of the Everett Church of Christ by the National Park for use as public chapel used for visitation, weddings, etc. Its location near park offices on Everett Road would improve feasibility of maintaining the structure. This future use of the church would assure public use within the National Park.

I appreciate the opportunity to comment on proposed changes within the park.

Sincerely,



Joan Hug-Anderson
Urban Stream Specialist

Pc: file



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 West Jackson Boulevard
Chicago, IL 60604

9/3/2003

Superintendent John Debo
National Park Service
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, OH 44141-3097

Regarding: Environmental Assessment of a Land Exchange with Everett Church of Christ

Dear Superintendent Debo:

The Environmental Planning and Evaluation Branch has received the document listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act; U.S. EPA reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements, but we also have the discretion to review and comment on other environmental documents prepared under NEPA if interest and resources permit.

We did not undertake a detailed review of the document you sent to this office, and will not be generating comments because of the reason selected below.

_____The document was not prepared under NEPA.

_____The document was given a cursory review, but other workload priorities precluded us from detailed review and comment.

XX_____The document was given a cursory review, and we determined that there were no significant concerns meriting comment.

_____We opted to wait for the next level of documentation on this project before deciding whether or not to comment.

We reserve the right to reconsider undertaking a review at future planning stages, or if significant new data on the project is made available by the sponsoring agency or other interested parties. Thank you for providing information on the project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kenneth A. Westlake".

Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch



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

July 11, 2003

Mr. John P. Debo, Jr.
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, OH 44141-3097

Dear Mr. Debo:

This is in response to your June 23, 2003 letter requesting the U.S. Fish and Wildlife Service's input on a proposal to develop an Environmental Assessment for a proposed land exchange with the historic Everett Church of Christ. The Service is submitting information regarding wetlands and the occurrence or possible occurrence of Federally-listed threatened or endangered species within the vicinity of this project in Cuyahoga Valley National Park (CVNP), which is located within Summit County, Ohio.

The Everett Church of Christ is surrounded by land in public ownership, including National Park Service (NPS) property, and MetroParks property. The church has determined that the existing facilities are not sufficient to serve the needs of an active, growing congregation, and are seeking to expand their facilities. Due to the small size of the church property, the church does not have the necessary land to provide the associated parking and waste water handling components of the expanded facility. The NPS is proposing to determine the feasibility of exchanging land with the church in order to provide a sufficient amount of NPS land as needed for the proposed addition, approximately 3.6 acres. The federal land exchanged would be transferred with restrictive covenants in order to protect archaeological resources and the open space qualities of this property. In return, the NPS would receive a Historic Preservation Easement over the existing church structure.

The Service provides the following comments on the proposal to transfer land to the Everett Church of Christ. We recommend that if the land is transferred, restrictive covenants include measures to protect the Indiana bat, a federally listed endangered species known to occur on CVNP property. We also recommend that if the land is transferred, the waste water treatment area be designed as a functioning wetland system to promote both water quality and wildlife habitat. Guidelines for this type of design can be found in the Environmental Protection Agency's "Guiding Principles for Constructed Treatment Wetlands" handbook.

ENDANGERED SPECIES COMMENTS: CVNP lies within the range of the **Indiana bat** (*Myotis sodalis*), a Federally listed endangered species, and Indiana bats are known to occur on CVNP property. Summer habitat requirements for the species are not well defined but the following are thought to be of importance:

1. Dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas.
2. Live trees (such as shagbark hickory) which have exfoliating bark.
3. Stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should the proposed site contain trees exhibiting any of the characteristics listed above, we recommend that they and surrounding trees be saved wherever possible. If they must be cut, they should not be cut between April 15 and September 15.

If desirable trees are present and if the above time restriction is unacceptable, mist net or other surveys should be conducted to determine if bats are present. The survey should be designed and conducted in coordination with the endangered species coordinator for this office. The survey should be conducted in June or July since the bats would only be expected in the project area from approximately April 15 to September 15.

