

Appendix A: Permits

Appendix A: Permits. This EA has been prepared in accordance with the NEPA, the CEQ Regulations Implementing the Procedural Provisions of NEPA, and VA’s regulations for implementing NEPA (38 CFR Part 26). In addition, the EA has been prepared as prescribed in VA’s NEPA Interim Guidance for Projects (VA 2010). The following Federal, State, and/or Local environmental permits that may be required as part of the Proposed Action are identified within this EA and summarized below:

- Section 404 of the Clean Water Act (CWA) General or Individual Permit - USACE
- Permit for Floodplain Development and Letter of Map Revision - FEMA
- Section 401 of the CWA Water Quality Certification – OEPA
- Isolated Wetland Permit – OEPA
- National Pollutant Discharge Elimination System Permit (NPDES) - OEPA
- Hazardous Waste Permits - OEPA
- Wastewater Permit-to-Install (PTI) Program - OEPA
- Building, Mechanical, and/or Electrical Permits – Medina County
- Highway Use Permit – Medina County
- Driveway Permit – Medina County
- Stormwater Management & Sediment Control Permit – Medina County
- Special Hauling Permit – Medina County
- Building, Zoning, and/or Demolition Permit – Watermain Extension – City of Rittman, OH

Appendix B: Agency Correspondence and Consultation

Appendix B: Agency Correspondence and Consultation. This appendix contains the correspondence and consultation documents referenced throughout the Draft EA; including an example scoping letter and comments received from stakeholders detailed in the below table.

Stakeholder	Comment Date	Comment Response
USFWS – Ohio Field Office	September 20, 2023	Consultation Ongoing
Ohio DNR	September 9, 2023	Consultation Ongoing
Ohio History Connection	April 17, 2024	No response needed
Ohio Archaeological Council	April 5, May 6, and May 7, 2024	Responses Sent April 5 and June 11



U.S. DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
Washington DC 20420

February 9, 2024

Sent via email

SUBJECT: Scoping Notice for the Draft Environmental Assessment for the Proposed Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning at the Ohio Western Reserve National Cemetery Located at 10175 Rawiga Road, Seville, Medina County, Ohio 44273

Dear Valued Stakeholder:

The U.S. Department of Veterans Affairs (VA) is preparing a Draft Environmental Assessment (EA) to analyze the potential environmental impacts associated with the Proposed Action Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning at the Ohio Western Reserve National Cemetery located at 10175 Rawiga Road, Seville, Medina County, Ohio (see attached **Figure A – Project Location** and **Figure B – Site Aerial**). As part of the decision-making process, VA will undertake activities to comply with the National Environmental Policy Act (NEPA) by preparing an EA. VA is seeking input on issues to be addressed during the NEPA process. The purpose of the Proposed Action is to develop additional gravesites and make improvements to the existing cemetery in Phase 4, in addition to master planning the rest of the VA owned land for future phased expansion and improvements. The Proposed Action is needed to continue to provide accessible interment services to Veterans and their families and maintain the existing Ohio Western Reserve National Cemetery.

Concurrent with this mailing, this scoping notice will also be published in Medina Gazette and the Northern Wayne Post to inform and solicit input from the public. The notice is also available on the VA website at <https://www.cfm.va.gov/environmental/>.

VA will prepare the Draft EA according to the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code 4321-4370h), the Council on Environmental Quality Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500- 1508), and VA Implementing Regulations (38 CFR Part 26). Through this notice, VA is also providing the public with information about the undertaking and seeking public comment and input about the undertaking's effects on historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, (54 USC § 306108), and its implementing regulations (36 CFR Part 800 – Protection of Historic Properties). VA is using its procedures for public involvement under NEPA in lieu of public involvement requirements in subpart B of the Section 106 regulations per 36 CFR 800.2(d)(3). This notice does not serve as an invitation to consult under Section 106, it is solely to seek and consider the views of the public. VA will initiate its Section 106 review and invite consulting parties to participate via a separate communication.

VA recognizes that you as an identified Stakeholder and/or your organization may have comments on the scope of issues for analysis or information relevant to the Proposed Action for consideration in the Draft EA. Please submit your comments/information via email within 30-days following receipt of this notice to vacoenvironment@va.gov with the subject line "Phase 4 Gravesite Development and Cemetery Improvements, Ohio WRNC".

VA will address and incorporate relevant comments/information in the Draft EA. Once VA completes the Draft EA, it will be published and made available for a 30-day public review and comment period. VA will announce the start of this review period by publishing a Notice of Availability (NOA) of the Draft EA in the Medina Gazette and Northern Wayne Post. VA will concurrently notify stakeholders with instructions on how to submit comments. For additional information or questions, please contact Fernando Fernandez at fernando.fernandez@va.gov with the subject line "Phase 4 Gravesite Development and Cemetery Improvements, Ohio WRNC".

