

CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for Rockside Boarding Area Parking Expansion

Appendix A

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

CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for Rockside Boarding Area Parking Expansion and
Trail Bridge over the Cuyahoga River

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.

Archaeological 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 archaeological 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.

Archaeological 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 Water Act (CWA) of 1977 is an amendment to the Federal Water Pollution Control Act of 1972, enacted by Congress to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The CWA created three permit programs - Section 401 as a certification mechanism, and Section 402 and Section 404 to regulate the point-source discharge of pollutants into waters of the U.S.

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.

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 established the National Park Service “to promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except as are under the jurisdiction of the Secretary of the Army, as provided by law, by such means and measures as conform to the fundamental purpose to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment for the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

National Park System General Authorities Act of 1970 has as its purpose to include all areas administered by the National Park Service in one National Park System and to clarify the authorities applicable to the system.

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 (Floodplains) 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 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 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 79 (NHPA and ARPA), "Curation of Federally-owned and Administered Archeological Collections," provides standards, procedures and guidelines to be followed by federal agencies in preserving and providing adequate long-term curatorial services for archeological collections of prehistoric and historic artifacts and associated records that are recovered under Section 110 of the NHPA, the Reservoir Salvage Act, ARPA and the Antiquities Act.
- ❑ 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 Archaeological 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. It lists the objectives for natural resources management as follows:

"To preserve natural park lands under the concept of 'total environment' or ecosystem perpetuation and ensure that all visitor-use activities are appropriate to their setting; to design park facilities to take advantage of natural climatic conditions and incorporate environmentally neutral technology wherever feasible; to cooperate with federal, state, and local agencies in the monitoring of environmental quality "

It also states that CVNP "will be managed by the National Park Service as an integral part of the Cuyahoga River Basin, and all resources management strategies for the park will be coordinated with strategies for the entire basin."

CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for Rockside Boarding Area Parking Expansion
and Trail Bridge over the Cuyahoga River

Appendix B

Public Involvement

CONTENTS

Scoping Letter dated April 15, 2003

List of Recipients of Scoping Letter

Comments Received During Scoping

Comments Received on Draft Environmental Assessment

CUYAHOGA VALLEY NATIONAL PARK
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Appendix B

Public Involvement

SCOPING LETTER DATED APRIL 15, 2003

L7617

April 15, 2003

<<INSIDE ADDRESS>>

RE: Cuyahoga Valley National Park
Rockside Boarding Area Parking Expansion
Environmental Assessment

To Whom It May Concern:

The National Park System (NPS) preserves some of America's most outstanding examples of its diverse natural, cultural, and recreational heritage. At Cuyahoga Valley National Park (CVNP), the NPS maintains, in cooperation with the Cuyahoga Valley Scenic Railroad (CVSR), the Valley Railway, which is listed on the National Register of Historic Places and forms the Valley Railway Historic District. The CVSR is a not-for-profit organization that operates passenger excursion trains on the Valley Railway through a cooperative agreement. The passenger train service is provided on a regularly scheduled basis throughout the year, including nighttime excursions, with the peak season occurring during the fall and winter months. CVSR also offers a variety of charter service and special holiday trips in addition to the regular schedule. The CVSR annual rider ship has steadily increased since 1990 and is expected to continue to expand with passenger rail service to Canton, Ohio beginning in the summer of 2003. Future plans call for a planned connection to downtown Cleveland, Ohio.

In the past few years, the NPS has developed a number of passenger boarding stations including one at the railroad's current northern terminus, Rockside Road (see the attached location map). In addition to the boarding station, the site includes a gravel parking area that accommodates 149 vehicles. The area is bounded on all sides as follows: to the north is a wetland area and Rockside Road; to the east is the Cuyahoga River; to the west is the Valley Railway; and to the south is a small, low quality wetland.

In response to the lack of adequate parking capacity at the Rockside boarding station the NPS plans to determine the feasibility of improving and expanding the existing parking area to accommodate up to 250 vehicles. The NPS proposes to improve the existing gravel parking area by paving the lot with asphalt with associated paved connector walkways to the boarding station. To evaluate the potential environmental effects of these measures, the NPS is preparing an Environmental Assessment (EA).

