



ADDENDUM

SR 32 Relocation Feasibility Study
Eastern Corridor Multi-Modal Projects
HAM/CLE-32F-2.50/0.00; PID 86462

December 2012

ADDENDUM

SR 32 Relocation Feasibility Study

December 2012

The purpose of this Addendum is to clarify and update the SR 32 Relocation Feasibility Study (March 2012) to take into account public comments received following a public involvement meeting on August 2, 2012 and agency input. These have been incorporated into the project development process and the Feasibility Study.

Background

The Eastern Corridor is a multi-modal program for improving mobility and connectivity between central Cincinnati and communities in eastern Hamilton County and western Clermont County. An Eastern Corridor Tier 1 Final Environmental Impact Statement (EIS) was approved in September 2005 and a Tier 1 Record of Decision (ROD) was issued in June 2006. The Tier 1 ROD established a multi-modal framework for enhancing the regional transportation network and identified transportation investments to be further evaluated in Tier 2, including new roadway and rail transit projects, local network improvements, expanded bus transit, and pedestrian/bikeway improvements.

The SR 32 Relocation, one of several roadway projects carried forward from the Eastern Corridor Tier 1 ROD, consists of a controlled-access, relocated State Route 32 (SR 32) from US 50 in Fairfax, Hamilton County to the I-275/SR 32 interchange in Clermont County. The project involves a multi-modal crossing of the Little Miami River and close coordination with other multi-modal components of the Eastern Corridor. Tier 1 identified a number of preliminary alternative corridors (400 to 600 feet wide) in which a potential SR 32 relocation could be located as the project further develops.

Early Tier 2 work included a SR 32 Relocation Feasibility Study prepared in March 2012. The Feasibility Study evaluated preliminary corridors carried over from Tier 1 and recommended a reduced number of corridors to be advanced for further study. The evaluation considered study information from Tier 1 as well as archaeology literature reviews, Little Miami River channel studies and various other environmental work performed after the 2006 Tier 1 ROD. The recommended study corridors depicted on Figure 17 of the March 2012 report represented the broad study area (yellow-shaded corridor) in which narrower alignments could be developed as the next step in the study process. Specific roadway alignments were not developed or a preferred alternative selected by the Feasibility Study. Information and recommended study corridors from the Feasibility Study were presented for review at a Public Involvement Meeting held on August 2, 2012.

Updated Project Information

The Village of Mariemont National Historic Landmark (Mariemont NHL) status was not included in the March 2012 Feasibility Study. Mariemont obtained National Historic Landmark status in 2007, the boundaries of which include 525 acres of the Village proper and 1,030 contributing resources, as well as an undeveloped 80-acre portion of south Mariemont located between an existing rail corridor and the Little Miami River (see Attachment A). This part of Mariemont, referred to as the 'Lower 80', occurs within the area of potential effect of the SR 32 Relocation project, as depicted in revised Figure 12 of the Feasibility Study (see Attachment B).

At the time of the 2006 Tier 1 ROD, the Village of Mariemont was listed in the National Register of Historic Places as a Historic District, the boundaries of which did not include the Lower 80. The Lower 80 was identified in Tier 1 as a future park (Section 4(f) recreational resource) based on planning information obtained from village officials. Currently, the site contains public gardens and a recently constructed series of walking/hiking trails. A National

Register listed archaeology site (Mariemont Embankment and Village Site) is located along the Little Miami River bluffs above the Lower 80 (outside the project area), and there is the potential that additional sensitive archaeological resources occur within the Lower 80.

The National Park Service determined that the Village of Mariemont meets National Historic Landmark criteria as a premier example of a planned residential suburb associated with the American garden-city movement of the early twentieth century. In accordance with Section 106 of the National Historic Preservation Act of 1966, FHWA is responsible for assessing affects to historic properties when a federal action or approval may affect a property listed on or eligible for listing on the National Register of Historic Places. Potential effects of the SR 32 Relocation project on the Mariemont NHL (including potential direct and indirect impacts) and other historic and archaeological sites in the project area will be appropriately considered in the Tier 2 study process, including alternative evaluation, agency coordination, and project recommendations.

Section 106 Agency Coordination

An initial coordination meeting was held on September 25, 2012 with representatives of the Ohio Department of Transportation (ODOT), the National Park Service (NPS), and the Ohio State Historic Preservation Office (OHPO) to discuss potential effects of the SR 32 Relocation project on the Mariemont NHL. A follow-up interagency meeting to collaborate on the Section 106 process for the project was held on November 13, 2012, including representatives from ODOT District 8, ODOT Office of Environmental Services, the Federal Highway Administration (FHWA), the NPS Midwest Regional and Washington D.C. Offices, OHPO, and the Advisory Council on Historic Preservation (ACHP). In a letter dated November 20, 2012, ODOT in coordination with FHWA notified the Secretary of the Interior that alternatives under consideration for the SR 32 Relocation project have the potential to adversely affect the historic characteristics of the Mariemont NHL, and invited the Secretary to participate in Section 106 consultation in accordance with 36 CFR § 800.10(c) of the National Historic Preservation Act. Meeting minutes and coordination materials are included in Attachment C (Agency Coordination).

The identification of Section 106 consulting parties and Section 106 consultation meetings are planned as part of the Tier 2 phase of work. Section 106 meetings to obtain input from consulting parties are being scheduled in the next few months.

Context Sensitive Framework

Under ODOT's project development process, alternatives are developed and evaluated based on consideration of the intensity and context of impacts to all resources. As resources are identified through technical studies and public and agency input, study corridors are refined, and alternatives are evaluated and narrowed down until a preferred alternative is selected, including consideration of the No Build alternative.

For the SR 32 Relocation project, there are numerous sensitive features within the study area that need to be considered in project development, including the Mariemont NHL, as well as other historic properties, the Little Miami National and State Scenic River, two National Register Archaeology Districts, Native American sites and known burials, expansive floodway and floodplains, wetlands and aquifers, threatened and endangered species, parks and greenspace, farmland, landfills, utility corridors, business districts and residential neighborhoods. The goal of the Tier 2 study is to identify a preferred alternative that addresses regional transportation needs through a decision-making process that balances avoidance/minimization of impacts to sensitive features, supports the needs of local communities, and fulfills regulatory requirements for resource protection and the consideration of public and agency input under NEPA.

Revised Feasibility Study Recommendations - December 2012

Since the SR 32 Relocation project has the potential to affect the Mariemont NHL, study corridors initially recommended by the March 2012 Feasibility Study have been expanded to help evaluate opportunities for impact avoidance and minimization. The relevant portion of the study area, called the 'River Crossing Subarea' in the Feasibility Study, is centered on the Little Miami River at the Horseshoe Bend. This subarea is mostly undeveloped due to limitations posed by an extensive floodway and a broad floodplain. A large landfill is located along the west bank of the river. Riparian woodland with potential wetlands and endangered species habitat occurs to the east of the river (greenspace area). Also east of the river are large agricultural tracts containing sensitive archaeological features within the Hahn National Register Archaeology District, including Native American sites and burials. Other features in the subarea include the Clear Creek stream channel with associated wetlands, and Clear Creek Park. Environmental resource maps are presented in Figure 6 through Figure 16 of the Feasibility Study report.