The project lies within the range of the Federally threatened **northern monkshood** (*Aconitum noveboracense*). The plant is found on cool, moist, talus slopes or shaded cliff faces in wooded ravines. We recommend that the project location be examined to determine if suitable habitat for the monkshood is present. If suitable habitat is found, surveys may be necessary to determine if the plant is present.

The project lies within the range of the bald eagle, a Federally listed threatened species. Due to the project type and location, the project, as proposed, will have no effect on this species. Relative to this species, this precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended.

Should 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, this determination may be reconsidered. If project plans change or if portions of the proposed project were not evaluated, it is our recommendation that you contact our office for further review.

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 Endangered Species Act of 1973, as amended, and are 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 Megan Seymour at extension 16 in this office.

Sincerely,



Mary Knapp, Ph.D.
Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH



EASTERN SHAWNEE TRIBE OF OKLAHOMA

P.O. Box 350 • Seneca, MO 64865 • (918) 666-2435 • FAX (918) 666-3325

July 3, 2003

Dennis Hamm
United States Department of the Interior
National Park Service
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141-3097

Re: Cuyahoga Valley National Park
Land Exchange with Everett Church of Christ
Environmental Assessment

Dear Mr. Hamm:

Thank you for notice of the referenced project. The Eastern Shawnee Tribe of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Eastern Shawnee Tribe request notification and further consultation.

The Eastern Shawnee Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

Sincerely,

Charles Enyart
Charles Enyart, Chief
Eastern Shawnee Tribe of Oklahoma



Seneca Nation Tribal Historic Preservation

Kathleen J. Mitchell
Officer

467 Center St. Salamanca, NY 14779
Phone: (716) 945-9427 • Fax: (716) 945-0351
E-mail: snithpo@nycountry.com

Lana K. Wall
Cultural Resource Tech.

September 24, 2003

John P. Debo, Jr.
Superintendent
United States Department of the Interior
National Park Service
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141-3097

**RE: Cuyahoga National Park
Land Exchange
Environmental Assessment**

Dear Mr. Debo,

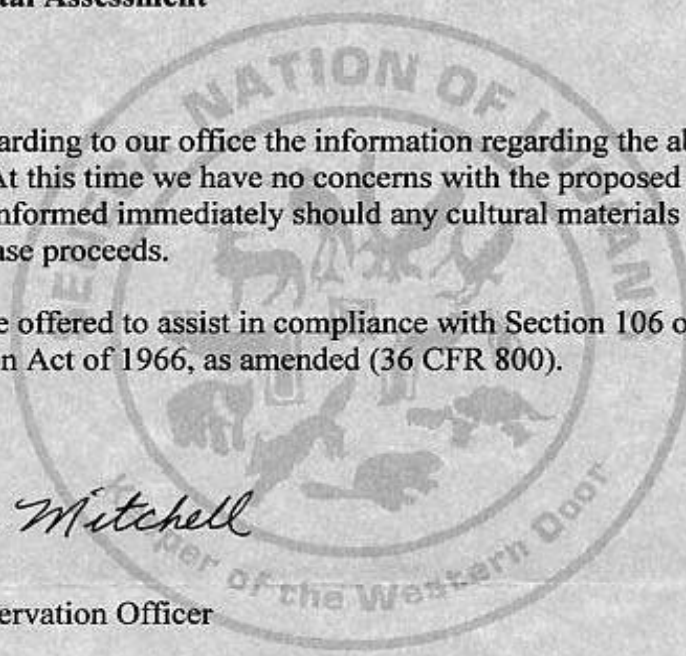
Thank you for forwarding to our office the information regarding the above referenced project proposal. At this time we have no concerns with the proposed project, but do request that we be informed immediately should any cultural materials be unearthed as the construction phase proceeds.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800).

