

## Finding of No Significant Impact Church in the Valley Land Transfer

On December 27, 1974, President Gerald Ford signed legislation creating the Cuyahoga Valley National Recreation Area, 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 CVNP 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...

### Project Background and History

The project associated with this Environmental Assessment (EA) responds to an expressed desire on the part of the Church in the Valley, a historic church located within the hamlet of Everett in the southwest portion of the park for use of NPS land associated with the construction of an addition to the existing church.

The Everett Church of Christ (now referred to as the Church in the Valley), was built in 1906 by the residents of Everett and the surrounding community following the loss of the original church to fire. The main sanctuary has a high ceiling with a single steeple. This building is on the List of Classified Structures (HS-478) as well as the Ohio Historic Inventory. In 1967, the building was enlarged in the rear to add rooms for the Pastor's office.

Since the creation of the park, the National Park Service (NPS) has acquired nearly all of the properties located in the hamlet of Everett. The only developed property still in private ownership is the Church in the Valley (MetroParks Serving Summit County [MetroParks] owns the land across Everett Road from the church). NPS ownership includes 29 buildings that were originally used as homes, a general store, barns and outbuildings, and other small commercial buildings. Also, since the early 1990's, the NPS has endeavored to rehabilitate all NPS-owned historic buildings and develop uses that are compatible with the park. The uses include offices, residences for park interns, the park library, archives and curatorial storage. Between land acquisition and rehabilitation costs, the NPS has invested more than \$3.5 million in preserving the hamlet, and remains committed to protecting the area's resources, historic integrity and scenic values.

In 2001, leaders of the Church in the Valley concluded, through an evaluation of their facilities and programs, that existing facilities were insufficient to serve the needs of an active, growing congregation. In fact, the congregation had begun to suffer decreased membership due to the limitation of services/program capacity. Specifically, the existing structure did not have needed classroom, assembly and office space to meet the long-term needs of their congregation.

The noted shortcomings of the building were deemed to fundamentally undermine the long-term viability of the congregation. In studying these problems, church leaders identified two solution options: 1) expand at the current location; or 2) relocate to a new facility outside of the national park.

Unfortunately, under the current circumstances, expansion would be difficult.

Because of the small size of their property, any addition to the existing church would occupy all 'build-able' land currently in church ownership. As a result, sufficient land would not remain to provide the needed parking and sanitary components needed for the expanded facility. A further complication was that all of the land surrounding this property was in public ownership (predominantly the National Park Service, but also MetroParks).

### **Proposed Action**

In response, the park is considering the transfer of 4.28 acres of land located behind the existing church.

The purpose of this action is to provide for both the long-term protection of the historic and cultural resources associated with the Church in the Valley as well as promote the continued historic use of the property.

The need to which CVNP is responding is a request from the Church in the Valley for the use of NPS land to construct a parking lot and sanitary system. Such facilities would be in conjunction with the construction of an addition onto the existing church building to provide for additional, identified facility capacity.

### **Preferred Alternative**

#### **Land Transfer (Exchange) with Conditions**

Under the preferred alternative, the park would transfer 4.28 acres of NPS-owned land to the church for use as part of an expanded facility. The transfer of land would be accomplished through a land exchange whereby, in return for the NPS land conveyed to the church, the NPS would receive a historic preservation easement over the church (along with any funds necessary to equalize the value of the outgoing and incoming parcels). The transfer of NPS land will facilitate the construction of an addition onto the existing church as well as result in the construction of a parking lot, installation of a septic field and retention of open space on the NPS.

In order to fulfill the NPS mission and meet policy, the NPS land would be transferred with conditions that would insure continued protection of the property's natural and cultural resources and other park values. These require that:

- No sensitive natural resources are affected.
- Improvements would be located so as to screen them from nearby roadways, trails and other public areas in order to minimize any impacts to the area's scenic values.
- Historic/cultural resources would be minimally impacted.
- The majority of the existing parking would be relocated away from NPS residential properties.
- All riparian and wetland areas are appropriately protected through established setback requirements in accordance with NPS policies and local regulations.
- Off-site storm water discharge is minimized through the use of Best Management Practices.

The mechanism, by which these protections would be established, is the use of a Restrictive Covenant over the existing NPS land and a Historic Preservation Easement over the church property.

