



January 12, 2022

**FINDING OF NO SIGNIFICANT IMPACT  
FEDERAL LANDS TO PARKS  
CHANGE OF USE AT NATHAN HALE PARK  
PARMA HEIGHTS, OH**

**BACKGROUND**

The National Park Service (NPS) has completed a comprehensive planning effort for the Federal Lands to Parks (FLP) program for the Nathan Hale Park in Parma Heights, OH and has prepared an environmental assessment (EA) to analyze potential impacts in the change of recreational use at the park as requested by the City of Parma Heights. The Environmental Assessment (EA) is in compliance with the National Environmental Policy Act of 1969 (NEPA), as amended.

This finding of no significant impact and its associated EA constitutes the record of the environmental impact analysis and decision-making process. The NPS will implement Alternative B, which would amend the existing Program of Utilization (POU) to allow construction of a naturalized stormwater pond, surrounding path, and other recreational amenities to support the park and help reduce neighborhood flooding. Allowing a change to the POU would maintain the park's cultural landscape, provide new recreational experiences while maintaining other existing recreational uses, assist in reducing ongoing annual flooding of the neighborhood, and potentially increase habitat for native species while properly caring for and maintaining the site's natural and cultural resources. The proposed action was selected after careful analysis of resources and visitor impacts, and consultation with five affiliated tribes, the U.S. Fish and Wildlife Service (USFWS), the Ohio Department of Natural Resources, Ohio State Historic Preservation Officer (SHPO), and review of public comments.

This document records (1) a finding of no significant impact as required by the National Environmental Policy Act of 1969; (2) a finding of no effect to federally listed species or their habitat as required by the Endangered Species Act, Section 7; and (3) a finding of no effect as required by the National Historic Preservation Act, Section 106, as it relates to the development of this design concept plan. This finding of no significant impact is available on the National Park Service Planning, Environmental and Public Comment (PEPC) website at:  
<https://parkplanning.nps.gov/nathanhaleparkohio>

## **PURPOSE AND NEED FOR FEDERAL ACTION**

The National Park Service (NPS) proposes to amend the Program of Utilization (POU) agreement between the NPS and the City of Parma (City) for Nathan Hale Park. This agreement with the deed forms the contract by which the property was conveyed and with which the Recipient must comply. A Recipient may propose an amendment to the POU for a public recreation use that is different than the recreation use in the original application for the property. Any amendments for different recreational use must be approved by the NPS. The City requested a change in use from six to nine acres of the 25-acre Nathan Hale Park for a multi-use project combining a naturalized stormwater retention basin with new and rehabilitated recreational resources for the community.

## **ALTERNATIVES CONSIDERED**

Two alternatives were analyzed: a no action alternative (Alternative A), and a one action alternative (Alternative B). These alternatives are described below.

### **Alternative A (No Action)**

Under Alternative A, the no-action alternative, the proposed change of use would not be approved and the original/current POU would remain in effect. The baseball field would need to be restored to its original state, current recreational uses would continue in the park and the flooding of the surrounding residential area and park would not be addressed.

### **Alternative B (Action)**

Alternative B, the action alternative, would involve the construction of a stormwater pond, surrounding path, and other amenities to support the park and reduce neighborhood flooding, while complying with appropriate laws and regulations and without returning the property to Federal ownership. The amended POU would create new recreational opportunities and provide improved park infrastructure for the public while reducing severe local flooding.

### **Selected Alternative**

The NPS has selected Alternative B as described and analyzed in the environmental assessment for implementation. Alternative B, amending the POU, meets the purpose and need of Nathan Hale Park as directed in the deed by continuing to provide recreation to the public in perpetuity.

## **WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

The stormwater basin would be constructed in the northern portion of the park. Three areas of the site will be disturbed: the area for the basin is roughly 720 feet by 480 feet, the area for the stormwater diversion channel located in the northeast corner of the site is 40 feet by 105 feet, and the channel located along the northern boundary line that connects to a new stormwater pipe is approximately 30 feet by 620 feet. In addition, approximately 300 feet of new storm sewer will be installed west of the proposed basin. The depth of disturbance is approximately 24 feet from the highest existing elevation (874 feet) to the lowest elevation (850 feet) for the basin, approximately nine (9) feet from the highest existing elevation (869 feet) to the lowest elevation (860 feet) for the stormwater diversion channel, and approximately seven (7) feet from the highest elevation (870 feet) to the lowest (863 feet) for the channel along the northern property line.

