

## **APPENDIX B: AGENCY COORDINATION**





# Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

**Division of Natural Areas and Preserves**  
*Nancy Strayer, Acting Chief*  
2045 Morse Rd., Bldg. F-1  
Columbus, OH 43229-6693  
Phone: (614) 265-6453; Fax: (614) 267-3096

November 23, 2004

Erika Thompson  
Federal Highway Administration  
Eastern Federal Lands Highway Division  
21400 Ridgetop Circle  
Sterling, VA 20166

Dear Ms. Thompson:

After reviewing our Natural Heritage maps and files, I find the Division of Natural Areas and Preserves has no records of rare or endangered species in the Cuyahoga Valley National Park Fitzwater Road bridge replacement/rehabilitation project area, including a one mile radius, at the Cuyahoga River and Ohio and Erie Canal in Independence Township, Cuyahoga County, on the Northfield Quad [CUVA 18(1), 164(1)].

There are no existing or proposed state nature preserves or scenic rivers at the project site. We are also unaware of any unique ecological sites, geologic features, breeding or non-breeding animal concentrations or state parks, forests or wildlife areas within a one mile radius of the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Please note that although we inventory all types of plant communities, we only maintain records on the highest quality areas. Also, we do not have data for all Ohio wetlands. For National Wetlands Inventory maps, please contact Madge Fitak in the Division of Geological Survey at 614-265-6576.

Please contact me at 614-265-6818 if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debbie Woischke".

Debbie Woischke, Ecological Analyst  
Natural Heritage Program



# 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  
December 29, 2004

Ms. Bridgitte Azran  
U.S. Dept. of Transportation, FHWA  
21400 Ridgetop Circle  
Sterling, VA 20166-6511

Attn: Erika Thompson  
Re: HFPP-15; CUVA 18(1), 164(1), Cuyahoga Valley National Park

Dear Ms. Azran:

This is in response to your November 15, 2004 letter soliciting comments on the proposal to develop an Environmental Assessment (EA) for the proposed rehabilitation or replacement of a truss bridge and a waste wier bridge, construction of a trailhead, and miscellaneous improvements on Fitzwater Road, within Cuyahoga Valley National Park (CVNP), Cuyahoga County, Ohio. Four alternatives will be considered in the EA, including the following: rehabilitation of the existing bridges; removal and replacement of the bridges on existing alignment; replacement with a single bridge; and a realignment.

In general, the Service recommends selecting the alternative that will result in the least ecological and environmental impacts. We recommend that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions.

**ENDANGERED SPECIES COMMENTS:** CVNP is known to support summer populations of the **Indiana bat** (*Myotis sodalis*), a Federally listed endangered species. A male Indiana bat was recently captured approximately three miles south of the project site. Since first listed as endangered in 1967, the Indiana bat population has declined by nearly 60%. Several factors have contributed to the decline of the bat including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. Summer habitat requirements for the species are not well defined but the following are considered important:

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 and oaks) which have exfoliating bark.
3. Stream corridors, riparian areas, and upland woodlots which provide forage sites.

The area should be examined to determine if suitable summer roosting or foraging habitat for the bat occurs on the site. The Service recommends that all suitable habitat be preserved, and that impacts to suitable habitat be avoided and minimized to the maximum extent practicable. If suitable habitat is

proposed to be impacted, this project may affect the Indiana bat.

If suitable habitat will be impacted, the EA should include information on avoidance and minimization measures that will be implemented to protect the Indiana bat and its habitat. We recommend that the EA address the quantity/quality of bat habitat impacted and preserved on the site, the quantity/quality of adjacent bat habitat that is protected in perpetuity (eg. parks, conservation easements, etc), maintenance of connectivity to other forested sites, reforestation efforts at or near the project site with native tree species suitable for roosting habitat, and tree cutting timeframe (typically cutting only between September 15 and April 15 when the bats would not be in the area). If sufficient information is not provided to document a "may affect, not likely to adversely affect" determination, formal consultation under Section 7 of the Endangered Species Act of 1973, as amended, will be necessary.