Respectfully,

Kathleen Mitchell

Kathleen Mitchell
Tribal Historic Preservation Officer



Delaware Nation NAGPRA Office

P.O. Box 825
Anadarko, OK 73005
405 / 247-2448
Fax: 405 / 247-9393

2 July 2003

USDI – National Park Service
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141-3097

RE: Proposed land exchange with Everett Church of Christ, Cuyahoga Valley National Park

Dear Mr. Debo:

Thank you for contacting the Delaware Nation regarding the above referenced project. The Delaware Nation is committed to protecting archaeological sites that are important to tribal heritage, culture, and religion. Furthermore, the tribe is particularly concerned with archaeological sites that may contain human burial remains and associated funerary objects.

Given the location of the proposed project, we request that you conduct a file search in conjunction with the State Office of Historic Preservation and the state's Archaeological Survey. These state agencies will advise you of the potential for archaeological resources, particularly sites of significant cultural interest or sites that contain human remains. Should either of these agencies determine that there are potentially significant archaeological sites in the area and that these sites are related to the tribe's heritage, the Delaware Nation requests that you contact our offices. Together with the SHPO and State Archaeologist, we will develop a plan to best protect these archaeological resources.

Should either of these agencies recommend an archaeological survey or test excavation of the proposed construction site, we ask that the Delaware Nation be informed of the results of the survey. The Delaware Nation also requests copies of any accompanying site forms or reports.

Also, any changes to the above referenced project should be resubmitted to the NAGPRA Director of the Delaware Nation for review.

Should this project inadvertently uncover an archaeological site and/or human remains, even after an archaeological survey, we request that you immediately contact the appropriate state agencies, as well as the Delaware Nation. Also, we ask that you halt all construction activities until the tribe and these state agencies are consulted.

We appreciate your cooperation in contacting the Delaware Nation. Should you have any questions, feel free to contact me.

Sincerely,



Rhonda S. Fair
NAGPRA Director



United States Department of the Interior
NATIONAL PARK SERVICE
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141-3097

RECEIVED
JUN 30 2003
WYANDOTTE
TRIBAL SERVICE

IN REPLY REFER TO:

L32 (CUVA)

June 23, 2003

Mr. Leonard Bearskin, Chief, Wyandotte Nation
P. O. Box 250
Wyandotte, OK 74370

RE: Cuyahoga Valley National Park
Land Exchange with Everett Church of Christ
Environmental Assessment

Dear Chief Bearskin:

This letter provides you with the opportunity to comment or guide an environmental assessment being undertaken by the National Park Service (NPS) in association with a project involving Cuyahoga Valley National Park and the Church in the Valley, the congregation occupying a historic church in the hamlet of Everett within park.

In recent years, church leaders have concluded, through an evaluation of their facilities and programs, that their existing facilities are insufficient to serve the needs of an active, growing congregation. Specifically, the existing structure does not have needed classroom, assembly and office space to meet the long-term needs of the congregation. In response, the church has developed plans for the construction of an addition that would provide the needed space. Unfortunately, because of the small size of their property, the addition and existing church would essentially occupy all of their property. As a result, the church would not have the necessary land to provide the associated parking and waste water handling components of the expanded facility. A further complication is that all of the land surrounding this property is in public ownership. The surrounding land is predominantly owned by the National Park Service, but some is also owned by also MetroParks, Serving Summit County. Ultimately, these conditions frame the primary challenge facing the Church, that of securing additional land necessary for expansion at the Everett location or of relocating to a larger facility in a different location.

Examination of historic files find no properties documented within project area that meet criteria of traditional value. Archaeological material could likely be encountered which requires immediate notification.

Date

7/2/03
Project ID = NPS Church in the Valley

Approved by: [Signature]

WYANDOTTE NATION, WYANDOTTE, OK

The National Park Service has long supported protection of the existing, historic church, which is included in the listing in the National Register of Historic Places as part of the Everett Historic District. The National Park Service has concluded that the present church, with its single purpose design, massing and floor plans, is not well suited to adaptive reuse. The NPS has further concluded that the best approach to protection of the property is the continued use as a church coupled with National Park Service acquisition of a historic preservation easement.