The area of disturbance will occur primarily on cleared land currently used for ballfields. The project includes excavating an area of approximately 8 acres to create a stormwater management facility designed to function as a constructed wetland. Once the basin is constructed, the site will be planted with native trees and wildflowers, and educational panels will be installed. A walking path will be installed along the perimeter of the "storage" area of the basin, as well as benches and a gazebo. The old concession stand, a 5,709 sq ft concrete block building located near the entrance to the park, will be demolished and replaced with a smaller building with restrooms and an attached pavilion. The old buildings located on the current site are dilapidated and no longer used by the City. The City has indicated that these buildings left over from the mid-20<sup>th</sup> century Nike Base will be demolished as a part of their request for a change in the POU. The Ohio State Preservation Office (SHPO) has concurred that these buildings are not considered historic structures. Additionally, the City has committed to resurfacing both parking areas as part of the proposed change in the POU.

Issues related to soils, visitor use and experience, and water resources are analyzed in detail in the EA. Resources were retained for detailed analysis either because (a) they are central to the proposal or of critical importance, (b) analyzing them will inform the decision-making process, or (c) because the environmental impacts associated with the issue are a significant point of contention.

Issues related to cultural and historic resources, human health and safety, socioeconomics and environmental justice, vegetation, and special status species have been dismissed from detailed analysis because they are not central to the proposal, do not assist with making a reasoned choice between alternatives, or are not a point of contention.

As defined in CFR 40 Section 1508.27, significance is determined by examining the following criteria:

- 1. Impacts that may have both beneficial and adverse aspects in which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an Environmental Impact Statement.**

No significant impacts to resources were identified that would require analysis in an environmental impact statement. Whether taken individually or as a whole, the impacts of the selected alternative do not reach the level of a significant effect because most adverse impacts associated with implementation would be temporary, lasting only as long as the construction of the water basin. The overall beneficial impact to visitor health and safety, and resource protection will be a new recreational use for a more diverse demographic, improved facilities, some increased natural habitat, and flooding mitigation. Additional details on impacts to resources can be found in the EA.

- 2. The degree to which public health and safety are impacted.**

The selected alternative would not adversely impact public health and safety and could potentially have beneficial impacts to health and safety through increased recreational opportunities and decreasing flooding.

3. **Impacts to any unique characteristics of the area (proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands, or floodplains, etc.).**

The selected alternative would not adversely affect water quality of adjacent lakes or wetlands. In addition, no adverse impacts to floodplains, prime farmlands, wild and scenic rivers would occur as a result of the proposed action. The selected alternative would not adversely affect ecologically critical areas or species.

Throughout the plan development process, no identified environmental impacts have been deemed highly controversial. During consultation with affiliated tribes and bands, the SHPO, and during the public comment period, there were no substantive concerns expressed about the proposed action.

4. **The degree to which the potential impacts are highly uncertain or involve unique and unknown risks.**

Potential impacts from the selected alternative are not highly uncertain and do not involve unique or unknown risks. Mitigation measures and best management practices during construction will minimize risk to the human and natural environment

5. **Whether the action may establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration.**

The selected alternative does not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration. The selected alternative would not set a precedent for future actions that could have significant impacts because there have been no significant impacts identified as a potential result of the proposed actions. A change in recreational use of any FLP property is allowed pending NPS approval and analysis.

6. **Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or breaking it down into smaller counterparts.**

In summary, the EA concluded that implementing the selected alternative would not result in net beneficial impacts for visitor health and safety and vegetation when considering reasonably foreseeable actions within the project area and other development and management trends; and would not have individually or cumulatively significant impacts.

7. **The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources.**

In terms of the cultural landscape, historic properties, and scientific resources at Nathan Hale Park this action will not have a significant impact, and no impacts to archeological resources. The City will monitor all activities during construction and if previously

unknown archeological resources are discovered during construction, all work in the immediate vicinity of the discovery shall be halted until the resources are identified and documented.

The NPS sent the EA to potentially affiliated tribes and bands on August 21, 2021, asking for comment within 60 days. As of October 21, 2021, the NPS did not receive any comments from affiliated tribes. The Ohio State Historic Preservation Office concurred with a finding of no adverse effect during consultation.

