

**National Park Service
U.S. Department of the Interior**



**Fort Frederica National Monument
St. Simons Island, Georgia**

**FORT FREDERICA NATIONAL MONUMENT BOUNDARY STUDY &
ENVIRONMENTAL ASSESSMENT**

**Finding of No Significant Impact
September 2014**

The selected alternative does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS). The selected alternative will not have a significant effect on the human environment. Some slight long-term adverse impacts will likely occur, but will not be significant. Most impacts will be long-term and beneficial. There are no unmitigated adverse impacts on archeological resources, cultural landscapes, soils, wetlands, vegetation, visitor use and experiences, or park operations. No highly uncertain or controversial impacts, unique or unknown risks, cumulative effects, or elements of precedent were identified. Implementation of the selected alternative will not violate any Federal, State, or local environmental protection laws.

Based on the forgoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended: *Mary Beth Wester* *9/18/14*
Mary Beth Wester, Superintendent Date
Fort Frederica National Monument

Approved: *Stan Austin* *9/24/14*
Stan Austin Date
Regional Director, Southeast Region

INTRODUCTION

In August 2014, the National Park Service (NPS) issued an Environmental Assessment (EA) analyzing impacts associated with a boundary study for a proposed expansion of the Fort Frederica National Monument (monument) boundary to incorporate additional lands lying adjacent to and nearby but outside of the existing boundary of the monument. The EA evaluated alternatives for expanding the boundary to take in certain other nearby properties that have important resources related to the purpose of the monument. The EA analyzed, in particular, the impacts that expanding the monument could have on the natural, cultural, and human environment.

The purpose of this document is to record the decision of the NPS and to declare a Finding of No Significant Impact (FONSI) pursuant to the Council on Environmental Quality's (CEQ) regulations for implementing the National Environmental Policy Act Of 1969 (NEPA).

Background

Public Law 74-617 established Fort Frederica National Monument on St. Simons Island, Georgia, on May 26, 1936. The original Act limited the site to 80 acres and authorized the Secretary of the Interior “to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of the said national monument...” It also authorized acceptance of donations of funds for the purchase of tracts of land within the boundary of the monument. Congress, through Public Law 81-793, amended the establishing legislation on September 20, 1950, to increase the authorized boundary from 80 acres to 100 acres. On May 16, 1958, Congress approved Public Law 85-401, which increased the authorized boundary from 100 acres to 250 acres and directed the Secretary of the Interior to acquire, “by purchase, condemnation, or otherwise,” the Battle of Bloody Marsh memorial site on St. Simons Island. Furthermore, Public Law 85-401 authorized and directed the acquisition of additional marshland acreage subject to the 250-acre limitation, across the Frederica River to the west of Fort Frederica National Monument for additional protection of the historic scene. The NPS acquired another 28 acres of land for the monument, including river frontage, on the south side of the town site in 1994. Subsequently, on November 30, 2004, Congress passed Public Law 108-417, authorizing the Secretary of the Interior to exchange approximately six acres of national monument land adjacent to the boundary with Christ Church of St. Simons Island for 8.7 acres of land across Frederica Road to the northeast of the entrance to the monument. The land exchange took place in 2007.

The purpose of the monument is to preserve and protect the historical, archeological, and scenic resources associated with colonial Frederica and to use those resources to educate, interpret, explain, and illustrate the role of Fort Frederica in American history. Fort Frederica National Monument preserves the remains of a fortified town established and laid out by Governor James Oglethorpe in 1736 to defend against invasion from the Spanish colonies in Florida. In addition to the fort and township site, the boundary includes the Bloody Marsh Battle Site, located six miles south of the Fort Frederica National Monument headquarters and visitor center, and the Oglethorpe site, located north of the main park boundary. In addition to the ruins of the fort and remains of foundations of the town's residences, development at Fort Frederica National

Monument includes a visitor center, museum, administrative, and training complex, maintenance buildings, a curatorial building, monuments, roads, and parking lots. The Bloody Marsh Battle site contains a parking lot, an interpretive shelter, and a granite memorial donated by the Georgia Society of the Colonial Dames of America. The Oglethorpe site is undeveloped and contains the ruins of a residence from the Frederica time period.

