

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

**Finding of No Significant Impact  
Boundary Adjustment Study  
Appomattox Court House National Historical Park**

Introduction

The National Park Service (NPS) has evaluated if potential lands and resources associated with the Appomattox Campaign should be considered for protection within the boundary of Appomattox Court House National Historical Park. First established as Appomattox Court House National Historical Monument in 1940, early preservation efforts by the National Park Service focused on the village as the surrender site. Many of the important military actions during the Appomattox Campaign that directly resulted in the surrender – related sites associated with the Battle of Appomattox Station and the Battle of Appomattox Court House – were deemed to be protected by the remote, rural nature of south central Virginia and were not considered for inclusion in the original acreage of the park. For many years, the landscape surrounding the newly created park retained its rural character, and the surrounding Civil War sites remained undisturbed.

However, in recent years the isolated rural character of the park has changed significantly; commercial and residential development on the fringes of the park has become a growing threat to significant Civil War-era land and resources associated with the actions of the Appomattox Campaign. Based on development threats facing lands associated with the Appomattox Campaign and battlefield resources, the NPS concluded that a boundary adjustment study was needed to determine if the existing park boundary adequately protects resources and values associated with the park's legislated purpose. Adjusting the boundary of Appomattox Court House National Historical Park to include the study area would protect significant resources and values associated with the Appomattox Campaign, expand opportunities for public enjoyment related to the park purpose, and be feasible to administer.

The NPS prepared an environmental assessment (EA) that examined two alternatives: a no-action alternative (alternative 1) and the proposed action to recommend a boundary adjustment to Appomattox Court House National Historical Park that includes the study area. The boundary adjustment study was prepared in accordance with the National Environmental Policy Act; the regulations of the Council on Environmental Quality (40 Code of Federal Regulations [CFR] 1500-1508); and the NPS Director's Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (2011) and its accompanying handbook (2015). In addition, NPS integrated the NEPA process with that for Section 106 of the National Historic Preservation Act (54 United States Code 306108) and used the NEPA documentation and coordination process for Section 106 compliance pursuant to 36 CFR 800.8(c). Therefore, the EA also served as an assessment of effect (AoE) to historic properties under Section 106.

During preparation of the EA/AoE, the NPS consulted with federal and state agencies, interested parties, and the general public. Currently, no federally recognized tribes have identified traditional association with Appomattox Court House National Historical Park or lands found within the boundary adjustment study area; therefore, no tribal organizations were formally contacted as part of the study. The EA/AoE was made available for a 30-day review period. Two public comments were received, both were overall supportive of the boundary adjustment, and they did not result in change to the alternative or impact analysis presented in the EA/AoE. Several updates to the EA/AoE were made as a result of consultation with the Virginia Department of Historic Resources (VDHR) (Attachment A), which serves as the

Virginia state historic preservation office, regarding: the role of VDHR in the study area and the use of the Virginia Battlefield Preservation Fund in current battlefield preservation; current recorded historic preservation easements held by the VDHR on properties within the study area; and minor text revisions made for clarification. Changes are reflected in the Errata that accompanies this Finding of No Significant Impact (Attachment B).

## Decision (Selected Action)

The NPS has selected alternative 2: Boundary Adjustment for implementation. Alternative 2 was identified as the proposed action and NPS preferred alternative in the EA/AoE. A detailed description of the selected action is found on pages 39 through 43 of the EA/AoE. A summary of the main components of the selected action is provided below. A non-impairment determination prepared in accordance with *NPS Management Policies 2006*, Section 1.4.7, is provided as Attachment C.

Under this alternative, a boundary adjustment to Appomattox Court House National Historical Park would be recommended to Congress, and the legislated boundary of Appomattox Court House National Historical Park would be adjusted to include the lands identified in the study area. Alternative 2 relies on a range of strategies for the stewardship of individual properties in the study area. Direct NPS ownership (fee simple ownership) would be pursued for properties where significant battle actions took place, where important battlefield resources have been identified, and where there is the greatest potential to enhance visitor understanding of the Appomattox Campaign through increased visitor access. Conservation easements would be pursued for properties where smaller engagements and troop movements occurred and important resources have been identified. The park would focus on working with local landowners and local governments to explore conservation easement opportunities to protect these lands. Under Alternative 2, the park's land protection plan would be updated based on this boundary adjustment study's recommendation and in consultation with the Virginia Board of Historic Resources to ensure that future property acquisitions are in line with regional and agency-wide priorities.

## Finding of No Significant Impact

As analyzed in the EA/AoE, the selected action would result in beneficial impacts to battlefield landscapes, archeological resources, and visitor use and experiences. No potential for significant adverse impacts to these resources was identified.

During the public scoping process, concerns related to the socioeconomic impacts of a potential boundary adjustment and federal ownership of lands within Appomattox County were raised by community members. The selected action has the potential for both beneficial and adverse impacts to the socioeconomics of the town of Appomattox and Appomattox County.

Of the eight properties identified as appropriate for fee simple ownership, two properties totaling 47.5 acres are located within the town of Appomattox. All other properties included in the study area are within Appomattox County. The removal of the two properties from the town property tax inventory will not result in meaningful impacts to tax revenues as they represent approximately 0.4% of the real property taxes collected by town of Appomattox. Land use on these properties will be converted from industrial district to parkland. The removal of the seven properties from the county property tax inventory will not result in meaningful impacts to tax revenues because they represent approximately 0.001% of the real property taxes collected by Appomattox County.

The boundary expansion is not expected to have any noticeable impacts on neighboring property holders and their property values because all boundary expansion configurations have been formed to not leave

property holders with any landlocked or uneconomic remnants due to the boundary adjustment. Furthermore, the boundary adjustment has taken into account the level of existing development on the properties when proposing fee-simple ownership or conservation easement strategies to minimize any adverse impacts. Overall, the selected action will have minor, long-term, adverse impacts on socioeconomics resources in terms of lost real property taxes and developable land but will benefit the local economy by supporting regional heritage tourism efforts and enhance recreational opportunities.



In summary, the selected action will result in minor adverse impacts to the socioeconomics of the town and county of Appomattox but no potential for significant adverse impacts was identified. No highly uncertain or controversial impacts, unique or unknown risks, significant adverse cumulative effects, or elements of precedence were identified. Implementation of the selected action will not violate any federal, state, or local environmental protection law.

