

Finding of No Significant Impact

Valley Fire District Lease of Tracts 113-18, 19

Background

On December 27, 1974, President Gerald Ford signed legislation creating the Cuyahoga Valley National Recreation Area (CVNRA), subsequently renamed the Cuyahoga Valley National Park (CVNP) on October 11, 2000. The Park is located along 22 miles of the Cuyahoga River between Akron and Cleveland, Ohio. It covers an area of over 32,800 acres and features a wide variety of natural, cultural, and historic resources. The purposes for the creation of the CVNRA included:

...preserving and protecting for public use and enjoyment the historic, scenic, natural, and recreational values of the Cuyahoga River and adjacent lands in the Cuyahoga Valley, and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment.....

The Valley Fire District (VFD), which provides fire protection and emergency medical response services to the Village Peninsula and Boston Township, asked CVNP for use of park land to build a new facility. The present facility is attached to a National Register listed building, does not meet their operational needs, and does not allow for expansion, due to expanded septic field size requirements. The Village of Peninsula is surrounded by CVNP and CVNP makes up the great majority of Boston Township.

The Village of Peninsula and Boston Township are important gateway communities for CVNP. They are easily accessed by the area's interstate system. The village is a primary entry point for the park and is the most central location for park visitors to access basic commercial services. The partnerships between the village and park, and park partners contribute to the park visitor experience. The Cuyahoga Valley Scenic Railroad boarding site, major Towpath Trailhead, and Depot Visitor Contact Center are located in Peninsula. Not responding to the VFD's request could damage relations with the village and township, decrease levels of visitor enjoyment and cooperation in resource management initiatives.

Initially, the VFD looked at building an addition on their current facility. Due to their need for additional restroom and shower facilities, they would need a new and expanded leech field. This would require additional land, or the permission of the residential neighbor. The VFD board thought this was not an acceptable option and discarded it. At this point, the VFD approached the CVNP requesting land for a new facility.

The NPS has conducted an environmental assessment (EA) that provides an analysis of the environmental consequences of leasing land to VFD for the purposes of constructing a fire station. The NPS No-Action Alternative is the refusal to lease land to the VFD for this purpose.

Concerns identified during scoping and subsequently evaluated in the environmental assessment include the following:

- New construction may affect water quality or quantity in areas that have greater than a 20% change in slope
- Floodplains and wetlands could be impacted, if in project area
- Local land use could be impacted if property not in federal ownership
- Rare or unusual vegetation may be impacted if area had not been assessed
- Unique or important wildlife or habitat may be adversely impacted if area had not been assessed
- Visitor experience, aesthetic resource impacts could result from altering view sheds or alterations of historic structures or adjacent sites
- Cultural resources, including cultural landscapes and archaeological resources, may be impacted if preferred sites have not been assessed for the presence for these resource groups
- Urban quality, gateway communities could be impacted due to the nature of the project and the primary role it plays in providing safety services to the community.

Preferred Alternative

The Preferred Alternative is described in detail in the Environmental Assessment. The Preferred Alternative is to lease NPS land to the VFD with conditions. Options for the location of any new facilities were considered viable only if they met the criteria for use of CVNP lands designed to protect important park resources. The CVNP would not permit any new construction that would result in the destruction of important resources. Additionally, any option for the location of new facilities would have to meet the conditions needed by VFD for a new facility. Therefore, only alternatives that satisfy the criteria of both the CVNP and the VFD were considered viable alternatives.

The following are two lists of criteria for the alternatives, the first being CVNP conditions for acceptable alternatives and the second being the VFD criteria for site selection.

VFD Criteria

- The area must be at least 4 acres in size, the minimum area determined to be necessary to locate the VFD facility, parking areas, and wastewater/stormwater management infrastructure.
- The site must be suitable for the required septic system, by state regulations.
- A new facility would be located outside the National Register Historic District to avoid impacts to the historic character of the district, in particular the scale, massing, and pattern of the built environment.
- The Village of Peninsula has determined the new facility should be close enough to the village proper that people recognize it as being in the village and able to provide a sense of protection and reassurance. Proximity to the village core is considered critical.
- The new facility must not require additional roads in the Village.
- The Insurance Service Office (a major private company that provides risk assessment data to the insurance industry) fire protection classification rating for cities and towns, based on factors such as distance from the fire station, coverage area, and water supply, require fire

stations to be within five road miles of commercial properties and six road miles of residential properties.