The following is a summary of the primary features of the Fort Frederica National Monument and the reasons it was established:

- Fort Frederica represents one phase of our nation's early colonial history. It was one of the earliest English settlements that later became a part of the State of Georgia.
- The three sites that compose the park demonstrate the intensity of the competition between the three most powerful nations on earth at the time (Britain, France, and Spain) for domination of the new world and its resources.
- Frederica Town was a prosperous community of homes whose residents were the tradesmen and farmers who supplied the garrison stationed there in much the same way that communities surrounding large military installations today provide goods and services for those installations upon which they depend for their prosperity.
- In 1739, Britain and Spain entered a state of war that eventually involved Fort Frederica. General James Oglethorpe's unsuccessful attempt to take Spanish St. Augustine in 1740 was answered in 1742 when the Spanish Governor of Florida attempted to capture and destroy Fort Frederica. Oglethorpe's troops routed the invaders in two separate skirmishes at Gully Hole Creek and Bloody Marsh.
- There have been at least 40 archeological investigations at Fort Frederica since the 1940's. Many of the excavated sites have been left exposed as interpretive exhibits, with some stabilization accomplished to protect the features.
- Earthworks that formed part of the town's defenses are still in evidence though greatly reduced in size and softened in shape by time.
- Fort Frederica National Monument served as an innovative and successful example of "Parks as Classrooms".
- Fort Frederica's coastal location and historical isolation have bestowed upon it natural resources worthy of note and protection, including upland pine and mixed hardwood forest and marsh habitat types.

Purpose and Need for the Project

The primary objective of the proposed boundary expansion is to allow for the further protection of cultural resources through the adjustment of boundaries and subsequent preservation of land containing significant resources related to the purpose of Fort Frederica National Monument. The areas to be included in the boundary expansion would be protected with the primary

objective of preserving and interpreting historical, archeological, and scenic (viewshed) resources related to the purposes of the monument. Legislation is required to expand the authorized boundary and remove the 250-acre ceiling established by Congress in 1958.

The 2002 General Management Plan and Environmental Impact Statement identified the need to work to achieve protection of nearby related sites through boundary adjustments or legislatively authorized land acquisition. Figure 1 shows the study area.