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

### Decision Reached and Rationale

NPS determined that the lands and resources within the study area meet the boundary adjustment criteria included in *NPS Management Policies 2006 - 3.5* and alternative 2, the selected action, best meets study objectives. Adjusting the boundary of Appomattox Court House National Historical Park to include the study area will protect significant resources and values associated with the Appomattox Campaign, expand opportunities for public enjoyment related to the park purpose, and be feasible to administer. Ongoing state and local resource protection efforts will be enhanced and supported by a boundary adjustment. The NPS will not need to immediately acquire the lands or purchase conservation easements identified in this study, but will work collaboratively with the Virginia Board of Historic Resources and private land owners to address resource protection issues as they arise.

For these reasons and in consideration of the likely environmental impacts described in this finding of no significant impact, I have decided to recommend a boundary adjustment to Appomattox Court House National Historical Park to Congress as described in this Finding of No Significant Impact.

Recommended:		<u>12-20-17</u>
	Robin Snyder, Superintendent Appomattox Court House National Historical Park	Date
Approved:		<u>2/9/18</u>
	Gay Vietzke, Regional Director National Park Service, Northeast Region	Date

Attachment A Agency Consultation  
Attachment B Errata  
Attachment C Non-Impairment Determination

## Attachment A: Agency Consultation



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Virginia Ecological Services Field Office  
6669 SHORT LANE  
GLOUCESTER, VA 23061  
PHONE: (804)693-6694 FAX: (804)693-9032  
URL: [www.fws.gov/northeast/virginiafield/](http://www.fws.gov/northeast/virginiafield/)



Consultation Tracking Number: 05E2VA00-2014-SLI-2215

June 05, 2014

Project Name: APCO Boundary Adjustment

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: APCO Boundary Adjustment

## Official Species List

**Provided by:**

Virginia Ecological Services Field Office  
6669 SHORT LANE  
GLOUCESTER, VA 23061  
(804) 693-6694  
<http://www.fws.gov/northeast/virginiafield/>

**Consultation Tracking Number:** 05E2VA00-2014-SLI-2215

**Project Type:** Land - Acquisition

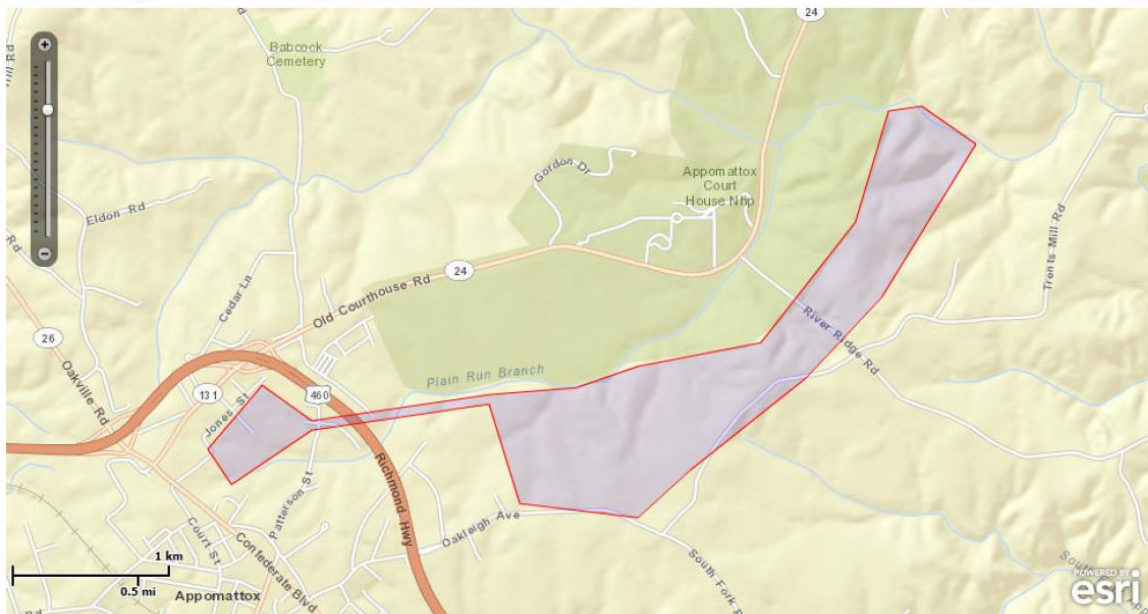
**Project Description:** The National Park Service at Appomattox Court House NHP is conducting a boundary adjustment study to consider possible procurement of neighboring lands for the protection of historical and natural resources related to the park's mission.



United States Department of Interior  
Fish and Wildlife Service

Project name: APCO Boundary Adjustment

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-78.7805562 37.383609, -78.778153 37.3838886, -78.7742048 37.381713, -78.7810798 37.3728462, -78.7865644 37.3681942, -78.7949844 37.3628869, -78.7987523 37.3601445, -78.8073354 37.3609631, -78.8095756 37.3667071, -78.8224502 37.3652063, -78.8282867 37.3620683, -78.8300033 37.3641148, -78.8260551 37.3677985, -78.8224502 37.365752, -78.8095756 37.3672528, -78.8032241 37.3676621, -78.7987609 37.3688899, -78.7898345 37.3702542, -78.7829681 37.3772115, -78.7805562 37.383609))))

**Project Counties:** Appomattox, VA

<http://ecos.fws.gov/ipac>, 06/05/2014 02:10 PM





United States Department of Interior  
Fish and Wildlife Service

Project name: APCO Boundary Adjustment

## Endangered Species Act Species List

There are a total of 2 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed on the **Has Critical Habitat** lines may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

northern long-eared Bat (*Myotis septentrionalis*)

Listing Status: Proposed Endangered

Smooth coneflower (*Echinacea laevigata*)

Listing Status: Endangered

<http://ecos.fws.gov/ipac>, 06/05/2014 02:10 PM



United States Department of Interior  
Fish and Wildlife Service

Project name: APCO Boundary Adjustment

### **Critical habitats that lie within your project area**

There are no critical habitats within your project area.

<http://ecos.fws.gov/ipac>, 06/05/2014 02:10 PM

Molly Joseph Ward  
Secretary of Natural Resources



Clyde E. Cristman  
Director

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**

600 East Main Street, 24<sup>th</sup> Floor  
Richmond, Virginia 23219  
(804) 786-6124

July 14, 2014

Justin Henderson  
National Park Service  
12795 Alameda Parkway  
P.O. Box 25287  
Denver, CO 80225

Re: Appomattox Court House NHP Boundary Adjustment EA

Dear Mr. Henderson:

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 DCR ecologist Karen Patterson, "It is very unlikely that any significant natural communities occur within the expansion area. However, the additional lands contain areas that will expand the park's acreage of mature Oak – Hickory Forest and Piedmont/Mountain Alluvial Forest, as mapped and defined in the 2008 vegetation classification and mapping report provided to the NPS. Vegetation and natural communities in the land additions can be inventoried and mapped using the descriptions and field keys found in "Vegetation Classification and Mapping at Appomattox Court House National Historical Park, Virginia" at <http://www1.usgs.gov/vip/apco/apcorpt.pdf>."