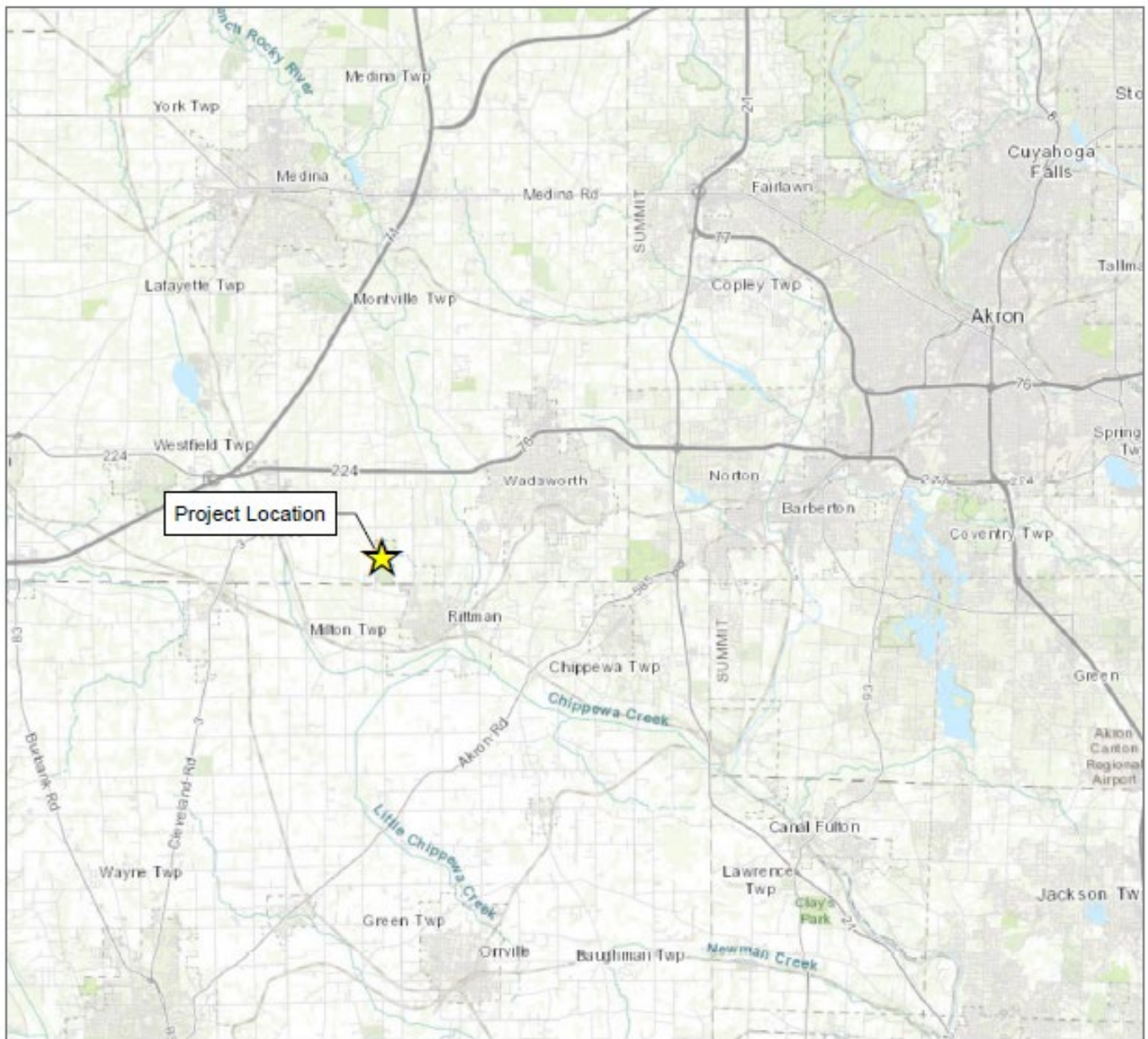
Respectfully,

Kathryn Domm
Director, Environmental Program Office
Office of Construction and Facilities Management



**Ohio Western Reserve National Cemetery
Phase 4 Expansion**

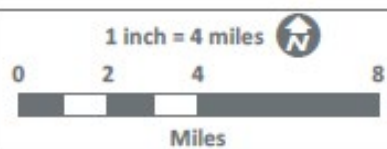
**Figure A
Project Location**



Legend

 Project Location

Address: 10175 Rawiga Rd
Seville, OH 44273
Lat/Long: 40.99906, -81.81197
PID: Multiple
Project No: 17477
Date: 10.4.2023