April 15, 2003

RE: CVNP Rockside Boarding Area Parking Expansion

Page 2

The EA will consider two build alternatives to improve and expand the existing gravel area, as well as a third alternative that is known as the, "No Action Alternative" (Status quo alternative). The build alternatives are being designed to avoid or minimize impacts to natural and man-made resources. In fact, one of the build alternatives will result in increased river buffer protection by removing existing parking area from the Cuyahoga River Riparian Zone. Both build alternatives would affect the small, low quality wetland to the south.

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

- ☐ wetlands,
- ☐ floodplains,
- ☐ water quality and water retention
- ☐ federally/state listed endangered or threatened species,
- ☐ wildlife,
- ☐ vegetation and invasive species
- ☐ historic and cultural resources
- ☐ prime farmlands,
- ☐ hazardous waste and contaminated materials,
- ☐ visitor experience, and
- ☐ health and safety factors.

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 (CEQ) 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 CEQ regulations.

As part of the process for determining the scope of issues to be addressed in the EA, 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 EA;
- Identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review; and

¹ See http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm

April 15, 2003

RE: CVNP Rockside Boarding Area Parking Expansion

Page 3

- 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 Kim Norley, ASLA (440) 546-5974. Please forward your comments to Kim by **May 15, 2003**.

Sincerely,

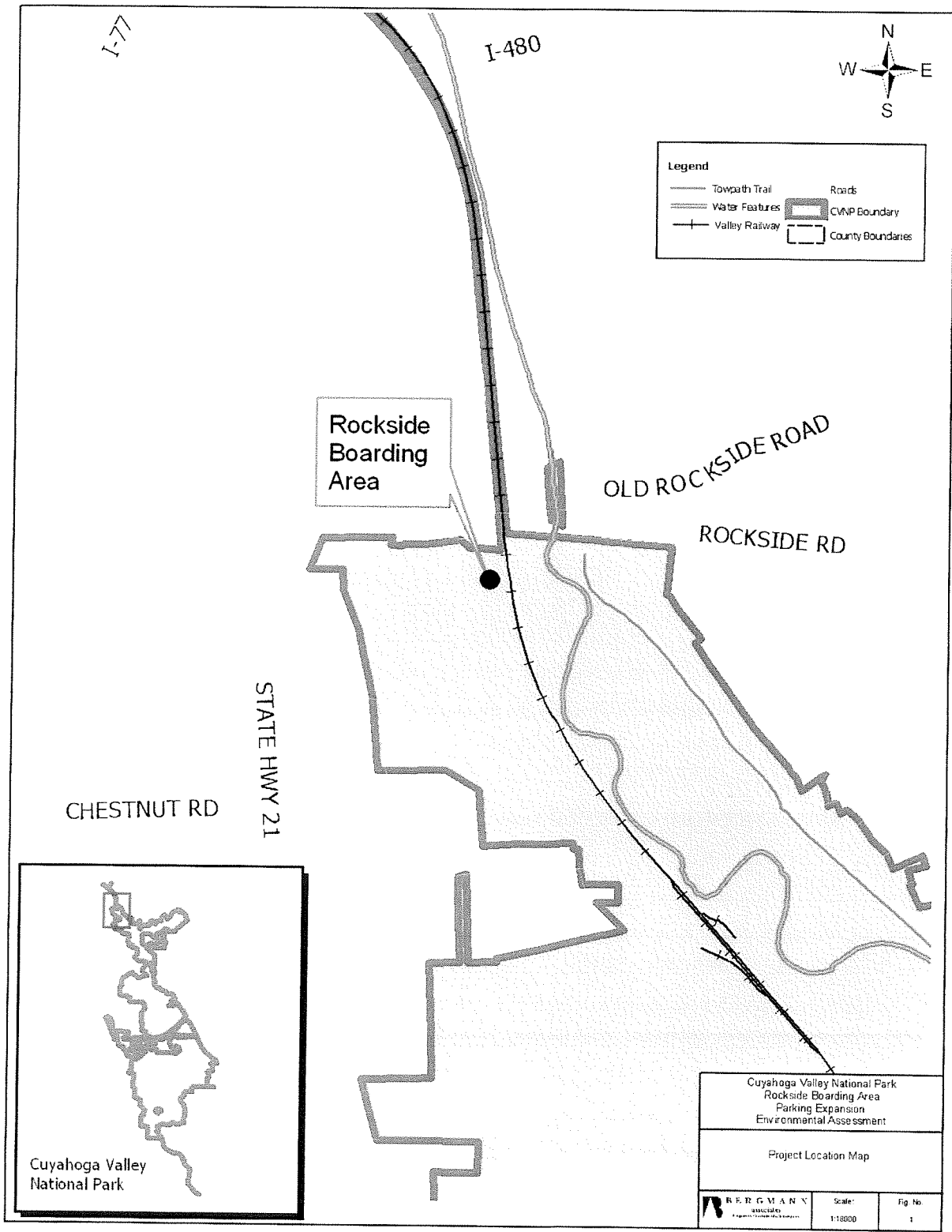
151 Wm Carroll

for

John P. Debo, Jr.
Superintendent

Attachment

CUVA:KNORLEY:04/11/03:EXT5974:EA ROCKSIDE



CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for Rockside Boarding Area Parking Expansion
and Trail Bridge over the Cuyahoga River

Appendix B

Public Involvement