- The Village would not consider constructing any facility in the floodplain.
- The Village relies on tax revenue generated by the existing VFD facility and wishes to keep the facility on the tax roles.

CVNP Conditions

- Site has 0-5% slope and < 10' elevation change to minimize erosion and topographical changes.
- Construction occurs only in areas of previous disturbance
- No historic/cultural resources are affected.
- No sensitive natural resource areas are affected.
- Low habitat diversity, to minimize effects on vegetation and wildlife.
- Effective riparian and wetland setbacks can be established.
- Construction site screened from trails and roadways so that scenic values are minimally impacted.
- The facility must use existing drives and roadways, minimizing the number of new impervious surfaces in CVNP

To address the VFD request, the CVNP would lease land to the VFD to construct a facility, provided that a site would satisfy the VFD criteria and the CVNP conditions (as outlined above).

A single location would satisfy both sets of conditions. This location is the house at 5287 Dogwood Lane (Tract 113-19) and property immediately to the north of this house, Tract 113-18. The house at 5287 Dogwood Lane is in good condition and is screened from State Route 303 by a grove of trees, and road-edge tree line on Tract 113-04 – located off the driveway of the current front lawn. The new construction for this alternative would include a garage for the fire trucks and service vehicles and some type of connecting passageway to the house. The garage would need to accommodate 7 large fire trucks and have an access drive to Dogwood Lane. The garage would need to be constructed on the parcel north of the property on Tract 113-18. Currently there is a house with attached garage located on this tract at the north, or opposite, edge of the property. The house has recently been vacated, is in poor condition and is slated for demolition by NPS.

Prior to the establishment of the Cuyahoga Valley National Recreation Area in 1974, this area was used for residential housing. Four houses, each with their own driveway, connect to Dogwood Lane, which dead ends at the northern edge of this plateau. The NPS has acquired all of these properties and they are in various states of upkeep and use. This alternative represents public resources being granted to allow the use of a structure and construction of a private building on federal land. The preferred mechanism for this relationship is a long term lease mechanism.

Other Alternatives Considered

As part of their project development process, VFD considered a variety of location alternatives. These alternatives are discussed in detail in the NPS Environmental Assessment. Alternatives were raised during scoping but were rejected because they do not meet the needs of the CVNP or the VFD, and therefore do not merit further consideration by the CVNP as viable alternatives. Some alternatives that were considered but rejected do meet the needs of the VFD, but not the CVNP.

In 1996, CVNP was initially approached by the VFD concerning using CVNP land to site a new facility. At that time the discussion concerned siting for a safety center, which would include police station functions. A preliminary study was done to assess the potential of various sites for this purpose. This study never went beyond the draft stage, but is included as an appendix in the Environmental Assessment to demonstrate the breadth of alternatives considered. The VFD expansion option at their present location was terminated since it could not meet EPA septic field requirements.

In general, alternatives considered but rejected during scoping for this project include:

1. Sites located on CVNP conservation easements - Some consideration was given to build a new facility off State Route 303 on land that is part of a Boy Scout Camp, Camp Manatoc. The Boy Scouts of America (BSA) sold an easement to CVNP service which includes a 500' wide "No Development" band that surrounds the property. The BSA had agreed to lease this land to the VFD for construction of a new facility. Construction at this location would violate the terms and intentions of the easement, affecting an area the CVNP had already designated for increased protection. Additionally, upon closer review, the site also violated other CVNP conditions, including difficulties in establishing an effective septic system, impacts to sensitive natural resources (wetlands), and scenic impacts from the lack of visual screening from State Route 303. This alternative was not considered a viable option.
2. Sites located in open fields – Although there are several open fields located along State Route 303 east of Peninsula, these areas have been identified as critical elements of CVNP's rural landscape (CVNP 2003). CVNP intends to keep them in some sort of cultivation as part of the cultural landscape management program. New construction not related to agriculture could cause significant impacts to these landscape elements and would therefore not be considered.
3. Sites located in wooded areas and hillsides – A defining element of Peninsula's character is the sense of being surrounded by wooded hillsides. Locating this size of facility in clear site of the wooded hillsides would change the character of the community and detract from its tourism potential. Clearing forested land for new construction would unnecessarily impact forest resources and wildlife habitat and would not be considered by the CVNP.