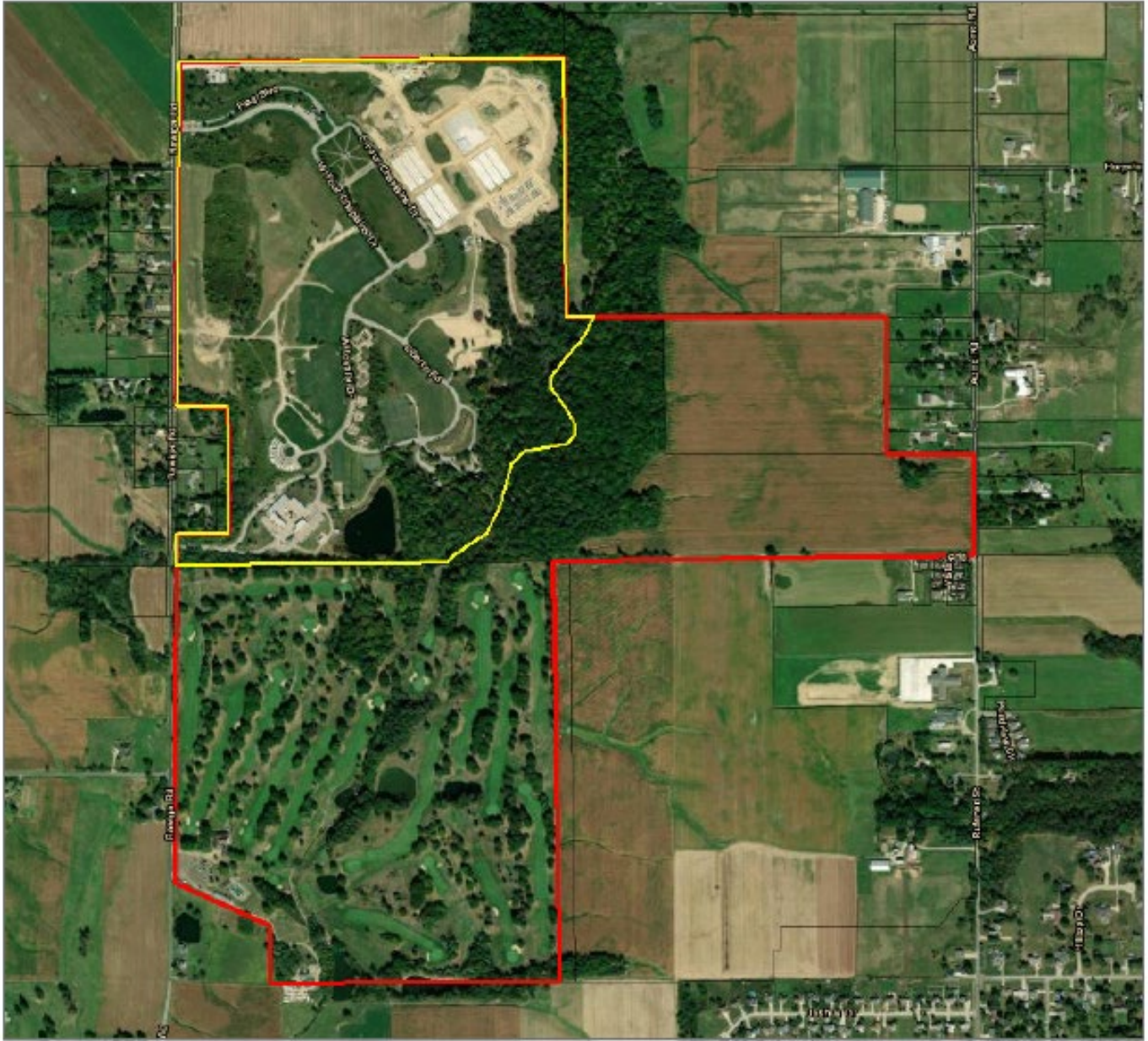
ANDERSON

13605 1st Ave N #100, Plymouth, MN 55441
P 763.412.4000 F 763.412.4090 ae-mn.com

Project Location



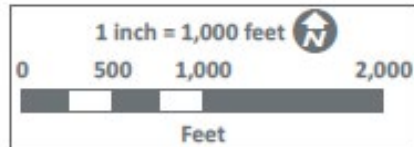
Rittman City
Medina County, OH



Legend

- Phase 4 Expansion Limits
- VA Owned Property
- Medina Co. Parcels

Address: 10175 Rawiga Rd
Seville, OH 44273
Lat/Long: 40.99906, -81.81197
PID: Multiple
Project No: 17477
Date: 12.4.2023

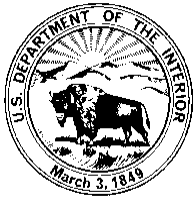


ANDERSON
13605 1st Ave N #100, Plymouth, MN 55441
P 763.412.4000 F 763.412.4090 ae-mn.com

Project Location



Rittman City
Medina County, OH



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / FAX (614) 416-8994



October 11, 2023

Project Code: 2023-0130797

Dear Wyatt Benton:

The U.S. Fish and Wildlife Service (Service) has received your recent correspondence requesting information about the subject proposal. We offer the following comments and recommendations to assist you in minimizing and avoiding adverse impacts to threatened, endangered, and proposed species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), as amended (ESA).

Federally Threatened and Endangered Species: The endangered Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) occur throughout the State of Ohio. The Indiana bat and northern long-eared bat may be found wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and breed that may also include adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, woodlots, fallow fields, and pastures. Roost trees for both species include live and standing dead trees ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities. These roost trees may be located in forested habitats as well as linear features such as fencerows, riparian forests, and other wooded corridors. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves, rock crevices and abandoned mines.

Federally Proposed Species: On September 14, 2022, the Service proposed to list the tricolored bat (*Perimyotis subflavus*) as endangered under the ESA. The bat faces extinction due to the impacts of white-nose syndrome, a deadly disease affecting cave-dwelling bats across the continent. During spring, summer, and fall, this species roosts primarily among leaf clusters of live or recently dead trees, emerging at dusk to hunt for insects over waterways and forest edges. While white-nose syndrome is by far the most serious threat to the tricolored bat, other threats now have an increased significance due to the dramatic decline in the species' population. These threats include disturbance to bats in roosting, foraging, commuting, and over-wintering habitats. Mortality due to collision with wind turbines, especially during migration, has also been documented across their range. Conservation measures for the Indiana bat and northern long-eared bat will also help to conserve the tricolored bat.

Seasonal Tree Clearing for Federally Listed Bat Species: Should the proposed project site contain trees ≥ 3 inches dbh, we recommend avoiding tree removal wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees ≥ 3 inches dbh cannot be avoided, we recommend removal of any trees ≥ 3 inches dbh only occur between October 1 and March 31. Seasonal clearing is recommended to avoid adverse effects to Indiana bats and northern long-eared bats.

If implementation of this seasonal tree cutting recommendation is not possible, a summer presence/absence survey may be conducted for Indiana bats and northern long-eared bats. If Indiana bats and northern long-eared bats are not detected during the survey, then tree clearing may occur at any time of the year. Surveys must be conducted by an approved surveyor and be designed and conducted in coordination with the Ohio Field Office. Surveyors must have a valid federal permit. Please note that in Ohio summer mist net surveys may only be conducted between June 1 and August 15.

Section 7 Coordination: If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), then no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

Stream and Wetland Avoidance: Over 90% of the wetlands in Ohio have been drained, filled, or modified by human activities, thus is it important to conserve the functions and values of the remaining wetlands in Ohio (https://epa.ohio.gov/portals/47/facts/ohio_wetlands.pdf). We recommend avoiding and minimizing project impacts to all wetland habitats (e.g., forests, streams, vernal pools) to the maximum extent possible in order to benefit water quality and fish and wildlife habitat. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the U.S. Army Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. Disturbed areas should be mulched and revegetated with native plant species. In addition, prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, or proposed species, or proposed or designated critical habitat. Should the project design change, or 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, coordination with the Service should be initiated to assess any potential impacts.

Thank you for your efforts to conserve listed species and sensitive habitats in Ohio. We recommend coordinating with the Ohio Department of Natural Resources due to the potential for the proposed project to affect state listed species and/or state lands. Contact Mike Pettegrew, Environmental Services Administrator, at (614) 265-6387 or at mike.pettegrew@dnr.ohio.gov.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

A handwritten signature in blue ink that reads "Scott Hicks". The signature is written in a cursive style.

Scott Hicks
Acting Field Office Supervisor

cc: Nathan Reardon, ODNR-DOW
Eileen Wyza, ODNR-DOW



Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Office of Real Estate
Tara Paciorek, Chief
2045 Morse Road – Bldg. E-2
Columbus, OH 43229
Phone: (614) 265-6661
Fax: (614) 267-4764

October 27, 2023

Wyatt Benton
Anderson Engineering of Minnesota, LLC
13605 1st Avenue North #100
Plymouth, Minnesota 55441

Re: 23-1134_Ohio WRNC Proposed Phase 4

Project: The proposed project involves phase 4 of development for a cemetery.

Location: The proposed project is located in Guilford Township, Medina County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. 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 National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state, or federal agency nor relieve the applicant of the obligation to comply with any local, state, or federal laws or regulations.

Natural Heritage Database: A review of the Ohio Natural Heritage Database indicates there are no records of state or federally listed plants or animals within one mile of the specified project area. Records searched date from 1980.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that Best Management Practices be utilized to minimize erosion and sedimentation.

The project is within the vicinity of records for the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer may be acceptable after further consultation with DOW (contact Eileen Wyza at Eileen.Wyza@dnr.ohio.gov).

In addition, the entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally endangered species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these bat species predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. The DOW recommends tree cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH ≥ 20 if possible.