LIST OF RECIPIENTS OF SCOPING LETTER

Rich Ruby
Army Corp of Engineers
1776 Niagara Street
Buffalo, NY 14207-3199

The Honorable Fred P. Ramos, Mayor
City of Independence
6800 Brecksville Road
Independence, OH 44131

The Honorable Randall Westfall, Mayor
City of Valley View
6848 Hathaway Road
Valley View, OH 44125-4799

Thomas Stanley
Cleveland Metroparks
4101 Fulton Parkway
Cleveland, OH 44144

Thomas J. Hayes, County Administrator
County of Cuyahoga County
Administration Building
Cleveland, OH 44113

The Honorable Timothy Davis, Executive
County of Summit County
175 South Main Street
Akron, OH 44308

Jim White, Program Manager
Cuyahoga River RAP
1299 Superior Avenue
Cleveland, OH 44114

Ms. Nancy Howell
Cuyahoga Soil and Water Conservation District
6100 West Canal Road
Valley View, OH 44125

Ms. Deb Yandala, Director
Cuyahoga Valley National Park Association
3675 Oak Hill Drive
Peninsula, OH 44264

Mr. Doug Cooper, Executive Director
Cuyahoga Valley Scenic Railroad

P.O. Box 158
Peninsula, OH 44264

Ms. Elaine Marsh
Friends of the Crooked River
2390 Kensington Road
Akron, OH 44333

Mr. John Katko, President
Friends of Wetlands
P.O. Box 2016
Elyria, OH 44036

Ms. Jennifer Windus
ODNR – Division of Natural Areas and Preserves
1889 Fountain Square Court
Columbus, OH 43224

Mr. Jeff Herrick
ODNR Wildlife Division
912 Portage Lakes Drive
Akron, OH 44319

Tim Donovan, Director
Ohio Canal Corridor
P.O. Box 609420
Cleveland, OH 44319

Mr. Bob Davic
Ohio EPA
2110 East Aurora Road
Twinsburg, OH 44087

Ms. Rachel Tooker, Ohio Historic Preservation Officer
Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1030

Ms. Joan Hug-Anderson
Summit Soil and Water Conservation District
2787 Front Street, Suite B
Cuyahoga Falls, OH 44221

Ms. Lynn T. Luttner
U.S. EPA
25089 Center Ridge Road
Westlake, OH 44145

Ms. Angela Boyer
U.S. Fish & Wildlife Service
6950 Americana Parkway
Reynoldsburg, OH 43069

Mr. Gary Smillie, Hydorlogist
NPS – Water Resource Division
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