**8. The degree to which an action may adversely affect Endangered or Threatened species or its habitat.**

The NPS reviewed U.S. Fish and Wildlife (USFWS) data to analyze the effects of the proposed action on federally listed species known to occur within the park and project area. The selected alternative is not expected to have more than negligible impacts to special status species or critical habitat, and proposed mitigation measures would be implemented further reducing the potential for adverse impacts. Adverse impacts would be temporary and limited to the duration of construction activities.

On July 8, 2021 the USFWS pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), as amended sent a letter of concurrence to the NPS with a determination that the project, as proposed, is not likely to adversely affect the federally endangered Indiana bat (*Myotis sodalis*) or threatened northern long-eared bat (*Myotis septentrionalis*). This is based on the commitment from the City of Parma Heights to cut all trees greater than three inches in diameter at breast height only between October 1 and March 31 in order to avoid adverse impacts to the Indiana bat and northern long-eared bat.

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

The proposed actions do not violate any federal, state, or local environmental protection law. The NPS has complied with all Federal, State, and local laws with relevance to the selected alternative.

## **PUBLIC INVOLVEMENT AND AGENCY CONSULTATION**

During preparation of the EA, the NPS consulted with federal and state agencies, interested and affected parties, and the general public. These activities are summarized in the EA and are further detailed below.

### **Public Involvement**

On August 20, 2021, Federal Lands to Parks released the Federal Lands to Parks Program Change of Use at Nathan Hale Park Environmental Assessment for public comment and posted it on website the NPS Planning, Environment, and Public Comment (PEPC) website. Striving to reach a broad audience while maintaining health and safety practices during the COVID-19 pandemic, the City of Parma Heights distributed announcements by e-mail and/or hard copy to local, state,

and federal government officials; and individuals who had previously expressed an interest in the planning process.

Prior to the release of the EA, the City of Parma Heights held two public meetings, the first being on May 1, 2019 to present an initial design of the detention basin which was rejected by the FLP program. The Second public meeting was held on October 7, 2019 and attended by 77 residents to review a new design of a naturalized detention basin that included recreational amenities. The City also created and maintained a page on their website that updated progress and posted relevant documents for the public to review.

The City of Parma Heights announced the release of the EA via a press release in the Cleveland.com website on September 1, 2021 and by mailing attendees of public meetings, sending notices to the Nathan Hale Park neighborhood, and posting on the City website the PEPC website link for public comments. The public was asked to review the EA and share their comments for 30-days between August 20 and September 24 related to environmental analysis of actions proposed for the study area. A three-day extension was added due to difficulties accessing the website on September 20, 2021. The comment period was extended for two weeks until October 8, 2021 to allow for comments to be mailed to the NPS office in Boston, MA.

During public review a total of 270 public comments were received and reviewed: 248 through the NPS Planning, Environment, and Public Comment (PEPC) website, 20 were received by mail and 2 were received through the FLP program e-mail.

### **State Historic Preservation Office**

The Ohio State Historic Preservation Office concurred with a finding of no adverse effect during consultation.

### **U.S. Fish and Wildlife Service**

The NPS initiated an informal consultation with the U.S. Fish and Wildlife Service (USFWS) in July of 2021. The NPS notified the USFWS that the NPS was developing a Change of Use EA regarding the construction of the detention basin at Nathan Hale Park in Parma Heights, OH, requested a list of any federal species of concern, and included a brief description of a preliminary proposed action. The NPS also indicated it was initiating informal consultation on the project. The NPS referenced the electronic list of federally listed plant and animal species, as generated by the USFWS Information for Planning and Conservation (IPaC) system (<https://ecos.fws.gov/ipac>).

On July 8, 2021 the USFWS, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), as amended, sent a letter of concurrence to the NPS with a determination that the project, as proposed, is not likely to adversely affect the federally endangered Indiana bat (*Myotis sodalis*) or threatened northern long-eared bat (*Myotis septentrionalis*). This is based on the commitment from the City of Parma Heights to cut all trees  $\geq 3$  inches diameter at breast height only between October 1 and March 31 in order to avoid adverse effects to the Indiana bat and northern long-eared bat.

## **FINDING OF NO SIGNIFICANT IMPACT**

Based on review of the facts and analysis contained in the EA, the NPS has selected Alternative B, as described above, for implementation. The selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement. The proposed action would not have a significant effect on the human environment in accordance with section 102(2)(c) of the National Environmental Policy Act.