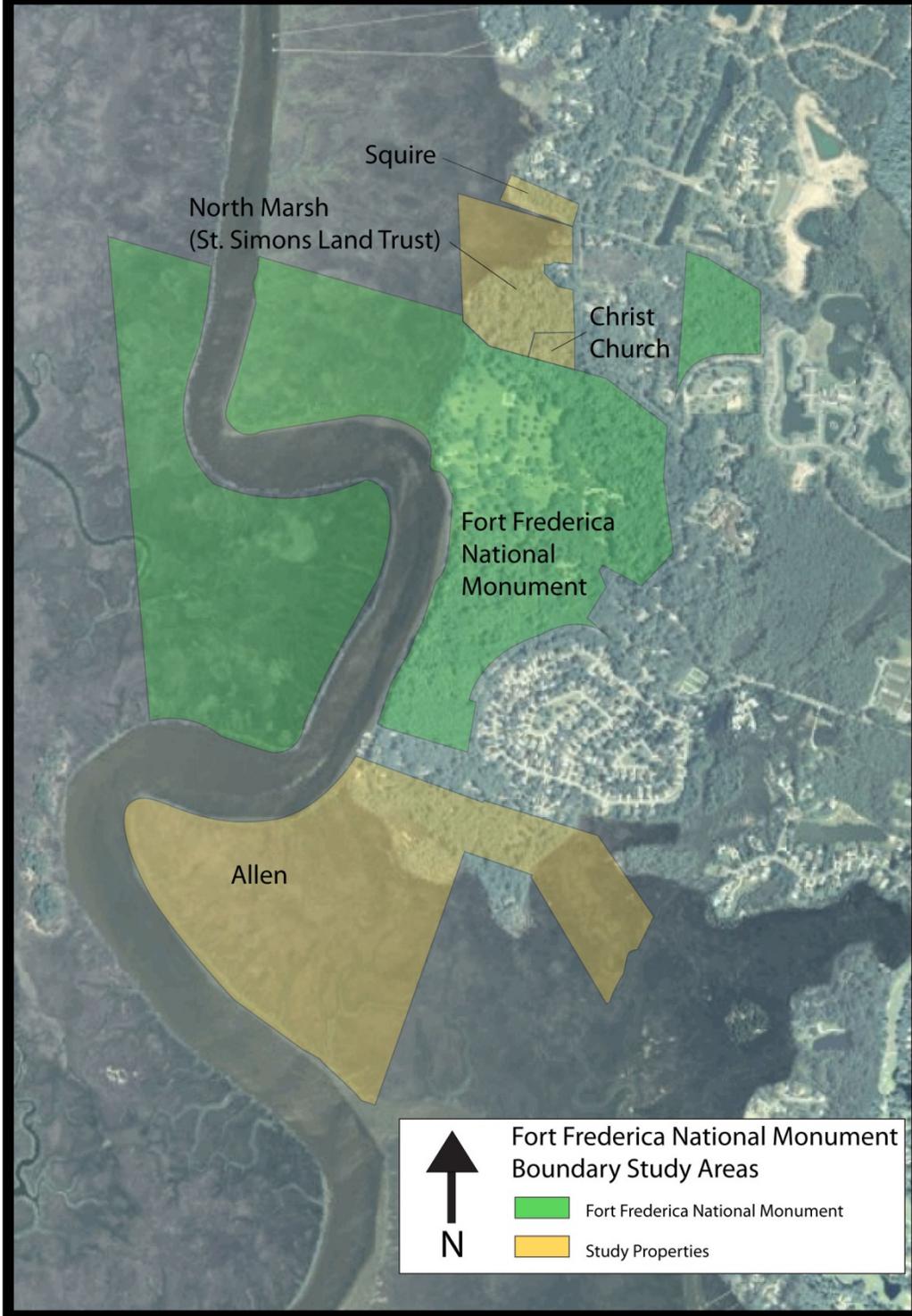


FIGURE 1. STUDY AREA

Properties Evaluated for Inclusion

There are two areas identified for inclusion in the adjusted boundary for the monument. The first area (Northern), located adjacent to the northern boundary, is comprised of three properties totaling approximately 26 acres: North Marsh, Christ Church, and Squire. The second area (Southern), located to the south of Fort Frederica National Monument, is comprised of the Allen property (formerly referred to as the Stevens Estate) totaling approximately 147 acres. Both the Northern and Southern areas are generally undeveloped and consist of wetlands and forests.

Northern Area:

Name: North Marsh
Owner: St Simons Land Trust
Acreage: 20.852

Name: Squire
Owner: Squire
Acreage: 3.248

Name: Christ Church
Owner: Christ Church Episcopal
Acreage: 2.0

Southern Area:

Name: Allen
Owner: Allen
Acreage: 147.0

Boundary Study Criteria

The boundary study examined the cultural, historic, and natural significance of the parcel groups to determine whether properties or portions of properties were appropriate for inclusion in the monument. The study evaluated the properties according to criteria set forth originally in the 1991 NPS Boundary Criteria document (NPS 1991b) and clarified in Section 3.5 of the NPS *Management Policies 2006* (NPS 2006). For a property to be included in a boundary expansion, at least one of three criteria must be met. The inclusion of the property must:

- protect significant resources and values, or enhance opportunities for public enjoyment related to park purposes;
- address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic features or roads; or
- otherwise protect park resources that are critical to fulfilling park purposes (NPS 2006).

Any lands found suitable under the foregoing criteria must further meet the following two requirements:

- The added lands will be feasible to administer, considering size, configuration, and ownership; costs; the views of and impacts on local communities and surrounding jurisdictions; and other factors such as the presence of structures, hazardous substances, or nonnative species.
- Other alternatives for management and resource protection are not adequate (NPS 2006).

Summary of Results

Based on application of the NPS expansion criteria, all of the study properties have been found to be suitable and feasible for addition to the monument. For a full discussion of how individual properties meet the expansion criteria, please refer to the text of the boundary study and EA.

All of the study properties met all of the criteria except for address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic features or roads. Each of the other two optional criteria and two mandatory criteria were met.

Alternatives Considered

The NPS considered two alternatives in the EA process: one action Alternative and a “no-action” alternative. Under the no action alternative, the monument boundaries would remain as they are, and no property would be added, either by donation or through the use of appropriated funds. In contrast, the action alternative would expand the monument boundary by approximately 173 acres. The expanded boundary would include all lands that the boundary study has found suitable and feasible for inclusion in the national monument.

These two alternatives are more fully summarized as follows:

Alternative A – No Action (Retain Current Monument Boundaries)

Under this alternative, the Fort Frederica National Monument boundary would remain unchanged. Under this scenario, the future long-term uses of the two areas under consideration remain uncertain. One of the four properties within these areas (North Marsh) is owned by the St. Simons Land Trust (SSLT). If the NPS were not to acquire the property, the SSLT would seek out other entities in which to sell with the intention of preserving the land, however, no guarantees would be made. One possibility for the North Marsh property is for Glynn County to purchase the land and develop it as a county park with facilities such as playing fields, picnic and playground equipment, and associated comfort facilities. The other three properties (Squire, Christ Church, and Allen) are privately owned. The owners will most likely sell their properties to private owners or developers and the likelihood that the properties would be developed for commercial or private use is high.