Mr. Randall L. Keitz, P.E. Conservation Engineer
ODNR – Division of Soil and Water Conservation
803 E. Washington Street, Suite 210
NRCS Tech Center
Medina, OH 44256

The Honorable Dennis Kucinich
U.S. House of Representatives
Washington, DC 20510

The Honorable Stephanie Tubbs-Jones
U.S. House of Representatives
Washington, DC 20510

Ms. Dee Ketchum
Chief, Delaware Tribe
220 North Virginia
Bartlesville, OK 74003

Mr. Bruce Gonzalez
Chief, Delaware Tribe of Western Oklahoma
P.O. Box 825
Anardarko, OK 73005

Mr. Floyd Leonard
Chief, Miami Tribe of Oklahoma
P.O. Box 1326
Miami, OK 74355

Ms. Jennifer Makaseah
NAGPRA Coordinator
Absentee-Shawnee Tribe of Oklahoma
2025 Gordon Cooper Drive
Shawnee, OK 74801-9381

Mr. Larry Angelo
Ottawa Tribe Oklahoma

P.O. Box 110
Miami, OK 74355

Mr. Jerry R. Dillner
Attn: Ms. Roberta A. Smith, Cultural Specialist
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owns Blvd. Box 1283
Miami, OK 74355

Ms. Kathleen Mitchell
Tribal Historic Preservation Office
The Seneca – Iroquois National Museum
794 Broad Street
Salamanca, NY 14779

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

Mr. Charles Enyart
Chief, Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64865

Mr. Ron Sparkman
Chairman, Shawnee Tribe
P.O. Box 189
Miami, OK 74355

Mr. Adam Rudolph
2024 Gelnco Avenue
Venice, CA 90291

CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for Rockside Boarding Area Parking Expansion
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Appendix B

Public Involvement

COMMENTS RECEIVED DURING SCOPING

Delaware Nation NAGPRA Office

A44

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

19 May 2003

John P. Debo, Jr.
U.S. Department of the Interior
National Park Service
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, OH 44141

RE: Rockside Boarding Area Parking Expansion

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.

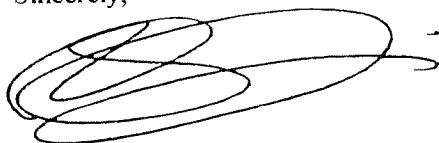
Given the location of the proposed project, we request that you conduct a file search in conjunction with the State Office of Historic Preservation and the state's Archaeological Survey. These state agencies will advise you of the potential for archaeological resources, particularly sites of significant cultural interest or sites that contain human remains. Should either of these agencies determine that there are 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 the state Archaeological Survey, 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, 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



IN REPLY REFER TO:

L7617

April 15, 2003

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

RE: Cuyahoga Valley National Park
Rockside Boarding Area Parking Expansion
Environmental Assessment

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 4/22/03

Project ID = 1003

Approved by [Signature]

WYANDOTTE NATION, WYANDOTTE, OK

APR 22 2003

Dear Mr. Bearskin:

The National Park System (NPS) preserves some of America's most outstanding examples of its diverse natural, cultural, and recreational heritage. At Cuyahoga Valley National Park (CVNP), the NPS maintains, in cooperation with the Cuyahoga Valley Scenic Railroad (CVSR), the Valley Railway, which is listed on the National Register of Historic Places and forms the Valley Railway Historic District. The CVSR is a not-for-profit organization that operates passenger excursion trains on the Valley Railway through a cooperative agreement. The passenger train service is provided on a regularly scheduled basis throughout the year, including nighttime excursions, with the peak season occurring during the fall and winter months. CVSR also offers a variety of charter service and special holiday trips in addition to the regular schedule. The CVSR annual rider ship has steadily increased since 1990 and is expected to continue to expand with passenger rail service to Canton, Ohio beginning in the summer of 2003. Future plans call for a planned connection to downtown Cleveland, Ohio.

