

**U.S. Department of the Interior
National Park Service, Northeast Region**

**FINDING OF NO SIGNIFICANT IMPACT
SITE TREATMENT PLAN
GEORGE WASHINGTON BOYHOOD HOME AT FERRY FARM
STAFFORD COUNTY, VIRGINIA**

INTRODUCTION

Located on the Rappahannock River, across from Fredericksburg, Virginia, the George Washington Boyhood Home Site at Ferry Farm (Ferry Farm) in Stafford County, Virginia is one of the three primary domestic residences of George Washington. The George Washington Boyhood Home National Historic Landmark, (NHL) holds the status of NHL because of its unique association with George Washington; its archeological resources that have yielded important new information about him and have demonstrated potential to yield additional data on his early years; and its specific associations with stories and traditions related to his youth. In addition to the archeological site of Washington's boyhood home, Ferry Farm encompasses a sizeable collection of known and unknown archeological resources related to Native American, colonial, and Civil War history.

The National Park Service (NPS) holds a conservation easement over the site; however, the property is owned and managed by the George Washington Foundation (GWF). As such, the GWF and the NPS have collaborated to develop the Site Treatment Plan (Plan) and have completed an Environmental Assessment (EA) to analyze actions and alternatives for NPS approval of the final Plan. The selected alternative adheres to the conditions of the NPS conservation easement, as described in Public Law 105-355 (Title V, Section 509, 112 Statute 3264), dated November 6, 1998.

The purpose of the Plan is to ensure the stewardship of cultural resources, ecological and operational sustainability, and support an authentic, relevant, and inspiring interpretive visitor experience. With this Plan, therefore, the GWF must enhance interpretation of the site resources and find means to effectively and accurately convey to the visitors the known characteristics and features of the Washington-era landscape. The Plan is needed because the site does not adequately reflect the historic Washington-era setting that once existed there; does not possess proper visitor facilities; and does not provide the GWF with enough administrative or maintenance space. As the site of George Washington's boyhood, Ferry Farm played an integral role in the formative years of his life and helped shape young George Washington into the man he would become. Despite its national significance, the site does not currently reflect the conditions that existed at Ferry Farm during the Washington era.

Specifically, the Plan will improve the visitor experience by guiding the rehabilitation of the historical landscape, including changes such as the interpretive development of the historic Washington Home Farm landscape and structures, development of a new visitor center, an administration building, and a maintenance building. New interpretive features include

structures and landscapes representative of what would have existed during the Washington family's time on the farm and discovery areas that would demonstrate different aspects of life during that period. Interpretive activities will be focused on sharing the site's unique history in a way that makes it accessible, relevant, and inspiring to a broad spectrum of visitors. Support of a holistic interpretive experience is envisioned through all visitor activities, including logistical support and services. The rehabilitated landscape and features will be supported by enhanced visitor access, circulation, and parking, including a relocated site entrance and an expansion of the pedestrian trail system.

SELECTED ALTERNATIVE

The NPS has selected Alternative D for implementation. The selected alternative was described on pages 30-38 and 44-71 of the EA and is fully presented below.

ARCHEOLOGICAL INVESTIGATIONS

The GWF will continue archeological investigations to identify the location of the original buildings associated with the Washington family farm, remnants of Civil War and Antebellum Period uses, and evidence of the site's prehistoric use. As appropriate, artifacts uncovered at Ferry Farm will continue to be systematically documented, collected, and curated, pursuant to the Programmatic Agreement (PA) developed between the United States Department of the Interior National Park Service, the George Washington Foundation, and the Virginia Department of Historic Resources (VA-SHPO). The PA, included here as Attachment A, was established to address cultural resource impacts at the property, including archaeological investigations. As described in chapter 1 of the EA, archeological investigations have identified the Washington home and some of the associated structures, including the kitchen and slave quarters.

INTERPRETATION

Interpretive stories and programming at Ferry Farm will be designed to educate visitors about the significance the site has played over the course of time, with a focus on the period of significance (1738-1774). The selected alternative will include the rehabilitation of the NHL site, including the interpretive development of the Washington Home Farm landscape and structures that represent the Washington era. The rehabilitation of the site will facilitate new programs and events for visitors. Focusing on Washington's time at Ferry Farm (the site's period of significance), interpretive activities will share the site's unique history in a way that makes it accessible, relevant, and inspiring to a broad spectrum of visitors. Support of a holistic interpretive experience is envisioned through all visitor activities. A visitor's experience will begin with entry to the rehabilitated Ferry Farm, progress via the entry drive, parking area, and visitor center, and will provide a transition from the modern/commercial (King's Highway) landscape to a distinctive, rehabilitated Ferry Farm setting. Introductory experiences at the visitor center, including a brief orientation film, interpreter interactions, and exhibits, will provide wayfinding and historical overview, the archeology and historical research that contributed to what is known and what is conjectured about the site during the Washington's tenure. Further, the introductory experience will inform visitors that the rehabilitated landscape incorporates both known elements and conjectural details. These exhibits will be updated periodically to reflect

new research and discoveries. These exhibits will convey the characteristics, culture, and way of life of the Washington Plantation while positioning it within larger cultural, geographical, and historical contexts. Further, exhibits will describe how the march of time obscured Ferry Farm's Washington era legacy, then highlight recent and current investigations helping to reverse that loss.

After experiencing the exhibits and information offered within the visitor center, visitors will move out into the interpretive landscape, which will demonstrate the culture and routine characteristics of the lifestyle of the Washington family during their tenure at Ferry Farm. Specifically, the rehabilitated interpretive landscape of the Washington Family Farm will replace missing landscape features including fences, paths, crops, yards, and structures to demonstrate the 18th century plantation setting as authentically as possible. Although archeology and research have told us much, gaps in our knowledge remain, and the proposed rehabilitation will be acutely sensitive to that reality. The rehabilitation will seek to capitalize on and communicate what is known—the location and nature of the main residence and the inclusion of outbuildings where their location and function have been determined (as new discoveries are made that confirm the location and nature of additional outbuildings, they may be added to the landscape). Outbuildings associated with the Washington Family Farm that have been discovered to date include a root cellar, an icehouse, and an early Washington-era kitchen. Rehabilitated historic structures will be constructed using period techniques and tools to maximize interpretive opportunities and visitor understanding. On-site construction will go to great lengths to not disturb archeological resources, including the main residence or outbuildings and resources related to the site's Civil War history. Civil War era, prehistoric, and any other archeological features that are encountered through archeological activities will be systematically documented. Those that have structural characteristics will be sampled and the rest will be protected in place.

Construction required to provide interpretive access to the archeological remains may be provided contiguous with the remains. To facilitate future interpretation and study, structures at or near archeological resources will be designed in such a way to protect and provide future access to the resources. GWF is fully committed to construction in such a way that remaining archeological elements are not harmed. Above-ground constructed elements could be removed with minimal impact if so desired at a later date. It is the goal of the GWF to provide a collection of structures and treatments to provide an immersive, multi-sensory experience that portrays a way of life, and complements the analytical exhibits within the visitor center. The proposed landscape elements will be based on available pictorial, material, and documentary evidence, such as inventories from the Washington Era, period descriptions, and material analysis. For the foreseeable future, the core interpretive landscape will coexist with ongoing archeological investigations, and a phased approach to implementation is anticipated. Onsite interpretative nodes (described below) will range from self-guided tours with the use of hand-held aids, to interactions with costumed interpretive staff.

Visitors returning to the visitor center from the interpretive landscape will have access to additional detailed information and exposition of the site's main themes, including Washington family history, Ferry Farm in other periods, and the process of discovery afforded by archeological, and documentary investigations, and a closure activity.

Visitors with more time and energy may venture out beyond the historic core to experience more of the site through a series of self-guided interpretive trails. Hand-held interpretive materials (using both cutting edge technologies, such as cell phones or tablet computers, and traditional methods, such as maps or brochures) will be oriented to the site through a series of low-impact interpretive nodes. A maximum of 50, low-impact, self-service nodes will be developed throughout the site to facilitate interpretation of both natural and cultural resources, including the historic landscape at Ferry Farm. The nodes will be placed along the existing circuit of interpretive trails and could include a combination of built features, interpretive and/or wayfinding signs, and touchable models. At a minimum, the interpretive nodes will include a post or stone with a marker, keying the location to orientation materials. One of the interpretive nodes will be dedicated to interpretation of the history of the Rappahannock River. This node will be entirely land based in the northwestern portion of the site, near the former pontoon bridge, and will likely be limited to visitor seating and interpretive signage, such as information about the former pontoon bridge and the importance of the Rappahannock River to the site's history (i.e. represents the site's connection to the larger world). The markers at each interpretive node will identify each point of interest for those following along with a self-guided tour (see the "Use of Cutting Edge Technologies" section below). Where there are interpretive nodes within the Washington family farm, node markers may be limited to small tags or plates attached to the site element. As necessary, the existing trails will be improved to provide access to the nodes. Details about the trail improvements are provided in the "Access and Circulation – Pedestrian" section below.

In addition to the interpretive nodes, discovery areas will be implemented throughout the site to maximize interpretation opportunities. Each of these discovery areas will focus on a different aspect of the site's natural and cultural history, such as wildlife and native plants, colonial life, or the Civil War. Each discovery area will likely evolve over time. These discovery areas could incorporate interpretive signage, live interpreters, small interpretive structures or shelters, facilities for visitor resting (such as benches), and small storage structures. The discovery areas will vary in size, but will be designed in such a way that they remain low profile and out of sight of the core historic zone. A Civil War discovery area will be implemented north of the ravine, on an area up to 0.5 acre in size. This discovery area will be accessed via a new pedestrian bridge and associated trail. A discovery area could also be implemented at the remnants of an early 20th century tenant house (currently a concrete pad) located in the northern portion of the site, north of the ravine and Ferry Road.

In addition to Ferry Farm's use by the Washingtons, the site was used by the Union Army in the Battle of Fredericksburg during the Civil War. The Civil War discovery area will be designed to interpret the important role Ferry Farm played in this battle, including the significance of Ferry Farm's topography, making it the perfect location for the Union Army to position itself before firing its first shots at the City of Fredericksburg. The discovery area also could include signage to identify the location of known and potential Civil War-related archeology at Ferry Farm, such as the identified trench (proximal to the Washington home site) and potential burial sites; however, most interpretation of this discovery area will be provided electronically using a tablet computer or smart phone. Development within this discovery area will include small, low impact structures that could easily be removed and/or relocated. Vegetation along the ravine will shield views to and from the Washington family farm, visually separating the historic landscape of the

farm's core from the discovery area. Structures and signage will be immobile but placed on above-ground supports, or placed on an extant early 20th century concrete foundation in this area. If any installations require in-ground placement, efforts will be made to place such structures in areas previously subject to excavation and data recovery, or will be subject to archeological investigation prior to the beginning of construction.

The selected alternative will also include an interactive, interpretive play area. The play area will occupy a maximum area of 10,000 square feet and will be sited at the top of the bluff in the central portion of the site (adjacent to the west of the new visitor center parking lot and south of the new visitor center and Great Oak Pavilion). The facility will be designed primarily to engage visiting children and to educate them about colonial life and provide them with an opportunity to learn more about the historic significance of the site and methods used by archeologists to uncover artifacts. The play area will include minimal structural elements. Interpretive elements could include gardens, a simulated kitchen, work yard, small ship, and simulated shallow archeology discovery boxes. Structural components will remain in place year-round, but will be low-maintenance and will be installed at-grade, potentially with anchors into the ground. Surface materials within the play area will be pervious and will require some level of ground disturbance. The play area will be screened from the historic core, using deciduous vegetative plantings. A detailed plan for the play area will be developed during the final design phases.

VISITOR CENTER

Under the selected alternative, a new state of the art visitor center will be constructed in the central portion of the site, in the general vicinity of the existing visitor center. As described in the "Interpretation" section above, elements of the visitor center will include a brief orientation film, interpreter interactions, and exhibits, and will provide wayfinding and historical overviews. Where appropriate, cutting edge technologies, such as the use of tablet computers, will be incorporated into the visitor center, including exhibits. The new facility will be sited to avoid overcrowding with the more southerly Washington-era interpretive structures. The new facility will include space for additional displays and programs. In addition, a café will be developed within the visitor center. The café will be of the "grab and go" style and will include an indoor dining area capable of accommodating 65 visitors, as well as an outdoor dining area that could accommodate an additional 35 visitors. It is estimated that the café will be operated by two full-time and two part time staff. A single loading dock/area will be incorporated at the visitor center to receive deliveries. Large deliveries will be made to the new maintenance facility, from which smaller vehicles will provide distribution throughout the site. The foundation of the new visitor center will occupy approximately 16,000 square feet of land and is anticipated to have 27,000 square feet of interior space, including a basement. The new building will be equipped with energy efficient mechanical systems. Existing vegetation will be protected and/or supplemented surrounding the facility to screen the visitor center from the historic management zone. Deciduous vegetation will be planted and will change with the seasons.

REMOVAL/RELOCATION OF EXISTING STRUCTURES

Under the selected alternative, once construction of the new facilities is complete, the existing visitor center/administrative building, parking lot, and maintenance facility will be demolished

and removed from the property. In addition, the more modern outbuildings on the property will be removed. These modern facilities currently include restrooms, a storage cottage, and an in-ground pump structure located in the central portion of Ferry Farm, near the Washington home foundation; a pump house west of the visitor center, at the edge of the escarpment; and a tractor shed, equipment shed, and temporary archeology shed located to the south of the visitor center, within the upper terrace.

The 1870s agricultural building, which is listed on the National Register, will be preserved and relocated from the historic zone to the development zone. Specifically, the structure will be moved approximately 400 feet, to a location near the visitor center, and will be screened from the interpretive landscape and features of the rehabilitated Washington Home Farm by deciduous vegetation. This building is currently located to the south of, but in close proximity to, the Washington home foundation and is often incorrectly identified as a surveying shed from the Washington family period of occupation. Vegetative screening will be incorporated around the building so that it is not visible from the historic core of the site. Deciduous vegetation will likely be planted and will change with the seasons.

ACCESS AND CIRCULATION

Vehicular Access and Circulation

Under the selected alternative, the existing site entrance will be removed and a new entrance will be constructed approximately 300 feet to the north to align with a new left-turn lane at an existing stoplight at the intersection of Ferry Road and King's Highway. In addition, the new entrance will require that a new paved right-turn lane be installed along southbound King's Highway extending approximately 300 feet northward within the King's Highway right-of-way. The new entrance will be designed and constructed as part of the selected alternative; however, the new left-turn lane, which will provide access to Ferry Farm and any associated development on the east side of King's Highway, is being constructed as part of a separate coordinated project by the George Washington Foundation, Stafford County and VDOT. To accommodate the new entrance, approximately 65 linear feet of asphalt apron connecting the existing gravel driveway to King's Highway will be demolished. A portion of the gravel driveway bisecting the property will be removed while another section will be left for integration into the new pedestrian trail system (described in the following section). The new entrance driveway will be approximately 50 feet wide. From King's Highway, the driveway will be extended through the currently wooded eastern border of the site and then will be routed south to the new visitor center and parking lot. The new alignment will create a tree-lined entrance to the site that will run parallel to King's Highway. Upon entering the site, the entrance road will extend to the south approximately 2,300 feet (due to the southeastern location of the new maintenance facility). An approximately 30 square foot manned entrance security station, equipped with a controlled access gate, will be installed approximately 150 feet from the site entrance, within the new access road. The entrance station will be manned by one person responsible for security, taking tickets, and providing general information. The entrance station will be designed to be consistent with the architecture of the other new buildings. Beyond the gate, the road will provide access to the visitor center and parking lot. The new maintenance facility will also be accessed, beyond the visitor center parking lot, using the new road. As described in the "Pedestrian Access and

Circulation” section below, the existing trail network will be improved as part of the selected alternative. On an as needed basis, those trails will be used by small service and emergency vehicles to access portions of the site. Vehicular use of the pedestrian trails will be coordinated during periods of no or low visitation, or in the event of an emergency, to ensure visitor safety on the trails.

Additionally, a new parking lot will be constructed adjacent to and south of the new visitor center. The size of the parking lot will support approximately 90 parking spaces for standard vehicles, including four Americans with Disabilities Act (ADA) compliant spaces, and four spaces for buses. The existing exit-only driveway, currently centered on and located east of the visitor center, will be aligned with the new parking lot, though its use will likely be unchanged. The visitor center parking lot will include low-impact design features, such as the use of pervious paving materials, to efficiently manage stormwater. The parking lot will be approximately 90,000 square feet in area.

New driveways, access roads and parking lots will be constructed using sustainable, environmentally friendly methods and materials, as practical. Stormwater management efforts that will be implemented, as described below in the “Natural Resources Management” section.

To screen the site from traffic and development along King’s Highway, the selected alternative will incorporate a combination of intensive pine plantings, fencing, and berms. It is anticipated that up to 2,745 linear feet will be screened along King’s Highway. Deciduous vegetation will likely be incorporated into the screening feature. As such, the visibility of the site from King’s Highway will change with the seasons.

Pedestrian Access and Circulation

Currently, pedestrian (including bicycle) access to Ferry Farm, from outside the site, is limited and requires the use of King’s Highway which does not have sidewalks. As part of a separate project, Stafford County is in the initial planning stages to extend an existing pedestrian trail to connect various points of interest throughout the county. As the planning progresses, the GWF will work with the county to coordinate improved access to Ferry Farm.

Pedestrian access to the discovery areas, interpretive nodes, and other portions of the site will be provided via modifications to the existing onsite trail system. Modifications will include an extension of the existing trail network as well as resurfacing with a porous material to make them more stable and permanent. The trails will be up to 10 feet wide and will be designed to be minimally intrusive to the historic setting of Ferry Farm (including the color, texture, etc.). Two trails will begin from a central location, at or near the visitor center and associated parking lot. Both of these trails will initially extend west to the tree line and The Great Oak Pavilion. From the pavilion, one of the trails will lead north to provide access to the rehabilitated historic landscape and features and then will connect with existing trails to provide access to the lower terrace and discovery areas north of the ravine. Wooden steps currently connect the upper and lower terraces in the vicinity of the Washington home foundation. These steps will be removed and a new, winding trail down the escarpment will be constructed. A new pedestrian bridge will also be constructed over the ravine to provide access between to the proposed Civil War

discovery area and the rest of the site. The bridge will be approximately 6 feet wide and 50 feet long. Concept plans call for a single span without supports. Work will include the installation of bridge abutments placed deep within soils for long-term stability and support. In addition, the bridge will not be visible from the historic core of Ferry Farm and will be designed to avoid substantial changes to the existing topography and protect against erosion (see the ravine stabilization discussion in the “Natural Resource Management” section below). It is understood that additional information may be needed to assess the impacts of this work. The specific design of the bridge will be developed and documented at a later date.

The second trail will head south from The Great Oak Pavilion to the ecological zone and discovery areas where it will connect with the existing trail network. This second trail will loop around to the east and end at the new visitor center parking lot and will serve to educate visitors about conservation efforts at Ferry Farm, regional ecology, and natural history. This trail will use a combination of new and existing pathways. Although the trails will primarily be surfaced with gravel or a similar material, new and existing trails near the visitor center and within the historic zone will incorporate ADA accessible elements, such as a lane of pervious pavement. In total, approximately 3,200 feet of new pedestrian trails will be developed.

NATURAL RESOURCE MANAGEMENT

The selected alternative will include stabilization measures in the vicinity of the Medicine Springs to prevent further erosion. A specific approach to stabilization has not yet been determined. These efforts could include protection of the banks with erosion control matting or blanketing and stabilization with a permanent covering that is capable of handling steep slopes. The covering selected will be of a material that will disappear into the landscape once the banks have been stabilized. Stabilization efforts will also evaluate flow within the ravine and implement measures to either divert water or slow down the flow to reduce the impact of the flow on erosion. The specific stabilization measures will be developed and documented at a later date. This document assesses the impacts of ravine stabilization from a conceptual level.

Best management practices for water quality will be incorporated using low-impact development (LID) techniques throughout the site. It was assumed that the following stormwater management techniques will be implemented. The parking lots will comprise of pervious pavers with no curb and minimal piping in combination with bioretention areas within parking lot islands. To the extent possible, runoff (via sheet flow) will flow into bioretention basins within the parking islands where water will be filtered using plantings and soil infiltration. Water from the new impervious (asphalt) entrance road will be captured by an adjacent grassy swale for soil infiltration. All water quality measures to be implemented will be designed in accordance with the Virginia stormwater management regulations and the Virginia Stormwater Management Handbook. The specific stabilization and stormwater management measures to be implemented will be determined during final design.

As described in the pedestrian access section above, a recreational nature trail will also be developed in the ecological zone to educate visitors about conservation efforts at Ferry Farm, regional ecology, and natural history. This trail will be part of the interpretive trail network to be expanded throughout the site, and described in the “Pedestrian Access and Circulation” section

above. The southernmost portion of the interpretive trails, which extends through the ecological zone, will be considered the nature trail. The nature trail could be used by local bird-watching clubs that offer periodic bird watching tours at Ferry Farm.

The selected alternative will include removal of vegetation from the site to accommodate new elements such as buildings, driveways, views, and rehabilitated historic landscapes and features. Up to 5 acres of trees will be removed from the eastern side of Ferry Farm to accommodate the new facilities, parking lots, and driveway. An additional 1.3 acres of forest vegetation will be removed from the northeastern portion of the site to accommodate the realigned entrance road. It is anticipated that up to 24 trees will be removed from the escarpment between the historic core and the Rappahannock River to accommodate historic views. Selectively thinning will involve cutting trees and associated root systems to ground surface, not uprooting. Up to 0.5 acres of forest vegetation will also be removed from the northwestern corner of the site to allow for development of the Civil War discovery area.

It is estimated that a total of 6.1 acres of trees would be removed from the site under the selected alternative. To mitigate vegetation removal, approximately 2 acres of new forest vegetation will be planted in the middle terrace and along the East-West Connector. In total, approximately 5.8 acres of new trees will be planted on the site under the selected alternative. New trees will be scattered on the escarpment to support historic viewsheds. In addition, new trees will be planted on the middle terrace to screen the new maintenance facility from view for aesthetic purposes, and small stands of deciduous trees will also be planted around the new visitor center and administrative building to screen them from the historic core. Specifically, small stands of deciduous trees will be planted north, east, and west of the new visitor center to screen the building from view in the historic core. The northern, western and southern sides of the new parking lot will also be lined with deciduous trees to screen it from view in the historic zone and ecological zone. Additional stands of deciduous trees will be planted to the north, east, and west of the administrative building to screen it from the historic core and pedestrian trails. Trees will also be planted throughout the site to screen modern development from the historic core. Specifically, a small stand of trees will be planted east of the Washington home site to provide screening from the realigned access road. Small stands of trees will be planted between the new buildings in the development zone and the historic core. A combination of grasses and trees will also be planted in islands within the visitor center parking lot. The specific type of vegetation to be planted will be determined during final design but could include various native oaks, pines, and eastern red cedar. Deciduous vegetation will likely be planted and will change with the seasons.

Under the selected alternative vegetation removal will adhere to an Invasive Species Management Plan and/or Forest Management Plan, which will be developed by the GWF as part of the proposed action. Invasive species will be removed from the site on an as needed basis to more accurately reflect the vegetation types extant at the time of Washington's occupancy of the site. Although specific removal and management methods have not yet been determined, strategies could include hand removal of mature trees and seedlings, use of herbicides, removal of saplings with a weed wrench, bush hogging of understory species, culling of woody plants, mulching, and supplemental planting of native species. An invasive species and/or forest management plan will guide the removal and maintenance of invasive plant species or other

vegetation removal from the property to enhance the cultural landscapes and associated views. The specific approach to be included in the Invasive Species Management Plan and/or Forest Management Plan will be determined at a later date, and additional compliance may be required prior to implementation of the plans.

USE OF CUTTING EDGE TECHNOLOGIES

The selected alternative will incorporate cutting edge technologies throughout the site, including within the visitor center introduction and conclusion exhibits. The GWF will implement self-guided tours using tablet computers (such as iPads) or smart phones to aid in interpreting the features of Ferry Farm such as the site's use during the Washington and Civil War periods, existing natural resources, archeological discoveries, and 18th century construction techniques. Additional technologies such as global positioning system (GPS) could be incorporated to provide visitors with applicable information as they move around the site, including for each interpretive node and discovery area. The use of GPS in combination with tablet computers and smart phones also could provide visitors with the option to obtain directions from their specific location to other points of interest within Ferry Farm. Self-guided tours, directions, and general information could be accessed using personal computers and smart phones, though the GWF also will have a selection of these devices for visitors to borrow.

In addition to the elements described in this section, the selected alternative will include the following components:

A mechanical support building of less than 15 feet by 15 feet in size will be constructed in the vicinity of the rehabilitated landscape and associated features. The mechanical building will be designed so as not to detract from the cultural landscape or interpretation of the Washington-era features. The exact location of the rehabilitated landscape features and the mechanical building will be determined during the detailed design phases.

A new maintenance facility will be constructed in the southeast corner of the property, approximately 850 feet south of the proposed visitor center. The new facility will include approximately 3.5 acres and the building footprint will be large enough to store GWF maintenance materials and equipment. The building will also provide enough space for GWF staff to conduct routine maintenance projects at the facility. The specific design for the operations and maintenance yard will be developed at a later date, during the design phases. The facility will be well removed from the historic core of Ferry Farm. With the exception of the access road corridor, the maintenance facility will be screened from the rest of Ferry Farm with deciduous vegetation.

A new one- to two-story administration building will be constructed south of the new parking lot. The building footprint will be approximately 9,250 square feet and will incorporate approximately 18,500 square feet of interior space, potentially including a basement. The new facility will contain enough office space to allow the GWF staff to carry out all necessary administrative functions.

OTHER ALTERNATIVES CONSIDERED

Alternative A (No Action): As described in the EA on pages 28 - 30, this alternative would maintain the current management operations and existing facilities at Ferry Farm, including continued archeological investigations but not make improvements to the existing facilities at Ferry Farm.

Alternative B: As described in the EA on pages 39 - 41, this alternative would have made a variety of improvements to ensure stewardship of cultural resources, ecological and operational sustainability, and support for an authentic, relevant, and inspiring interpretive visitor experience. The locations of the new administrative building, maintenance building, interpretive landscape features, parking lot and proposed amount of vegetation to be removed would be different for this alternative than for the selected alternative and for Alternative C. In addition, a larger number of trees would be planted as part of this alternative. Historic features and structures would be rehabilitated on or near their historic foundations within the historic core of Ferry Farm.

Alternative C: As described in the EA on pages 41 - 44, this alternative would contain the same components as Alternative B, however the locations of proposed improvements would be slightly different. For example, the historic landscape features would be placed 250 feet south of their original location, approximately 12 acres of trees would be removed (slightly more than proposed under Alternative B) and 9.6 acres of trees would be planted, slightly less than under Alternative B. Additionally, pedestrian trails would be extended slightly further in this alternative, by several hundred feet and the proposed parking area would be reconfigured and moved slightly farther south from the proposed Alternative B location.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

In accordance with the DO-12 Handbook, the NPS identifies the environmentally preferable alternative in its NEPA documents for public review and comment [Sect. 4.5 E(9)]. The environmentally preferable alternative 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. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative (43 CFR 46.30). Based on the analysis of environmental consequences of each alternative in Chapter 4: Environmental Consequences, Alternative A is the environmentally preferable alternative. Alternative A has the least environmental impact, and although it would not enhance existing conditions, Alternative A would result in the least amount of disturbance to the existing natural and cultural resources in the study area because no new construction would occur.