Initial Recommendations (March 2012)

Four river crossing areas were evaluated in the March 2012 Feasibility Study. Alternatives D, E and F were eliminated due to critical cost and design issues associated with a river crossing in unstable reaches of the Little Miami River, landfill impacts, extensive floodway crossings, potential impacts to Section 106 archaeology resources associated with the Hahn National Register District and impacts to riparian greenspace.

Alternative C was recommended to be modified and advanced as an expanded corridor (Alternative C1) to allow flexibility in alignment development relative to Oasis Rail Transit coordination and avoidance/minimization of impacts to archaeology resources. This corridor encroaches on the Mariemont Lower 80 area, including boundaries of the Mariemont NHL and the public gardens and walking/hiking trails. An existing utility corridor is also potentially impacted and potential visual/noise impacts to residents along the Mariemont bluff are a concern. The Alternative C corridor minimizes encroachment on the boundaries of the Hahn National Register Archaeology District and associated sensitive archaeology sites, crosses the Little Miami River at a stable channel reach, has minimal impact on the floodway/floodplain compared to the other alternatives, avoids the Hafner landfill, maximizes use of an existing transportation corridor (rail), and has lower construction costs. Additional shifts of this corridor are expected as additional options to minimize impacts are explored.

Revised Recommendations (December 2012)

Attachment D (revised Figure 17) presents revised corridors recommended for advancement by this Feasibility Study Addendum. Added to the recommended corridors is a revised Alternative E, referred to as Alternative 'E1', which was modified to cross the Little Miami River just south of the Horseshoe Bend in a channel reach identified as moderately stable. This corridor avoids direct impacts to the Mariemont NHL and public gardens and walking/hiking trails in the Lower 80. Although these features appear to be avoided, potential impacts to other resources in the area will have to be evaluated as the project moves forward. Resources to be considered along Alternative E1 include the Hafner landfill, extensive floodway/floodplain, greenspace along the Little Miami River, and sensitive archaeological resources associated with the Hahn National Register District.

The revised corridors depicted in Attachment D also include minor modifications at various locations along the project length to accommodate roadway access point development and rail transit tie-ins.

Next Steps in Tier 2 Project Development

The next step for the SR 32 Relocation project is to develop alternative alignments within the recommended study corridors advanced from the Feasibility Study/Addendum. Additional engineering, environmental studies and community input are ongoing. Study corridors may be further refined as additional project information becomes available. Alignments, which are narrower than the study corridors and representative of the actual footprint (width) needed for proposed roadway and associated multi-modal improvements, will be evaluated and presented in a SR 32 Relocation Alternatives Evaluation Report (AER). The AER will identify a preliminary Preferred Alternative to carry forward into detailed design and environmental clearance. A draft AER is anticipated to be completed in December 2013.

A critical component of the AER evaluation will be development of a comprehensive evaluation matrix that considers all of the important environmental resources, engineering constraints, and community issues. As the AER work is being performed, input provided by the local communities through partnership committees will be an important part of developing and evaluating alternatives. The framework for decision-making will focus on the ability to meet the project purpose and need for improving regional mobility and connectivity, while balancing avoidance of impacts to sensitive features, complexity and cost of mitigation, supporting community goals, fulfilling regulatory requirements for resource protection, and considering public and agency input. The selection of a preferred alternative including consideration of the No Build alternative is the responsibility of the Federal Highway Administration in coordination with ODOT. The decision-making process will involve a collaborative effort that includes on-going opportunities for public and agency input.

Attachments

- Attachment A. Village of Mariemont National Historic Landmark – Boundaries Map
- Attachment B. Figure 12 (revised) – History Architecture Resources
- Attachment C. Agency Coordination
- Attachment D. Figure 17 (revised) – Recommended Corridors for Advancement

Attachment A
Village of Mariemont National Historic Landmark
Boundaries Map

ADDRESS MAP OF

VILLAGE OF MAREMONT

HAMILTON COUNTY OHIO

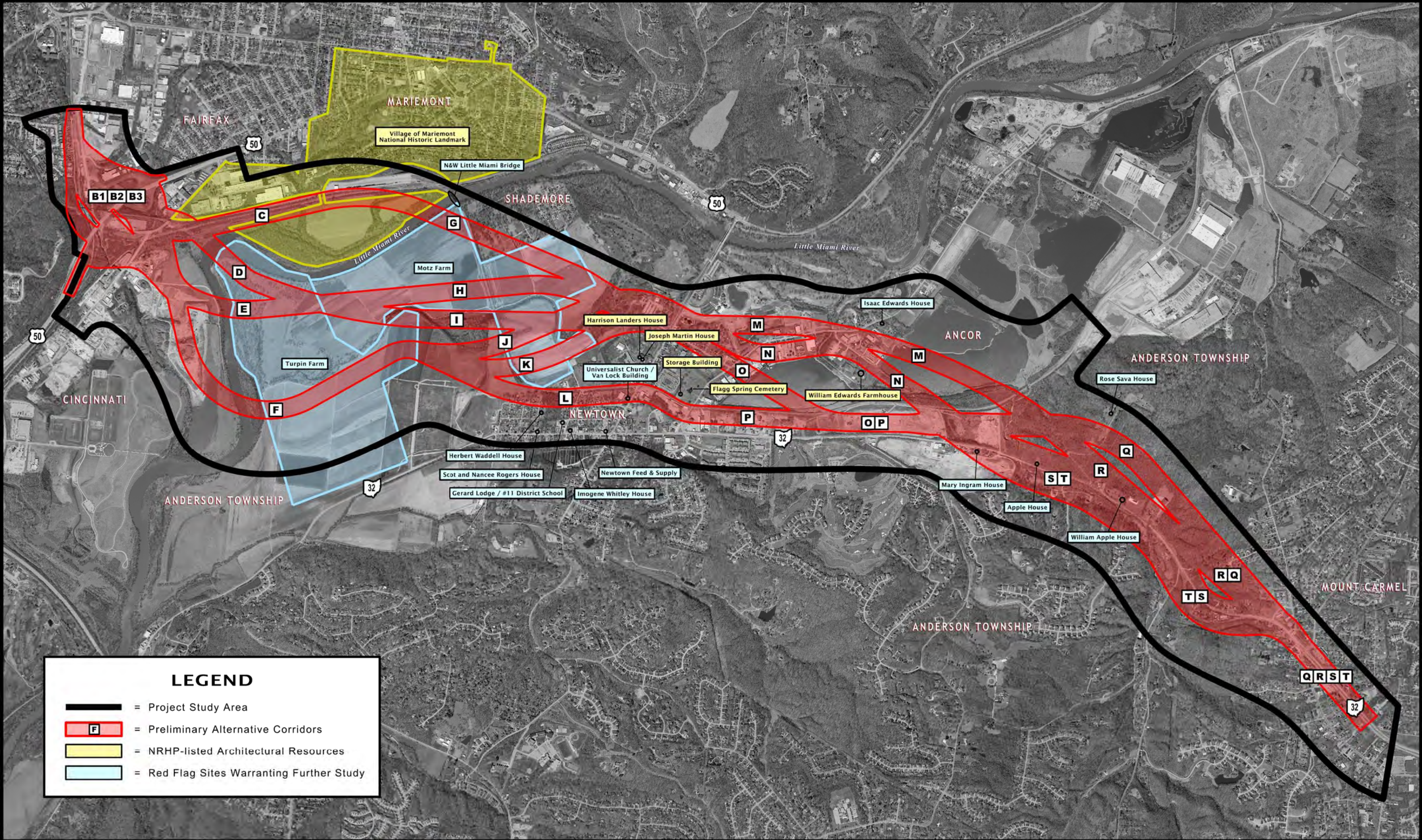


Composite Street Map
Village of Maremont, Ohio
Hamilton County, Ohio

Map Key

- Constitution
- Non-Constitution
- Platting License
- Survey Boundary

Attachment B
Figure 12 (revised) – History Architecture Resources



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December 2012



Feasibility Study
Eastern Corridor Multi-Modal Projects
Segment II-III; Relocated SR 32
HAM/CLE-32F-2.50/0.00; PID 86462