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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

March 17, 2003

Ms. Kim Norley
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, OH 44141

Dear Ms. Norley:

This is in response to your April 15, 2003 letter soliciting comments on the proposal to develop an Environmental Assessment for the expansion of the Rockside Boarding Area parking lot that services the Cuyahoga Valley Scenic Railroad. The project seeks to expand the parking lot to accommodate up to 250 vehicles, and to pave the lot and connector walkways to the boarding station. The proposed project has the potential to impact a low quality wetland that borders the site. The project is located within Cuyahoga Valley National Park (CVNP), near the intersection of Rockside Road and the Cuyahoga Valley Scenic Railroad tracks, in Cuyahoga County, Ohio.

The Service recommends that impacts to streams and wetlands first be avoided, then minimized, and as a last resort, mitigated. The applicant should justify the need for stream and wetland fills, including how avoidance and minimization were addressed in the project. Streams and associated wetland systems provide valuable habitat for fish, birds, and wildlife, and the filtering capacity of wetlands helps to improve water quality. Filling of wetlands and streams negates these benefits and can result in decreases in water quality. Additionally, the proposed activity does not constitute a water dependent activity, as described in the Section 404(b)(1) guidelines, 40 CFR 230.10. Therefore, practicable alternatives that do not impact the water resource must be examined.

Mitigation for any proposed impacts should be completed as close to the proposed impacts as possible, and should be completed at a 1 5:1 ratio of mitigation acreage to impact acreage.

ENDANGERED SPECIES COMMENTS: CVNP is known to support summer populations of the **Indiana bat** (*Myotis sodalis*), a Federally listed endangered species. 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 **eastern massasauga** (*Sistrurus catenatus catenatus*), a docile rattlesnake that is declining throughout its national range and is currently a Federal Candidate species. The snake is currently listed as endangered by the State of Ohio. Your proactive efforts to conserve this species now may help avoid the need to list the species under the Endangered Species Act in the future. Due to their reclusive nature, we encourage early project coordination to avoid potential impacts to massasaugas and their habitat.

The massasauga is often found in or near wet areas, including wetlands, wet prairie, or nearby woodland or shrub edge habitat. This often includes dry goldenrod meadows with a mosaic of early successional woody species such as dogwood or multiflora rose. Wet habitat and nearby dry edges are utilized by the snakes, especially during the spring and fall. Dry upland areas up to 1.5 miles away are utilized during the summer, if available. Some project management ideas include the following:

- 1) At a minimum, project evaluations should contain delineations of whether or not massasauga habitat occurs within project boundaries. Descriptions should indicate the quality and quantity of massasauga habitat (holes, crayfish burrows, foraging area, or basking sites) that may be affected by the project.
- 2) In cases where massasaugas are known to occur or potential habitat is rated moderate to high, massasauga surveys may be necessary. If surveys are conducted, it may be helpful to inquire with local resource agency personnel, or reliable local residents, who may know of massasauga sightings. In addition, local herpetologists may have knowledge of historical populations, their habits, and especially the specific local habitats that may contain massasaugas. Surveys should be performed during the periods of spring emergence from dens (usually a narrow window in April or May) and should continue throughout the active season until October. This species is often easiest to locate during the summer months when pregnant females seek open areas in the early mornings, especially after cool evenings. Massasauga biologists recommend that 40 person-hours be spent at each survey locality to confirm the absence or presence of this reclusive species. Recommended survey protocol has been published and should be consulted for further details, as should local experts and literature from previous research and surveys.

Szymanski, J. A. 1998. Range-wide status assessment for the eastern massasauga (*Sistrurus c. catenatus*). U.S. Fish and Wildlife Service, Fort Snelling, MN, 31 pp. + appendix.

Casper et. al. Recommended standard survey protocol for the eastern massasauga, *Sistrurus catenatus catenatus*. Submitted to Herpetological Review, February 2000.

- 3) In portions of projects where massasaugas will be affected, clearing and construction activities should occur during the summer when air and ground temperatures are above 65° F. These warm season temperatures allow the snakes to be warm enough to move out of harm's way, if encountered during construction.
- 4) Maintenance activities (mowing, cutting, burning, etc.) should be conducted during the winter

(November 1 to March 15) when snakes are hibernating or during the specified seasonal temperature periods described in the following publication:

Johnson et al. 2000. The Eastern Massasauga Rattlesnake: A Handbook for Land Managers. U.S. Fish and Wildlife Service, Fort Snelling, MN 55111-4056, 52 pp. + appendix.