MITIGATION MEASURES

As part of the Selected Alternative, the GWF will implement the following mitigation measures:

General Measures

- The GWF will be responsible for overseeing on-site contractors, conducting regular field inspections, and taking prompt action against non-compliance, if necessary. Appropriate erosion and siltation controls will be maintained during construction, as appropriate.
- A contractor kickoff meeting will be held to ensure that all workers are apprised of proper protocol to follow in the event of an emergency, including contact information for first responders, as well as environmental and cultural resource considerations.
- Appropriate measures will be employed to prevent or control spills of fuels, lubricants, or other contaminants from entering waterways or wetlands. These include safe handling and refueling procedures and proper deployment of containment measures such as oil booms. Actions will be consistent with state water quality standards and Clean Water Act section 401 certification requirements.
- Best Management Practices (BMP's) for drainage and sediment control will be implemented to prevent or reduce nonpoint source pollution and minimize soil loss and sedimentation in drainage areas. BMP's will include all or some of the following actions, depending on site-specific requirements: disturbed areas kept as small as possible to minimize exposed soil and the potential for erosion; regular site inspections occurring during construction to ensure that erosion-control measures are properly installed and are functioning effectively.
- The contractor will not leave vehicles idling for more than five minutes when parked or not in use.
- A traffic control plan will be implemented, as warranted. Standard measures include strategies to maintain safe and efficient traffic flow during the construction period.

Natural Resources

- Any vegetation lost during the construction process could be replaced, at least in part, with native plantings (approximately 4.5 acres are proposed in the southern portion of the property).
- Invasive plants will be removed in compliance with applicable regulations and pursuant to an Invasive Species Management Plan and/or Forest Management Plan, which will be developed as part of a separate planning process.
- An Erosion & Sedimentation Control Plan will be developed and implemented in accordance with the Virginia Erosion and Sediment Control Handbook, and approved by Stafford County prior to construction to prevent erosion and minimize impacts to soils during construction.

- Impacts to wetlands and streams will be avoided during construction. However, recommendations presented by the Virginia Department of Environmental Quality (VA-DEQ) will be implemented and a joint Virginia Water Protection Permit (VWPP) Clean Water Act permits will be obtained prior to construction for any work near wetlands and streams that cannot be avoided.
- Stabilization measures will be put in place within the vicinity of the Medicine Springs to prevent further erosion. A specific approach to stabilization has not yet been determined; however, it will be in accordance with recommendations and regulations outlined by the VA-DEQ, including those within the Regulations protecting Resource Protection Areas, and could include protection of the banks with erosion control matting or blanketing and stabilization with a permanent covering that is capable of handling steep slopes.

Cultural Resources

- GWF cultural resource staff will be available during construction to advise or take appropriate actions should any archeological resources be uncovered during construction.
- If any unknown significant archeological resources are uncovered during ground disturbing activities, National Historic Preservation Act (NHPA) Section 106 procedures will be immediately implemented. All work in the immediate vicinity of the discovery will be halted. Construction may proceed only after it has been determined that implementation of the actions undertaken to address the discovery are complete.
- The GWF will ensure that all contractors and subcontractors are informed of the penalties for illegally collecting artifacts or intentionally damaging archeological sites, historic properties, or elements of the cultural landscape. Contractors and subcontractors also will be instructed on procedures to follow in case previously unknown archeological resources are uncovered during construction.
- Proposed changes to the cultural landscape and historic structures will adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties, Secretary of the Interior's Standards for Rehabilitation, and the site-specific programmatic agreement between GWF, NPS, and the VA-SHPO.
- It is unlikely that Native American burials will be encountered during construction. However, as a conservative approach, the GWF will comply with the Native American Graves Protection and Repatriation Act (NAGPRA) should any cultural items or graves protected by NAGPRA be encountered on federal land. The GWF will reach out to non-federally recognized tribes should cultural items or graves be encountered in the project area.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR § 1508.27, significance is determined by examining the following criteria:

1) Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an EIS.

Implementation of the selected alternative will result in both beneficial and negligible to moderate, adverse impacts; however, no significant adverse or beneficial impacts were identified that require analysis in an EIS.

Implementation of the selected alternative will result in long-term, beneficial impacts on cultural landscapes, visual resources, visitor use and experience, and operations and infrastructure; long-term, negligible, adverse impacts on wetlands and streams; long-term, minor, adverse impacts on soils and topography, wildlife and wildlife habitat, Chesapeake Bay resources, and archeology; and long-term, moderate, adverse impacts on vegetation and historic structures.

Long-term minor impacts on soils and topography would occur mainly as a result of some grading that will have to take place and the location of the new visitors center on a steep slope. Mitigation measures are in place to offset these adverse impacts and soils would be stabilized.

There will be long term minor to moderate adverse impacts to archaeological resources and historic structures. The adverse impacts to historic structures and archaeological resources results from relocating the 1870s agricultural building, and removing other structures within the historic core. Mitigation measures are in place that will provide monitoring and protection of sensitive areas and artifacts, thereby reducing the effects of already minor to moderate adverse impacts on these resources.

2) The degree to which public health and safety are affected.

Overall the affect to public health and safety will be beneficial, largely due to the relocated site-entrance, which will provide a greater degree of safety and will be more visible and accessible to visitors.

3) Any unique characteristics of the area (proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains, and so forth).

The selected alternative would result in long-term, negligible to moderate, adverse impacts and long-term beneficial impacts on cultural resources at Ferry Farm. Long-term minor adverse impacts to archeological resources are expected due to the location and construction of new facilities and ongoing archaeological investigations. Although impacts may occur, impacts will be negligible since the locations with the least overall impacts to archaeological resources were chosen for the new maintenance and administrative facilities. The maintenance facility will be placed within the development zone, an area that has previously been disturbed (and surveyed)

and that is unlikely to contain archeological resources. Archeological investigations would continue at the site, resulting in disturbances to archeological resources that cause some loss of integrity. However, through systematic documentation, collection, and curation of artifacts, these investigations will provide additional, valuable information about Ferry Farm's history. New features and artifacts discovered during these investigations will be maintained, preserved and interpreted. The Civil War discovery area, relocated site entrance, and portions of the new access road will be constructed in areas that have not been previously surveyed for archeological resources. Therefore, an archeological survey will be conducted prior to construction to minimize adverse impacts to existing resources. If necessary, an archeological survey will also be conducted to ensure vegetation removal, pursuant to the invasive species and/or forest management plan, will not disrupt archeological resources. The rehabilitated Washington-era structures, the security station, and any structures associated with the Civil War discovery area, are the only buildings proposed for development in the historic zone. It is unlikely that the construction of these structures would adversely impact known or unknown archeological resources. Interpretive nodes and trails extensions within the historic zone include minimal, if any, ground disturbance and are unlikely to impact archeological resources. If archeological features are discovered during any of the construction/demolition activities or plantings, appropriate action would be taken to ensure protection of those resources. It is not anticipated that construction activities outside of the historic zone would interfere with known or unknown archeological features.

The selected alternative would result in a long-term, moderate, adverse impact to historic structures because the 1870s agricultural building would be relocated from its original location to the development zone, near the new visitor center. The relocation would diminish the integrity of the structure and result in an adverse impact on the resource. However, as per the PA (2011) the GWF and NPS will continue to consult with the VA-SHPO, and other appropriate parties to produce and implement mitigation measures for the building's removal.

The selected alternative would result in a short-term, minor adverse, and long-term beneficial impact on cultural landscapes at Ferry Farm. The short-term, adverse impacts are related to the use and storage of construction equipment and supplies during development, which would obstruct cultural landscapes. These impacts would be noticeable but, because they would be temporary, would not alter patterns or features of the landscape such that the overall integrity of the landscape would be diminished. In the long-term, the removal of buildings that do not relate to the Washington era, including the 1870s agricultural building, visitor center, and the maintenance facility would aid accurate interpretation of the landscape, especially in the historic zone. The replacement of historic landscape features, including the removal of vegetation to provide clear views across the Rappahannock River, including the implementation of an invasive species and/or forest management plan, would also create a cohesive representation of the landscapes that would have existed during Washington's youth and Civil War use of the site. New structures will be designed so as not to be confused for Washington-era structures; but, due to its location, the new maintenance facility could be visible on the landscape however, the new buildings, as well as the new parking lot, interpretive play area, and access road will be set back from the historic zone and screened from view using deciduous vegetation. Interpretive nodes and discovery areas will be small and spread out, so that they would have limited impact on the landscape. The new trails will also be designed to limit their visibility and would not be a

prominent feature on the landscape. Additional measures will be taken to further screen the cultural landscape from the surrounding development. Impacts associated with the selected alternative will not result in alteration of patterns or features of the landscape or diminish the overall integrity of the landscape.

Overall, the selected alternative would result in a long-term, negligible, adverse impact on wetlands and streams. Construction would primarily occur in the upper terrace and impacts to wetlands and streams would be avoided. Although some selective thinning of vegetation would occur in the escarpment and lower terrace, no vegetation would be removed from the existing wetlands and stream. The construction of a new footbridge over the ravine would also avoid impacts to wetlands. Any impacts to wetlands would be below or at low levels of detection.

The selected alternative would result in a long-term, negligible, adverse impact on Chesapeake Bay resources. These resources include Chesapeake Bay Preservation Areas, which are environmentally sensitive areas necessary for the protection of water quality entering the Chesapeake Bay. These areas are defined by Stafford County as tidal waters, perennial streams, wetlands adjacent to perennial streams, and a 100-foot upland buffer all known as Resource Protection Areas (RPA). The purpose of protecting RPA areas is to maintain a natural buffer of riparian forests and wetlands to filter non-point sources of runoff pollution. The RPA at Ferry Farm includes the Rappahannock River and Medicine Spring, connecting wetlands to these systems, and a 100-foot upland buffer surrounding these features, as shown in Figure 9 in the EA (Attachment E). Within the RPA, there is a mix of wetland and shoreline habitats, along with other vegetative communities that support the area's natural environments and buffer along the water. The shoreline is relatively stable, though there is clear evidence that during storm events, or other high tides, erosion is occurring. The RPA at Medicine Spring includes the perennial stream channel and a 100-foot upland buffer that encompasses the steeply sloped ravine. The ravine contains a mixture of trees, shrubs and vines that serve to minimize ravine sloughing and soil erosion. Historically, the site's RPA supported a ferry landing, the ferry road, and activities at the Medicine Spring. Currently, a few wooden benches used for educational programs are located within the RPA. No other infrastructure exists within the RPA.

Construction associated with the selected alternative would primarily occur in the upper terrace, and outside of the Chesapeake RPA. Minor encroachments in the RPA would include the installation of a pedestrian bridge over the ravine and an interpretive node along the Rappahannock River, in the location of the historic pontoon bridge. The location of the new administrative building and maintenance facility will have no noticeable impact on the RPA. Additionally, some selective thinning of vegetation would occur near the escarpment and lower terrace. Impacts associated with the selected alternative would be so small as to incur undetectable changes to water quality, and these changes would be well below standard water quality detection levels.

4) The degree to which impacts are likely to be highly controversial.

Based on the agency and public comments received on the draft EA, no controversy exists regarding the environmental effects of the selected action.

5) The degree to which the potential impacts are highly uncertain or involve unique or unknown risks.

The analysis presented in the EA describes all reasonably foreseeable impacts that may result from implementation of the selected alternative. The analysis did not identify any highly uncertain impacts or unknown risks, nor did the agency and public comments received.

6) Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

The action neither establishes a precedent for future actions with significant impacts nor represents a decision in principle about a future consideration.

7) Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects. Significance cannot be avoided by terming an action temporary or breaking it down into small component parts.

As described in the EA in Chapter 4, cumulative impacts of actions under the selected alternative will not be significant. Overall, cumulative impacts are long-term and moderately adverse and beneficial. Specifically, the selected alternative will contribute a noticeable adverse impact to cumulative impacts on Soils and Topography, Vegetation, Wildlife and Wildlife Habitat, Archaeological Resources, and Historic Structures. The location of the new administrative building, will be sited on a steep slope which will require an increased disturbance to soils and topography. However, once construction is complete, soil amendments may be added to the exposed soils, and native vegetation would be seeded to ensure soil stabilization.

The selected alternative will also contribute imperceptible to appreciable beneficial increments to impacts on Cultural Landscapes, Visual Resources, Visitor Use and Experience and Operations and Infrastructure. No past, present and reasonably foreseeable future actions will have or will continue to contribute to the cumulative impact on Wetlands and Chesapeake Bay Resources.

8) The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources.

Overall, the selected alternative will result in a long-term, minor, adverse impact on archeological resources. If archeological investigations are conducted prior to any activities that would require ground disturbance in areas that have been previously surveyed, and new facilities are sited to avoid existing resources to the extent feasible, the impact of that component will be minor and adverse. Archeological investigations will continue at the site, resulting in disturbances to archeological resources that cause some loss of integrity. However, through systematic documentation, collection, and curation of artifacts, these investigations will provide additional, valuable information about Ferry Farm's history. New features and artifacts discovered during these investigations will be maintained, preserved and interpreted. The Civil War discovery area, relocated site entrance, and portions of the new access road will be

constructed in areas that have not been previously surveyed for archeological resources. Therefore, an archeological survey will be conducted prior to construction to minimize adverse impacts to existing resources. If necessary, an archeological survey would also be conducted to ensure vegetation removal, pursuant to the invasive species and/or forest management plan, would not disrupt archeological resources. The rehabilitated Washington-era structures, the security station, and any structures associated with the Civil War discovery area, are the only buildings proposed for development in the historic zone. It is unlikely that the construction of these structures would adversely impact known or unknown archeological resources. Interpretive nodes and trails extensions within the historic zone will include minimal, if any, ground disturbance and are unlikely to impact archeological resources. If archeological features are discovered during any of the construction/demolition activities or plantings, appropriate action will be taken to ensure protection of those resources. It is not anticipated that construction activities outside of the historic zone would interfere with known or unknown archeological features.

The selected alternative will result in a long-term, moderate, adverse impact to historic structures because the 1870s agricultural building will be relocated from its original location to the development zone, near the new visitor center. The relocation will diminish the integrity of the structure and result in an adverse impact on the resource. However, the GWF will consult with the SHPO and appropriate parties to produce and implement mitigation measures for the building's removal, reducing the adverse effect on the historic structure.

The selected alternative will result in a short-term, minor, adverse and long-term beneficial impact on cultural landscapes. The short-term, adverse impacts will be related to the use and storage of construction equipment and supplies during development, which will obstruct cultural landscapes. These impacts will be noticeable but, because they will be temporary, will not alter patterns or features of the landscape such that the overall integrity of the landscape will be diminished. In the long-term, the removal of buildings that do not relate to the Washington era, including the 1870s agricultural building, visitor center, and the maintenance facility will aid accurate interpretation of the landscape, especially in the historic zone. The replacement of historic landscape features, including the removal of vegetation to provide clear views across the Rappahannock River, including the implementation of an invasive species and/or forest management plan, will also create a cohesive representation of the landscapes that would have existed during Washington's youth and Civil War use of the site. New structures will be designed so as not to be confused for Washington-era structures; however, due to its location, the new maintenance facility will be visible on the landscape. The new buildings, parking lot, interpretive play area, and access road will be set back from the historic zone and screened from view using deciduous vegetation. Interpretive nodes and discovery areas will be small and spread out, so that they will have limited impact on the landscape. The new trails also will be designed to limit their visibility and will not be a prominent feature on the landscape. Additional measures will be taken to further screen the cultural landscape from the surrounding development. Impacts associated with this alternative will not result in alteration of patterns or features of the landscape or diminish the overall integrity of the landscape.

9) The degree to which an action may adversely affect an endangered or threatened species or its habitat.

As described in detail below, coordination with the U.S. Fish and Wildlife Service (USFWS), the Virginia Department of Game and Inland Fish (VDGIF), and the Virginia Division of Natural Heritage (DCR-DNH) identified four protected species within the region: the green floater (*Lasmigona subviridis*), harperella (*Ptilimnium nodosum*), sensitive joint-vetch (*Aeschynomene virginica*), and small-whorled pogonia (*Isotria medeoloides*). None of these species are recorded as occupying the study area and the study area does not provide suitable habitat for any of the listed species. Therefore, actions implemented as part of the selected alternative will have no effect on these species and the topic was dismissed from further analysis in the EA.

In addition, the Center for Conservation Biology (CCB) database for bald eagle nest sites was reviewed. The bald eagle was recently delisted from protection under the Endangered Species Act but is still protected by the Bald Eagle Protection Act of 1940 and its designation as a state-threatened species. The CCB shows no active bald eagle nests along this stretch of the Rappahannock River. Therefore, the actions implemented as part of the selected alternative will have no effect on these species and the topic was dismissed from further analysis in the EA. No further consultation was necessary for implementation of the selected alternative.

10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The actions under the selected alternative do not threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment.

AGENCY CONSULTATION

Section 106 of the National Historic Preservation Act

In 2011, the NPS, the GWF, and the VA-SHPO signed a *Programmatic Agreement between the United States Department of the Interior National Park Service, the George Washington Foundation, and the Virginia Department of Historic Resources for Treatment of the site of George Washington's Boyhood Home ("Ferry Farm") National Historic Landmark, Stafford County, Virginia*. The PA was established to address cultural resource impacts at the property, as required by the NHPA. The PA is as attached to this FONSI (Attachment A), and will guide Section 106 review of the component undertakings of the selected alternative. On April 17, July 10, and September 18, 2012, the VA-SHPO visited Ferry Farm to meet with GWF and NPS staff, tour the property, and discuss the proposed action. A representative of the Advisory Council on Historic Preservation was also in attendance during the September 18, 2012 meeting. The VA-SHPO reviewed and supplied comments on the Draft EA which were incorporated into the EA via an errata and responded to in the concern response report, also included below. The GWF and NPS will continue to consult with the VA-SHPO in accordance with Section 106 of the NHPA under the terms of the PA as the components of the selected alternative are implemented.

Tribal Consultation

During the preparation of the Ferry Farm PA, the NPS sent letters to five federally recognized tribes, inviting them to be consulting parties to it, and review documents such as the EA and plans for undertakings. Their contact information was supplied to the NPS by the VA-SHPO. Of the five tribes receiving letters, the Catawba Indian Nation responded in the affirmative, and became a consulting party to the PA. In that capacity, the tribal historic preservation officer of the Catawba Indian Nation reviewed and commented on the draft EA and provided concurrence with the selected alternative (Attachment D). At the recommendation of the VA-SHPO, a letter of invitation was also sent to the Virginia Council on Indians, which represents state-recognized tribes. The Council responded in the affirmative, and, likewise, became a consulting party to the PA, but then removed themselves as a consulting party before review of the draft EA. Consultations as outlined in the PA will continue as implementation of actions under the selected alternative progress.

Section 7 of the Endangered Species Consultation and State Listed Species

Coordination with the U.S. Fish and Wildlife Service (USFWS), the Virginia Department of Game and Inland Fish (VDGIF), and the Virginia Division of Natural Heritage (DCR-DNH) identified four protected species within the region: the green floater (*Lasmigona subviridis*), harperella (*Ptilimnium nodosum*), sensitive joint-vetch (*Aeschynomene virginica*), and small-whorled pogonia (*Isotria medeoloides*). None of these species are recorded as occupying the study area. In addition, the green floater, a threatened freshwater mussel, is documented as occurring in the Rappahannock River along the Fredericksburg/Stafford County boundary (VDGIF 2012). The proposed action will not include development within the Rappahannock River; therefore, will not disturb green floater habitat. Harperella is an endangered plant found along river shoals and stream gravel bars (DCR-DNH 2011). This stretch of the Rappahannock River adjacent to the study area does not contain suitable habitat for this species. Sensitive joint-vetch is a plant species that occupies freshwater or brackish tidal marshes along tidal rivers in the lower coastal plain (DCR-DNH 2011). The study area does not contain any marsh-like habitat that would be suitable for this species. The small-whorled pogonia is an endangered plant that occupies mature, open deciduous forests with few understory competition, often near small streams (USFWS 2008). The deciduous forests in the study area are noted as having dense understory shrubs and vines that are not conducive to the presence of this plant.

In addition, the Center for Conservation Biology (CCB) database for bald eagle nest sites was reviewed. The bald eagle was recently delisted from protection under the Endangered Species Act but is still protected by the Bald Eagle Protection Act of 1940 and its designation as a state-threatened species. The CCB database cites a report in 2002 of a bald eagle observed flying over the Rappahannock River. Bald eagles have become more numerous in eastern Virginia over the decades, and observations of soaring eagles are relatively common. However, the CCB shows no active bald eagle nests along this stretch of the Rappahannock River. The closest bald eagle nest site is north of the study area along the Potomac River.

Since actions implemented as part of the selected alternative will have no effect on these species, a determination of no effect was made and the topic of Special Status Species was dismissed

from further analysis in the EA. No further consultation was necessary for implementation of the selected alternative. Concurrence with these findings, via the USFWS online compliance process, is provided as Attachment C and the VA-DEQ concurrence is provided as Attachment B.

Virginia Department of Environmental Quality and Coastal Zone Management Federal Consistency Determination

The VA-DEQ is responsible for coordinating Virginia's review of federal environmental documents submitted under NEPA and responding to federal officials on behalf of the Commonwealth. VA-DEQ is also responsible for coordinating Virginia's review of federal consistency documents submitted pursuant to the Coastal Zone Management Act (CZMA) and providing the state's response. The VA-DEQ review and response, dated January 28, 2014, synthesizes the comments and recommendations of a number of state agencies and the relevant planning district commission, including:

- Department of Environmental Quality
- Department of Conservation and Recreation
- Department of Game and Inland Fisheries
- Marine Resources Commission
- Department of Forestry
- Department of Historic Resources
- Department of Health

In addition, the VA-DEQ extended an invitation for comments from the Department of Mines, Minerals, and Energy, the Department of Agriculture and Consumer Services, the Department of Transportation, Stafford County, and the George Washington Regional Commission.

The VA-DEQ concluded that provided that activities are performed in accordance with the recommendations included in their response and the relevant regulatory permits are secured, this proposal is unlikely to have significant effects on ambient air quality, important farmland, forest resources, and wetlands. In addition the Commonwealth concluded that the project is unlikely to adversely affect species of plants or insects listed by state agencies as rare, threatened or endangered. The entire response is provided here as Attachment B.

Coastal Zone Management Federal Consistency Determination

Coastal zone management (CZM) for the proposed action is federally authorized by the Coastal Zone Management Act, as amended. The Coastal Zone Management Program leaves day-to-day management decisions at the state level in the 34 states and territories with federally approved coastal management programs, including Virginia. The Virginia Coastal Zone Management program comprises nine enforceable policies. All federal development projects inside the coastal zone are automatically subject to the consistency regulations and require a federal consistency determination. Based on a review of the Federal Consistency Determination contained in the EA and the comments and recommendations submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), the VA-DEQ concurs that

the project is consistent with the VCP. The complete VA-DEQ letter which includes the Coastal Zone Management determination is provided as Attachment B.

PUBLIC INVOLVEMENT

In October 2007, the GWF and their consultants met with staff from Fredericksburg and Spotsylvania National Military park to initiate internal scoping.

Agency scoping for the EA began in August 2011. At that time, scoping letters were sent to various local, state, and federal agencies including the USFWS, USACE, U.S. Coast Guard, VDOT, DCR, VA-DEQ, DGIF, the city of Fredericksburg, Stafford County, and the Chesapeake Bay Programs Office, to inform them about the project and ask for their input. Scoping letters and agency responses are included in Appendix A of the EA: Relevant Correspondence. In November 2013, these same agencies were supplied with copies of the draft EA for review and comment.

GWF staff conducted a public open house at the Ferry Farm Visitor Center on February 6, 2013. A total of 59 comments cards were submitted and 85 verbal comments recorded.

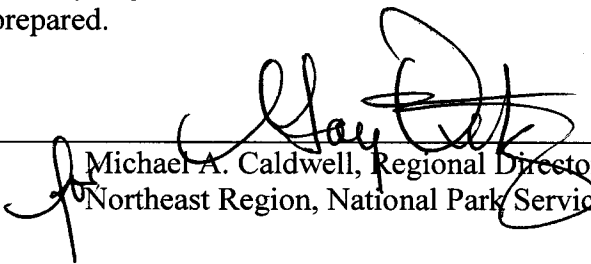
In November 2013, the EA became available for review on the National Park Service Planning, Environment and Public Comment (PEPC) website. The EA was also placed in the two libraries nearest to Ferry Farm, and emails were sent to a variety of local agencies and organizations, with the PEPC link for comments and an online copy of the EA attached. A total of 25 comments were received from the public and agencies. Comments were addressed in an errata and a concern response report, contained within the following sections of the FONSI.

FINDING OF NO SIGNIFICANT IMPACT

The NPS has selected Alternative D for implementation as described in this Finding of No Significant Impact. The selected alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

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

Approved: _____


Michael A. Caldwell, Regional Director
Northeast Region, National Park Service

Date

7/15/14

**Fredericksburg & Spotsylvania National Military Park
George Washington's Boyhood Home National Historic Landmark**

**George Washington Boyhood Home at Ferry Farm
Site Treatment Plan/Environmental Assessment
Concern Response Report**

AE14000 - Affected Environment: Historic Structures

Concern ID: 50763
CONCERN STATEMENT: One commenter requested that the Environmental Assessment clearly recognize the 1870s agricultural building as an historic property.
Response: The Environmental Assessment errata sheet will include clarification that the 1870's agricultural building is an historic property possessing local and regional significance.

CR 2001 - Cultural Resources: Analysis

Concern ID: 50764
CONCERN STATEMENT: One commenter had concerns regarding the analysis of archaeological resources with regard to eligibility and eligibility criteria.
Response: The Environmental Assessment's errata sheet will include clarification that archeological sites may be contributing resources as well as individually eligible for the National Register of Historic Places, and may be eligible under National Register criteria A and B, in addition to D.

CR1001 - Cultural Resources: Issues to be Addressed Under Section 106 Process

Concern ID: 50765
CONCERN STATEMENT: Comments in this category included broad concerns with cultural resources and more specifically with the potential effects to cultural resources from actions in the preferred alternative, eligibility discussions within the resource analyses sections, and recommendations for further study.
Response: These concerns will be addressed fully within the Section 106 process.

ET 1000 - Ethnographic Resources

Concern ID: 50767
CONCERN STATEMENT: A commenter states that the Environmental Assessment should discuss interpretation of slavery and Native Americans.
Response: Opportunities for interpreting slavery and Native Americans are discussed at several places in the Environmental Assessment, including on p. 4, which notes that the goals for the property include the interpretation of "European settlers interacting with Native Americans[, and] the role of slavery in the developing nation...."

GA 1001 - Impact Analysis: Historic Structures

Concern ID: 50768
CONCERN STATEMENT: One commenter stated that the park should acknowledge that there will be an adverse effect to the 1870's agricultural building due to its relocation.
Response: The Environmental Assessment's errata sheet will include the correction that the effect on historic structures of the proposed removal of the 1870's agricultural building will be determined during the Section 106 process.

IT1000 - Impact Topics: Impact Topics Dismissed from Further Analysis

Concern ID: 50769
CONCERN STATEMENT: One commenter is concerned that the Environmental Assessment does not fully address impacts to threatened and endangered species.
Response: The Environmental Assessment is being prepared in consultation with the U. S. Fish and Wildlife Service to insure compliance with all laws and regulations regarding the protection of threatened and endangered species.

MI 1000 - Mitigation Measures: historic Structures

Concern ID: 50773
CONCERN STATEMENT: One commenter stated that that the Environmental Assessment incorrectly characterizes (p. 141) mitigation measures as reducing an adverse effect determination.
Response: The Environmental Assessment's errata sheet will include the correction that consultation under Section 106 does not itself reduce adverse effects.

SC1000 – Scoping: Scoping Issues

Concern ID: 50774
CONCERN STATEMENT: One commenter stated that Stafford County is missing from the list of agencies participating in the 2007 study.
Response: Stafford County, by letter from the National Park Service to County Administrator Anthony Romanello, was invited to be a consulting party in the Programmatic Agreement but did not respond. Nevertheless, the National Park Service is making sure, via emails to the county's planning office, that the county is aware of and has opportunity to comment on individual Section 106 reviews of draft reports and proposed undertakings at Ferry Farm, and on this draft Environmental Assessment.