The DOW also recommends that a desktop habitat assessment is conducted, followed by a field assessment if needed, to determine if a potential hibernaculum is present within the project area. Direction on how to conduct habitat assessments can be found in the current USFWS "[RANGE-WIDE INDIANA BAT & NORTHERN LONG-EARED BAT SURVEY GUIDELINES](#)." If a habitat assessment finds that a potential hibernaculum is present within 0.25 miles of the project area, please send this information to Eileen Wyza for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with the DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The DOW recommends no in-water work in perennial streams from March 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact aquatic species.

The project is within the range of the northern harrier (*Circus hudsonius*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 15 to August 1. If this habitat will not be impacted, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the US Fish & Wildlife Service.

Water Resources: The Division of Water Resources has the following comment.

The [local floodplain administrator](#) should be contacted concerning the possible need for any floodplain permits or approvals for this project.

ODNR appreciates the opportunity to provide these comments. Please contact Mike Pettegrew at mike.pettegrew@dnr.ohio.gov if you have questions about these comments or need additional information.

Mike Pettegrew
Environmental Services Administrator



**DEPARTMENT OF VETERANS AFFAIRS
NATIONAL CEMETERY ADMINISTRATION
Design and Construction Service
Washington DC 20420**

February 16, 2024

Mary Beth Hirsch – Director SHPO
Ohio History Connection – SHPO
800 E. 17th Avenue
Columbus, Ohio 43211

Subject: Initiation of Section 106 Consultation for the Proposed Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning at the Ohio Western Reserve National Cemetery Located at 10175 Rawiga Road, Seville, Medina County, Ohio 44273 (VA)

Dear Mary Beth Hirsch:

Pursuant to Section 106 of the National Historic Preservation Act (54 USC 306108) and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, the U.S. Department of Veterans Affairs (VA) is initiating Section 106 consultation for the referenced project. VA is proposing a Phase 4 Gravesite Development and Cemetery Improvements Project in addition to Master Planning for additional phasing of the remainder of VA-owned land. VA's National Cemetery Administration (NCA) is the lead federal agency proposing this project.

Undertaking

NCA has defined the undertaking as the Phase 4 Gravesite Development and Cemetery Improvements Project, in addition to the master planning of future phases on the remainder of VA-owned land. This undertaking is needed to allow future expansion of the Ohio Western Reserve National Cemetery (OWRNC) to increase burial capacity, as part of NCA's mission to honor Veterans and their eligible family members with final resting places in national shrines with lasting tributes that commemorate their service and sacrifice to our Nation.

Area of Potential Effects

NCA has determined that the Area of Potential Effects (APE) for this undertaking will be defined as the existing OWRNC, and VA-owned lands adjacent; a one-mile buffer around the APE was used as the search radius to identify previously recorded historic properties in the surrounding environs (See attached Cultural Resource Records Review and Phase I Cultural Resource Survey).

Identification of Historic Properties

VA contracted Ohio Valley Archaeology, Inc. to conduct a Cultural Resource Records Review and a subsequent Phase I Archaeology Survey. Summaries of these reports and findings are detailed below.

Cultural Resource Records Review

Ohio Valley Archaeology, Inc. (OVAI) completed a Cultural Resource Records Review for an approximately 130-acre project area associated with the OWRNC in Rittman, Medina County, Ohio. The purpose of this review was to evaluate the potential for cultural resources within the proposed project area based on the current State Historic Preservation Office (SHPO) database and a review of historical maps and aerial photographs. The attached report includes a detailed cultural resource records review, a historical map and aerial photograph review, discussion and images from a field visit, and a summary of results and recommendations.

The approximately 130-acre project area is comprised of open, cemetery areas; some forest; and an agricultural field currently planted with corn. Much of the project area falls within the current boundaries of the cemetery, and the remaining portions are within the forests and agricultural fields to the east. The entire project area is east of Rawiga Road and west of Rufener Street. The cemetery is located approximately 1.78 mi (2.86 km) northwest of the City of Rittman. The general project vicinity includes agricultural fields, dispersed rural residences, and a golf course, in addition to the rest of the cemetery infrastructure.

Review of the online Ohio SHPO database for this project area found several previously recorded archaeological sites (OAI), historic-era buildings and structures (OHI), and cemeteries within 1.6 km (1.0 mi) of the project area. Eight OAIs, one OHI, and the cemetery itself are located within the project area. SHPO data also show that much of the project area was previously surveyed in 1993. Aerial photographs from 1960 to the present day were reviewed and show that the project area was formerly agricultural with small, forested areas until cemetery development began in the 1990s. OVAI completed a field visit on August 17, 2023, to assess the potential for cultural resources that may be impacted by the cemetery expansion project.

The OWRNC itself is listed as an OGS cemetery (OGS ID# 14919) and is also eligible for the National Register of Historic Places (NRHP) under Criterion A as per the policy issued by the Keeper of the NRHP in 2011 (Keeper 2011:2). VA understands that all proposed new development will become contributing resources to the OWRNC once built. As a result, the proposed undertakings do not trigger the criteria of adverse effect, and instead, the addition of new burial spaces will serve to enhance both the significance and integrity of the OWRNC as a historic property. It also bears noting that VA is committed to ensuring that proposed development will be similar in design, materials, and scale to the existing resources in the cemetery and thus will not diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

The extent and degree of subsurface disturbance due to continual development in the western side of the project area makes it highly unlikely that NRHP-eligible, intact resources will be present there. Ninety-nine acres were surveyed at the Phase I level in 1993, and the Ohio SHPO has agreed that there are no listed or eligible NRHP resources within that area. Therefore, OVAI recommends no further work within the previously surveyed area. OVAI did recommend that the need for a Phase I survey of the remaining previously unsurveyed acres be considered.

Phase I Cultural Resource Survey

OVAI completed a Phase I cultural resource survey of an approximate 22.7-acre area for the OWRNC in Rittman Township, Medina County, Ohio. The attached report includes a cultural resource records review, a map and aerial photograph review, and the results of a Phase I Cultural Resource Survey.

The project area consists of an open, rectangular-shaped agricultural field bounded by sparse private residences and farmsteads, woods, and agricultural fields and horse pasture. The general vicinity also includes the OWRNC approximately 0.42 km (0.26 mi) to the west, and the Rawiga Golf Course 0.39 km (0.24 mi) to the southwest.