Figure 12
History / Architecture Resources
(Revised December 2012)

Attachment C
Agency Coordination



**OHIO DEPARTMENT OF TRANSPORTATION
INTER-OFFICE COMMUNICATION
Office of Environmental Services**

TO: **Steve Mary**, District 8 District Deputy Director
Attention: Andy Fluegemann, District Environmental Coordinator

DATE: November 19, 2012

FROM: Timothy M. Hill, Administrator, Office of Environmental Services

PROJECT: HAM/CLE-32F-2.50/0.00, PID 86462

SUBJECT: November 13, 2012 - Inter-Agency Meeting Minutes

On September 25, 2012, a project field meeting was conducted with staff members of the National Park Service, the Ohio State Historic Preservation Office, and the Ohio Department of Transportation regarding the potential effects of the undertaking on the National Historic Landmark, the Village of Mariemont. In summary, the team concluded an inter-agency meeting was warranted to collaborate on the Section 106 consultation process (*Figure 1*). On November 13, 2012, a project meeting was held at the Ohio Department of Transportation Central Office location with the following team members participating, either in person or via tele-conference:

Advisory Council on Historic Preservation (ACHP):

Najah Duvall-Gabriel, Federal Highway Administration (FHWA), Transportation

National Park Service (NPS), Midwest Regional Office:

Geoffrey Burt, Historical Landscape Architect, National Historic Landmarks Program

National Park Service (NPS), Washington DC Office:

Linda McClelland, National Register/National Historic Landmark Reviewer, Historian
Roger Reed, Reviewer, Historian

Federal Highway Administration (FHWA):

Noel Mehlo, Environmental Program Manager

Ohio State Historic Preservation Office (OSHP):

Mark Epstein, Department Head, Resource Protection and Review
Nancy Campbell, Transportation Review Manager, History/Architecture
Thomas Grooms, Transportation Review Manager, Archaeology

Ohio Department of Transportation, Office of Environmental Services (ODOT-OES):

Tim Hill, Administrator
Carmen Stemen, Major New Project Coordinator
Susan Gasbarro, Team Leader, History/Architecture
Stanley Baker, Team Leader, Archaeology
Bruce Aument, Archaeologist

District 8 (ODOT-District 8):

Steve Mary, District Deputy Director
Andy Fluegemann, Planning and Environmental Engineer, Project Manager
Keith Smith, Environmental Engineer

Meeting Minutes

Mr. Hill and Mr. Mehlo kicked off the meeting with brief introductions.

Mr. Fluegemann provided an overview of the project's history and current Tier II studies. The Record of Decision (ROD) for Tier I of the undertaking, commonly referred to as the Eastern Corridor, was approved in 2006. The project website was referenced for additional information on the history of the project. Tier II studies are currently in progress for Segments 1-4, 4A, and the Oasis Commuter Rail. The subject undertaking, HAM/CLE-32F-2.50/0.00 PID 86462, features Segments 2-3 of the tiered process. Two of the current studies include geomorphic and archaeological. The geomorphic studies are focused on the stability of the Little Miami River, a State and National Scenic River. The archaeological studies are utilizing remote sensing methods.

Mr. Fluegemann indicated due to the sensitivity of the study corridor, it is likely a Section 106 or Section 4(f) resource will be impacted. Floodplain issues and the stability of the Little Miami River are also major concerns. The design team is currently looking at avoidance corridors.

Mr. Fluegemann shared that a public meeting was held in August of this year. At that time mapping did not include the correct NHL boundaries as displayed on the ODOT website. At the request of the NPS, this omission has been corrected. Applications to become a Section 106 Consulting Parties were made available at the August 2012 meeting. However, Mr. Fluegemann was not sure attendees were fully aware of their purpose.

Mr. Hill asked if there were any questions as to the status of the project.

Mr. Mehlo emphasized that the agencies through ODOT will follow the process. He requested that the team put their thoughts/positions on the table so that they could work collaboratively. FHWA has confidence in ODOT; however, they were available to work directly with an agency if that was preferred.

Mr. Hill described the planning history as spanning a six to eight year period. The Tiered process resulted in a reduced study corridor at the commencement of the Tier II level. The design team is focusing on more specific alignments, with many areas of concern including the Little Miami River corridor, a State and National Scenic River, Native American sites, cultural resources, wetlands and landfill/containment issues. They are starting to look at these specific resources and the project limits have not yet been established.

Mr. Burt questioned whether all potential alternatives were on the table.

Mr. Hill indicated that they were looking at the river crossings.

Ms. McClelland questioned how the NPS was previously involved.

Mr. Fluegemann indicated the NPS was involved with the proposed scenic river crossing. Commitments made relative to their involvement included: clear span; aesthetics; and a multi-modal (transit and highway) design.

Mr. Hill indicated the new river crossing has to be on a large enough structure to span the floodway and ensure no impacts to the flood plain. The farther south, the wider the floodplain becomes. Also, there are archaeological concerns to the south that they have just started to identify. The current alternatives are basically the 2006 alternatives with minor refinements.

Mr. Burt inquired as to whether archaeological investigations would be conducted on the "Lower 80" and if the maps would be updated.

Mr. Hill stated that no archaeological investigations have been conducted in the "Lower 80". There is a lot of fill from flooding. It is likely, if there are resources, they could be deeply buried. The appropriate studies will be conducted.

Mr. Burt indicated the NPS is pleased that the NHL map was corrected to illustrate the inclusion of the "Lower 80". He asked how this new information would impact the corridor.

Mr. Hill stated that they must look at minimization and avoidance. They are currently looking at three alternatives. However, there is not a clear "winner". All have some environmental impacts. They are also looking at the "No Build" alternative. They will be focusing on minimization and avoidance with a view towards enhancement opportunities.

Mr. Fluegemann confirmed that the team will be looking at everything and that everything could not be avoided.

Mr. Hill said that they are currently working with the communities of Mariemont and Newtown.

Ms. McClelland asked whether the hierarchy of the resources is being considered (i.e. NHL compared to a NR listed property or community issues).

Mr. Hill said that they are not looking at the resources from their relative hierarchy of importance; rather, they are considering the intensity and context of potential impacts to all resources.

Ms. Duvall-Gabriel stated the ACHP's role is to ensure the NHL is given special consideration which will focus on Steps 3 and 4 of the Section 106 process.

Mr. Mehlo stated that there are known burial sites and human remains within the study area.

Mr. Grooms indicated that there are complex village sites with hundreds of burials. Addressing these sites will require consultation with the Tribes and research designs.