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, location, and onsite habitat, this species would not be expected within the project area. 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,



*for* Mary Knapp, Ph.D.  
Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH  
Mr. John P. Debo Jr., Cuyahoga Valley National Park, 15610 Vaughn Road, Brecksville, OH 44141



# 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

February 14, 2006

Ms. Brigitte Mandel  
Federal Highway Administration  
Eastern Federal Lands Highway Division  
21400 Ridgetop Cir.  
Sterling, VA 20166-6511

Dear Ms. Mandel:

This is in response to the Draft Biological Assessment, Indiana bat (*Myotis sodalis*) mist net survey, and eastern massasauga (*Sistrurus catenatus catenatus*) survey reports, submitted to this office on January 23, 2006, for the proposed Cuyahoga Valley National Park bridge rehabilitation and replacement projects (CUVA 18(1), 164(1)). The projects are located along Fitzwater Road, west of its intersection with Canal Road, in Cuyahoga County, Ohio. The Service previously commented on this project in a letter dated December 29, 2004.

Based on the presence of suitable Indiana bat habitat, and the proximity of the site to known Indiana bat captures, the Service recommended that a mist net survey be completed to determine the presence or likely absence of the Indiana bat on the property. The mist net survey was conducted by Merrill Tawse, Enviroscience, Inc., on June 4, 5, and 15, 2005. The mist net survey met the Service's recommended protocol for Indiana bat surveys. Due to rainy weather during the June 5 survey, an additional night was added to the standard two-night survey, to ensure accurate survey results. Weather during survey events on June 4 and 15 was conducive to capturing Indiana bats.

The mist net survey resulted in the capture of only one individual bat, a pregnant Little Brown Bat (*Myotis lucifugus*), which indicates the presence of a maternity colony of Little Brown Bats within the project area. No Indiana bats were captured during the survey. Little brown bats are considered to be one of Ohio's most common bat species, and are relatively adapted to the presence of humans. The limited species diversity and capture of human-tolerant species only, indicates that it is unlikely that Indiana bats are using the project site.

In order to further ensure that adverse effects to the Indiana bat do not occur during project development, the Service makes the following recommendation: Clearing of any suitable Indiana bat roost trees should only occur after September 15, and before April 15, when bats would not be in the area.

A survey for the eastern massasauga was conducted between June 3 and October 19, 2005. The survey consisted of 30 pieces of artificial cover objects (roofing tin) being placed in three transects throughout suitable habitat areas. The cover objects were checked weekly, and snake species and numbers were documented. The survey resulted in the documentation of four species of snakes, including 62 Eastern Garter Snakes (*Thamnophis sirtalis sirtalis*), 46 Brown Snakes (*Storeria dekayi* ssp.), one Red-bellied Snake (*Storeria occipitomaculatum*), and two Eastern Milk Snakes (*Lampropeltis triangulum triangulum*). No eastern massasaugas were identified during the survey. Based on the survey results, the Service believes that it is unlikely that eastern massasaugas are using the project site.

As described above, surveys have documented that neither the Federally endangered Indiana bat nor the Federal candidate eastern massasauga is likely to be using the project site, although suitable habitat for both is present. Therefore, the Service concurs with your determination, included in your January 20, 2006 letter, that the proposed project is not likely to adversely affect either of these species.

This concludes consultation on this action as required by section 7(a)(2) of the Endangered Species Act. Should, during the term of this action, 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, consultation with the Service should be reinitiated to assess whether the determinations are still valid.

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 black ink that reads "Mary Knapp". The signature is written in a cursive, flowing style.