Environmental impacts that could occur are limited in context and intensity, with general beneficial impacts to visitor use and experience, vegetation, and species of special concern. There are no unmitigated adverse impacts on public health, public safety, or vegetation, or federally threatened or endangered species.

No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative impacts, or elements or precedence were identified. Implementation of the actions would not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an environmental impact statement is not required for this project and thus will not be prepared. The request for a change in the Program of Utilization at Nathan Hale Park in Parma Heights, OH will be approved by the National Park Service Federal Lands to Parks Program.

Recommended: \_\_\_\_\_  
Diane Keith, Northeast Program Manager  
Federal Lands to Parks Program

Approved: \_\_\_\_\_  
Herbert C. Frost, Ph.D., Regional Director  
National Park Service, DOI Regions 3, 4, and 5

Attachment: Errata and Response to Comments

## ATTACHMENT A: ERRATA AND RESPONSE TO COMMENTS

On August 20, 2021, the Federal Lands to Parks program released the Nathan Hale Park Change of Use Environmental Assessment (EA) for public comment. Striving to reach a broad audience, the park distributed announcements by e-mail and/or hard copy to local, state, and federal government officials; and individuals who had previously expressed an interest in the planning process. The City of Parma Heights also announced the release of the EA via press release. The public was asked to review the plan and share their comments for 30-days between August 20 and September 24, 2021 related to environmental analysis of actions proposed for Nathan Hale Park.

This section includes both minor edits and technical revisions to the EA that resulted as a response to comments received during the public review period. These revisions do not change the outcome of the impact analysis, nor do they affect the final decision documented in the Finding of No Significant Impact. Additionally, this section contains responses to substantive public comments on the plan. In some cases, the NPS chose to respond to some non-substantive comments received during the review period when doing so helped clarify aspects of the selected alternative.

The Errata, when combined with the EA, comprises the only amendment deemed necessary for the purposes of completing the Final Federal Lands to Parks Program Change of Use at Nathan Hale Park Environmental Assessment.

### ERRATA - MINOR EDITS TO THE FEDERAL LANDS TO PARKS CHANGE OF USE AT NATHAN HALE PARK ENVIRONMENTAL ASSESSMENT

Commenters noted suggested edits and changes in the plan text that may require correction or clarification. These technical revisions and additions are noted below.

#### Clarification or Minor Technical Edits:

| Page/Section      | Revision or Change                                                          |
|-------------------|-----------------------------------------------------------------------------|
| PLAN              |                                                                             |
| Page 10-11        | Map of Park repositioned to page 11 to include entirety of the illustration |
| Page 8<br>Table 2 | Change “County” to “City”                                                   |

|            |                                                                                                                                                                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 12    | References                                                                                                                                                                                                                                                   |
| Page 6     | Removal of paragraph 3 on page 12 referencing Baker, S. (2018). <i>Use of the Department of the Army Nationwide Permit No. 39 at Nathan Hale Park</i> . Department of the Army. It was determined that this document was not applicable to the project area. |
| References | Baker, S. (2018). <i>Use of the Department of the Army Nationwide Permit No. 39 at Nathan Hale Park</i> . Department of the Army. It was determined that this document was not applicable to the project area.                                               |

## **ATTACHMENT B: PUBLIC COMMENTS AND RESPONSES**

### **RESPONSE TO COMMENTS AND ISSUES**

This report summarizes public comments received during the public comment period and provides NPS responses to those public comments addressing the change in the Program of Utilization.

During public review of the EA, a total of 270 public comments were received and reviewed: 248 through the NPS Planning, Environment, and Public Comment (PEPC) website, 20 were received by mail and 2 were received through the FLP program e-mail.

Of the 270 comments, 37 opposed the construction of the water basin, and 233 responses supported the Change in the Program of Utilization that would allow for the construction of the basin. Representative comments of both support and concern are summarized below.

#### **Mitigation of Local Flooding**

Of the 233 responses supporting the change in the POU, 193 of the comments referred only to the mitigation of local flooding in Parma Heights. Residents have been dealing with ongoing flooding of basements, streets, and the park itself for the past decade or more. Most residents believe that the water basin will alleviate some, if not all of the flooding. Although this does not fall under the parameters of the FLP change in the Program of Utilization, it is a driving need in the community and most people see this to help decrease flooding.