Mapping data can be downloaded from the following web links:

[http://www.usgs.gov/core\\_science\\_systems/csas/vip/products.html](http://www.usgs.gov/core_science_systems/csas/vip/products.html)  
<http://science.nature.nps.gov/im/inventory/veg/mapviewer/mapviewer.html>

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 re-submit project information and map for

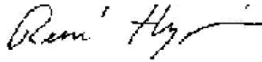
*State Parks • Soil and Water Conservation • Outdoor Recreation Planning  
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation*

an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The 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](mailto:Gladys.Cason@dgif.virginia.gov)). According to the information currently in our files, the Appomattox River, which has been designated by the Virginia Department of Game and Inland Fisheries (VDGIF) as a "Threatened and Endangered Species Water", is downstream of the project site. The species associated with this T & E Water is the Atlantic pigtoe (*Fusconaia masoni*). Due to the legal status of the Atlantic pigtoe, DCR recommends coordination with Virginia's regulatory authority for the management and protection of this species, the VDGIF, to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Rene' Hypes", with a stylized flourish at the end.

S. Rene' Hypes  
Project Review Coordinator

CC: Ernie Aschenbach, VDGIF



## COMMONWEALTH of VIRGINIA

### Department of Historic Resources

Molly Joseph Ward  
*Secretary of Natural Resources*

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan  
*Director*

Tel: (804) 367-2323  
Fax: (804) 367-2391  
[www.dhr.virginia.gov](http://www.dhr.virginia.gov)

May 4, 2017

Robin Snyder, Superintendent  
Appomattox Court House National Historical Park  
P.O. Box 218  
Appomattox, VA 24522-0218

Re: Appomattox Court House National Historical Park  
Boundary Adjustment Study/Environmental Assessment  
Appomattox County, Virginia  
DHR Project No. 2017 – 0333  
Received April 18, 2017

Dear Ms. Snyder:

Thank you for requesting our comments on the Boundary Adjustment Study/Environmental Assessment prepared in March 2017 by the Denver Service Center for Appomattox Court House National Historical Park. The Department of Historic Resources appreciates the National Park Service's (NPS) goal of protecting significant resources and values associated with the Appomattox Campaign and enhancing the opportunity of public enjoyment of these resources.

Having reviewed the boundary adjustment study, we have some concern about the feasibility of acquiring properties purchased with the National Park Service's American Battlefield Protection Program grants and/or Virginia Battlefield Preservation Grants. Both grants require a conservation easement to be held by the Board of Historic Resources. Such easements are in perpetuity and cannot be extinguished. Any efforts by NPS to acquire property already protected by these easements would involve lengthy negotiations with the Board of Historic Resources and the Department of Justice and ultimately approval by both. To my knowledge, the only such property in Virginia acquired by NPS is Werowocomoco. After careful consideration, the Board chose to assign the property to the National Park Service, but with certain conditions, including reversion to the Board should the National Park Service no longer have a use for the property. Further, a partnership agreement with the Department of Historic Resources was required; DHR and NPS are currently collaborating on the preparation of that agreement.

Western Region Office  
962 Kirne Lane  
Salem, VA 24153  
Tel: (540) 387-5443  
Fax: (540) 387-5446

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

Eastern Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

We also have some concern that the National Park Service is not fully aware of the strength of the Board's conservation easements. Protection of archaeological sites is definitely required and any proposed ground disturbance or development requires Board approval in advance. Further, the Department of Historic Resources maintains an active and successful monitoring program.

In summary, depending on the willingness of the Board to consider assignment and the willingness of the Department of Justice to accept assignment under conditions acceptable to the Board, the preferred alternative in this study may be feasible. It may be more feasible, however, to accept that there will be inholdings within the proposed boundary.

If you have any questions concerning our comments, or if we may provide any further assistance, please do not hesitate to contact me at (804) 482-6088.

Sincerely,



Ethel R. Eaton, Ph.D., Senior Policy Analyst  
Review and Compliance Division

Western Region Office  
962 Kime Lane  
Salem, VA 24153  
Tel: (540) 387-5443  
Fax: (540) 387-5446

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

Eastern Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391



## COMMONWEALTH of VIRGINIA

### Department of Historic Resources

Molly Joseph Ward  
*Secretary of Natural Resources*

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan  
*Director*

Tel: (804) 367-2323  
Fax: (804) 367-2391  
[www.dhr.virginia.gov](http://www.dhr.virginia.gov)

October 24, 2017

Robin Snyder, Superintendent  
Appomattox Court House National Historical Park  
P.O. Box 218  
Appomattox, VA 24522-0218

Re: Appomattox Court House National Historical Park  
Boundary Adjustment Study/Environmental Assessment  
Appomattox County, Virginia  
DHR Project No. 2017 – 0333

Dear Ms. Snyder:

Thank you for taking the time to meet with us on October 12, 2017. Overall we find that the comments provided in our letter of May 4, 2017 on the draft Boundary Adjustment Study/Environmental Assessment have been satisfactorily addressed in the revised October Study. In addition it is our understanding that the few minor edits discussed at our meeting, such as the correct acreage on parcels, have also been incorporated as the Study is finalized.

We recognize that the National Park Service and the Department of Historic Resources have the same goal of protecting significant battlefield lands. While conservation easements present a challenge to federal land acquisition, we look forward to collaborating with you in future as plans progress.

If you have any questions concerning our comments, or if we may provide any further assistance, please do not hesitate to contact me at (804) 482-6088.

Sincerely,

Ethel R. Eaton, Ph.D., Senior Policy Analyst  
Review and Compliance Division

Western Region Office  
962 Kirne Lane  
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Northern Region Office  
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PO Box 519  
Stephens City, VA 22655  
Tel: (540) 868-7029  
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Eastern Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

## Attachment B: Errata

The Appomattox Court House National Historical Park Boundary Adjustment Study/Environmental Assessment was made available for public review during a 30-day period from March 13 through April 14, 2017. Two public comments were received and documented in the NPS Planning, Environment and Public Comment (PEPC) website; both were overall supportive of the boundary adjustment, and they did not result in change to the alternative or impact analysis presented in the EA. Several updates to the EA were made as a result of consultation with the Virginia Department of Historic Resources (VDHR).