SE4000 - Socioeconomics: Impact Of Proposal And Alternatives

Concern ID: 50775

CONCERN STATEMENT: One commenter stated that improvements considered as part of the preferred alternative might have socioeconomic impacts in the community.

Response: The Environmental Assessment's errata sheet will include the clarification that an increase in visitation would be a possible result of the site-improvement, which thus also carries the possibility of positively affecting the businesses in the area.

Errata Sheet
Site Treatment Plan
George Washington Boyhood Home at Ferry Farm,
National Historic Landmark
Environmental Assessment

The following section contains corrections and revisions to the draft EA that are incorporated into the final document. These edits are organized by chapter and/or section title. The page numbers refer to the page numbers in the draft *Site Treatment Plan George Washington Boyhood Home at Ferry Farm* EA. Paragraphs are cited beginning with the first full paragraph on the page and sentences are counted from the beginning of the cited paragraph. Text to be removed from the draft document appears here as ~~strike through~~, and text to be added appears underlined.

Chapter 1

Page 21, paragraph 5, line 5: **In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001) would be followed.** Any such discoveries will also trigger the protocols contained in the PA that guide Section 106 procedures on the property.

Page 22, paragraph 3, line 2: **Implementing the proposed action could result in a marginal boost to the economy of Stafford County and the City of Fredericksburg (e.g., minimal increases in employment opportunities for the construction workforce and revenues for local businesses and government generated from construction activities and workers).** An increase in visitation would be another possible result of the site improvement, which would also create the possibility of positively affecting the businesses in the area. Any increase however, would be uncertain or temporary, lasting only as long as construction.

Chapter 2

Page 34, paragraph 4, Line 5: **The new entrance would be designed/constructed as part of the proposed action; however, the new left-turn lane, which would provide access to Ferry Farm and any associated development on the east side of King's Highway, is being constructed as part of a separate, coordinated project by the George Washington Foundation, Stafford County and VDOT**

Page. 44, Under the heading Alternative D (Preferred Alternative), add the following bullet:

- work with Stafford County to improve access via extension of external pedestrian trail

In order to address VA-DEQ recommendations in the Treatment Plan, Mitigation Measures are amended as follows:

Page 52, under the heading Natural Resources, the following Mitigation Measure is amended as follows:

- An Erosion & Sedimentation Control Plan will be developed and implemented in accordance with the Virginia Erosion and Sediment Control Handbook ~~during~~ Prior to construction ~~construction~~ to prevent erosion and minimize soil impacts to soils during construction.

Page 52, under the heading Natural Resources, the following Mitigation Measures area are added:

- Impacts to wetlands and streams will be avoided during construction. However, recommendations presented by the Virginia Department of Environmental Quality (VA-DEQ) will be implemented for any work near wetlands and streams that cannot be avoided.
- Stabilization measures will be put in place within the vicinity of the Medicine Springs to prevent further erosion. A specific approach to stabilization has not yet been determined, however will be in accordance with recommendations presented by the VA-DEQ could include protection of the banks with erosion control matting or blanketing and stabilization with a permanent covering that is capable of handling steep slopes.

Chapter 3

Page 79, paragraph 5, line 2: **Fredericksburg and Stafford County continually work with the Federal Emergency Management Agency (FEMA)** Virginia Department of Environmental Quality to address and protect these resources.

Page 80, paragraph 4, line 5: **Most other portions of the site have been significantly disrupted in connection with the former gravel pit/quarry, construction of King's Highway, and/or construction of the East-West Connector**, but more documentation of substantial and destructive disturbance will be needed, and that will be submitted during the Section 106 process, and as per Addenda 1-2 of the 2011 Programmatic Agreement guiding that process at Ferry Farm.

Page 82, paragraph 2, line 7: **The 1950s renovation included the addition of concrete footings, new siding and roof materials, and other alterations that have additionally compromised any of its original integrity (Warner, 1999).** The 1870s agricultural building is an historic property possessing state and regional significance.

Page 82, paragraph 3, line 13: The pontoon bridge s, **which** were established here by the Union army on several occasions during the Civil War, were ~~was used at the end of the Washington era,~~ **was** located south of the ferry landing, where the ravine flows into the Rappahannock River.

~~The pontoon bridge remained in use until the early 19th century and marks the site of the Union army's pontoon bridges constructed during the Civil War.~~

Page 83, key to Figure 10, line 1 should read: ~~Located Cultural Artifacts~~ Archeological Features.

Chapter 4

Page 129, paragraph 1, line 2: **Additionally, it must possess integrity of those features necessary to convey its significance.** Archeological sites may also be contributing resources as well as individually eligible for the National Register of Historic Places, and may be eligible under National Register criteria A and B, in addition to D.

Page 141, paragraph 2, line 1:: **Like Alternatives B and C, Alternative D would result in a long-term, moderate, adverse impact to historic structures because the 1870s agricultural building would be being relocated from its original location to the development zone, near the new visitor center. The relocation would diminish the integrity of the structure and result in an adverse impact on the resource.** The effect on historic structures of the proposed removal of the 1870's agricultural building will be determined during the Section 106 process outlined in the PA. ~~However, t~~ **The GWF would therefore consult with the VA-SHPO and appropriate parties to produce and implement mitigation measures for the building's removal, reducing the adverse effect on this historic structure,** although consultation under Section 106 does not itself reduce adverse effects. Alternative D would contribute a noticeable adverse increment to the long-term cumulative impacts.

Chapter 5

Page 182, paragraph 3, line 1: **Tribal consultation for the proposed project began in August 2011** ~~July 2007. At that time, scoping invitation letters were sent to the Catawba Indian Nation and the Virginia Council on Indians to inform them about the project~~ federally recognized tribes and nations, and to the Virginia Council on Indians, inviting them to participate in Section 106 reviews of proposed undertakings at Ferry Farm. The Catawba Indian Nation and the Virginia Council on Indians responded in the affirmative and became consulting parties in the PA. In August 2011, both were sent scoping letters requesting review and comment on the EA. The Catawba Indian Nation reviewed the document and submitted comment. The Commonwealth of Virginia closed the Virginia Council on Indians before it could undertake a review. Scoping letters and tribal responses are included in Appendix A: Relevant Correspondence. To date, no response has been received from the Catawba Indian Nation or the Virginia Council on Indians.

ATTACHMENT A:
PROGRAMMATIC AGREEMENT

ATTACHMENT B:
VA-DEQ CORRESPONDENCE
COASTAL ZONE CONSISTENCY DETERMINATION

ATTACHMENT C:
US FISH AND WILDLIFE ONLINE CONSULTATION PACKAGE

ATTACHMENT D:
TRIBAL CONSULTATION

ATTACHMENT E:
FIGURE 9
CHESAPEAKE BAY RESOURCES
PLANNING AREAS

PROGRAMMATIC AGREEMENT
between the
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE,
the
GEORGE WASHINGTON FOUNDATION,
and the
VIRGINIA DEPARTMENT OF HISTORIC RESOURCES
for
TREATMENT OF THE SITE OF GEORGE WASHINGTON'S BOYHOOD
HOME
("FERRY FARM")
NATIONAL HISTORIC LANDMARK
STAFFORD COUNTY, VIRGINIA

WHEREAS The National Park Service owns and administers a protective conservation easement on the lands commonly known as George Washington's Boyhood Home National Historic Landmark (hereafter "Ferry Farm")—an easement authorized by Section 509 of the Act of November 6, 1998, Public Law 105-355, and subsequently acquired from the George Washington Foundation (formerly known as George Washington's Fredericksburg Foundation, and hereafter "the Foundation") for consideration, and

WHEREAS the easement governing Ferry Farm describes the right of the National Park Service to protect in perpetuity the natural, cultural, archeological, ecological, open space and aesthetic features of the Protected Property, as defined in the June 2000 "Conservation Easement over Ferry Farm" and

WHEREAS Ferry Farm has been designated a National Historic Landmark by the Secretary of the Interior, and

WHEREAS The Foundation owns and operates Ferry Farm as a historic site for the benefit of the public and intends to develop an appropriate interpretive setting at Ferry Farm by investigating, rehabilitating, and, where possible restoring the Washington-era landscape, developing public access and facilities, and installing interpretive media and other improvements for the benefit of the public, and

WHEREAS under terms of the existing conservation easement, the National Park Service must approve all proposed alterations or improvements to the lands covered by the easement, and

WHEREAS, all approvals given under terms of the easement constitute a Federal action subject to review under Sections 110 and 106 of the National Historic Preservation Act (hereinafter understood to include the *Secretary of the Interior's standards for the Treatment of Historic Properties*) and relevant sections of the National Environmental Policy Act (NEPA), and

WHEREAS The NPS has determined that the undertakings proposed by the Foundation may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) and has consulted with the Virginia Department of Historic Resources (the Virginia State Historic Preservation Office, or SHPO) pursuant to Section 800.14(a) of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470); and

WHEREAS The NPS has invited the participation of the Advisory Council on Historic Preservation (ACHP) in this consultation, and the ACHP has declined to participate; and

WHEREAS The NPS has invited the participation of the Foundation as an invited signatory in this consultation, and the Foundation has agreed to participate; and

WHEREAS, the following tribes, nations, organizations, agencies, and institutions were invited to participate in consultation toward this agreement and to concur in this Programmatic Agreement (PA):

- The City of Fredericksburg, Virginia
- The County of Stafford, Virginia
- The Absentee-Shawnee Tribe of Indians of Oklahoma
- The Eastern Band of Cherokee Indians of North Carolina
- The Tuscarora Nation
- The Cherokee Nation
- The Eastern Shawnee Tribe of Oklahoma
- The Shawnee Tribe
- The Catawba Indian Nation
- The Virginia Council on Indians
- The Stafford County Historical Society
- The American Battlefield Protection Program
- The Civil War Preservation Trust
- The Friends of the Rappahannock

The Virginia Department of Environmental Quality

Department of Historic Preservation, University of Mary Washington

WHEREAS, of the invitees above, The Catawba Indian Nation, The Virginia Council on Indians, and The City of Fredericksburg have responded in the affirmative and are considered concurring parties to this agreement

WHEREAS This PA builds upon and does not supercede the 2008 Nationwide Programmatic Agreement (Appendix A) executed by the NPS, the ACHP, and The National Conference of State Historic Preservation Officers that encourages the development of park and project specific programmatic agreements that may be independent of and supplement the 2008 Nationwide PA; and

NOW, THEREFORE, the signatories below agree that the implementation of any of the alternatives to re-habilitate, restore, or improve Ferry Farm shall be administered consistent with Section 106 of the National Historic Preservation Act.

STIPULATIONS

Responsibilities

The Foundation shall be responsible for preparing and bearing the cost of preparing all relevant plans, narrative descriptions, alternatives, supporting documentation, and forms (most notably the "Assessments of Actions Having an Effect on Cultural Resources") needed to comply with the requirements of this programmatic agreement and both Section 106 and NEPA. Collectively, these documents will constitute the Foundation's formal request to the NPS for approval of an action or actions under terms of the existing Conservation Easement. The Foundation shall prepare and print a number of plans sufficient to provide all the signatories to this agreement with copies.

The National Park Service, in consultation with the other signatories, shall review all submitted documentation, plans, alternatives, and proposed actions. NPS concurrence on a preferred alternative will constitute the proposed action that is subject to review under Section 106 and other relevant laws.

The National Park Service shall assume primary responsibility for initiating consultation and formal review of the proposed actions under Section 106 and other relevant laws.

Review Teams: Under terms of the 2008 Nationwide PA, Fredericksburg and

Spotsylvania NMP has in place a team of qualified cultural resource advisors. This team will be used to fulfill NPS obligations for review under terms of the programmatic agreement. The Foundation is encouraged to assemble its own panel of qualified experts and advisors to help guide the development of alternatives, proposed actions, and supporting documentation.

Stipulation: The National Park Service will submit for review under Section 106 and NEPA only those undertakings that it deems comply with the terms of the June 2000 easement governing Ferry Farm.

The Process

Jointly, the NPS and Foundation shall ensure that the following measures are carried out:

I. Consultation

NPS and the Foundation shall consult with the signatories and consulting parties in carrying out the terms of this agreement. Such consultation may include but not be limited to:

Written correspondence
Conference calls
Face-to-face meetings
Field visits.

II. Planning and Compliance Preparation

A. Foundation/NPS

1. Consistent with the provisions of the 2008 Nationwide PA, the Foundation will prepare documentation for the actions listed in Appendix C, Section 1 ("Generalized Development Plan") using the "Assessment of Actions Having an Effect on Cultural Resources" form (also called the Assessment of Effect form). All forms will be reviewed by NPS cultural resource advisors who meet the professional qualifications set forth in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation in the fields of archeology, history, historic landscape architecture, and historic architecture.

2. Actions that meet the criteria for the Streamlined Review Process, found in Stipulation III.C of the 2008 Nationwide PA, will require no further review. NPS will submit Assessment of Effect forms to the SHPO to document actions that NPS considers to meet the criteria for the Streamlined Review Process, found in Stipulation III.C of the 2008 Nationwide PA. If the criteria for the Streamlined Review Process are not met, the NPS will submit the assessment forms to the SHPO for review and comment.
3. The Foundation will develop plans and specifications for implementing the preferred alternative compatible with the historic structures, contributing landscapes, landscape features, and archeological resources of Ferry Farm and consistent with the recommended approaches to preserving its historic setting; and will provide the NPS—who in turn will supply the other signatories—with copies of design plans for review.
4. If the NPS determines that the proposed improvements may alter the qualities that make a contributing structure, landscape feature, or archeological site significant, the Foundation will prepare design alternatives and/or landscape treatment plans to avoid, minimize, or mitigate the project's adverse effects for NPS for approval and to the other signatories for review and comment prior to implementation.

B. Identification, Evaluation and Treatment of Archaeological Sites

1. Although the archeological resources associated with George Washington's occupation of the National Historic Landmark property contribute to its landmark status, other resources might be identified that expand the landmark's boundaries. If the NPS determines in consultation with the other signatories that further efforts are needed to identify archeological sites, the Foundation shall ensure that an archeological testing program is developed and submitted to NPS for approval and to the SHPO and other concurring parties for review and comment prior to implementation. Such inventory work shall conform to the standards of National Park Service Director's Order No. 28,

Cultural Resource Management Guideline, chapter 6, sec. 2 ("Evaluation and Identification"), including the listed standard document types: Archeological Overview and Assessment, Archeological Identification Study, Archeological Evaluation Study.

2. Prior to affecting any potentially eligible archeological resource, the Foundation will develop a testing program of sufficient intensity to provide an evaluation of eligibility for the National Register of Historic Places (NRHP), as confirmed by NPS in consultation with the SHPO and with the City of Fredericksburg, the Virginia Council on Indians (VCI), and the Catawba Indian Nation (CIN), following the regulations outlined in 36 CFR Part 800.4(c).
3. If as a result of the testing program, archeological resources are identified that are eligible for the NRHP, the Foundation shall develop a plan sufficient for their avoidance, protection, recovery of information or destruction without data recovery, as confirmed by NPS in consultation with the SHPO and with the City of Fredericksburg, the VCI, and the CIN. NPS shall submit the plan to the SHPO and other consulting parties for review and comment prior to implementation.
4. All data recovery plans prepared under the terms of this agreement shall include the following elements:
 - a) Information on the archeological property or properties where data recovery is to be carried out, and the context in which such properties are eligible for the National Register;
 - b) Information on any property, properties, or portions of properties that will be destroyed without data recovery;
 - c) Discussion of the research questions to be addressed through the data recovery with an explanation/ justification of their relevance and importance;

- d) Description of the recovery methods to be used, with an explanation of their pertinence to the research questions;
 - e) Information on arrangements for any regular progress reports or meetings to keep the other signatories and the City of Fredericksburg, the VCI, and the CIN up to date on the course of the work. The plan should contain the expected timetable for excavation, analysis and preparation of the final report.
5. In consultation with the other signatories and the City of Fredericksburg, the VCI, and the CIN, the Foundation shall prepare a Research Design outlining the overall goals and methods for archeology across the entire National Historic Landmark property.
 6. In consultation with the other signatories and the City of Fredericksburg, the VCI, and the CIN, the Foundation shall prepare and submit for NPS review an annual Scope of Work detailing each forthcoming year's proposed archeological undertakings, prior to seeking NPS approval of those undertakings. The Scope of Work shall place the proposed undertakings in the context of the overall Research Design and/or of discoveries and new information that may suggest modification of the Design. The scope of work shall be submitted no later than January 15 of each year.
 7. In consultation with the other signatories and the City of Fredericksburg, the VCI, and the CIN, the Foundation at the conclusion of each work year shall submit a summary of the work accomplished and a preliminary assessment of results (such as they are known) of from 3-5 pages. This "Interim Technical Report" will be due January 15 of each year. The Scope of Work for the following year will not be reviewed and approved without submission of the "Interim Technical Report."
 9. Because of the expense and complexity of the archeological work at Ferry Farm, the Foundation shall

be granted two years to complete and submit to the NPS a Monograph Technical Report defining the results of each year's archeological work. The first Technical Report under terms of this agreement will be for the work year 2010 and will be due by April 1, 2012; the second Technical Report, for 2011, will be due April 1, 2013; each subsequent Technical Report will be due April 1 two years after the year being reported. Reasonable requests for extensions may be granted at the discretion of the NPS.

C. Identification, Evaluation and Treatment of Cultural Landscapes

1. If the NPS determines in consultation with the SHPO that further efforts are needed to identify cultural landscapes, the Foundation shall ensure that an identification effort is developed in consultation with the NPS and the SHPO. Prior to affecting any potentially eligible cultural landscapes, the Foundation will develop a report of sufficient intensity to provide an evaluation of eligibility for the National Register of Historic Places by NPS in consultation with the SHPO, following the regulations outlined in 36 CFR Part 800.4(c).
2. If the NPS determines that the proposed improvements may alter the qualities that make a contributing structure, landscape or landscape feature significant, the Foundation will prepare design alternatives and/or landscape treatment plans to avoid, minimize, or mitigate the project's adverse effects. The alternatives—including the preferred alternative—shall be submitted to the NPS for approval and to the SHPO for comment and approval and other consulting parties for comment prior to implementation.
3. If as a result of the identification efforts, cultural landscapes are identified that are eligible for the NRHP, the Foundation shall develop a plan for their avoidance, protection, and recovery of information in consultation with the NPS, the SHPO, and other consulting parties. The plan shall be submitted to NPS for approval and to the SHPO and other consulting parties for review and comment prior to implementation.

D. Identification, Evaluation and Treatment of Architectural Resources

1. If the NPS determines that further efforts are needed to identify architectural resources, the Foundation shall ensure that an identification effort is developed in consultation with the NPS and the SHPO. Prior to affecting any potentially eligible structure, the Foundation will develop a report of sufficient detail to provide an evaluation of eligibility for the NRHP by NPS in consultation with the SHPO, following the regulations outlined in 36 CFR Part 800.4(c).
2. If the NPS determines that the proposed improvements may alter the qualities that make a contributing structure significant, the Foundation will prepare design alternatives and/or landscape treatment plans to avoid, minimize, or mitigate the project's adverse effects. The alternatives—including the preferred alternative—shall be submitted to the NPS for approval and to the SHPO and other consulting parties for review and comment prior to implementation.
3. If as a result of the identification efforts, architectural resources are identified that are eligible for the NRHP, the Foundation shall develop a plan for their preservation, avoidance, protection, and recovery of information. The plan shall be submitted to the NPS for approval and to the SHPO and other consulting parties prior to implementation.

E. Review of Documentation

All reports, plans, and proposals shall be submitted in both digital form and in hard copy, as stipulated below.

1. The Foundation shall submit to the NPS a single hard copy for each consulting party, two (2) copies for the SHPO, and five (5) copies for the NPS, of all plans, reports, and other items that by virtue of this contract must be distributed to consulting parties. The NPS will distribute copies to the SHPO and other consulting parties. The Foundation shall ensure that all comments shall be addressed in the final technical reports. In addition, the Foundation shall submit to the NPS and to the SHPO two copies of the approved final draft of all technical reports bound in a spiral binding and on acid free paper,

as well as a digital copy in Adobe Portable Document Format (PDF) to the SHPO for its archives.

2. Unless otherwise specified in this PA, the SHPO and other consulting parties shall have thirty (30) calendar days after receipt of any document distributed by the NPS for review and comment. Failure to comment within this time period shall be construed as agreement with the document's findings, conclusions, and/or recommendations.
 3. The NPS will have a total sixty (60) calendar days after the distribution of documents to consolidate the comments of the SHPO and other consulting parties and render its own judgment as to the appropriateness of a proposed action with respect to the terms of the easement held by the Federal government.
- F. Curation of all archeological materials and appropriate field and research notes, maps, drawings and photographic records collected as part of this PA will be cared for in accordance with the requirements of 36 CFR Part 79, *Curation of Federally Owned and Administered Archeological Collections* and the *National Park Service Museum Handbook*.

G. Professional Qualifications

1. All archeological work will be conducted by or under the direct supervision of a qualified archeologist who meets, at a minimum, the qualifications set forth in the Secretary of the Interior's *Professional Qualifications Standards* (48 FR 44 738-9).
2. Work concerning historic structures and districts will be carried out by or under the supervision of a qualified historical architect, architectural conservator, or architectural historian or historians who meets, at a minimum the qualifications set forth in the Secretary of the Interior's *Professional Qualifications Standards* (48 FR 44738-9).
3. Work concerning rural historic landscapes will be carried out by or under the supervision of a qualified landscape historian or landscape architect, and in accordance with the applicable

guidelines set forth in the National Register Bulletin 30 (*Guidelines for Evaluating and Documenting Rural Historic Landscapes*).

H. Reporting Standards

1. All archeological studies, resulting from this PA, including data recovery plan(s), shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (48 FR 4434-37), the Director's Order 28, Technical Guidelines, and the SHPO's *Guidelines for Conducting Cultural Resource Survey in Virginia: Additional Guidance for the Implementation of the Federal Standards Entitled Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44742, September 29, 1983) 1999, rev. 2003, and shall take into account the ACHP's Section 106 Archaeology Guidance (June 2007) and *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999; updated 2002), or subsequent revisions or replacements thereof).
2. All historical and architectural studies resulting from the PA shall be consistent with pertinent standards and guidelines of the Secretary of the Interior, including as applicable the Secretary of the Interior's *Standards and Guidelines for Historical Documentation* (48 FR 44728-30) and for *Architectural and Engineering Documentation* (48 FR 44730-34).

III. Project Coordination and Implementation

- A. The NPS will coordinate the Section 106 review activities of all federal agencies that participate in the actions associated with the development and preservation of Ferry Farm.
- B. To coordinate compliance with project contracting, the Foundation will submit to the NPS the Assessment of Effect forms for review and submission to the SHPO to document actions that Foundation and NPS consider to meet the criteria for streamlined review found in Stipulation III.C of the 1995 Nationwide PA that will require no further review. If the criteria for streamlined review are not met, the Foundation will prepare and the NPS will submit the Assessment of Effect forms to the SHPO for review and comment.

IV. Report Requirements

- A. The Foundation shall ensure that any documentation pertaining to activities carried out pursuant to this agreement is provided to the NPS for distribution to the signatories in draft and final format, as appropriate. Consulting parties will be notified of the status of the documentation and will be provided copies upon request.
- B. The NPS shall ensure that decisions regarding the dissemination of information generated as a result of carrying out the terms of this agreement are made in accordance with Section 304 of the NHPA and the NPS *Bulletin 29: Guidelines for Restricting Information About Historic and Prehistoric Resources* 1990. When the information in question has been developed in the course of an agency's compliance with Section 106 or 110(f), the Secretary shall consult with the ACHP in reaching determinations under subsections (a) and (b).

V. Monitoring of Performance under the Agreement

A. Annual Report

1. On or before December 31 of each year until the NPS determines that the terms of this PA have been fulfilled and so notifies the other consulting parties, the Foundation will prepare and provide an annual status report to all parties to this agreement, addressing:
 - Status of project implementation
 - Progress in work
 - Coordination of work with planning and construction schedules
 - Any problems or unexpected issues encountered during the year, and
 - Any proposed changes to this agreement.
2. The Foundation shall ensure that its annual report is made available for public inspection, that potentially interested members of the public are made aware of its availability, and that interested members of the public are invited to provide comments. The method and media for public access will be determined in consultation with the NPS and SHPO, but will minimally include posting on both the Foundation and NPS websites.
3. The NPS shall review the annual status report and any comments it receives from the public and will provide comments to the parties to this agreement. Based on this review any party to this agreement may request that the parties meet to facilitate review and comment, to resolve questions or to resolve adverse comments.

4. Based on this review, the signatories will consult to determine whether this PA shall continue in force, be amended, or be terminated.
- B. The SHPO may monitor activities carried out pursuant to this PA, and the ACHP may review such activities if so requested. The NPS and Foundation will cooperate with the other signatories in carrying out their monitoring and review responsibilities.

VI. Unanticipated Discoveries

- A. In the event that a previously unidentified archeological resource is discovered during ground disturbing activities, the Foundation will immediately notify the NPS, which shall immediately notify the SHPO, the City of Fredericksburg, the VCI, and the CIN. All construction work involving subsurface disturbance will be halted in the area of the resource and in the surrounding area where further subsurface materials can reasonably be expected to occur. Work in areas not associated with the discovery may continue without interruption, unless the NPS or SHPO deems that the method or nature of the work poses an unforeseen risk to historic resources. The NPS and the SHPO, or an archeologist approved by them, immediately will inspect the work site and determine the area and the nature of the affected archeological property. Within two working days of the original notification of discovery, the NPS in consultation with the SHPO and consulting parties will determine the NRHP eligibility of the resource.

If, in consultation with the other signatories and the City of Fredericksburg, the VCI, and the CIN, the resource is determined to meet NRHP Criteria (36 CFR Part 60.6), the NPS shall ensure compliance with Section 800.13 of the ACHP's regulations. Work in the affected area shall not proceed until either (a) the development or implementation of appropriate data recovery or other recommended mitigation procedures, or (b) the determination is made that the located archeological resource(s) is not eligible for inclusion on the NRHP.

The Foundation shall make all reasonable efforts to avoid disturbing gravesites, including those containing Native American human remains and associated funerary artifacts. The Foundation shall treat all human remains in a manner consistent with the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007; <http://www.achp.gov/docs/hrpolicy0207.pdf>). The Foundation shall take into account the Commonwealth of Virginia's Regulations Governing Permits for the Archaeological Removal of Human Remains (Virginia Register 390-01-02) found in the Code of Virginia

(10.1-2305 et seq., Virginia Antiquities Act). If removal is proposed, the Foundation shall apply for a permit from the SHPO for the removal of human remains in accordance with the regulations stated above.

The Parties to this PA recognize that culturally significant objects, sites, and human remains may be encountered, and that these may be subject to the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA). If determined necessary by the NPS and the other signatories and the City of Fredericksburg, the VCI, and the CIN, the parties to this agreement shall execute an addendum to this agreement that describe procedures and processes for complying with the regulations governing the implementation of NAGPRA as it relates to this project.

VII. Dispute Resolution

- A. Should any signatory to this PA object to any action carried out or proposed by the Foundation or NPS with respect to implementation of this agreement, the NPS will consult with the objecting party to resolve the objection.
- B. If after initiating such consultation, the NPS determines that the objection cannot be resolved through consultation, the NPS shall forward all documentation relevant to the objection to the ACHP, including the proposed response to the objection.
- C. Within forty-five (45) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
 1. Advise the NPS that the ACHP concurs with the proposed response to the objection, whereupon the NPS will respond to the objection accordingly;
 2. Provide the NPS with recommendations, which the Federal agency shall take into account in reaching a final decision regarding its response to the objections; or
 3. Notify the NPS that the objection will be referred for ACHP comment pursuant to Section 110(1) of the National Historic Preservation Act and 36 CFR Part 800.7(c), and proceed to refer the objection for comment. Any ACHP comment rendered pursuant to this stipulation shall be understood to apply only to the subject of the objection; all other responsibilities of the parties stipulated in agreement shall remain unchanged.