#### **Change in Recreational Use**

Of the 233 responses supporting the change in POU, 30 citizens supported the change in recreational use of the park from soccer and baseball fields to passive recreation – walking, birdwatching, observation of nature, etc., as well as the following reasons:

- Diminished use of the soccer and baseball fields over the years
- Access to soccer and baseball fields in nearby parks (one park contiguous to Nathan Hale Park)
- Interest in having a new and different recreational use in the park
- The basin would provide a dual use
- Potential for associated improvements to the park facilities
- Protecting property values and the potential for increasing values with a different recreational use
- Positive impact on wildlife
- Improvements to the park will benefit family use and accommodate new users

### **Representative Comments regarding the change in Program of Utilization for the park:**

“At Nathan Hale there is a baseball field that has not been used in years and is in horrible condition. There is plenty of room to add the retention basin and STILL keep the playground and the soccer fields and the snack building that hasn't been opened in years. You would actually bring more people to the park if it had trails and more greenery.”

“I truly believe climate change is real and with heavy rains we will experience flooding more often. Anything that will help to alleviate this is welcome

“Also, a basin designed like a beautiful park around the basin would be beneficial as well to the residence in Parma Heights. The fields at Nathan Hale have not been used in years and this is an opportunity to help residence homes and have a park to enjoy.”

“I believe this proposal is well thought out to not only solve a problem with flooding in this area, but to change the park to more closely meet the needs of our changing community. I walk in this area often, and rarely see people using the baseball fields and soccer fields. Ample baseball fields and soccer fields adjoin Nathan Hale Park. I believe many people would take more advantage of these walking trails and preserves valuable green space for our neighborhood.”

“The basin plan looks beautiful and should prove beneficial to our area's recreation and wildlife. I look forward to taking a walk here!”

“Overall, the proposed project to create a passive recreational amenity for the city of Parma Heights is well within the goals of the Federal Lands to Park programs. The project will respond to changes in land use patterns and population growth since the initial deed by the federal government to the city. It will provide something that is sure to be a popular new asset for residents”

When my children were little, we enjoyed Nathan Hale Park just like many other families, but using just a portion of the park for the basin would not severely impact the residential nature of the park for the enjoyment of families. Please allow this basin work to proceed. Thank you.”

“The Basin in Parma Heights Nathan Hale Park sounds like a nice idea, if the park can be nice to walk around why not? It's not used often.”

“I think the Nathan Hale Retention Basin project is a good idea. It will help homeowners in that flooding will not be of such concern, and the park will still have a recreational function.”

“I think the proposal looks wonderful. If it helps with the flooding that we have been plagued with over the past several years, I am 100% for it. It seems as if a lot of time and I also feel that the plan as described in the various newspaper articles and other publications is a great way to solve the problem of flooding plus add a beautification option of a natural area to the Nathan Hale Park location. A lot of consideration went into the plans. Minimal negative impact to the area and wildlife.”

“Another benefit of the naturalized storm water retention basin would be increased recreational use. Nathan Hale Park has provided the cities of Parma Heights and Parma with recreational

benefit for many years, and I would like the Park to continue providing residents of Parma Heights and Parma with recreational benefits for many years to come.”

“We support the initiative to repurpose part of the park for the basin. Additionally, if the surrounding area, playground, and buildings can be rebuilt and brought up to date I see that as a good thing for the community. In all honesty, we are at crossroads in being a long-term part of the community”

“I feel the project is important to not only benefit homeowners that have been impacted by the heavy rainfall causing damage/inconvenience in their homes, but also to bring our area up to the standard that other local communities have for their public spaces and infrastructure.”

“It would make sense to me to restructure the park in order to create a retention basin that would benefit so many homeowners in the area and would make the area more attractive for new homeowners to want to invest in this community. The park is a great asset and is large enough to be used for this dual purpose. I support the dual use and the addition of a retention basin. Please allow this to better our community.”

“I have recently moved into the area and would love to see the Nathan Hale retention basin come to fruition. The park is in a beautiful location, within walking distance of many residents. I have noticed that the soccer and baseball fields in the north end of the park are hardly used. I do believe that a retention basin/pond with a walking trail would get far more recreational use from the residents of this area in Parma Heights - - the retention basin will be a much better use of the limited green space that we have in this suburban area.”