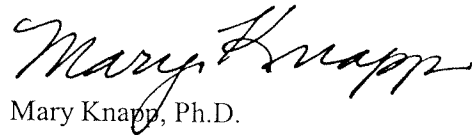
The proposed project lies within the range of the piping plover, a Federally listed endangered species. Due to the project type and location, the project, as proposed, will have no effect on this species. Relative to this species, this precludes the need for further action on this project as required 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.

We appreciate this opportunity to provide the above comments. 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,

A handwritten signature in cursive script, reading "Mary Knapp".

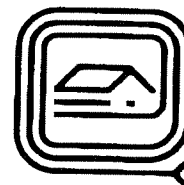
Mary Knapp, Ph.D.
Supervisor

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

Ohio Historic Preservation Office

567 East Hudson Street
Columbus, Ohio 43211-1030
614/ 298-2000 Fax: 614/ 298-2037

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**OHIO
HISTORICAL
SOCIETY**
SINCE 1885

June 13, 2003

Kim Norley
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, OH 44141

Re: Rockside Boarding Area Parking Expansion
Cuyahoga Valley National Park, Cuyahoga County, Ohio

Dear Ms. Norley,

This is in response to correspondence from your office dated April 15, 2003 (received April 21) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]).

The project involves expansion of an existing gravel parking lot to increase capacity at the Rockside Road boarding area for the Cuyahoga Valley Scenic Railroad. The correspondence initiates consultation and requests preliminary comments from us. The project area is within the listed Valley Railway Historic District. Our records indicate that the B&O Railroad building (CUY-477-19) is located near the proposed parking area expansion (please see enclosed map from our Geographic Information System). This building is a contributing element to the historic district. According to our records there are no archaeological sites listed in the Ohio Archaeological Inventory in or near the project area. Archaeological sites are commonly found along undisturbed portions of the Cuyahoga River valley. It is our understanding that there has been a great deal of severe disturbance around the Rockside Road area from previous construction.

In completing consultation for this undertaking, it would be helpful to carefully describe the extent of disturbance in the existing parking lot and in the proposed expansion area around the parking lot. Please keep in mind that gravel lots may cap areas that contain archaeological sites. Depending on the likelihood of finding archaeological sites beneath a gravel lot and depending on the extent of disturbance that will be required for the expansion and improvements to the gravel lot, it may be necessary to consider employing an archaeological survey for this project.

Also, it would be helpful to carefully delineate the area of potential effects for architectural properties and the historic district. We recommend showing this on a relatively large-scale map. It will be helpful to have photographs, keyed to mapping, showing conditions within this area of potential effects. We also recommend including design plans for this undertaking, to the level of detail available, on the maps showing the area of potential effects. To what extent will the proposed changes introduce new elements into the view from the B&O Railroad building? Will the proposed

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

To <i>Jim Briggs</i>		From <i>Kim Norley</i>	# of pages <i>3</i>
Dept./Agency <i>1</i>		Phone # <i>1</i>	

Ms. Kim Norley
June 13, 2003
Page 2

parking area involve construction of poles for lighting? A well-lighted area may be necessary to meet safety concerns. If improvements to the parking area introduce new elements, consultation should continue to assess the effects and determine if the effects are adverse. If this undertaking will have adverse effects, then further consultation will be needed to resolve adverse effects and prepare a Memorandum of Agreement.