Alternative B – Adjust Fort Frederica National Monument Boundary to Include the Northern and Southern Areas (Preferred Alternative)

This Alternative is the NPS-preferred Alternative. Under Alternative B, the Fort Frederica National Monument boundary would be expanded to incorporate two additional areas totaling

approximately 173.1 acres, and permit the acquisition of these areas from willing sellers. The owners of these areas (comprised of four properties; the North Marsh, Christ Church, Squire, and Allen) have already identified themselves as willing sellers. The SSLT owns the North Marsh property. The Squire, Christ Church, and Allen properties are privately owned. The Squire and Allen properties were recently purchased.

Under this Alternative, Fort Frederica National Monument would continue to protect and maintain resources and offer visitor programs. Fort Frederica National Monument would acquire, manage, and interpret the Northern and Southern areas to ensure their preservation and enhance opportunities for public enjoyment by: 1) preserving areas that were once a part of the Town of Frederica for research and interpretation; 2) providing new ways to engage the public and tell the story of Fort Frederica and the township; and 3) preserving the scenic resources associated with colonial Frederica.

The environmental consequences of the two alternatives were assessed using the following impact topics:

- Cultural Landscape;
- Archeological Resources;
- Soils;
- Vegetation;
- Wetlands;
- Visitor Use and Experience; and
- Park Operations.

Part three of the EA provides a detailed description of the environmental consequences of each alternative.

Alternatives Considered but Dismissed

The park considered a few configurations associated with the proposed expansion. Acquisition of properties between the Allen property and the current southern boundary of the park was considered, but it was determined that the properties had development on them that was undesirable to the NPS and was cost prohibitive. In addition, acquisition of the “Cannon’s Point” property was considered, but it was determined that it would not protect resources or values vital to the purpose of the park and was cost prohibitive.

Selected Alternative

After review of the alternatives and consideration of comments received from the public, various agencies, and interested stakeholders, the NPS has chosen alternative B as the selected alternative. The NPS has selected alternative B for implementation because it would best fulfill the NPS’ statutory mission and responsibilities and protect important archeological, cultural, and scenic resources associated with the purpose and values of the monument. In addition, the resources within the expanded boundary would be better protected than under private, state, or

local government ownership, because the federal laws protecting archeological resources are stronger.

Avoidance, Mitigation, and Minimization of Potential Adverse Effects of the Selected Alternative

Due to the nature of the project, which involves recommendations for legislative changes in the Monument's boundaries and no land or resource disturbing activities, no measures to avoid, mitigate, or minimize potential adverse effects were considered, other than ensuring that land within the selected alternative meets required criteria for boundary expansion. For the selected alternative B, should Congress expand the Monument's boundary, future acquisitions of property would follow standard practices used when the federal government, and the National Park Service in particular, pursues real estate actions.

Environmentally Preferable Alternative

Of the two original alternatives described above, alternative B was identified as environmentally preferred in the EA, because it would increase protection of existing monument resources, and protect additional resources surrounding the existing monument boundaries. The NPS hereby determines that the selected alternative (alternative B) is the environmentally preferable alternative.

The environmentally preferable alternative is determined by applying the definition provided in the Department of Interior NEPA regulations, 43 CFR 46.30, which is "the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources".

Alternative B is the environmentally preferable alternative because it offers the best protection, preservation, and enhancement of the Northern and Southern area's historic, cultural, and natural resources. This Alternative would provide long-term management and protection of the Northern and Southern areas' historic and cultural resources by the NPS; enhance the preservation and protection of the cultural and natural resources of Fort Frederica National Monument; and increase public understanding and appreciation of the resources of the fort and township, particularly as related to the historical, archeological, and scenic resources associated with colonial Frederica and the role of Fort Frederica in American history.