Environmentally Preferred Alternative

The environmentally preferred alternative is the alternative that will promote the national environmental policy expressed in NEPA Section 101(b), which indicates that the environmentally preferable alternative should:

- 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 natural heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
- Achieve a balance between population and resource 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.

In choosing the Environmentally Preferable Alternative, the National Park Service must select between the Action Alternative (granting the request for land to lease) and the No Action Alternative (refuse to grant request for land to lease).

The primary advantage of the No-Action Alternative is:

- The No-Action Alternative would cause the least amount of impact on biological and physical resources, and provide at least moderate benefits to the natural, cultural and historical environment of CVNP.

The primary advantages of the Action Alternative include:

- The Action Alternative continues the mutually cooperative relationship the park enjoys with the critical gateway communities of Boston Township and the Village of Peninsula.
- The single location that satisfies both the CVNP and the VFD would involve the use of a house (5287 Dogwood Lane) that is currently in good condition, resulting in less of an impact to the environment than would be the case with new construction.
- The location that meets both criteria (Tract 113-18, 19) would be (for the most part) screened from the road, SR 303, which serves as a major entryway into the park. This would lessen negative impacts to scenic qualities and visitor experiences.

Based on the analysis of the "Action" and "No Action" alternatives available to NPS, the "No Action" Alternative (not granting the request to lease land for construction of a new VFD facility) is considered to be the Environmentally Preferable Alternative. However,

the Preferred Alternative is the Action Alternative (granting the request to lease land for construction of a new VFD facility). Because the No Action alternative means that the project would not involve any NPS lands, it would be more environmentally responsive to the park's resources, as it would not present any impacts to the park. This alternative would, however, have negative impacts regarding issues not measured by NEPA.

Not responding to this request could undermine the cooperative nature of the relationship CVNP currently enjoys with these gateway communities. CVNP does receive fire protection and emergency medical response from the VFD, for which it pays a modest amount. Their ability to provide sufficient levels of service is a convenience for CVNP. Building new in the Peninsula Village National Register Historic District could adversely impact the historic character of the community. The district contributes to visitors' understanding of the area's history and cultural, and its location along a main entryway adds to the park's sense of place. The proposed location on Dogwood Lane would not present negative environmental impacts to the park's resource base.

Why the Preferred Alternative Will Not Have a Significant Effect on the Human Environment

The intensity or severity of impacts resulting from implementation of the Preferred Alternative are evaluated using the ten criteria listed in 40 CFR 1508.27. Key areas in which impacts were evaluated included ecological resources (streams, wetlands, terrestrial vegetation, and endangered species), other resources (scenic vistas, visitor services, and community relations), park resources, historic resources, archeological resources, and social/community factors). The impacts associated with the "Action" and "No-Action" alternatives are summarized in Table 1 at the end of this document. As defined in 40 CFR 1508.27, significance is determined by examining the following criteria.

Criterion 1: *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 project will have no major or moderate adverse or beneficial impacts. The project does have the potential for minor adverse impacts, including:

- Water quality and wetland impacts – Due to failure of existing and or expanded septic system failure, and increased imperviousness in watershed due to new construction.
- Cultural resource impacts – The No Action alternative could result in unsympathetic additions or alterations to the Boston Township Hall, but this is outside CVNP.
- Visitor Experience – Although impacts could be minor adverse and long term, by screening service facilities, reusing existing structures and assisting the Village of Peninsula and Boston Township, adverse impacts to the visitor experience would not be of the scale that would cause visitors to look to other park/ recreation facilities of similar types in the region.
- Economic Factors – Some construction would take place on land that is not currently developed and this would have some impact to the resource values. These impacts should be lessened by attempts to screen the facility, use existing buildings and resources including roads or right-of-ways.

