

**APPENDIXES/
REFERENCES/
PREPARERS**

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APPENDIX A: LEGISLATION — MONOCACY NATIONAL BATTLEFIELD

IV. NATIONAL MILITARY PARKS

1. Monocacy

An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes. (90 Stat. 2732) (P.L. 94-578)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE III—MISCELLANEOUS PROVISIONS

* * * * *

MONOCACY NATIONAL MILITARY PARK

SEC. 319. The Act of June 21, 1934 (48 Stat. 1198; 16 U.S.C. 430j) is amended as follows:

(1) In section 1:

(a) change "national military park" to "national battlefield" and

(b) change "Monocacy National Military Park" to "Monocacy National Battlefield" (hereinafter referred to as "the battlefield"). The battlefield shall comprise the area generally depicted on the drawing entitled "Boundary, Monocacy National Battlefield", numbered 894-40,000 and dated May 1976, and delete the remainder of the sentence.

(2) In section 2, change "Monocacy National Military Park" to "battlefield" wherever it occurs.

(3) In section 3, delete "enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition", and insert in lieu thereof, "lease to the immediately preceding owner or owners any lands acquired pursuant to an agreement that such lessee or lessees will occupy such lands in a manner consistent with the purposes of this Act and".

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NATIONAL PARK SERVICE LAWS

(4) Change section 4 to read:

"SEC. 4. The administration, development, preservation, and maintenance of the battlefield shall be exercised by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666)."

(5) Repeal all of section 5.

(6) In section 6:

(a) delete "said Office of National Parks, Buildings, and Reservations, acting through the", and

(b) change "Monocacy National Military Park:" to "battlefield", delete the remainder of the sentence and insert in lieu thereof "for carrying out the provisions of this Act."

(7) In section 7:

(a) change "Monocacy National Military Park" to "battlefield", and

(b) delete the comma and "which approval shall be based on formal written reports made to him in each case by the Office of National Parks, Buildings, and Reservations; *Provided,*" and insert in lieu thereof "*Provided further,*"

(8) In section 8, change the comma to a period and delete "of not less than \$5 nor more than \$500."

(9) Change section 10 to read:

"SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary, but not more than \$3,525,000 for the acquisition of lands and interests in lands, and not to exceed \$500,000 for the development of essential public facilities. Within three years from the date of the enactment of this section, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the battlefield consistent with the preservation objectives of this Act, indicating:

"(1) the facilities needed to accommodate the health, safety, and interpretive needs of the visiting public;

"(2) the location and estimated cost of all facilities; and

"(3) the projected need for any additional facilities within the battlefield.

No funds authorized to be appropriated pursuant to this section shall be available prior to October 1, 1977."

* * * * *

Approved October 21, 1976.

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10. Monocacy National Military Park Project

Land acquisition and erection of marker for commemoration of Battle of Monocacy authorized.....	Act of March 1, 1929	Page 275
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An Act To provide for the commemoration of the Battle of Monocacy, Maryland, approved March 1, 1929 (45 Stat. 1444)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the Battle of Monocacy, Maryland, the Secretary of War is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at the above-named battle field, (2) fence the parcel of land so acquired, (3) build an approach to such parcel of land, and (4) erect a suitable marker on such parcel of land.

SEC. 2. There is authorized to be appropriated the sum of \$5,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

SEC. 3 The parcel of land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such parcel of land, fence, approach, and marker a sum not to exceed \$250 per annum.

Battle of Monocacy, Maryland.
Acquiring land, etc., authorized to commemorate.

Sum authorized.

Under control of Secretary of War.

Maintenance.

4. Monocacy National Military Park project

Establishment of park authorized.....Act of June 21, 1934 118

An Act To establish a national military park at the battlefield of Monocacy, Maryland, approved June 21, 1934 (48 Stat. 1198)

Monocacy National Military Park, Md.

Establishment, when title to land, etc. acquired.

Condemnation proceedings to acquire lands.

Purchase from owners.

Acceptance of donations.

Title.

Leases with owners for lands unnecessary to purchase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy, in the State of Maryland, is hereby declared a national military park to be known as the "Monocacy National Military Park", whenever the title to the lands deemed necessary by the Secretary of the Interior shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Maryland. (16 U.S.C. sec. 430j.)

SEC. 2. The Secretary of the Interior is hereby authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of the Act of August 1, 1888, entitled "An Act to authorize condemnation of lands for sites for public buildings and for other purposes" (25 Stat.L. 357), to acquire title to the lands, interests therein, or rights pertaining thereto within the said Monocacy National Military Park, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the District of Maryland: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which in the opinion of the Secretary of the Interior shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Monocacy National Military Park: *And provided further*, That title and evidence of title to lands and interests therein acquired for said park shall be satisfactory to the Secretary of the Interior. (16 U.S.C. sec. 430k.)

SEC. 3. The Secretary of the Interior is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the

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Interior, it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. (16 U.S.C. sec. 430l.)

Cultivation of holdings.

Condition.

SEC. 4. The affairs of the Monocacy National Military Park shall, subject to the supervision and direction of the Office of National Parks, Buildings, and Reservations of the Interior Department, be in charge of a superintendent, to be appointed by the Secretary of the Interior. (16 U.S.C. sec. 430m.)

Supervision of National Parks, etc., office.

SEC. 5. It shall be the duty of the superintendent, under the direction of the Office of National Parks, Buildings, and Reservations of the Interior Department, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the parks or in its vicinity. (16 U.S.C. sec. 430n.)

Duties prescribed.

SEC. 6. The said Office of National Parks, Buildings, and Reservations, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Monocacy National Military Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Monocacy National Military Park fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior, for carrying out the provisions of this Act. (16 U.S.C. sec. 430o.)

Acceptance of gifts, etc., authorized.

Contributions to be deposited to credit of special fund.

SEC. 7. It shall be lawful for the authorities of any State having had troops at the Battle of Monocacy to enter upon the lands and approaches of the Monocacy National Military Park for the purpose of ascertaining and marking the line of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the Office

States may mark lines of battle of their troops.

Approval of marking, etc.

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No discrimina-
tion in designat-
ing lines.

of National Parks, Buildings, and Reservations: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State. (16 U.S.C. sec. 430p.)

Penalty for
destroying, in-
juring, etc.,
property.

SEC. 8. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, of the jurisdiction in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the United States commissioner or court, according to the aggravation of the offense, of not less than \$5 nor more than \$500. (16 U.S.C. sec. 430q.)

Rules, etc., to
be prescribed.

SEC. 9. The Secretary of the Interior shall have the power to make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park. (16 U.S.C. sec. 430r.)

Appropriation
authorized.

SEC. 10. For the purposes of carrying out the provisions of this Act, the sum of \$50,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated. (16 U.S.C. sec. 430s note.)

APPENDIX B: FEDERAL LAWS, REGULATIONS, AND POLICIES

In developing the *General Management Plan / Environmental Impact Statement* for Monocacy National Battlefield, the National Park Service will follow all applicable regulations, laws, policies, and executive orders. A list of those relevant to this planning effort follows.

LEGISLATION

National Environmental Policy Act of 1969 (NEPA). This act is the basic national charter for the protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy. Section 102(2) contains “action-forcing” provisions to make sure that federal agencies act according to the letter and spirit of the act. NEPA procedures must ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question. NEPA’s goal is better decisions.

Federal Water Pollution Control Act, as amended, Clean Water Act of 1972 (PL 92-500, PL 100-433, 86 Stat 816, USC 9 sec. 1251 et seq., 1251-1376, and 1987 Federal Water Quality Act). This act establishes federal regulation of the nation’s waters and contains provisions designed to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” The act requires that the states set and enforce water quality standards

to meet EPA minimum guidelines. It establishes effluent limitations for point sources of pollution, and requires a permit for point source discharge of pollutants and a permit for the discharge of dredged or fill material. It also authorizes a “National Wetlands Inventory.”

Estuaries and Clean Water Act of 2000, Title II. The purpose of this act is to promote the restoration of estuary habitat, develop a national estuary restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government, establish new partnerships between the public and private sectors, provide federal assistance for estuary habitat restoration projects, promote efficient financing of such projects, and develop and enhance monitoring and research capabilities.

Rivers and Harbors Appropriation Act of 1988 (33 USC 401-403, as amended, 1982). This act established the regulatory authority of the Army Corps of Engineers over U.S. navigable waters. It established permit requirements for the construction of bridges, causeways, dams, or dikes within or over navigable waters of the United States. The construction of bridges and causeways is regulated by the secretary of transportation. Dam and dike permits are reviewed by the Corps of Engineers. Section 10 of the act requires a Corps permit for construction of any “obstruction of navigable waters” of the United States and for any excavation, fill, or other modification of various

types of navigable waters. Section 13 requires a Corps permit for discharge of refuse of any kind (except liquid from sewers or urban runoff) from land or vessel into the navigable waters of the United States or into their tributaries. Similarly, the discharge of refuse is prohibited on the banks of navigable waters or their tributaries where the refuse could be washed into the water.

Endangered Species Act of 1973, as amended (PL 93-205; 87 Stat. 884). The Congress found and declared that “various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation; other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction; these species of fish, wildlife and plants are of aesthetic, ecological, educational, historical, recreational, and scientific value to the nation and its people; the United States has pledged itself to conserve to the extent practicable the various species of fish or wildlife or plants facing extinction . . . “

Fish and Wildlife Coordination Act, as amended (PL 85-624; 72 Stat 563; 16 USC 661 et seq.) This act requires federal agencies to consult with the U.S. Fish and Wildlife Service or with the National Marine Fisheries Service and with parallel state agencies, whenever water resources development plans result in the alteration of a body of water. The secretary of the interior is authorized to assist and cooperate with federal agencies to “provide that wildlife

conservation shall receive equal consideration and be coordinated with other features of water resource development programs.”

Clean Air Act, as amended (PL 360; 69 Stat 322; 42 USC 7401 et seq.). The main purpose of this act is to protect and enhance the nation’s air quality to promote the public health and welfare. The act establishes specific programs that provide special protection of air resources and air quality related values (AQRVs) associated with NPS units. For example sections 160–169 of the act establish a program to prevent significant deterioration of air quality in clean air regions of the country.

Wild and Scenic Rivers Act (PL 90-542; 82 Stat 906; 16 USC 1271, as amended, 16 USC 1271–1287). This act established the national wild and scenic rivers system and outlined criteria and procedures whereby free-flowing streams, or portions thereof, could be added to the system. The system includes wild, scenic, and recreational rivers. Where designated rivers are administered by the National Park Service and there is a conflict between this act and NPS legislation, the more restrictive provisions apply. The act prohibits the Federal Energy Regulatory Commission from licensing water resource projects that would have a direct and adverse effect on the values for which the river was designated. The act also directs the appropriate federal parties to cooperate with state pollution control agencies to eliminate or diminish pollution in designated rivers.

Federal Insecticide , Fungicide, and Rodenticide Act (PL 92-516; 86 Stat 973; 7 USC 136 et seq.). This act requires that all pesticides be registered and that pesticides be used in accordance with the registration. The act restricts the use of certain pesticides. Some pesticides are regulated as toxic pollutants under the Clean Water Act and the Safe Drinking Water Act.

American Indian Religious Freedom Act (PL 95-341; 92 Stat. 469; 42 USC §1996). This act declares policy to protect and preserve the inherent and constitutional right of the American Indian / Eskimo / Aleut / Native Hawaiian people to believe, express, and exercise their traditional religions. It also calls for a now-completed evaluation of federal procedures, programmatic objectives, and policies. Statute imposes no specific procedural duties on federal agencies. Religious concerns should be accommodated or addressed under the National Environmental Protection Act or other appropriate statutes.

Antiquities Act of 1906 (PL 59-209; 34 Stat. 225; 16 USC §432 and 43 CFR 3). This act provides for the protection of historic or prehistoric remains, “or any antiquity” on federal lands, establishes criminal sanctions for the unauthorized destruction or taking of antiquities, authorizes the president to declare national monuments by proclamation, and authorizes the scientific investigation of antiquities on federal lands, subject to permit and regulations. The law also protects historic monuments and ruins on public lands. The National Park Service does not have to seek permits for activities carried out on NPS land by

authorized personnel. The Archeological Resources Protection Act (1979) superseded the Antiquities Act as an alternative federal tool for prosecuting antiquities violations in NPS areas.

Reservoir Salvage Act of 1960 (PL 86-523; 70 Stat. 220; 16 USC sections 469–469c). This act provides for the recovery and preservation of “historical and archeological data (including relics and specimens)” that might be lost or destroyed in the construction of dams and reservoirs.

Archaeological and Historic Preservation Act of 1974 (PL 93-291; 88 Stat. 174; 16 USC §469). This act amends and updates the Reservoir Salvage Act of 1960 to broaden legislation beyond dam construction. Provides for the preservation of significant scientific, prehistoric, historic, or archeological data (including relics and specimens) that might be lost or destroyed as a result of (1) the construction of dams, reservoirs, and attendant facilities, or (2) any alteration of the terrain caused as a result of any federal construction project or federally licensed project, activity, or program. It also provides for the recovery of data from areas to be affected by federal actions.

Archaeological Resources Protection Act of 1979 (PL 96-95, 93 Stat. 712, 16 USC §470aa et seq., and 43 CFR 7, subparts A and B, 36 CFR 79). This act secures the protection of archeological resources on public or Indian lands and fosters increased cooperation and the exchange of information between the private, governmental, and professional community to facilitate the enjoyment and education of present and future

generations. The law regulates excavation and collection on public and Indian lands. It also defines archeological resources to be any material remains of past human life or activities that are of archeological interest and are at least 100 years old. The law requires that Indian tribes that may consider a site of religious or cultural importance be notified before a permit is issued. It was amended in 1988 to require the development of plans for surveying public lands for archeological resources and systems for reporting incidents of suspected violations.

Historic Sites Act of 1935 (PL 49; Stat. 666, 16 USC sections 461–467, and 36 CFR 65). This act establishes “. . . national policy to preserve for public use historic sites, buildings and objects of significance for the inspiration and benefit of the people of the United States.” It directs the secretary of the interior to carry out wide-ranging programs in the field of history and places with the secretary the responsibility for national leadership in the field of historic preservation. It authorizes Historic American Buildings Survey, Historic American Engineering Record, and National Survey of Historic Sites and Buildings (national historic landmarks).

Management of Museum Properties Act of 1955 (PL 84-127, 69 Stat. 242, 16 USC §18f). This act authorizes the National Park Service to accept donations or bequests of museum properties, purchase them from donated funds, exchange them, and receive and grant museum loans.

National Historic Preservation Act of 1966 (NHPA), as amended (PL 89-665, 80 Stat. 915, 16 USC §470, et seq. and 36 CFR 18, 60, 61, 63, 68, 79, 800). This act declared a national policy of historic preservation, including the encouragement of preservation on the state and private levels. It authorized the secretary of the interior to expand and maintain a National Register of Historic Places, including properties of state and local as well as national significance, authorized matching federal grants to the states and the National Trust for Historic Preservation for surveys and planning and for acquiring and developing national register properties, established the Advisory Council on Historic Preservation (ACHP), required federal agencies to consider the effects of their undertakings on national register properties and to give the ACHP opportunities to comment (§106). Amended in 1976 (PL 94-422) to expand §106 to properties eligible for or listed in the national register. Amended in 1980 (PL 96-515) to incorporate EO 11593 requirements, to give national historic landmarks extra protection in federal project planning, and to permit federal agencies to lease historic properties and apply the proceeds to any national register properties under their administration. Amended in 1992 to, among other things, redefine federal undertakings, address “anticipatory demolition,” and emphasize the interests and involvement of Native Americans and Native Hawaiians.

Native American Grave Protection and Repatriation Act (PL 101-601, 104 Stat. 3049, 25 USC sections 3001–3013). This act assigns ownership or control of Native American human remains,

funerary objects, sacred objects, and objects of cultural patrimony that are excavated or discovered on federal lands or tribal lands after the passage of the act to lineal descendants or culturally affiliated Native American groups. It also establishes criminal penalties for trafficking in remains or objects obtained in violation of the act and provides that federal agencies and museums that receive federal funding shall inventory Native American human remains and associated funerary objects in their possession or control, identify their cultural and geographical affiliations within five years, and prepare summaries of information about Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony. This is to provide for the repatriation of such items when lineal descendants or Native American groups request it.

Architectural Barriers Act of 1968, Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990. In keeping with the intent of these laws, all NPS structures must be accessible to all Americans to the greatest degree possible.

Chesapeake Bay Agreement, as amended, Federal Agencies' Chesapeake Ecosystem Unified Plan, Estuaries and Clean Water Act of 2000, Chesapeake Bay Riparian Buffer Plan. As the largest estuary in the United States and one of the most productive in the world, the Chesapeake Bay was this nation's first estuary targeted for restoration and protection. The Chesapeake Bay Program is the unique regional partnership among the states of Virginia, Maryland, and

Pennsylvania; the District of Columbia; the Chesapeake Bay Commission; and the Environmental Protection Agency (lead agency for the federal government). The latter has been directing and conducting the restoration effort since the signing of the historic *Chesapeake Bay Agreement of 1983*. The Executive Council, composed of the chief executives of the signatory partners, meets annually to establish the policy direction for the Bay Program.

Executive Order 11998, "Floodplain Management," Special Directive 93-4, "Floodplain Management, Revised Guidelines for National Park Service Floodplain Compliance" (1993).

Natural floodplain values will be preserved or restored. Long-term and short-term environmental effects associated with the occupancy and modification of floodplains will be avoided. When it is not practicable to locate or relocate development or inappropriate human activities to a site outside the floodplain, or where the floodplain will not be affected, the National Park Service will prepare a statement of findings according to Director's Order 77-2.

Executive Order 11990, "Wetland Protection," Director's Order 77-1, "Wetland Protection," and Procedural Manual 77-1. The National Park Service is required to protect and enhance the natural and beneficial values of wetlands. It has implemented a "no net loss of wetlands" policy and strives to achieve the longer-term goal of net gain of wetlands through the restoration of previously degraded or destroyed wetlands.

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations.” Each federal agency will make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions.

REGULATIONS

43 CFR 3 (Antiquities Act) establishes procedures to be followed for permitting the excavation or collection of prehistoric and historic objects on federal lands.

43 CFR 7, Subparts A and B (Archaeological Resources Protection Act, as amended), “Protection of Archeological Resources, Uniform Regulations” and “Department of the Interior Supplemental Regulations,” provide definitions, standards, and procedures for federal land managers to protect archeological resources and guidance for Department of the Interior bureaus on definitions, permitting procedures, and civil penalty hearings.

36 CFR 2.5 (NPS Act of 1916) states conditions under which park superintendents may permit the collection of plants, fish, wildlife, rocks, and minerals, including museum catalog requirements.

36 CFR 60 (NHPA and EO 11593), “National Register of Historic Places,” addresses concurrent state and federal nominations, nominations by federal agencies, the revision of nominations,

and the removal of properties from the National Register.

36 CFR 61 (NHPA and EO 11593), “Procedures for Approved State and Local Government Historic Preservation Programs,” establishes standards for the approval of state historic preservation programs and requires state historic preservation officers to conduct state-wide surveys of cultural properties, prepare and implement state preservation plans, and cooperate with federal agencies in §106 compliance. It also sets qualification standards for preservation professionals.

36 CFR 63 (NHPA and EO 11593), “Determinations of Eligibility for inclusion in the National Register of Historic Places,” establishes a process for federal agencies to obtain determinations of eligibility on properties.

36 CFR 65 (Historic Sites Act of 1935), “National Historic Landmarks Program,” establishes criteria and procedures for identifying properties of national significance, designating them as national historic landmarks, revising landmark boundaries, and removing landmark designations.

36 CFR 68 (NHPA) contains the “Secretary of the Interior’s Standards for Historic Preservation Projects,” including acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction.

36 CFR Part 79 (NHPA and ARPA), “Curation of Federally Owned and Administered Archeological Collections,” provides standards, procedures, and guidelines to be followed by federal agencies in preserving and providing

adequate long-term curatorial services for archeological collections of pre-historic and historic artifacts and associated records that are recovered under §110 of the NHPA, the Reservoir Salvage Act, ARPA, and the Antiquities Act.

36 CFR Part 800 (NHPA), “Protection of Historic Properties” contains the regulations of the Advisory Council on Historic Preservation that implement §106 of the National Historic Preservation Act, as amended, and presidential directives issued pursuant thereto.

DIRECTIVES

The following directives pertaining to cultural resource management remain in effect.

Special Directive 80-1, “Guidance for Meeting NPS Preservation and Protection Standards for Museum Collections,” requires that all parks and centers conduct a self-assessment every three years to record their progress in correcting identified deficiencies in storage, environmental, security, fire protection, housekeeping, and planning.

Special Directive 87-3, “Conservation of Archeological Resources,” requires that archeological activities directly support NPS missions and that initial curation costs be included in the costs of projects generating collections.

Special Directive 91-4, “Ensuring that Natural Resource Projects Fund the

Curation of Collections,” outlines actions to be taken by parks on all research projects that could result in the permanent retention of natural resource specimens and associated project documentation.

NPS MANUALS

Cultural Resources Management Guideline (DO-28), Release No. 5. National Park Service 1997.

SECRETARY OF THE INTERIOR’S STANDARDS

Archeology and Historic Preservation: Secretary of the Interior’s Standards and Guidelines, 48 *Federal Register* 44716, September 29, 1983.

Interpreting the Secretary of the Interior’s Standards for Rehabilitation, Vols. I, II, and III. National Park Service.

The Secretary of the Interior’s Standards for the Treatment of Historic Properties, 1992. Pamphlet. National Park Service, Cultural Resources, Preservation Assistance, 1992.

The Secretary of the Interior’s Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, 1996. Shows specific examples of appropriate treatments, as well as consequences of inappropriate treatments.

APPENDIX C: SERVICEWIDE LAWS AND POLICIES

CULTURAL RESOURCE MANDATES AND POLICIES

The alternatives considered in this document incorporate and comply with the provisions of the following mandates and policies as funding and staffing allow. Conditions prescribed by service wide mandates and policies that are particularly important to this document are summarized below. These mandates and policies illustrate that a general management plan is not needed to decide, for instance, that it is appropriate to protect endangered species, control exotics species, protect archeological sites, conserve artifacts, or provide for handicapped access. Those and other things are already laws, mandates, or policies.

HISTORIC STRUCTURES	
Current laws and policies require the following desired conditions for the resources:	
Desired Condition	Source
<p>Historic structures are inventoried and evaluated under National Register of Historic Places criteria.</p> <p>The qualities that contribute to the listing or eligibility for listing of historic structures on the national register are protected in accordance with the <i>Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation</i></p>	<ul style="list-style-type: none"> • National Historic Preservation Act • Archeological and Historic Preservation Act • The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation; • Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes • Programmatic memorandum of agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Council of State Historic Preservation Officers (1995) • NPS <i>Management Policies 2006</i>; DO 28 "Cultural Resource Management Guideline" (2001)
Actions	
Current laws and policies require that the National Park Service will need to take the following actions to meet its legal and policy requirements.	
<ul style="list-style-type: none"> • Regularly update/certify the list of classified structures. • Update the National Register of Historic Places nomination for the Monocacy National Battlefield as necessary. • Treat all structures as eligible for listing on the National Register of Historic Places pending a formal determination by the National Park Service, and Maryland SHPO as appropriate as to their eligibility. • Determine, implement, and maintain the appropriate level of preservation for each historic structure formally determined or considered eligible for inclusion in the <i>National Register of Historic Places</i> (subject to the Secretary of the Interior's Standards). • Before modifying any historic structure found eligible for the National Register of Historic Places, the National Park Service will consult with the appropriate SHPO and the Advisory Council for Historic Preservation, as required. 	

CULTURAL LANDSCAPES	
Current laws and policies require the following desired conditions for these resources:	
Desired Condition	Source
<p>The management of cultural landscapes focuses on preserving the landscape's physical attributes, biotic systems, and uses, when those uses contribute to its historical significance.</p> <p>Treatments are based on sound preservation practices for the preservation, rehabilitation, restoration, or reconstruction of cultural landscapes undertaken in accordance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes</i>.</p>	<ul style="list-style-type: none"> • National Historic Preservation Act of 1966 as amended (16 USC 470) • Advisory Council on Historic Preservation's implementing regulations regarding the "Protection of Historic Properties" (36 CFR 800) • <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes</i> (1996) • National Park Service's <i>Management Policies</i> 2006 • National Park Service's <i>Cultural Resources Management Guideline</i> (DO-28, 1996)
Actions	
To accomplish the above goals, the National Park Service will do the following actions to meet its legal and policy requirements:	
<ul style="list-style-type: none"> • Complete a survey, inventory, and evaluation of cultural landscapes. • Submit the inventory and evaluation results to the appropriate SHPO for review and comment. • Prepare nominations for those areas believed to be eligible for inclusion in the NRHP for review by SHPO or a formal determination by the Keeper of the National Register of Historic Places as to their eligibility. • Treat potential Cultural Landscapes as eligible for inclusion in the NRHP pending agreement of eligibility with the appropriate SHPO or a formal determination by the Keeper of the National Register. • Determine and maintain the appropriate level of preservation for each landscape formally determined to be eligible for listing or actually listed on the national register, subject to the <i>Secretary of the Interior's Standards</i>. 	

<p style="text-align: center;">ARCHEOLOGICAL RESOURCES</p> <p>Archeological resources are the physical evidences of past human activity representing both historic and prehistoric time periods. Current laws and policies require the following desired conditions for these resources:</p>	
Desired Condition	Source
Archeological sites are identified and inventoried, and their significance is determined and documented. Archeological sites are protected in an undisturbed condition unless it is determined through formal processes that disturbance or natural deterioration is unavoidable. When disturbance or deterioration is unavoidable, the site is professionally documented and excavated and the resulting artifacts, materials, and records are curated and conserved in consultation with the Maryland SHPO. Some archeological sites that can be adequately protected may be interpreted to the visitor.	<ul style="list-style-type: none"> • National Historic Preservation Act • Archeological and Historic Preservation Act • The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation • Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes • Programmatic memorandum of agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Council of State Historic Preservation Officers (1995) • NPS <i>Management Policies 2006</i>; DO 28 "Cultural Resource Management Guideline" (2001)
<p style="text-align: center;">Actions (Archeological Resources cont.)</p> <p>The National Park Service will take the following kinds of actions to meet current laws and policies related to archeological sites:</p>	
<ul style="list-style-type: none"> • Develop and initiate a program of survey, identification, evaluation of archeological resources. Initiate a consensus determination of eligibility with the SHPO for those resources. • Nominate eligible archeological sites to the National Register of Historic Places. • Treat all archeological resources as eligible for listing on the National Register of Historic Places pending a formal determination by the National Park Service, the Maryland SHPO. • Monitor and assess condition of known archeological sites and develop and implement stabilization strategies for threatened sites. • Protect all archeological resources eligible for inclusion in or are listed on the National Register of Historic Places. Design facilities to avoid known or suspected archeological resources. If disturbance to such resources is unavoidable, conduct formal consultation with the Maryland State Historic Preservation Office, and the Advisory Council on Historic Preservation as appropriate. • Conduct data recovery excavations at archeological sites only where protection or site avoidance during design and construction is unfeasible. Should archeological resources be discovered, stop work in that location until consultation with the Maryland SHPO, under 36 CFR Part 800 has been completed. • Educate visitors on regulations governing archeological resources encouraging them through the national battlefield's interpretive programs to respect, and leave undisturbed, archeological resources 	

MUSEUM OBJECTS	
Museum objects, specimens, and archival and manuscript collections, along with all resource management records that are directly associated with museum objects, are managed as museum property.	
Current laws and policies require the following desired conditions be met for these resources:	
Desired Condition	Source
<p>All museum collections (objects, specimens, and manuscript collections) are identified and inventoried, catalogued, documented, preserved, and protected, and provision is made for their access to and use of these items for exhibits, research, and interpretation, in consultation with traditionally associated groups.</p> <p>The qualities that contribute to the significance of collections are protected in accordance with established standards.</p>	<ul style="list-style-type: none"> • National Historic Preservation Act • Archeological and Historic Preservation Act • Archeological Resources Protection Act • Native American Graves Protection and Repatriation Act • NPS <i>Management Policies 2006</i>, DO 28 “Cultural Resource Management Guideline” • 36 CFR Part 79 • NPS Museum Handbook, Parts I & II
Actions	
The National Park Service will take the following kinds of actions to meet current laws and policies:	
<ul style="list-style-type: none"> • Inventory and catalog all national battlefield museum collections in accordance with standards in the NPS <i>Museum Handbook</i>. • Develop and implement a collection management program according to NPS standards to guide the protection, conservation, and use of museum objects. • Create storage and exhibit area facilities sufficient to meet current curation standards consistent with 36 CFR 79. • Remove collections from structures located in floodplains or protect them against flooding as required by NPS policy. 	

NATURAL RESOURCE MANAGEMENT REQUIREMENTS

AIR QUALITY	
The national battlefield is a class II air quality area. Current laws and policies require that the following conditions be achieved in the national battlefield.	
Desired Condition	Source
Monitor and document the condition of air quality and related values.	NPS Organic Act, Clean Air Act, NPS <i>Management Policies 2006</i>
Minimize air quality pollution emissions associated with national battlefield operations, including the use of prescribed fire and visitor use activities.	
Ensure healthful indoor air quality at NPS facilities.	
Compliance Actions	
The National Park Service will take the following kinds of actions (listed in priority order) to meet legal and policy requirements related to air quality.	
Although the National Park Service has little direct control over air quality in the airshed encompassing the battlefield, battlefield managers will cooperate with the Maryland Department of the Environment and the U.S. Environmental Protection Agency to monitor air quality and ensure that air quality is not impaired by battlefield actions.	
<ul style="list-style-type: none">• Conduct operations in compliance with federal, state, and local air quality regulations.• Participate with the Air Resources Division, National Park Service on air quality issues at the battlefield.• Monitor indoor air quality at NPS facilities.	

EXOTIC SPECIES	
Current laws and policies require that the following desired conditions be met in the battlefield :	
Desired Condition	Source
The management of populations of exotic plant and animal species, up to and including eradication, are undertaken wherever such species threaten national battlefield resources or public health and when control is prudent and feasible.	NPS <i>Management Policies</i> 2006; EO 13112, “Invasive Species”; NPS-77, “Natural Resources Management Guidelines”
Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to exotic species.	
<ul style="list-style-type: none"> • Complete an inventory of plants and animals in the battlefield and regularly monitor the distribution and condition (e.g., health, disease) of selected species that are (a) invasive exotics or (b) native species capable of creating resource problems (e.g., habitat decline due to overpopulation). • Develop a long-term program for reversing the destructive effects of exotic species. • Study the environmental and ecological effects of exotic species invasion to assess threats and prioritize management actions. • Manage for native plant species in non-agricultural areas of the battlefield. Limit planting of nonnative species to noninvasive plants that are justified by the historic scene or operational needs. • Control or eliminate exotic plants and animals, exotic diseases, and pest species where there is a reasonable expectation of success and sustainability. • Provide interpretive and educational outreach for the preservation of native species for visitors and for residents neighboring the battlefield. 	

FLOODPLAINS	
Current laws and policies require that the conditions delineated below be achieved in the national battlefield:	
Desired Condition	Source
Natural floodplain values are preserved or restored.	EO 11988; Rivers and Harbors Act; NPS <i>Management Policies 2006</i> ; Special Directive 93-4
Long-term and short-term environmental effects associated with the occupancy and modification of floodplains will be avoided.	DO 77-2, "Floodplain Management"; National Flood Insurance Program (44 CFR 60)
When it is not practicable to locate or relocate development to a site outside the floodplain, the National Park Service will use nonstructural measures as much as practicable to reduce hazards to human life and property while minimizing impacts on the natural resources of floodplains.	NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to floodplains:	
<ul style="list-style-type: none"> • Remove from the 500-year floodplain or protect from the 500-year flood any diesel, gasoline, or propane storage tanks or other hazardous chemicals. • Establish a flood awareness, preparedness and warning system to evacuate the Gambrill Mill during flooding. 	

INTEGRATED PEST MANAGEMENT	
Current laws and policies require that the following conditions be achieved in the national battlefield:	
Desired Condition	Source
<ul style="list-style-type: none"> • Reduce the risks to the public, national battlefield resources, and the environment from pests and pest-related management strategies. • Coordinate the knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost-effective means, while posing the least possible risk to people, resources, and the environment. 	NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions (listed in priority order) to meet legal and policy requirements related to integrated pest management:	
<ul style="list-style-type: none"> • Develop an integrated pest management plan to manage pesticide use according to NPS policy. • Coordinate with the CSX Railroad on pesticide use. • Ensure that lessees use pesticides in a manner that protects streams, the river, and riparian areas. 	

LAND PROTECTION	
The National Park Service will manage to protect the national battlefield lands.	
Desired Condition	Source
Land protection plans are prepared to determine and publicly document what lands or interests in land need to be in public ownership, and what means of protection are available to achieve the purposes for which the unit was created.	NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to comply with the policies mentioned above.	
<ul style="list-style-type: none"> • Update the land protection plan for the national battlefield. 	

NATURAL SOUNDS	
An important part of the NPS mission is to preserve or restore the natural soundscapes associated with national park areas. The sounds of nature are among the intrinsic elements that combine to form the environment of our national parks. Current laws and policies require that the following conditions be achieved in the battlefield:	
Desired Condition	Source
The National Park Service preserves the natural ambient soundscapes, restores degraded soundscapes to the natural ambient condition wherever possible, and protects natural soundscapes from degradation due to human-caused noise. Disruptions from recreational uses will be managed to provide a high-quality visitor experience in an effort to preserve or restore the natural quiet and natural sounds.	NPS <i>Management Policies</i> 2006, DO 47, "Sound Preservation and Noise Management"
Noise sources are managed to preserve or restore the natural soundscape.	Executive memorandum signed by President Clinton on April 22, 1996
Compliance Actions	
The National Park Service will take the following kinds of actions (listed in priority order) to comply with the policies mentioned above.	
<ul style="list-style-type: none"> • Actions will be taken to prevent or minimize unnatural sounds that adversely affect national battlefield resources or values or visitors' enjoyment of them. • The national battlefield staff will continue to require tour bus companies to comply with regulations designed to reduce noise levels (e.g., turning off engines when buses are parked). • Noise will be a consideration in the procurement and use of equipment by the national battlefield staff. 	

SOILS	
Current laws and policies require that the following conditions be achieved in the national battlefield:	
Desired Condition	Source
The national battlefield actively seeks to understand and preserve the soil resources of the battlefield, and to prevent, to the extent possible, the unnatural erosion, physical removal, or contamination of the soil, or its contamination of other resources.	NPS <i>Management Policies</i> 2006
When soil excavation is an unavoidable part of an approved facility development project, the Park Service will minimize soil excavation, erosion, and offsite soil migration during and after the development activity.	NPS <i>Management Policies</i> 2006
When use of a soil fertilizer or other soil amendment is an unavoidable part of restoring a natural landscape or maintaining an altered plant community, the use will be guided by a written prescription. The prescription will be designed to ensure that such use of soil fertilizer or soil amendment does not unacceptably alter the physical, chemical, or biological characteristics of the soil, biological community, or surface or ground waters.	NPS <i>Management Policies</i> 2006
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to soils:	
<ul style="list-style-type: none"> • Update soils map of the national battlefield in digital format that can be used in the national battlefield's geographic information system (GIS). • Complete soil conservation plans for agricultural lessees. • Prepare nutrient management plans for agricultural lessees. 	

THREATENED AND ENDANGERED SPECIES	
Current laws and policies require that the following conditions be achieved in the national battlefield:	
Desired Condition	Source
Federally listed and state-listed threatened and endangered species and their habitats will be sustained.	Endangered Species Act; NPS <i>Management Policies 2006</i>
Native threatened and endangered species populations that have been severely reduced in or extirpated from the battlefield will be restored where feasible and sustainable.	
Compliance Actions	
The National Park Service will take the following kinds of actions (listed in priority order) to meet legal and policy requirements related to species of special concern:	
<ul style="list-style-type: none">• Maintain and enhance sensitive habitat areas to promote establishment of populations of threatened and endangered species.• Support research that contributes to management knowledge of rare and protected species and their habitat.• To protect rare or protected species and their habitat, complete an inventory of rare or protected plants and animals in the battlefield and regularly monitor the distribution and condition (e.g. health, disease). Modify management plans to be more effective based on the results of monitoring.• Cooperate with the U.S. Fish and Wildlife Service, as appropriate, to ensure that NPS actions comply with the Endangered Species Act.• To the greatest extent possible, inventory, monitor, and manage state and locally listed species in a manner similar to federally listed species.	

WATER RESOURCES	
Current laws and policies require that the conditions delineated below be achieved in the national battlefield:	
Desired Condition	Source
Surface water and groundwater are protected and water quality meets or exceeds all applicable water quality standards.	Clean Water Act; Executive Order (EO) 11514; NPS <i>Management Policies 2006</i> ; Estuaries and Clean Water Act of 2000, Title II; Chesapeake 2000 Agreement; Federal Agencies Chesapeake Ecosystem Unified Plan
NPS and NPS-permitted programs and facilities are maintained and operated to avoid polluting surface water and groundwater.	Clean Water Act; EO 12088; Rivers and Harbors Act; NPS <i>Management Policies 2006</i> ; Estuaries and Clean Water Act of 2000, Title II; Chesapeake 2000 Agreement; Federal Agencies Chesapeake Ecosystem Unified Plan
Federal agencies that own or operate facilities within the Chesapeake Bay watershed shall (1) participate in regional and sub watershed planning and restoration programs, and (2) ensure that the property and actions taken by the agency with respect to the property comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.	<i>Estuaries and Clean Waters Act of 2000</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to water resources:	
<ul style="list-style-type: none"> • Apply best management practices to all pollution-generating activities and facilities in the national battlefield, such as NPS maintenance and storage facilities and parking areas and lessees farming and grazing methods; minimize the use of pesticides, fertilizers, and other chemicals and manage them in keeping with NPS policy and federal regulations. • Continue water quality monitoring to reveal water quality problems and monitor the effects of NPS actions on water resources in the battlefield. • Encourage attention to environmentally sensitive areas to maximize conservation of riparian resources. • Work with other bay program partners to manage the Chesapeake Bay watershed as a cohesive ecosystem. Contribute to the restoration, conservation, and interpretation of the Bay's many valuable resources within and beyond the national battlefield. • Work with appropriate government bodies to obtain the highest possible water quality standards available under the Clean Water Act. 	

WETLANDS	
Current laws and policies require the conditions delineated below be met:	
Desired Condition	Source
The natural and beneficial values of wetlands are preserved and enhanced.	Clean Water Act; EO 11990; NPS <i>Management Policies 2006</i> ; DO 77-1, "Wetland Protection"; Rivers and Harbors Act
The National Park Service implements a "no net loss of wetlands" policy and strives to achieve a longer-term goal of net gain of wetlands across the national park system through the restoration of previously degraded or destroyed wetlands.	DO 77-1, "Wetland Protection;" EO 11514, NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to wetland resources:	
<ul style="list-style-type: none"> • Conduct or obtain a battlefield wide wetland inventory employing the Cowardin wetland classification system used by the National Park Service to ensure proper planning, management and protection of wetlands. • All facilities, including trails, will be located to avoid wetlands if feasible. • Establish vegetated riparian buffers of sufficient width to reduce sediment loads entering the Monocacy River and its tributaries. • Stabilize river banks and restore degraded sections of streams. • Plant native vegetation to provide a buffer between upland runoff and sensitive water resources. • Where natural wetland functions have been degraded or lost due to human action, the National Park Service will work to restore wetlands to predisturbance conditions, to the extent practicable. 	

WILD AND SCENIC RIVERS	
Current laws and policies require that the conditions delineated below be achieved in the national battlefield:	
Desired Condition	Source
The values that qualify the river for designation under the act will be preserved.	Wild and Scenic Rivers Act; NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to wild and scenic rivers:	
<ul style="list-style-type: none"> The national battlefield will ensure that no management actions are undertaken that could adversely affect the values that qualify the Monocacy River for inclusion in the national wild and scenic rivers system. 	

WILDLAND FIRE	
Current laws and policies require that the following conditions be achieved in the national battlefield:	
Desired Condition	Source
Battlefield fire management programs are designed to meet resource management objectives prescribed for the various areas of the national battlefield and to ensure that the safety of firefighters and the public are not compromised.	NPS <i>Management Policies 2006</i> ; DO 18, "Wildland Fire Management"
All wild land fires are be effectively managed, considering resource values to be protected and firefighter and public safety, using the full range of strategic and tactical operations as described in an approved fire management plan.	NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to management of wild land fire:	
<ul style="list-style-type: none"> Maintain a current fire management plan to reflect changes in wild land fire policy, fire use applications, and the body of knowledge on fire effects within the battlefield's vegetation types. Maintain a cooperative agreement for fire suppression with appropriate federal, state, and local agencies and organizations. Institute monitoring programs for prescribed fires to record fire behavior, smoke behavior, fire decisions, and fire effects to provide information on whether specific resource objectives for prescribed fires are met. Use fire as a management tool to maintain native plant communities and control exotic species. 	

OTHER MANAGEMENT REQUIREMENTS

RELATIONS WITH PRIVATE AND PUBLIC ORGANIZATIONS, OWNERS OF ADJACENT LAND, AND GOVERNMENT AGENCIES	
Current laws and policies require that the following conditions be achieved in the national battlefield:	
Desired Condition	Source
<p>The national battlefield is managed as part of a greater ecological, social, economic, and cultural system.</p> <p>Good relations are maintained with adjacent landowners, surrounding communities, and private and public groups that affect, and are affected by, the national battlefield. The national battlefield is managed proactively to resolve external issues and concerns and ensure that park values are not compromised.</p> <p>Because the national battlefield is an integral part of a larger regional environment, the National Park Service works cooperatively with others to anticipate, avoid, and resolve potential conflicts, protect national battlefield resources, and address mutual interests in the quality of life for community residents. Regional cooperation involves federal, state, and local agencies, neighboring landowners, and all other concerned parties.</p>	NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to national battlefield neighbors and other agencies:	
<ul style="list-style-type: none"> • Continue to establish and foster partnerships with public and private organizations to achieve the mission and purposes of the national battlefield. Partnerships will be sought for resource protection, research, education, and visitor enjoyment. • To foster a spirit of cooperation with neighbors and encourage compatible adjacent land uses, national battlefield staff will keep landowners, land managers, local governments, and the public informed about national battlefield management activities. Periodic consultations will occur with landowners and communities who are affected by, or potentially affected by visitors and management actions. National battlefield staff will respond promptly to conflicts that arise over their activities, visitor access, and proposed activities and developments on adjacent lands that may affect the national battlefield. 	

COMMERCIAL SERVICES	
<p>Commercial services are another way of providing for visitor use and experience and for national battlefield use requirements already described. Commercial operators are “partners” with the National Park Service to provide goods and services to visitors that are necessary and appropriate but not provided by NPS personnel. The National Park Service manages commercial service levels and types to achieve the same resource protection and visitor experience conditions required by the NPS Organic Act, the General Authorities Act, management policies, and other regulations and policies. In addition, commercial services must comply with the provisions of the NPS Concessions Management Improvement Act of 1998. By law all commercial activities in national park system units must be authorized in writing by the superintendent. A commercial activity is defined as any activity for which compensation is exchanged. It includes activities by for-profit and nonprofit operators. Commercial services are more than just concessions. They include concession contracts, commercial use authorizations, leases, cooperative agreements, rights-of-way, and special use permits. All commercial services must be managed. All commercial services must be necessary and/or appropriate for achieving the resource protection and visitor use goals for the national battlefield.</p>	
Desired Condition	Source
Same as visitor use and experience and park use requirements (above)	Same as visitor use and experience and park use requirements
All commercial services must be authorized, must be necessary and/or appropriate, and must be economically feasible. Appropriate planning must be done to support commercial services authorization.	NPS Concessions Management Improvement Act of 1998, NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to commercial services:	
<ul style="list-style-type: none"> • Establish and document that all commercial services in the national battlefield are necessary and/or appropriate before they are proposed or reauthorized. • Ensure that all necessary and/or appropriate commercial activities in the national battlefield are authorized in writing by the superintendent. • Use the most appropriate authorization tool (concession contracts, commercial use authorizations, leases, cooperative agreements, rights of way, and special use permits) to manage the commercial services program effectively and efficiently. 	

SUSTAINABLE DESIGN AND DEVELOPMENT	
Sustainability can be described as the result achieved by managing units of the national park system in ways that do not compromise the environment or its capacity to provide for present and future generations. Sustainable practices minimize the short-term and long-term environmental impacts of developments and other activities through resource conservation, recycling, waste minimization, and the use of energy-efficient and ecologically responsible materials and techniques.	
Desired Condition	Source
NPS and concessioner visitor management facilities are harmonious with national battlefield resources, compatible with natural processes, aesthetically pleasing, functional, as accessible as possible to all segments of the population, energy-efficient, and cost effective.	NPS <i>Management Policies</i> 2006; EO 13123, “Greening the Government through Efficient Energy Management”; EO 13101, “Greening the Government through Waste Prevention, Recycling, and Federal Acquisition”; NPS <i>Guiding Principles of Sustainable Design</i> ; DO 13, “Environmental Leadership”; DO 90, “Value Analysis.”
All decisions regarding national battlefield operations, facilities management, and development reflect principles of resource conservation. Thus, all national battlefield developments and operations are sustainable to the maximum degree possible and practicable. New developments and existing facilities are located, built, and modified according to the <i>Guiding Principles of Sustainable Design</i> (NPS 1993) or other similar guidelines.	“Greening Federal Facilities: An Energy Environmental, and Economic Resource Guide for Federal Facility Managers and Designers,” 2nd ed.
Management decision-making and activities throughout the national park system should use value analysis, which is mandatory for all Department of the Interior bureaus, to help achieve this goal. Value planning, which may be used interchangeably with value analysis/value engineering/value management, is most often used when value methods are applied on general management or similar planning activities.	DO 90, “Value Analysis”
The NPS <i>Guiding Principles of Sustainable Design</i> (1993b) directs NPS management philosophy. It provides a basis for achieving sustainability in facility planning and design, emphasizes the importance of biodiversity, and encourages responsible decisions. The guidebook articulates principles to be used in the design and management of tourist facilities that emphasize environmental sensitivity in construction, the use of nontoxic materials, resource conservation, recycling, and integrating visitors with natural and cultural settings. Sustainability principles have been developed and are followed for interpretation, natural resources, cultural resources, site design, building design, energy management, water supply, waste prevention, and facility maintenance and operations. The National Park Service also reduces energy costs, eliminates waste, and conserves energy resources by using energy-efficient and cost-effective technology. Energy efficiency is incorporated into the decision-making process during the design and acquisition of buildings, facilities, and transportation systems emphasizing the use of renewable energy sources.	

Compliance Actions (Sustainable Design and Development, cont.)

In addition to following the above principles, the National Park Service will take the following kinds of actions:

- Have NPS staff work with appropriate experts to make facilities and programs sustainable. Perform value analysis and value engineering, including life cycle cost analysis, to examine the energy, environmental, and economic implications of proposed developments.
- Support and encourage suppliers, permittees, and contractors to follow sustainable practices.
- Promote the reduction, reuse, and recycling of materials; support the rehabilitation (recycling) of existing buildings and facilities over new construction; require new developments or modifications of existing facilities to be built using NPS sustainability guidelines.

TRANSPORTATION TO AND WITHIN THE NATIONAL BATTLEFIELD	
Current laws and policies require that the following conditions be achieved in the national battlefield:	
Desired Condition	Source
Visitors have reasonable access to the national battlefield, and there are connections from there to regional transportation systems as appropriate. Transportation facilities in the national battlefield provide for the protection, use, and enjoyment of national battlefield resources. The integrity of the surroundings is preserved, ecological processes are respected, resources are protected, and visitors can enjoy the highest visual quality and a rewarding experience.	NPS Transportation Planning Guidebook,” p. 1.
The National Park Service participates in all transportation planning forums that may result in links to NPS areas or affect national battlefield resources. Working with federal, state, and local agencies on transportation issues, the National Park Service seeks reasonable access to parks and connections to external and alternative transportation systems.	NPS <i>Management Policies 2006</i>
Compliance Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to transportation to and in the national battlefield:	
<ul style="list-style-type: none"> • Participate with the U.S. Department of Transportation, the Federal Highway Administration, the Maryland Department of Transportation, and other sources to encourage effective regional transportation planning and enhancements. • Encourage, where appropriate, alternative transportation systems that contribute to maximum visitor enjoyment of and minimum adverse impacts on national battlefield resources and values. • Advocate for corridor crossings for terrestrial and aquatic wildlife, and other accommodations to promote biodiversity. 	

UTILITIES AND COMMUNICATION FACILITIES	
Current laws and policies require that the following conditions be achieved in the national battlefield:	
Desired Condition	Source
National battlefield resources or public enjoyment of the national battlefield are not denigrated by nonconforming uses. No new nonconforming use or rights-of-way are permitted through the national battlefield without specific statutory authority and approval by the director of the National Park Service or his/her representative; they are permitted only if there is no practicable alternative to such use of NPS lands.	Telecommunications Act; 16 USC 79; 23 USC 317; 36 CFR 14; NPS <i>Management Policies 2006</i> ; DO 53A, “Wireless Telecommunications;” Reference Manual 53, “Special Park Uses.”
Compliance Actions	
<p>The Telecommunications Act of 1996 directs all federal agencies to assist in the national goal of achieving a seamless telecommunications system throughout the United States by accommodating requests by telecommunication companies for the use of property, rights-of-way, and easements to the extent allowable under each agency’s mission. The National Park Service is legally obligated to permit telecommunication infrastructure in its units if such facilities can be structured to avoid interference with national battlefield purposes.</p> <ul style="list-style-type: none"> • Place utility lines underground to the maximum extent possible. • Work with service companies, local communities, and the public to locate new utility lines so that there is minimal effect on national battlefield resources. • Follow NPS policies in processing applications for commercial telecommunications applications. 	

APPENDIX D: COMPLETED STUDIES AND FUTURE STUDIES NEEDED

INTRODUCTION

As part of the natural changes resulting from continuing use and occupation of the farmsteads, many of the structures and landscapes of each of the component properties have been altered in varying degrees from the time of the Civil War. As a result, it is necessary to identify to the greatest extent possible the changes that have occurred to individual structures and to broader farmstead landscapes.

Baseline research reports provide background and basis for making management decisions. These reports provide specific information regarding presence and absence, history, condition, and appropriateness, among other data sets necessary to provide informed management decisions. These reports would be completed before more specialized studies would be undertaken. Monocacy National Battlefield has completed several of these studies, as described below.

COMPLETED STUDIES, SOME OF WHICH NEED UPDATING

Ethnographic Overview and Assessment

An ethnographic overview and assessment is a basic report emphasizing the review and analysis of accessible archival and documentary data on ethnographic resources and the groups that traditionally define such cultural and natural features as significant to their ethnic heritage and cultural viability. The removal of Native Ameri-

can populations in the region in the 18th century did not allow the original inhabitants to continue their associations with their traditional lands. An ethnographic overview is not necessary for Monocacy National Battlefield.

Historic Resource Study

A historic resource study provides a historical overview of a park area and identifies and evaluates its cultural resources within historic contexts. Such a study for the national battlefield was completed in April 2004. It identifies needs for special history studies, cultural landscape reports, and other detailed studies and may make recommendations for resource management and interpretation.

Archeological Identification and Evaluation Studies (Completed)

Archeological identification and evaluation studies identify the locations and some of the characteristics of all or a sample of the archeological resources in a particular area. These studies are linked with archeological overviews and assessments to resolve management and interpretive concerns. Studies for areas of the national battlefield that are completed or are now being prepared are those for the Best Farm (May 2004) and the Thomas Farm (May 2005). Areas of the national battlefield for which studies are still needed are the Gambrill Tract, the Bush Creek Tract, the Lewis Farmstead, the Baker Farm, and the Worthington Farm.

Archeological Overview and Assessment

An archeological overview and assessment, describes and assesses the known and potential archeological resources in a park area. Such a study of Monocacy National Battlefield was completed in September 1993. The overview, which reviews, summarizes, and evaluates existing archeological data, should to be updated.

Fire Management Plan

Director's Order (DO) 18 requires that all national park system units with vegetation capable of sustaining fire must have a fire management plan. The national battlefield's large composition of farmland, open meadows, and mixed hardwood forests meets that criterion, and the national battlefield has prepared a fire management plan. The plan outlines activities related to wildland fire and the use of fire for meeting resource objectives; provides for safety for visitors, employees, and facilities; and incorporates input from local communities and resources to ensure successful collaboration outside the battlefield's boundaries.

Monocacy National Battlefield's fire management plan addresses the suppression of unintentionally ignited wildland fires. The national battlefield will annually review the fire management plan to keep it current with new regulations, policies, and strategies. In the future the use of prescribed fire to meet resource objectives may be implemented; however, this would require a revision of the fire management plan and the inclusion of

supporting documents such as prescribed burn plans and additional environmental compliance. Public review and comment also would be necessary for any planning in the use of prescribed fire.

STUDIES THAT NEED TO BE COMPLETED

Cultural Affiliation Study

Using anthropological, archeological, ethnohistoric, historic, and other evidence, a completed cultural affiliation study would satisfy the need to identify cultural ties among past and present groups that used and may still use or relate to the national battlefield's resources and its natural and cultural resources, including museum objects. Such a study needs to be completed for the national battlefield.

Cultural Resources Base Map

A base map (or maps) depicts all known historic sites and structures, cultural landscapes, long-distance trails and roads, and archeological and ethnographic resources. Documented troop movements may also be included.

Rapid Ethnographic Assessment Project

A rapid ethnographic assessment project is a field study done before or as part of the scoping for general management or other plans. It provides information about basic planning and program evaluation.

Archeological Identification and Evaluation Study — Worthington Farm. Like the archeological

identification and evaluation studies already completed, the one for Worthington Farm would locate archeological resources and describe their characteristics, potential scientific value, and threats to their integrity and condition, as well as addressing the national register eligibility of archeological resources.

The alternatives of this plan would involve significant long-term development at the Worthington Farm; however, very little archeological research and excavation have been undertaken there. To ensure that all future development activities at the Worthington Farm would not adversely affect its archeological resources, an archeological identification and evaluation study of the property should be undertaken. Such a study would give administrators adequate baseline information before any development planning or construction design would be undertaken at the farmstead.

National Battlefield Administrative History

An administrative history, of particular value to managers, planners, and interpreters, describes how an NPS unit was conceived and established and how it has been managed to the present day. The unit's legislative history and important issues in planning, land acquisition, development, public relations, and other topics of ongoing management concern are emphasized.

Cultural Landscape Reports

A cultural landscape report is the primary guide for the treatment and use

of a cultural landscape. Such reports generally use information gathered from existing historical, architectural, archeological, ethnographic, horticultural, architectural landscape, engineering, and ecological research materials to document the characteristics, features, materials, and qualities that make a landscape eligible for listing on the National Register of Historic Places. By analyzing the landscape's development and evolution, modifications, materials, construction techniques, geographical context, and use throughout its history, planners can evaluate the significance of individual landscape characteristics and features within the context of the landscape as a whole. Drawing on a wealth of diverse resources, a cultural landscape report makes recommendations for treatment consistent with the landscape's significance, condition, and use.

Monocacy National Battlefield. A primary goal of Monocacy National Battlefield is to preserve its 1864 battlefield landscape. A battlefield-wide cultural landscape report is necessary to identify the structures, fence lines, field boundaries, transportation corridors, and other character-defining features of the battlefield's cultural landscape. Such information is needed to ensure that all future management and development will retain the significant character and features of the battlefield landscape.

Although existing documents such as the recently updated cultural resource study are sufficient for general management planning purposes, more information about the national battlefield's significance, integrity, and condition is

necessary to guide the implementation of future treatment options.

Worthington Farm. The alternatives of this plan would involve significant development for the Worthington Farm; however, the farm's character-defining building arrangement, fence lines, field boundaries, and other landscape features have not been adequately identified. To avoid adversely affecting the landscape of the Worthington Farm, a cultural landscape report should be prepared. The preparation should be coordinated by a historical landscape architect to ensure that all future development of the property would retain the farm's significant character and cultural landscape features.

Thomas Farm (with a development concept plan). Since a cultural landscape report is the primary guide for the treatment and use of a cultural landscape, the development of such a plan for the Thomas Farm is important. Most of the alternatives of this plan would entail significant development for the Thomas Farm, which is the geographical heart of the battlefield. The national battlefield recently has undertaken extensive architectural, historical, and archeological studies at this site. As a result, the Thomas Farm's history and existing conditions are well documented. However, to avert adverse impacts on its landscape, a cultural landscape report / development concept plan should be prepared. This effort should be coordinated by a historical landscape architect to ensure that all future development of the property would retain the significant character

and features of the farm's cultural landscape.

Collections Management Plan

A collections management plan is a primary planning document for museum collections. Such a plan created by a professional museum team is designed to assess the museum collection management program and to identify problems and make recommendations on the management and care of the collections. A prioritized planning document, the collections management plan identifies responsibilities, projects long-range needs and serves to build a framework for organizing tasks for which a curator is responsible.

A scope of collections statement also should be developed for the national battlefield. Such a document is the basic curatorial planning document required for all units of the national park system. It defines the purpose and significance of the unit's museum and archival collections and guides its acquisition and preservation of those museum objects.

A collections management plan will address such issues as the following:

- history of the national battlefield and its museum collection
- scope of collection statement (SOCS)
- museum records and documentation
- management and care of historical, archeological, archival, and manuscript collections (this also would be the document on which to rely as it relates to possible natural history collections in the future)

- collections accessibility and use
- preventive care issues, including environmental conditions, storage, pest management, housekeeping, and cyclic maintenance
- security
- staffing
- planning, programming and funding

For Monocacy National Battlefield, the collection management plan, as required by DO-28, used together with other planning documents, would serve as a principal tool in the overall management and care of the national battlefield's museum collections to NPS standards.

White-Tailed Deer Management Plan

This *General Management Plan* for Monocacy National Battlefield, supported by the national battlefield's enabling legislation, has identified cultural landscapes, natural resources, and the historic agrarian character as critical features of the battlefield landscape. Characteristics such as field patterns and the composition of wooded and agricultural areas support the protection and perpetuation of these resources and features. Sustaining forest regeneration with native species and maintaining agricultural areas with harvestable crops and productive pastures are key processes in achieving these characteristics. In addition, the agricultural program must remain productive and economically beneficial to attract and retain farmers as permittees at the battlefield.

On the basis of staff observations of resource changes over the past decade,

ongoing monitoring programs, and the probable determination that landscape goals and objectives are not being achieved, a white-tailed deer management plan probably will be necessary in the near future. Evaluations and recommendations by the Maryland Natural Heritage Program, the Maryland Department of Natural Resources, Frederick Community College, and other entities, along with the knowledge gained from similar protected settings — such as other battlefields — also support the expectation that a deer management plan will be necessary for Monocacy National Battlefield.

A deer impact analysis and management plan would include the following: (a) a review of the interaction of deer with critical park resources and state natural resources, (b) a discussion of the relationship between deer populations and the ability to achieve landscape objectives as identified in the general management plan and other plans, (c) a report on the various monitoring programs and population surveys involving deer, (d) an evaluation of state and private efforts related to white-tailed deer, and (e) a review and environmental analysis of deer management alternatives that would reduce any documented impacts and protect desirable landscape goals and objectives. Item “e” could include an alternative to manage the national battlefield's white-tailed deer population.

Monocacy National Battlefield is a protected federal property where hunting is prohibited by law. The battlefield is adjacent to an urban area (Frederick, Maryland) to the north and

is also being pressured by residential development to the south (Urbana). Hunting does occur on private lands adjacent to the battlefield. Preliminary population data collected since the autumn of 2001 estimates an average deer density in the spring of 100 deer per square mile and an autumn density of 145 deer per square mile on the battlefield. Again, these population surveys are the result of several years of data only and will require continued study and further analysis to establish a reliable population estimate.

It is important to note that deer density itself does not necessarily identify a “deer problem” that conflicts with achieving the battlefield’s resource objectives. However, in conjunction with state planning agencies, white-tailed deer population densities can be evaluated and may be an important concern for achieving other NPS and state natural resource goals for the diversity of flora and fauna, the protection of state-listed and/or federally listed rare, threatened, or endangered species, and wildlife health.

At Monocacy National Battlefield, shifts in agricultural program management have taken place over the past decade in response to damage caused by deer foraging. Fields that once grew corn have been converted to pasture or other crops in an effort to retain an open, agrarian character. Such a transition can introduce modern fences and buildings into a historic scene, or patterns that are not ideal for interpreting and understanding the battlefield and its key resources. National battlefield managers are faced with balancing those changes,

however, or they risk losing agricultural permittees. As a result, agricultural crop fields either will go fallow or will be maintained as a mowed area, neither of which is desirable from a landscape or workload perspective.

To achieve the desired historic agrarian character, the ability to grow crops such as corn, small grains, and various hays is critical. The forced need to transition away from crop production in some areas, complaints by agricultural permittees about yield reductions, and noticeable browse in wooded areas prompted the national battlefield to begin in 2003 to cooperate with two other national park system units and the Smithsonian Institution’s Conservation and Research Center in studying forest regeneration and corn yields over a sustained period.

Comprehensive Interpretive Plan

The national battlefield needs to complete a long-range interpretive plan as part of the comprehensive interpretive planning process. The plan should describe the future interpretive program, including both nonpersonal media and personal services programs, and it should address visitor experience goals and visitor issues and influences. The long-range interpretive plan also should contain an implementation strategy that is achievable over five to seven years. Managers then should pursue funding for implementation plans such as historic furnishings plans and an education plan.

Resource Stewardship Strategy

A resource stewardship strategy (*Management Policies 2006*) for

Monocacy National Battlefield will be developed by an interdisciplinary team. The written strategy document will provide the guidance necessary for achieving the desired conditions identified in the general management

plan for natural and cultural resources. It will also identify ways to lessen impacts from actions flowing out of the general management plan.

APPENDIX E: REQUIREMENTS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

The specific undertakings of the preferred alternative are listed in Table E-1 below. The list shows the NPS determinations of how those individual undertakings relate to the 1995 programmatic agreement in relation to cultural resources.

**Table E-1: Future Cultural Resource Compliance Required
for Implementation of Specific Actions—Preferred Alternative**

Action	Compliance Requirement
<i>Best Farm</i>	
Stabilize and preserve exterior of the smokehouse, secondary dwelling, stone barn, and frame wagon shed.	Consultation completed.
<i>Gambrill Tract</i>	
Continue to preserve and use Gambrill House office space for the Historic Preservation Training Center.	No further SHPO consultation needed.
Continue to use lower level of mill for some visitor services such as a lecture hall, classroom, and display area; rehabilitate second floor now housing administrative offices to serve as temporary housing for seasonal national battlefield employees.	Further SHPO consultation needed.
Extend existing short circular trail from Gambrill Mill parking area to sites of Wallace's headquarters and the Union entrenchments.	Further SHPO consultation needed.
<i>Lewis Farm</i>	
Stabilize and preserve Lewis farmhouse, barn, springhouse, and corn crib in their current condition.	Consultation completed.
<i>Thomas Farm</i>	
Rehabilitate main house for use as national battlefield administrative offices.	Further SHPO consultation needed.
Rehabilitate stone tenant house for museum use.	Further SHPO consultation needed.
Construct a parking area and restrooms along Baker Valley Road at end of Thomas Farm lane.	Further SHPO consultation needed.
Develop a new circle trail around Thomas Farm to connect over deck to the Worthington Farm so visitors could walk on significant battlefield areas.	Further SHPO consultation needed.
Remove pool, pond, tennis court, cinder block house, and cinder block milking barn.	Further SHPO consultation needed.
Stabilize and preserve barn, corn crib, and other outbuildings.	No further SHPO consultation needed.

<i>Worthington Farm</i>	
Rehabilitate first floor of house for visitor access.	Further SHPO consultation needed.
Widen entry lane from Baker Valley road to Worthington farmhouse to two lanes	Further SHPO consultation needed.
Develop a small parking area near Worthington House.	Further SHPO consultation needed.
<i>Commemorative Area</i>	
Remove cinder block house along Araby Church Road and relandscape for commemorative area.	Further SHPO consultation needed.
<i>Toll House</i>	
Remove Toll House.	Further SHPO consultation needed.
<i>Deck over Interstate 270</i>	
Construct a pedestrian deck across Interstate 270.	Further SHPO consultation needed.
<i>14th New Jersey Monument</i>	
Redesign parking at 14th New Jersey Monument.	Further SHPO consultation needed.
Move entrance to 14th New Jersey Monument to improve access.	Further SHPO consultation needed.

APPENDIX F: INFORMATION ABOUT THREATENED OR ENDANGERED SPECIES

D50-19 (DSC-PSD)
MONO-B033

MAR 03 2003

Memorandum

To: Field Supervisor

From: Natural Resource Specialist, Denver Service Center, Planning and Site Design

Reference: Monocacy National Battlefield, General Management Plan/ Environmental Impact Statement

Subject: Request for list of species

The National Park Service is initiating a general management plan/ environmental impact statement to prescribe resource conditions and visitor experiences to be achieved and maintained at the battlefield. Once issues are identified, a range of alternatives will be developed and analyzed. Alternatives will be presented for public review in an environmental impact statement. The park is located in Frederick County, Maryland. We have attached a map of the study area for your information.

This memorandum is to inform you of the initiation of the study and to request a current list of Federal candidate, proposed, or listed threatened and endangered species and any other special status species that might occur in the locality mentioned. Please also send designated critical habitats and mapped locations of known populations, if any, for these species.

We appreciate your response to this inquiry. If you have questions please call Mary Magee, natural resource specialist, at 303 969-2276.

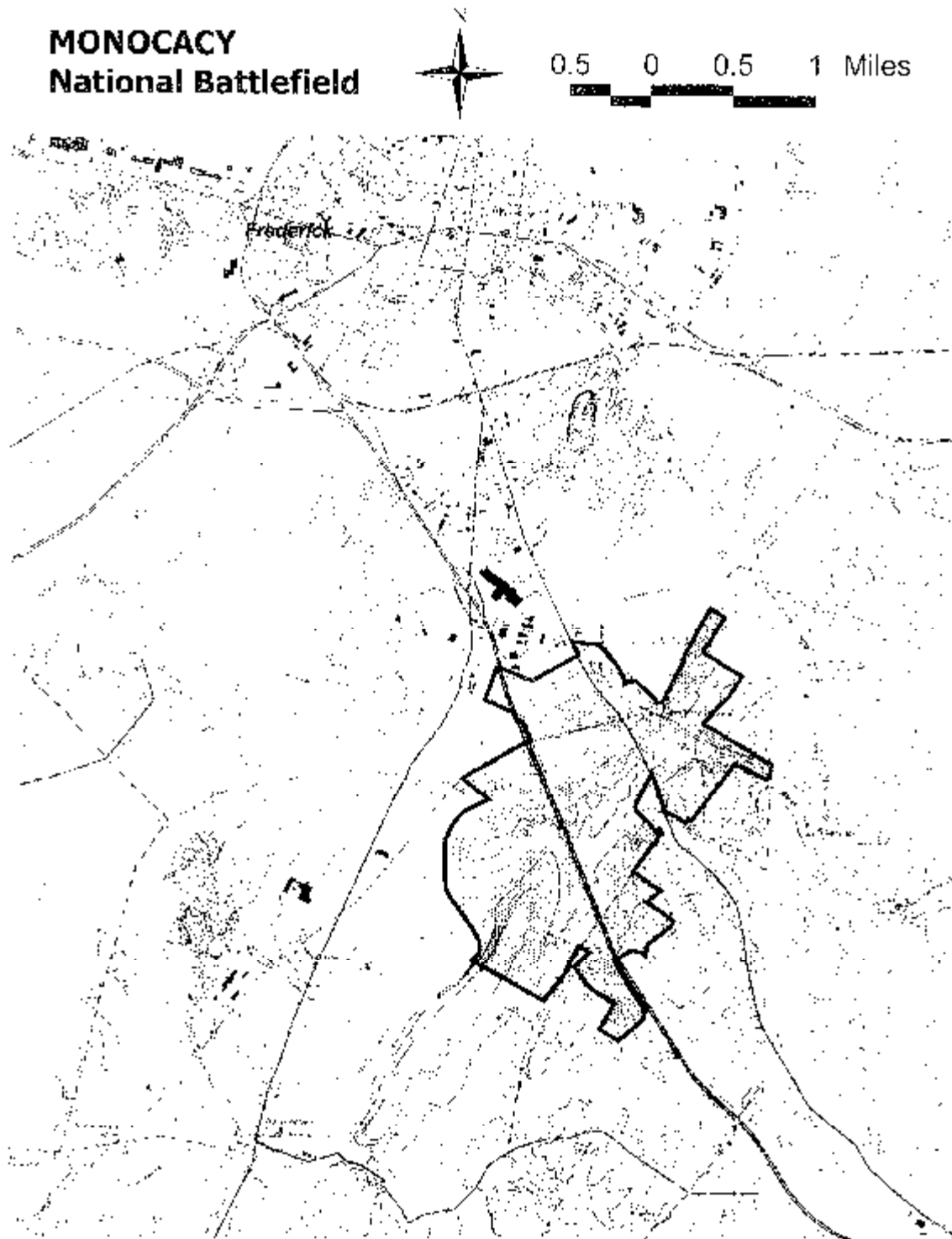
Please send your response to:
Mary Magee (DSC-PSD)
National Park Service, Denver Service Center
Box 25287
Denver, CO 80225



Mary Magee
Natural Resource Specialist

Attachment

cc:
MONO Superintendent, Susan Trail, wo/enc.





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401



May 20, 2003

Ms. Mary Magee (DSC-PSD)
National Park Service, Denver Service Center
12795 W. Alameda Parkway
Box 25287
Denver, CO 80225-0287

RE: *Monocacy National Battlefield, General Management Plan/ Environmental Impact Statement, Frederick County, MD*

Dear Ms. Magee:

This responds to your letter, received April 14, 2003, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The federally threatened bald eagle (*Haliaeetus leucocephalus*) nests within the project area or within the vicinity of the project. For further information regarding activity at this nest, Glenn Therres of the Maryland Wildlife and Heritage Division should be contacted at (410) 260-8572.

Except for occasional transient individuals, no other federally proposed or listed endangered or threatened species are known to exist within the area. Should additional information on the distribution of listed or proposed species become available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the basin's remaining wetlands, and the long term of increasing the quality and quantity of the basin's wetlands resource base. Because of this policy and the functions and values wetlands perform,

the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands proposed, the U.S. Army Corps of Engineers, Baltimore District should be contacted for permit requirements. They can be reached at (410) 962-8670.

We appreciate the opportunity to provide information relative to fish and wildlife issues and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Craig Koppie (410) 573-4534.

Sincerely,



Mary J. Ramaswamy, Ph.D.
Program Supervisor, Threatened and Endangered Species

cc: Glenn Thomas, Maryland Wildlife and Heritage Division, Annapolis, MD

AUG 05 2003

D50-19 (DSC-PSD)
MONO-B037-409

Maryland Department of Natural Resources
Wildlife and Heritage Service
Attn: Lori Byrne, E-1
580 Taylor Ave
Annapolis, Maryland 21401

Reference: Monocacy National Battlefield, General Management Plan/ Environmental Impact Statement

Subject: Request for list of species, Monocacy National Battlefield, Frederick County, Maryland

The National Park Service is initiating a general management plan/ environmental impact statement to prescribe resource conditions and visitor experiences to be achieved and maintained at the battlefield. Once issues are identified, a range of alternatives will be developed and analyzed. Alternatives will be presented for public review in an environmental impact statement. The park is located in Frederick, Maryland. We have enclosed a map of the study area for your information.

This memorandum is to inform you of the initiation of the study and to request a current list of state candidate, proposed, or listed threatened and endangered species and any other special status species that might occur in the locality mentioned. Please also send designated critical habitats and mapped locations of known populations, if any, for these species.

We appreciate your response to this inquiry. If you have questions please call Mary Magee, natural resource specialist, at 303 969-2276.

Please send your response to:
Mary Magee (DSC-PSD)
National Park Service, Denver Service Center
Box 25287
Denver, CO 80225

Sincerely,

SIGNED

Mary Magee
Natural Resource Specialist

Enclosure

cc:
Superintendent, MONO, wo/enc.



Received

SEP 18 2003

DSC-PSD

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

C. Ronald Franks
Secretary

W. P. Jensen
Deputy Secretary

September 11, 2003

Ms. Mary Magee
USDOI-NPS
Denver Service Center
P.O. Box 25287
Denver, CO 80225-0287

RE: Environmental Review for Monocacy National Battlefield, General Management Plan, Frederick County, Maryland.

Dear Ms. Magee:

The Wildlife and Heritage Service has no records for Federal or State rare, threatened or endangered plants or animals within this project site. This statement should not be interpreted as meaning that no rare, threatened or endangered species are present. Such species could be present but have not been documented because an adequate survey has not been conducted or because survey results have not been reported to us.

However, the Monocacy River and its tributaries have been identified as having high potential to support RT&E freshwater mussel species. Freshwater mussels require fish hosts for part of their life cycle and are filter feeders, therefore maintaining water quality is crucial to their existence.

Also, our analysis of the information provided suggests that the forested area on the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of FIDS habitat is strongly encouraged by the Department of Natural Resources.

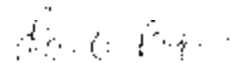
In addition, if the site consists of abandoned fields or is currently being pastured, it may contain habitat for grassland breeding birds. Such birds include Upland Sandpiper, Eastern Meadowlark, Grasshopper Sparrow, Vesper Sparrow, Savannah Sparrow, and American Kestrel. As such, it is an important parcel because of the declining status of this group of species. Birds that require grasslands for breeding are rapidly disappearing from the state as well as the region.

TTY via Maryland Relay: 711 (within MD) (800) 735-2258 (Out of State)
Toll Free in MD#: 1-877-620-8DNR ext. _____

Page 2
September 11, 2003

Thank you for providing us the opportunity to review this project. If you should have any further questions or need further technical assistance regarding conservation of these species, please contact me at (410) 260-8573 or at the above address.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
Maryland Dept. of Natural Resources

ER# 2003.1398.fr
Cc: E.L. Thompson, DNR
R. Wiegand, DNR

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