Why the Selected Alternative Will Not Have a Significant Effect on the Human Environment

Consideration of the effects described in the EA, and a finding that they are not significant, is a necessary and critical part of this FONSI, as required by 40 CFR §1508.13. Significance criteria are defined in 40 CFR § 1508.27. These criteria direct NPS to consider direct, indirect, and cumulative impacts of the proposed action, as well as the context and intensity of impacts:

Impacts that may be both Beneficial and Adverse

Under the selected alternative, implementation of Alternative B would have beneficial impacts on historic sites, potential cultural landscapes, and archeological resources through the protection that research and documentation of these resources in accordance with the National Historic Preservation Act would afford. Soils on each property could be disturbed by future minor development through construction of limited trails and wayside exhibits, and trampling from visitor use pending future planning and environmental analysis. Wetlands would be avoided and would not be filled for development, however boardwalks and/or viewing platform(s) may be constructed to provide visitors access to the site(s). If a boardwalk were used, the NPS would prepare a wetland statement of findings as part of environmental impact analysis, if necessary (RM 77-1, Wetlands Protection). Impacts to soils and wetlands would range from negligible to moderate, adverse, depending on the level of future development of each site. Impacts to vegetation could be negligible to moderate, adverse, over all sites if future plans involve fencing, limited trails, and wayside exhibits, but any future development would be analyzed in further plans and impact analysis. Based on the protection of cultural and natural resources on each property, the acquisition of each site by the NPS would result in long term, direct, beneficial impacts on visitor experiences. The protection of resources on the site and preserving the scenic resources that the colonial inhabitants knew would protect the viewshed, improve interpretation of historic events, and enhance overall visitor experiences to the park. Park staff would have the added responsibility of protecting, maintaining, and interpreting the new properties acquired. The additional effort required for these responsibilities would have a negligible effect on park operations, as the development of the sites would be limited and personnel support would be provided for by existing staff, volunteers, and community organizations. None of the impacts listed would be significant.

Degree of Effect on Public Health and Safety

Under the selected alternative, the monument boundary would be expanded. There would be no effect on public health and safety.

Unique Characteristics of the Geographic Area such as Proximity to Historic or Cultural Resources, Park Lands, Prime Farmlands, Wetlands, Wild and Scenic Rivers, or Ecologically Critical Areas

The selected alternative would involve the acquisition of lands containing known archeological resources and would protect the monument's current cultural resources. These lands also include wetlands, wildlife, and wildlife habitat. The acquisition of the additional lands would protect these resources, resulting in beneficial impacts, and preventing significant adverse impacts.

Based on the EA findings, it has been determined that implementation of the selected alternative would result in mostly beneficial impacts, and there would not be significant adverse impacts to unique characteristics in the immediate vicinity or regionally.

Degree to which Effects on the Quality of the Human Environment are Likely to be Highly Controversial

There is no substantial dispute as to what the effects of the selected alternative are likely to be, assuming Congressional action to expand the monument and that adequate funding is secured to implement the alternative. Further, the monument received overwhelmingly positive comments in favor of the proposed expansion during the comment period. Therefore, the effects from the selected alternative are not likely to be highly controversial.

Degree to which the Possible Effects on the Human Environment are Highly Uncertain or Involve Unique or Unknown Risks

The effects of the selected Alternative are relatively straightforward and easily predicted. Additional historical, archeological, and scenic resources would be brought into federal ownership and protection. The NPS has determined that with respect to these actions, the extent and degree of uncertainty regarding impacts or unique or unknown risks is not significant.

Degree to which the Action Establishes a Precedent for Future Actions with Significant Effects or Represents a Decision in a Principle about a Future Consideration

Nothing in the proposed action establishes a precedent that would result in significant effects in the management of Fort Frederica National Monument or any other areas in the national park system.

Whether the Action is Related to Other Actions with Individually Insignificant but Cumulatively Significant Impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact to the environment.

Under the selected alternative, there would be beneficial long-term, cumulative effects for cultural landscapes and archeology because existing historic resources would be interpreted and protected through the expansion of the Park boundary. The long-term cumulative effects to visitor experience would be beneficial, supporting the Park's interpretive program through educational opportunities at the newly acquired sites. The long-term cumulative effects to operations when added to current maintenance activities would be negligible to minor, as there may be some maintenance needs at the new sites to support visitation at the sites. Activities might include patrols, trail maintenance (if limited trails were constructed), and maintenance of wayside areas. Under Alternative B, when added to current impacts the long-term cumulative effects to soils, wetlands, and vegetation would be beneficial, as development of the sites would be limited to waysides and potential limited trails and the sites would be protected from large scale development from park ownership and management and the sites would become part of the park's exotic plant management program. Therefore, there are no significant cumulative adverse impacts associated with the selected alternative.