Mary Knapp, Ph.D.  
Supervisor

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





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
6950 Americana Parkway, Suite H  
Reynoldsburg, Ohio 43068-4132

(614) 469-6923/Fax: (614) 469-6919  
May 19, 2008

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2008 JUN -3 AM 8:38  
EASTERN FEDERAL LANDS  
HIGHWAY DIVISION  
STERLING, VA

TAILS: 31420-2008-FA-0149

Kevin S. Rose  
Eastern Federal Lands  
Highway Division  
21400 Ridgetop Circle  
Sterling, VA 20166-6511

RE: Project CUVA 18(1), 164(1), Cuyahoga Valley National Park  
Maintenance Yard Access Route

Dear Mr. Rose,

This is in response to your April 14, 2008 letter received on April 16, 2008 requesting U.S. Fish and Wildlife Service (Service) concurrence on your Endangered Species Act section 7(a)(2) effect determination for the Indiana bat and Eastern Massasauga for the CUVA 18(1), 164(1) project site. This project involves the construction of an alternate access route to connect the Cuyahoga Valley Scenic Railway maintenance yard with Canal Road during replacement of the Fitzwater Truss Bridge, which was closed to vehicular traffic in November 2007.

In general, the Service recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. Best construction techniques should be used to minimize erosion. All disturbed areas should be mulched and revegetated. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions.

### ENDANGERED SPECIES COMMENTS:

We have reviewed the proposed project and concur with your determination that the proposed activities are not likely to adversely affect the Indiana bat (Endangered) or the Eastern Massasauga (Candidate). The biological assessment conducted by ASC Group, Inc. in 2005 concluded that neither species is likely using the study area. Respective surveys did not result in the capture of Indiana bats or Eastern Massasaugas. In addition, our site visit on May 9, 2008 resulted in identification of only two potential Indiana bat roost trees; and Robert Bobel, Park Engineer, indicated that neither tree would need to be removed for this project. Thus, adverse impacts on Indiana bats should be avoided. Further, the Eastern Massasauga is no longer included on the Service's list of Federally-listed species for Cuyahoga County, as it was concluded that there is insufficient habitat for the species in that area. Therefore, there should be no impact to Eastern Massasauga or their habitat.

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 concludes consultation on this action as required by section 7(a)(2) of the Endangered Species Act. Should, during the term of this action, 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, consultation with the Service should be reinitiated to assess whether the determinations are still valid.

If you have questions, or if we may be of further assistance in this matter, please contact Karen Hallberg at extension 23 in this office.

Sincerely,

A handwritten signature in cursive script that reads "Mary Knapp".

Mary Knapp, Ph.D.  
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH  
Ms. Lisa Landers, Eastern Federal Lands, Highway Division



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2006 SEP -7 PM 2:48

EASTERN FEDERAL LANDS  
HIGHWAY DIVISION  
STERLING, VA

August 28, 2006

Kevin S. Rose  
Environmental Protection Specialist  
U.S. Department of Transportation  
Federal Highways Administration  
21400 Ridgetop Circle  
Sterling, Virginia 20166-6511

Dear Mr. Rose:

Re: Rehabilitation/Replacement of the Fitzwater Truss Bridge and Waste Weir Bridge, Valley View, Ohio

This is in response to correspondence, received on April 20, 2006, regarding the above referenced project. My comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

Federal Highways Administration (FHWA), through its Eastern Federal Lands Highway Division, is preparing an Environmental Assessment for the rehabilitation/replacement of the Fitzwater Truss Bridge and Weir Bridge in cooperation with the National Park Service, Cuyahoga Valley National Park (NPS). The project will also include replacement of an existing box culvert in the Ohio & Erie Canal, the construction of a trailhead, and miscellaneous improvements to Fitzwater Road. Your letter dated April 12, 2006 seeks our comments regarding project alternatives proposed by FHWA

After discussing the project with NPS staff at Cuyahoga Valley National Park, it is our understanding that FHWA will be serving as lead federal agency for this project.