In response to both of these circumstances, the NPS plans to determine the feasibility of exchanging land with the church in order to provide a sufficient amount of National Park Service land as needed for the proposed addition. The land exchange would involve approximately 3.6 acres. The federal land exchanged would be transferred with restrictive covenants in order to protect archaeological resources and the open space qualities of this property. In return, the NPS would receive a Historic Preservation Easement over the existing church structure.

Because transfer of federal land to the church would result in a change in its use, the National Park Service is conducting an Environmental Assessment in order to evaluate potential environmental effects of this proposal. The Environmental Assessment will consider alternative options for the location of parking facilities and sanitary wastewater disposal fields. The alternative of making no action will also be considered.

The Environmental Assessment will identify and analyze potential impacts to the natural and man-made environment resulting from these three alternatives. Issues to be analyzed include:

- ☐ water quality and quantity
- ☐ land use,
- ☐ visitor experience, aesthetic resources, and
- ☐ cultural resources including cultural landscapes and ethnographic resources.

The National Park Service intends to be the lead agency for this project in accordance with Section 1501.6 of the Council on Environmental Quality regulations.²³ Federal and State agencies that have jurisdiction by law or special expertise with respect to any environmental issue are requested to be *cooperating agencies* as described in that section of the Council on Environmental Quality regulations.

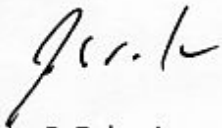
As part of the process for determining the scope of issues to be addressed in the Environmental Assessment, and for identifying the important issues related to the proposed action, we request your comments on these issues and any other issues that you can identify as pertinent. We intend to use your comments to:

- ☐ Identify the range of alternatives and impacts and the important issues to be addressed in the Environmental Assessment;
- ☐ Identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review; and
- ☐ Identify other environmental review and consultation requirements.

²³ See http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm

We look forward to your comments and response to this request. If you have any questions or would like to discuss in more detail the project, please contact Management Assistant Dennis Hamm at 440-546-5902 or via electronic mail at dennis_hamm@nps.gov. Please return your comments to Dennis by July 23, 2003.

Sincerely,

A handwritten signature in black ink, appearing to read "J.P. Debo, Jr.", with a stylized flourish at the end.

John P. Debo, Jr.
Superintendent

Enclosure



DELAWARE TRIBE OF INDIANS

220 N.W. VIRGINIA • BARTLESVILLE, OKLAHOMA 74003
TELEPHONE: (918) 336-5272 • FAX: (918) 336-5513

July 11, 2003

John P. Debo, Jr.
United States Department of the Interior
National Park Service
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141-3097

RE: Cuyahoga Valley National Park, Land Exchange with Everett Church of Christ, Environmental Assessment.

Dear Mr. Dunavant:

Thank you for informing the Delaware Tribe regarding the above referenced project. The Delaware Tribe is committed to protecting archaeological sites that are important to our tribal heritage, culture, religion and in particular locations that may contain human burial remains and associated funerary objects.

Although we are unaware of any locations with cultural or religious significance within your project area, given the project's location we request that you conduct an archaeological field survey, including a surface survey and subsurface testing. After this survey is completed, please inform us (or have your contract archaeologist inform us) of the results. At that time, the Delaware Tribe will reevaluate the project and its potential threats to archaeological and human remains. Also, the Delaware Tribe requests copies of any accompanying site forms or cultural resources reports that pertain to the project area.

Furthermore, any changes to the above referenced project should be resubmitted to the NAGPRA Director of the Delaware Tribe for review. Should this project inadvertently uncover an archaeological site and/or human remains, even after an archaeological survey, we request that you immediately contact the appropriate state agencies, as well as the Delaware Tribe. Also, we ask that you immediately halt all construction and ground disturbing activities until the tribe and these state agencies are consulted. We appreciate your cooperation and should you have any questions, feel free to contact me by phone at (918) 336-5272, ext. 558.

Sincerely,

Brice Obermeyer
NAGPRA Director
Delaware Tribe of Indians

This page is blank