Mr. Hill restated the intent of the meeting, to discuss the Section 106/Section 110 process and to lay out the steps to guide the agency's approach. A draft Section 106/Section 110 Consultation Process schedule was provided for discussion (*Figure 2*). Mr. Hill asked the team to e-mail any comments not addressed at the meeting. It was recognized that the process is dynamic and likely will need to be adapted as the project develops.

Mr. Mehlo recommended the template be labeled draft.

Ms. McClelland asked how the locals would be involved in the process.

Mr. Hill said that the Section 106 consulting parties and the public at large will be invited to participate in community meetings. These meetings will be supplement public meetings geared towards the entire project area. Community meetings will provide opportunities for the communities to share their particular concerns. As issues are identified, ODOT will address the public's comments.

Mr. Epstein emphasized consulting parties meetings should be conducted as a single group since their concern is historic.

Mr. Burt asked about Tribal consultation.

Mr. Hill shared that the agency has started consultation with the Tribes and met with them for two days this past spring on how to address archaeological issues. Each Tribe has various concerns that they have expressed to the project team.

Ms. Duvall-Gabriel stated that the ACHP did not need to be formally notified of the undertaking since they had already received an invitation to participate in the development of a *Programmatic Agreement* on August 17, 2011.

Mr. Grooms asked the status of the *Programmatic Agreement*.

Mr. Hill indicated the Tribes were not happy with the agreement. So, whether an agreement was needed or not would still need to be determined.

Mr. Mehlo stated comments by the Tribes were being addressed by FHWA.

Mr. Hill noted that once the consulting party invitations are sent out and the consulting parties identified, comments on the alternatives will be addressed.

Mr. Burt inquired as to the whether any additional alternatives were on the table.

Ms. McClelland inquired as to the identification of historic resources.

Mr. Hill indicated that the draft Phase I history/architecture survey of the area of potential effect (for the study corridor) was being reviewed and a final version would be available by the first of the year.

Mr. Epstein inquired as to the number of alternatives under consideration, how many alignments may be reexamined or new ones proposed.

Mr. Hill indicated that studies are being conducted to determine which alternatives are feasible.

Mr. Fluegemann stated engineering considerations, especially the geomorphological studies and hydraulics were key.

Mr. Hill indicated the landfill and containment of the landfill, located near the scenic river, was a major concern.

Mr. Fluegemann also noted the Oasis Community Rail design has limitations.

Mr. Burt asked if there would be mapping that illustrated all concerns and how it would be presented. They stated that it was a major step to show the correct NHL boundary map for the Village of Mariemont. The NPS offered to provide additional information regarding the important characteristics to be considered.

Mr. Hill agreed that context and intensity assessment by NPS will help the project team by providing information specific to Mariemont.

Mr. Mehlo stated that the summary documents created to date would be made available to the NPS.

Mr. Hill shared that the archaeological studies and documentation compiled to date are available on a SharePoint site. The site will be made accessible to the NPS.

Ms. Campbell asked when a NHL receives a higher level of consideration.

Mr. Hill stated that the project team is taking a holistic approach and will work with the NPS to identify their concerns. At this point in the process they are looking for ways to enhance the existing resources. We want to see if it is more valuable to the community to avoid and/or mitigate or to work with them to enhance the resources by bringing resources together that are not currently available to them.

Ms. Campbell noted the need to communicate with the citizens of Mariemont regarding what it means to be a NHL and where we are in the process. Specifically, Ms. Campbell wanted to ensure citizens understood what NHL status meant relative to the potential impacts of the project.

Ms. Duvall-Gabriel concluded the conversations were positive. She emphasized the importance of slowing down to ensure the efforts to identify historic properties and consulting party concerns. A good strategy is to manage the identification process, to reach out to consulting parties, to share information, and to get feedback. She noted that the agency does not want to get to the assessment of effects without appropriately addressing previous steps. Often the ACHP sees objections due to insufficient identification and consultation efforts.

Mr. Mehlo recommended building into the schedule routine check-in points with the intent of keeping communication open.

Mr. Burt noted the importance of the broader landscape in association with the NHL. They have strong and distinct views on the significance of the NHL.

Ms. McClelland will work with Mr. Burt in regard to the indirect and direct effects.

Mr. Hill informed the team that detailed studies (i.e. noise) have not been completed.

Mr. Fluegemann is working with the Mayor of Mariemont and other committee members. There were approximately 150 public comments from the public involvement meeting held in August.

Mr. Burt asked if the area of potential effect is larger than the area identified by the black lines on the map and if the area of potential effects is 100% fixed.

Mr. Hill noted the black line is the current area of potential effects and as issues come up (i.e. noise and visual impacts) the area of potential effects may be revised.

Ms. McClelland asked if they will be provided an opportunity to review/comment on the area of potential effects and how this information will be shared with the consulting parties.

Ms. Gasbarro shared that in the past when projects have multiple consulting parties, the proposed area of potential effects map was shared with them for review and comment. Consulting parties may provide new information or share concerns that warranted the revision of the area of potential effects.

Mr. Hill agreed this approach is how we will proceed in regard to the area of potential effects especially with feasible alternatives still under review. The project team is currently reexamining the results of the geomorphological studies and other aspects which may require us to complete an amendment to the Feasibility Study. Any new areas not previously considered will need to be evaluated for the presence of historic cultural resources. The additional studies will include the "No Build" alternative. Mr. Hill indicated the formal notification of the undertaking which the agency will be sending to the NPS will include the area of potential effects map for their review and comment.

Mr. Burt indicated "damage is damage" in association with the NHL regardless of the benefits that may be achieved by the project. He was pleased that the "No Build" alternative was still under review.

Mr. Hill indicated the point of contact is Mr. Fluegemann. The next meeting is scheduled for January 9, 2013. If anyone has additional thoughts or comments, please send them to us in the next two weeks. If anyone has staff that has worked on other similar projects, please let us know as well.

Mr. Mehlo did not have any further comments and encouraged open communication.

TMH/sg
Enclosures

cc:

Najah Duvall-Gabriel, ACHP
Geoffrey Burt, NPS
Linda McClelland, NPS
Roger Reed, NPS
Noel Mehlo, FHWA
Dave Snyder, FHWA
Mark Epstein, OSHPO
Nancy Campbell, OSHPO
Thomas Grooms, OSHPO
Carmen Stemen, ODOT
Susan Gasbarro, ODOT
Stanley Baker, ODOT
Bruce Aument, ODOT
Keith Smith, ODOT

Figure 1 – Project Field Meeting Report - September 25, 2012

FIELD REPORT
Office of Environmental Services

Project: HAM/CLE-32F-2.50/0.00 PID 86462

Date: September 27, 2012

Re: Field Meeting

Field Review Team (Refer to the attached sign-in sheet - Figure 1)

ODOT:

- Keith Smith, ODOT-District 8
- Susan Gasbarro, ODOT- OES

Ohio State Historic Preservation Office (OSHPO) Field Review Team:

- Nancy Campbell, ODOT, Transportation Review, History/Architecture

National Park Service (NPS):

- Geoff Burt, Omaha, Nebraska
- Roger Reed, Washington DC
- Linda McClelland, Washington DC

Mariemont Preservation Foundation (MPF):

- Millard Rogers, Jr., Trustee

Project Visit Date:

September 25, 2012

Reason for Site Visit:

The intent of the field review was to familiarize the agency officials with the area of potential effects in association with Mariemont, a National Historic Landmark.