The Ohio Historic Preservation Office's regulatory responsibilities are limited to participating in consultation regarding the effects of federal undertakings on historic properties under Section 106 of the National Historic Preservation Act. We are aware that FHWA fulfills its Section 106 responsibilities within the framework of compliance with the National Environmental Policy Act, as is permitted by 36 CFR Section 800.8. We appreciate being provided with an opportunity to comment on project alternatives that have been developed to assist in the preparation of an Environmental Assessment, but we are concerned that the documentation provided does not include sufficient project scoping, identification of historic properties, or assessment of effects of the project upon historic properties, as is required by 36 CFR Section 800.8(a)(3).

At this time we are unable to offer substantive comment on the alternatives proposed in your April 12, 2006 correspondence because we have no information regarding the historic significance of the existing structures that will be repaired or replaced. In order to assess the effects of the project on historic properties, the agency must first establish an Area of Potential Effects for the project and then apply the National Register of Historic Places Criteria for Evaluation to all properties within it. After identifying properties that are eligible for listing in the National Register, FHWA should then apply the criteria of adverse effect [36 CFR Section 800.5(a)(1)] to each historic property.

We encourage FHWA to work with NPS staff at Cuyahoga Valley National Park to prepare the required documentation. In addition, FHWA should consult with the Ohio Department of Transportation (ODOT) and use ODOT's bridge inventory data to assess the significance of these bridge types within both a regional and statewide context. Furthermore, because the project will include replacing a box culvert within the Ohio & Erie Canal and rehabilitating or replacing the Waste Weir bridge that crosses another canal-related feature, we

**OHIO HISTORICAL SOCIETY**

*Ohio Historic Preservation Office*

567 East Hudson Street, Columbus, Ohio 43211-1030 ph: 614.298.2000 fx: 614.298.2037

[www.ohiohistory.org](http://www.ohiohistory.org)

Kevin S. Rose  
August 28, 2006

Page Two

encourage FHWA to engage the Ohio & Erie Canal Corridor Coalition in consultation and to offer the organization consulting party status pursuant to 36 CFR Section 800.(2)(c)(5).

The Ohio and Erie Canal corridor, like most transportation corridors, has evolved over time. Canal, carriage, rail, and automobile traffic have all helped to define this corridor. Therefore, we caution against allowing the canal's National Historic Landmark status to cause the assessment of properties' significance to be based exclusively on their relationship to the canal. Rather, we feel that the canal should be considered to be part of a broader transportation context and that this context should be utilized when evaluating resources that may be affected by the project.

We look forward to helping FHWA and NPS design a project that considers the historic nature of the project area while meeting the agencies' transportation needs. To assist all parties involved in consultation in considering the effects of this project on historic properties, we request that FHWA prepare the project documentation required by 36 CFR Section 800.11(d) and distribute it to consulting parties.

If you have any questions, please contact me by phone at (614) 298-2000 or by e-mail at [jcook@ohiohistory.org](mailto:jcook@ohiohistory.org). Thank you for your cooperation.

Sincerely,



Justin M. Cook, History Reviews Manager  
Resource Protection and Review

Copy: Dave Humphrey, Chief, Technical Assistance & Professional Services Division, Cuyahoga Valley National Park, 15610 Vaughn Road, Brecksville, Ohio 44141-3097  
Dan Rice, President & CEO, Ohio & Erie Canal Corridor Coalition, 520 South Main Street, Suite 2452, Akron, Ohio 44311

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2008 APR 18 PM 1:19

EASTERN FEDERAL LANDS  
HIGHWAY DIVISION  
STERLING, VA

April 15, 2008

Kevin S. Rose  
Environmental Compliance Specialist  
Federal Highway Administration  
Eastern Federal Lands  
Highway Division  
21400 Ridgetop Circle  
Sterling, Virginia 20166-6511

Dear Mr. Rose:

Re: PRA-CUVA 18(1), 164(1), Replacement of Fitzwater Truss Bridge, Waste Weir Bridge,  
Construction of Trailhead, and Fitzwater Road Improvements  
**HFPP-15**

This is in response to correspondence, received on February 1, 2008, regarding improvements to Fitzwater Road and associated activities in Valley View, Ohio. My comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

In a letter dated April 12, 2006, you requested our comments regarding the effects of project activities associated with the proposed work on historic properties to assist the Federal Highways Administration (FHWA) in preparing an Environmental Assessment for this project. In a letter dated August 28, 2006, we stated that OHPO was "unable to offer substantive comment on the alternatives proposed in your April 12, 2006 correspondence" and noted that "we are concerned that the documentation provided does not include sufficient project scoping (sp), identification of historic properties, or assessment of effects of the project upon historic properties, as is required by 36 CFR Section 800.8(a)(3)."

To assist FHWA in securing documentation that would facilitate its efforts to comply with 36 CFR Part 800, we recommended that the agency "consult with the Ohio Department of Transportation (ODOT) and use ODOT's bridge inventory data to assess the significance of (the existing) bridge types within both a regional and statewide context". We also recommended that FHWA consult with the Ohio & Erie Canal Corridor Coalition about the project to fulfill its obligations to engage individuals and organizations with a demonstrated legal, economic, or preservation interest in the project.

Your January 28, 2008 correspondence transmitted a completed Ohio Historic Preservation Office Project Summary Form (PSF) for this project as well as an archaeological report titled *Archaeological Survey for the Rehabilitation/Replacement of the Fitzwater Truss Bridge and the Waste Weir Bridge; PRA-CUVA 18(1), 164(1); PMIS 84320, Cuyahoga Valley National Park, Independence Township, Cuyahoga County, Ohio* prepared by ASC Group, Inc. (ASC). The cover letter requests our concurrence with FHWA's finding of "no adverse effect" for this project.

**OHIO HISTORICAL SOCIETY**

*Ohio Historic Preservation Office*

567 East Hudson Street, Columbus, Ohio 43211-1030 ph: 614.298.2000 fx: 614.298.2037

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Kevin S. Rose  
April 15, 2008

Page Two

At this time, we are unable to concur with your finding. After reviewing the completed PSF and the archaeological report prepared by ASC, we have several concerns regarding the methodology employed by FHWA to conclude that the proposed project will have no adverse effect on historic properties:

- Neither the completed PSF nor the archaeological report presents any contextual data or analysis that substantiates that the Fitzwater Truss Bridge over the Cuyahoga River is not eligible for listing in the National Register of Historic Places (NRHP). Our recommendation that FHWA use ODOT's bridge inventory data to develop such a context was apparently not followed. Narrative explaining how the agency applied the NRHP Criteria for Evaluation to this property is not included in the PSF or archaeological report. The NRHP eligibility of the bridge is simply presented in tabular format on Page 10 of the report and addressed in minimally more detail in the narrative on Page 41, where the author effectively concludes that, because the Ohio Historic Inventory form for the structure (CUY-456-19) notes that the bridge was not part of a historic district that was eligible for listing in the NRHP when the form was completed in 1976, there is no need to reevaluate the significance of the resource.

This line of thinking is directly refuted by 36 CFR Section 800.4(c)(1), which states "(t)he passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible". Had ASC researched ODOT's bridge inventory data as I had suggested, it would have found a wealth of information, including a January 18, 2007 memo from Nancy Campbell, History/Architecture Transportation Reviews Manager at OHPO to ODOT noting the dwindling number of Pratt Through Truss bridges in Ohio and the need to reevaluate the preservation priorities for structures of this type (1/18/07 memo regarding SCI – CR 257 – 2.56).