- D. Should the ACHP not exercise one of the above options within forty-five (45) days after receipt of all pertinent documentation, the NPS may assume the ACHP's concurrence in its proposed response to the objection.
- E. At any time during implementation of the measures stipulated in this agreement, should an objection pertaining to this agreement be raised by a member of the public, the party to this agreement receiving the objection shall notify the other parties to this agreement and the NPS will take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this agreement to resolve the objection.

VIII. Amending the Agreement

Any signatory to this PA may propose to the NPS that the PA be amended, whereupon the NPS will consult with the other parties to this PA to consider such an amendment. All signatories (NPS and the SHPO) to the PA must agree to the proposed amendment in accordance with 800.5(e) (5).

IX. Terminating the Agreement

- A. If the NPS determines that it cannot implement the terms of this PA, or if the SHPO determines that the agreement is not being properly implemented, the NPS or the SHPO may propose to the other parties that it be terminated.
- B. If the Foundation determines that it cannot implement the terms of this PA and thus proposes termination of the agreement, the NPS will consider prior approvals given under the terms of the PA that have not been implemented to be revoked—requiring reconsideration at such a time and in such a form that the parties can again come to agreement upon a process for review.
- C. Termination shall include the submission of any outstanding technical reports on any work done up to and including the date of termination.
- D. A party proposing to terminate this agreement shall so notify all parties to the agreement, explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. The parties shall then consult.

- E. Should such consultation fail and the agreement be terminated, the NPS will comply with the 2008 Nationwide PA and 36 CFR Part 800.3 through 800.6 with regard to individual actions covered by this PA.
- F. It is understood that the Conservation Easement over Ferry Farm and other agreements governing the management of and operations on the property shall remain in effect irrespective of the status of this PA *vis-à-vis* termination.
- G. The NPS shall notify the City of Fredericksburg, the VCI, and the CIN in the event that any modifications of the terms of this Programmatic Agreement are proposed by the NPS, the Foundation, or the SHPO.

X. Duration of the Agreement

This PA will continue in full force and effect for five years after the date of the last signature. At any time in the sixth-month period prior to such date, the NPS may request the signatories to consider an extension or modification of this agreement. No extension or modification will be effective unless all parties to the PA have agreed with it in writing.

Execution and implementation of this PA evidences that the NPS has satisfied its Section 106 responsibilities for all actions of the undertaking.

ADDENDUM

Archeological Investigations at Locations of Proposed Undertakings

1. Locations of documented substantial ground disturbance: In locations not subject to prior archeological survey work but where substantial and destructive prior ground disturbance can be documented, within a proposed undertaking's defined Area of Potential Effect (APE) for direct effects, no additional investigation will be required. Proposals to disturb such locations shall be considered as "exclusions" (i.e., reviewed through an assessment of action report, rather than through a full section-106 report) under the terms of the Programmatic Agreement, with the Foundation required only to submit such documentation for review as is needed to establish the extent and effect of disturbances that would preclude the presence of archeological resources.

Documentation of prior ground disturbance. The form of that documentation shall be determined by the NPS.

2. Locations where prior survey work has not identified archeological resources but where the extent of substantial, archeologically destructive ground disturbance is unknown: In locations where prior survey work has not suggested the presence of archeological resources within a proposed undertaking's APE, additional investigative work sufficient to definitively confirm the absence or presence of such resources shall precede the NPS review of the proposal. As is customarily required by the NPS and SHPO, testing will occur at twice the density performed in the initial survey—that is, at 25-foot intervals rather than 50-foot intervals—throughout the location proposed for disturbance. Assuming this additional testing does not suggest the presence of previously unknown archeological resources within the zone of construction, the NPS will approve the proposed work as it relates to archeological resources (bearing in mind that all such work must also be measured against the Secretary of the Interior's Standards relating to historic landscapes and architecture).

3. Locations where prior survey work has identified archeological resources: In locations where prior survey work has suggested the presence of archeological resources that in the estimation of the NPS may constitute eligible or contributing features, prior to the submission of plans for an undertaking, the Foundation will be required to complete a program of additional investigation and testing sufficient to, in the opinion of the NPS, determine the eligibility or contributing status of those resources. These investigations will be governed by a research design formulated by the Foundation in consultation with the NPS and its consulting parties and will be designed to identify and evaluate all archeological resources within the APE. Additional testing and investigation may include any or all of the following: documentary investigation, more intensive shovel-test-pit coverage, remote sensing, test units, and partial excavation. No decision on the appropriateness of development at a location possessing documented archeological resources will be made by the NPS until NPS and the SHPO concur as to the significance, eligibility, or contributing status (or not) of the location.

While Section 106 of the NHPA provides for a process of mitigation should impacts to historic resources be determined to be unavoidable, the parties to this agreement understand that the ultimate decision whether or not to adversely affect historic resources is governed by the terms of the easement for Ferry Farm. It is expressly understood that the NPS, as administrator of that easement, may determine after review by its staff advisors and the consulting parties to this agreement that any impact on an historic resource is

unacceptable under terms of that easement, should the impact substantially affect the values and resources that the easement is expressly intended to protect.

SIGNATURES

Department of the Interior, National Park Service

By: Russell P. Smith Date: 11/18/2010

Russell P. Smith
Superintendent, Fredericksburg and Spotsylvania National Military Park

George Washington Foundation

By: William E. Garner Date: 1/10/2011

William E. Garner, President

Virginia State Historic Preservation Officer

By: Kathleen S. Kilpatrick Date: 12/9/10

Kathleen S. Kilpatrick
Director, Virginia Department of Historic Resources

APPENDIX A

Programmatic Agreement Among the National Park Service (U.S. Dept. of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act, 2008

WHEREAS, the National Park Service (NPS) plans for, operates, manages, and administers the National Park System (System) and is responsible for identifying, preserving, maintaining, and interpreting the historic properties of the System unimpaired for the enjoyment of future generations in accordance with the 1916 National Park Service Organic Act, the NPS Management Policies (2006), and applicable NPS Directors Orders; and

WHEREAS, the operation, management, and administration of the System entail undertakings that may affect historic properties (as defined in 36 CFR Part 800), which are therefore subject to review under Sections 106, 110(f) and 111(a) of the National Historic Preservation Act as amended (NHPA) (16 USC 470 et seq.) and the regulations of the Advisory Council on Historic Preservation (ACHP) (36 CFR Part 800); and

WHEREAS, the NPS has established management policies, director's orders, standards, and technical information designed for the identification, evaluation, documentation, and treatment of historic properties consistent with the spirit and intent of the NHPA; and

WHEREAS, the NPS has a qualified staff of cultural resource specialists to carry out programs for historic properties; and

WHEREAS, the purpose of this Programmatic Agreement (PA) is to establish a program for compliance with Section 106 of the NHPA and set forth a streamlined process when agreed upon criteria are met and procedures are followed; and

WHEREAS, signature and implementation of this PA does not invalidate park-, Region-, or project-specific memoranda of agreement (MOA) or programmatic agreements negotiated for Section 106 purposes prior to the effective date of this PA; and

WHEREAS, Federally recognized Indian Tribes are recognized by the U.S. government as sovereign nations in treaties and as unique political entities in a government-to-government relationship with the United States; and

WHEREAS, the NPS has conducted a series of "listening" meetings with Indian Tribes, has requested the input of a number of Native Advisors in the process of preparing this PA, and has held consultation meetings with Federally recognized Indian Tribes, Native Hawaiian organizations, and other parties on the content of the PA; and

WHEREAS, 36 CFR Part 800.2 (c)(2)(i)(A) and (B) provide for consultation with Indian Tribes on the same basis as the State Historic Preservation Officer (SHPO) when an undertaking will occur on or affect historic properties on tribal lands; and

WHEREAS, in accordance with 36 CFR Part 800.14(b)(2)(iii), a PA shall take effect on tribal lands only when the designated representative of the tribe is a signatory to the agreement; and

WHEREAS, for those parks located partly or wholly within tribal lands, the NPS has invited the applicable Tribal Historic Preservation Officer (THPO) or Indian Tribe to sign this PA as an Invited Signatory; and

WHEREAS, the NPS has consulted with the NCSHPO and the ACHP regarding ways to ensure that NPS operation, management, and administration of the Parks provide for management of the Parks' historic properties in accordance with the intent of NPS policies, director's orders and Sections 106, 110, 111, and 112 of the NHPA.

NOW, THEREFORE, the NPS, the NCSHPO, the ACHP, and the signatory tribes mutually agree that the NPS will carry out its Section 106 responsibilities with respect to operation, management, and administration of the Parks in accordance with the following stipulations.

PURPOSE AND NEED

NPS park operations, management, and administration require a large number of low-impact or repetitive activities on a daily basis that have the potential to affect properties listed in or determined eligible for the National Register of Historic Places and require consultation under Section 106. This PA provides an efficient process for compliance with Section 106 for daily NPS park operations, management, and administration activities. It establishes two processes for Section 106 review: a "streamlined" review process for designated undertakings that meet established criteria and a "standard" review process for all other undertakings. This PA also provides programmatic procedures and guidance for other activities related to the Section 106 compliance process, including identification of resources, consultation, and planning.

The NPS shall ensure the following measures are implemented.

I. RESPONSIBILITIES, QUALIFICATIONS, AND TRAINING

The following sections list the responsibilities and required qualifications for those individuals responsible for implementing this PA.

A. Responsibilities

1. Director, National Park Service

The Director has policy oversight responsibility for the agency's historic preservation program. The Director, through the Deputy Director for Operations, executes this PA for the NPS and provides policy level oversight within the NPS to ensure that stipulations of the PA are met.

2. Associate Director for Cultural Resources

The Associate Director for Cultural Resources (ADCR) provides national leadership for policy implementation through establishing standards and guidance for managing cultural resources within the Parks. The ADCR works with the NPS regions and parks to ensure and support compliance with the stipulations of this PA and provides accountability to the signatories of this PA with regard to its implementation. The ADCR is responsible for working with Regions and Parks to develop and fund training needs related to Section 106 and the implementation of the PA. The ADCR in cooperation with the regions and parks, is responsible for issuing a guidance document for this agreement within 12 months of its execution. At the time of execution of this PA, the ADCR also holds the title of Federal Preservation Officer (FPO).

3. Regional Directors

The Regional Director is the line manager for all Superintendents within his/her region. The Regional Director is responsible for policy oversight, strategic planning, and direction for parks and programs within the region and reports to the Director through the NPS Deputy Director for Operations. Review and support of Park and Superintendent implementation of this PA and training to achieve Section 106 compliance is the responsibility of the Regional Director.

4. Regional Section 106 Coordinators

The Regional Section 106 Coordinators work with parks and other NPS offices to provide support for Section 106 compliance and implementation of this PA. The Regional Section 106 Coordinators provide guidance materials and technical assistance for implementing the PA and assist the parks to meet the training, reporting, and consultation requirements of the PA.

5. Superintendents

Superintendents are the responsible agency officials as defined in 36 CFR Part 800.2(a) for purposes of Section 106 compliance and the implementation of this PA. Each Superintendent shall do the following within his/her park:

- a. Designate a Park Section 106 Coordinator and a Cultural Resource Management (CRM) Team meeting the necessary qualifications;
- b. Develop and maintain relationships with Federally recognized Indian Tribal governments and Native Hawaiian organizations (if applicable);
- c. Develop and maintain relationships with SHPOs/THPOs;
- d. Ensure early coordination among the Section 106 Coordinator, the CRM Team, and other park and regional staff, concessionaires, park partners, neighboring communities, groups affiliated with park resources, and others in the planning of projects and activities that may affect historic properties;
- e. Ensure that Section 106 consultation with the SHPO/THPO and other consulting parties is initiated early in the planning stages of any given undertaking, when the widest feasible range of alternatives is available for consideration;
- f. Ensure that the Park Section 106 Coordinator, CRM Team Members and the park cultural resources staff receives the NHPA training needed to carry out their responsibilities. Provide opportunities for other involved staff to receive NHPA training as funding and opportunities permit.

6. Park Section 106 Coordinator

The Park Section 106 coordinator provides day-to-day staff support for Section 106 activities and serves as liaison among park personnel, the NPS Regional Office, NPS Centers, and others involved in undertakings. The coordinator makes recommendations to the Superintendent regarding the appropriate course of action under this PA, including whether a project constitutes a Section 106 undertaking.

7. Cultural Resource Management (CRM) Team

The CRM Team shall provide expertise and technical advice to the Superintendent and the Park Section 106 Coordinator for purposes of Section 106 compliance and implementation of this PA.

B. Qualifications

1. Park Section 106 Coordinator

The Superintendent shall designate at least one (1) person to act as the park's Section 106 Coordinator, whose Section 106 responsibilities are specified, as appropriate. The designee may be chosen from the park staff, other NPS parks, NPS archeological and preservation centers, and the NPS Regional Office. The Park Section 106 Coordinator

shall have an appropriate combination of professional training and/or experience to effectively carry out the responsibilities of the position.

2. Cultural Resource Management (CRM) Team

The Superintendent shall designate a CRM Team with expertise to fulfill and implement the requirements of this PA, whose Section 106 responsibilities are specified, as appropriate.

a. Subject matter experts chosen must be appropriate to the resource types found in the park. Therefore, the number of individuals who comprise the CRM Team is not static and will be appropriate to include all necessary disciplines. Multi-disciplinary reviews of proposed undertakings are recommended.

b. CRM Team members may be on the park staff or in other parks, or from NPS Regional Offices, NPS Centers, Federally recognized Indian Tribes, Native Hawaiian organizations, or elsewhere in the public or private sector.

c. CRM Team members who are federal employees shall meet the qualifications for the applicable discipline as defined in Appendix E to NPS-28: Cultural Resource Management Guideline. CRM Team members who are representing Federally recognized Indian Tribes may be traditional cultural authorities, elders, and others experienced in the preservation of tribal culture. All other CRM team members, who are not federal employees or representing a Federally recognized Indian Tribe, must meet the Professional Qualification Standards in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

C. Training

Periodic training on Section 106 compliance issues and the provisions of this PA is needed to maintain an understanding of the requirements of each. Such training may be accessed through the NPS, the ACHP, SHPOs/THPOs, Indian Tribes, Native Hawaiian organizations, other Federal or state agencies or private industry. Training may be in a classroom setting, electronic media, meetings, or other formats that allow for the conveyance of information. The NPS Washington Office, in consultation with the NPS parks, regions, and training centers, will work with the ACHP and NCSHPO to establish options for training in accordance with this PA, within 12 months from the time of execution of this PA.

1. All Superintendents and Section 106 coordinators will be notified of the opportunity to receive training on the provisions of this programmatic agreement once it has been made available by the NPS Washington Office. The NPS ADCR will work with the Regional 106 coordinators to accomplish this training throughout the Regions and parks within 12 months of its availability.

2. Superintendents will report on Section 106 training received by Superintendents and park staff as part of the biennial report (Section VIII.B of this agreement).

II. CONSULTATION

A. Consultation with Federally Recognized Indian Tribes and, THPOs, and Native Hawaiian Organizations Government-to-government consultation with Federally recognized Indian Tribes and consultation with Native Hawaiian organizations shall occur at the Superintendent level and be initiated during planning and prior to undertaking an activity, program or project that may affect historic properties of significance to Federally recognized Indian tribes or Native Hawaiian organizations. Maintaining an on-going consultative relationship with THPOs and/or staff of Federally recognized Indian Tribes and Native Hawaiian organizations is essential.

1. Consultation on Undertakings off Tribal Lands

Superintendents shall identify, compile a list of, and consult with Federally recognized Indian Tribes, THPOs and Native Hawaiians that are known to have aboriginal lands within the park boundaries, assert an interest in historic properties within the park boundaries, or have lands or interest in lands adjacent to the park.

a. Such consultation will be in accordance with 36 CFR Part 800.2(c)(2)(ii), NPS Director's Order 75A: Public Engagement and Public Involvement, and with Sections III and IV of this PA.

b. Each Superintendent, with the assistance of park and Regional Office ethnographers, will be responsible for identifying aboriginal lands within the park boundary, working cooperatively with the appropriate Federally recognized Indian Tribes and Native Hawaiian organizations.

c. Superintendents, in consultation with the Park Section 106 Coordinator and the CRM Team, shall establish a process and develop consultation agreements, where appropriate, that provide for early coordination between the park and Federally recognized Indian tribes, THPOs, and/or Native Hawaiian organizations in identification and evaluation of historic properties and the planning of projects and activities that may affect historic properties.

d. Identification and evaluation of historic properties on aboriginal lands must be based upon consultation with the appropriate traditionally associated communities.

2. Consultation on Undertakings on Tribal Lands

For those undertakings that either occur on tribal lands or will otherwise have the potential to affect historic properties on tribal lands, including cumulative impacts

from collectively significant actions taking place over a period of time, the Superintendent shall consult with that tribe on the same basis as he or she consults with the SHPO.

a. Where the Tribe has assumed the SHPO's responsibility for Section 106 pursuant to Section 101(d)(2) of the NHPA, the Superintendent shall consult with the THPO in lieu of the SHPO, except as provided for in Section 101(d)(2)(D)(iii).

b. Where the Tribe has not assumed the SHPO's responsibility for Section 106, the Superintendent shall consult with the Tribe's designated representatives in addition to and on the same basis as the SHPO. The Tribe shall have the same rights of consultation and concurrence as the SHPO.

3. Applicability of this PA on Tribal Lands

When a park is located partly or wholly within the boundaries of tribal lands, and the tribe has not signed this PA as an Invited Signatory, any undertaking that may occur on those tribal lands shall require consultation with the Tribe and/or THPO in accordance with 36 CFR Part 800, and the provisions of this PA are not applicable. A tribe may sign this PA by written notification to the Director of such intent, signed by the THPO, Indian tribe, or a designated representative of the tribe. Once such a written and signed notification is received by the Director, the provisions of this PA will be applicable to undertakings occurring on those lands where a park is located partly or wholly within the boundaries of that particular tribe's tribal lands.

4. Development of Agreements to Facilitate Government-to-Government Consultation with Federally recognized Indian Tribes and Consultation with Native Hawaiian Organizations

Development of consultation protocols, memoranda of agreement and programmatic agreements is encouraged. Such agreements may be negotiated between Superintendents and Federally recognized Indian Tribes, THPOs, or Native Hawaiian organizations and may be independent of or supplement this PA. For example, such agreements may be specific to a project, plan, or park activity, or may set forth specific consultation protocols between the park and a specific tribe or group of Native peoples. Superintendents will provide an informational copy of all agreements to the Regional Section 106 Coordinator and to the ACHP and appropriate SHPO/THPO in accordance with 36 CFR Part 800.2(c)(2)(ii)(E).

B. Consultation with SHPOs

Consultation with SHPOs on projects reviewed in accordance with the Standard Review Process will occur in accordance with the procedures set forth in Section IV of this PA.

Consultation with SHPOs on implementation of this PA will occur biennially in accordance with Section VIII of this PA.

C. Consultation with Local Governments and Applicants for Federal Assistance, Licenses, Permits, and Other Approvals

Where appropriate, the Superintendent shall actively seek the views and comments of local governments and certified local governments. Those seeking Federal assistance, licenses, permits, or other approvals are entitled to participate as a consulting party as defined in 36 CFR Part 800.2(c)(4) and will be consulted, as applicable.

D. Consultation with the Public

Superintendents will consult with interested members of the public.

E. General Consultation Provisions

1. Section 110 Inventory of Historic Properties

The parks implement a program to identify, evaluate, and, when appropriate, nominate historic properties to the National Register of Historic Places in accordance with Section 110(a)(2)(d) of the NHPA. Research and testing of all types of historic properties for purposes of identification and evaluation must be limited to the minimum necessary to obtain the required inventory and evaluative information. Early coordination on the identification and evaluation of historic properties should be undertaken with Federally recognized Indian Tribes or Native Hawaiian organizations, as appropriate, utilizing tribal knowledge and expertise wherever applicable. Knowledge and data from appropriate sources of expertise should be utilized, including SHPOs, local governments, Indian Tribes, Pacific Islanders, and national and local professional and scientific organizations. Inventory records should be periodically reviewed and updated, as necessary, to ensure data on historic properties, including condition information, is current, and any previous evaluations of significance remain accurate.

2. Information Sharing: Historic Property Inventories

Parks, NPS Regional Offices, NPS Centers, and SHPOs will share information with each other regarding inventories of historic properties and historic contexts developed, as well as other reports and research results related to historic properties in the parks, whenever such studies become available. In addition, parks, NPS Regional Offices, and NPS Centers will make such information available to interested Federally recognized Indian Tribes, THPOs, and Native Hawaiian organizations. Federally recognized Indian Tribes who are signatories to this PA will, likewise, make such information available to NPS parks and Regional Offices, as appropriate. Information will be shared with the understanding that sensitive information will be withheld by the recipient of the

information from public disclosure pursuant to Section 304 of NHPA and other applicable laws. Procedures for information sharing and format for information (i.e. electronic, hard copy, etc.) should be agreed upon between the parties.

3. Notification of Park Section 106 Coordinator

The National Park Service will provide contact information on Section 106 coordinators to Indian Tribes, SHPOs/THPOs, and Native Hawaiian organizations for each park through the Regional Office from the Regional 106 Coordinator within six months of this PA and updated biennially.

4. Review and comment on guidance and training documents

The ADCR will consult with the ACHP and NCSHPO in the development of training materials and guidance for this PA.

F. Development of Agreements to Facilitate Consultation

Development of consultation protocols, memoranda of agreement, and programmatic agreements is encouraged. Such agreements may be negotiated between Superintendents and organizations or governments and may be independent of or supplement this PA. For example, such agreements may be specific to a project, plan, or park activity, or may set forth specific consultation protocols between the park and a specific group, state, or local government. Superintendents will provide an informational copy of all agreements to the Regional Section 106 Coordinator and to the ACHP and appropriate SHPO/THPO in accordance with 36 CFR Part 800.2(c)(2)(ii)(E).

III. STREAMLINED REVIEW PROCESS

Where the Park Section 106 Coordinator determines the following criteria are met for a proposed undertaking, no further consultation is required unless otherwise specifically requested by the SHPO/THPO, Federally recognized Indian Tribe(s) or Native Hawaiian organization(s), or the ACHP.

A. Criteria for Using the Streamlined Review Process

All of the following criteria must be met in order to use the Streamlined Review Process:

1. The proposed undertaking must be an activity eligible for streamlined review, listed in Section III.C of this PA. These undertakings shall be known as "streamlined activities" for purposes of reference and replace the term "nationwide programmatic exclusions" set forth in the 1995 Programmatic Agreement between the NPS, the ACHP, and the NCSHPO; and

2. Identification and evaluation of all types of historic properties within the project area of potential effect (APE) must have been previously undertaken, sufficient to assess effects on those resources (with the exception of V.C (16)). Identification and evaluation of historic properties of religious and cultural significance to Indian tribes and Native Hawaiian organizations must be based upon consultation with those entities. All properties within the APE must have previously been evaluated for eligibility to the National Register of Historic Places and the SHPO/THPO must have concurred with the eligibility determination. Inventory records should be periodically reviewed and updated, as necessary, to ensure data on historic properties, including condition information, is current, and any previous evaluations of significance remain accurate; and

3. The Section 106 Coordinator, in consultation with appropriate members of the CRM Team must have reviewed the project and certified that the effects of the proposed undertaking on historic properties on or eligible for the National Register will not be adverse based on criteria in 36 CFR Part 800.5, including consideration of direct, indirect, and cumulative effects. The Effect Finding must be "No Historic Properties Affected" or "No Adverse Effect".

B. Streamlined Review Process

1. Evaluate Whether the Proposed Undertaking is Eligible for Streamlined Review: The Park Section 106 Coordinator, in consultation with appropriate members of the CRM Team, determines whether the proposed undertaking is an activity listed as an undertaking eligible for streamlined review in Section III.C of this PA. If not, compliance for the undertaking must be accomplished through the Standard Review Process, outlined in Section IV of this PA.

2. Identify the Undertaking's Area of Potential Effect (APE): The Park Section 106 Coordinator, in consultation with members of the CRM Team with expertise in the appropriate discipline(s), determines the project's APE, taking into account direct, indirect, and cumulative effects.

3. Identify Historic Properties within APE: The Park Section 106 Coordinator, in consultation with members of the CRM Team with expertise in the appropriate discipline(s), identifies the location, number, and significance of historic properties within the APE. If properties are located within the APE that have not yet been documented or evaluated for eligibility for the National Register of Historic Places, or if the SHPO/THPO has not yet concurred with the eligibility determination, compliance for the undertaking must be accomplished through the Standard Review Process, outlined in Section IV of this PA.

4. Evaluate Effect of Undertaking on Historic Properties in APE: The Park Section 106 Coordinator, in consultation with members of the CRM Team with expertise in the appropriate discipline(s), evaluates the effect of the proposed undertaking and cumulative

effects on historic properties, applying the Criteria of Adverse Effect set forth in 36 CFR Part 800.5(a)(1).

5. Document Streamlined Review Process: If, after following steps one through four (1-4) listed above, the Park Section 106 Coordinator determines no historic properties are within the APE, or the proposed undertaking would result in a determination of "no historic properties affected" or "no adverse effect", no further consultation is required. The Park Section 106 Coordinator shall document the determination as follows:

- a. The Streamlined Review process will be documented using the NPS "Assessment of Actions Having an Effect on Cultural Resources" form, or another appropriate format. Parks are encouraged to use Servicewide automated project planning and tracking systems, such as the NPS Planning, Environment and Public Comment (PEPC) system, to track and document Section 106 compliance activities.
- b. Documentation will include the comments of each member of the CRM Team involved in the review process and the signature of the Superintendent. Electronic signatures are acceptable.
- c. Documentation will be permanently retained by the Park Section 106 Coordinator for review by consulting parties and to facilitate the preparation of the Annual Report.
- d. Annual Report: An annual report of all undertakings reviewed using the Streamlined Review process will be prepared by the Park Section 106 Coordinator, using existing and readily available data sources and reporting systems such as the NPS Planning, Environment and Public Comment (PEPC) system, for transmittal to the SHPO/THPO.

C. Undertakings Eligible for Streamlined Review

1. Preservation Maintenance and Repair of Historic Properties: The Streamlined Review Process is intended to be used for:

- Mitigation of wear and deterioration of a historic property to protect its condition without altering its historic character;
- Repairing when its condition warrants with the least degree of intervention including limited replacement in-kind;
- Replacing an entire feature in-kind when the level of deterioration or damage of materials precludes repair; and
- Stabilization to protect damaged materials or features from additional damage.

Use of the Streamlined Review Process is limited to actions for retaining and preserving, protecting and maintaining, and repairing and replacing in-kind, as necessary, materials and features, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) and the accompanying guidelines. Emergency stabilization, including limited replacement of irreparably damaged features or materials and temporary measures that prevent further loss of historic material or that correct unsafe conditions until permanent repairs can be accomplished, may use the Streamlined Review Process. For archeological sites and cultural landscapes, the Streamlined Review Process may also be used for work to moderate, prevent, or arrest erosion. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring. The Streamlined Review Process may be used for routine repairs necessary to continue use of a historic property, but it is not intended to apply to situations where there is a change in use or where a series of individual projects cumulatively results in the complete rehabilitation or restoration of a historic property. If an approved treatment plan exists for a given historic property (such as a historic structure report, cultural landscape report, or preservation maintenance plan), the proposed undertaking needs to be in accordance with that plan. This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a. Removal of non-historic debris from an abandoned building.
- b. Cleaning and stabilizing of historic structures, features, fences, stone walls, plaques, and cannons using treatment methods that do not alter or cause damage to historic materials.
- c. Repainting in the same color as existing, or in similar colors or historic colors based upon an approved historic structure report, cultural landscape report, or a historic paint color analysis.
- d. Removal of non-historic, exotic species according to Integrated Pest Management principles when the species threatens cultural landscapes, archeological sites, or historic or prehistoric structures.
- e. Energy improvements limited to insulation in the attic or basement, and installation of weather stripping and caulking.
- f. In-kind repair and replacement of deteriorated pavement, including, but not limited to, asphalt, concrete, masonry unit pavers, brick, and stone on historic roads, paths, trails, parking areas, pullouts, etc.

