

B.15 Section 4(f) Determination

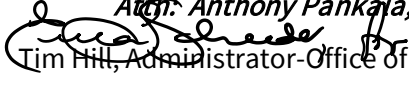
- Recreational Section 4(f) Determination
- Cultural Section 4(f) Determination



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Mike DeWine, Governor
Jim Tressel, Lt. Governor
Pamela Boratyn, Director

INTER-OFFICE COMMUNICATION Office of Environmental Services

TO: Doug Gruver, District 8 Deputy Director **Date:** July 2, 2026
Attn: Anthony Pankala, District Environmental Coordinator

FROM: Tim Hill, Administrator-Office of Environmental Services
SUBJECT: Section 4(f) Determination
RE: BUT-North Hamilton Crossing PID 115755

A Section 4(f)/6(f) Determination Request Form for Recreational Properties (DRF) was submitted to ODOT-OES Policy Staff on May 22, 2026. ODOT's Office of Environmental Services (OES) requested revisions and the DRF was revised and resubmitted on June 22, 2026. ODOT-OES requested minor revisions, and the final document was submitted on July 1, 2026. Based upon review of the DRF, the following determinations were made:

Beltline Recreational Trail:

A *de minimis* impact will occur to the Beltline Recreational Trail in accordance with 23 CFR 774. The determination was made based on the proposed scope of work and concurrence received from the Officials with Jurisdiction (OWJ) regarding the assessment of impacts that are included on the DRF. No further Section 4(f) coordination is required at this time. A reevaluation of Section 4(f) impacts may be required if changes to the proposed scope of work alter the degree of impact to Beltline Recreational Trail. Furthermore, all appropriate environmental commitments related to measures to minimize harm and/or resulting mitigation must be listed accordingly in the environmental document.

Great Miami River Trail (GMRT):

A *de minimis* impact will occur to the Great Miami River Trail in accordance with 23 CFR 774. The determination was made based on the proposed scope of work and concurrence received from the Officials with Jurisdiction (OWJ) regarding the assessment of impacts that are included on the DRF. No further Section 4(f) coordination is required at this time. A reevaluation of Section 4(f) impacts may be required if changes to the proposed scope of work alter the degree of impact to Great Miami River Trail. Furthermore, all appropriate environmental commitments related to measures to minimize harm and/or resulting mitigation must be listed accordingly in the environmental document.

Great Miami River Water Trail:

The proposed impacts can be processed as an exception to the requirement for Section 4(f) approval with regards to impacts to the Great Miami River Water Trail. In accordance with 23 CFR 774.13(d), the

temporary occupancy of land and/or access will not constitute a use upon the protected recreational activities, features, or attributes associated with the Great Miami River Water Trail. The determination was made based on the proposed scope of work and concurrence received from the Official with Jurisdiction (OWJ) regarding the assessment of impacts that are included in the DRF.

No further Section 4(f) coordination is required at this time. A reevaluation of Section 4(f) impacts may be required if changes to the proposed scope of work alter the degree of impacts to the Great Miami River Water Trail. Furthermore, all appropriate environmental commitments related to measures to minimize harm and/or resulting mitigation must be listed accordingly in the environmental document.

Moser Park:

Approximately 0.1-acre of right-of-way acquisition is expected along the southwestern edge of the park 0.48-acre park. Construction will also require the demolition of a small shelter, fencing, landscaping, signage, play equipment, and temporary removal of a small memorial rock. Based on the measures to minimize harm discussed in the DRF and concurrence received from the Officials with Jurisdiction (OWJ), the impact is expected to meet the criteria for the *Programmatic Evaluation for Transportation Projects that Have a Net Benefit to a Section 4(f) Property*.

