

SHEPHERDSTOWN BATTLEFIELD

SPECIAL RESOURCE STUDY / BOUNDARY STUDY /
ENVIRONMENTAL ASSESSMENT

WEST VIRGINIA AND MARYLAND

National Park Service
U.S. Department of the Interior



PUBLIC COMMENT SUMMARY REPORT

December 2014





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Summary

During late summer of 2014, a formal public review for a special resource study and boundary study for the Shepherdstown battlefield was initiated. As directed by the National Environmental Policy Act (NEPA), public review for environmental assessments typically takes place over a 30-day period; however, the study team chose a longer review period of just under 60 days. The public was asked to share their thoughts, concerns, and ideas about the special resource study and boundary study between August 8, 2014, and October 3, 2014.

During the public review period, a total of 334 individual correspondences were received. Of these, 321 were submitted directly to the NPS Planning, Environment, and Public Comment (PEPC) website. Approximately 93 people attended two public open houses held on September 9 and September 11, 2014. The first of the two open houses was held at Antietam National Battlefield in Sharpsburg, Maryland, and the second was held at the Clarion Hotel and Conference Center in Shepherdstown, West Virginia. All hand-written comments received during the public open house were transcribed and entered into the PEPC system. Hard copy letters that were mailed or delivered to the National Park Service were entered into the PEPC system.

To inform the public of the review process, a newsletter describing the study findings and how to comment was distributed. This newsletter provided a general overview of the study process and how to participate in the process, the difference between a special resource study and boundary study, a summary of the study findings, identification of the preferred alternative, and the proposed boundary.

In order to reach a broad audience, the newsletter and information about the public review period were shared with the public in a variety of ways. Paper copies of the newsletter were mailed to individuals signed up for the project contact list (72 contacts). In addition, approximately 42 contacts from federal, state, and nongovernmental agencies and organizations were sent paper copies of the newsletter along with hard copies of the study. A letter describing the study process and potential implications for landowners, along with the newsletter, was sent to approximately 140 landowners in the vicinity of the battlefield in both West Virginia and Maryland. A press release was created announcing the public review period and meetings, which received coverage from a variety of local and regional news media and advocacy organizations. Harpers Ferry National Historical Park also posted the press release on their park websites and Antietam posted it to the park's Facebook page.

The National Park Service collected public comments during this review phase of the planning effort in order to understand the public's perspectives on the study findings, proposed management options, and the proposed boundary for the Shepherdstown battlefield. Within this NEPA process, thoughts and ideas from individuals, organizations, and agencies are analyzed and considered equally. For this reason, the unique content of comments, rather than the number of times a comment was received, was used to guide the development of the content of this comment summary report. This report summarizes all public comments received during the public review period.

The following table provides the distribution of public comments that were submitted directly to the PEPC system.



DISTRIBUTION BY STATE OF PUBLIC COMMENTS SUBMITTED DIRECTLY TO THE PEPC SYSTEM		
STATE	PERCENTAGE	NUMBER OF CORRESPONDENCES
PENNSYLVANIA	27.8%	92
MARYLAND	23%	76
VIRGINIA	17.8%	59
WEST VIRGINIA	15.7%	52
NEW YORK	4.2%	14
WASHINGTON, D.C.	3.3%	11
DELAWARE	2.1%	7
NEW JERSEY	1.2%	4
TX, MA, CA, MI, FL, IN, NC, MO, AL, GA, IL	0.6% OR LESS (PER STATE)	2 OR LESS (PER STATE)

In addition to comments from the general public, the National Park Service also received letters from official representatives from the agencies and organizations listed below. The West Virginia State Historic Preservation Officer commented on the study and provided concurrence with its findings.

- American Society of Civil Engineers
- Antietam Battlefield Guides
- Canal Towns Partnership
- Chesapeake and Ohio Canal Trust
- Civil War Trust
- Contraband Historical Society
- Jefferson County Convention & Visitors Bureau
- Jefferson County Historic Landmarks Commission
- Hagerstown/Washington County Convention and Visitors Bureau
- Historic Shepherdstown Commission
- Land Trust of Eastern Panhandle
- National Parks Conservation Association
- Play Green Initiative
- Prosperity Foundation, Inc.
- Shepherdstown Battlefield Preservation Association
- Shepherdstown Visitors Center
- Washington County Historical Society, Inc.
- West Virginia Division of Culture and History
- Western Maryland Interpretive Association
- White Eagle Consultants

DEFINITION OF TERMS

Correspondence. A correspondence is the entire document received from a commenter. It can be in the form of a letter, written comment form, note card, or open house transcript.

