



COMMONWEALTH of VIRGINIA

Department of Historic Resources

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June 6, 2012

Noel G. Harrison
Manager of Easements
Fredericksburg and Spotsylvania Battlefields Memorial National Military Park
120 Chatham Lane
Fredericksburg, VA 22405

Re: Subdivision of a 43.67 Acre Parcel at 8888 West Jack Jouett Road
Green Springs National Historic Landmark District
Louisa County, Virginia
DHR File No. 2012-0706

Dear Mr. Harrison:

Thank you for your letter of May 9, 2012 requesting our concurrence with your determination of No Adverse Effect for the proposed subdivision of a 43-acre parcel within the Green Springs National Historic Landmark District. We also appreciate receiving on June 1, 2012 the signed triple –x evaluation and signature page from the park’s PEPC system including the archaeological assessment prepared on April 12, 2012 by Dr. Matt Laird of the James River Institute for Archaeology, Inc. I regret to inform you that we cannot concur with your determination at this time.

The documentation provided indicates that the southern and longest side of the 45 acre parcel is adjacent to Hawkwood, a property individually listed on the National Register of Historic Places and a component of the Green Springs National Historic Landmark District, designated as “outstanding” in the “order of importance of the district”. The cluster of structures at Hawkwood occupies a lower ridge and is in direct view of the nearest boundary of the 43 acre parcel as well as the pair of higher wooded ridges within it. The nomination form for Hawkwood notes the importance of “its rural landscape setting intact and undisturbed by intrusive factors”.

It is our understanding that the National Park Service defines its undertaking as limited to the requested subdivision of the parcel. However, your letter notes that a total of four drainfields have been located and surveyed on the 43 acres, defined in the easement

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language as “permitted building sites”. These are assumed to mark the general location of planned dwellings for which permission would be asked of the National Park Service in the future. Your determination of No Adverse Effects is based on the easement’s requirement of a separate, future review of any specific building proposed. Yet, as you know, *adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be further removed in distance or be cumulative* (800.5(a)(2)). While the future protective measures discussed in your letter may potentially help to minimize the visual intrusion on Hawkwood, we do not see that adverse effects can be completely ruled out. In addition to the likely indirect effects on Hawkwood, and while we respect Dr. Laird’s opinions, we are not prepared to make a recommendation on the need for further identification of archaeological sites without a clear idea of the amount of ground disturbance likely. For this reason we are not able to see that effects can reasonably be determined at this time.

In our opinion, the path forward may be to develop a Programmatic Agreement to facilitate a phased process. May we suggest that we continue discussion of this issue? I would recommend a conference call with Jeffrey L. Durbin, the Section 106 Compliance Officer in the Washington Office. Mr. Durbin has a Service-wide perspective that may help us to reach a conclusion. I am copying Mr. Durbin on our response in the hopes that this approach may seem appropriate to you.

If you have any questions concerning our comments, please do not hesitate to contact me at (804)482-6088; e-mail ethel.eaton@dhr.virginia.gov. We look forward to working with you and the property owner to bring the Section 106 process on this project to a successful resolution.

Sincerely,



Ethel R. Eaton, Ph.D., Senior Policy Analyst
Division of Resource Services and Review

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