Any questions concerning this matter should be addressed to Justin Cook or David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

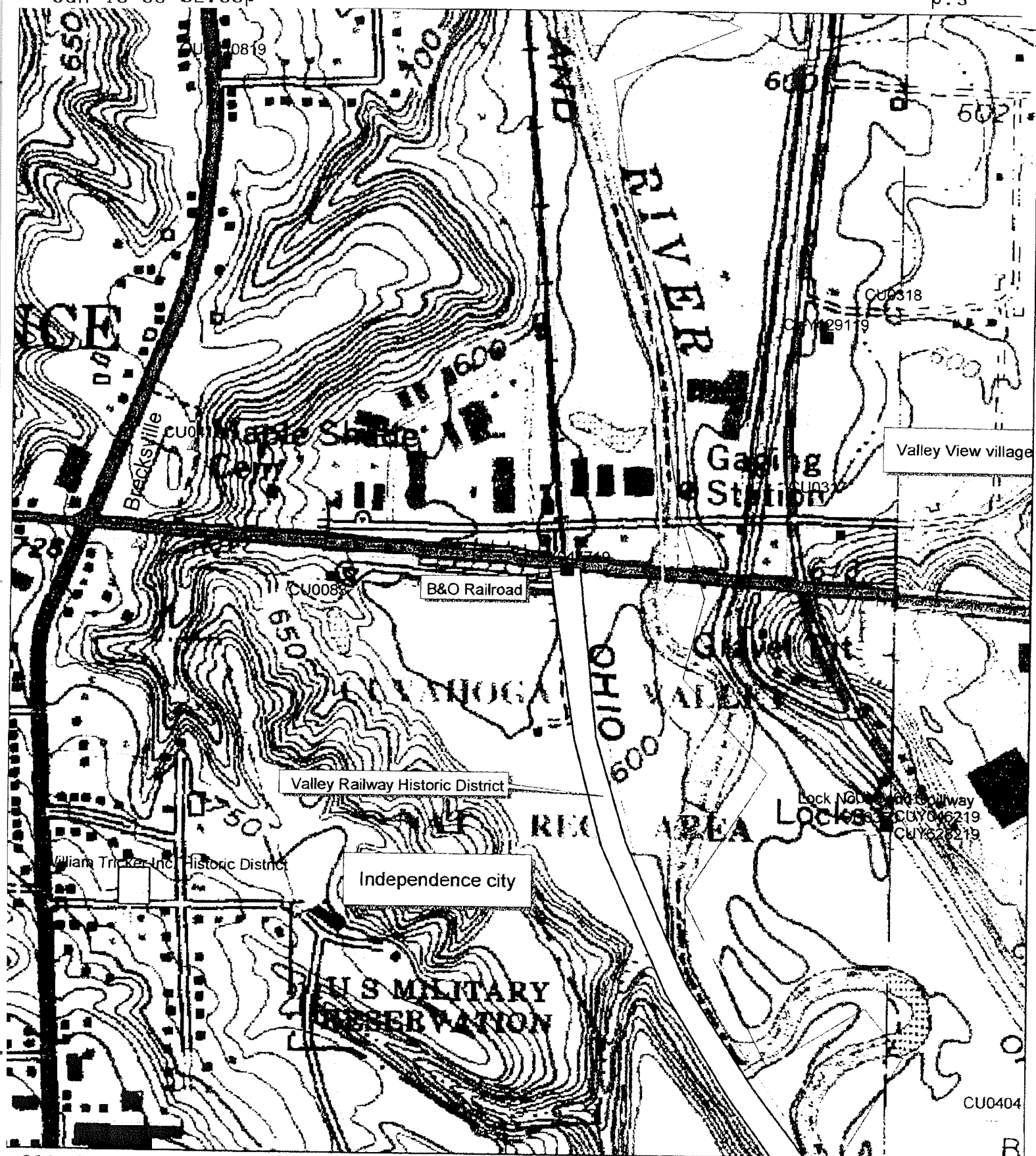
Sincerely,

A handwritten signature in cursive script that reads "David Snyder".