Comment. A comment is a portion of the text within a correspondence that addresses a single subject or issue. It could include such information as an expression of support or opposition to the use of a potential management tool, additional data regarding the existing condition, or an opinion debating the adequacy of an analysis.

Comment Summary. A grouping that is centered on a common subject. Comment summaries combine similar comments. Representative quotes from the comments used to create a comment summary may also be presented.

PUBLIC REVIEW COMMENTS

The following topic questions were posed to commenters to frame and begin the conversation surrounding the future of the Shepherdstown battlefield.

Within each topic question, comment summaries are listed with representative quotes taken from individual comments. Many commenters provided specific thoughts on management of Shepherdstown battlefield. If commenters made suggestions under topic question 1 or 2 that were better captured within topic question 2 or 3, their suggestions have been summarized under question 2 or 3 accordingly.

Topic Question 1: What Do You Think about the Management Options Proposed in the Alternatives?

Alternative 2, Option A

In response to this topic question, commenters expressed overwhelming support for management options proposed under alternative 2, option A, Antietam National Battlefield Boundary Adjustment as the most effective and efficient way to preserve the Shepherdstown battlefield. Many commenters felt protection under either park unit would be fine and the majority of commenters stated the management options under alternative 2, option A, allowed for a “natural association” with the historical events and interpretation of Antietam National Battlefield.



Others felt alternative 2, option A, would help make interpretation told at Antietam a more complete and accurate recount of history. One commenter supported the proposed management options under alternative 2, option A because it “fits the purpose of the enabling legislation,” for Antietam National Battlefield.

Some commenters cited the shorter distance to Antietam and therefore increased operational efficiency. Others felt the management options should reflect the area best staffed and suited to support future tourism, transportation needs, and associated day-to-day operations of the potential NPS battlefield site.

One commenter expressed concern about garnering sufficient support from Maryland state representatives to adjust the boundary of Antietam National Battlefield to include Shepherdstown battlefield, considering that this additional resource would be located in West Virginia.

Alternative 2, Option B

One group of commenters disagreed with the National Park Service assessment of the management options in the alternatives and felt Harpers Ferry National Historical Park is best equipped to manage the Shepherdstown battlefield. This group was concerned with the battlefield potentially being managed by a national park located in another state, rather than a national park located in West Virginia.

Alternative 2, General Comments

Other commenters felt the management options did not go far enough to ensure the Shepherdstown battlefield would be protected from future commercial development, such as strip malls, and housing. Of these commenters, a few felt some protection is better than none and therefore supported alternative 2. In addition, some commenters were concerned about a national park in Maryland expanding its boundary to include land in West Virginia.

No-Action Alternative

A few commenters requested the National Park Service retain the management options proposed in the no-action alternative. Another commenter stated that landowners are still forming opinions on the proposed management options. One commenter stated they preferred that all land remain in private hands, either by individual citizens or by private associations.

Representative Quotes:

“I strongly support the addition of the Shepherdstown battlefield to the national park system.”

“I believe the management options reviewed were appropriate. Furthermore the preferred option of management by the Antietam National Battlefield makes both historical and logistical sense. This battle was an important part of the Maryland Campaign and should be combined with Antietam in all respects.”

“The JC Historic Landmarks Commission agrees with the proposed management options and selection of Option A: Antietam National Battlefield boundary adjustment. We believe this is a logical extension of the Antietam Battlefield. The Commission was also surprised and pleased that Antietam’s enabling legislation included a provision for interpreting the Battle of Shepherdstown.”

“I believe that the management of property in West Virginia should remain in private hands—either by individual citizens or private associations.”

“My family owns property that is wholly within the proposed boundary of the Shepherdstown Battlefield...It would be our preference that no action (alternative 1) be taken.”



Topic Question 2: What Do You Think about the Proposed Boundary?

Commenters expressed a variety of opinions and provided a number of suggestions about the proposed boundary. The majority of commenters supported the proposed boundary. Some felt the boundary was not clear about roads and rights-of-way included. Many commenters felt the proposed boundary was not large enough to protect primary resources associated with the battle and some were concerned about encroaching development. One commenter who supported the proposed boundary questioned how the section of the Potomac River will be protected and asked if it would be under state or federal jurisdiction if the boundary adjustment passed.