- The field review team met in the parking lot of the Frisch's Restaurant in Fairfax, Ohio.
- Introductions and a brief project overview were provided by ODOT District 8 in response to questions raised by the NPS including direct and indirect effects.
- Various locations within the Mariemont National Historic Landmark boundaries were reviewed.
- The NPS invited Mr. Rogers, the preparer of the NHL nomination, to participate in the field review. Mr. Rogers provided additional historical information while guiding the team around various locations within Mariemont.
- In summary, the team agreed a Section 106 consultation planning meeting was warranted. Mr. Smith recommended the team meet, via conference call, to develop an agreed upon consultation process. Mr. Smith will work to schedule this meeting in the near future.

Questions or comments may be directed to Susan Gasbarro (susan.gasbarro@dot.state.oh.us).

C: Mark Epstein, OSHPO
Noel Mehlo, FHWA
Charlene Dwin Vaughn , ACHP
Andy Fluegemann, ODOT-District 8
Geoff Burt, NPS
Roger Reed, NPS
Linda McClelland, NPS
Project File

Figure 2

*Draft - Eastern Corridor
Mariemont NHL
Section 106 & Section 110
Consultation Process*

DRAFT Eastern Corridor – Mariemont NHL Section 106 & Section 110 Consultation Process		
Consultation Process - Deliverable	Date	Duration
Conduct conference call with NPS.	November 16, 2012	
Formally invite NPS & ACHP to participate in Section 106 consultation.		
Develop Section 106 Consulting Party Initial List.	December 14, 2012	30 days
Conduct Section 106 Consulting Party Informational Meeting to discuss process, alternatives & expectations. Request comments.	January 9, 2013	30 days(comment period)
Develop Concept/Impact matrix using available data. Address Section 106 Consulting Party Comments.	February 1, 2013	75 days from start of process
Conduct Section 106 Consulting Party Meeting to discuss results of alternative & minimization analysis. Request feedback/comments.	February 19, 2013	30 days (comment period)
Refine matrix/work with design consultant as necessary & address Section 106 Consulting Party Comments.	TBD	30 days
Develop Minimization/Mitigation Plan & prepare Section 106 report.	TBD	60 days
Notify public of proposed Minimization/Mitigation Plan. Provide opportunity for input & comment.	TBD	30 days
Address Section 106 Consulting Party comments.	TBD	90 days
Inform public of outcome and provisions of MOA.	TBD	30 days
Conclude Section 106 process for community. Circulate MOA for signature.	TBD	30 days
Submit executed MOA to ACHP, SHPO, & NPS.	TBD	30 days
Include necessary commitments in final EIS document.	Issuance of ROD 2014.	

* Some of these time frames will overlap to reduce overall schedule



OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

OFFICE OF ENVIRONMENTAL SERVICES

November 20, 2012

Mr. Geoffrey Burt, Historical Landscape Architect
National Historic Landmarks Program
National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, Nebraska 68102

Subject: HAM/CLE-32F-2.50/0.00 PID 86462

Re: Village of Mariemont, National Historic Landmark

Dear Mr. Burt:

FHWA, with ODOT as their agent, is formally inviting the Secretary of the Interior to participate in Section 106 consultation for the subject undertaking in accordance with 36 CFR § 800.10(c). The agency official is notifying the Secretary that alternatives under consideration for the subject undertaking have the potential to adversely affect the historic characteristics of the Village of Mariemont, a National Historic Landmark. Enclosed is the document, *Section 106 Notification of Potential Adverse Effects to the National Historic Landmark, the Village of Mariemont, for the Undertaking HAM/CLE-32-2.50/0.00 PID 96462*, prepared by the Ohio Department of Transportation, November 2012.

FHWA, with ODOT as their agent, will consult with the agency officials and the consulting parties as the identification of historic properties and alternative evaluations continue. Questions or concerns may be directed to Andy Fluegemann, ODOT-District 8, at andy.fluegemann@dot.state.oh.us or Tim Hill, ODOT-OES at tim.hill@dot.state.oh.us

Respectfully,

A handwritten signature in blue ink, appearing to read "Timothy M. Hill", is written over the word "Respectfully,".

Timothy M. Hill
Administrator
Office of Environmental Services

TMH:sg
Enclosure

c: Najah Duvall-Gabriel, ACHP, w/attachment
Noel Mehlo, FHWA, w/attachment
Mark Epstein, OSHPO, w/attachment
Linda McClelland, NPS, w/attachment
Roger Reed, NPS, w/attachment
Andy Fluegemann, w/attachment

**SECTION 106
NOTIFICATION OF POTENTIAL ADVERSE EFFECTS
TO THE
NATIONAL HISTORIC LANDMARK
THE VILLAGE OF MARIEMONT**

**FOR THE UNDERTAKING
HAM/CLE-32-2.50/0.00 PID 86462
IN ACCORDANCE WITH
36 CFR § 800.10(c)**

Prepared by:

**The Ohio Department of Transportation
OFFICE OF ENVIRONMENTAL SERVICES
1980 West Broad Street
Columbus, Ohio 43223**

November 2012

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Figure 1: Area of Potential Effects – [Feasible alternatives within corridor identified as a result of the Tier I study for Segments II-III, now known as HAM/CLE-32-2.50/0.00 PID 86462].

Figure 2: Village of Mariemont - National Historic Landmark Boundary Map

Abstract

In accordance with Section 106, the implementing regulations of the National Historic Preservation Act of 1966, as Amended, the Federal agency is responsible for assessing affects to historic properties when a federal action or approval may affect a property listed on or eligible for listing on the National Register of Historic Places. The Section 106 regulations provide a process for making these assessments at 36 CFR § 800.5.¹ The regulations clarify when a Section 106 finding of "adverse" and "no adverse" may be applied. The regulations require the agency to notify the Secretary of the Interior when a National Historic Landmark may be adversely affected.² Therefore, the intent of the subject documentation is to officially notify the National Park Service of the Secretary of the Interior of the subject undertaking's potential adverse effect to the National Historic Landmark, the Village of Mariemont.

¹ AASHTO, Center for Environmental Excellence. *Consulting Under Section 106 of the National Historic Preservation Act*. 06-February 2007, 14.

² Federal Register. *Part II – Advisory Council on Historic Preservation, 36 CFR Part 800 Protection of Historic Properties; Final Rule/ Vol.65/No. 239/Tuesday, December 12, 2000, Rules and Regulations, 77734.*

36 CFR § 800.5 Assessment of Adverse Effects

An adverse effect occurs when “an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association”.³ 36 CFR § 800.5(a)(1) provides the following guidance:

- (1) *Criteria of adverse effect.* An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.⁴

The regulations proceed to provide examples of adverse effects which may include:

- (2) *Examples of adverse effect.* Adverse effect on historic properties include, but are not limited to:
- (i) Physical destruction of or damage to all or part of the property;
 - (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary’s standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines;
 - (iii) Removal of the property from its historic location;
 - (iv) Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance;
Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features;

³AASHTO, Center for Environmental Excellence. Consulting Under Section 106 of the National Historic Preservation Act. 06-February 2007, 14.

⁴ Federal Register. Advisory Council on Historic Preservation, 36 CFR Part 800 (RIIN 3010-AA05) Protection of Historic Properties. Volume 65, No. 239/Tuesday December 12, 2009/Rules and Regulations, Page 77729-77730.

