



APPENDIX **B**  
**APPLICABLE FEDERAL  
AND COMMONWEALTH OF  
VIRGINIA LAWS AND  
REGULATIONS AND NATIONAL  
PARK SERVICE POLICIES**

CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK





## Appendix B

### Applicable Federal and Commonwealth of Virginia Laws and Regulations and National Park Service Policies

FEDERAL LAWS	REFERENCE	PURPOSE	COMPLIANCE REQUIRED BY
National Park Service Organic Act of 1916	16 U.S.C. 1-4 et seq.	Promotes and regulates the use of national parks, monuments, and reservations, by such means and measures as to conserve the scenery and the natural and historic objects and the wildlife therein and provides for the enjoyment of the land in such manner as will leave them unimpaired for the enjoyment of future generations	National Park Service
National Parks and Recreation Act of 1978	16 U.S.C. 1(a)-7(b)	Requires the National Park Service to conduct comprehensive general management planning on park units	National Park Service
Government Performance and Results Act of 1933	P.L. 103-62; 31 U.S.C. 1101	Requires Federal Agencies to develop a strategic planning and performance management system establishing goals and reporting results	Federal Agencies
National Parks Omnibus Management Act of 1998	P.L. 105-391; 112 Stat 3497; 36 CFR 51	Public accommodations, facilities, and services in NPS units shall be limited to those accommodations, facilities, and services necessary for public use and enjoyment, and consistent with the preservation and conservation of the resources and values of the unit	National Park Service
General Authorities Act of 1970, as amended in 1978	16 U.S.C. 1a-1	Affirmed that all national park areas, including historic sites, while acknowledged to be "distinct in character," were "united through their interrelated purposes and resources into one national park system, as cumulative expressions of a single national heritage"	National Park Service
National Environmental Policy Act of 1969 (NEPA)	P.L. 91-190, as amended by P.L. 94-52; 42 U.S.C. 4321-4347	Establishes national policy for protection of the human environment and ensures that decision-makers take into account; requires all Federal Agencies to analyze alternatives and document impacts resulting from proposed actions that could potentially affect the natural and human environment	Federal Agencies
Council on Environmental Quality (CEQ) Regulations, as amended	40 CFR 1500-1508	Implements NEPA and provides guidance to Federal Agencies in the preparation of environmental documents identified under NEPA	Federal Agencies
Procedural Provisions of the National Environmental Policy Act by CEQ, as amended	40 CFR Parts 1500-1508	Provides guidance to Federal Agencies in the preparation of environmental documents	Federal Agencies
Administrative Procedures Act of 1979, as amended	5 U.S.C. 551, et seq	Outlines the forms of administrative proceedings (hearings, adjudication, etc.) and prescribes procedural and substantive limitations thereon; provides for judicial review of federal decision-making actions	Federal Agencies
Shenandoah Valley Battlefields National Historic District and Commission Act of 1996	P.L. 104-333	Establishes the Shenandoah Valley Battlefields National Historic District to preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley	National Park Service
Cedar Creek and Belle Grove National Historical Park Act	P.L. 107-373	Establishes Cedar Creek and Belle Grove National Historical park to preserve, protect, and interpret the Battle of Cedar Creek landscape and antebellum agricultural community; to tell the story of Shenandoah Valley history; to preserve significant historic, natural, cultural, military, and scenic resources found in and around the battlefield and Belle Grove Plantation areas; and to serve as a focal point within the Shenandoah Valley Battlefields National Historic District	National Park Service

**Appendix B. Applicable Federal and Commonwealth of Virginia Laws and Regulations and National Park Service Policies (continued)**

<b>FEDERAL LAWS</b> (continued)	<b>REFERENCE</b>	<b>PURPOSE</b>	<b>COMPLIANCE REQUIRED BY</b>
National Trust Act of 1949	16 U.S.C. 468-c-e	Facilitates public participation in the preservation of sites, buildings, and objects of national significance or interest	Federal Agencies
Historic Sites Act of 1935	16 U.S.C. 461-467; 36 CFR 65	Establishes a national policy to preserve historic sites and objects of national significance for public use	Federal Agencies
National Historic Preservation Act of 1966, as amended; Sec. 106 and Sec. 110	16 U.S.C. 470; 36 CFR 60,63, 65,78-79, 800	Protects and preserves districts, sites, and structures and architectural, archeological, and cultural resources; Section 106 requires consultation with the State Historic Preservation Office; Section 110 requires that NPS identify and nominate all eligible resources under its jurisdiction to the National Register of Historic Places	Federal Agencies
Antiquities Act of 1906, as amended	16 U.S.C. 431-433	Provides for the protection of historic and prehistoric remains, "or any antiquity," on federal lands; authorizes the President to declare national monuments by proclamation; authorizes the scientific investigation of antiquities on federal lands; provides for protection of historic monuments on public lands	Federal Agencies
Archeological and Historic Preservation Act of 1974, as amended	16 U.S.C. 469-469c	Requires survey, recovery and preservation of significant scientific, prehistorical, historical, archeological, or paleontological data when such data may be destroyed due to a federal project; directs Federal Agencies to notify the Secretary of the Interior whenever they find that such a project may cause loss or damage	Federal Agencies
Archeological Resources Protection Act of 1979, as amended	16 U.S.C. 470aa-mm	Prohibits the unauthorized excavation or removal of archeological resources on federal and Indian land. Archeological resources include sites, features, artifacts, etc.	Federal Agencies
Native American Graves Protection and Repatriation Act	25 U.S.C. 3001 et seq; 43 CFR 10	Requires Federal Agencies and museums receiving federal funding to return Native American cultural items – including human remains – to their respective peoples (allowing a short time for analysis by archeological teams)	Federal Agencies and museums receiving federal funding
American Indian Religious Freedom Act	42 U.S.C. 21	Protects and preserves the traditional religious rights of American Indians, Eskimos, Aleuts, and Native Hawaiians on federal lands	Federal Agencies
Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation	48 FR 44716	Organizes information about federal preservation activities; describes results to be achieved by Federal Agencies, states, and other when planning for the identification, evaluation, registration and treatment of historic properties; integrates diverse efforts of many entities performing historic preservation into a systematic effort to preserve the nation's cultural heritage	Federal, State, and Local Agencies
Secretary of the Interior's Standards for the Treatment of Historic Properties	36 CFR 68	Provides guidance regarding the treatment of historic properties, focusing treatments: preservation, rehabilitation, restoration, and reconstruction	National Park Service
The Architectural Barriers Act of 1968; the Rehabilitation Act of 1973; and Americans with Disabilities Act of 1990	42 U.S.C. 4157 et seq.; 29 U.S.C. 701, et seq.; 42 U.S.C. 12101, P.L. 101-336. 1-4 Stat. 327	Requires public buildings constructed, altered, leased, or financed with federal funds to be accessible to persons with disabilities; ensures that all facilities and programs are accessible to visitors with disabilities	Federal, State, and Local Agencies
Federal Cave Resources Protection Act	16 U.S.C. 4301-4310	Protects and preserves significant caves on federal lands for the perpetual use, enjoyment, and benefit of all people; fosters increased cooperation and exchange of information between governments and those who use caves on federal land	Federal Agencies

**Appendix B. Applicable Federal and Commonwealth of Virginia Laws and Regulations and National Park Service Policies (continued)**

<b>FEDERAL LAWS</b> (continued)	<b>REFERENCE</b>	<b>PURPOSE</b>	<b>COMPLIANCE REQUIRED BY</b>
Clean Water Act (CWA) of 1977, as amended, Sec. 401, Sec. 402 and Sec. 404(b)(1)	33 U.S.C. 121, et seq.	Sec. 401 regulates water quality requirements specified under the CWA; Section 402 requires a National Pollutant Discharge Elimination System (NPDES) permit for discharges into waters of the U.S.; Sec. 404 requires a permit before dredging or filling wetlands can occur	Federal, State, and Local Agencies
Rivers and Harbors Act of 1899	33 U.S.C. 403	Prohibits construction of any bridge, dam, dike or causeway over or in navigable waterways of the U.S. without Congressional approval	Federal, State, and Local Agencies
Federal Water Pollution Control Act of 1972, as amended	33 U.S.C. 1251-1376, et seq.	Establishes criteria and performance standards for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters through prevention, reduction, and elimination of pollution	Federal, State, and Local Agencies
Fish and Wildlife Coordination Act of 1934, as amended	16 U.S.C. 661-666c; 48 Stat. 401	Requires Federal Agencies to coordinate with the FWS when any project involves impoundment, diversion, channel deepening or other modification of a stream or water body	Federal, State, and Local Agencies
Clean Air Act (CAA) Amendments of 1990, as amended; Sec. 118	42 U.S.C. 7401, et seq. 42 U.S.C. 7609	Establishes standards to protect and improve air quality; requires project conformity with State Implementation Plan concerning air quality; Sec. 118 requires federal land managers to protect air quality on federal land	Federal, State, and Local Agencies
Endangered Species Act of 1973, as amended	16 U.S.C. 1531-1543	Establishes a policy to protect and restore federally listed threatened and endangered species of flora and fauna	Federal, State, and Local Agencies
Federal Farmland Protection Act of 1981	7 U.S.C. 4201-4209	Minimizes impacts of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses; assures to the extent possible that federal programs are administered to be compatible with the farmland protection programs and policies of state and local units of government and private organizations	Federal, State, and Local Agencies
Land and Water Conservation Fund Act of 1965, as amended; Section 6(f)	16 U.S.C. 4601-4 to 4601-11	Preserves, develops, and assures the quality and quantity of outdoor recreational resources; applies to all projects that impact recreational lands involving funds obtained from the Land and Water Conservation Fund	Federal, State, and Local Agencies
Resource Conservation and Recovery Act, as amended	42 U.S.C. s/s 6901 et seq. (1976)	Authorizes USEPA to control hazardous waste, including the generation, transportation, treatment, storage, and disposal of hazardous waste; RCRA also sets forth a framework for the management of non-hazardous wastes; addresses environmental problems resulting from underground storage tanks; focuses on active and future facilities, not abandoned or historical sites	federal, state and Local Governments; private industry
Federal Communications Commission Procedures Implementing the National Environmental Policy Act of 1969	47 CFR 1.301-1.1319	Addresses impacts that proposed antenna structures may have on historical sites and other protected resources	Federal Communications Commission and cell service carriers
Uniform Relocation Assistance and Real Property Acquisition Policies Act	42 U.S.C. 4601 et seq.	Establishes uniform policies to compensate people displaced from their homes or businesses by activities that are wholly or partially federally-funded	Federal Agencies
Payments In Lieu of Taxes Act (PILOT or PILT), as amended by P.L 98-63	P.L. 94-565 (31 U.S.C. 6901-6907), recodified at 31 U.S.C. 6907	Provides certain payments from the Federal Government to Local Governments to compensate for the removal of land from the local real estate tax base and the amount (acres) of certain public lands within the boundaries of local governmental units	National Park Service
Department of Transportation Act of 1966, Section 4(f)	49 U.S.C. 303	Requires the Secretary of Transportation to demonstrate that there is no feasible or prudent alternative to impacting publicly-owned land from a park, recreation area, wildlife and waterfowl refuge, or an historic site of national, state or local significance, or any land from an historic site of national, state or local significance, and that all possible planning to minimize harm to such land is incorporated into the proposed transportation project	U.S Department of Transportation; WV DOT; FAA

**Appendix B. Applicable Federal and Commonwealth of Virginia Laws and Regulations and National Park Service Policies (continued)**

NPS MANDATES	REFERENCE	PURPOSE	COMPLIANCE REQUIRED BY
Final Draft Park Planning Program Standards	NPS 2007	Describes the National Park Service framework for park planning and decision-making, which includes six discrete kinds of planning, each with its own particular purpose and standards	National Park Service
National Park Service Management Policies 2006	NPS 2006	Sets the policy framework and provides direction for all management decisions for units of the national park system	National Park Service
NPS Special Directive 92-11 and P.L. 105-391	P.L. 105-391	Identifies NPS criteria and qualifications for resource evaluation and determination of a site’s suitability and feasibility for inclusion in the national park system; provides guidance for NPS special resource studies	National Park Service
Conservation Planning, Environmental Impact Analyses and Decision-Making	Director’s Order 12 and Handbook for Environmental Analysis	Provides bureau guidance on NEPA compliance consistent with CEQ regulations and on approaches to environmental documentation	National Park Service
National Park Service Tourism	Director’s Order 17	Promotes and supports sustainable, responsible, informed, and managed visitor use through cooperation and coordination with the tourism industry	National Park Service
Land Protection	Director’s Order 25	Articulates the framework for land protection and the process for land acquisition and interests in land within the authorized boundaries of NPS units; the policy includes direction for parks to develop a “land protection plan,” which establishes land acquisition priorities	National Park Service
Cultural Resource Management	Director’s Order 28	Addresses the preservation and treatment of archeological, cultural, and historic properties and ethnographic resources	National Park Service
Cultural Resource Management	Director’s Order 28A	Articulates framework for planning, reviewing, and undertaking archeological activities and other activities that may affect archeological resources within the National Park System; also addresses the manner in which the Service will meet its archeological assistance responsibilities outside the national parks	National Park Service
Cultural Resource Management Guideline Release No. 5	NPS-28	Addresses standards and requirements for research, planning, and stewardship of cultural resources, as well as management of archeological resources, cultural landscapes, historic, and prehistoric structures, museum objects, and ethnographic resources	National Park Service
Coordination with State Historic Preservation Officers	Programmatic Memorandum of Agreement among NPS, Advisory Council on Historic Preservation and National Council of SHPOs (1995; revised 2002)	Describes how the NPS will carry out its Section 106 responsibilities with respect to managing the national park system; states that the NPS will coordinate with SHPO activities for research related to resource management needs and identification, evaluation, and registration of park historic properties	National Park Service
Accessibility for Park Visitors	Director’s Order 42	Ensures that all people have the highest level of accessibility that is reasonable to NPS programs, facilities, and services in conformance with applicable regulations and standards	National Park Service
Special Park Uses	Director’s Order 53	Provides supplemental guidance to Section 8.6 of NPS Management Policies on permitting special park uses	National Park Service
Natural Resource Management Guidelines	NPS-77	Guides the actions of park managers so that natural resource management activities planned and initiated at field areas comply with federal laws and regulations, and with Department of the Interior and NPS policy	National Park Service

**Appendix B. Applicable Federal and Commonwealth of Virginia Laws and Regulations and National Park Service Policies (continued)**

<b>NPS MANDATES</b> (continued)	<b>REFERENCE</b>	<b>PURPOSE</b>	<b>COMPLIANCE REQUIRED BY</b>
Wetlands Protection	Director's Order 77-1	Establishes NPS policies, requirements and standards for implementing Executive Order 11990, "Protection of Wetlands;" recommends park units obtain a parkwide wetland inventory, based on "Classification of Wetlands and Deepwater Habitats of the U.S.," FWS/OBS-79-31	National Park Service
Integrated Pest Management Manual and Integrated Pest Management Plan	Reference Manual 77-7	Describes the biology and management of 21 species or categories of pests; minimizes the use of toxic pesticides and establishes a strategy for the control of invasive species	National Park Service
Structural Fire Management	Directors Order 58 and Reference Manual-58	Supplements the structural fire policy articulated in NPS Management Policies by setting forth the operational policies and procedures necessary to establish and implement structural fire management programs throughout the national park system	National Park Service
<b>FEDERAL EXECUTIVE ORDERS</b>	<b>REFERENCE</b>	<b>PURPOSE</b>	<b>COMPLIANCE REQUIRED BY</b>
<i>Chesapeake 2000</i> , Chesapeake Bay Agreement	Directive No. 98-2, 12/8/98	Directs collaborative management of the Chesapeake Bay Program	National Park Service, UPS EPA, US FWS, US DOT, US DOD, VA, MD D.C., PA, MD, and Chesapeake Bay Foundation
Intergovernmental Review of Federal Programs	E.O. 12372	Establishes clearinghouse coordination required with state and local agencies concerning impacts of federal projects	Federal Agencies
Protection and Enhancement of Environmental Quality	E.O. 11514, as amended by E.O. 11990	Provides federal leadership in protecting and enhancing the quality of the nation's environment to sustain and enrich human life	Federal Agencies
Protection of Floodplains	E.O. 11988	Establishes federal policy to avoid long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to preserve the natural and beneficial values served by floodplains	Federal Agencies
Protection of Wetlands	E.O. 11990	Requires Federal Agencies to consider all practicable alternatives to impacting wetlands	Federal Agencies
Off-Road Vehicles on Public Lands	E.O. 11644, as amended by E.O. 11989	Requires public land managers to establish policies and procedures to ensure that the use of off-road vehicles on public lands will be controlled to protect the resources, to promote the safety of all users of those lands and to minimize conflicts among the various uses of those lands	Federal Agencies
Invasive Species	E.O. 13112	Prevents the introduction of invasive species and provides for their control and to minimize the economic and human health impacts that invasive species cause	Federal Agencies
Protection and Enhancement of the Cultural Environment	E.O. 11593	Establishes federal policy to protect and enhance the cultural environment	Federal Agencies
Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	E.O. 12898	Established federal policy to avoid federal actions that cause disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment	Federal Agencies
Governmental Actions and Interference with Constitutionally Protected Property Rights	E.O. 12630	Establishes federal policy to assist Federal Agencies in proposing, planning and implementing actions with due regard to the constitutional protections provided by the Fifth Amendment and to reduce undue or inadvertent burdens on the public resulting from lawful government action	Federal Agencies

**Appendix B. Applicable Federal and Commonwealth of Virginia Laws and Regulations and National Park Service Policies (continued)**

<b>FEDERAL EXECUTIVE ORDERS</b> (continued)	<b>REFERENCE</b>	<b>PURPOSE</b>	<b>COMPLIANCE REQUIRED BY</b>
American Indian Sacred Sites	E.O. 13007	Requires that management of federal land shall, to the extent practicable, permitted by law, accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of sacred sites	Federal Agencies
Strengthening Federal Environmental, Energy, and Transportation Management	E.O. 13423	Requires federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner.	Federal Agencies
Government-to-Government Relations with Tribal Governments	Presidential Memorandum of April 29, 1994	Establishes principles to be followed by federal departments and agencies in their interactions with Native American tribal governments and requiring consideration of the impacts of federal actions on tribal trust resources	Federal Agencies
<b>COMMONWEALTH OF VIRGINIA</b>	<b>REFERENCE</b>	<b>PURPOSE</b>	<b>COMPLIANCE REQUIRED BY</b>
State Environmental Review Process (SERP)	Code of Virginia: Title 10.1-1188 (b), Chapter 11, Art. 2	Provides guidance on the Commonwealth of Virginia's environmental review process	Commonwealth Agencies
Environmental Impact Review of Major State Facilities	Code of Virginia: Title 10.1-1188 (a), Chapter 11, Art. 2	Requires Commonwealth Agencies to submit environmental impact reports on major projects; sets forth procedures for agency environmental impact reports	Commonwealth Agencies
Scenic Rivers Act, 1970	Code of Virginia: Title 10.1-401 et seq	Protects and preserves certain rivers possessing natural or pastoral beaut	all agencies
Virginia Cave Protection Act	Code of Virginia: Title 10-150.11-150.18	Recognizes the unique qualities of caves and the irreplaceable archeological and natural resources found therein and establishes measures to protect cave resources	all agencies
County Comprehensive Planning	Code of Virginia: Title 15.2-2223-2224	Requires that all localities have comprehensive plans showing the proposed uses for land throughout the locality; sensitive environmental areas; historical areas; etc.	Local Governments
County Historic District Zoning	Code of Virginia: Title 15.2-2283	Authorizes localities to protect historic structures and areas through zoning	Local Governments
Historic Districts	Code of Virginia: Title 15.2-2306	Authorizes localities to preserve historic resources through the establishment of historic districts	Local Governments
Agricultural, Horticultural, and Food	Code of Virginia: Title 3.1-18-8	Protects and enhances agricultural and forested land as economic and environmental resources	Commonwealth Agencies
Agricultural and Forestal District Act	Code of Virginia: Title 15.2-440	Provides for the creation of Agricultural and Forestal Districts through the voluntary applications of landowners	Local Governments
Historic Register Listing	Code of Virginia: Title 10.1-2204	Establishes authority for the Virginia Board of Historic Resources to nominate historic structures, sites and districts for listing on the Virginia Landmarks Register and National Register of Historic Places	Commonwealth Agencies



**Appendix B. Applicable Federal and Commonwealth of Virginia Laws and Regulations and National Park Service Policies (continued)**

<b>COMMONWEALTH OF VIRGINIA</b> (continued)	<b>REFERENCE</b>	<b>PURPOSE</b>	<b>COMPLIANCE REQUIRED BY</b>
Virginia Open-Space Land Act of 1966	Code of Virginia; Sections 10.1-1700 et seq.	Authorizes any state agency having authority to acquire land for a public use, any county or municipality, any park authority, any public recreational facilities authority, any soil and water conservation district, or the Virginia Recreational Facilities Authority to acquire interests in land to preserve open space	no compliance required
Virginia Conservation Easement Act of 1988	Code of Virginia; Sections 10.1-1009 et seq.	Authorizes non-profit conservation organizations to hold easements in Virginia	no compliance required
Virginia Cultural Resources	Code of Virginia: Title 10.1-2200	Preserves and protects state cultural, historic, and archeological resources	Commonwealth Agencies and Non-Governmental Organizations
Virginia Antiquities Act	Code of Virginia: Title 10.1 Chapter 23	Establishes authority for state programs to identify, evaluate, preserve, and protect sites and objects of antiquity which have historic, scientific, archeological, or educational value and are located on state-controlled land	Commonwealth Agencies
Virginia Natural Heritage Program	Code of Virginia: Title 10.1-212	Establishes a natural heritage program that identifies significant natural resources	Commonwealth Agencies
Virginia Water Quality Improvement Act of 1997	Code of Virginia: Title 10.1, Chapter 21.1	Establishes the state's water quality and defines point source and non-point source pollution programs in Virginia	Commonwealth Agencies and Non-Governmental Organizations
Virginia Erosion and Sediment Control Act, 1973, as amended	Code of Virginia: Title 10.1, Chapter 5, Art. 4	Establishes regulations controlling soil erosion, sediment deposition and runoff to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources	Commonwealth Agencies and Non-Governmental Organizations
Virginia Natural Area Preserves Act	Code of Virginia: Title 10.1-209, Chapter 2, Art. 3	Establishes and protects areas of special concern that the Commonwealth has designated as natural area preserves	Commonwealth Agencies and Non-Governmental Organizations
Virginia Endangered Plant and Insect Act	Code of Virginia: Sec. 3.1-1020-1030	Authorizes the Virginia Department of Agriculture and Consumer Services to regulate and protect Virginia's endangered plants and insects	Commonwealth Agencies and Non-Governmental Organizations
Virginia Endangered Species Act, 1987, as amended	Code of Virginia: Sec. 29.1-564-568, Chapter 5, Art. 1	Regulates endangered or threatened species in Virginia and to prohibit the taking, transportation, processing, sale or offer for sale within the Commonwealth, any threatened or endangered species of fish or wildlife	Commonwealth Agencies and Non-Governmental Organizations
Scenic Highway and Virginia Byways Act, 1966	Code of Virginia: Sec. 10, Chapter 390	Authorizes the Commonwealth Transportation Board and the Department of Recreation and Conservation to recognize certain roads and outstanding features	Commonwealth Agencies