- g. Repair or limited in-kind replacement of rotting floorboards, roof material, or siding. Limited in-kind replacement refers to the replacement of only those elements of the feature that are too deteriorated to enable repair, consistent with the Standards.
- h. In-kind replacement of existing gutters, broken or missing glass panes, retaining walls, and fences.

Rehabilitation and/or Minor Relocation of Existing Trails, Walks, Paths, and Sidewalks: The Streamlined Review Process may be used for undertakings proposed on existing non-historic trails, walks, paths, and/or sidewalks that are located within previously disturbed areas and do not exceed the depth of the previous disturbance. The Streamlined Review Process may also be used for undertakings proposed on existing historic trails, walks, paths, and/or sidewalks, provided that the proposed undertaking is conducted in accordance with an approved treatment plan (such as a historic structure report, cultural landscape report, or preservation maintenance plan). If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a. In-kind regrading, graveling, repaving, or other maintenance treatments of all existing trails, walks and paths within existing disturbed alignments.
- b. Minor realignment of trails, walks, and paths where the ground is previously disturbed as determined by a qualified archeologist.
- c. Changing the material or color of existing surfaces using materials that are recommended in an approved treatment plan or in keeping with the cultural landscape.
- d. Construction of water bars following the recommendations of an approved treatment plan or in keeping with the cultural landscape.

3. Repair/Resurfacing/Removal of Existing Roads, Trails, and Parking Areas:

The Streamlined Review Process may be used as follows:

- a. Existing roads, trails, parking areas, and associated features that have been determined not eligible for the National Register in consultation with the SHPO/THPO, may be repaired or resurfaced in-kind or in similar materials as long as the extent of the project, including staging areas, is contained within the existing surfaced areas. The repair or resurfacing cannot exceed the area of the existing road surface and cannot exceed the

depth of existing disturbance.

b. Existing roads, trails, parking areas, and associated features, that have been determined eligible for the National Register in consultation with the SHPO/THPO, may be repaired or resurfaced in-kind. The project, including staging areas, cannot exceed the area of the existing surface and cannot exceed the depth of existing disturbance.

c. Existing surfaced areas may be expanded or new surfaces constructed if the extent of new surfacing can be demonstrated to occur on land that has been disturbed by prior excavation or construction and has been shown not to contain buried historic properties. New or expanded surface may not be an addition to, or continuation of, existing surfaces that are listed in or eligible for the National Register and all project activities, including staging areas, must be located in non-historic areas to be eligible for streamlined review,

d. Existing surfaced areas may be removed if the surfaced area is not a historic property, it is not located within a historic property and all project activities, including staging areas, will occur on land that has been disturbed by prior excavation or construction and has been shown not to contain buried historic properties.

Health and Safety Activities:

The Streamlined Review Process may be used for health and safety activities that do not require the removal of original historic elements or alteration of the visual character of the property or area. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

a. Sampling/testing historic fabric to determine hazardous content, e.g. lead paint, asbestos, radon.

b. Limited activities to mitigate health and safety problems that can be handled without removal of historic fabric, surface treatments, or features that are character-defining elements, or features within previously disturbed areas or areas inventoried and found not to contain historic properties.

c. Testing of soil and removal of soil adjacent to buried tanks, provided the project does not exceed the area of existing disturbance and does not exceed the depth of existing disturbance, as determined by a qualified archeologist.

- d. Removal of oil or septic tanks within previously disturbed areas or areas inventoried and found not to contain historic properties.
- e. Removal of HAZMAT materials within previously disturbed areas or areas inventoried and found not to contain historic properties.
- f. Safety activities related to black powder regulations.
- g. Replacement of septic tanks and systems in previously disturbed areas, or areas inventoried and found not to contain historic properties.
- h. Common pesticide treatments.
- i. Removal of both natural and anthropogenic surface debris following volcanic activity, tropical storms, hurricanes, tornados, or similar major weather events, provided removal methods do not include ground disturbance or otherwise cause damage to historic properties.

5. Routine Grounds Maintenance:

The Streamlined Review Process may be used for routine grounds maintenance activities. If an approved treatment plan exists for a given historic property (such as a historic structure report, cultural landscape report, or preservation maintenance plan), the proposed undertaking needs to be in accordance with that plan. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a. Grass replanting in same locations with approved species.
- b. Woodland and woodlot management (including tree trimming, hazard tree removal, thinning, routine removal of exotic species that are not a significant component of a cultural landscape, stump grinding).
- c. Maintaining existing vegetation on earthworks, trimming trees adjacent to roadways and other historic roads and trails.
- d. Routine maintenance of gardens and vegetation within cultural landscapes with no changes in layout or design.

- e. Routine grass maintenance of cemeteries and tombstones with no tools that will damage the surfaces of stones (i.e. weed whips).
- f. Trimming of major specimen trees needed for tree health or to address critical health/safety conditions.
- g. Routine roadside and trail maintenance and cleanup with no ground disturbance.
- h. Planting of non-invasive plant species in non-historic areas.
- i. Removal of dead and downed vegetation using equipment and methods that do not introduce ground disturbance.
- j. Replacement of dead, downed, overgrown, or hazard trees, shrubs, or other vegetation with specimens of the same species.
- k. Replacement of invasive or exotic landscape plantings with similar non-invasive plants.
- l. Routine lawn mowing, leaf removal, watering, and fertilizing.
- m. Routine orchard maintenance and pruning.

6. Battlefield Preservation and Management:

The Streamlined Review Process may be used only if the park has approved planning documents (General Management Plan, cultural landscape report, treatment plan) that specify preservation and management protocols for the subject battlefield. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

Consistent with that plan(s), activities include:

- a. Maintenance and preservation work limited to retaining, protecting, repairing, and replacing in-kind materials and features that contribute to the National Register significance of the battlefield landscape.
- b. Earthworks maintenance to prevent erosion and ensure preservation of existing profile, based on current and accepted practices identified in "Sustainable Military Earthworks Management" found on the NPS Cultural Landscape Currents website.

- c. Removal of hazard trees with no ground disturbance and with use of stump grinding provided the grinding is limited to the diameter of the stump and a depth of no greater than 6 inches.
- d. Repairing eroded or damaged sections of earthworks in-kind following archeological documentation and recordation in appropriate NPS inventory and management databases resulting in complete, accurate, and reliable records for those properties.
- e. Maintaining a healthy and sustainable vegetative cover.

7. Hazardous Fuel and Fire Management:

The Streamlined Review Process may be used only if the park has an approved fire management plan or forest management plan.

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring. Following completion of activities under this section, post-burn inspection and monitoring should be conducted by a qualified archeologist to ensure no archeological sites were impacted or previously unknown sites revealed. Consistent with the approved fire management plan or forest management plan, this streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a. Removal of dead and downed vegetation, outside of historic districts, cultural landscapes, and archeological sites, using equipment and methods that do not introduce ground disturbance beyond documented natural or historic disturbance.
- b. Removal of dead and downed vegetation, as well as trees and brush located within historic properties, if the vegetation does not contribute to the significance of the historic property and equipment and methods are used that do not introduce ground disturbance beyond documented natural or historic disturbance.
- c. Forest management practices, including thinning of tree stands, outside of historic districts, cultural landscapes, and archeological sites, using equipment and methods that do not introduce ground disturbance beyond documented natural or historic disturbance.
- d. Restoration of existing fire line disturbances, such as hand lines, bulldozer lines, safety areas, helispots, and other operational areas.

e. Slope stabilization, to include reseeding with native seeds, replanting with native plants and/or grasses, placement of straw bales, wattles, and felling of dead trees when the root ball is left intact and in situ.

8. Installation of Environmental Monitoring Units:

The Streamlined Review Process may be used for the placement of small-scale, temporary or permanent monitoring units, such as weather stations, termite bait stations, water quality, air quality, or wildlife stations, in previously disturbed areas, as determined by a qualified archeologist, or areas inventoried and found not to contain historic properties. Borings must be limited to pipes less than 2 inches in diameter and surface samples to less than 12 inches in size and minimal in number.

9. Maintenance or Replacement of Non-Historic Utility Lines, Transmission Lines, and Fences:

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring. This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a. Maintenance or replacement of buried linear infrastructure in previously disturbed areas. The area of previous disturbance must be documented by a qualified archeologist and must coincide with the route of the infrastructure in its entirety.
- b. Replacement of non-historic materials, provided the undertaking will not impact adjacent or nearby historic properties and is not located in a historic property, or visible from an above-ground historic property.
- c. Maintenance or replacement of infrastructure, such as old water distribution systems, that has been determined to be not eligible for the National Register, in consultation with the SHPO/THPO.
- d. Maintenance of above-ground infrastructure.
- e. Replacement of above-ground infrastructure provided the undertaking is not located in a historic property or visible from an above-ground historic property.
- f. Enhancement of a wireless telecommunications facility, including the updating of mechanical equipment, provided the activities do not involve excavation nor any increase to the size of the existing facility.

10. Erection of Signs, Wayside Exhibits, and Memorial Plaques:

If an approved treatment plan exists for a given historic property (such as a historic structure report, cultural landscape report, or preservation maintenance plan), the proposed undertaking needs to be in accordance with that plan. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring. This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a. Replacement of existing signage in the same location with similar style, scale and materials.
- b. New signs that meet NPS standards, e.g. at entrance to the park or related to the park's interpretive mission, provided the sign is not physically attached to a historic building, structure, or object (including trees) and the sign is to be located in previously disturbed areas or areas inventoried and found not to contain historic properties.
- c. Replacement of interpretive messages on existing signs, wayside exhibits, or memorial plaques.
- d. Small developments such as paved pads, benches, and other features for universal access to signs, wayside exhibits, and memorial plaques in previously disturbed areas or areas inventoried and found not to contain historic properties.
- e. Temporary signage for closures, repairs, detours, safety, hazards, etc. in previously disturbed areas or areas inventoried and found not to contain historic properties.
- f. Memorial plaques placed within established zones that allow for such placement.

11. Culvert Replacement: The Streamlined Review Process may be used when culvert replacement will occur within existing cut and fill profiles, and:

- a. The existing culvert and/or associated road, rail bed, or cultural landscape has been determined not eligible for the National Register, either individually or as a contributing element to a historic district or cultural landscape, in consultation with the SHPO/THPO; or
- b. The existing culvert is less than 50 years old.

12. Reburial of Human Remains and Other Cultural Items Subject to the Native American Graves Protection and Repatriation Act (NAGPRA):

The Streamlined Review Process may be used for the reburial of human remains and other cultural items subject to NAGPRA. The Streamlined Review Process may only be used when:

- a. The reburial is in previously disturbed areas and does not introduce ground disturbance beyond documented disturbance; or
- b. The reburial is in previously inventoried areas found to not contain historic properties. Any reburial in NPS-administered areas must be in conformance with NPS policies on cemeteries and burials including cultural resource policies.

13. Meeting Accessibility Standards in Historic Structures and Cultural Landscapes:

The Streamlined Review Process may only be used for the following undertakings intended to meet accessibility standards:

- a. Reconstruction or repair of existing wheel chair ramps and sloped walkways provided the undertaking does not exceed the width or depth of the area of previous disturbance.
- b. Upgrading restroom interiors in historic structures within existing room floor area to achieve accessibility, unless the historic features and/or fabric of the restroom contribute to the historic significance of the structure.

14. Mechanical, Electrical and Plumbing Systems:

The Streamlined Review Process may be used as follows for activities related to mechanical, electrical, and plumbing systems. Such systems may include HVAC systems, fire detection and suppression systems, surveillance systems, and other required system upgrades to keep park lands and properties functional and protected.

- a. Park areas, landscapes, buildings, and structures that have been determined not eligible for the National Register in consultation with the SHPO/THPO, may undergo installation of new systems or repair/upgrading of existing systems in accordance with the Streamlined Review Process.
- b. Properties that have been determined eligible for the National Register in consultation with the SHPO/THPO may undergo limited upgrading of mechanical, electrical, and plumbing systems. However, the Streamlined Review Process may not be used for the installation of new systems or complete replacement of these systems. If proposed activities include the removal of original historic elements or alter the visual character or the property's character-defining materials, features, and spaces, then the Streamlined Review Process may not be used.

c. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

15. Acquisition of Lands for Park Purposes:

The Streamlined Review Process may be used for the acquisition of land for park purposes, including additions to existing parks. The second criterion for use of the Streamlined Review Process (identification and evaluation of all types of historic properties within the project APE; see Section III.A.2) does not apply to this activity, provided the acquisition does not include any further treatment or alteration of properties, since access to land for inventory and evaluation prior to NPS acquisition may be limited. Any known or potential historic properties on the land acquired should be protected from demolition by neglect. Pursuant to 36 CFR Part 800.5(a)(2)(vi), demolition by neglect constitutes an adverse effect. If any undertakings are proposed in conjunction with the acquisition that have the potential to affect historic properties, the Streamlined Review Process may not be used.

16. Leasing of Historic Properties:

The Streamlined Review Process may be used provided all treatment of historic properties proposed in relation to the leasing action is consistent with undertakings eligible for Streamlined Review, set forth in Section III.C of this PA. The Streamlined Review Process may not be used where there is a change of use or where a series of individual projects cumulatively results in the complete rehabilitation or restoration of a historic property.

D. Adding to List of Undertakings Eligible for Streamlined Review

Any proposed additions or revisions to the list of undertakings eligible for streamlined review must be developed through a region-, state- or park-specific Programmatic Agreement and pursuant to 36 CFR Part 800.14(b). The Regional Director or Superintendent, as appropriate, will develop such agreements with SHPOs/THPOs, in consultation with Federally recognized Indian Tribes and the ACHP or others, as appropriate. If such an agreement is developed by the Superintendent, s/he will notify the Regional Director. Regional Directors will report the development of supplemental, region-, state-, or park-specific programmatic agreements to the Director on an annual basis. The NPS FPO will maintain records on supplemental agreements and provide annual notification of any such agreements to all signatories to this agreement.

IV. STANDARD REVIEW PROCESS

All undertakings that do not qualify for streamlined review as described in Section III above, will be reviewed in accordance with 36 CFR Part 800. Superintendents are responsible for compliance with these regulations. Compliance may also be accomplished through park- and/or project-specific programmatic agreements. Specific activities required will be undertaken by the Park Section 106 Coordinator, in consultation with appropriate members of the CRM Team. Parks are encouraged to use Servicewide automated project planning and tracking systems, such as the NPS Planning, Environment and Public Comment (PEPC) system, to track and document Section 106 compliance activities and to make such automated systems accessible to compliance partners, including SHPOs/THPOs, Federally recognized Indian Tribes, Native Hawaiian organizations, and/or the ACHP. If a park executes a MOA or PA with consulting parties to resolve adverse effects, the Superintendent will provide an informational copy of the agreement to the Regional Section 106 Coordinator.

V. NATIONAL HISTORIC LANDMARKS

The NHPA provides heightened protection for designated National Historic Landmarks (NHLs) through Section 110(f) and the NHPA's implementing regulations (36 CFR Part 800.10). Specifically, the NHPA requires that Federal agencies shall, to the maximum extent possible, undertake planning and actions necessary to minimize harm to any NHL that may be directly and adversely affected by an undertaking. Where the other criteria as listed in Section III.A are met, proposed undertakings that may affect a designated NHL may follow the Streamlined Review Process. Where preliminary planning activities indicate that a proposed undertaking has the potential to have an adverse effect on an NHL, prior to initiating a formal consultation process, the Superintendent will initiate an internal review process in accordance with NPS Management Policies to determine alternatives to avoid or minimize the adverse effects and to assess the possibility of impairment.

VI. INADVERTENT DISCOVERIES

In the event that historic properties are inadvertently encountered during an undertaking for which review has been previously conducted and completed under Section III or Section IV of this PA, or through other events such as erosion or animal activity, the Superintendent will notify the SHPO/THPO, Federally Recognized Indian Tribe(s), and or Native Hawaiian organization, as appropriate, within 48 hours, or as soon as reasonably possible. The Superintendent in consultation with the Section 106 Coordinator and the appropriate members of the CRM Team, will make reasonable efforts to avoid, minimize, or mitigate adverse effects on those historic properties in consultation with the SHPO/THPO, Federally recognized Indian Tribe (s), and/or Native Hawaiian organization(s), as appropriate. If human remains or other cultural material that may fall under the provisions of NAGPRA are present, the Superintendent will comply with NAGPRA and ARPA. The Superintendent will ensure that any human remains are left in

situ, are not exposed, and remain protected while compliance with NAGPRA, ARPA, or other applicable federal, state, and/or local laws and procedures is undertaken.

VII. EMERGENCY ACTIONS

Emergencies are those actions deemed necessary by the Superintendent as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State, or another immediate threat to life or property. Emergency actions are only those actions required to resolve the emergency at that time and they are limited to undertakings that will be started within thirty (30) days after the emergency has been declared. Such emergency actions will be consistent with the NPS Environmental Safeguards Plan for All-Hazards Emergencies and any other approved servicewide emergency response plans. The Superintendent will notify the SHPO/THPO within 24 hours of the declared emergency or as soon as conditions permit.

VIII. REVIEW AND MONITORING OF PA IMPLEMENTATION

The purpose of the PA review and monitoring process is to ensure NPS protection of historic properties in its stewardship. This is accomplished through the review of undertakings that were completed during the reporting period, review of programmed undertakings, review of implementation of the PA, and review of completion of training requirements.

A. Superintendents Biennial Review and Monitoring Meeting

In order to foster cooperative relations, each Superintendent will, at a minimum, invite consulting parties to a review meeting every two years (biennial), with the first meeting initiated within six months of the signing of this PA by all parties. If all parties agree that such a meeting is not necessary at that time, the meeting may be waived. However, Superintendents shall remain responsible for initiating biennial meetings in subsequent years. More frequent meetings may be appropriate based on specific park circumstances and therefore an alternative meeting schedule may be established, if mutually agreed upon by the parties.

1. Meetings may be conducted in any mutually agreeable location and/or format, including in- person, video conferencing or teleconferencing.
2. The primary invitees to each park's biennial review and monitoring meeting will include the applicable SHPO/THPO, Federally recognized Indian Tribes, and Native Hawaiian organizations with an interest in that park's properties. Superintendents may also consider inviting other interested parties, including Pacific Islanders, concessionaires, lessees, friends groups, historic societies, or gateway communities, as appropriate.

3. Superintendents may instead choose to meet individually with some parties, particularly those that have strong interest in specific historic properties.
4. Attendance and meeting minutes will be recorded and distributed to all invited parties after the conclusion of the meeting.
5. Specific discussion items may include the following:
 - a. Any documentation pursuant to this PA.
 - b. Any inventories of historic properties developed in the previous two years, or opportunities for future inventory and research, as well as other reports and research results related to historic properties.
 - c. Programmed undertakings that are scheduled, or are likely to be scheduled, for the next two fiscal years.
 - d. Provisions of this PA as well as any project- or program-specific Memoranda of Agreement or Programmatic Agreements.
 - e. Training received by park staff during the reporting period and opportunities for cooperative training arrangements.
 - f. Names of and contact information for the Park Section 106 Coordinator and the CRM Team Members.

B. Superintendents Reporting to NFS Regional Directors

In order to inform park program review and potential ACHP evaluation of PA implementation, Superintendents will report biennially to Regional Directors on implementation of the PA. The Biennial Report shall include the streamlined review data prescribed in Section III B of this PA, training completed and basic data demonstrating compliance with the provisions of this PA as outlined in the guidance document for this agreement (Section I.A.2). ACHP, SHPOs, or THPOs may request hard copies of biennial reports.

C. Park Section 106 Program Review by NPS Regional Directors, SHPOs, THPOs, and the ACHP

1. The Regional Director may, at his/her discretion, initiate a review of a park's implementation of this PA. The ACHP, either at its own discretion, or upon request of a Federally recognized Indian Tribe, SHPO/THPO, or Native Hawaiian organization, may at any time raise with the appropriate Regional Director any programmatic or project matters where they wish the Regional Director to review a Park Superintendent's Section

106 decisions. The Regional Director will consult with the ACHP, and the Regional Director shall provide a written response to the ACHP, and where applicable, the SHPO or THPO, that documents the outcome of the consultation and the resolution. The Regional Director has the option to suspend a park's use of this PA, and subsequently reinstate it as appropriate.

2. Documentation of NPS Section 106 reviews not already provided to SHPOs, THPOs, and the ACHP will be available for review by the ACHP and the appropriate SHPO/THPO upon request. Individual SHPOs/THPOs who wish to review this documentation are responsible for specifying scheduling, frequency, and types of undertakings of concern to them.

D. NPS Regional Directors Reporting to the Director of the NPS

Regional Directors will report biennially to the Director on implementation of this PA within his/her region. Each Regional Biennial Report will be submitted within six (6) months following receipt of Park Biennial Reports by the Regional Director as required in Section VIII.B of this PA. A hardcopy of the biennial reports will be sent to the ACHP and upon request from a SHPO or THPO.

IX. SUBSEQUENT AGREEMENTS

A. Upon execution of this PA, Superintendents are encouraged to evaluate their park's programs and discuss with SHPOs/THPOs, Federally recognized Indian Tribes, Native Hawaiian organizations, and/or the ACHP ways to develop supplemental programmatic agreements for park undertakings that would otherwise require numerous individual requests for comments.

B. Development of programmatic agreements specific to a project, plan, or park may be negotiated between Superintendents and SHPOs/THPOs, Federally recognized Indian Tribes, Native Hawaiian organizations, the ACHP, and/or other consulting parties where appropriate, pursuant to 36 CFR Part 800.14(b), and may be independent of or supplement this PA. Superintendents will provide an informational copy of all agreements to the Regional Section 106 Coordinator.

C. Memoranda of agreement developed to resolve adverse effects for specific projects shall be negotiated between Superintendents and SHPOs/THPOs, Federally recognized Indian Tribes, Native Hawaiian organizations, and/or the ACHP, pursuant to 36 CFR Part 800.6(c), and shall be independent of this PA. Superintendents will provide an informational copy of all agreements to the Regional Section 106 Coordinator.

X. DISPUTE RESOLUTION

A. Should disputes arise, the Superintendent, SHPO/THPO, and/or the ACHP will consult with the objecting parties to resolve the objection. All work that is the subject of the dispute will stop until the dispute is resolved in accordance with the procedures in this section. If the dispute cannot be resolved, all documentation relevant to the dispute will be forwarded to the parties named above. If the SHPO/THPO objects to a Park Superintendent's decision, the information will be forwarded to the Regional Director. If the National Park Service objects to the SHPO/THPO's opinion, the information will be forwarded to the ACHP. If the Regional Director cannot resolve a SHPO/THPO objection, the Regional Director will forward to the ACHP relevant documentation not previously furnished to the ACHP and notify the Director of the dispute. Within thirty (30) days after receipt of all pertinent documentation, the ACHP will either:

1. Provide the Regional Director with a recommendation, with an information copy provided to the Director, which the Regional Director will take into account in reaching a final decision regarding the dispute; or
2. Notify the Regional Director that it will comment to the Director pursuant to the provisions of 36 CFR Part 800.7 and proceed to comment. Any ACHP comment provided in response to such a request will be taken into account by the NPS with reference to the subject of the dispute.

B. In the event the ACHP does not respond within thirty (30) days of receipt of all pertinent documentation, the Regional Director may proceed with his or her recommended resolution.

C. At the request of any individual, agency, or organization, the ACHP may provide the NPS with an advisory opinion regarding the substance of any finding, determination, or decision made in accordance with this PA or regarding the adequacy of the NPS' compliance with Section 106 and this PA.

XI. MONITORING AND TERMINATION

A. The NPS will convene a meeting of the signatories to this PA within two (2) years of execution of the PA and as needed thereafter, to review implementation of the terms of this PA and determine whether revisions or amendments are needed. Meetings may be conducted in any mutually agreeable location and/or format, including in-person, video conferencing, or teleconferencing. If revisions or amendments are needed, the parties will consult in accordance with 36 CFR Part 800.14.

B. This PA may be amended when such an amendment is agreed to in writing by all signatories. When major revisions are proposed to NPS policies that will affect the manner in which the NPS carries out its Section 106 responsibilities, the signatories shall consult to determine whether an amendment to this PA is needed. Any amendments will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

C. Any party to this PA may terminate it by providing ninety (90) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Termination by any Federally recognized Indian Tribe signatory will be limited to termination of this PA on the tribal lands of the subject tribe. In the event of termination, the NPS will comply with 36 CFR Part 800 with regard to individual undertakings otherwise covered by this PA.

XII. SEVERABILITY

A. If any section, subsection, paragraph, sentence, clause, or phrase in this PA is, for any reason, held to be unconstitutional or invalid or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this PA.

B. If any section, subsection, paragraph, sentence, clause, or phrase in this PA is, for any reason, held to be unconstitutional or invalid or ineffective, the signatories shall consult to determine whether an amendment to this PA is needed.

XIII. ANTI-DEFICIENCY ACT STATEMENT

The stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act (31 U.S.C. 1341 (1998)). If compliance with the Anti-Deficiency Act alters or impairs NPS ability to implement the stipulations of this Agreement, NPS will consult in accordance with the dispute resolution, amendment or termination stipulations as specified in Sections X and XI of this PA.

APPENDIX B

Additional Undertakings Eligible for Streamlined Review

In 1994, the NPS, the SHPO, and the ACHP executed a Memorandum of Agreement that added the following undertakings to those eligible for streamlined review, under the terms of the NHPA, when reviewed by Fredericksburg and Spotsylvania National Military Park staff and advisors:

1. installation of barriers across unauthorized trails that directly damage or encourage damage to archeological sites, earthworks, or other cultural resources
2. scattering of dated metal disks of different alloys to deter illegal relic hunting
3. removal of twentieth-century refuse dumps. It is understood that the dumps removed under this exclusion will not include those on the immediate grounds of

dwelling sites older than 50 years. It is further understood that work crews will utilize only existing roads and/or trails.

4. planting of vegetative buffers to screen park resources from visual intrusions. It is understood that no "tree spaders" or other heavy equipment will be utilized for this undertaking without an appropriate archeological survey.

APPENDIX C

Glossary

NPS Organic Act 1916 Public Law 64-235, 39 Stat. 535 1916

Established the National Park Service; directed it to manage the parks "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide to the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs, 1998 Guidelines for federal agency preservation programs. Discussion the National Historic Preservation Act (16 USC 470) 1966 as amended in 1980 and 1992.

Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, 1997. Technical advice about archeological and historic preservation activities and methods.

Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995. Professional standards and advice on the preservation and protection of buildings, sites, structures, objects and districts and addresses four treatments: preservation, rehabilitation, restoration, and reconstruction.

National Environmental Policy Act of 1969 Public Law 91-190 31 Stat. 852, 1969 (NEPA). Declared federal policy to "preserve important historic, cultural, and natural aspects of our national heritage"; required federal agencies to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences in planning and in decision-making which may have an impact on man's environment."

National Historic Preservation Act of 1996, Public Law 89-665, 80 Stat. 915; as amended in 1976 and 1992 (NHPA). Declared a national policy of historic preservation, including the encouragement of preservation on state and private levels; authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places

including properties of state and local as well as national significance; established the Advisory Council on Historic Preservation; and required federal agencies to consider the effects of their undertakings on National Register properties and provide the Advisory Council an opportunity to comment.

APPENDIX D

List of Actions Subject to the Provisions of this Programmatic Agreement:

[examples]

- Archeological investigations
- Installation of trails, paths, fences, parking areas, and all other visitor amenities
- Improvements or alteration to the landscape
- Reconstruction, restoration, and rehabilitation of historic buildings
- The placement of media and exhibits within the landscape
- Tree removal Establishment of agricultural demonstration area
- New construction
- Etc.