We request that FHWA provide contextual data and analysis that supports its conclusion that the Fitzwater Truss Bridge (CUY-456-19) is not eligible for listing in the National Register of Historic Places. To effectively assess the significance of this resource type, we feel that it is imperative to obtain statistical data – such as the current number of Pratt Through Truss bridges in Ohio, the number of such bridges in the state thirty years ago, and the number of such bridges currently slated for replacement – from ODOT.

- We also note that the completed PSF and archaeological report make little effort to assess how the removal of the Fitzwater Truss Bridge will affect the historic landscape of the Ohio & Erie Canal Historic District, a National Historic Landmark. On Page 13, the report notes that a 2000 supplement to a 1987 cultural landscape report completed for Cuyahoga Valley National Park (CVNP) concludes that "(t)he cultural landscapes attributed to the Ohio & Erie Canal and the Valley Railway contribute (sp) greatly to the historic significance of these resources" (Winstel 2000:19). Tellingly, ASC then acknowledges that the supplement "went further and suggested the historic landscape of the canal must include other transportation networks like pre- and post-canal era roads".

Kevin S. Rose  
April 15, 2008

Page Three

Having reviewed many cultural landscape reports prepared by the National Park Service (NPS) to fulfill its obligations under Section 110 of the National Historic Preservation Act, we are well aware of the significance that the NPS assigns to cultural landscapes. Given that one such report prepared for CVNP directly acknowledges the significance of post-canal era roads to the cultural landscape of the National Historic Landmark Ohio & Erie Canal Historic District, it seems reasonable to conclude that structures associated with these roads – such as the Fitzwater Truss Bridge – are also important components of the canal's cultural landscape. Will removing this structure impair CVNP's ability to interpret the transportation history of the canal corridor for its visitors? Or perhaps diminish the setting of the canal? We request analysis regarding these issues.

- The cumulative effect of leaving the existing box culvert – a non-contributing resource in the Ohio & Erie Canal Historic District – in place and constructing a second non-contributing resource within the district – the proposed new bridge over the canal and waste weir approximately 130 feet north of the existing alignment – is not addressed in either the PSF or the archaeological report. We are concerned that the completed PSF and the archaeological report make no effort to assess whether this constitutes an adverse effect on historic properties.

It is our understanding that the existing box culvert is not proposed for demolition because there are concerns about how this would affect the structural stability of Lock 37. Please note that we agree that protecting the physical integrity of the canal and associated structures is of paramount importance. In addition, we also acknowledge that concerns regarding the cultural landscape of the canal presented above may also be applicable regarding demolition of the existing box culvert. We simply feel that this issue merits discussion. Therefore, we request documentation that explains the structural relationship between Lock 37 and the existing box culvert and analysis of the cumulative effects resulting from this portion of the undertaking.

- According to your January 28, 2008 letter, FHWA's decision to demolish the Fitzwater Truss Bridge was based primarily on "the extensive deterioration and scour of the existing structure (causing) deficiencies that are difficult to address with rehabilitation". We feel strongly that the analysis provided by FHWA would benefit from documentation of this deterioration – including more extensive photographic documentation and analysis of the technical and economic feasibility of rehabilitation efforts that would comport with the Secretary of the Interior's Standards for Rehabilitation. Lacking such documentation, FHWA is effectively asking consulting parties, including OHPO, to blindly support the agency's determination that rehabilitation is not feasible.

Kevin S. Rose  
April 15, 2008

Page Four

- The Preliminary Layout (dated January 2008) of the proposed Waste Weir Bridge on its new alignment shows the structure's eastern abutment located partially within the waste weir returning water to the Ohio & Erie Canal from the Wilson Feed Mill complex (NRHP Ref. # 79000298). No discussion of how this encroachment upon the boundaries of the waste weir will affect historic properties is provided in either the completed PSF or the archaeological report. We request that FHWA prepare analysis discussing these effects and documenting how the agency applied the criteria of adverse effects for this part of the undertaking. We also request that FHWA investigate alternative designs that would avoid direct impacts to the footprint of the waste weir.
- In addition to working with CVNP engineering staff throughout project development, it is our understanding that FHWA has sought input from the Ohio & Erie Canalway Coalition and the Ohio Canal Corridor. We request that FHWA provide copies of comments that it has received from these and other consulting parties regarding the proposed project so that we may be better informed regarding how others in the preservation community feel about the proposed work.