Many commenters were unclear if Trough Road and the associated right-of-way are included in the proposed boundary; if not they suggested adding it to the proposed boundary because troop movements and engagements occurred on both sides of the road. Commenters also suggested adding lands to the east of Trough Road, such as the Borden Farm parcels, the first lot on the east side of Trough Road, and other lands in the immediate vicinity of the proposed boundary. Other commenters who felt the boundary was too small stated that Chesapeake and Ohio Canal National Historical Park, Maryland artillery positions, and Ferry Hill must be part of the boundary. One commenter felt the National Park Service drew the proposed boundary based on what is available (i.e., nondeveloped), not what is crucial to the history of the battlefield. A few commenters requested the Osbourn farm be included in the proposed boundary.

Some commenters did not approve of the proposed boundary. One commenter stated the proposed boundary seemed too extensive. Another commenter felt the boundary of Antietam National Battlefield should not be extended into West Virginia. Two commenters expressed support for the no-action alternative. One of these commenters stated the proposed boundary includes lands that were not part of the battle. Another commenter felt the proposed boundary might be too invasive and cause concerns for landowners.

Representative Quotes:

“Extending the boundary of the Antietam battlefield to include the Shepherdstown site makes sense administratively and topographically. It would be wonderful to have the Shepherdstown battlefield identified and preserved before this land is appropriated for residential or commercial uses.”

“The boundary appears reasonable. If possible, through low cost, voluntary methods, additional land should be sought in the immediate vicinity to help preserve the existing rural setting.”

“Ideally, the boundaries would be extended further west of the river and south of Trough Rd. However, after hearing the presentation by the Project Mgr, it is understandable why they were drawn as proposed. Therefore, I support the proposed boundaries.”

“The boundary seems to encompass the core of the battlefield where most of the fighting took place. I assume that the boundary includes Trough Rd.; it was not apparent from the map.”

“The documents make it clear that Trough Road was an important part of the battle yet the boundary is drawn to exclude the road itself. The Trust suggests that the boundary be moved to the other side of the road to encompass the road within the proposed boundaries.”

“While the proposed boundary includes the crucial segments of the field, it seemingly is taking into account lands that are undeveloped and excluding battlefield land to the east side of Trough Rd. Trough Rd created a unique geographical division of the conflict on these lands. Although a portion of the road frontage along the east side of Trough Rd is developed, as I understand it there is no negative ramification of including all these lands within the boundary. I would prefer the boundary more reflect the field of conflict as opposed to making adjustments due to perceived availability or development. In addition, the boundary should at least include the entire Trough Rd Rights of Way. Please consider expansion to the east of Trough Rd.”

“I do not think that the boundary for the Antietam battlefield should be extended to include the Shepherdstown area—particularly West Virginia property.”

“It includes territory that was not historically part of the battle and thus shouldn’t be included. The park boundaries should stay as now.”

“The boundary is the minimum that should be authorized. I would like to see more land placed within the boundary to prevent the encroachment of modern day structures into the viewshed and hallowed ground of the Shepherdstown Battlefield.”



Topic Question 3: Do You Have Any Other Ideas or Comments You Would Like to Share with Us?

In response to this topic question, commenters expressed general concerns and ideas that they had regarding the special resource study / boundary study / environmental assessment. These comments have been grouped into the comment summaries below. Commenters also made suggestions for corrections they would like to see made to the plan. These changes will be addressed in the errata sheet and response to comments included in the Finding of No Significant Impact.

Support for Alternative 2

A few commenters stated alternative 2 would bring additional economic benefits to the community by drawing historical and cultural tourists to the area. Other commenters felt option A would better support tourism and promote the area. A few commenters felt alternative 2 could bring additional environmental benefits to the region by protecting wildlife habitat, important topography, and by enhancing county conservation efforts. Many commenters expressed support for the proposed alternative as a means to protect the historic resources for educational purposes for future generations and to keep the area free from future development.

A few commenters expressed desire for safe access to the river for recreational opportunities if the National Park Service acquires the land in the future. Other commenters suggested ideas for implementation of visitor services and park security if the National Park service were to acquire the Shepherdstown battlefield. Multiple commenters expressed support for alternative 2, option A because they felt that Maryland and Washington County have been strong partners with the National Park Service in historic preservation efforts. A group of homeowners living inside the proposed boundary requested codification of private property rights in any legislative recommendation or proposal.