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January 28, 2014

Ms. Lucy Lawliss
Superintendent
Fredericksburg and Spotsylvania National Military Park
120 Chatham Lane
Fredericksburg, VA 22405

RE: Environmental Assessment and Federal Consistency Determination for the George Washington Boyhood Home at Ferry Farm, Site Treatment Plan, Stafford County, (DEQ 13-206F).

Dear Ms. Lawliss:

The Commonwealth of Virginia has completed its review of the above-referenced documents. The Department of Environmental Quality is responsible for coordinating Virginia's review of federal environmental documents submitted under the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also responsible for coordinating Virginia's review of federal consistency documents submitted pursuant to the Coastal Zone Management Act (CZMA) and providing the state's response. This is in response to the October 2013 Environmental Assessment (EA) (received December 2, 2013) for the above referenced project. In addition, the EA includes a Federal Consistency Determination (FCD). The following agencies participated in the review of this proposal:

Department of Environmental Quality
Department of Conservation and Recreation
Department of Game and Inland Fisheries
Marine Resources Commission
Department of Forestry
Department of Health
Department of Historic Resources

In addition, the Department of Agriculture and Consumer Services, and Department of Mines, Minerals and Energy, Department of Transportation, Stafford County, and the George Washington Regional Commission were invited to comment on the proposal.

PROJECT DESCRIPTION

The Department of the Interior (DOI), National Park Service (NPS) and the George Washington Foundation (Foundation or applicant) propose to make improvements to the George Washington Boyhood Home Site at Ferry Farm located on the Rappahannock River across from Fredericksburg in Stafford County. The NPS manages a conservation easement over the property which is owned by the Foundation, a privately held, 501(c)(3) non-profit organization. The proposal includes the following components:

- continued archeological investigations;
- rehabilitated Washington era landscapes and features;
- development and implementation of an invasive species and/or forest management plan;
- new visitor center, including a “grab-and-go” café;
- removal of the existing visitor center/administration building, parking lots, maintenance depot, restroom building, storage cottage, in-ground pump structure, pump house, tractor shed, equipment shed, and temporary archeology shed;
- relocation of the 1870s agricultural building;
- up to 50 low-impact interpretive nodes;
- discovery areas;
- 10,000 square foot interpretive play area;
- relocated site entrance;
- new access driveway;
- 2,745 linear feet of screening between the access road and King’s Highway;
- a security/entrance station;
- new parking lot at the visitor center;
- extended pedestrian trails;
- new pedestrian bridge over the ravine;
- removal of wooden steps to lower terrace removed and replaced with a winding trail;
- stabilization of the ravine near Medicine Spring;
- implementation of stormwater management features; and
- use of cutting edge technologies at the visitor center and for self-guided tours

The EA evaluates the impact of four alternatives (A (no action), B, C, and D (preferred alternative)).

CONCLUSION

Provided activities are performed in accordance with the recommendations which follow in the Impacts and Mitigation section of this report, this proposal is unlikely to have

significant effects on ambient air quality, important farmland, forest resources, and wetlands. It is unlikely to adversely affect species of plants or insects listed by state agencies as rare, threatened, or endangered.

ENVIRONMENTAL IMPACTS AND MITIGATION

1. Surface Waters and Wetlands. According to the EA (page 123), overall, the preferred alternative would result in a long-term, negligible, adverse impact on wetlands and streams. Construction would primarily occur in the upper terrace and impacts to wetlands and streams would be avoided. Although some selective thinning of vegetation would occur in the escarpment and lower terrace, no vegetation would be removed from the existing wetlands and stream. The construction of a new footbridge over the ravine would also avoid impacts to wetlands. Any impacts to wetlands would be below or at low levels of detection.

1(a) Agency Jurisdiction. The State Water Control Board (SWCB) promulgates Virginia's water regulations, covering a variety of permits to include Virginia Pollutant Discharge Elimination System Permit, Virginia Pollution Abatement Permit, Surface and Groundwater Withdrawal Permit, and the Virginia Water Protection Permit (VWPP). The VWPP is a state permit which governs wetlands, surface water, and surface water withdrawals/impoundments. It also serves as § 401 certification of the federal *Clean Water Act* § 404 permits for dredge and fill activities in waters of the U.S. The VWPP Program is under the Office of Wetlands and Water Protection/Compliance, within the DEQ Division of Water Quality Programs. In addition to central office staff that review and issue VWP permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities. In addition, the Virginia Marine Resources Commission exerts jurisdiction over impacts to tidal wetlands in the commonwealth (Virginia Code 28.2-1301 through 28.2-1320)

1(b) Agency Findings.

(i) Virginia Marine Resources Commission

VMRC did not indicate that the project would impact tidal wetlands under its jurisdiction.

(ii) Virginia Department of Environmental Quality

The VWPP program at the DEQ Northern Regional Office (NRO) finds that impacts to surface waters, including wetlands, could occur based on the information provided in the document.

1(c) Recommendations. In general, DEQ recommends that stream and wetland impacts be avoided to the maximum extent practicable. To minimize unavoidable impacts to wetlands and waterways, DEQ recommends the following practices:

- Operate machinery and construction vehicles outside of stream-beds and wetlands; use synthetic mats when in-stream work is unavoidable.
- Preserve the top 12 inches of trench material removed from wetlands for use as wetland seed and root-stock in the excavated area.
- Design erosion and sedimentation controls in accordance with the most current edition of the Virginia Erosion and Sediment Control Handbook. These controls should be in place prior to clearing and grading, and maintained in good working order to minimize impacts to State waters. The controls should remain in place until the area is stabilized.
- Place heavy equipment, located in temporarily impacted wetland areas, on mats, geotextile fabric, or use other suitable measures to minimize soil disturbance, to the maximum extent practicable.
- Restore all temporarily disturbed wetland areas to pre-construction conditions and plant or seed with appropriate wetlands vegetation in accordance with the cover type (emergent, scrub-shrub, or forested). The applicant should take all appropriate measures to promote revegetation of these areas. Stabilization and restoration efforts should occur immediately after the temporary disturbance of each wetland area instead of waiting until the entire project has been completed.
- Place all materials which are temporarily stockpiled in wetlands, designated for use for the immediate stabilization of wetlands, on mats, geotextile fabric in order to prevent entry in State waters. These materials should be managed in a manner that prevents leachates from entering state waters and must be entirely removed within thirty days following completion of that construction activity. The disturbed areas should be returned to their original contours, stabilized within thirty days following removal of the stockpile, and restored to the original vegetated state.
- Flag or clearly mark all non-impacted surface waters within the project or right-of-way limits that are within 50 feet of any clearing, grading, or filling activities for the life of the construction activity within that area. The project proponent should notify all contractors that these marked areas are surface waters where no activities are to occur.
- Employ measures to prevent spills of fuels or lubricants into state waters.

1(d) Requirements.

(i) Virginia Marine Resources Commission

VMRC notes that any impacts proposed between mean low water and mean high water in non-vegetated portions, and mean low water and 1.5 times the tide range in vegetated portions, of the shoreline of the river will require a wetlands permit from the Stafford County Wetlands Board.

(ii) Virginia Department of Environmental Quality

A VWPP from DEQ-NRO may be required should impacts to surface waters be necessary. The initiation of the VWPP review process is accomplished through the submission of a Joint Permit Application (JPA) (form MRC 30-300) to the Virginia Marine Resources Commission. Upon receipt of a JPA for any proposed surface waters impacts, VWPP staff at DEQ-NRO will review the proposed project in accordance with the VWPP program regulations and guidance.

2. Subaqueous Lands Impacts. The EA does not discuss potential project impacts to state subaqueous lands. However, the FCD (Appendix C, page C-1) states that no subaqueous lands would be impacted by the preferred alternative.

2(a) Agency Jurisdiction. The Virginia Marine Resources Commission (VMRC), pursuant to Section 28.2-1200 *et seq.* of the *Code of Virginia*, has jurisdiction over any encroachments in, on, or over any state-owned rivers, streams, or creeks in the Commonwealth.

VMRC serves as the clearinghouse for the JPA used by the:

- U.S. Army Corps of Engineers (Corps) for issuing permits pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act;
- DEQ for issuance of a Virginia Water Protection Permit;
- VMRC for encroachments on or over state-owned subaqueous beds as well as tidal wetlands; and
- local wetlands board for impacts to wetlands.

2(b) Agency Findings. VMRC did not indicate that the project would result in impacts to state subaqueous lands. However, VMRC notes that the site lies directly adjacent to a tidal portion of the Rappahannock River.

2(c) Requirements. Any impacts proposed channelward of mean low water in the Rappahannock River will require a subaqueous permit from the Marine Resources Commission.

3. Erosion and Sediment Control and Stormwater Management. According to the EA (page 182), prior to any ground disturbance, the proper authorities would obtain, at a minimum, a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit, a Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharge from Construction Activities (VAR 10), and local erosion and sediment control permits.

3(a) Agency Jurisdiction. Effective July 1, 2013, the Department of Environmental Quality administers the *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)* and *Virginia Stormwater Management Law and Regulations (VSWML&R)*.

In addition, DEQ is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land-disturbing activities under the Virginia Stormwater Management Program. Note that these programs were previously administered by the Department of Conservation and Recreation.

3(b) Requirements.

(i) Erosion and Sediment Control Plan

The applicant is responsible for submitting a project-specific erosion and sediment control (ESC) plan to Stafford County for review and approval pursuant to the local ESC requirements, if the project involves a land-disturbing activity of 2,500 square feet or more in a Chesapeake Bay Preservation Area. Depending on local requirements the area of land disturbance requiring an ESC plan may be less. The ESC plan must be approved by the locality prior to any land-disturbing activity at the project site. All regulated land-disturbing activities associated with the project, including on and off site access roads, staging areas, borrow areas, stockpiles, and soil intentionally transported from the project must be covered by the project-specific ESC plan. Local ESC program requirements must be requested through Stafford County. [Reference: Virginia Erosion and Sediment Control Law §62.1-44.15 *et seq.*; *Virginia Erosion and Sediment Control Regulations* 9 VAC 25-840-30 *et seq.*]

(ii) Stormwater Management Plan

Depending on local requirements, a Stormwater Management (SWM) plan may be required. Local SWM program requirements must be requested through Stafford County. [Reference: Virginia Stormwater Management Act §62.1-44.15 *et seq.*; *Virginia Stormwater Management (VSMP) Permit Regulations* 9 VAC25-870-54 *et seq.*]

(iii) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities

The operator or owner of a construction project involving land-disturbing activities equal to or greater than 2,500 square feet in Chesapeake Bay Preservation Areas is required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the VSMP Permit Regulations. General information and registration forms for the General Permit are available on DEQ's website at

<http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/Co>

[nstructionGeneralPermit.aspx](#). [Reference: Virginia Stormwater Management Act 62.1-44.15 *et seq.*] *VSMP Permit Regulations* 9 VAC 25-870-10 *et seq.*].

4. Chesapeake Bay Preservation Areas. According to the document (page 128), proposed activities under the preferred alternative that would affect Chesapeake Bay Resource Protection Areas (RPAs) areas include the placement of a new pedestrian bridge over the ravine, the creation of an interpretive node at the historic ferry site on the shoreline of the Rappahannock River, selective clearing of trees/shrubs along the Rappahannock River shoreline within a 0.3 acre segment, implementation of an invasive species and/or forest management plan, and stabilization of the ravine.

4(a) Agency Jurisdiction. Effective July 1, 2013, the DEQ Office of Stormwater Management (OSWM) administers the Chesapeake Bay Preservation Act (Bay Act) (Virginia Code §62.1-44.15 *et seq.*) and *Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations)* (9 VAC 25-830-10 *et seq.*). Note that this enforceable policy was previously administered by the Department of Conservation and Recreation.

4(b) Agency Comments. In Stafford County, the areas protected by the Chesapeake Bay Preservation Act, as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas and Resource Management Areas (RMAs) as designated by the local government. RPAs include:

- tidal wetlands;
- certain non-tidal wetlands;
- tidal shores; and
- a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow.

RMAs, which require less stringent performance criteria, include those areas of the county not included in the RPAs.

4(c) Agency Findings. DEQ-OSWM finds that the proposed project will impact locally-designated RPA and RMA. According to the EA (page 128) and FCD (Appendix C), activities proposed under the preferred alternative (Alternative D) that would affect RPA lands include the placement of a new pedestrian bridge over a ravine, stabilization of that ravine, development of an interpretive node at the historic ferry site on the shoreline of the Rappahannock River, clearing of trees/shrubs along the Rappahannock River shoreline, and implementation of an invasive species and/or forest management plan.

4(d) Requirements.

(i) Development in Resource Protection Areas

Pursuant to 9 VAC 25-830-140 of the *Regulations*, land development may be allowed in the Resource Protection Area only if it:

- (i) is water dependent;
- (ii) constitutes redevelopment;
- (iii) constitutes development or redevelopment within a designated Intensely Developed Area;
- (iv) is a new use established pursuant to subdivision 4a of this section;
- (v) is a road or driveway crossing satisfying the conditions set forth in subdivision 1d of this section; or
- (vi) is a flood control or stormwater management facility satisfying the conditions set forth in subdivision 1e of this section.

(ii) General Performance Criteria

Development RMAs are subject to general performance criteria found in 9 VAC 25-830-130 of the *Regulations*, including requirements to:

- minimize land disturbance (including access and staging areas);
- retain indigenous vegetation; and
- minimize post-development impervious surfaces.

For land disturbance over 2,500 square feet, the project must comply with:

- the requirements of the *Virginia Erosion & Sediment Control Handbook, Third Edition, 1992*; and
- stormwater management criteria consistent with water quality protection provisions of the *Virginia Stormwater Management Regulations* (9 VAC 25-870-10).

4(e) Conclusion. The proposed activities would be consistent with the Bay Act and *Regulations*, provided they are consistent with the requirements described above.

5. Air Pollution Control. According to the EA (page 19), hauling of material, operation of construction equipment, and other construction-related activities could result in temporary increases in vehicle exhaust and emissions. However, hydrocarbons, nitrogen oxides, and sulfur-dioxide emissions, as well as any airborne particulates created by fugitive dust plumes, would be rapidly dissipated by air flow because stagnation is rare at the proposed project site. There could be temporary degradation of local air quality lasting only as long as construction; however overall air quality of

Stafford County and the city of Fredericksburg would be unaffected by the proposed work at Ferry Farm.

5(a) Agency Jurisdiction. DEQ's Air Quality Division, on behalf of the State Air Pollution Control Board, is responsible to develop regulations that become *Virginia's Air Pollution Control Law*. DEQ is charged to carry out mandates of the state law and related regulations as well as Virginia's federal obligations under the *Clean Air Act* as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia's air quality. The appropriate regional office is directly responsible for the issue of necessary permits to construct and operate all stationary sources in the region as well as to monitor emissions from these sources for compliance. As a part of this mandate, the environmental documents of new projects to be undertaken in the state are also reviewed. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

5(b) Agency Findings. According to the DEQ Air Division, the project site is located in a designated ozone maintenance and emission control area for oxides of nitrogen (NO_x) and volatile organic compounds (VOCs). Precursors to ozone (O₃) pollution include VOCs and NO_x.

5(c) Recommendation. The project proponent should take all reasonable precautions to limit emissions of VOCs and NO_x, principally by controlling or limiting the burning of fossil fuels.

5(d) Requirements.

(i) Fugitive Dust

Fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 *et seq.* of the *Regulations for the Control and Abatement of Air Pollution*. These precautions include, but are not limited to, the following:

- Use, where possible, of water or chemicals for dust control;
- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;
- Covering of open equipment for conveying materials; and
- Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

(ii) Open Burning

If project activities include the open burning or use of special incineration devices for the disposal of land clearing debris, this activity must meet the requirements of 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100 of the *Regulations* for open burning, and it may require a permit. The *Regulations* provide for, but do not require, the local adoption of a model ordinance concerning open burning. The project proponent should contact Fairfax County officials to determine what local requirements, if any, exist.

(iii) Fuel Burning Equipment

The installation of fuel burning equipment (e.g. boilers and generators), may require permitting from DEQ prior to beginning construction of the facility (9 VAC 5-80, Article 6, Permits for New and Modified Sources). The project applicant should contact DEQ-NRO for guidance on whether this provision applies.

6. Solid and Hazardous Wastes and Hazardous Materials. According to the EA (page 51), appropriate measures would be employed to prevent or control spills of fuels, lubricants, or other contaminants from entering waterways or wetlands. A hazardous spill plan would be approved by the park prior to construction. This plan would state what actions would be taken in the case of a spill, notification measures, and preventive measures to be implemented, such as the placement of refueling facilities, storage, and handling of hazardous materials.

6(a) Agency Jurisdiction. Solid and hazardous wastes in Virginia are regulated by the Virginia Department of Environmental Quality, the Virginia Waste Management Board (VWMB), and the U.S. Environmental Protection Agency. They administer programs created by the federal *Resource Conservation and Recovery Act*, *Comprehensive Environmental Response Compensation and Liability Act*, commonly called Superfund, and the *Virginia Waste Management Act*. DEQ administers regulations established by the VWMB and reviews permit applications for completeness and conformance with facility standards and financial assurance requirements. All Virginia localities are required, under the Solid Waste Management Planning Regulations, to identify the strategies they will follow on the management of their solid wastes to include items such as facility siting, long-term (20-year) use, and alternative programs such as materials recycling and composting.

6(b) Agency Findings. DEQ's Division of Land Protection and Revitalization (DLPR) (formerly the Waste Division) conducted a cursory search of DEQ data files for zip code 22405 and determined that in 2007 there were petroleum releases at two sites in the project zip code. DEQ investigation files for these sites have been closed. A detailed list of these sites is included in DLPR comments attached to this response.

6(c) Recommendations.

(i) Petroleum Release Sites

DEQ's petroleum contamination (PC) case files may identify petroleum releases that should be evaluated by the project engineer or manager to establish the exact location of the release, the nature and extent of the petroleum release, and the potential to impact the proposed project. The facility representative should contact the Tank Program at DEQ-NRO for further information and the administrative records of the PC cases which are determined to be in close proximity to the proposed project.

(ii) Pollution Prevention

DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately

6(d) Requirements.

(i) Generated Waste

Any soil that is suspected of contamination or wastes that are generated during construction-related activities must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations.

(ii) Asbestos-containing Material and Lead-based Paint

All structures being demolished, renovated, or removed should be checked for asbestos-containing materials (ACM) (such as insulation) and lead-based paint (LBP) prior to construction. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, state regulations 9 VAC 20-80-640 for ACM and 9 VAC 20-60-261 for LBP must be followed.

Questions or requests for further information regarding these comments may be directed to DEQ-LPRD, Steve Coe at (804) 698-4029.

7. Pesticides and Herbicides. DEQ recommends that the use of herbicides or pesticides for construction or landscape maintenance should be in accordance with the principles of integrated pest management. The least toxic pesticides that are effective in controlling the target species should be used to the extent feasible. Contact the Department of Agriculture and Consumer Services at (804) 786-3501 for more information.

8. Natural Heritage Resources. According to the EA (page 20), the DCR Division of Natural Heritage (DCR-DNH) was consulted and four protected species within the region were identified, including: the green floater (*Lasmigona subviridis*), harperella (*Ptilimnium nodosum*), sensitive joint-vetch (*Aeschynomene virginica*), and small-whorled pogonia (*Isotria medeoloides*). It was determined that none of these species are recorded as occupying the study area.

8(a) Agency Jurisdiction.

(i) Department of Conservation and Recreation

The mission of the Virginia Department of Conservation and Recreation is to conserve Virginia's natural and recreational resources. DCR supports a variety of environmental programs organized within seven divisions including the Division of Natural Heritage. The Natural Heritage Program's (DCR-DNH) mission is conserving Virginia's biodiversity through inventory, protection, and stewardship. The *Virginia Natural Area Preserves Act*, 10.1-209 through 217 of the *Code of Virginia*, was passed in 1989 and codified DCR's powers and duties related to creating a statewide biological inventory, maintaining a statewide database for conservation planning and project review, land protection for the conservation of biodiversity, and the protection and ecological management of natural heritage resources (the habitats of rare, threatened, and endangered species, significant natural communities, geologic sites, and other natural features).

(ii) Department of Agriculture and Consumer Services

The *Endangered Plant and Insect Species Act* of 1979, Chapter 39 §3.1-1020 through 1030 of the *Code of Virginia*, as amended, authorizes the Virginia Department of Agriculture and Consumer Services (VDACS) to conserve, protect, and manage endangered and threatened species of plants and insects. The VDACS Virginia Endangered Plant and Insect Species Program personnel cooperates with the USFWS, DCR-DNH and other agencies and organizations on the recovery, protection or conservation of listed threatened or endangered species and designated plant and insect species that are rare throughout their worldwide ranges. In those instances where recovery plans, developed by USFWS, are available, adherence to the order and tasks outlined in the plans are followed to the extent possible.

8(b) Agency Findings.

(i) Hazel Run Route 1 to Route 2 Stream Conservation Unit

According to the information currently in DCR files, the Hazel Run Route 1 to Route 2 Stream Conservation Unit (SCU) is in the project vicinity. SCUs identify stream reaches that contain aquatic natural heritage resources, including 2 miles upstream and 1 mile downstream of documented occurrences, and all tributaries within this reach. SCUs are also given a biodiversity significance ranking based on the rarity, quality, and number of

element occurrences they contain. The Hazel Run Route 1 to Route 2 SCU has been given a biodiversity ranking of B3, which represents a site of high significance. The natural heritage resources associated with this site are:

Aquatic Natural Community
Aquatic Natural Community

G2?/S2?/NL/NL
G3G4/S3S4/NL/NL

The documented Aquatic Natural Communities are based on the Virginia Commonwealth University (VCU) Interactive Stream Assessment Resource (INSTAR) database which includes over 2,000 aquatic (stream and river) collections statewide for fish and macroinvertebrate. These data represent fish and macroinvertebrate assemblages, instream habitat, and stream health assessments. The associated Aquatic Natural Communities are significant on multiple levels. First, these streams are a grade B, according to the VCU Center for Environmental Sciences (CES), indicating its relative regional significance, considering its aquatic community composition and the present-day conditions of other streams in the region. These stream reaches also hold a "Healthy" stream designation per the INSTAR Virtual Stream Assessment (VSS) score. This score assesses the similarity of this stream to ideal stream conditions of biology and habitat for this region. Lastly, these streams contribute to high Biological Integrity at the watershed level (6th order) based on number of native and non-native, pollution-tolerant and intolerant, and rare, threatened or endangered fish and macroinvertebrate species present.

Threats to the significant Aquatic Natural Communities and the surrounding watershed include water quality degradation related to point and non-point pollution, water withdrawal and introduction of non-native species.

(ii) Yellow Lance

The Yellow lance (*Elliptio lanceolata*, G2G3/S2S3/SOC/NL), a freshwater mussel, has been historically documented in the Rappahannock River. The Yellow lance occurs in mid-sized rivers and second and third order streams. To survive, it needs a silt-free, stable streambed and well-oxygenated water that is free of pollutants. This species has been the subject of taxonomic debate in recent years (NatureServe, 2009). Currently in Virginia, the Yellow lance is recognized from populations in the Chowan, James, York, and Rappahannock drainages. Its range also extends into Neuse-Tar river system in North Carolina. In recent years, significant population declines have been noted across its range (NatureServe, 2009). This species is currently classified as a species of concern by the United States Fish and Wildlife Service (USFWS). However, this designation has no official legal status.

Considered good indicators of the health of aquatic ecosystems, freshwater mussels are dependent on good water quality, good physical habitat conditions, and an environment that will support populations of host fish species (Williams *et al.*, 1993). Because mussels are sedentary organisms, they are sensitive to water quality degradation related to increased sedimentation and pollution. They are also sensitive

to habitat destruction through dam construction, channelization, and dredging, and the invasion of exotic mollusk species. The Yellow lance may be particularly sensitive to chemical pollutants and exposure to fine sediments from erosion (NatureServe, 2009).

(iii) State-listed Plant and Insect Species

Under a Memorandum of Agreement established between VDACS and DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. DCR finds that the current activity will not affect any documented state-listed threatened or endangered plants or insects.

(iv) State Natural Area Preserves

DCR files do not indicate the presence of any State Natural Area Preserves under the agency's jurisdiction in the project vicinity.

8(c) Recommendations.

(i) Erosion and Sediment Control, and Stormwater Management

DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control and stormwater management laws and regulations to minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities.

(ii) Natural Heritage Resources

Contact DCR-DNH for an update on natural heritage information if a significant amount of time passes before the project is initiated since new and updated information is continually added to the Biotics Data System.

9. Wildlife Resources and Protected Species. According to the EA (page 118), overall, impacts to wildlife would likely require some displacement of individual animals due to the added infrastructure. In addition wildlife would likely incur human-induced noise disturbances from visitors walking across the park and maintenance workers using equipment after construction is completed. However, it is expected that wildlife use of the property and behavior would resume near current levels after construction is completed. As discussed above, four protected species within the region were identified to include the green floater, sensitive joint-vetch, and small-whorled pogonia. It was determined that none of these species are recorded as occupying the study area.

9(a) Agency Jurisdiction. The Department of Game and Inland Fisheries (DGIF), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state or federally listed endangered or threatened species, but excluding listed insects

(*Virginia Code* Title 29.1). The DGIF is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.C. sections 661 *et seq.*), and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce, or compensate for those impacts.

9(b) Agency Findings. According to DGIF records, the Rappahannock River has been designated a Threatened and Endangered Species Water due to the presence of state-listed threatened green floater. In addition, the Rappahannock River has been designated an Anadromous Fish Use Area. However, DGIF finds that it does not appear that instream work in the Rappahannock River is proposed based on the information provided in the EA.

9(c) Recommendations.

(i) Threatened and Endangered Species Water

DGIF recommends the following measures to protect listed mussels known from nearby waters should instream work in the small intermittent tributaries to the Rappahannock River be necessary:

- Adhere to a time-of-year restriction from April 15 through June 15 and August 15 through September 30 of any year.
- Maintain undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams.
- Maintain undisturbed naturally vegetated buffers of at least 200 feet in width on all perennial tributaries to Threatened and Endangered Species Waters.
- Maintain undisturbed naturally vegetated buffers of at least 300 feet on both sides of Threatened and Endangered Species Waters.
- Conduct in-stream activities during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures.
- Design stormwater controls to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to,
 - utilizing bioretention areas, and
 - minimizing the use of curb and gutter in favor of grassed swales.

Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). Bioretention areas are designed to capture stormwater

runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.

Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, DGIF prefers stream crossings to be constructed via clear-span bridges. However, if this is not possible, DGIF recommends countersinking any culverts below the streambed at least 6 inches, or the use of bottomless culverts, to allow passage of aquatic organisms. In addition, DGIF recommends the installation of floodplain culverts to carry bankfull discharges.

(ii) Anadromous Fish Use Area

To protect anadromous fish species, DGIF recommends that work adhere to a time-of-year restriction from February 15 through June 30 of any year should work occur in the intermittent tributaries to the Rappahannock River.

(iii) General Protection of Wildlife Resources

To minimize overall impacts to wildlife and natural resources, DGIF recommends that construction:

- avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable;
- adhere to a time-of-year restriction protective of resident and migratory songbird nesting from March 15 through August 15 of any year for all tree removal and ground-clearing; and
- adhere to erosion and sediment controls during ground disturbance.

10. Forest Resources. According to the EA (page 37), the project would include the removal of vegetation from the site to accommodate new elements such as buildings, driveways, views, and rehabilitated historic landscapes and features. Up to 5 acres of trees would be removed from the eastern side of Ferry Farm to accommodate the new facilities, parking lots, and driveway. An additional 1.3 acres of forest vegetation would be removed from the northeastern portion of the site to accommodate the realigned entrance road. It is anticipated that up to 24 trees would be removed from the escarpment between the historic core and the Rappahannock River to accommodate historic views. The document states that vegetation removal would adhere to an Invasive Species Management Plan and/or Forest Management Plan, which would be developed by the applicant.