“We have a multitude of walkers in our neighborhood - with or without dogs - including my husband and myself. It is a source of community building. The improvements at the park I fully endorse the Nathan Hale Detention Basin project. It offers much needed help to the City's ever increasing storm water problem and yet maintain the recreational opportunities of Nathan Hale Park for all its citizens. would provide a beautiful walking destination, further reinforcing our community atmosphere. The area would be put to much better use for people of all ages.”

“...it would provide an aesthetic area for our neighborhood including a walking path, an area for wildlife, and a green space for all to enjoy”

“The retention basin, while helping to alleviate flooding problems, can also become desirable habitat for many avian species. Many cities have built retention basins and landscaped them in a manner to not only be appealing to the eye but also a wonderful place to walk and enjoy nature by all residents.”

“I have reviewed the plans of the basin and this design will greatly improve the appearance of the park. As of now the only compelling part of the park is the playground. The walking trail would be a value to all in the community. This is an active community with joggers, walkers and dog owners taking their dogs for walks. The walking trail will improve the health of the community as more individuals may use the trail for exercise. Currently the park is not designed well for walking. Also, I would love to see the park to be more dog friendly and have waste stations for picking up after dogs. I believe that now there is no pickup and that is not good for the health of

humans and dogs. This is a very dog friendly community, and I could imagine that many members would use the trail for taking their dogs for a walk.”

“The proposed basin and park modifications also seem like a significant improvement for the local community. As someone who utilizes the park for walking and biking, I can appreciate any upgrades to the existing park facilities”

“The plan for a retention basin surrounded by a walking path and appropriate landscaping sounds like a great improvement for our community. The baseball field which would be replaced is not being used anymore”

“My family and I walk through that area regularly and would appreciate the changes proposed. The city still has multiple baseball fields for use, so removing one will not be an issue. I fully support adding the basin to Nathan Hale Park!”

“I was at the first meeting regarding this retention pond. I have followed this issue from the beginning, and I am still in favor of the retention pond with the amenities proposed. I feel the city has proposed a welcoming beautiful site not only to help with the flooding issue but also a place where community can go to walk safely and see the beauty of nature. I'm ALL FOR IT. Let's get moving”

“My sons played sports at Nathan Hale in their youth. It is a terrific sport facility located in a residential area making it accessible to soccer and baseball. It seems to me there is sufficient land there to allow for water retention control and still have sports facilities available”

“Please approve this project that will serve two-fold for our residents; creating an area for excess water to go (instead of our basements) and a visually pleasing park that all residents can use and appreciate”

“Many people in our neighborhood like to walk for pleasure but are just walking up and down streets. If we had the Stormwater Retention Pond with surrounding path not only would this make walks more pleasurable, but also draw more people to the park area. The trees and wildflowers will "spruce up" the area and the info panels will provide information about the area and its plants”

“This project is vital to our neighborhood. While the addition of the retention basin is planned to alleviate flooding issues, the redesign of this park will bring greater use of this park by the residents. As compared to being used very little other than by soccer teams and occasional dog walkers, these two activities will continue to happen as well as so much more. We ask for your approval.”

“I believe this will be an amazing place to visit and enjoy. The amenities that will be added to this park will make it a destination place where more people that live in and out of the area will use. It will be a wonderful resource for wildlife and nature to flourish.”

“The baseball diamond has been used as an unofficial dog park of sorts by residents for many years but the majority of the time it is vacant. I only seen it used for baseball a hand full of times.

The proposed plan will bring much more recreation to Nathan Hale as the neighborhood is comprised of a lot of walkers and joggers.”

“The Park has been made an unsightly mess. Still, people use the park daily. The only usable soccer field is in the very back of the park, located behind a city storage building. The field is consistently flooded and is a sloppy mess from being situated too close to the wetlands. This is the only field where the city does currently schedule youth soccer games. Even the spectators on the side lines walk away muddy from head to toe.”

## **Public Concerns**

Concerns about the change in the Program of Utilization are summarized below. The scope of NPS involvement is limited to evaluating the recreational proposal submitted to the Federal Lands to Parks program. The City presented a proposal to amend the POU to establish a different recreational use of the property and the proposal must serve the stated public recreational use, to satisfy the legal statute. The Change in POU might also simultaneously serve some other use, and as long as that use doesn't interfere with, or detract from the proposed recreational use. NPS does not have any grounds for commenting on whether another incidental use or purpose is effective.

