



## System Unit Resource Protection Act

### Restoration Plan & Project Completion Report

7/31/2023

#### GENERAL INFORMATION

##### Case Information:

<b>Park:</b> ○ Cuyahoga Valley National Park	<b>Incident Date:</b> 1/1/2008
<b>Project Title:</b> ○ Vegetation/Habitat Restoration - Omnibus	<b>Settlement Date:</b> 10/23/2008
<b>Case Name:</b> ○ Krejci Landfill- "later settlement"	<b>Total Settlement Amount<sup>1</sup>:</b> \$624,000
<b>Region:</b> ○ Midwest	<b>Future Restoration Amount:</b> \$624,000
<b>Resource Injured:</b> ○ Vegetation/habitat	<b>Park Past Costs Amount:</b> \$0

#### RESTORATION PLAN

##### Schedule:

<b>Est. Restoration Completion date:</b>	9/30/2027
<b>Est. Monitoring Completion date:</b>	9/30/2030

##### Project Cost Estimate\*:

NPS Labor	\$204,000
TNC Labor	\$180,000
Materials	\$0.00
Equipment	\$200,000
Contracts	\$40,000
<u>Travel</u>	<u>\$0.00</u>
<b>Total</b>	<b>\$624,000<sup>1</sup></b>

\* Identify any funds from non-settlement sources.

##### Estimate Method:

- ☒ Park Estimate (e.g. FMSS, worksheet)    ☒ Vendor Quote    ☐ Contractor Bid  
☐ Other (explain): \_\_\_\_\_

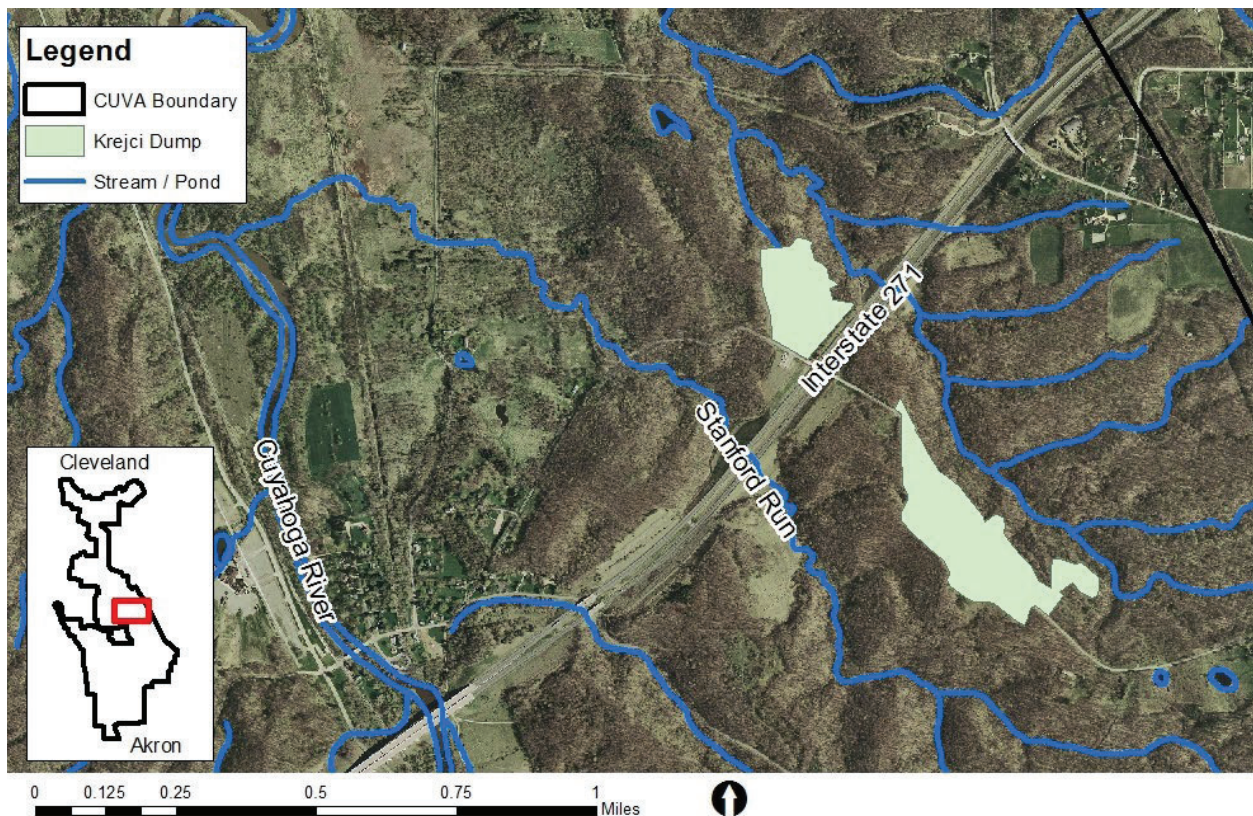
***Provide backup documentation where available***