## **Other Alternatives Considered**

As part of the project development process, the NPS and Church in the Valley explored other alternatives as well. Only one other alternative was identified for the central question of land transfer. The alternative was to transfer NPS land without restrictions/conditions. While this alternative would have met the needs of the Church, it failed to meet laws and policies governing NPS administration of lands and cultural resources. Further, it was impractical to expect that CVNP could secure the necessary Ohio State Historic Preservation Office and Advisory Council approvals necessary to proceed. Therefore, this option did not merit further consideration by the CNVP as a viable alternative.

## **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 Preferred 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 while resulting in a mixture of beneficial and negative impacts ranging between minor and moderate to the cultural and historical environment of the Cuyahoga Valley NP.

The primary advantages of the Preferred Alternative include:

- The Preferred Alternative provides greater protection of the park's cultural and historical resources:
  1. through the protection of the historic church through the acquisition of a Historic Preservation Easement; and
  2. by providing conditions favorable to the building's long-term protection by supporting continued occupancy of the historic structure and for historic uses.
- The Preferred Alternative is responsive to an expressed need from the community / park neighbors.

From the standpoint of the NPS' obligation as a trustee of the environment, the difference between the two alternatives is not considered significant, largely because of the nature of the site, and the limited physical extent and scope of the project. Arguably, the No Action Alternative has the least direct, negative impact since the larger parking lot, sanitary system and the church addition would not be constructed.

Responding to mandates to provide safe, healthful, productive and aesthetically and culturally pleasing surroundings, by providing for the long-term viability of the church at the historic building location, the Preferred Alternative is believed to provide greater advantage than the No Action Alternative as it provides the greatest opportunity for the continued use of the church and thereby its maintenance. In the long-term, probable abandonment of the church under the No Action Alternative could impact both the aesthetic values of the property/area and potentially compromise public safety through disrepair.

In the short-term, under the No Action Alternative, no construction would occur and therefore would have the least degradation, risk of health or safety or other unintended consequences. However, in the long-term, the probable abandonment of the historic church under the No Action Alternative would likely lead to the building's degradation, and, with it, increase the risks to health and safety. In addition, relocation of the congregation could result in new construction in an area previously undisturbed, albeit outside of the park. For these reasons, the Preferred Alternative is regarded as providing the greatest benefit with minimal risk.

Regarding the protection of the preservation of important historic, cultural and natural resources, unlike the No Action Alternative, the Preferred Alternative would require the cutting of 7 spruce trees and result in the construction of the proposed parking lot and associated amenities thereby negatively impacting the cultural landscape. However, despite these impacts, its ability to provide direct protection over the church and address the long-term viability concerns of the congregation, suggests that the long-term impacts of the Preferred Alternative are expected to be less than if the church is forced to relocate and the historic building/site remain vacant.

Lastly, when striking a balance between resource protection and use that achieves high standards of living, in providing for the long-term viability of the church at the historic building location, the Preferred Alternative is believed to provide greatest advantage.

As articulated above, the Preferred Alternative better meets 4 of the 6 criteria in NEPA Section 101, and, therefore, has been determined to be both the environmentally preferred alternative and the preferred alternative.

#### **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 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).

**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 minor-to-moderate adverse and beneficial impacts, including:

#### **Adverse**

- **Scenic Values** – The Preferred Alternative does have the potential for minor adverse impacts to scenic values of the field and church property both in the short-term and long-term associated with temporary construction impacts, the removal of 7 spruce trees, and changes to the massing of the historic church.
- **Land Use** - Minor to moderate negative impacts could be expected for short periods during the addition construction for residents of the adjacent, NPS-owned Schmidt property.
- **Archeological Resources** - As a result of the location and limited ground disturbance requirements for the installation of the septic evapotranspiration field and the parking lot, minor, negative impacts to archeological resources could be expected under the Action Alternative.
- **Cultural Landscapes:** Minor to moderate negative impacts on the cultural landscape are possible; however, these are mitigated by the low height of most improvements and also by the frequency and duration of the parking lot use. The overall open character of the field would remain. In addition, the location of the parking lot in the eastern portion of the field does not break up the field and therefore protects the largest possible expanse of field as a continuous feature.

#### **Beneficial**

- **Land Use:** Minor long-term benefits are expected under this alternative for the Schmidt property as the existing parking lot, immediately adjacent to the property, would be substantially reduced and the associated land incorporated into the Schmidt property use area.
- **Historic Structures:** Because of the sympathetic addition design, the removal of incompatible, non-historic building elements, and the establishment of a historic preservation easement over the church, the Preferred Alternative is considered to have moderate beneficial impacts on the historic church.