The NPS responses to concern statements are as follows:

### **Concern #1: There are no guarantees that this basin will solve any flooding.**

*Response:* The consequences of local flooding as a result of a change to the Program of Utilization in Nathan Hale Park are outside the scope of NPS review. The NPS is only authorized to approve or disapprove changes in recreation. The NPS does not have the authority or responsibility for programmatic changes to the park that may impact local flooding. Potential adverse impacts are the City's responsibility as part of management of its municipal parks. The City has developed its own impact analysis report and prepared flood mitigation plans for Parma Heights.

### **Concern #2: The City should utilize another area that will not affect the residents and current recreational use.**

*Response:* The NPS explored other options for the City that would avoid any changes to the POU at Nathan Hale Park including purchasing the property from the federal government and a potential land exchange, but the City did not have the financial resources for purchasing the property at fair market value or any properties available for an equitable land exchange.

### **Concern #3: Consideration of submitted petitions against the basin and registered letters sent to the NPS.**

*Response:* Petitions and letters received by the NPS in 2019 were considered earlier in the process and resulted in a Stop Work Order sent to the City to stop the construction of the retention basin that allowed for the City to work with the NPS on other options and to determine that a change of the Program of Utilization would be analyzed through an Environmental Assessment. Letters and petitions that referred to the original basin design and were dated before

the change in the design in 2020 were not directly related to the analysis of the 2021 design in the EA that included a naturalized basin with walking path and other recreational amenities.

**Concern #4: The basin only serves to displace water from its current course and directs it into resident back yards which will destroy both public and private residential property in Parma Heights.**

*Response:* The NPS does not have the authority or responsibility for changes that may result in an effect on local flooding. The consequences of local flooding as a result of a change to the Program of Utilization in Nathan Hale Park are outside the scope of NPS review. The NPS is only authorized to approve or disapprove changes in recreation. The NPS does not have the authority or responsibility for programmatic changes to the park that may impact local flooding. Potential adverse impacts are the City's responsibility as part of management of its municipal parks. The City has developed its own impact analysis report and prepared flood mitigation plans for Parma Heights. It is within the City's authority to address impacts as part of its management of its municipal parks. The City has completed its environmental and engineering analysis and developed its flooding mitigation plans.

**Concern #5: A basin is not a property improvement, and it will not attract people for recreation.**

*Response:* Changes in the Program of Utilization for Nathan Hale Park by the City are allowed on Federal Lands to Parks properties. A Recipient may propose an amendment to the POU for a public recreation use that is different than the recreation use in the original application for the property. Any amendments for different recreational use must be approved by the NPS. The City requested a change to its use of six to nine acres of the 25-acre Nathan Hale Park with new and rehabilitated recreational resources for the community. The consequences of local flooding as a result of a change to the Program of Utilization in Nathan Hale Park are outside the scope of NPS review. The NPS is only authorized to approve or disapprove changes in recreation. The NPS does not have the authority or responsibility for programmatic changes to the park that may impact local flooding. Potential adverse impacts are the City's responsibility as part of management of its municipal parks. The City has developed its own impact analysis report and prepared flood mitigation plans for Parma Heights. The NPS monitors FLP properties for compliance in providing public recreation in perpetuity and requires regular reporting by the City and its public use to guarantee ongoing recreational access.

**Concern #6: The area will become infested with insects, including mosquitoes, rodents, disease, and the basin will smell.**

*Response #6:* The consequences of local flooding as a result of a change to the Program of Utilization in Nathan Hale Park are outside the scope of NPS review. The NPS is only authorized to approve or disapprove changes in recreation. The NPS does not have the authority or responsibility for programmatic changes to the park that may impact local flooding. Potential adverse impacts are the City's responsibility as part of management of its municipal parks. The City has developed its own impact analysis report and prepared flood mitigation plans for Parma Heights. Unanticipated impacts, such changes are within the City's authority to address as part of its environmental and engineering planning and the management of its municipal parks.