<sup>1</sup> Total settlement amount is actually ~\$2,269,500. The amount here is what's left of the \$866,872.50 "later settlement," including interest (amount will slowly increase if funds remain in the DOI NRDAR Fund where interest accrues.)

## I. Incident & Injury Description

*(Briefly describe the incident that led to the settlement, location, and the injured resources and/or services. List any restoration actions specified in the settlement agreement. Include a brief description of any work done to date to correct the original injury. Reference any key documents as necessary.)*

The original incident involved impacts to the environment from the Krejci Landfill (see map below). Remediation of the impacted area did not finish on schedule and “late fees” were incurred by the responsible party(ies) from 2008-2013. The injured resources to be restored with these funds were stated generically in the 2008 consent decree as “natural resources” – i.e. “All such funds shall be applied toward the costs of restoration, rehabilitation, or replacement of injured natural resources, and/or acquisition of equivalent resources.” The consent agreement also states that DOI/NPS will prepare a separate Restoration Plan, pursuant to 43 C.F.R. § 11.93, that describes how these funds dedicated for natural resource restoration efforts will be used. The remainder of this document – plus any future attachments – is that Plan.



## II. Restoration Project Description

*(Briefly describe the project(s) with project objectives, where the work will be done with a location map, [if applicable] how the restoration planned (primary or compensatory) will meet the requirements of the*

*settlement agreement and the nexus to original injury. What are the project success criteria? Include, as appropriate, a description of tasks, subtasks, methods, staffing, supplies, equipment, etc.)*

This “omnibus” project is a collection of projects that are being funded primarily by outside (non-Krejci-settlement) funds that The Nature Conservancy (TNC) has been able to acquire over the last five years or so. The Krejci settlement funds (~\$624,000) will be used primarily to support the implementation of these projects – i.e., staffing support, compliance support, and equipment support. The current cooperative partnership between the National Park Service (NPS) at Cuyahoga Valley National Park (CUVA) and TNC will continue. TNC is a national, non-profit organization with a mission to “conserve the lands and waters upon which all life depends” and with a vision of a world “where the diversity of life thrives and people act to conserve nature”.

Since establishing this partnership in 2018, the NPS has provided \$180,000 to TNC via cooperative agreement, which has leveraged that funding to provide more than \$2 million to restore habitat at and near CUVA (a “return on investment” of more than 1,100 percent). As of July 2023, TNC has exhausted the funding provided in the original 2018 agreement. TNC currently has additional proposals under development, as well as proposals already submitted for additional funding. We would provide an additional \$180,000 in settlement funds to TNC, which would support TNC staff stationed at CUVA for five more years to continue site analyses, grant proposals, and other efforts that support habitat restoration at CUVA in accordance with a “CUVA Restoration Matrix” (TNC 2019) that identifies, describes, and prioritizes possible restoration projects. Projects will be implemented at CUVA or nearby in the Cuyahoga River watershed and could include a wide range of activities to improve aquatic and terrestrial habitat; enhance water quality; reduce erosion and sedimentation; and expand populations of native fish, wildlife, and plants.