10(a) Agency Jurisdiction. The mission of the Virginia Department of Forestry (DOF) is to protect and develop healthy, sustainable forest resources for Virginians. DOF was established in 1914 to prevent and suppress forest fires and reforest bare lands. Since the Department's inception, it has grown and evolved to encompass other protection

and management duties including: protecting Virginia's forests from wildfire, protecting Virginia's waters, managing and conserving Virginia's forests, managing state-owned lands and nurseries, and managing regulated incentive programs for forest landowners.

10(b) Agency Findings. DOF finds that, of the alternatives evaluated in the EA, the preferred alternative (Alternative D) is the option that adheres most closely to the elements identified as important in DEQ's Checklist for Forestland Protection (*Procedure for Environmental Impact Review of Major State Facilities*, Appendix 5A). The checklist may be accessed at:
<http://www.deq.state.va.us/Portals/0/DEQ/EnvironmentalImpactReview/StateEnvironmentalImpactReviews/Appendix5A.pdf>.

DOF finds the following elements of the preferred alternative will mitigate the impact of the development on forest resources:

1. The proposed project footprint should minimize the permanent loss of forestland more than the other build alternatives.
2. Most of the grey infrastructure components will be built on non-forested land.
3. Positioning the proposed maintenance building at the southern end of the site avoids forested areas and tree removal thereby reducing the forest fragmentation within the existing large block of evergreen forest that is associated with alternatives B and C.
4. Planned plantings of trees as screens and for other aesthetic purposes reduces over time, the actual permanent forest cover loss associated with alternative D to less than an acre.
5. The "ecological area" where development will be limited to construction of trails only combined with the "historic zone" where development will be limited to trails and archeological study, encompasses almost all of the medium age deciduous forest on the site. Additionally, because that area is also adjacent to the river and consists of more steeply sloped land, the existing ecosystem services provided by the forest are retained. As a result, long-term, adverse impacts on coastal resources associated with soils and topography, wildlife and wildlife habitat, and Chesapeake Bay resources should be minimal.

In addition, DOF has interests in specific Virginia Coastal Zone Management Program advisory policies listed under Geographic Areas of Particular Concern, and Shorefront Access Planning and Protection, to include advisory policies related to parks, natural areas, and wildlife management areas. DOF finds the proposal consistent with agency policies, programs, and regulations related to those advisory policies.

10(c) Recommendations. DOF recommends that the applicant consult with DOF staff on the elements of the Forest Management Plan to be developed for the project as it moves forward toward implementation. Several elements were identified in the EA as future components of that plan, but limited information was provided on how the plan would be implemented. The DOF document, *Forestry Best Management Practices* for

Water Quality, includes DOF-approved practices that may be incorporated into the Forest Management Plan to be developed for this project. The document may be accessed at <http://dof.virginia.gov/water/index-BMP-Field.htm>.

11. Water Supply. The EA does not specifically address potential project impacts to water supply sources.

11(a) Agency Jurisdiction. The Virginia Department of Health (VDH), Office of Drinking Water (ODW) reviews projects for the potential to impact public drinking water sources (groundwater wells and surface water intakes).

11(b) Agency Findings. VDH-ODW finds that there are no groundwater wells located within a 1 mile radius of the project site and no surface water intakes located within a 5 mile radius of the project site. In addition, the project is not within Zone 1 (up to 5 miles into the watershed) or Zone 2 (greater than 5 miles into the watershed) of any public surface water sources.

11(c) Conclusion. VDH concludes there are no apparent impacts on water supply sources as a result of this proposed project.

Contact VDH-ODW, Ezekiel Dufore at (804) 864-7201, for additional information regarding these comments.

12. Historic and Archeological Resources. According to the EA (page 137), overall, implementation of the preferred alternative would result in a long-term, minor, adverse impact on archeological resources. Archeological investigations would continue at the site, resulting in disturbances to archeological resources that cause some loss of integrity. However, through systematic documentation, collection, and curation of artifacts, these investigations would provide additional, valuable information about Ferry Farm's history. The EA (page 141) states that the proposal would result in a long-term, moderate, adverse impact to historic structures because the 1870s agricultural building would be relocated from its original location to the development zone, near the new visitor center. The relocation would diminish the integrity of the structure and result in an adverse impact on the resource. However, the applicant would consult with the State Historic Preservation Officer (SHPO) and appropriate parties to produce and implement mitigation measures for the building's removal, reducing the adverse effect on the historic structure. The document concludes that impacts associated with the project would not result in alteration of patterns or features of the landscape or diminish the overall integrity of the landscape.

12(a) Agency Jurisdiction. DHR conducts reviews of projects to determine their effect on historic structures or cultural resources under its jurisdiction. DHR, as the designated State's Historic Preservation Office, ensures that federal actions comply with Section 106 of the National Historic Preservation Act of 1962 (NHPA), as amended, and its implementing regulation at 36 CFR Part 800. The NHPA requires federal agencies to

consider the effects of federal projects on properties that are listed or eligible for listing on the National Register of Historic Places. Section 106 also applies if there are any federal involvements, such as licenses, permits, approvals or funding. DHR also provides comments to DEQ through the state environmental impact report review process.

12(b) Agency Findings. DHR has been in consultation with the NPS regarding this project. DHR provided detailed comments to NPS (January 15, 2014 letter attached) on the content of the cultural resources analysis in the EA.

12(c) Requirements. The Foundation and NPS must continue to coordinate with DHR on the individual actions necessary to implement the preferred alternative in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, under the terms of the Programmatic Agreement (PA) executed in January 2011 among the United States Department of Interior National Park Service, the George Washington Foundation and the Virginia Department of Historic Resources for the Treatment of the Site of George Washington's Boyhood Home ("Ferry Farm").

12(d) Conclusion. Based upon the information provided in the EA, DHR supports the National Park Service's selection of Alternative D as the preferred alternative.

13. Pollution Prevention. DEQ advocates that principles of pollution prevention be used in all construction projects as well as in facility operations. Effective siting, planning, and on-site Best Management Practices (BMPs) will help to ensure that environmental impacts are minimized. However, pollution prevention techniques also include decisions related to construction materials, design, and operational procedures that will facilitate the reduction of wastes at the source.

13(a) Recommendations. We have several pollution prevention recommendations that may be helpful in the construction of this project and in the operation of the facility:

- Consider development of an effective Environmental Management System (EMS). An effective EMS will ensure that the Army is committed to minimizing its environmental impacts, setting environmental goals, and achieving improvements in its environmental performance. DEQ offers EMS development assistance and it recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program.
- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content, toxicity level, and amount of packaging should be considered and can be specified in purchasing contracts.
- Consider contractors' commitment to the environment (such as an EMS) when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.

- Choose sustainable materials and practices for infrastructure construction and design. These could include asphalt and concrete containing recycled materials, and integrated pest management in landscaping, among other things.
- Integrate pollution prevention techniques into utility maintenance and operation, to include the following: inventory control (record-keeping and centralized storage for hazardous materials), product substitution (use of non-toxic cleaners), and source reduction (fixing leaks, energy-efficient HVAC and equipment). Maintenance facilities should be designed with sufficient and suitable space to allow for effective inventory control and preventative maintenance.

DEQ's Office of Pollution Prevention provides information and technical assistance relating to pollution prevention techniques and EMS. For more information, contact DEQ's Office of Pollution Prevention, Sharon Baxter at (804) 698-4344.

14. Energy Conservation. The proposed improvements should be planned and designed to comply with state and federal guidelines and industry standards for energy conservation and efficiency. The commonwealth encourages architectural and engineering designers to recognize and incorporate the energy, environmental, and sustainability concepts listed in the LEED Green Building Rating System into the development and procurement of their projects.

The energy efficiency of the facility can be enhanced by maximizing the use of the following:

- thermally-efficient building shell components (roof, wall, floor, windows, and insulation);
- facility siting and orientation with consideration towards natural lighting and solar loads
- high efficiency heating, ventilation, air conditioning systems;
- high efficiency lighting systems and daylighting techniques; and
- energy-efficient appliances.

Contact the Department of Mines, Minerals and Energy, David Spears at (434) 951-6350, for assistance in meeting this challenge.

15. Water Conservation. The following recommendations will result in reduced water use associated with the operation of the facility.

- Grounds should be landscaped with hardy native plant species to conserve water as well as lessen the need to use fertilizers and pesticides.
- Convert turf to low water-use landscaping such as drought resistant grass, plants, shrubs and trees.
- Low-flow toilets should be installed with the rehabilitation.
- Consider installing low flow restrictors and aerators to faucets.

- Improve irrigation practices by:
 - upgrading sprinkler clock; water at night, if possible, to reduce evapotranspiration (lawns need only 1 inch of water per week, and do not need to be watered daily; overwatering causes 85% of turf problems);
 - installing a rain shutoff device; and
 - collecting rainwater with a rain bucket or cistern system with drip lines.
- Install new high-efficiency washers and dishwashers to reduce water useage by 30-50% per use over older models.
- Check for and repair leaks (toilets and faucets) during regular routine maintenance activities.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act of 1972 (§ 1456(c)), as amended, and the federal consistency regulations implementing the CZMA (15 CFR Part 930, Subpart C, § 930.30 *et seq.*) federal actions that can have reasonably foreseeable effects on Virginia's coastal uses or resources must be conducted in a manner which is consistent, to the maximum extent practicable, with the Virginia Coastal Zone Management Program. The VCP is comprised of a network of programs administered by several agencies. In order to be consistent with the VCP, the federal agency must obtain all the applicable permits and approvals listed under the enforceable policies of the VCP prior to commencing the project.

Federal Consistency Public Participation

In accordance with 15 CFR § 930.2, public notice of the proposed action was published on DEQ's web site from December 20, 2013 to January 7, 2014. No public comments were received in response to the notice.

Federal Consistency Concurrence

A Federal Consistency Determination (FCD) was submitted with the EA (Appendix C) that includes an analysis of the consistency of the project on the enforceable and advisory policies of the VCP. Based on our review of the FCD and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ concurs that the proposal is consistent with the VCP provided all applicable permits and approvals are obtained as previously described.

In addition, other state approvals which may apply to this project are not included in this concurrence. Therefore, the applicant must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations.

REGULATORY AND COORDINATION NEEDS

1. Surface Waters and Wetlands. Should it be determined that surface water and/or wetland impacts associated with this proposal would occur, a Virginia Water Protection Permit issued by the DEQ Northern Regional Office may be required pursuant to Virginia Code §62.1-44.15:5. In addition, authorization from the Stafford County Wetlands Board may be required. If necessary, a Joint Permit Application may be obtained from and submitted to the Virginia Marine Resources Commission which serves as a clearinghouse for the joint permitting process involving the VMRC, DEQ, Corps, and local wetlands boards. For additional information and coordination, contact DEQ-NRO, Trisha Beasley at (703) 583-3940 and/or Stafford County Wetlands Board, Jeff Harvey at (540) 658-8668.

2. Subaqueous Lands. In accordance with §28.2-1203 of the Code of Virginia, a permit may be required from VMRC should it be anticipated that impacts to state-owned subaqueous lands would occur. A Joint Permit Application may be obtained from and submitted to the VMRC which serves as a clearinghouse for the joint permitting process involving the VMRC, DEQ, Corps, and local wetlands boards. For additional information and coordination, contact VMRC, Jordan Creed at (757) 247-2256.

3. Erosion and Sediment Control and Stormwater Management.

3(a) Erosion and Sediment Control and Stormwater Management. The proposed development must comply with Virginia's Erosion and Sediment Control Law (Virginia Code § 62.1-44.15:61) and *Regulations* (9 VAC 25-840-30 *et seq.*) and Stormwater Management Law (Virginia Code § 62.1-44.15:31) and *Regulations* (9 VAC 25-870-210 *et seq.*) as locally administered. Land-disturbing activities of 2,500 square feet or more in a CBPA would be regulated by *VESCL&R* and *VSWML&R*. Local erosion and sediment control, and stormwater management requirements should be coordinated with Stafford County, Department of Planning and Zoning, Jeff Harvey at (540) 658-8668.

3(b) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities. Land-disturbing activities equal to or greater than 2,500 square feet in a CBPA require that the applicant apply for registration coverage under the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities (9 VAC 25-870-10 *et seq.*). Specific questions regarding the Stormwater Management Program requirements should be directed to DEQ-OSWM, Holly Sepety at (804) 698-4039.

4. Chesapeake Bay Preservation Areas. The project must comply with the requirements of the *Chesapeake Bay Preservation Act* (Virginia Code §§ 10.1-2100 through 10.1-2114) and *Chesapeake Bay Preservation Area Designation and Management Regulations* (Virginia Code 9 VAC 25-830-10 *et seq.*) as administered by Stafford County. The proposed project is subject to 9 VAC 25-830-140 for construction

in RPA, and the general performance criteria of 9 VAC 25-830-130 for construction in RMA as locally administered. For additional information and coordination, contact Stafford County, Department of Planning and Zoning, Jeff Harvey at (540) 658-8668 and/or DEQ-OSWM, Daniel Moore at (804) 698-4520.

5. Air Quality Regulations. This project is subject to air regulations administered by the Department of Environmental Quality. The following sections of the Code of Virginia and Virginia Administrative Code are applicable:

- 9 VAC 5-50-60 *et seq.* governing fugitive dust emissions; and
- 9 VAC 5-130 *et seq.*, for open burning.

The installation of fuel burning equipment (e.g. boilers and generators), may require a permit (9 VAC 5-50-10 *et seq.* and 9 VAC 5-80-10 *et seq.*) prior to construction.

For more information and coordination contact DEQ-NRO, James LaFratta at (703) 583-3928. Also, contact Stafford County fire officials for information on any local requirements pertaining to open burning.

6. Solid and Hazardous Wastes. All solid waste, hazardous waste, and hazardous materials must be managed in accordance with all applicable federal, state, and local environmental regulations. Some of the applicable state laws and regulations are:

- *Virginia Waste Management Act* (Code of Virginia Section 10.1-1400 *et seq.*);
- *Virginia Hazardous Waste Management Regulations* (VHWMR) (9VAC 20-60);
- *Virginia Solid Waste Management Regulations* (VSWMR) (9VAC 20-80); and
- *Virginia Regulations for the Transportation of Hazardous Materials* (9VAC 20-110).

Some of the applicable federal laws and regulations are:

- *Resource Conservation and Recovery Act (RCRA)* (42 U.S.C. Section 6901 *et seq.*);
- Title 40 of the Code of Federal Regulations; and
- U.S. Department of Transportation Rules for Transportation of Hazardous materials (49 CFR Part 107).

For additional information concerning location and availability of suitable waste management facilities in the project area or if free product, discolored soils, or other evidence of contaminated soils are encountered, contact DEQ-NRO, Richard Doucette at (703) 583-3813.

6(a) Asbestos Containing Material. It is the responsibility of the owner or operator to thoroughly inspect the parts of the facility where the upgrades will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos

containing material (ACM). Upon classification as friable or non-friable, all waste ACM shall be disposed of in accordance with the Virginia Solid Waste Management Regulations (9 VAC 20-80-640), and transported in accordance with the Virginia regulations governing Transportation of Hazardous Materials (9 VAC 20-110-10 *et seq.*). Contact the DEQ-DLPR (previously the Waste Management Program) for additional information, (804) 698-4021, and the Department of Labor and Industry, Ronald L. Graham at (804) 371-0444.

6(b) Lead-Based Paint. If applicable, this project must comply with the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) regulations, and with the Virginia Lead-Based Paint Activities Rules and Regulations. For additional information regarding these requirements contact the Department of Professional and Occupational Regulation, David Dick at (804) 367-8588.

7. Natural Heritage Resources. Contact DCR-DNH, Rene Hypes at (804) 371-2708, to secure updated information on natural heritage resources if a significant amount of time passes before the project is implemented, since new and updated information is continually added to the Biotics Data System.

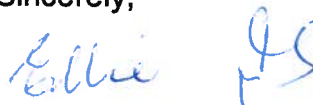
8. Wildlife Resources and Protected Species. Contact DGIF, Amy Ewing at (804) 367-2211 for the development of project-specific measures to minimize project impacts upon wildlife resources.

9. Forest Resources. Development of the Forest Management Plan may be coordinated with DOF, Greg Evans at (434) 220-9020 and/or Buck Kline at (434) 220-9035. DOF's Forestry Best Management Practices for Water Quality may be accessed at <http://dof.virginia.gov/water/index-BMP-Field.htm>.

10. Historic Resources. NPS and the applicant must continue to coordinate with DHR regarding potential project impacts to historic resources to ensure compliance with Section 106 of the NHPA. For additional information and coordination, contact DHR, Ethel Eaton at (804) 482-6088 and/or Amanda Lee at (804) 482-6092.

Thank you for the opportunity to review the Environmental Assessment and Federal Consistency Determination for the George Washington Boyhood Home at Ferry Farm, Site Treatment Plan in Stafford County. Detailed comments of reviewing agencies are attached for your review. Please contact me at (804) 698-4325 or John Fisher at (804) 698-4339 for clarification of these comments.

Sincerely,



Ellie Irons, Program Manager
Environmental Impact Review

George Washington Boyhood Home at Ferry Farm
Site Treatment Plan

Enclosures

Ec: Daniel Burstein, DEQ-NRO
Steve Coe, DEQ-DLPR
Kotur Narasimhan, DEQ-Air
Larry Gavan, DEQ-Water
Holly Sepety, DEQ-Water
Daniel Moore, DEQ-Water
Tony Watkinson, VMRC
Amy Ewing, DGIF
Robbie Rhur, DCR
Keith Tignor, VDACS
Greg Evans, DOF
Buck Kline, DOF
Barry Matthews, VDH
Roger Kirchen, DHR
David Spears, DMME
Chip Ray, VDOT
Anthony Romanello, Stafford County
G. Mark Gibb, Northern Virginia Regional Commission
Noel Harrison, NPS

Fisher, John (DEQ)

From: Burstein, Daniel (DEQ)
Sent: Wednesday, December 18, 2013 9:13 AM
To: Fisher, John (DEQ)
Subject: Re: DOI/NPS: George Washington Boyhood Home at Ferry Farm, Site Treatment Plant, DEQ #13-206F - Review

NRO comments regarding the Consistency Determination for DOI/NPS: George Washington Boyhood Home at Ferry Farm, Site Treatment Plant, located in Stafford County are as follows:

Land Protection Division - The project manager is reminded that if any solid or hazardous waste is generated/encountered during construction, the facility would follow applicable federal, state, and county regulations for their disposal.

Air Compliance/Permitting - The project manager is reminded that during the construction phases that occur with this project; the project is subject to the Fugitive Dust/Fugitive Emissions Rule 9 VAC 5-50-60 through 9 VAC 5-50-120. In addition, should the project install fuel burning equipment (Boilers, Generators, Compressors, etc...), or any other air pollution emitting equipment, the project may be subject to 9 VAC 5-80, Article 6, Permits for New and Modified sources and as such the project manager should contact the Air Permit Manager DEQ-NRO prior to installation or construction, and operation, of fuel burning or other air pollution emitting equipment for a permitting determination. Lastly, should any open burning or use of special incineration devices be employed in the disposal of land clearing debris during demolition and construction, the operation would be subject to the Open Burning Regulation 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100.

Virginia Water Protection Permit (VWPP) Program - It appears from the CD that wetlands could be impacted during this project's preferred alternative. The project manager is reminded that a VWP permit from DEQ may be required should impacts to surface waters be necessary. DEQ VWP staff recommends that the avoidance and minimization of surface water impacts to the maximum extent practicable as well as coordination with the US Army Corps of Engineers. Upon receipt of a Joint Permit Application for the proposed surface water impacts, DEQ VWP Permit staff will review the proposed project in accordance with the VWP permit program regulations and current VWP permit program guidance.

Water Permitting/VPDES Program/Stormwater: The project manager is reminded to follow all applicable regulations.

Daniel Burstein
Regional Enforcement Specialist, Senior II
Virginia Department of Environmental Quality
Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3904
Fax: (703) 583-3821
daniel.burstein@deq.virginia.gov



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COMMONWEALTH of VIRGINIA

*Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607*

Douglas W. Domenech
Secretary of Natural Resources

Jack G. Travelstead
Commissioner

December 5, 2013

Mr. John E. Fisher
Department of Environmental Quality
Office of Environmental Impact Review
629 East Main Street, 6th Floor
Richmond, Virginia 23219

Re: George Washington Boyhood Home
at Ferry Farm, Site Treatment Plant
Project # 13-206F

Dear Mr. Fisher:

We have reviewed the above-referenced consistency determination documentation for the National Park Service's proposed improvements to the George Washington Boyhood Home Site at Ferry Farm in Stafford County. This site lies directly adjacent to a tidal portion of the Rappahannock River. Therefore, any impacts proposed channelward of mean low water in the Rappahannock River will require a subaqueous permit from the Marine Resources Commission. Also, any impacts proposed between mean low water and mean high water in nonvegetated portions, and mean low water and 1.5 times the tide range in vegetated portions, of the shoreline of the river will require a wetlands permit from the Stafford County Wetlands Board.

The Commission, under Section 28.2-1200 et. seq. of the Code of Virginia, has jurisdiction over any encroachments in, on, or over the beds of the bays, ocean, rivers, streams, or creeks which are the property of the Commonwealth. Accordingly, if any portion of the subject project involves any encroachments channelward of ordinary high water along natural rivers and streams above the fall line or mean low water below the fall line, a permit may be required from our agency.

Thank you for the opportunity to comment on this project. If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

Digitally signed by Jordan Creed
DN: cn=Jordan Creed, o=Virginia
Marine Resources Commission,
ou=Habitat Management Division,
email=Jordan.Creed@mrvc.virginia.gov,
c=US
Date: 2013.12.05 10:40:12 -05'00'

Jordan Creed
Environmental Engineer

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

Fisher, John (DEQ)

From: Gavan, Larry (DEQ)
Sent: Wednesday, December 04, 2013 7:34 AM
To: Fisher, John (DEQ)
Subject: RE: NPS George Wash Home 13-206F

Pls. see the comments below.

Thx.
Larry

(a) Agency Jurisdiction. The DEQ administers the nonpoint source pollution control enforceable policy of the VCP through the *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)* and *Virginia Stormwater Management Law and Regulations (VSWML&R)*.

(b) Erosion and Sediment Control Plan. The Applicant is responsible for submitting a project-specific erosion and sediment control (ESC) plan to the locality in which the project is located for review and approval pursuant to the local ESC requirements, if the project involves a land-disturbing activity of 10,000 square feet or more (2,500 square feet or more in a Chesapeake Bay Preservation Area). Depending on local requirements the area of land disturbance requiring an ESC plan may be less. The ESC plan must be approved by the locality prior to any land-disturbing activity at the project site. All regulated land-disturbing activities associated with the project, including on and off site access roads, staging areas, borrow areas, stockpiles, and soil intentionally transported from the project must be covered by the project specific ESC plan. Local ESC program requirements must be requested through the locality. [Reference: *Virginia Erosion and Sediment Control Law* §62.1-44.15 et seq.; *Virginia Erosion and Sediment Control Regulations* 9VAC25-840-30 et seq.]

(c) Stormwater Management Plan. Depending on local requirements, a Stormwater Management (SWM) plan may be required. Local SWM program requirements must be requested through the locality. [Reference: *Virginia Stormwater Management Act* §62.1-44.15 et seq.; *Virginia Stormwater Management (VSMP) Permit Regulations* 9VAC25-870-54 et seq.]



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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

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www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

MEMORANDUM

TO: John Fisher, EIR Coordinator, DEQ

FROM: Daniel Moore, Principal Environmental Planner, DEQ

DATE: December 4, 2013

SUBJECT: DEQ #13-206F: Department of the Interior, NPS – George Washington Boyhood Home at Ferry Farm, Site Treatment Plant, Stafford County

We have reviewed the Environmental Assessment (EA) request for the proposed project and offer the following comments regarding consistency with the provisions of the *Chesapeake Bay Preservation Area Designation and Management Regulations* (Regulations):

In Stafford County, the areas protected by the *Chesapeake Bay Preservation Act*, as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as designated by the local government. RPAs include tidal wetlands, certain non-tidal wetlands and tidal shores, and a minimum 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow. RMAs, which require less stringent performance criteria, include all areas of the county not included in the RPA.

The proposed project will impact locally-designated RPA lands. According to the EA (page 128) and FCD (Appendix C), activities proposed under the preferred alternative (Alternative D) that would affect RPA lands include the placement of a new pedestrian bridge over a ravine, stabilization of that ravine, development of an interpretive node at the historic ferry site on the shoreline of the Rappahannock River, clearing of trees/shrubs along the Rappahannock River shoreline, and implementation of an invasive species and/or forest management plan. Pursuant to 9 VAC 25-830-140 of the Regulations, land development may be allowed in the Resource Protection Area only if it (i) is water dependent; (ii) constitutes redevelopment; (iii) constitutes development or redevelopment within a designated Intensely Developed Area; (iv) is a new use established pursuant to subdivision 4 a of this section; (v) is a road or driveway crossing satisfying the conditions set forth in subdivision 1 d of this section; or (vi) is a flood control or stormwater management facility satisfying the conditions set forth in subdivision 1 e of this section.

The project will also impact locally-designated RMA lands. Projects within the RMA must minimize land disturbance, retain existing vegetation and minimize impervious cover. For land disturbances over 2,500 square feet, the project must comply with the requirements of the *Virginia Erosion and Sediment Control Handbook*, Third Edition, 1992. Additionally, stormwater management criteria consistent with water quality protection provisions of the *Virginia Stormwater Management Regulations* shall be satisfied. All land disturbance, clearing, grading or filling related to the activity proposed within RMAs and RPAs must comply with the *Chesapeake Bay Preservation Act* and Regulations.

Paragraph two under "Chesapeake Bay Resources" on page 79 of the EA includes the following statement: "Fredericksburg and Stafford County continually work with the Federal Emergency Management Agency (FEMA) to address and protect these resources." Please note that Virginia DEQ is the regulatory agency with oversight of all Chesapeake Bay Preservation Act localities in Tidewater Virginia, and not FEMA.

Provided adherence to the above requirements, the project would be consistent with the *Chesapeake Bay Preservation Act* and Regulations.

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION

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ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: John E. Fisher

DEQ - OEIA PROJECT NUMBER: 13 - 206F

PROJECT TYPE: ☐ STATE EA / EIR ☒ FEDERAL EA / EIS ☐ SCC
☐ CONSISTENCY DETERMINATION

PROJECT TITLE: GEORGE WASHINGTON BOYHOOD HOME AT FERRY FARM,
SITE TREATMENT PLANT

PROJECT SPONSOR: DOI / NATIONAL PARK SERVICE

PROJECT LOCATION: ☒ OZONE MAINTENANCE AND
EMISSION CONTROL AREA FOR NOX & VOC

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: ☒ CONSTRUCTION
☐ OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E - STAGE I
2. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 F - STAGE II Vapor Recovery
3. ☐ 9 VAC 5-40-5490 et seq. - Asphalt Paving operations
4. ☒ 9 VAC 5-130 et seq. - Open Burning
5. ☒ 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
6. ☐ 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
7. ☐ 9 VAC 5-50-160 et seq. - Standards of Performance for Toxic Pollutants
8. ☐ 9 VAC 5-50-400 Subpart _____, Standards of Performance for New Stationary Sources, designates standards of performance for the _____
9. ☐ 9 VAC 5-80-1100 et seq. of the regulations - Permits for Stationary Sources
10. ☐ 9 VAC 5-80-1700 et seq. Of the regulations - Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
11. ☐ 9 VAC 5-80-2000 et seq. of the regulations - New and modified sources located in non-attainment areas
12. ☐ 9 VAC 5-80-800 et seq. Of the regulations - Operating Permits and exemptions. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT:

All precautions are necessary to restrict the emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO_x).