Another commenter, who also supported alternative 2, expressed concerns over the litter and traffic generated by the potential boundary adjustment. The commenter noted that the study's comparison of projected trips generated by boundary adjustment to trips from the approved residential development was inaccurate and the impacts of increased traffic on River Road understated.

Support for the No-Action Alternative

A few commenters expressed support for the no-action alternative. One commenter stated they did not understand how NPS protection would improve understanding of the battlefield from what already exists at the site without negative environmental impact.

General Comments

Multiple commenters felt the battle at Shepherdstown was the impetus for the Emancipation Proclamation. A few commenters expressed concern about the federal government currently being in debt and therefore supported preservation by private entities. One commenter stated they would only support alternative 2 if Congress appropriates separate funds or an increase in the annual NPS budget for property, maintenance, improvements, and management of the new site. In converse, another commenter felt that because much of the land within the proposed boundary is under easement and in private property, the cost of the proposed boundary expansion would be minimal.

One commenter felt the National Park Service did not correctly evaluate the national significance of the Boteler Mill, dam, kilns, and associated structures. This commenter also pointed out that the cement kilns had been incorrectly referred to as brick kilns within the document.

Representative Quotes:

"The proposed park would bring multiple benefits to the community – national recognition as a significant Civil War landmark would draw more historical and cultural tourists to the area, building an economic sector that is 'light on the land' and will in turn encourage more similar economic development efforts. (Cultural/historical tourists typically spend more and stay longer than other categories) A significant environmental benefit to the local community as well as the DC region downstream is the protection of karst topography abutting the Potomac, an American Heritage River that feeds the Chesapeake Bay. Much of the land in the proposed boundary is rural and agricultural; its protection would enhance ongoing historical, natural and agricultural conservation efforts in the county."



“I, and my colleagues, are very concerned that the published materials of this study have arbitrarily excluded the nationally significant Botelor Mill, dam, kilns, and associated structures. Worse, when there has been a passing reference to this resource, it almost always has been incorrect, such as in the June 2013 map of the area which identifies the cement kilns as brick kilns and does not identify the oldest and most important kiln on the site. . . I would strongly urge the National Park Service in subsequent newsletters and in final reports, including those to Congress, that the Botelor Cement Mill be included as a nationally significant resource.”

“Maryland has been an innovative partner in historic preservation around Antietam and South Mountain. Maryland has innovative programs that purchase and preserve land and easements. Washington County tourism officials have been very supportive partners in the success of large events at Antietam. Do not leave Maryland out of this effort.”

“. . .Having read through the study, I do not feel that there is adequate explanation of how adjusting the boundary of the either the Antietam National Battlefield or Harpers Ferry will improve the understanding of the Battle of Antietam beyond what is related in the existing markers. What exactly does the NPS propose to do on site to ‘enhance opportunities for public enjoyment.’ There is limited access to the bluffs themselves via the River Road, and any access from the Trough Road would require construction of either roads or trails which would have a negative environmental impact. Without the ability to stand on the bluffs how will a visitor’s understanding of the Maryland Campaign increase?...”

“I think Shepherdstown was the impetus for the Emancipation Proclamation.”

“I was surprised that this site didn’t qualify as a stand alone park or historic site since many historians now agree that if Shepherdstown had not occurred, the preliminary Emancipation Proclamation may not have been issued. Moreover, the site, aside from a few modern structures, remains substantially unchanged from 1862 especially when compared to other battlefields.”

“The only way this land and real property acquisition should be undertaken is if there is an appropriate top line increase (that lasts more than a year) to the annual budget for the NPS to handle the associated real property maintenance, improvements and management required for this accession.

“If the rest of the NPS holdings have to assume a corresponding decrease to pay minimal operating and staffing costs for this new acquisition, this then must be vigorously opposed.”

“One would think that if the Sharpardstown Battlefield were looked within the context of the Maryland Campaign of 1862 then it would be part of a nationally significant thematic historic district. It is recommended that if legislation will be introduced in the future to implement Option 2A that this legislation also recognize the need to fund and undertake a NHL Thematic Study of the Maryland Campaign of 1862.”

“. . .on page 33 of the review document, the NPS draws the conclusion that the existing local road network would be able to accommodate the increased traffic while still maintaining ‘acceptable’ levels of service. I can assure you local residents will not consider a doubling of current traffic levels, if you use my estimates, and the danger this presents to local residents who must use these roadways as ‘acceptable.’

“Buses and car-traveling tourists also would also pose a danger to the many bicyclists and pedestrians who regularly transverse River Road, myself included.”







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