We currently have multiple restoration projects funded in collaboration with TNC through sources unrelated to the Krejci settlement, including funds through the Great Lakes Restoration Initiative, Inflation Reduction Act, National Park Foundation, National Fish and Wildlife Foundation, and the State of Ohio’s H2Ohio program, among others. These projects include (1) continued treatment of invasive plants and enhancement of habitat at the Krejci site; (2) reforestation and restoration of a 115-acre site north of Krejci; (3) reforestation and restoration of a 30-acre site south of Krejci; (4) continued restoration and reforestation within the Stanford Run and Brandywine Creek watersheds with tributaries that originate on the Krejci site; (5) reintroduction of freshwater mussels into the Cuyahoga River north and south of the river’s confluence with Stanford Run; (6) diversification of monocultures of pine plantations scattered around Krejci throughout CUVA; (7) reforestation of three, abandoned quarries at CUVA, including a 16-acre site within 1,000 feet of the Krejci dump; (8) reforestation and restoration of a 100-acre site west of Krejci; (9) remove pavement from Stanford Road; and (10) planned reintroduction of blight-resistant American-chestnut trees throughout CUVA, including degraded sites near the Krejci area. However, most of these projects don’t include additional funding for CUVA staff to manage additional workloads.

So, in addition to our partnership with TNC, we would use approximately \$204,000 of settlement funds to support term and temporary staff in the Resource Management (RM) Division at CUVA to lead restoration activities, such as controlling invasive plants and reforesting disturbed sites. Settlement funds would support a GS-0404-07/8/9 restoration-crew leader, which preferably would be a term position but possibly could be temporary, seasonal. Settlement funds would support a term position for approximately two years or a temporary position for approximately six seasons. We would fund a restoration crew using non-settlement funds obtained through other sources, such as the NPS's Service-wide Comprehensive Call, Inflation Reduction Act, and Great Lakes Restoration Initiative. CUVA staff supported by settlement funds would work with park rangers and volunteer staff to engage communities, youth, and other partners in shared restoration, conservation, and stewardship at CUVA.

In addition, in order to comply with federal requirements under Section 106 of the National Historic Preservation Act, we would use approximately \$40,000 of settlement funds to complete an archeological survey of about 60 acres of pine plantations planned for diversification to improve climate resilience. If any funds remain after surveying the pine plantations, we would use remaining funds to survey additional acreage targeted for reforestation at CUVA (for example, the "Kurowski" fields). The purpose of the archeological survey would be to inform planning opportunities and constraints related to reforestation and wetland restoration at the site. This survey would be completed by a private firm under contract to the NPS.

Finally, in addition to project support, we would use approximately \$200,000 of settlement funds to purchase equipment necessary to manage and restore habitat at and around the Krejci site, including essential maintenance activities in years following restoration. Restoration equipment would include (1) a remote-controlled forestry mower at a cost of approximately \$163,000 to clear nonnative, invasive shrubs and other vegetation at the Krejci site and elsewhere and (2) an ARGO XTV/UTV at a cost of approximately \$37,000 to manage nonnative, invasive plants in wetlands at Krejci and other sites throughout CUVA.

### III. Monitoring

*(If monitoring is part of the restoration, describe the purpose of monitoring, parameters to be measured, methodology, frequency and duration of monitoring, and success criteria)*

Monitoring of restored habitat will focus on project areas and will be conducted by CUVA and TNC staff in accordance with permits and other requirements. Although project-specific success criteria and parameters would be determined prior to implementation, they generally will include:

- Less than 5% absolute cover by invasive species with potential for additional 5% coverage by non-native cattails, providing the total absolute coverage for all non-native, invasive species generally is less than 10%.
- Generally, less than 10% unvegetated, open water within restored wetlands.



- Generally, greater than 75% absolute cover of native, perennial, wetland species in wetlands and similar cover of native, perennial plants in upland areas, with upland areas generally dominated by native trees and shrubs.

Monitoring and adaptive maintenance would continue annually over a five-year period or until success criteria are met in accordance with permits and other requirements. Adaptive maintenance could include actions such as replanting dead or missing plants as necessary, planting additional plants if native cover is low, or reducing invasive plants through use of herbicides or other means.

#### IV. Compliance

##### a. NPS/Park Requirements ☐ None

A permit issued pursuant to the Archeological Resources Protection Act (ARPA) likely would be required for the archeological survey at the Kurowski fields. Such permits for surveys at CUVA are issued by staff at the NPS's Midwest Archeological Center.

##### b. NEPA

##### Date Completed

☒ Categorical Exclusion

7/18/2013, 6/12/2012,  
8/12/2021, 3/29/2023

Compliance has been completed for some projects listed above (see PEPC #31771, Manage Invasive Plants; #42039, Restore Stanford Run; #103532, Reintroduce Freshwater Mussels; and #113301, Reforest Sagamore Hills). Other listed projects are entered into PEPC but not complete yet (see PEPC #87778, Reforest Quarries; and #103387, Depave Stanford Rd). Compliance for these other projects would be completed and notification sent to EQD-RPB prior to implementation.