- (v) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or native Hawaiian organization
- (vi) Transfer, lease or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.⁵

The regulations clarify when a Section 106 finding of no adverse may be applied. 36 CFR § 800.5(b) states:

(b) Finding of no adverse effect. The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.⁶

⁵ Ibid 77730.

⁶ Ibid 77730.

Description of Undertaking

The undertaking, HAM/CLE-32-2.50/0.00, PID 96462, encompasses Segments II-III of the proposed Eastern Corridor Multimodal Project. The *Tier 1 Environmental Impact Statement (EIS)* was completed in 2005 and the Federal Highway Administration (FHWA) issued a *Tier 1 Record of Decision (ROD)* in 2006. These documents outlined a multi-modal Eastern Corridor transportation plan to undergo further evaluation in Tier 2. *Figure 1* illustrates the area of potential effects of the subject undertaking, HAM/CLE-32-2.50/0.00 PID 90676 (Segments I-III).

Tier I included:

- A new 17-mile rail transit corridor extending between the Cincinnati riverfront and Milford (now known as the Oasis Rail Transit Project).
- A 13-mile roadway corridor extending between Red Bank Road at I-71 to just east of the SR 32/IR-275 interchange in the Eastgate area of Clermont County. This corridor has been divided into three implementation segments.
 - Segment I – Red Bank Corridor Project
 - Segment II/III – SR 32 Relocation Project
 - Segment IVa – SR Improvements – Eastgate Area
- Improved bus transit, including expanded routes, community circulators, and bus feeder routes to complement rail transit.
- Upgrades to the existing transportation network, including local roadway improvements and bikeway connections.

Preliminary alternatives were developed as part of the Tier I study. Tier I also established a context sensitive framework for the project by incorporating recommended land use vision plans and a Green Infrastructure master plan developed in concert with the Eastern Corridor Communities. Tier 2 studies are currently underway. The preliminary alternatives outlined in the Tier I are being examined in more detail. Preliminary alternatives will be narrowed and refined based on the results of additional studies.⁷

⁷ <http://www.easterncorridor.org/project/history>. Accessed November 19, 2012.

36 CFR § 800.4 Identification of Historic Properties

Appendix 1, Supporting Studies, included in the Tier I document included the following cultural resource identification studies. These studies are available at the project website: <http://easterncorridor.org>.

Appendix 15 – History-Architecture Red Flag Summary (2009)

Appendix 16 – Archaeological Modeling Study (2009)

Appendix 17 – Archaeological Literature Review and Disturbance Report (2009)

Currently, Phase I history/architecture investigations of the subject project area are underway. In addition, remote sensing is being conducted for archaeology. The results of these studies will be made available for review and comment by the Advisory Council on Historic Preservation, the National Park Service, the Ohio State Historic Preservation Office, and other consulting parties.

Figure 1 illustrates the boundary of the area of potential effects for the study corridor. The black line was delineated to encompass all alternatives under consideration. The area of potential effects will be revised as more studies are completed and as a result of comments received from the consulting parties and agency officials.

Description of the National Historic Landmark – Village of Mariemont

The National Historic Landmark (NHL), the Village of Mariemont, is located within the area of potential effects of the subject undertaking. The NHL consists of 525 acres and 1030 contributing resources. The NHL was approved in 2007 and includes the “Lower 80” which was not originally part of the National Register of Historic Places boundaries. *Figure 2* illustrates the historic boundary of the resource.

The National Park Service Form 10-900, Village of Mariemont, states, “Mariemont meets National Historic Landmark Criterion 1 and Criterion 4. It is, furthermore, a premier example of a planned residential suburb associated with the American garden-city movement of the early twentieth century and meets the registration requirements for national significance as documented in the “Historic Residential Suburbs in the United States, 1830-1960, Multiple Property Submission (2004).”⁸

⁸ United States Department of the Interior, National Park Service Form 10-900, Village of Mariemont. 2007, 6.

36 CFR § 800.10 Special Requirements for Protection National Historic Landmarks

Section 800.10(c) of the implementing regulations of Section 106 of the National Historic Preservation Act requires the agency official to officially “notify the Secretary of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect”.⁹

The agency official is notifying the Secretary that alternatives under consideration for the subject undertaking have the potential to adversely affect the historic characteristics of the NHL. One particular area of concern is the area referred to as the “Lower 80”. The nomination refers to this portion of the NHL, “Across the rail lines and adjacent to the Little Miami River are approximately 80 acres of bottom land owned by the village. Nolen’s plan originally assigned this acreage to industrial development, but this purpose was never executed and it retains its scenic, rural character”.¹⁰ In addition to direct impacts, indirect impacts must be considered. Nolen’s plan for Mariemont included the “strategic overlook with the Concourse and its vista into distant Hills”.¹¹ The alternatives under consideration will be located within the view shed of the Concourse.

In conclusion, based on the potential to adversely affect the Village of Mariemont, FHWA, with ODOT as its agent, is officially inviting the Secretary of the Interior to participate in Section 106 consultation for the undertaking, HAM/CLE-32F-2.50/0.00, PID 90676.

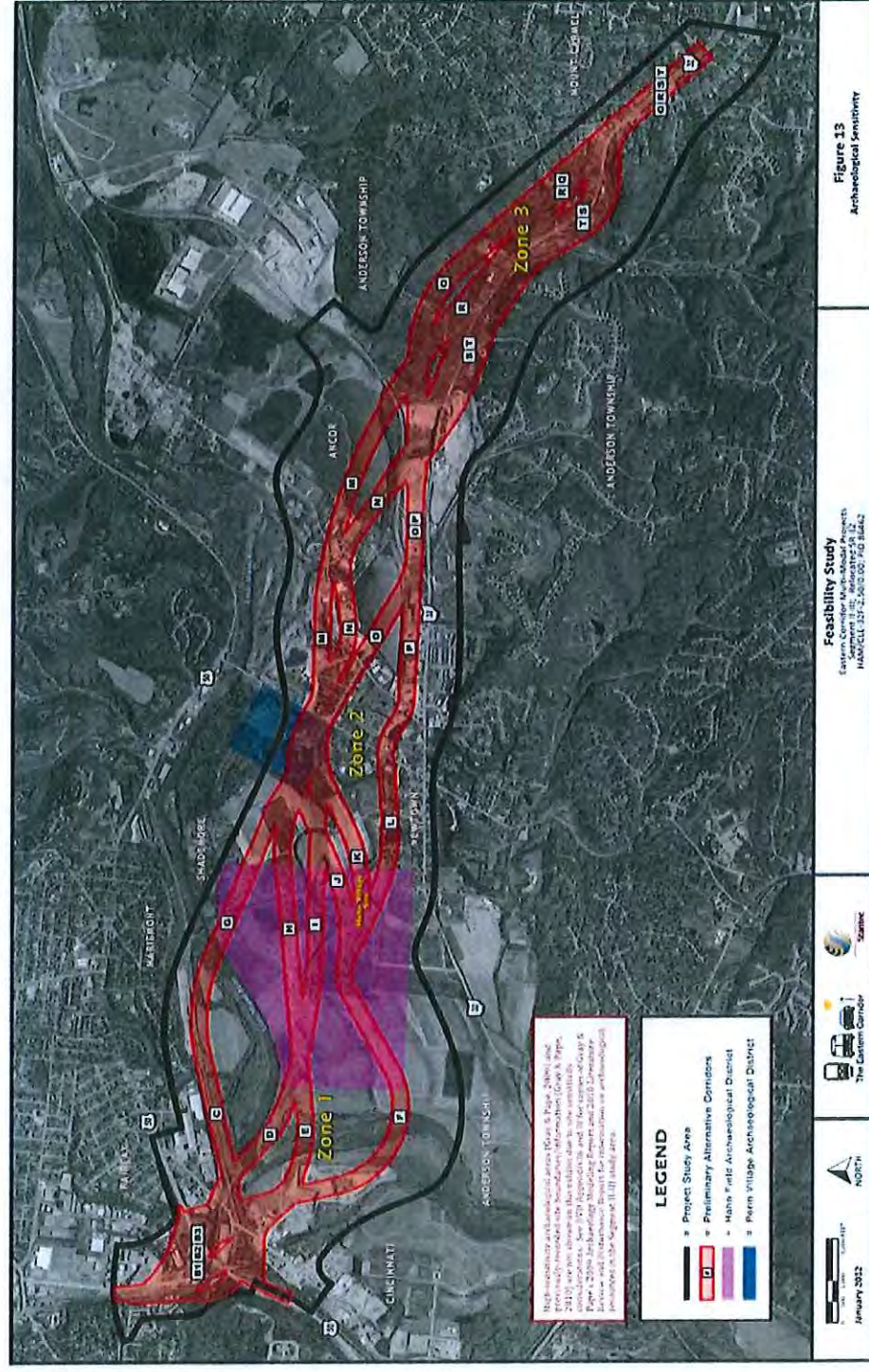
⁹ Federal Register. Advisory Council on Historic Preservation, 36 CFR Part 800 (RIIN 3010-AA05) Protection of Historic Properties. Volume 65, No. 239/Tuesday December 12, 2009/Rules and Regulations, 77734.