David Snyder, Archaeology Reviews Manage
Resource Protection and Review

DMS/ds

Enclosure



Ohio State Historic Preservation Office

Historic Preservation Division

CUVA, Cuyahoga County

Map printed 6/05/2003

80 0 80 160 Meters



1:8000



CUYAHOGA VALLEY NATIONAL PARK
Environmental Assessment for Rockside Boarding Area Parking Expansion
and Trail Bridge over the Cuyahoga River

Appendix B

Public Involvement

COMMENTS RECEIVED ON
DRAFT ENVIRONMENTAL ASSESSMENT



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
September 5, 2006

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

TAILS #: 31420-2006-FA-0301

Dear Mr. Debo:

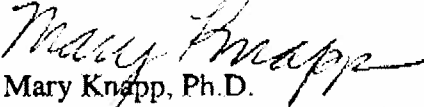
This is in response to your letter received on August 3, 2006 requesting U.S. Fish and Wildlife Service comments on the Draft Environmental Assessment (EA) for the Rockside Boarding Area Improvement project. The project is located off Old Rockside Road in Independence, Cuyahoga County, Ohio.

ENDANGERED SPECIES COMMENTS: The proposed project also lies within the range of the Federally-listed threatened **bald eagle** (*Haliaeetus leucocephalus*). Currently the Draft EA states that "no nests have been found within the park." Information concerning this species in the EA should be updated include the recent discovery of a bald eagle nest along the Cuyahoga River within the park boundaries.

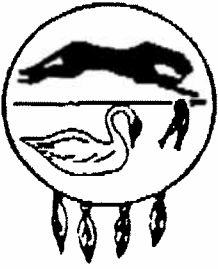
These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

We appreciate this opportunity to provide the above comments. If you have questions, or if we may be of further assistance in this matter, please contact Angela Zimmerman at extension 22 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) 666-2186

August 7, 2006

**RE: D2215
Cuyahoga Valley National Park
Rockside Boarding Area Improvements
Environmental Assessment**

*United States Department of the Interior
National Park Service
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, OH 44141-3097*

To Whom It May Concern:

Thank you for notice of the referenced project(s). 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. At present, the Eastern Shawnee Tribe does not wish to participate as a consulting party on the above referenced project(s). 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,

*Dorothy W. McCormick, Administrative Assistant
Eastern Shawnee Tribe of Oklahoma*



Seneca Nation Tribal Historic Preservation

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

September 13, 2006

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

**RE: Cuyahoga Valley National park
Rockside Boarding Area Improvements
Environmental Assessment**

Dear Mr. John P. Debo, Jr.,

Our office has completed a review of the above referenced project proposal and has determined that more information is required before a final comment can be made. As you know, our office is concerned with the preservation of our cultural materials. It is not apparent from the information provided, as to whether or not the Ohio Historic Preservation Office was contacted regarding the presence of archaeological sites located within the proposed construction area. Neither is it clear as to whether or not an archaeological sensitivity study of the proposed development area was or will be completed. Please forward any available information regarding the aforementioned concerns to our office at your convenience.

Respectfully,

Gail Thompson
Gail Thompson
Archaeologist



United States Department of the Interior

NATIONAL PARK SERVICE
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141-3097

IN REPLY REFER TO:
D2215

October 17, 2006

Gail Thompson
Archaeologist
Seneca Nation Historic Preservation
467 Center Street
Salamanca, NY 14779

REFERENCE: Cuyahoga Valley National Park
Rockside Boarding Area Improvements Environmental Assessment

Dear Ms. Thompson:

We have received your letter of concern for the Environmental Assessment that analyzes the potential impacts of the proposed Rockside Boarding Area improvements located off Old Rockside Road in Independence, Cuyahoga County. Our letter dated July 27, 2006 sent to your office was a notification the draft Environmental Assessment was completed and available online for public review. In the document, both your concerns about archeological study and Ohio Historic Preservation Office were addressed.

The archeological surveys conducted by the National Park Service Midwest Archeological Center in August 2002 and July 2004 found the disturbed area was negative for cultural material (Section 2.2.7, page 2-6). Ohio State Historic Preservation Office responded June 2003 to our initial scoping letter regarding their concern for a historic railroad building, however their reference was not to a building but to the actual railroad tracks (Section 4.8.1, page 4-14).

I have attached the above pages for your information, since they are no longer available online with the end of the public review period. If you have any questions, please contact Landscape Architect, Kim Norley at 440.546.5936.

Sincerely,

John P. Debo, Jr.
Superintendent

Attachments