Review of the online Ohio State Historic Preservation Office (SHPO) database for this project area found several previously recorded archaeological sites in the Ohio Archaeological Inventory (OAIs), several previously recorded post-contact buildings/structures in the Ohio Historic Inventory (OHIs), and several Ohio Genealogical Society (OGS) cemeteries within 1.6 km (1.0 mi) of the project area. Pre-contact resources are primarily temporally unassigned lithic scatters and isolated lithics. Post-contact resources consist of farmsteads from the late nineteenth through late

twentieth centuries. Aerial photographs from 1960 to the present day were reviewed and show that the project area has remained agricultural land with no visible changes throughout the twentieth century.

The Phase I Cultural Resource Survey consisted of a pedestrian survey supplemented with systematic shovel testing with methods commensurate with the Archaeology Guidelines published by the Ohio SHPO (SHPO 1994). A total of 382 shovel tests were excavated within the project area. Typical shovel tests exhibited a 20-35 cm thick brown (Munsell 10YR4/3) silt loam plowzone over a yellowish-brown (Munsell 10YR5/6) silty clay subsoil, with occasional subsoil mottling (i.e., light brownish gray, Munsell 10YR6/2) and 1-3% natural gravel. No archaeological materials or layers were encountered.

The OWRNC is not visible from the project area, as it is obscured by woods and a small ridge. One private residence along Acme Road that appears to be 50 years old or older (Medina County Auditor 2023) is only partially visible from the project area. It exhibits signs of modern late-twentieth century modifications and is unlikely to be eligible for the NRHP. In summary, no further archaeological work is recommended for this project area. All OWRNC land has now been surveyed for archaeological resources.

Determination of Findings

The undertaking will serve to strengthen the OWRNC's significance and is not anticipated to impact cultural resources identified in the APE. Consequently, NCA has found there will be No Adverse Effect to historic properties from the undertaking pursuant to 36 CFR 800.5 (b). VA requests concurrence on the agency's finding per 36 CFR Part 800.

If you have any questions or concerns, please do not hesitate to contact Angela McArdle, VA's Senior Historic Preservation Specialist, at angela.mcardle@va.gov or (254) 922-4938.

Sincerely,

W. Edward Hooker, III
Historic Architect/Cultural Resources Manager
U.S. Department of Veterans Affairs
National Cemetery Administration Design and Construction Service

Attachments:

- A. Cultural Resource Records Review; OVAI
- B. Phase I Cultural Resource Survey; OVAI
- C. Consulting Parties Distribution List

CC: Fernando Fernandez, Environmental Engineer, U.S. Department of Veterans Affairs
Angela McArdle, Senior Historic Preservation Specialist, U.S. Department of Veterans Affairs

From: Alan Tonetti <actonetti@att.net>
Sent: Friday, April 5, 2024 3:26 PM
To: McArdle, Angela B. (CFM) (she/her/hers) <Angela.McArdle@va.gov>
Cc: 'Elizabeth Hoag' <ehoag@cia.edu>; 'Chris' <chriskraska@gmail.com>
Subject: [EXTERNAL] Ohio Western National Cemetery Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning

Ms. McArdle,

In the last few days, the Ohio Archaeological Council received hard copies NHPA Section 106 documents for the Ohio Western National Cemetery Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning project in Medina County, Ohio. The cover letter accompanying the two archaeological reports requests our concurrence on the Veteran's Administrations National Cemetery Administration's finding of no adverse effect to the Ohio Western Reserve National Cemetery, a property the letter states was determined eligible for the National Register of Historic Places (NRHP) under Criterion A by the Keeper of the NRHP in 2011.

With this letter we assume the VA is asking if the Council wants to be a consulting party per Section 106 for this undertaking. We do. Please acknowledge this request. In doing so we request that the cover letter and the two archaeological reports be made available to the Council in a digital format so I can share it with members of my committee and others who may become involved on behalf of the Council.

Eric Olson is no longer the Council's President and should be removed from this matter. Elizabeth Hoag is our President and Christopher Kraska is our President-elect. They are copied in this reply. I am your primary Council contact for this undertaking.

Briefly reviewing the Phase 1 archaeology report prepared by Ohio Valley Archaeology, Inc. (OVAI), earlier this year, I am at a loss as to why archaeological geophysics were not employed to identify archaeological resources in the area of potential (direct) effects. OVAI is widely known and respected for its use of archaeological geophysics in identifying NRHP eligible archaeological resources. Archaeological geophysics has proven to be a far superior method to identify NRHP eligible archaeological resources than conventional surface collection of artifacts and excavation of shovel test pits. Thus, without explanation of why certain identification methods were chosen and others not chosen, the effort made to identify archaeological resources for this undertaking does not seem to meet the reasonable and good faith standard required by the Section 106 regulations. I will withhold further comment until we receive the reports as requested and my committee can review them over a period of 30 days or so, but I wanted to alert you to this concern.

Al Tonetti
Trustee, Ohio Archaeological Council
Chair, Government Affairs Committee
614-266-6059



May 6, 2024

William Hooker
Historic Architect/Cultural Resource Manager
U.S. Department of Veterans Affairs
National Cemetery Administration Design and Construction Service

Re: Initiation of Section 106 Consultation for the Proposed Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning at the Ohio Western Reserve National Cemetery Located at 10175 Rawiga Road, Medina County, Ohio 44273 (VA).

We have reviewed the cultural resource reports sent with your February 16, 2024, letter regarding this matter, sent electronically via email by Angela McArdle, April 5, 2024, as we requested. Thank you for accepting our request as a consulting party on this undertaking.

Our primary concerns are with the *Phase 1 Cultural Resource Survey of Approximately 22.7 Acres for the Ohio Western Reserve National Cemetery in Rittman Township, Medina County, Ohio (2024)*. Foremost, why was archaeological geophysics in the form of a magnetic gradiometer survey not conducted as part of the archaeological investigation? The archaeological consultant, OVAI, Inc., is a national leader in the application of this best practice in efforts to identify and evaluate archaeological resources for the National Register of Historic Places. What was the rationale for not doing so? Second, what was the rationale for surface collecting the APE? It had very low ground surface visibility due to corn stubble, ice, and snow. The poor ground surface conditions and inclement weather were not conducive to using such methods at the time the survey was conducted. Could the survey have been conducted in the spring when the ground conditions would be better for archaeological survey? Third, why were shovel test pits excavated at 15-meter intervals and not at closer intervals given known archaeological resources in the immediate vicinity of the APE? We note that the relevant *Archaeology Guidelines* of the Ohio State Historic Preservation Office were issued in 2022. Why were the 1994 *Archaeology Guidelines* referenced and used? These guidelines identify archaeological geophysical survey as a best practice for use in APEs relevant to undertakings such as this one.