Minor beneficial impacts will include:

- Economic Factors – Both alternatives would have some economic impact on the village economy since the VFD has employees that pay income tax which supplements village revenues. The financial health of the village is in the best interest of the park as it serves as a major entryway and contains park facilities.

As described in *Table 1: Comparisons of Action and No Action Alternatives* there will also be negligible beneficial and adverse impacts on various impact categories. In total, this project will have no significant impacts on the human environment.

Criterion 2: *The degree to which the proposed action affects public health or safety.*

The Preferred Alternative would not impact the health and safety of the employees of or the visitors to the Cuyahoga Valley National Park. Maintaining fire service and emergency medical service in CVNP assists CVNP meet its commitment to protect human life and provide high quality opportunities for visitors. In addition, local traffic protection, provided by the Peninsula Police Department and CVNP Law Enforcement Rangers, would not be altered by the projects alternatives.

Criterion 3: *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

Unique characteristics of the project area are described below:

- Historic or cultural resources – The project is located in the vicinity of the Peninsula Village Historic District, the Valley Railway Historic District, and Ohio and Erie Canal Thematic Resources. However, the “Form for Assessment of Actions Having an Effect on Cultural Resources” maintains there is no historic resource in the project area.
- Park lands – The project is within the boundaries of the Cuyahoga Valley National Park.
- Prime farmlands – Although the area is adjacent to a field used for haying, the project will not impact this use.
- Wetlands – There are no wetlands near the proposed project area.
- Wild and Scenic Rivers – The subject action will not result in impacts to river values, as represented by the Nationwide Rivers Inventory.
- Ecologically critical areas –there are no areas affected that would be considered as ecologically critical.

No significant impacts to these resources were identified.

Criterion 4: *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Public notice requesting comments on the environmental impacts of the proposed action was posted in the area's two leading newspapers on November 21st and 24th, 2004. Seventy notification letters were sent to relevant parties and agencies on December 16, 2004. Comments received were minor, with no objection to the project. The Environmental Assessment document was made available for public comment on September 2, with public notices again being posted in the area's two largest newspapers. The EA was made accessible at the park office and on-line through the PEPC system. The single comment we received was from the United States Environmental Protection Agency, Region V. In a letter dated October 5, 2005, the agency commented that they gave the document only a cursory review and had no significant concerns. They did suggest that any wastewater treatment plans be coordinated with the Ohio EPA.

The Preferred Alternative is not highly controversial, as evidenced through public input and agency coordination throughout the environmental development process.

Criterion 5: *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The characteristics of the site are well known and present no unknown risks.

Criterion 6: *The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.*

The Preferred Action includes reusing an existing structure and new construction, which could impact surrounding land uses depending on the infrastructure needs of the projected use and the surrounding land uses. With the adoption of the Long Range Plan, Village of Peninsula, Ohio and the 2004-5 Zoning Code Update, land use in the village has been recently analyzed and codified. Public institutional land use in the village is limited to the existing school, municipal or church functions.

The Preferred Alternative is in an area zoned Conservation/ Recreation. This overlay district is primarily focused on the natural landscape features without built facilities and other improvements. Given the small scale of the village and the fact that existing village service facilities abut other land uses, including residential, it is unlikely that a new fire station would establish a new land use pattern or greatly conflict with the surrounding land uses.

Criterion 7: *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The evaluation of cumulative impacts requires the consideration of other related projects that are foreseeable. The Valley Fire District does not anticipate any future capital improvement projects in the foreseeable future. In fact, they anticipate this new facility

will suit their needs for the next 30 years. The only additional projects in the area will most likely be undertaken by the NPS and consist of removing houses on Dogwood Lane that are non-historic, deteriorated and exceed the facility needs for park operations.