We have reviewed the archaeological report prepared by ASC and concur with its recommendation that archaeological site 33CU358 be avoided during construction activities. To ensure that avoidance is achieved, we recommend that a temporary barrier fence be erected ten feet north of the northern site limit as delineated in Figure 11 of the report. FHWA should monitor the site during construction activities, prepare a letter report documenting conditions at the northern edge of the site before, during, and after the project, and submit this report to OHPO upon completion of the proposed work.

We will continue our review when we receive the requested information. If you have any questions, please contact me by phone at (614) 298-2000 or by email at [jcook@ohiohistory.org](mailto:jcook@ohiohistory.org). Thank you for your cooperation.

Sincerely,



Justin M. Cook, History Reviews Manager  
Resource Protection and Review

Copy: John Debo, Superintendent, Cuyahoga Valley National Park, 15610 Vaughn Road,  
Brecksville, Ohio 44141-3097  
Timothy Donovan, Director, Ohio Canal Corridor, Post Office Box 609420,  
Cleveland, Ohio 44109  
Daniel M. Rice, President & Chief Executive Officer, Ohio & Erie Canalway Coalition,  
520 South Main Street, Suite 2452, Akron, Ohio 44311  
Wayne Vander Tuin, FLHP Coordinator, Midwest Region, National Park Service,  
601 Riverfront Drive, Omaha, Nebraska 68102

OHPO Serial # 1017751





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HIGHWAY DIVISION

June 12, 2008

Kevin S. Rose  
Environmental Team Leader  
Federal Highway Administration  
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Highway Division  
21400 Ridgetop Circle  
Sterling, Virginia 20166-6511

Dear Mr. Rose:

Re: PRA-CUVA 18(1), 164(1), Replacement of Fitzwater Truss Bridge, West Weir Bridge,  
Construction of Trailhead, and Fitzwater Road Improvements  
**HFPP-15**

This is in response to correspondence, received on May 22, 2008, regarding improvements to Fitzwater Road and associated activities in Valley View, Ohio. My comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

In a letter dated April 15, 2008, I expressed concerns regarding the methodology employed by the Federal Highway Administration (FHWA) to conclude that the proposed project will have no adverse effect on historic properties. In your response dated May 19, 2008, FHWA presents information and analysis to address each of my concerns.

Per my request, FHWA consulted with the Ohio Department of Transportation (ODOT) to obtain statistical data that allowed for the development of a context that was beneficial in assessing the historic significance of the Fitzwater Truss Bridge (included in the Ohio Historic Inventory as CUY-456-19). ODOT stated that the bridge is "off-system", and therefore not included in its existing inventories. However, ODOT did provide broader contextual data from its inventories about riveted Pratt Through Truss bridges in Ohio, noting that nearly thirty years ago there were approximately 100 such bridges in the state. Thirty of these bridges are documented in ODOT's current inventory, and half of these have either been replaced or are scheduled for replacement. I feel that these numbers speak very clearly to the threatened nature of such bridges in Ohio.

While I appreciate that the Fitzwater Truss Bridge, built in 1921, is "one of the later models of the structure type", and I take no umbrage with FHWA's argument that the bridge's significance is compromised because many of its character-defining features are in poor condition or have been retrofitted, I will take this opportunity to point out that the rapidly dwindling number of bridges of this type should soon compel FHWA, ODOT, and county engineers to put less effort into trying to justify removal of those that remain and more effort into trying to preserve them.