**Concern #7: People still use the remnants of the baseball diamond and soccer fields daily.**

*Response #7:* Changes in the Program of Utilization for Nathan Hale Park by the City are allowed on Federal Lands to Parks properties. A Recipient may propose an amendment to the POU for a public recreation use that is different than the recreational use in the original application for the property. The scope of NPS involvement is limited to evaluating the recreational proposal. The consequences of local flooding as a result of a change to the Program of Utilization in Nathan Hale Park are outside the scope of NPS review. The NPS is only authorized to approve or disapprove changes in recreation. The NPS does not have the authority or responsibility for programmatic changes to the park that may impact local flooding. Potential adverse impacts are the City's responsibility as part of management of its municipal parks. The City has developed its own impact analysis report and prepared flood mitigation plans for Parma Heights. How recreational facilities will be utilized in the future due to the changes in the POU are not reasonably foreseeable and are within the City's authority to address as part of its management of its municipal parks. The NPS monitors FLP properties for compliance to providing public recreation in perpetuity and requires regular reporting by the City on public use of Nathan Hale Park to guarantee recreational access for the public.

**Concern #8: Parma Heights has limited parks and land for its residents and turning one of them into a retention basin just takes more land away from us that should be used for recreation which is what the land was given to the city for in the first place.**

*Response #8:* Changes in the Program of Utilization for Nathan Hale Park by the City are allowed on Federal Lands to Parks properties. A Recipient may propose an amendment to the POU for a public recreation use that is different than the recreational use in the original application for the property. The scope of NPS involvement is limited to evaluating the recreational proposal. Any amendments for different recreational use must be approved by the NPS. The consequences of local flooding as a result of a change to the Program of Utilization in Nathan Hale Park are outside the scope of NPS review. The NPS is only authorized to approve or disapprove changes in recreation. The NPS does not have the authority or responsibility for programmatic changes to the park that may impact local flooding. Potential adverse impacts are the City's responsibility as part of management of its municipal parks. The City has developed its own impact analysis report and prepared flood mitigation plans for Parma Heights. Changes to recreational uses are within the City's authority to address as part of its management of its municipal parks. The NPS monitors FLP properties for compliance to providing public recreation in perpetuity.

**Concern #9: There is open land on the Western end of the city that has been vacant for YEARS and it's a complete eyesore. This, if it's a reasonable fix, should be part of the solution instead of tearing up federal lands granted to be parks.**

*Response #9:* The scope of NPS involvement is limited to evaluating the recreational proposal submitted to the Federal Lands to Parks program for Nathan Hale Park. The City may propose an amendment to the POU for a public recreation use that is different than the recreational use in the original application for the property. NPS proposed that the City purchase the property or propose a land exchange that would remove the FLP restrictions on Nathan Hale Park. Neither of these options were feasible for the City.

**Concern #10: The land was donated to the city to be used for recreation and it has been used for that purpose for the past 35 years that I can remember.**

*Response #10:* The scope of NPS involvement is limited to evaluating the recreational proposal submitted to the Federal Lands to Parks program. Changes in the Program of Utilization for Nathan Hale Park by the City are allowed on Federal Lands to Parks properties. An amendment to the POU for a public recreational use that is different than the recreational use in the original application for the property. The Change in POU might also simultaneously serve some other use, so long as that doesn't interfere with or detract from the proposed public recreational use.

**Concern #11: Many retention ponds suffer from water health issues that are multiplied when they're not maintained. Retention ponds are inundated with all kinds of nutrients and chemicals. Goose excrement can cause many problems in retention ponds.**

*Response #11:* The consequences of the change in the Program of Utilization for Nathan Hale Park are outside the scope of the agency review. Adherence to federal regulations was completed for the recreational changes. The consequences of local flooding as a result of a change to the Program of Utilization in Nathan Hale Park are outside the scope of NPS review. The NPS is only authorized to approve or disapprove changes in recreation. The NPS does not have the authority or responsibility for programmatic changes to the park that may impact local flooding. Potential adverse impacts are the City's responsibility as part of management of its municipal parks. The City has developed its own impact analysis report and prepared flood mitigation plans for Parma Heights.

**Concern #12: The public may not be safe near a water feature in a park.**

*Response #12:* While the safety of the public is always a concern of the NPS, the federal government does not have the authority or responsibility for managing changes to the recreational use of local parks or the associated facilities. Safety concerns have been addressed by the City in its evaluation of the design of the water feature and are solely within the City's responsibility to address as part of its design of the facility, management of resources, and the maintenance of its municipal parks. In documents prepared for the basin, it is stated that the City's design will include "design elements to increase safety: providing mild (5:1) slopes and a safety shelf around the perimeter of the detention pond which reduces the risk of someone falling into the permanent pool; and placing wetland plants on the safety shelf combined with shrubs on the slopes and an un-mowed buffer around the pond to discourage wading and swimming."