Criterion 8: *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historic resources.*

There are no National Register listed or eligible sites, structures, buildings, objects and/or districts within the proposed project area. The "Form For Assessment of Actions Having an Effect on Cultural Resources" has been approved under Programmatic Exclusion 13 and No Adverse Effect and signed by the CUVA Section 106 Coordinator.

Criterion 9: *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 will have no known impact on the federally listed species with ranges including the Cuyahoga Valley National Park (Indiana bat, northern monkshood, piping plover, and bald eagle). No federal rare, endangered or candidate species were noted during field surveys. Special field surveys were conducted in 2004 to check for the presence of state-listed species that have been found within the limits of the Park. No evidence of any state-listed species was found during these field investigations.

Criterion 10: *Whether the action threatens a violation of federal, state or local law or requirements imposed for the protection of the environment.*

The Preferred Alternative would not violate any environmental protection laws or regulations. The project will require an NPDES construction storm water permit. The project will require a Floodplain Permit from the Summit County Department of Building Standards and a permit from the Ohio EPA for the needed septic system.

Public Involvement

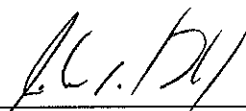
Public notice requesting comments on the environmental impacts of the proposed action was posted in the area's two leading newspapers on November 21st and 24th, 2004. Seventy notification letters were sent to relevant parties and agencies on December 16, 2004. Minor comments were received from public entities, but there was no objection to the project.

The Environmental Assessment document was made available for public comment on September 2, with public notices again being posted in the area's two largest newspapers. The Environmental Assessment was made accessible at the park office during normal business hours and on-line through the CVNP web page for a period from September 2 through October 5, 2005. We received no public comments.

Finding of No Significant Impact and No Impairment

Based on my review of the facts and analysis contained in this environmental assessment, which is incorporated herein, I conclude that the Preferred Alternative (granting the request from the Valley Fire District to lease NPS land, with conditions attached, to construct a new fire station) in the Cuyahoga Valley National Park would not have a significant impact, either by itself or considering cumulative impacts. Accordingly, the requirements of the National Environmental Policy Act, regulations promulgated by the President's Council on Environmental Quality, and provisions of the National Park Service (NPS) Director's Order 12 and Related Guidance for Environmental Compliance have been fulfilled. Furthermore, the Preferred Alternative selected for implementation would not impair park resources or values and would not violate the NPS Organic Act. The Preferred Alternative supports the enabling legislation establishing the Cuyahoga Valley National Recreation Area (Public Law 93-555, December 27, 1974), subsequently renamed the Cuyahoga Valley National Park on October 11, 2000. The law that established the Cuyahoga Valley National Park mandates the "preservation of the historic, scenic, natural and recreational values of the Cuyahoga Valley." An environmental impact statement is not required and will not be prepared for implementation of the Preferred Alternative.

Recommended:



Superintendent

10-17-05

Date

Approved:



Midwest Regional Office Director

11-28-05

Date

Table 1. Comparison of Action and No-Action Alternatives			
Category	Specific Impact	Action – Grant Request to Lease Land	No-Action – Refuse Request to Lease Land
Water Resources (Rivers, Streams, ponds, and Wetlands)	New or expanded septic system installed – potential for system failure	Short-term, minor adverse impact	Same
	Increase impervious surface in Boston Run or Slipper Run watershed.	Long-term negligible minor impact	Same
Terrestrial Vegetation	Elimination of terrestrial habitat	Negligible long-term adverse impacts	No impacts on vegetation in park
Threatened or Endangered Species	Impacts on federal or state species	Negligible long-term adverse impacts	No impacts on vegetation in park
Cultural Resources	Impacts to significant cultural landscapes	Minor adverse long term impacts	No impacts on cultural landscapes in park
Archeological Resources	Ground disturbance activities without prior testing	Potential site inventoried and tested – no archeological resources impacted	No impacts to archeological resources in the park
Visitor Experience	Visitors look for other park facilities	Minor adverse short-term	Minor adverse long-term
Scenic Values	Impair scenic values	Minor long-term adverse impacts	No impacts to park scenic values
Economic Factors	Pubic investment in land	Moderate adverse long-term	No impacts to park economic factors