**OHIO HISTORICAL SOCIETY**

*Ohio Historic Preservation Office*

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Concerning the effects of the proposed demolition of the Fitzwater Truss Bridge on the cultural landscape of the Ohio and Erie Canal, FHWA argues that the existing bridge was built after the period of significance of the canal and that, like the 87 year old truss bridge that it will replace, the new concrete bridge will continue to represent post-canal era roads. While FHWA's analysis strikes me as being a bit cheeky, I understand, though do not entirely agree with, the agency's central argument, which seems to be that the Fitzwater Truss Bridge was built after the Ohio and Erie Canal ceased to function as a means of transportation and therefore is not critical to interpreting the canal's historic significance.

It remains my opinion that the Fitzwater Truss Bridge is a critical component of a broad transportation network that developed in the Cuyahoga River Valley in the 19<sup>th</sup> century, and that the canal was but a part of this network. Individual resources such as the Fitzwater Truss Bridge may be NRHP-eligible under Criterion A as part of a thematic nomination (Multiple Property Document) associated with this broad transportation network. Unfortunately, I lack the time and resources to investigate the plausibility of this theory.

Perhaps I should have asked for analysis of how the removal of the Fitzwater Truss Bridge would affect this broad transportation network as opposed to the cultural landscape of the canal. My sense was that the National Park Service would be eager to actively pursue the preservation of the canal's cultural landscape – which the Fitzwater Truss Bridge contributes to, according to the agency's own 2000 supplement to its 1987 cultural landscape report – but Cuyahoga Valley National Park's support of the proposed project makes it clear that I would effectively be fighting this battle on my own. And since cultural landscapes are not historic properties that are afforded consideration under Section 106, I have concluded that this is not my battle to fight.

In response to my request that FHWA provide more analysis regarding its decision to leave the existing box culvert adjacent to Lock 37 in the Ohio and Erie Canal, you made a brief but inherently sound argument that removal of the culvert would require physical alterations to the lock that would carry an unacceptable risk of damage to the lock itself. While I accept the rationale for the proposed course of action, it is not lost on me that included in your analysis justifying this proposal is a statement - "the culvert provides visual evidence of a time period and allows for visitors to interpret the early transportation development aspects of the site" – that could easily be applied to the Fitzwater Truss Bridge as well.

The Bridge Inspection Report (inspection date of October 17, 2006) provides commentary and numerous photographs that help to underscore the level of deterioration on the Fitzwater Truss Bridge and allow me to better understand how FHWA arrived at its decision that rehabilitation is not a feasible alternative. Likewise, your discussion of the proximity of the abutment for the new waste weir bridge to the waste weir itself helps me to appreciate that this aspect of the project will not result in a net increase in effects on historic properties.

The copies of electronic mail correspondence and FHWA's scoping list for this project illustrate that the agency has made a good faith effort to engage organizations with a demonstrated preservation interest in the project in consultation regarding its effects on historic properties. Based on this correspondence and my own conversations with staff from NPS, it is clear that OHPO is the only consulting party that has concerns regarding the proposed project.

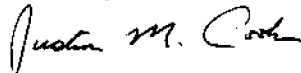
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My concerns are primarily related to broad topics – i.e. planning for the preservation of historic truss bridges as opposed to willfully demolishing them once they have been allowed to deteriorate beyond the point where repair is feasible, working to minimize the impacts of federal undertakings on properties and collections of properties that are historically significant but that may not meet the legal definition of “historic property”, etc. – and are not readily accommodated by the Section 106 consultation process as outlined in 36 CFR Part 800. Therefore, I am reluctantly inclined to concur with your finding that the proposed project will have no adverse effect on historic properties.

If you have any questions or would like to discuss this project further, please contact me by phone at (614) 298-2000 or by email at [jcook@ohiohistory.org](mailto:jcook@ohiohistory.org). Thank you.

Sincerely,



Justin M. Cook, History Reviews Manager  
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OHPO Serial # 1019715