(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: December 6, 2013

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MEMORANDUM

TO: John Fisher, Environmental Program Planner

FROM: Steve Coe, Division of Land Protection & Revitalization Review Coordinator

DATE: December 13, 2013

COPIES: Sanjay Thirunagari, Division of Land Protection & Revitalization Review Manager; EIR file

SUBJECT: Environmental Impact Statement: Project #13-206F. Ferry Farm Site Treatment Plant Fredericksburg. DOI/National Park Service..

The Division of Land Protection & Revitalization (DLPR) has completed its review of the Environmental Review Request for the Ferry Farm Site Treatment Plant project.

Solid and hazardous waste issues were not addressed in the submittal. The DEQ DLPR staff has reviewed the submittal and has the following comments concerning possible waste issues associated with this area and the proposed program/project:

When the environmental impact report is written or compiled for specific sites, it should include an environmental investigation on and near the properties selected in order to identify any solid or hazardous waste sites or issues related to the project area. The databases include the Permitted Solid Waste Management Facilities, Virginia Environmental Geographic Information Systems (Solid Waste, Voluntary Remediation Program, and Petroleum Release sites), CERCLA Facilities, and Hazardous Waste Facilities databases.

The Permitted Solid Waste Management Facilities Database

A list of active solid waste facilities in Virginia.

CERCLA Facilities Database

A list of active and archived CERCLA (EPA Superfund Program) sites.

Hazardous Waste Facilities Database

A list of hazardous waste generators, hazardous waste transporters, and hazardous waste storage and disposal facilities. Data for the CERCLA Facilities and Hazardous Waste

Facilities databases are periodically downloaded by the Waste Division from U.S. EPA's website.

Virginia Environmental Geographic Information Systems (VEGIS)

The "What's in My Backyard" application displays cross-media geographical features in proximity to a selected site/address for different facility search parameters.

Accessing the DEQ Databases:

The report author should access this information on the DEQ website at

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/ReportsPublications/OriginalReports.aspx>.

Scroll down to the databases which are listed under **Real Estate Search Information** heading.

Initially, the *solid waste information* can be accessed by clicking on the Permitted Solid Waste Management Facilities link and opening the file. You can search by city/county or region (zip code) for active permitted waste facilities. (Note: A targeted solid waste facility search can be accomplished through the **VEGIS** link - see information below re: VRP search).

The *Superfund information* will be listed by clicking on the Search EPA's CERCLIS database tab and clicking on the **Search Superfund Site Information** button (blue box). On this form, enter either 1) the zip code for the project site, or, 2) the name of the city or county and select Virginia in the State drop down box. Click "Search" at the bottom of the form. A facilities list will be appear.

DEQ staff conducted a cursory search under zip code 22405, and no CERCLIS site was identified in the area of the project:

The *hazardous waste* information can be accessed by clicking on the Hazardous Waste Facilities link. Go to the Geography Search section and fill in the 1) zip code of the project, or 2) the name of the city or county and VA in the state block, and click on "Search". The hazardous waste facilities in the locality will be listed.

DEQ staff conducted a cursory search under zip code 22405, and identified 52 sites in the database. None were in close proximity to the project site.

The *Voluntary Remediation Program* (VRP), **Solid Waste Facilities**, and **Petroleum Release Sites** GPS databases can be accessed from the www.deq.virginia.gov website by clicking on **VEGIS** link under the **Resources & Tools** category. Then click on the "What's in my backyard" in the **Mapping Applications** block to the left. On the web map page, click on the "Pick a Quick Search Here" drop down arrow, and select "Address Search". In the adjacent block enter the zip code or address for the project site. Click on "Search". On the map you will see a green "balloon" indicating the site.

On the map area click on the "Tools" drop down arrow, and the select "Identify". A normal search looks like this: In the "Radius" block, type in [.5], and in the adjacent block select [miles] from the drop down options. Click on the "Layer" drop down arrow, select "VRP Sites", and then click on the green balloon. All VRP sites within the indicated range will appear in the Map/Results block to the left. Clicking on the block by the identified site will result in a second green balloon on the map. With multiple sites identified by the search, you can select/unselect each site to visualize its location, or change the radius of the search as needed.

At this time you can also search for "Solid Waste" sites and "Petroleum Releases" information for the project area by selecting these topics from the "Layer" options and then clicking on the green balloon on the map after each selection.

These database searches will include most waste-related site information for each locality based upon the radius of the address selected (such as .5 miles, .25 miles, or .1 mile). In many cases, especially when the project is located in an urban area, the database output for that locality will be extensive. This information is important to identify possible environmental concerns that may impact a new project.

DEQ staff conducted a cursory search under zip code 22405, and identified the following sites which should be considered: (proximity to the construction site was not determined)

FUDS – none

Solid Waste – none

VRP – none

Petroleum Releases – three

- 1) ID# 19954146 – 7-Eleven, 219 Kings Highway, Fredericksburg, VA 22405. Event Date: 3/29/2007. Status: Closed.
- 2) ID# 19901872 – Ferry Farm Gas Station, 713 Kings Highway, Fredericksburg, VA 22405. Event Date: 3/5/2007. Status: Closed.
- 3) ID# 19954212 - Ferry Farm Gas Station, 713 Kings Highway, Fredericksburg, VA 22405. Event Date: 6/25/2007. Status: Closed.

Please note that the DEQ's Petroleum Contamination (PC) case files and the PC Case numbers are identified above, and these petroleum releases should be evaluated by the project engineer or manager to establish the exact location of the release and the nature and extent of the petroleum release and the potential to impact the proposed project. The facility representative should contact the DEQ's Northern Virginia Regional Office at 703-583-3800 (Tanks Program) for further information and the administrative records of the PC cases which are in close proximity to the proposed project.

GENERAL COMMENTS

Soil, Sediment, and Waste Management

Any soil that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Part 107.

Asbestos and/or Lead-based Paint

All structures being demolished/renovated/removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-81-620 for ACM and 9VAC 20-60-261 for LBP must be followed. For questions contact DEQ's Northern Virginia Regional Office, Kathryn Persyzk, at 703-583-3856.

Pollution Prevention – Reuse - Recycling

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Steve Coe at (804) 698-4029.



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MEMORANDUM

DATE: December 17, 2013
TO: John Fisher, DEQ
FROM: Roberta Rhur, Environmental Impact Review Coordinator
SUBJECT: DEQ 13-206F, NPS, George Washington Boyhood Home at Ferry Farm Site Treatment Plan

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, the Hazel Run Rt. 1 to Rt. 2 Stream Conservation Unit (SCU) is in the project vicinity. SCUs identify stream reaches that contain aquatic natural heritage resources, including 2 miles upstream and 1 mile downstream of documented occurrences, and all tributaries within this reach. SCUs are also given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain. The Hazel Run Rt. 1 to Rt. 2 SCU has been given a biodiversity ranking of B3, which represents a site of high significance. The natural heritage resources associated with this site are:

Aquatic Natural Community
Aquatic Natural Community

G27/S27/NL/NL
G3G4/S3S4/NL/NL

The documented Aquatic Natural Communities are based on Virginia Commonwealth University's **INSTAR** (*Interactive Stream Assessment Resource*) database which includes over 2,000 aquatic (stream and river) collections statewide for fish and macroinvertebrate. These data represent fish and macroinvertebrate assemblages, instream habitat, and stream health assessments. The associated Aquatic Natural Communities are significant on multiple levels. First, these streams are a grade B, per the VCU-Center for Environmental Sciences (CES), indicating its relative regional significance, considering its aquatic community composition and the present-day conditions of other streams in the region. These stream reaches also hold a "Healthy" stream designation per the INSTAR Virtual Stream Assessment (VSS) score. This score assesses the similarity of this stream to ideal stream conditions of biology and habitat for this region. Lastly, these streams contribute to high Biological Integrity at the watershed level (6th order) based

on number of native/non-native, pollution-tolerant/intolerant and rare, threatened or endangered fish and macroinvertebrate species present.

Threats to the significant Aquatic Natural Communities and the surrounding watershed include water quality degradation related to point and non-point pollution, water withdrawal and introduction of non-native species.

In addition, the Yellow lance (*Elliptio lanceolata*, G2G3/S2S3/SOC/NL) has been historically documented in the Rappahannock River. The Yellow lance occurs in mid-sized rivers and second and third order streams. To survive, it needs a silt-free, stable streambed and well-oxygenated water that is free of pollutants. This species has been the subject of taxonomic debate in recent years (NatureServe, 2009). Currently in Virginia, the Yellow lance is recognized from populations in the Chowan, James, York, and Rappahannock drainages. Its range also extends into Neuse-Tar river system in North Carolina. In recent years, significant population declines have been noted across its range (NatureServe, 2009). Please note that this species is currently classified as a species of concern by the United States Fish and Wildlife Service (USFWS) however, this designation has no official legal status.

Considered good indicators of the health of aquatic ecosystems, freshwater mussels are dependent on good water quality, good physical habitat conditions, and an environment that will support populations of host fish species (Williams et al., 1993). Because mussels are sedentary organisms, they are sensitive to water quality degradation related to increased sedimentation and pollution. They are also sensitive to habitat destruction through dam construction, channelization, and dredging, and the invasion of exotic mollusk species. The Yellow lance may be particularly sensitive to chemical pollutants and exposure to fine sediments from erosion (NatureServe, 2009).

To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations, establishment/enhancement of riparian buffers with native plant species and maintaining natural stream flow.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Gladys Cason (804-367-0909 or Gladys.Cason@dgif.virginia.gov).

Cc: Troy Andersen, USFWS

Literature Cited

NatureServe. 2009. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: April 5, 2010).

Williams, J.D., M.L. Warren, Jr., K.S. Cummings, J.L. Harris, and R.J. Neves. 1993. Conservation status of freshwater mussels of the United States and Canada. Fisheries 18: 6-9.

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

Fisher, John (DEQ)

From: Ewing, Amy (DGIF)
Sent: Thursday, January 09, 2014 3:52 PM
To: Fisher, John (DEQ)
Cc: Cason, Gladys (DGIF); Watson, Brian (DGIF); Bugas, Paul (DGIF)
Subject: ESSLog# 18078_13-206F_George Washington Boyhood Home

We have reviewed the subject project that proposes to construct some improvements to the visitor landscape at George Washington's boyhood home at Ferry Farm National Historic Landmark in Stafford County, VA.

According to our records, the Rappahannock River has been designated a Threatened and Endangered Species Water due to the presence of state Threatened green floaters. It does not appear, based on the information provided, that instream work in the Rappahannock River has been proposed. If any instream work in the small intermittent tributaries to the Rappahannock River that are located on site is necessary, we recommend that work adhere to a time of year restriction from April 15 through June 15 and August 15 through September 30 of any year.

We recommend the following to best protect listed mussels known from nearby waters:

1. We recommend maintaining undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams. We recommend maintaining undisturbed naturally vegetated buffers of at least 200 feet in width on all perennial tributaries to Threatened and Endangered Species Waters. We recommend maintaining undisturbed naturally vegetated buffers of at least 300 ft on both sides of Threatened and Endangered Species Waters.
2. We recommend that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.
3. We recommend conducting any in-stream activities during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures. Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, we prefer stream crossings to be constructed via clear-span bridges. However, if this is not possible, we recommend countersinking any culverts below the streambed at least 6 inches, or the use of bottomless culverts, to allow passage of aquatic organisms. We also recommend the installation of floodplain culverts to carry bankfull discharges.

The Rappahannock River also has been designated an Anadromous Fish Use Area. If any work in the intermittent tributaries to the Rappahannock River that are located on site is necessary, we recommend that such work adhere to a time of year restriction from February 15 through June 30 of any year.

To minimize overall impacts to wildlife and our natural resources, we offer the following comments about development activities: We recommend that the applicant avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable.

We recommend that all tree removal and ground clearing adhere to a time of year restriction protective of resident and migratory songbird nesting from March 15 through August 15 of any year.

We recommend adherence to erosion and sediment controls during ground disturbance.

Assuming adherence to erosion and sediment controls, we find this project consistent with the Fisheries Management Section of the CZMA.

Thanks, Amy

Amy Ewing

**Environmental Services Biologist ☎ VA Dept. of Game and Inland Fisheries ☎ 4010 West
Broad St. Richmond, VA 23230 ☎ 804-367-2211 ☎ www.dgif.virginia.gov**

Carl E. Garrison III
State Forester



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December 18, 2013

Memorandum for: John Fisher, Department of Environmental Quality
From: Greg Evans, Department of Forestry
Subject: NPS: George Washington Boyhood Home at Ferry Farm, Site Treatment Plan, Stafford County, DEQ #13-206F

I have completed a desk review of the above referenced subject application on behalf of the Department of Forestry (DOF). DOF understands this application to be a joint Environmental Assessment/EIR and federal consistency review request and conducted its review accordingly. With regard to the federal consistency determination, DOF does not have jurisdiction over any VCP enforceable regulatory programs but does have advisory policy interests pertaining to certain VCP geographic areas of particular concern, and VCP shorefront access planning and protection priorities related to parks, natural areas, and wildlife management areas. This federal consistency review focused on those interests and I found no VCP inconsistencies in the application.

With regard to the Environmental Assessment (EA) review, DOF notes that the application concedes "this EA assesses the impacts of these components from a conceptual level. It is understood that additional information may be needed to fully assess impacts associated with an invasive species management or forest management plan; therefore, further impact analysis, beyond this EA, may be required prior to implementation of the plans." DOF therefore, limited its review to that of a conceptual level and requests that it be consulted further on the elements of the referenced Forest Management Plan for the project as it moves forward toward implementation. Several subjects were identified as being future components of that plan but limited information was provided on how the plan would be implemented. DOF has published a document available on its website on approved Forestry Best Management Practices for Water Quality and recommends those practices as applicable, be incorporated into the applicant's Forest Management Plan. That document can be accessed at <http://dof.virginia.gov/water/index-BMP-Field.htm>.

Of the three development alternatives identified in the EA excluding the no action alternative A, DOF concurs with the preferred alternative D as being the option that adheres most closely to the elements identified as important in the DEQ EIR Appendix 5A Checklist for Forestland Protection. That checklist can be accessed at:
<http://www.deq.state.va.us/Portals/0/DEQ/EnvironmentalImpactReview/StateEnvironmentalImpactReviews/Appendix5A.pdf>

Mission: We Protect and Develop Healthy, Sustainable Forest Resources for Virginians.

Important considerations to DOF are as follows:

1. The proposed footprint minimizes the permanent loss of forestland more than the other build alternatives.
2. Most of the grey infrastructure components will be built on non-forested land.
3. Positioning the proposed maintenance building at the southern end of the site avoids forested areas and tree removal thereby reducing the forest fragmentation within the existing large block of evergreen forest that is associated with alternatives B and C.
4. Planned plantings of trees as screens and for other aesthetic purposes reduces over time, the actual permanent forest cover loss associated with alternative D to less than an acre.
5. The “ecological area” where development will be limited to construction of trails only combined with the “historic zone” where development will be limited to trails and archeological study, encompasses almost all of the medium age deciduous forest on the site. Additionally, because that area is also adjacent to the river and consists of more steeply sloped land, the existing ecosystem services provided by the forest are retained. As a result, long-term, adverse impacts on VCP concerns associated with soils and topography, wildlife and wildlife habitat, and Chesapeake Bay resources should be minimal.

This concludes the Department of Forestry’s comments.

Gregory C. Evans
Voluntary Mitigation Program Manager
Forestland Conservation Division
Virginia Department of Forestry
900 Natural Resources Drive, Suite 800
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434-220-9020

Fisher, John (DEQ)

From: Dufore, Ezekiel (VDH)
Sent: Friday, December 27, 2013 9:59 AM
To: Fisher, John (DEQ)
Cc: Soto, Roy (VDH); Matthews, Barry (VDH)
Subject: 13-206F | George Washington Boyhood Home at Ferry Farm, Site Treatment Plan

George Washington Boyhood Home at Ferry Farm, Site Treatment Plan

Project #: 13-206F
Location: Stafford County

VDH – Office of Drinking Water has reviewed the above project. Below are our comments as they relate to proximity to **public drinking water sources** (groundwater wells, springs and surface water intakes). Potential impacts to public water distribution systems or sanitary sewage collection systems **must be verified by the local utility**.

No groundwater wells are within a 1 mile radius of the project site.

No surface water intakes are located within a 5 mile radius of the project site.

The project is not within Zone 1 (up to 5 miles into the watershed) or Zone 2 (greater than 5 miles into the watershed) of any public surface water sources.

There are no apparent impacts and the project appears consistent with the Virginia Coastal Zone Management Program.

Ezekiel Dufore

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Fisher, John (DEQ)

From: Eaton, Ethel (DHR)
Sent: Monday, January 27, 2014 11:54 AM
To: Fisher, John (DEQ)
Subject: DHR File No. 2000-1681; George Washington Boyhood Home At Ferry Farm Site Treatment Plan; DEQ # 13-206F
Attachments: Ferry Farm draft EA DHR comments(1).docx

John,

DHR has been in direct consultation with the National Park Service regarding this project. As you see from the attached letter, NPS will continue to consult directly with DHR, as necessary, pursuant to Section 106 of the National Historic Preservation Act (as amended) and its implementing regulations codified at 36 CFR Part 800 which require Federal agencies to consider the effects of their undertakings on historic properties under the terms of our 2011 Programmatic Agreement executed for this project.

I apologize for failing to copy DEQ on our response. NPS had given us until January 30 to respond to the draft EA.

Thank you for offering us the opportunity to comment.

Regards,

Ethel

Ethel R. Eaton, Ph.D., Senior Policy Analyst
Division of Resource Services and Review
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January 15, 2014

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

Re: George Washington's Boyhood Home National Historic Landmark (Ferry Farm)
Stafford County, Virginia
DHR File No. 2000-1681

Dear Mr. Harrison:

Thank you for your letter of November 18, 2013 requesting our comments on the draft Environmental Assessment (EA) titled *George Washington Boyhood Home at Ferry Farm Site Treatment Plan* prepared in October 2013 in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA). The document clearly presents the purpose and need of the proposed action. The EA evaluates four alternatives. Based upon the information provided in the draft, we support the National Park Service's selection of Alternative D as the preferred alternative. We look forward to working with the George Washington Foundation (GWF) and the National Park Service on the individual actions necessary to implement the preferred alternative in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, under the terms of the Programmatic Agreement (PA) executed in January 2011 among the United States Department of Interior National Park Service, the George Washington Foundation and the Virginia Department of Historic Resources for the Treatment of the Site of George Washington's Boyhood Home ("Ferry Farm").

We offer the following comments on the draft for consideration in preparing the final document:

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Historic resources in the chapter titled **Affected Environment** are discussed under three headings **Historic Structures, Archaeological Resources, and Cultural Landscapes**. It would be helpful to have these sections present the eligibility of all identified resources as contributing or non-contributing to the National Historic Landmark (NHL) and the nomination in terms of the National Register criteria, as well as acknowledging that all resources have not yet been identified. While we fully understand that the purpose of the project is to support the interpretation of what Washington's life might have been like at Ferry Farm, nevertheless resources not related to the Washington Period (1738-1772) must be considered as Alternative D is implemented under the 2011 PA. Further some resources not yet evaluated, such as prehistoric sites and Civil War-related sites, may be individually eligible. We also note that there is some basis for extending the period of significance to the Commemorative period as discussed in the OCUCUS report (page8).

On page 82 the section titled **Historic Structures** discusses only the ca. 1870 agricultural building, commonly referred to as the Surveying Office. Please note that the 1870s agricultural building is not a "structure", as the property types are defined in the National Register Bulletin: *How to Apply the National Register Criteria for Evaluation*, Section IV How To Define Categories of Historic Properties. *A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.* In contrast, the term "structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter. Examples include corncribs, dams, earthworks and fences. Other buildings, including the current visitor center, exist on the site and their eligibility should be discussed in this section and not solely in the section titled **Cultural Landscapes**. With respect to the 1870s agricultural building, the report notes that it is a noncontributing resource to the NHL but also states that it is "recognized as possessing local and regional significance for its association with a strong local tradition as a Washington-era building and long-standing symbolic association with George Washington's youth." However, the final sentence mentions its compromised integrity. We recommend that this section include a clear statement that this building is an historic property.

In the **Environmental Consequences** chapter the relocation of the 1870s agricultural building is acknowledged to be an adverse effect, requiring further consultation with our department and the other consulting parties in accordance with the 2011 PA. Such mitigation measures under Section 106 of the National Historic Preservation Act, however, do not reduce the adverse effect as the draft EA suggests. Moreover, while the proposed removal will contribute to the rehabilitation of the landscape to the Washington Era, it is not correct to state that this action will result in a long-term beneficial impact on historic structures. It should be acknowledged that the effect will be adverse.

On page 82 the section titled **Cultural Landscapes** refers to the report titled *Cultural Landscape Documentation, George Washington Boyhood Home (Ferry Farm), George*

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Washington's Fredericksburg Foundation, Stafford County, Virginia prepared by OCULUS landscape architects in May 2001. The limited scope of work and methodology of that study are presented on pages 2 and 3 of the report. In our letter of August 1, 2013 DHR concurred with OCCULUS' recommendations for further study made on page 9. OCULUS recommended further study of extant resources including additional archaeological investigation of potential landscape features. These investigations are on-going in the 5-acre "Homelot" designated 44ST174. Also recommended are a full site physical history as well as recommendations and guidelines for landscape treatment to be completed as part of a Cultural Landscape Report (CLR) for Ferry Farm. A completed CLR would provide needed guidance for long-term management and interpretation of the cultural landscape, and we recommend that this action be included as a necessary part of implementing Alternative D.

It might also be helpful to include in this section the results of the *Draft Washington Home Farm Interpretive Landscape: Contributing to the Rehabilitation of Ferry Farm* (NPS 2013) mentioned on page 180. Please note that this citation appears to be incorrect; it should probably read "GWF 2013" rather than "NPS 2013".

Editorial issues noted in this section include the key on Figure 10, page 83. The term "Located Cultural Artifacts" is not appropriate. We assume the intent is to designate archaeological features identified within Site 44ST174. Further, we ask that the statement on page 82 be clarified/verified: "the pontoon bridge, which was used at the end of the Washington era, was located south of the ferry landing, where the ravine flows into the Rappahannock River. The pontoon bridge remained in use until the early 19th century and marks the site of the Union Army's pontoon bridges constructed during the Civil War." DHR is aware of the use of this area as a ferry landing during the Washington era and for pontoon bridges during the Civil War but not for use of pontoon bridges in between.

On Page 80 in the section titled **Archaeology** it is stated that "most other portions of the site have been significantly disrupted in connection with the former gravel pit/quarry, construction of King's Highway, and/or construction of the East-West Connection." We cannot agree with this statement. Yes, some disturbance has occurred. However, further survey will be needed in advance of any ground disturbance to confirm that there are no surviving features below the plowzone. The GWF has made a decision to focus archaeological excavation on Site 44ST174, described as the "Homelot" in Outlaw *et al.* 1993a. The importance of block excavation and plowzone archaeology has clearly been demonstrated in the on-going excavations there. However, this approach should not be limited to that area, especially on an NHL. A 50 foot shovel test interval will miss features that may contribute to our understanding of the Washington era as well as other periods at Ferry Farm.

We also wish to express some concern about the potential effect of tree planting. It is not the use of heavy equipment to plant trees but the effects of the roots on the sites that represents the most serious problem. Tree planting on upland terrace and terrace edges is

potentially an adverse effect on archaeological resources. Among the factors that make sites in these locations susceptible to damage is that these terraces have likely remained open and under cultivation since initial land clearing in the early to mid-17th century. Early historic period sites and Late Woodland/Contact period sites in these settings may never have had trees growing on them. Excavation of the holes for tree planting creates immediate impacts. The resulting tree root growth will compromise the integrity of subsurface contexts, particularly features. Much of the informational potential of Late Woodland and early colonial period sites lies in the subsurface features they contain, making these types of site especially susceptible to damage from planting and reforestation activities.

On Page 129 the chapter on Environmental Consequences, **Archaeological Resources**, begins with a discussion of eligibility. It should be noted that archaeological sites may be contributing resources as well as individually eligible. Moreover, sites may be eligible under criteria in addition to D. At Ferry Farm one anticipates consideration of criteria A and B.

On page 131 it is stated the rehabilitation of historic landscape features over the corresponding Washington-era resources, which have been located during archaeological investigation is proposed. This could include rehabilitation of the Strother-Washington house, root cellar, icehouse, and potential slave quarters in their original location. While we understand the benefit of such actions to the interpretation of the Washington-era landscape, we do not see that such construction is defined by the term "rehabilitation." In the Secretary of Interior's *Standards and Guidelines for the Treatment of Historic Properties*, **Rehabilitation** emphasizes the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work. Further, **Restoration** focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods and **Reconstruction** establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials. Restoration and reconstruction appear to us to describe more correctly what is proposed. However, in response to our request as we reviewed the EA, on January 15, 2014 you provided us with a copy of the document *Draft Washington Home Farm Interpretive Landscape: Contributing to the Rehabilitation of Ferry Farm* (GWF 2013). It appears that the GWF sincerely sees these actions as rehabilitation and we do not wish to quibble over a label. This does illustrate, however, the importance of ensuring that the SHPO receive documents necessary for our review in a timely manner and with the comments of the regional subject matter expert(s). As the actions proposed under Alternative D proceed, it will be important for the GWF, NPS, and DHR to work together collaboratively and to follow carefully the steps for review outlined in the stipulations of the 2011 PA.

If you have any questions concerning our comments, or if we may provide any further assistance, please do not hesitate to contact me (for archaeology) at (804)482-6088; fax (804) 367-2391; e-mail ethel.eaton@dhr.virginia.gov or M. Amanda Lee (for architectural issues) at (804)482-6092; e-mail amanda.lee@dhr.virginia.gov. We look forward with

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Western Region Office
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Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

anticipation to working with you and the GWF on future actions under the terms of the 2011 PA.

Sincerely,



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

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

Capital Region Office
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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6669 Short Lane
Gloucester, Virginia 23061



Date: 2/14/2014

Online Project Review Certification Letter

Project Name: George Washington Boyhood Home at Ferry Farm Site Treatment Plan

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Field Office online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the referenced project in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended (Eagle Act). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA and Eagle Act conclusions. These conclusions resulted in "no effect" and/or "not likely to adversely affect" determinations for listed species and critical habitat and/or "no Eagle Act permit required" determinations for eagles regarding potential effects of your proposed project. We certify that the use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the "no effect" and "not likely to adversely affect" determinations for listed species and critical habitat and "no Eagle Act permit required" determinations for eagles. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of listed species, critical habitat, or bald eagles becomes available, this determination may be reconsidered. This certification letter is valid for one year.

Applicant

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Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available at our website http://www.fws.gov/northeast/virginiafield/endspecies/project_reviews.html. If you have any questions, please contact Kimberly Smith of this office at (804) 693-6694, extension 124.

Sincerely,

/s/ Cynthia A. Schulz

Cindy Schulz
Supervisor
Virginia Field Office

Enclosures - project review package



Harrison, Noel <noel_harrison@nps.gov>

Ferry Farms

Caitlin Haire <caitlinh@ccppcrafts.com>

Mon, Dec 16, 2013 at 2:57 PM

To: "Harrison, Noel" <noel_harrison@nps.gov>

The Catawba concur on the proposed determination of No Adverse Effect for the Preferred Alternative - "Alternative D" in the George Washington Boyhood Home at Ferry Farm Site Treatment Plan Environmental Assessment.

—

Caitlin Totherow
Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, SC 29730

803-328-2427 ext. 226
Caitlinh@ccppcrafts.com

Please Note: We CANNOT accept Section 106 forms via e-mail, unless requested. Please send us hard copies. Thank you for your understanding



George Washington Boyhood Home Site at Ferry Farm

Figure 9
ECOLOGICAL RESOURCES



THE GEORGE WASHINGTON FOUNDATION