¹⁰ Ibid: 2007, 8.

¹¹ Ibid: 2007, 12.

Figure 1: Area of Potential Effects – [Feasible alternatives within corridor identified as a result of the Tier I study for Segments II-III, now known as HAM/CLE-32-2.50/0.00 PID 86462].

Considerations – Archaeology



Considerations – Historic Resources

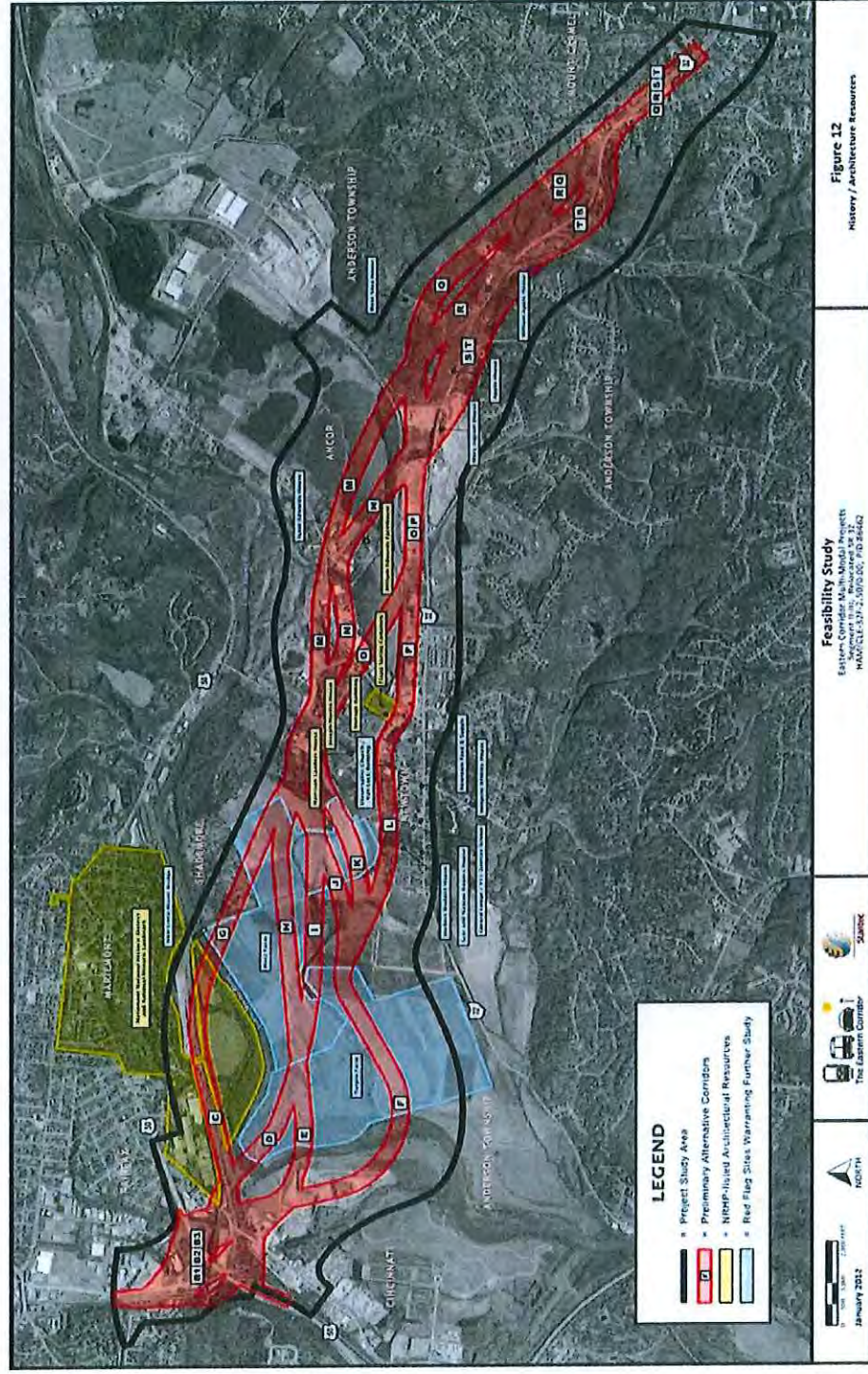
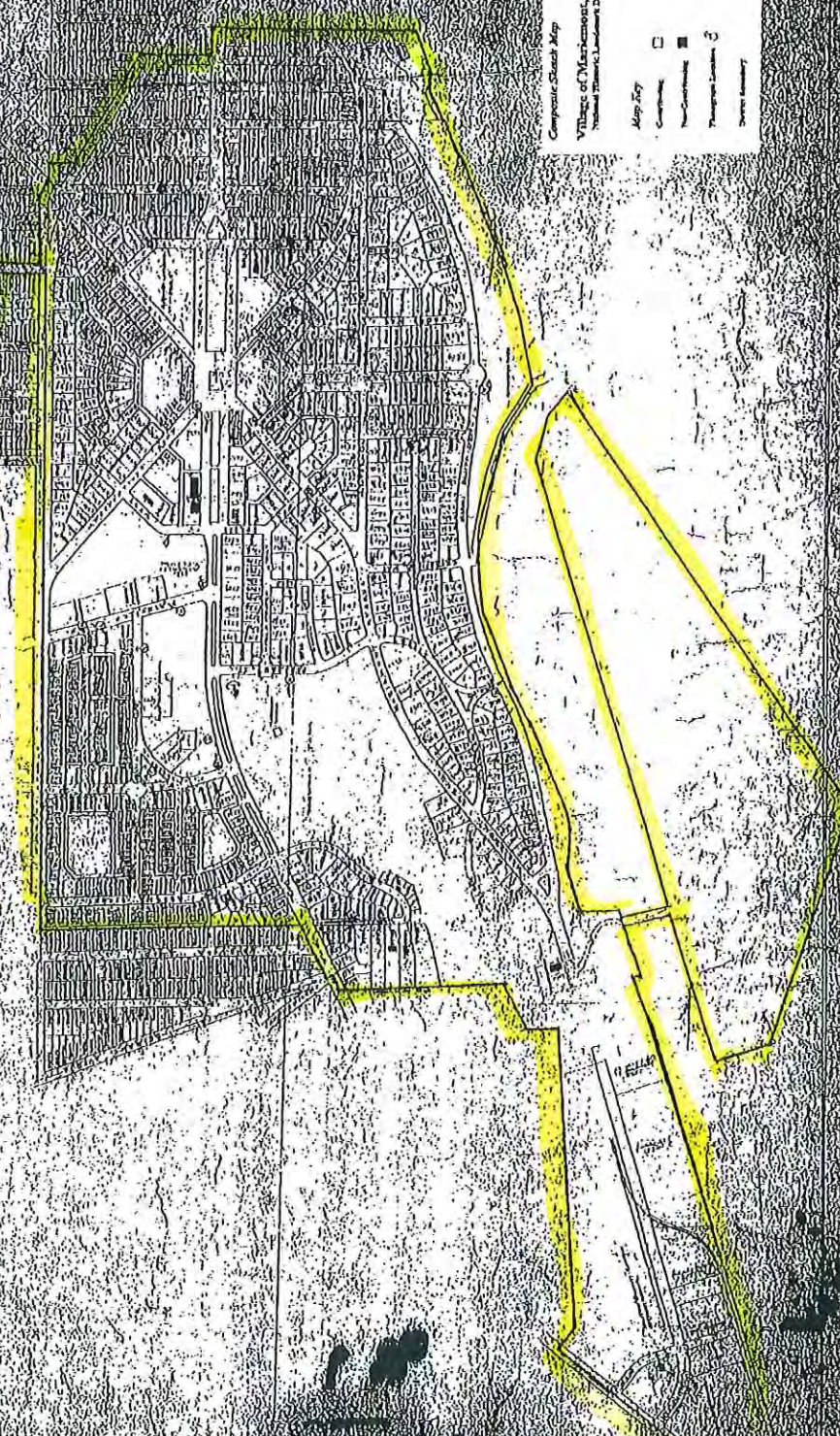