This attachment includes minor edits and technical revisions to the EA that resulted from consultation with VDHR. Page numbers referenced pertain to the 2017 *Appomattox Court House National Historical Park Boundary Adjustment Study/Environmental Assessment* (EA). The edits and technical revisions did not result in any substantive modifications being incorporated into the selected action, and it has been determined that the revisions do not require additional environmental analysis.

The Errata, when combined with the Boundary Adjustment Study / EA, comprises the only amendment deemed necessary for the purposes of completing the Final Appomattox Court House National Historical Park Boundary Adjustment Study/Environmental Assessment.

### Minor Edits and Additions to the Environmental Assessment

Some comments necessitated minor corrections to the Environmental Assessment or additional language to provide clarification. These technical revisions and additions are noted below.

- 1. Correction.** Overall. Change spelling of “Baumgardner” to “Bumgardner” to reflect VDHR property records.
- 2. Correction.** Overall. Change “Eagle Property” to “Eagle-Bisyger Property” to reflect VDHR property records.
- 3. Correction.** Overall. Change acreage of study area properties to reflect VDHR property records.

Property	Acreage
Battle of Appomattox Station Property	45
Finch Property	2.5
Courtland Property	101 (Lower)
	101 (Upper)
Webb Property	52
Richie Property	71
Hunter/Deem Property	116



Property	Acreage
Bumgardner Property	6
Inge Property	5
Eagle-Bisgyer Property	0.5
Godsey Property	3.5
Howard Property	3
Abbitt Property	96
Mitchell Property	20
Morgan Property	12
Goodwin Property	12
Doss Property	13
Vaughan Property	7.5

**4. Addition.** Page iii, summary:

Alternative 2: Proposed Action presents a boundary adjustment to Appomattox Court House National Historical Park, prioritizes properties within the study area, and identifies appropriate land protection strategies for these properties ranging from fee simple ownership to conservation easements. *The National Park Service would work in collaboration with the Virginia Department of Historic Resources on land protection strategies.*

**5. Addition.** Page 1, Purpose of the Boundary Adjustment Study:

Conservation easements *would be individually negotiated with landowners to best meet resource protection goals. Easements* may include *provisions* limiting development to ensure properties are not subdivided, providing protection for archeological resources, and preserving viewsheds that are fundamental to the park experience.

**6. Addition.** Page 4, Need for Boundary Adjustment Study:

The Courtland property, abutting the park and the historic Prince Edward Court House Road, witnessed some of the last dramatic scenes of fighting during the Battle of Appomattox Court House and was marketed for development as a possible campground/trailer park. Recognizing the significance of this property, *the Civil War Trust acquired this property in 2017 with assistance from the NPS American Battlefield Protection Program's battlefield land acquisition grant program and the Virginia Department of Historic Resources' Virginia Battlefield Preservation Fund.* The Webb Property, also abutting the park and the historic Prince Edward Court House Road, saw some of the final battle actions of the Army of Northern Virginia and was previously subdivided for residential development before being purchased by the Civil War Trust with

assistance from the NPS American Battlefield Protection Program's battlefield land acquisition grant program *and the Virginia Department of Historic Resources' Virginia Battlefield Preservation Fund*. Fighting and military actions also took place in a wider area to the south and west of the current park boundary at Appomattox Station in what is now the Town of Appomattox. The Jamerson Trucking Company, the previous owner of the Appomattox Station parcel, proposed constructing an outlet mall at the site before the lands were purchased by the Civil War Trust, with assistance from the NPS American Battlefield Protection Program's battlefield land acquisition grant program *and the Virginia Department of Historic Resources' Virginia Battlefield Preservation Fund*, in 2010.

**7. Addition.** Page 19, Public-Private Preservation Efforts (1993-2016):

*The Virginia Battlefield Preservation Fund was established in 2006 by the Virginia General Assembly as the Civil War Site Preservation Fund. Codified in 2010 (Chapter 22, Title 10.1, Section 2202.4 of the Code of Virginia), the Fund was expanded by legislation approved in 2015 to include sites associated with the Revolutionary War and the War of 1812. With 123 Civil War battlefields in Virginia encompassing thousands of acres, nonprofit battlefield preservation organizations and local governments compete each grant cycle for grants from the Fund. Administered by the Virginia Department of Historic Resources, this program provides another important tool for the preservation and protection of lands associated with the battles of Appomattox Station and Appomattox Court House. Any proposed project site must be listed in the following reports: the Civil War Sites Advisory Commission's Report on the Nation's Civil War Battlefields (Civil War Sites Advisory Commission/National Park Service, 1993, as amended) or the ABPP's Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States (U.S. Department of the Interior/National Park Service, 2007, as amended or superseded). Individual projects are evaluated based on the following general criteria: significance of the battlefield, threat, integrity, financial and administrative capacity of the applicant, and plans for future management for preservation and public benefit. All grant awards require a 50-percent match using private or federal funds. A requirement of grant funding through the Virginia Battlefield Preservation Fund is the execution of a perpetual conservation easement held by the Virginia Board of Historic Resources to protect the land that is the subject of the grant project.*

**8. Addition.** Page 21, Public-Private Preservation Efforts (1993-2016):

Working in collaboration, the Civil War Trust, the Virginia Department of Conservation and Recreation, *the Virginia Department of Historic Resources*, and the Town of Appomattox have secured numerous NPS ABPP Land and Water Conservation Fund battlefield land acquisition grants *and Virginia Battlefield Preservation Fund grants* to purchase threatened properties located within the ~~boundary study area that has been~~ *core areas of the Appomattox Station and Appomattox Court House battlefields as* identified in the Civil War Sites Advisory Commission Report (figures 2.2 and 2.3). Lands purchased *or placed in easement* through these programs are encumbered by the Land and Water Conservation Fund Section 6(f)(3) non-conversion clause requiring their use *as conservation or* public outdoor recreation *space* and *are protected by perpetual historic preservation and* conservation easements generally held by the ~~Virginia Board of Historic Resources~~ *Virginian agencies*. These grassroots efforts to preserve sites associated with the battles of Appomattox Station and Appomattox Court House illustrate their historic significance.

**9. Addition.** Page 21, Description of the Study Area:

*Appomattox County parcel identification numbers are included in Appendix D of this study.*

- 10. Correction.** Page 22, Battle of Appomattox Station Property-Present Condition:  
~~No known subsurface fuel storage was done on the property, and there has been little ground disturbance at this site.~~ *An aboveground utility line right-of-way runs through the property. An underground fuel storage tank was removed from the site in 2011.*
- 11. Addition.** Page 22, Battle of Appomattox Station Property-Present Condition:  
Recognizing the property's historic significance for its association with the April 8, 1865, engagements and concerns of future development, the Civil War Trust purchased the 45-acre property in 2009 *using grant funding* from the NPS American Battlefield Protection Program and the Virginia Battlefield Preservation Fund. *At the time of this study, a perpetual historic preservation and conservation easement is currently being negotiated between the Civil War Trust and the Virginia Department of Historic Resources. All easements held by the Virginia Board of Historic Resources are administered by staff at the Virginia Department of Historic Resources. In consultation with the Virginia Board of Historic Resources and Department of Historic Resources,* the Civil War Trust and the Appomattox 1865 Foundation removed the late 20th-century storage building to begin ~~rehabilitating~~ *restoring* the area's cultural landscape and minimize maintenance costs.
- 12. Correction.** Page 22, Battle of Appomattox Station Property-Present Condition:  
The Foundation, the Civil War Trust, and the Virginia Department of Historic Resources are working together to ~~restore~~ *rehabilitate* the cultural landscape and create additional visitor opportunities at the Battle of Appomattox Station site.
- 13. Addition.** Page 26, Courtland Property-Present Condition:  
*The [lower] parcel was cleared by a timber operation in the early 1980s, but its tree cover has naturally regenerated since that time.* The land has no modern development and retains its rural character and much of its historic integrity.
- 14. Correction.** Page 26-27, Courtland Property-Present Condition:  
The 101-acre northern, upper parcel of the Courtland property ~~is landlocked and legally tied to the lower parcel~~ *does not have direct right-of-way access.* While it ~~does not contain any documented historic resources~~ *is not part of the core battlefield* associated with the Battle of Appomattox Court House, it borders the Appomattox River, a natural feature of the larger Appomattox Court House National Historical Park landscape. The river, which creates the upper parcel's northern boundary, is important to understanding the battlefield topography *and acted as a natural barrier during the Battle of Appomattox Court House.* ~~The upper parcel is also undeveloped and is in a natural condition.~~ *The upper parcel was also timbered in the early 1980s but has naturally regenerated and has no modern development.*
- 15. Correction.** Page 27, Courtland Property-Present Condition:  
~~The Civil War Trust is currently working with the Courtland property's private landowner for the potential sale of the two parcels, and the group has already raised funds for the future stabilization of the Morton House ruins. In March 2016, the NPS American Battlefield Protection Program awarded a battlefield land acquisition grant to the Virginia Department of Conservation and Recreation, in partnership with the Civil War Trust, for the proposed purchase of land owned by Courtland Realty. Because of the use of battlefield land acquisition grant funds, a conservation easement would also be placed this property.~~

*In April 2017, the Civil War Trust acquired both parcels that comprise the Courtland property through a NPS ABPP battlefield land acquisition grant which had been matched by the Virginia Battlefield Preservation Fund. The trust has already raised funds for the future stabilization of the Morton House ruins. Because the Courtland property was purchased by the Civil War Trust using Virginia battlefield preservation grant funding, a perpetual historic preservation and conservation easement held by the Virginia Board of Historic Resources similar to those placed on other Civil War Trust-owned properties in the study area is currently being negotiated between the two parties.*

**16. Addition.** Page 27, Godsey Property-Present Condition:

The Civil War Trust used a NPS American Battlefield Protection Program land acquisition grant *matched by a Virginia Battlefield Preservation Fund grant* to purchase this property and currently rents out the home. *As a stipulation of the grant funding, a historic preservation and conservation easement to be held by the Virginia Board of Historic Resources is currently being negotiated. The Civil War Trust purchased the parcel with the long-term plan of rehabilitation of the property's battlefield landscape.*

**17. Addition.** Page 27, Howard Property-Present Condition:

The Civil War Trust used an NPS American Battlefield Protection Program land acquisition grant *matched by a Virginia Battlefield Preservation Fund grant* to purchase this property and it is held under a life estate agreement by the current resident. As a stipulation of the grant funding, a *historic preservation and* conservation easement ~~has been placed on~~ *is in development for* this property, which would be held by the Virginia Board of Historic Resources. *The Civil War Trust purchased the parcel with the long-term plan of rehabilitation of the property's battlefield landscape.*

**18. Addition.** Page 29, Webb Property- Present Condition:

In response to this imminent threat, the Civil War Trust purchased all the parcels of this historically significant battlefield landscape through grants from the NPS American Battlefield Protection Program *and Virginia Battlefield Preservation Fund* to keep the property intact ~~and maintain its integrity~~. The former owner ~~was allowed to~~ *completed a commercial timber* harvest ~~timber before~~ *prior to* sale *of the property* to the Civil War Trust, which opened up historic sight lines similar to their 1865 appearance. As a stipulation of the grant funding, the parcel is now protected ~~under a~~ *by a perpetual historic preservation and* conservation easement held by the Virginia Board of Historic Resources. *In general, the easement prohibits subdivision of the property, limits or restricts new construction, and contains provisions for protection of archaeological resources and other historically significant features of the property.*

**19. Addition.** Page 29, Inge Property; Bumgardner Property; and Eagle-Bisgyer Property-Present Condition:

Because of their importance as key staging areas for the federal advance during the Battle of Appomattox Court House, the Bumgardner, Inge, and Eagle-Bisgyer properties were purchased by the Civil War Trust through NPS American Battlefield Protection Program land acquisition *and Virginia Battlefield Preservation Fund grants*. *As a stipulation of this grant funding, the Inge and Bumgardner parcels are now protected by perpetual historic preservation and conservation easements held by the Virginia Board of Historic Resources while a similar easement is being negotiated for the Eagle-Bisgyer property. Consistent with the provisions of the easement, the Trust demolished a non-historic 20th-century, single-family residence located on the Inge property to rehabilitate the landscape to a more natural state and, in consultation with the Department of Historic Resources, intends to remove the non-historic 20th-century residence on the Bumgardner property as well.*

**20. Addition.** Page 31, Richie Property-Historic Significance:

*During the Civil War, this parcel of land was owned by John Sears, a Confederate supporter. The Sears House located on the Ritchie property at the time of the battle was used as Custer's headquarters on the night of April 9, 1865.*

**21. Addition.** Page 31, Richie Property-Historic Significance:

*In 1866, Sears donated a portion of his land that is located in the park's existing boundary for use as the Confederate Cemetery.*

**22. Addition.** Page 36, Alternative 1: No Action:

Properties purchased by the Civil War Trust using grant funding from the NPS American Battlefield Protection Program ~~battlefield land acquisition grants~~ and Virginia Battlefield Preservation Fund would not be included in the ~~boundary and the existing~~ park boundary.

**23. Addition.** Page 36, Alternative 1: No Action:

*Properties with recorded historic preservation and conservation easements held by the Virginia Board of Historic Resources would continue to be protected by the Commonwealth of Virginia and the stewardship of resources on these individual properties would be based on the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidance, as well as land conservation best-management practices (figure 3.1 and table 3.1).*

**24. Addition.** Page 38-39, Table 3.1 Current Level of Protection:

Map #	Property	Acreage	Level of Protection
1	Battle of Appomattox Station Property	45	Private Ownership – Civil War Trust <i>Battlefield Land Acquisition Grant &amp; Virginia Battlefield Preservation Fund Grant – Historic Preservation and Conservation Easement in negotiation.</i>
2	Finch Property	2.5	Private Ownership
3	Courtland Property	101 (Lower)	Private Ownership -Civil War Trust <i>Battlefield Land Acquisition Grant &amp; Virginia Battlefield Preservation Fund Grant – Historic Preservation and Conservation Easement in negotiation.</i>
		101 (Upper)	
4	Webb Property	52	Private Ownership-Civil War Trust <i>Battlefield Land Acquisition Grant &amp; Virginia Battlefield Preservation Fund Grant – Recorded Historic Preservation and Conservation Easement held by the Virginia Board of Historic Resources</i>
5	Richie Property	71	Private Ownership Conservation Easement held by Civil War Trust
6	Hunter/Deem Property	116	Private Ownership

Map #	Property	Acreage	Level of Protection
7	Bumgardner Property	6	Private Ownership-Civil War Trust <i>Battlefield Land Acquisition Grant &amp; Virginia Battlefield Preservation Fund Grant – Recorded Historic Preservation and Conservation Easement held by the Virginia Board of Historic Resources</i>
8	Inge Property	5	Private Ownership-Civil War Trust <i>Battlefield Land Acquisition Grant &amp; Virginia Battlefield Preservation Fund Grant – Recorded Historic Preservation and Conservation Easement held by the Virginia Board of Historic Resources</i>
9	Eagle-Bisgyer Property	0.5	Private Ownership-Civil War Trust <i>Battlefield Land Acquisition Grant &amp; Virginia Battlefield Preservation Fund Grant – Historic Preservation and Conservation Easement in negotiation.</i>
10	Godsey Property	3.5	Private Ownership-Civil War Trust <i>Battlefield Land Acquisition Grant &amp; Virginia Battlefield Preservation Fund Grant – Historic Preservation and Conservation Easement in negotiation.</i>
11	Howard Property	3	Private Ownership-Civil War Trust <i>Battlefield Land Acquisition Grant &amp; Virginia Battlefield Preservation Fund Grant – Historic Preservation and Conservation Easement in negotiation.</i>
12	Abbitt Property	96	Private Ownership-Civil War Trust
13	Mitchell Property	20	Private Ownership
14	Morgan Property	12	Private Ownership
15	Goodwin Property	12	Private Ownership
16	Doss Property	13	Private Ownership
17	Vaughan Property	7.5	Private Ownership

**25. Addition.** Page 40, Alternative 2: Proposed Action and NPS Preferred Alternative:

The majority of these properties have been purchased by the Civil War Trust using NPS ABPP battlefield land acquisition grants *with matching Virginia Battlefield Preservation Fund grants*, illustrating their historic significance as critical areas of important battlefield landscapes ~~worthy of federal protection.~~

**26. Correction.** Page 40, Alternative 2: Proposed Action and NPS Preferred Alternative:



Special consideration would have to be given when acquiring properties previously purchased ~~using by a private entity using grant funding from the~~ NPS ABPP battlefield land acquisition ~~grant funding, which~~ program or Virginia Battlefield Preservation Fund. These properties are encumbered by ~~existing perpetual historic preservation and~~ conservation easements ~~held by the~~ Virginia Board of Historic Resources and/or limited by other programmatic preservation requirements. If the National Park Service subsequently acquires the fee interest in these properties, the grant recipients should be aware that consideration will ~~be reduced to avoid any prohibited duplication~~ reflect the equivalent percentage of payments ~~market value paid by the grant recipient at the time of original purchase~~. Further, any conservation easements encumbering these properties will ~~need to be evaluated on a case-by-case basis to avoid potential management conflicts~~ prior to purchase for compliance with Department of Justice regulations.

**27. Addition.** Page 40, Alternative 2: Proposed Action and NPS Preferred Alternative:

The park's goals in pursuing conservation easements on these properties would include: limiting ~~development, or restricting new construction, ensuring properties are not subdivided, providing an additional level of protection for archeological resources, and preserving viewsheds that are fundamental to the park experience. Properties where conservation easements would be sought include: Richie property, Hunter/Deem property, Godsey property, and Howard property.~~

**28. Addition.** Page 43, Alternative 2: Proposed Action and NPS Preferred Alternative:

Under this alternative, the park's land protection plan would be updated based on this boundary adjustment study's recommendation ~~and in consultation with the Virginia Board of Historic Resources~~ to ensure that future property acquisitions are in line with regional and agency-wide priorities.

**29. Addition.** Page 43, Alternative 2: Proposed Action and NPS Preferred Alternative:

Direct NPS ownership of these properties would not be pursued; rather, the park would work with local landowners, local governments, ~~and nonprofit organizations like the Civil War Trust~~ to explore conservation easement options on these properties.

**30. Addition.** Page 43, Alternative 2: Proposed Action and NPS Preferred Alternative:

Under this alternative, the park's land protection plan would be updated based on this boundary adjustment study's recommendation ~~and in consultation with the Virginia Board of Historic Resources~~ to ensure that future property acquisitions are in line with regional and agency-wide priorities.

**31. Addition.** Page 43, Alternative/Elements Considered but Dismissed from Further Analysis:

Given the park's existing deferred maintenance back-log and other total cost of facilities ownership constraints, complete fee simple ownership as an alternative was considered cost prohibitive and not feasible. Many of the properties identified for inclusion in the study area provide significant opportunities for historic viewshed protection. The study team recognized that viewsheds and visual resources could be protected through the use of conservation easements ~~without the need for NPS fee simple acquisition~~ as outlined in Alternative 2: Boundary Adjustment.

**32. Addition.** Page 46, Applying Criterion 1: Protect Significant Resources and Values or Enhance Opportunities for Public Enjoyment Related to Park Purposes:

The proposed boundary adjustment identified in alternative 2 recommends fee simple ownership of historically significant battlefield areas where the heaviest fighting occurred. ~~All of the properties included in the study area are privately owned. Some of these properties are protected~~

*through historic preservation and conservation easements held by the Virginia Board of Historic Resources that protect historic resources and limit new development but other properties are still privately owned and provide no public access or resources protection.*

**33. Correction.** Page 48, Criterion 1: Feasibility to Administer-Ownership:

*Implementation of a boundary adjustment land acquisition activities* could be many years into the future *and would be dependent upon receipt of congressionally appropriated funding*. Any land considered *or interest in land identified* for possible inclusion through a boundary adjustment *acquisition* would only be acquired from willing sellers or donors *by the acquisition of fee simple or less than fee simple interest (conservation easements or scenic easements).*

**34. Correction.** Page 48, Criterion 1: Feasibility to Administer-Ownership:

Conservation easements acquired from willing sellers or donors would provide *some a high* level of *resource* protection for other properties within *depending on* the study area that are associated with troop movements and would also protect *requirements of* the rural character, as well as important viewsheds within the park *individual easement*.

**35. Addition.** Page 49, Criterion 1: Feasibility to Administer-Ownership:

*A supplementary land portion strategies like protection strategy, the acquisition of* conservation easements would be an effective tool that would not require direct NPS ownership but would still afford *some provide a high* level of resource protection. *Individual easements would be crafted in a manner to ensure the owners' continued use and enjoyment of the property while preserving and protecting the property's existing resources and character.*

**36. Correction.** Page 49, Criterion 1: Feasibility to Administer-Cost:

Special consideration would have to be given when acquiring properties previously purchased using NPS ABPP land acquisition grant funding *or the Virginia Battlefield Preservation Fund program*, which are encumbered by *historic preservation and* conservation easements and/or limited *held* by other programmatic preservation requirements. *the Virginia Board of Historic Resources*. If the National Park Service subsequently acquires the fee interest in these properties, the ABPP grant recipients should be aware that consideration *paid to the grant recipient* will be reduced to avoid any prohibited duplication of payments. *reflect the equivalent percentage of current market value paid by the grant recipient at the time of the original purchase*. Further, any *historic preservation and* conservation easements encumbering these properties will need to be evaluated on a case-by-case basis *prior to purchase* for compliance with Department of Justice regulations. *Any Before any* future land acquisitions, *each property* would also have to take into account *undergo a rigorous evaluation process to determine* larger agency-wide and regional priorities for purchasing new park lands.

**37. Correction.** Page 49, Criterion 1: Feasibility to Administer-Cost:

In addition to potential acquisition costs, the National Park Service would also incur expenses from conducting full title searches *and obtaining title* insurance, completing hazardous material surveys, *and* real estate appraisals, *and preparing a legislative map of the properties within the study area.*

**38. Correction.** Page 50, Criterion 1: Feasibility to Administer-Cost:

Likewise, the rural character of properties that are under consideration for conservation easements would be protected *and maintained by private landowners by means of mutually agreed upon easement conditions.*

**39. Correction.** Page 50, Criterion 1: Feasibility to Administer-Cost:



Properties proposed for fee simple ownership in alternative 2 ~~have no development on them~~ **are unimproved.**

**40. Addition.** Page 52, Criterion 1: Feasibility to Administer-Other Factors:

**Based on the Phase I and Phase II environmental site assessments conducted by the Civil War Trust,** there are no known hazardous substances or nonnative species issues identified within the boundary adjustment study area that would impact the feasibility of NPS administration of these lands.

**41. Addition.** Page 52, Criterion 2:

As outlined in Alternative 1: No Action, an alternative to NPS management is the continuation of private ownership. **Private ownership of parcels that do not have recorded historic preservation and conservation easements does not ensure the protection or stewardship of significant resources associated with the Battle of Appomattox Station or the Battle of Appomattox Court House identified in the study area.**

**42. Addition.** Page 53, Criterion 2:

**Currently, the Virginia Board of Historic Resources ("Board") holds three recorded perpetual historic preservation and conservation easements and is currently working to record six additional perpetual easements on other properties within the boundary adjustment study area. Properties purchased with the help of NPS American Battlefield Protection Program battlefield land acquisition and Virginia Battlefield Preservation Fund grants are required to be encumbered with perpetual historic preservation and conservation easements that provide comprehensive protection and stewardship of historic resources on these properties. The Virginia Department of Historic Resources currently administers and manages these easements on behalf of the Board and conducts regular monitoring of these properties to ensure resource protection. Still, this level of protection is only afforded to properties where historic preservation and conservation easements are recorded. The rest of the properties within the study area remain in private ownership with no such easement protections, leaving resources within the boundary adjustment study area vulnerable to possible development in the future. The National Park Services would work collaboratively with the Virginia Board of Historic Resources to expand resource protection through the use of easements within the boundary adjustment study area.**

**43. Correction.** Page 54, Criterion 2:

**Lands purchased by the Civil War Trust using NPS ABPP battlefield land acquisition grants are required to include conservation easements designed to limit development and offer some level of resource protection and Virginia Battlefield Preservation Fund grants are required to be encumbered by perpetual historic preservation and conservation easements, designed to provide comprehensive protection for the historic resources on the property. Held by the Virginia Board of Historic Resources, these conservation easements place restrictions on subdivision and new construction, and protect archaeological, historic, and battlefield landscape resources, among other identified conservation values.**

**44. Addition.** Page 54-55, Additional Criterion 2 Conclusion:

Other alternatives for **land** management and **resource** protection were identified **and evaluated** during this boundary adjustment study process ~~but are not considered adequate for achieving long-term resource stewardship goals. No additional federal, state, or local agency.~~ **Through the existing historic preservation and conservation easement, the Virginia Board of Historic Resources has expressed interest in managing the illustrated a significant contribution to the protection of historic** resources within the boundary adjustment study area. **If Congress were to**

*authorize a boundary adjustment to Appomattox Court House National Historical Park in the future, the National Park Service would work collaboratively with the Virginia Board of Historic Resources in the stewardship and interpretation of these lands and resources.*

**45. Addition.** Page 55, Additional Criterion 2 Conclusion:

Although nonprofit organizations *like the Civil War Trust* have recognized the historic importance of the study lands and have played an active role in purchasing lands *through numerous federal and state grant programs* in order to protect important battlefields facing immediate threats, these organizations are not adequately equipped to implement long-term land management strategies, or support public access and experiences. This study determines that ~~no other alternatives for management and resource protection other than the National Park Service are adequate.~~ *a boundary adjustment to Appomattox Court House National Historical Park would support ongoing resource protections efforts by the Virginia Board of Historic Resources and other non-profit preservation groups, and the National Park Service would be considered an appropriate alternative for long-term land management.*

**46. Addition.** Page 55, Summary:

Adjusting the boundary of Appomattox Court House National Historical Park as outlined in Alternative 2 would protect significant resources and values associated with the Appomattox Campaign, expand opportunities for public enjoyment related to park purpose, and be feasible to administer; *ongoing state and local resource protection efforts would be enhanced and supported by a boundary adjustment.* The National Park Service would not need to immediately acquire the lands or purchase conservation or scenic easements identified in this study, *but would work collaboratively with the Virginia Board of Historic Resources and private land owners to address resource protection issues as they arise.*

**47. Addition.** Page 60, Battlefield Landscapes Impacts of Alternative 1:No Action –Cumulative Impacts:

*Until an easement protecting this land is recorded, the Appomattox* Station parcel is currently zoned for heavy industrial use, which could result in heavy development and use of the site that may impact the few remaining physical reminders of the Battle of Appomattox Station

**48. Addition.** Page 62, Archeological Resources Impacts of Alternative 1:No Action –Analysis:

*Properties purchased by the Civil War Trust using NPS ABPP land acquisition or the Virginia Battlefield Preservation Fund grants require a historic preservation and conservation easement that would offer some level of provides protection and requires treatment for archeological resources on these specific properties in accordance with The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and associated guidance. The park would continue to work with individual landowners and potential developers to instill a sense of stewardship of archeological resources, but, in the absence of a historic preservation and conservation easement, there would be no guarantee private landowners would want to limit development on the properties within the boundary adjustment study area.*

**49. Addition.** Page 63, Archeological Resources Impacts of Alternative 1:No Action –Conclusion:

Battlefield resources, archeological sites, and building ruins located outside the current park boundary would be managed and maintained at the private landowners' discretion and would not be protected from future ground disturbance or development unless protected by ~~an existing conservation easement~~ *recorded historic preservation and conservation easements held by the Virginia Board of Historic Resources and administered by the staff of the Virginia Department of Historic Resources.*

**50. Addition.** Page 63, Archeological Resources Impacts of Alternative 2:Proposed Action-Analysis: Lands within the expanded park boundary would either be owned by the park or, managed through the National Park Service and private owner cooperation outlined in conservation easements, *or stewarded according to the terms and restrictions of the historic preservation and conservation easements held by the Board of Historic Resources.*

**51. Correction.** Page 63, Archeological Resources Impacts of Alternative 2:Proposed Action-Analysis: Additional conservation easements would provide some level of *a tool for* protection from construction and deforestation-related ground disturbances that could destroy archeological sites ~~although private owners would be able to manage the in situ resources and artifacts as they pleased. Private landowners with scenic easements could still undertake ground disturbing activities such as underground pipeline or utilities installation.~~

**52. Addition.** Page 69, Socioeconomics Impacts of Alternative 2:Proposed Action-Analysis: Eight of these properties totaling 409 acres were identified as appropriate for fee simple ownership by the National Park Service, while conservation and scenic easement would be pursued for the remaining nine properties totaling 258 acres. *Three of the study area properties currently have recorded historic preservation and conservation easements held by the Virginia Department of Historic Resources, while similar easements on five other properties are currently being negotiated.*

**53. Addition.** Page 79, Appendix B: Acronyms:  
State Historic Preservation Office (SHPO)

### Technical Revision to the Environmental Assessment

During consultation VDHR felt the term “scenic easement” was antiquated, ill defined, and limited potential resource protection strategies. VDHR recommended that the term “scenic easement” be removed and that any easements proposed under the action alternative be described as “conservation easements.” According to VDHR, this term more accurately reflects current lands protection terminology and is understood to offer the same type of resource protections to views and viewsheds as described in Alternative 2: Proposed Action and NPS Preferred Alternative. Using this rationale, there is no need to differentiate between conservation and scenic easements and the study was revised accordingly. Both the NPS and Northeast Regional Lands Office programs reviewed this technical revision and concurred that the term “conservation easements” was more accurate and appropriate for the range of land protection strategies described in the boundary adjustment study. The final Appomattox Court House National Historical Park Boundary Adjustment Study/EA reflects this technical revision.

## Attachment C: Determination of Non-Impairment

The National Park Service's *Management Policies 2006* requires a written analysis of potential effects to determine whether or not actions would impair park resources. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service (NPS) managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

However, laws do give the NPS the management discretion to allow adverse impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the NPS the management discretion to allow certain impacts within parks, that discretion is limited by statutory requirement that the NPS must leave park resources and values unimpaired, unless a particular law directly and specially provides otherwise. The prohibited impairment is an impact that, in the professional judgement of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources and values. An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

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

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

Park resources and values that are subject to the non-impairment standard include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in the daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resource; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairments may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. The threshold for considering whether there could be impairment is based on whether an action will have significant effects. This determination on impairment has been prepared for the selected action described in this

Finding of No Significant Impact. An impairment determination is made for battlefield landscapes and archeological resources.

### **Battlefield Landscapes**

The selected alternative of a legislated boundary adjustment offers additional protection of battlefield landscapes that stretch beyond the park's current boundary and are fundamental to the park's purpose, including viewsheds and soundscapes. Adding high-priority properties to the park through fee simple ownership would allow the National Park Service to preserve acreage for long-term protection under NPS cultural resource and cultural landscape management policies. Conservation easements with landowners would limit development and maintain the vegetative screening on the remaining properties within the study area. Battlefield landscapes throughout the park would benefit from additional protected lands. Beneficial impacts would be permanent because fee simple lands would be held by the National Park Service in perpetuity, and conservation easements would be connected to the property title. Therefore, the selected action will not constitute an impairment to the park's battlefield landscapes.

### **Archeological Resources**

The selected alternative provides additional protection to archeological resources currently outside the park boundary through a combination of fee simple ownership and conservation easements. Adding high-priority parcels to the park through fee simple ownership would allow Appomattox Court House National Historical Park to preserve and protect archeological resources for long-term protection under NPS cultural resource management policies and federal law. Conservation easements with landowners could limit development and construction-related ground disturbances on the remaining properties within the boundary adjustment study area; beneficial impacts would be permanent. Therefore, the selected action will not constitute an impairment to the park's archeological resources.

### **Summary**

In conclusion, as guided by the expected outcomes noted above, implementing the selected alternative does not constitute impairment of any resource or park value whose conservation is: (1) necessary to fulfill specific purposes identified in establishing legislation or proclamation of the park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant National Park Service planning documents as being of significance.