Degree to which the Action may Adversely Affect Districts, Sites, Highways, Structures, or Objects Listed or Eligible for Listing in the National Register of Historic Places (NRHP) or may Cause Loss or Destruction of Significant Scientific, Cultural or Historic Resources

Under Section 110 of the NHPA, the NPS, as a federal land-holding agency, is required to identify, inventory, and nominate properties to the National Register of Historic Places, and to exercise caution to protect such properties (16 U.S.C. § 470). Section 106 of the NHPA requires the agency to consider the effects of its actions on National Register-listed or eligible properties. There is potential for archeological sites to occur within the expansion boundary of the selected alternative. These resources would be accorded additional protection with the implementation of the selected alternative. No historic structures would be affected.

In compliance with Section 106 of NHPA, the NPS has determined that the selected expansion alternative will have no adverse effects on historic properties, as defined in 36 CFR Part 800.5(d)(1). In a letter dated August 28, 2014, the Georgia State Historic Preservation Officer (Georgia Historic Preservation Division) concurred with the findings in the EA of No Adverse Effect on historic properties within the Area of Potential Effect from the preferred (selected) alternative.

Degree to which the Action May Affect a Threatened or Endangered (T&E) Species or Critical Habitat

Review of state and federal species lists and examination of species found in Glynn County took place to identify the possible presence of T&E species or potential habitat for these species. Ten (10) federally listed species have the potential to be found in the proposed expansion area detailed in the preferred (selected) alternative. The preferred (selected) alternative would protect habitat for all wildlife species found in the expansion area, and would not affect behavior, breeding, foraging, or resting grounds for any species, resulting in beneficial impacts. Therefore, the NPS dismissed this impact topic from detailed consideration in the EA. The specific finding under Section 7 of the Endangered Species Act is “no effect.”

Whether the Action Threatens a Violation of Federal, State, or Local Law or Requirements Imposed for the Protection of the Environment

The selected alternative does not threaten a violation of any Federal, State, or local law or requirement imposed for the protection of the environment.

Impairment

A non-impairment analysis is attached hereto as Appendix B.

Public Involvement

Scoping for the study included both internal and public scoping. Internal scoping included staff from the monument, the NPS Southeast Regional Office, and other members of the project team; there was also an extensive tour of the properties in the study area. Monument staff reached out to owners of the properties in the study area informing them of the study, explaining what an expansion would mean to property owners in an expanded boundary, inviting them to participate in the public scoping process, and gauging their interest in having their properties be considered in the study.

Three public scoping sessions took place in June of 2008 to discuss the process, timeline, and national criteria to be considered when conducting a boundary study. Twenty-two residents and representatives of interested groups attended these meetings. The public response was positive and all were curious about the federal process. Newspapers across the United States carried a story from the Associated Press and Georgia Public Radio aired an interview with the Superintendent.

The EA was released for public review in August 2014. The availability of the EA was announced through local and regional news media, targeted mailings to stakeholders and through the NPS Planning, Environment, and Public Comment (PEPC) website at <http://parkplanning.nps.gov/fofr>. A public meeting on the Draft EA was held on August 28, 2014 at the Visitors Center at the monument, in St. Simons Island, Georgia. Landowners whose properties are included in the boundary expansion areas were invited to attend a pre-meeting prior to the public meeting times. The meeting was an open house format, with the same presentation being given three times by the study project manager during the open house. Approximately 27 people attended.

Approximately 54 comments were received by the NPS during the EA comment period, including the comments received at the public meeting. Comments received were almost entirely in favor of Alternative B (NPS' preferred alternative), with two comments against.

The majority of comments were from individual citizens. Comments were also submitted by the Georgia Department of Natural Resources-Historic Preservation Division. The Coastal Georgia Greenway, Inc., St. Simons Land Trust, Southeast Adventure Outfitters, and Golden Isles Convention and Visitors Bureau all expressed support for the project.

Comments outlined objections to Alternative B due to concerns over management and proposed that the NPS acquire additional lands. Responses to comments for the EA are attached to this FONSI as Appendix C.