Given the survey conditions and methodologies employed, and not employed, it is not surprising that no archaeological resources were identified. It is our opinion that the efforts made to identify archaeological resources that may meet the National Register of Historic Places criteria for evaluation does not meet the reasonable and good faith effort standard as required by the regulations implementing Section 106 of the National Historic Preservation Act, 36 CFR Part 800. We request the APE be resurveyed using best practice archaeological geophysics before approving this undertaking.

Pursuant to 36 CFR Part 800, as the federal agency on this undertaking your agency is legally responsible for all the findings and determinations made by project contractors such as OVAI, Inc. A reply addressing our questions is requested.

Mr. Olsen is no longer President of the Ohio Archaeological Council. Please address all future correspondence to me and our current President, Beth Hoag, ehoag@cia.edu, ohioarchaeologicalcouncil@gmail.com.

Al Tonetti
Trustee, Government Affairs Committee Chair
Ohio Archaeological Council
614-266-6059
actonetti@att.net

From: Alan Tonetti <ahtonetti@att.net>
Sent: Tuesday, May 7, 2024 8:25:16 AM
To: McArdle, Angela B. (CFM) (she/her/hers) <Angela.McArdle@va.gov>
Cc: 'Elizabeth Hoag' <ehoag@cia.edu>; 'Chris' <chriskraska@gmail.com>; 'Diana Welling' <dwelling@ohiohistory.org>
Subject: RE: [EXTERNAL] Ohio Western National Cemetery Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning

Angela,

In addition to the comments we submitted yesterday concerning the inadequacy of the Phase 1 **archaeological** survey for this undertaking and the request to resurvey the APE using magnetic gradiometry, we add the following.

The APE is a three-dimensional area, including potential effects underground to the maximum depth of likely impacts. The cover letter from the VA for this undertaking indicates the APE may be used to increase burial capacity. We assume the placing of burials in graves excavated into the ground will occur below the depth investigated by shovel test pits in the 22.7-acre area examined by OVAI. If this assumption is correct, OVAI's excavation of 382 half-meter square shovel test pits in the 22.7-acre APE amounts to examining 0.002 of the APE below ground surface. Thus, we contend this portion of the APE has not been sufficiently investigated for sub plow zone **archaeological** resources, primarily cultural features, the **archaeological** data sets most often used to determine that an **archaeological** site meets the National Register of Historic Places (NRHP) criteria for evaluation under criterion D, "has yielded, or may be likely to yield, information important in prehistory or history". In other words, per 36 CFR Part 800.4(b)(1), the level of effort used by the VA to identify historic properties **archaeological** in nature in the 22.7-acre APE does not meet the required reasonable and good faith effort because only 0.002 of the undisturbed APE was investigated when the technology exists to examine all or almost all of it. OVAI is a national leader in applying this methodology in Phase 1 **archaeological** surveys.

The Ohio State Historic Preservation Office's *Archaeology Guidelines* (2022), the version that should have been used in scoping this undertaking, states that under certain conditions using geophysical survey instruments during Phase 1 survey to identify subsurface cultural features and deposits, the **archaeological** record most often needed for NRHP eligibility, is efficient and effective and represents a "best practice", i.e., a procedure that has been shown by research and experience to produce optimal results and is established or proposed as a standard suitable for widespread adoption. They note that the conventional methods of systematic surface collection and subsurface testing, such as excavating shovel test pits, do poorly in identifying the **archaeological** features often needed for NRHP eligibility. They also note that geophysical and conventional survey methods can complement each other and provide a more robust Phase 1 survey. While conventional methods have their place in some geological or vegetative settings, they are often inefficient, ineffective, and overly invasive. When practicable, geophysical survey should be the first method of field investigation used to identify and evaluate **archaeological** resources.

Al Tonetti
Trustee, **Ohio Archaeological Council**
Chair, Government Affairs Committee
614-266-6059



DEPARTMENT OF VETERANS AFFAIRS
NATIONAL CEMETERY ADMINISTRATION
Design and Construction Service
Washington DC 20420

May 30, 2024

Al Tonetti – Trustee
Ohio Archaeological Council
P.O. Box 82012
Columbus, Ohio 43224

Subject: Response to Comments from the Ohio Archaeological Council for the Proposed Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning at the Ohio Western Reserve National Cemetery Located at 10175 Rawiga Road, Seville, Medina County, Ohio 44273 (VA)

Dear Al Tonetti:

Pursuant to Section 106 of the National Historic Preservation Act (54 USC 306108) and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, the U.S. Department of Veterans Affairs (VA) is responding to comments provided by the consulting party, the Ohio Archaeological Council (OAC), on April 5, May 6, and May 7, 2024. VA appreciates the OAC taking the time to participate as a consulting party and provide comments on the undertaking. Comments provided by the OAC are identified in bold and italic below, and VA responses will follow each comment.

1.) "April 5, 2024 - With this letter we assume the VA is asking if the Council wants to be a consulting party per Section 106 for this undertaking. We do. Please acknowledge this request. In doing so we request that the cover letter and the two archaeological reports be made available to the Council in a digital format so I can share it with members of my committee and others who may become involved on behalf of the Council."

VA acknowledged the request of the OAC to be a consulting party on April 5, 2024, via an emailed response from Angela McArdle, VA Senior Historic Preservation Specialist. In addition, the Section 106 initiation letter and three attachments: the Cultural Resource Records Review, The Phase 1 Cultural Resource Survey, and the Section 106 Distribution List were provided via email as requested.

2.) "April 5, 2024 - Eric Olson is no longer the Council's President and should be removed from this matter. Elizabeth Hoag is our President and Christopher Kraska is our President-elect. They are copied in this reply. I am your primary Council contact for this undertaking."

The appropriate contacts were corrected on the distribution list for any future correspondence for NHPA Section 106 and National Environmental Policy Act (NEPA) compliance.