#### **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.

#### **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.***

Of the unique characteristics of the project area, the preferred alternative will not have a significant effect on the hamlet of Everett, a National Historic District, or on CVNP itself. No other unique characteristics will be affected.

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

The nature and scope of the proposed land transfer and the subsequent construction project made possible by the transfer do not include elements or a scale which are expected to be highly controversial, as evidenced through public input and agency coordination throughout the environmental development process. The public was notified of the project through the published

notices associated with the planned realty action and the environmental assessment. In addition, an article was published about the project and associated Environmental Assessment in the primary, area newspaper. None of these broadcasts generated any negative comments from the public.

**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 Church circumstance is considered unique, and for that reason, the park believes the decision to proceed with the planned land transfer will not lead to a precedent for future actions, significant or otherwise, or establish a principle NPS response.

**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 Church in the Valley does not anticipate any future capital improvement projects in the foreseeable future as they anticipate this new facility will suit their needs indefinitely. The only additional projects in the area will most likely be undertaken by the NPS and consist of rehabilitating the adjacent residential structure for use as offices or a residence.

**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.*

This project is associated with three primary historic/cultural resources. Associated with the NPS land proposed for transfer are archeological resources and a field that is recognized as a contributor to the park's cultural landscape. In addition, the privately-owned church is historic and is included in the Everett Historic District.

**Archeological Resources:** Field investigations conducted by the NPS Midwest Archeological Center confirmed the presence of an archeological site in portions of the field planned for transfer to the church. An inventory of the field was conducted over 2 seasons and identified and mapped the extent and nature of the site's features and artifacts. The site was determined to be National Register eligible. Subsequently, the location, extent and design of the parking lot and septic field were designed in a manner responsive to the protection needs of the site. Furthermore, the planned Restrictive Covenant covering the field provides long-term protection of the site. The design plans and the planned land transfer have been reviewed and approved by the Ohio State Historic Preservation Office. (January 20, 2006, letter from Ohio SHPO).

**Cultural Landscape:** Although the field planned for transfer to the Church is not included in the Everett Historic District Nomination, nor the Everett Historic District Cultural Landscape Report, it is included in the Cuyahoga Valley National Park Cultural Landscape Report as contributing to the cultural landscape of CVNP under the theme of agriculture. While construction of the parking lot will impact this resource, the extent, location and design have been developed to limit these impacts to minor-to-moderate. The installation of the septic field is expected to have

negligible to minor impacts on the field. At the same time, the Restrictive Covenant covering the NPS transferred land will limit any further impacts to the field and insure its long-term protection. Similarly, the Historic Preservation Easement planned for the church will provide the NPS with direct control over the church property as well, thereby insuring long-term protection of the cultural landscape resources associated with the church property.

**Historic Church:** As mentioned, the church is included in the Everett Historic District. The planned addition to the church, made possible as a result of the land transfer, was designed to provide the need capacity, but also to protect the historic integrity of the building. To insure this outcome, the addition concept was developed by a team that included the project architect, an NPS Historian and Historical Architect, and members of the Cleveland Restoration Society. The design was subsequently reviewed and approved by the Ohio State Historic Preservation Office (July 23, 2002, letter from Ohio SHPO). In addition to a historically-compatible addition design, non-historic elements resulting from an earlier addition, will be removed as a result of the planned construction project. Lastly, the transfer of a Historic Preservation Easement over the church to the NPS will provide for long-term protection of this site/building.

*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 2003 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. (February 9, 2006, letter from US FWS).

*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 construction project, made possible by the land transfer, will be subject to various reviews/approvals including: building permit from Summit County, an NPDES construction storm water permit, 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**

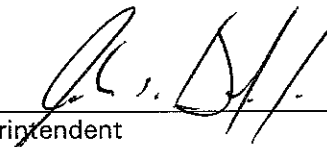
A Notice of Realty Action was published in the area's two leading newspapers in October 2004. Environmental Assessment availability notification letters were sent to 22 identified, relevant parties and agencies on November 10, 2005. No concerns were raised by public entities.

The Environmental Assessment document was made available for public comment on November 19, 2005, 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 November 19, 2005 through December 19, 2005. We received 2 responses without substantive comments. No changes to the Environmental Assessment were made.

### 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 (transfer of NPS land to the Church in the Valley in return for a Historic Preservation Easement over the church) in the CVNP 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 NPS Director's Order 12 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 CVNP 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

2-13-06  
\_\_\_\_\_  
Date

Approved:

  
\_\_\_\_\_  
Regional Director, Midwest Region

3-3-06  
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Date