Conclusion

The selected alternative for the Fort Frederica National Monument Boundary Study and Environmental Assessment (Alternative B) does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS). The selected alternative will not have a significant effect on the environment. Some short-term adverse impacts to park management and

operations and some long-term adverse soil impacts will likely occur, but these will be negligible and not significant. Most impacts will be long-term and beneficial. There are no unmitigated adverse impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the NRHP or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, cumulative effects, or elements of precedent were identified. Implementation of the monument boundary expansion will not violate any federal, state, or local environmental protection laws. Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

APPENDIX A

**CORRESPONDENCE
FROM
GEORGIA DEPARTMENT OF NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION**



HISTORIC PRESERVATION DIVISION

MARK WILLIAMS
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

August 28, 2014

Mary Beth Wester
Superintendent
Fort Frederica National Monument
6515 Frederica Road
St Simons Island, Georgia 31522

**RE: Fort Frederica National Monument: Management Plan/EA for Boundary Study
Glynn County, Georgia
HP-080930-008**

Dear Ms. Wester:

The Historic Preservation Division (HPD) has reviewed the information submitted concerning the above referenced project. Our comments are offered to assist the National Park Service and Fort Frederica National Monument (NM) in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

HPD has reviewed the draft boundary study and environmental assessment dated August 2014. Based on the information contained in the report, HPD concurs that the proposed Alternative B, which is identified as the preferred alternative, will have no adverse effect to historic properties within its area of potential effects (APE), as defined in 36 CFR Part 800.5(d)(1). Prior to fence installation or demolition of structures, HPD recommends systematically surveying for both archaeological and structural resources, should the property be acquired. The resulting surveys, and work proposed, should be reviewed by our office under the 2008 Nationwide Programmatic Agreement.

Thank you for providing an opportunity for HPD to comment on the boundary expansion proposal. Please refer to project number **HP-080930-008** in any future correspondence on this project. If we may be of further assistance, please do not hesitate to contact me at jennifer.dixon@dnr.state.ga.us or (404) 651-6546.

Sincerely,

Jennifer Dixon
Program Manager
Environmental Review & Preservation Planning

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APPENDIX B

IMPAIRMENT ANALYSIS

IMPAIRMENT DETERMINATION

The Prohibition on Impairment of Park Resources and Values

NPS Management Policies 2006, Section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the Nation Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

What is Impairment?

NPS Management Policies 2006, Section 1.4.5, What Constitutes Impairment of Park Resources and Values, and Section 1.4.6, What Constitutes Park Resources and Values, provide an explanation of impairment.

Impairment is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.

Section 1.4.5 of Management Policies 2006 states:

An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Per Section 1.4.6 of Management Policies 2006, park resources and values that may be impaired include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessionaires, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park, but this would not be a violation of the Organic Act unless the NPS was in some way responsible for the action.

How is an Impairment Determination Made?

Section 1.4.7 of Management Policies 2006 states, "[i]n making a determination of whether there would be an impairment, an NPS decision maker must use his or her professional judgment. This means that the decision-maker must consider any EAs or environmental impact statements required by the National Environmental Policy Act of 1969; consultations required under Section 106 of the National Historic Preservation Act (NHPA); relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.

Management Policies 2006 further define "professional judgment" as "a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account the decision-maker's education, training, and experience; advice or insights offered by subject matter experts and others who have relevant knowledge and experience; good science and scholarship; and, whenever appropriate, the results of civic engagement and public involvement activities relation to the decision.

Impairment Determination for the Selected Alternative

This determination on impairment has been prepared for Alternative B, the selected alternative, in the EA for the Boundary Study for Fort Frederica National Monument. An impairment determination is made for all resource impact topics analyzed for the selected alternative. An impairment determination is not made for recreational and educational experiences and

socioeconomics because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

The NPS has determined that implementation of the selected alternative will not result in impairment of park resources and values at Fort Frederica National Monument. In reaching this determination, the plan/EA was reviewed to reaffirm the park's purpose and significance, resource values, and resource management goals and desired future conditions. Based on a thorough analysis of the environmental impacts described in the plan/EA, the public comments received, and the application of the provisions of the NPS Management Policies 2006, the NPS concluded that the implementation of the selected alternative will not result in impairment of any of the resources and values of Fort Frederica National Monument.

Findings on Impairment for Archeology and Cultural Landscapes

Under the selected alternative (alternative B), archeological sites and cultural landscapes currently within the monument would be provided additional protection from the addition to the park of land around the monument. Protection of archeological sites within the current monument boundaries would receive greater protection because more of this resource would be protected by the expansion.

The selected alternative would **not impair** archeological and cultural landscapes because there would be more protection of these resources in the park under the selected alternative, resulting in long-term benefits to archeological and ethnographic resources.