3.) “April 5, 2024 - Briefly reviewing the Phase 1 archaeology report prepared by Ohio Valley Archaeology, Inc. (OVAI), earlier this year, I am at a loss as to why archaeological geophysics were not employed to identify archaeological resources in the area of potential (direct) effects. OVAI is widely known and respected for its use of archaeological geophysics in identifying NRHP eligible archaeological resources. Archaeological geophysics has proven to be a far superior method to identify NRHP eligible archaeological resources than conventional surface collection of artifacts and excavation of shovel test pits. Thus, without explanation of why certain identification methods were chosen and others not chosen, the effort made to identify archaeological resources for this undertaking does not seem to meet the reasonable and good faith standard required by the Section 106 regulations. I will withhold further comment until we receive the reports as requested and my committee can review them over a period of 30 days or so, but I wanted to alert you to this concern.”

“May 6, 2024 - We have reviewed the cultural resource reports sent with your February 16, 2024, letter regarding this matter, sent electronically via email by Angela McArdle, April 5, 2024, as we requested. Thank you for accepting our request as a consulting party on this undertaking.

Our primary concerns are with the Phase 1 Cultural Resource Survey of Approximately 22.7 Acres for the Ohio Western Reserve National Cemetery in Rittman Township, Medina County, Ohio (2024). Foremost, why was archaeological geophysics in the form of a magnetic gradiometer survey not conducted as part of the archaeological investigation? The archaeological consultant, OVAI, Inc., is a national leader in the application of this best practice in efforts to identify and evaluate archaeological resources for the National Register of Historic Places. What was the rationale for not doing so?”

In preparation of the Phase 1 Archaeological Survey, OVAI utilized Ohio (OH) State Historic Preservation Office (SHPO) guidelines and methodology to complete the appropriate level of survey and received confirmation from the OH SHPO prior to conducting the survey (via email, September 26, 2023) that the survey met appropriate guidelines and was suitable for the project area. OH SHPO also stated after the Phase 1 archaeological survey was conducted that they approve of the method of survey and are not recommending additional action be taken (via letter, April 17, 2024; via email, May 7, 2024).

While the current SHPO guidelines (2022 Edition, updated May 31, 2023) include geophysical survey as a Phase I survey method, it is presented as a tool that can be used in conjunction with conventional methods. The guidance states that while geophysical survey is the preferred method of investigation in specific contexts (e.g., known or suspected American Indian burial mounds, earthwork complexes, or cemeteries), justification for use of geophysical instruments for Phase I identification as an alternative to conventional identification methods requires coordination with SHPO prior to implementation. VA and OVAI did not feel the survey area met the specific contexts noted in the SHPO guidelines for use of geophysical survey and the OH SHPO did not suggest its use during pre-survey coordination.

Furthermore, OVAI believes that geophysical surveys should focus more on archaeologically sensitive areas and less so on marginal landscapes. OVAI believes the current project is in a marginal landscape and is not a good candidate for utilizing a geophysical survey. VA trusts OVAI's assessment of the applicability of geophysical survey to this project area.

4.) "May 6, 2024 - Second, what was the rationale for surface collecting the APE? It had very low ground surface visibility due to corn stubble, ice, and snow. The poor ground surface conditions and inclement weather were not conducive to using such methods at the time the survey was conducted. Could the survey have been conducted in the spring when the ground conditions would be better for archaeological survey?"

The APE was not surface collected; visibility was not sufficient for surface collection. The report methods do not say that the APE was surface collected. The APE was subjected to a pedestrian survey, meaning staff walked the entire area, as per the current SHPO guidelines (2022 Edition, updated May 31, 2023) for Phase I survey, which state "All field investigations should start with a thorough walkover of the entire APE." The pedestrian survey was followed by systematic shovel testing.

5.) "May 6, 2024 - Third, why were shovel test pits excavated at 15-meter intervals and not at closer intervals given known archaeological resources in the immediate vicinity of the APE?"

Per the current OH SHPO guidelines (2022 Edition, updated May 31, 2023), "Shovel test unit interval...should not exceed 15 meters." This interval was not exceeded in the completion of this fieldwork.

OH SHPO records indicate five previously recorded archaeological resources adjacent to (and on a similar landform to) this APE. One of those sites is a post-contact-era farmstead and the remaining four are pre-contact lithic isolated finds. Isolated finds are not considered eligible for the National Register of Historic Places (NRHP). Although the argument can be made that the presence of any site nearby, even isolated finds, could be used as justification for a shovel test interval narrower than 15 meters, this is not standard practice in OH, nor is it required by the state guidelines.

6.) "May 6, 2024 - We note that the relevant Archaeology Guidelines of the Ohio State Historic Preservation Office were issued in 2022. Why were the 1994 Archaeology Guidelines referenced and used? These guidelines identify archaeological geophysical survey as a best practice for use in APEs relevant to undertakings such as this one."

The reference to the 1994 guidelines should be updated in report documents moving forward, however, as illustrated in the previous responses which quote directly from the current guidelines (2022 Edition, updated May 31, 2023), all methods employed in this fieldwork comply with the current document and were confirmed by the OH SHPO prior to conducting the survey.

7.) “May 6, 2024 - Given the survey conditions and methodologies employed, and not employed, it is not surprising that no archaeological resources were identified. It is our opinion that the efforts made to identify archaeological resources that may meet the National Register of Historic Places criteria for evaluation does not meet the reasonable and good faith effort standard as required by the regulations implementing Section 106 of the National Historic Preservation Act, 36 CFR Part 800. We request the APE be resurveyed using best practice archaeological geophysics before approving this undertaking.”

“May 7, 2024 - The APE is a three-dimensional area, including potential effects underground to the maximum depth of likely impacts. The cover letter from the VA for this undertaking indicates the APE may be used to increase burial capacity. We assume the placing of burials in graves excavated into the ground will occur below the depth investigated by shovel test pits in the 22.7-acre area examined by OVAI. If this assumption is correct, OVAI’s excavation of 382 half-meter square shovel test pits in the 22.7-acre APE amounts to examining 0.002 of the APE below ground surface. Thus, we contend this portion of the APE has not been sufficiently investigated for sub plow zone archaeological resources, primarily cultural features, the archaeological data sets most often used to determine that an archaeological site meets the National Register of Historic Places (NRHP) criteria for evaluation under criterion D, “has yielded, or may be likely to yield, information important in prehistory or history”. In other words, per 36 CFR Part 800.4(b)(1), the level of effort used by the VA to identify historic properties archaeological in nature in the 22.7-acre APE does not meet the required reasonable and good faith effort because only 0.002 of the undisturbed APE was investigated when the technology exists to examine all or almost all of it. OVAI is a national leader in applying this methodology in Phase 1 archaeological surveys.”