- ☐ Environmental Assessment
- ☐ Environmental Impact Statement
- ☒ Other (explain below):

See Comments below

**Provide backup documentation where available**

Comments: (Provide explanation if "Other" checked above)

A NEPA categorical exclusion at CUVA usually means that ESA/Section 7 concerns have been addressed – and usually NOT through formal consultation with the USFWS, since we can almost always eliminate potential effects to listed bats by modifying the timing and content of work (for instance, we don't cut down trees when listed bats might be present at the park).

**c. Permits**

**Permit Name / Date Completed**

☐ Federal

\_\_\_\_\_

☐ State/County/Local

\_\_\_\_\_

☐ Other

\_\_\_\_\_

☒ None

No permits should be required by the NPS for any of the work listed above; however, if such permits are required by TNC for any restoration work (for example, a Clean Water Act/Section 404 permit), TNC will be responsible for obtaining such permits prior to project implementation.

**RESTORATION PLAN APPROVAL PAGE**

**Case Name:** Krejci Landfill – “later settlement”

**RECOMMENDED FOR APPROVAL BY:**

**CHRISTOPHER DAVIS**

Digitally signed by CHRISTOPHER  
DAVIS  
Date: 2023.08.15 11:07:01 -04'00'

Chris Davis  
Plant Ecologist, Cuyahoga Valley National Park

\_\_\_\_\_  
Date

**MARK  
VANMOUWERIK**

Digitally signed by MARK  
VANMOUWERIK  
Date: 2023.08.14 12:37:07 -06'00'

Mark VanMouwerik  
Restoration Project Manager, Resource Protection Branch

\_\_\_\_\_  
Date

**APPROVED BY:**

\_\_\_\_\_  
Lisa Petit, Superintendent, Cuyahoga Valley National Park

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jim Haas  
Chief, Resource Protection Branch, Environmental Quality Division

\_\_\_\_\_  
Date

<b>PROJECT COMPLETION REPORT</b>
----------------------------------

<b>Sections V and VI are to be completed upon completion of all restoration and monitoring activities.</b>
--

<b>Schedule:</b>	
<b>Restoration Completion date:</b>	<a href="#">Click here to enter a date.</a>
<b>Monitoring Completion date:</b>	<a href="#">Click here to enter a date.</a>
<b>Quantity of Resource Restored:</b>	<i>e.g. # of acres, miles</i>

<b>Final Funds Summary:</b>	
<b>Unused Settlement Funds*:</b>	\$0.00
<b>Project Cost Overruns:</b>	\$0.00
<b>Overrun Funding Source:</b>	

\* Any funds remaining after restoration is completed must be sent to the U.S. Treasury.

## V. Restoration Actions Taken

(Briefly describe any significant deviations from the Restoration Plan and why those deviations occurred. Include any approvals received from RPB. Were the success criteria established in Section II achieved or expected to be achieved in the near future? If no criteria were specified, did the restoration actions return the site to baseline conditions? How could the restoration actions been improved or made more cost effective? If the actions are not considered a success, what could have been done to improve the restoration activities and are any additional actions planned?)

## VI. Description of Monitoring and Summary of Results

(If monitoring was conducted as part of the restoration, briefly describe what was monitored and how often. Summarize the results and conclusions made from the data collected. List any monitoring reports that were generated and include by reference any significant information you feel necessary.)



**PROJECT COMPLETION REPORT APPROVAL PAGE**

The information in this report is correct and accurate. The restoration actions taken were completed in accordance with the approved Restoration Plan except for any deviations noted in the Project Completion Report.

**Case Name:** Krejci Landfill – “later settlement”

**RECOMMENDED FOR APPROVAL BY:**

\_\_\_\_\_  
Chris Davis  
Plant Ecologist, Cuyahoga Valley National Park

\_\_\_\_\_  
Date

**APPROVED BY:**

\_\_\_\_\_  
Karen Dorn, Deputy Superintendent, for  
Lisa Petit, Superintendent, Cuyahoga Valley National Park

\_\_\_\_\_  
Date

\_\_\_\_\_  
*Name*  
Restoration Project Manager, Resource Protection Branch

\_\_\_\_\_  
Date