Findings on Impairment for Soils and Wetlands

Under the selected alternative, the monument would be expanded to include the lands north and south of the current boundary. The marshlands, wetlands, and soils in these areas are associated to those that are within the monument boundaries, thus providing both direct and indirect benefits to wetlands within the existing monument due to the protection that would be afforded by those lands becoming part of the monument.

The selected alternative would **not impair** soils and wetlands; both direct and indirect impacts to wetlands in the park under this alternative would be beneficial.

Findings on Impairment for Vegetation

Under the selected alternative, the monument would be expanded to include the lands north and south of the current boundary. The vegetation in these areas are a continuation of what is within the monument boundaries, thus providing both direct and indirect benefits to vegetation within the existing monument due to the protection that would be afforded by those lands becoming part of the monument. The scenic resources associated with a larger area of protected vegetation would be beneficial and long-term.

The selected alternative would **not impair** vegetation; both direct and indirect impacts to wetlands in the park under this alternative would be beneficial.

APPENDIX C

ENVIRONMENTAL ASSESSMENT

RESPONSE TO PUBLIC COMMENTS

FORT FREDERICA NATIONAL MONUMENT BOUNDARY STUDY AND ENVIRONMENTAL ASSESSMENT

RESPONSE TO COMMENTS

As required by the National Park Service (NPS) Director's Order No. 12, the NPS has responded to all substantive comments submitted on the document entitled "Fort Frederica National Monument Boundary Study and Environmental Assessment".

Substantive comments from various individuals and organizations have been consolidated in this document. Director's Order No. 12 defines a "substantive" comment as one that does one or more of the following:

- Question, with reasonable basis, the accuracy of the information in the EA.
- Question, with reasonable basis, the adequacy of the environmental analysis in the EA.
- Present reasonable alternatives other than those presented in the EA.
- Cause changes or revisions in the proposal.

Approximately 54 comments were received by the NPS during the EA comment period. The majority of the comments received were not substantive as they are statements of support for the selected alternative (Alternative B) and do not meet the Director's Order No. 12 definition of substantive. However, two comments were received that do meet the definition of substantive and the comments, with NPS' response, are set forth below.

For purposes of this document, the actual wording of the commenter(s) has been used wherever feasible. Some comments have been paraphrased for brevity. Where the same or similar comment has been raised by multiple commenters, NPS has responded only once.

1. Current staffing levels are not adequate to insure convenient and safe access by the public. Thus a proposal to more than double the accessible acreage (non-marsh acreage) would seem unreasonable from the get go.

Administrative and visitor functions are already in operation at FOFR and provide the full scope of activities and functions to accomplish management objectives and meet requirements in law enforcement, emergency services, public health and safety, science, resource protection and management, maintenance, visitor services, interpretation and education, community services, utilities, housing, and fee collection. In addition to full-time staff, the park also has volunteers who support the park's operations on a year-round basis. The expanded boundary would contain properties that are either directly adjacent or proximate to the current park boundary, which poses much less operational needs and expenses than having lands at greater distances away from the core park areas. The administrative and visitor functions could be expanded easily into these adjacent lands.

The properties in the expanded areas can be readily incorporated into many of the regular maintenance and management activities occurring at the park without added operational or personnel costs. Development of the sites within the expanded boundary would be minimal and in the form of limited trails and wayside exhibits, which would be provided for by project or grant funding and personnel support provided for by existing staff, volunteers, and community organizations. The additional effort required for these responsibilities to manage for the expanded lands would have a negligible effect on park operations.

2. The National Park Service should acquire the hundreds of acres of marshland in the viewshed of the tiny park overlooking Bloody Marsh, where the final contest between England and Spain took place. It is not only easily accessible, but has a more affordable assessed value.

Two commenters suggested that the marsh areas surrounding the current Bloody Marsh unit of Fort Frederica National Monument be added to the proposed boundary as an additional alternative. These changes would allow the park to acquire (subject to Congressional authorization and funding) additional scenic lands surrounding the Bloody Marsh unit. Such a large amount of acreage, albeit marshlands, that is not adjacent to the core park areas would not be feasible for the NPS to administer. In addition, the NPS is unsure of the significance of the resources in this area other than the scenic resources and values. The Bloody Marsh unit is a commemorative location and it is unknown where the exact location of the battle of Bloody Marsh occurred. Being that it is marshland, it cannot be developed, even under private ownership, and is essentially protected by state law; therefore not warranting additional protection by the NPS for scenic resources at this time. For these reasons, the NPS has reviewed this suggested change, but has declined to alter the proposed boundary study to include these properties.