Figure 2: Village of Mariemont - National Historic Landmark Boundary Map

ADDRESS MAP OF
VILLAGE OF MARIEMONT
HAMILTON COUNTY OHIO

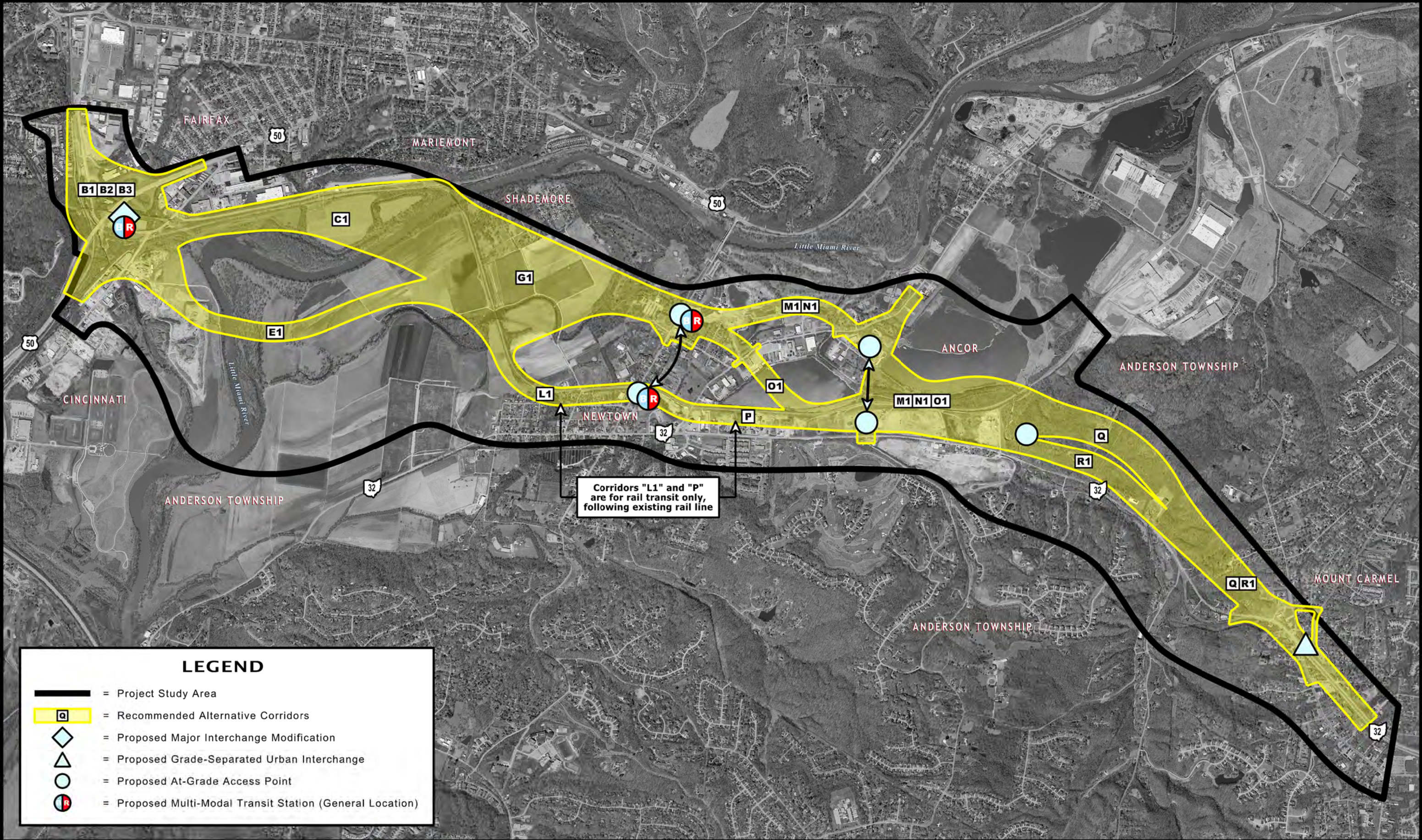


Compass Street Map
Village of Mariemont, Ohio
Hamilton County, Ohio

Map Key

- Commercial
- Industrial
- Residential
- Public Buildings
- Religious
- Transportation
- Utilities

Attachment D
Figure 17 (revised) – Alternative Corridors
Recommended for Advancement



0 500 1,000 2,000 FEET
December 2012



Feasibility Study
Eastern Corridor Multi-Modal Projects
Segment II-III; Relocated SR 32
HAM/CLE-32F-2.50/0.00; PID 86462

Figure 17
Alternative Corridors Recommended for Advancement
(Revised December 2012)