Based on the measures to minimize harm included in the DRF and agreed upon with the OWJ, ODOT has determined that the undertaking will provide a clear net benefit to the Section 4(f) resource, Moser Park. Benefits incorporated into the project include:

- The Contractor shall install construction fencing along proposed construction limits prior to start of construction activities or other means as directed by the Project Engineer to restrict access to Moser Park throughout construction of the NHX project in the vicinity of the park, a period expected to take approximately six months.
- The Contractor shall install signage to alert users of Moser Park of construction activities and access restrictions or closures. Informational signs formatted in accordance with the Ohio Manual on Uniform Traffic Control Devices (OMUTCD) W20-H14 shall be placed in locations near the park, as directed by the Project Engineer. The signs will be posted a minimum of 14 days ahead of the park closure as directed by the Project Engineer.
- The Contractor shall notify the Project Engineer (in writing) 30 days ahead of the park closure to ensure that the City Public Information Officer can issue any press releases and notify user groups.
- The City and Butler County Transportation Improvement District (BCTID) shall prepare an agreement document to be signed by Hamilton Parks Conservancy (HPC) stating that the project includes \$1.025 million, plus the costs to account for inflation between 2026 and the predicted build year, which will be provided to HPC for park improvements. The park improvements shall include expansion of the current park (with remnant property from the project), construction of a new shelter house, construction of a new 10-15 space parking lot on City-owned property adjacent to the park, the addition of new playground equipment and picnic area, new landscaping, replacement of the memorial rock, and signage, as shown on the attached Moser Park Concept Plan. HPC shall oversee the construction of the park improvements.
- Prior to project construction, the City and BCTID shall coordinate with the HPC

(in writing) to ensure that the park sign and memorial rock are safely stored during project construction.

- The City and BCTID shall provide approximately 0.45 acres remnant property to HPC to include in Moser Park resulting from residential takes on six adjacent properties.

Pursuant to Section 4(f) regulations at 23 CFR 774 and criteria laid out in the *Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property* ([Environmental Review Toolkit](#)), ODOT-OES concurs that:

- The project meets the applicability criteria for a Net Benefit Programmatic Evaluation:
 - The proposed transportation project uses Moser Park, a Section 4(f) resource.
 - The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.
 - The officials with jurisdiction over the Section 4(f) property have agreed in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.
 - ODOT has determined that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of the programmatic evaluation.
- All of the alternatives set forth in the Findings section of the Net Benefit Programmatic Evaluation have been fully evaluated.
- The findings in the DRF demonstrate a clear net benefit to Moser Park.
- The project complies with the Mitigation and Measures to Minimize Harm section of the Net Benefit Programmatic Evaluation.
- The coordination and public involvement efforts required have been successfully completed and written agreements obtained.
- The information that clearly identifies the basis for the above determinations and assurances has been documented in the DRF.

No further Section 4(f) coordination is required at this time. All appropriate environmental commitments related to mitigation and measures to minimize harm should be listed accordingly in the environmental document. Questions may be addressed to Erica Schneider at Erica.Schneder@dot.ohio.gov.

Gasbarro, Susan

From: Gasbarro, Susan
Sent: Thursday, January 22, 2026 10:35 AM
To: Oldershaw, Leigh
Cc: Hoffman, Larry; Schneider, Erica
Subject: Final - BUT-North Hamilton Crossing PID 115755 Section 4(f) De Minimis [Cultural]

Cultural Resource Section 4(f) BUT-North Hamilton Crossing PID 115755

This is an ODOT decision document. A copy has been uploaded to the EnviroNet project file. The Section 4(f) portion of the NEPA document should include the date of this email and the following paragraphs.

This email confirms a Section 4(f) De Minimis finding is applicable to the undertaking BUT-North Hamilton Crossing PID 115755; and the minor use of land from the National Register of Historic Places (NRHP) eligible properties: the Stone Tavern at 701 Greenwood Avenue (OHI#BUT0071609); and the residence at 905 Heaton Street (OHI#BUT0064609).

ODOT in cooperation with the project sponsors, the City of Hamilton and the Butler County Transportation District (BCTID), are proposing the North Hamilton Crossing (NHX) project to improve east-west connectivity north of State Route (SR) 129 in the City of Hamilton, Butler County. The project concept is the construction of a four-lane, boulevard-style road (two travel lanes in each direction) with a turn lane or landscaped median in the middle and a speed limit of 35 MPH. The project includes a sidewalk on one side of the street and a shared-use path on the other side. Bump-outs and crosswalks will be included at street corners to enhance pedestrian safety. As a result of consultation between the ODOT Office of Environmental Services (ODOT-OES) and the Ohio State Historic Preservation Office (SHPO) properties listed in or eligible for listing in the NRHP were identified within the area of potential effects of the preferred alternative. Measures to minimize effects to the historic properties were incorporated into project design. Based on these efforts, on December 23, 2025, ODOT-OES in accordance with 36 CFR 800.5(b) and the Section 106 Programmatic Agreement (*Agreement No. 38503*) executed June 29, 2023, determined a finding of “no adverse effect” is applicable to the project based on the following:

- The residence at 905 Heaton Street (OHI#BUT0064609) is eligible for inclusion in the NRHP. Temporary right-of-way (approximately 0.005 acres) and permanent right-of-way (approximately 0.005 acres) will be required from the historic boundary. No contributing features will be removed or altered by the project. The property known as 905 Heaton Street will not be adversely affected by the preferred alternative.
- The Stone Tavern at 701 Greenwood Avenue (OHI#BUT0071609) is eligible for inclusion in the NRHP. Temporary right-of-way (approximately 0.008 acres) and permanent right-of-way (approximately 0.02 acres) will be required from the historic boundary. No contributing features will be removed or altered by the project. The property known as 701 Greenwood Avenue will not be adversely affected by the preferred alternative.

- The Greenlawn Cemetery Historic District (NRHP 94000771) is listed in the NRHP. No land from the historic boundary will be required. No contributing features will be removed or altered by the project. The Greenlawn Cemetery Historic District will not be affected by the preferred alternative.
- The German Village Historic District (NRHP 90002216) is listed in the NRHP. No land from the historic boundary will be required. No contributing features will be removed or altered by the project. The German Village Historic District will not be affected by the preferred alternative.
- Hose House #5 (420 N. Ninth Street) (OHI# BUT0053509) is eligible for inclusion in the NRHP. No land from the historic boundary will be required. No contributing features will be removed or altered by the project. Hose House # 5 will not be affected by the preferred alternative
- Niles Tile Works (609 N. Third St/MLK Blvd) (OHI# BUT0096509) is eligible for inclusion in the NRHP. No land from the historic boundary will be required. No contributing features will be removed or altered by the project. Niles Tile Works will not be affected by the preferred alternative.

On January 5, 2026, the Ohio SHPO concurred that a finding of “no adverse effect” is applicable to the undertaking BUT-North Hamilton Crossing PID 115755 based on the following:

- The Stone Tavern at 701 Greenwood Avenue (OHI#BUT0071609) will not be adversely affected by the project. Minor land from within the historic boundary will be required, 0.008 acres temporary and 0.02 acres permanent. ODOT/OES intends to make a Section 4(f) De Minimis finding upon the Ohio SHPO concurrence with this finding.
- The residence at 905 Heaton Street (OHI#BUT0064609) will not be adversely affected by the project. Minor land from within the historic boundary will be required, 0.005 acres temporary and 0.005 acres permanent. ODOT/OES intends to make a Section 4(f) De Minimis finding upon the Ohio SHPO concurrence with this finding.
- No additional history/architecture resources listed in or eligible for listing in the NRHP will be affected by the project.
- Based on literature and field reviews, minimal to no potential exists for significant archaeological deposits in the preferred alignment.

In accordance with 23 CFR Part 774, a Section 4(f) De Minimis finding is applicable to the undertaking BUT-North Hamilton Crossing (PID 115755) and the NRHP eligible properties located at 701 Greenwood Avenue (OHI#BUT0071609) and 905 Heaton Street (OHI#BUT0064609). No contributing features of NRHP eligible properties, 701 Greenwood Avenue or 905 Heaton Street, will be removed or altered. ODOT-OES notified the Ohio SHPO of their intent to apply a Section 4(f) De Minimis finding upon concurrence that the historic properties will not be adversely affected by the project. A Section 4(f) finding of no use is applicable to the NRHP listed properties German Village Historic District (NRHP 83001947) and Greenwood Cemetery Historic District (NRHP 94000771); and the NRHP eligible properties, Niles Tile Works (OHI#BUT0096509), and Hose House #5 (OHI#BUT0053509). No contributing features of the historic properties will be removed or altered by the project.

Thank you
Susan

Susan Gasbarro, MA

History Architecture Team Leader

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