VA feels that its historic property identification efforts do meet the “reasonable and good faith effort” standard in the regulations because in the Advisory Council on Historic Preservation’s (ACHP) Section 106 Archaeology Guidance, the ACHP states that “An agency’s identification effort can be considered reasonable and in good faith when it has appropriately taken into account the factors specified in 36 CFR § 800.4(b)(1) - past planning, research and studies, the magnitude and nature of the undertaking and the degree of federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects.” Both reports provided to OAC evidence that VA considered these factors in its approach to historic property identification.

Furthermore, the ACHP also states that the regulations do not require the identification of all the archaeological sites within the APE and that one of the reasons the ACHP’s regulations contains a post-review discovery provision [36 CFR § 800.13] is because it is anticipated that the level of effort that is considered reasonable and in good faith, is not 100 percent or exhaustive.

8.) “May 7, 2024 - The Ohio State Historic Preservation Office’s Archaeology Guidelines (2022), the version that should have been used in scoping this undertaking, states that under certain conditions using geophysical survey instruments during Phase 1 survey to identify subsurface cultural features

and deposits, the archaeological record most often needed for NRHP eligibility, is efficient and effective and represents a “best practice”, i.e., a procedure that has been shown by research and experience to produce optimal results and is established or proposed as a standard suitable for widespread adoption. They note that the conventional methods of systematic surface collection and subsurface testing, such as excavating shovel test pits, do poorly in identifying the archaeological features often needed for NRHP eligibility. They also note that geophysical and conventional survey methods can complement each other and provide a more robust Phase 1 survey. While conventional methods have their place in some geological or vegetative settings, they are often inefficient, ineffective, and overly invasive. When practicable, geophysical survey should be the first method of field investigation used to identify and evaluate archaeological resources.”

Current OH SHPO guidelines accept either shovel testing or surface collection for Phase I surveys, but also accept geophysical surveys in some settings as discussed in our responses above. VA utilized OVAI specifically for their knowledge and expertise in the field and follows their and SHPO’s recommendations for what methods are the best practice and recommended for each surveyed site.

Although OVAI agrees that geophysical survey (specifically magnetometry) is a best practice for Phase I surveys in OH, OVAI also believes that geophysical surveys should focus more on archaeologically sensitive areas and less so on marginal landscapes. This project area does not meet that threshold. VA agrees with OVAI’s methodology and findings, utilizing an approach approved by the OH SHPO. VA also concurs with the OH SHPO that no additional work is necessary to meet the historic property identification requirements of NHPA Section 106.

Thank you again for your review and comments. If you have any further questions or concerns, please do not hesitate to contact Angela McArdle, VA Senior Historic Preservation Specialist, at angela.mcardle@va.gov or (254) 922-4938.

Sincerely,

W. Edward Hooker, III
Historic Architect/Cultural Resources Manager
U.S. Department of Veterans Affairs
National Cemetery Administration Design and Construction Service

CC: Fernando Fernandez, Environmental Engineer, Department of Veterans Affairs
Angela McArdle, Senior Historic Preservation Specialist, Department of Veterans Affairs
Elizabeth Hoag, President, Ohio Archaeological Council
Christopher Kraska, President-Elect, Ohio Archaeological Council



In reply refer to:
2021-MED-52407

April 17, 2024

Wyatt Benton
Environmental Scientist
Anderson
13605 1st Avenue N, Suite 100
Plymouth, MN 55441
Email: wbenton@ae-mn.com

RE: Section 106 Review – Proposed Phase 4 Gravesite Development and Cemetery Improvements Project and Master Planning at the Ohio Western Reserve National Cemetery, Seville, Medina County, Ohio

Dear Mr. Benton:

This letter is in response to the receipt on March 19, 2024 of *A Cultural Resource Records Review for an Approximately 130-Acre Area Associated with the Ohio Western Reserve National Cemetery Phase 4 Expansion Project in Rittman Township, Medina County, Ohio* by Ohio Valley Archaeology, Inc. (OVAI; Detty et al., 2024) and *Phase I Cultural Resource Survey of Approximately 22.7 Acres for the Ohio Western Reserve National Cemetery (OWRNC) in Rittman Township, Medina County, Ohio* by OVAI (Dunn et al., 2024). We appreciate the opportunity to comment on this project. The comments of the Ohio State Historic Preservation Office (SHPO) are submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 [36 CFR 800]). The U.S. Department of Veterans Affairs (VA), National Cemetery Administration (NCA) is the lead federal agency for the proposed undertaking.

The literature review report by Detty et al., 2024 identified numerous previously documented cultural resources within the 130-acre project area and within the defined study radius. These include one National Register eligible property, the Ohio Western Reserve National Cemetery (OWRNC), numerous archaeological sites, historic-era buildings/structures, and previously surveyed areas. The literature review revealed that nearly 99-acres of the 130-acre project area were previously surveyed for cultural resources. Therefore, based on the results of this former survey, it was recommended by OVAI that the un-surveyed portions of the project area only need surveyed. The SHPO agrees with this recommendation.

The Phase I survey by Dunn et al., 2024 involved a literature review, visual inspection, and subsurface shovel test unit excavations within the defined project area. The literature review identified no previously documented cultural resources within the 22.7-acre project area. The archaeological field work involved visual inspection and shovel test unit excavations. The results of the subsurface testing failed to identify any archaeological deposits within the project area. Therefore, based on the information provided, our office concurs with NCA that the project, as proposed, will have no adverse effect on historic properties, including the OWRNC. No further cultural resource investigations are warranted for the project unless the scope of work changes or archaeological deposits are discovered. In such a situation, this office should be contacted

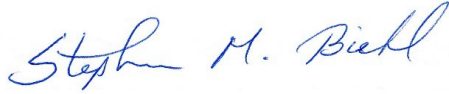
2021-MED-52407

April 17, 2024

Page 2

as required by 36 CFR § 800.13. If you have any questions concerning this review, please contact me via email at sbiehl@ohiohistory.org. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Stephen M. Biehl". The signature is written in a cursive style.

Stephen M. Biehl, Project Reviews Coordinator (archaeology)
Resource Protection and Review
State Historic Preservation Office

RPR Serial No. 1102332; 1102333

cc: Angela McArdle, VA (*via email*)
William Hooker, NCA (*via email*)

"Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs."