

**FINDING OF NO SIGNIFICANT IMPACT/DECISION NOTICE
BASED ON THE ENVIRONMENT ASSESSMENT
RECONSTRUCTION AND IMPROVEMENT
OF VARIOUS ROADWAYS AND PARKING SITES
IN THE
FREDERICKSBURG AND SPOTSYLVANIA NATIONAL MILITARY PARK**

BACKGROUND

Fredericksburg and Spotsylvania National Military Park (Park) was created to preserve the resources and memory of four Civil War Battles: Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville. Congress established the Park on February 14, 1927 and Executive Order 6166 transferred control of the park from the War Department to the National Park Service (NPS) in 1933.

At Fredericksburg and Spotsylvania National Military Park, Caroline, Orange, Spotsylvania, and Stafford counties, Virginia, the National Park Service (Park) proposes to rehabilitate the following roads and parking areas: Route 501, Route 11 Grant Drive, Anderson Drive, Gordon Drive, Bloody Angle Drive, Burnside Drive, Fredericksburg Visitor Center Parking Area, Chancellorsville Visitor Center Parking Area, Wilderness Exhibit Parking Area, Spotsylvania Battlefield Exhibit Shelter Parking Area, Upton Road Pullout, Bloody Angle Tour Stop, Anderson Drive Bus Parking, and the Natural Resources Driveway and Parking Lot. The Park also proposed to create additional parking areas at Anderson-Gordon Drive Intersection, East-Angle Drive – Gordon/Burnside Drive Intersection, Vermont Monument Parking Area, and the Longstreet Interpretive Pulloff, and obliterate unnecessary gravel and pavement. The purpose of this project is to return the roadways and parking areas to a more serviceable state, reducing short-term maintenance costs, facilitate snow plowing, and provide for a safer, more enjoyable visitor experience. The Park also proposes to improve visitor access and interpretation in the Orange Plank Road corridor of the Wilderness Battlefield by erecting a monument provided by an organization representing the State of Vermont, and creating an associated trail.

An Environmental Assessment (EA) has been prepared pursuant to the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (40 CFR 1500 et seq.), 42 U.S.C. 4332(2)(C), and National Park Service Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decisionmaking and Handbook (2003) (DO-12).

SELECTED ALTERNATIVE

The National Park Service, in cooperation with the Eastern Federal Lands Highway Division, has selected the preferred alternative, described as the Build Alternative in the EA. The selected alternative involves rehabilitating several Park road sections, and upgrading parking area conditions at selected locations. The type of proposed improvements at the sites consist of four construction activities, to include overlay with asphalt pavement, obliterate pavement and reestablish, minor reconstruction of gravel area with pavement overlay, and new construction. Culvert cleaning would also be included.

Pavement Improvements

The existing pavement would be overlaid with asphalt pavement. Milling would be required to transition the asphalt adjacent to curbing; however the pavement structure would not be impacted below the subbase layer. Routes 11, 19, 20, and 22 - Grant Drive, Burnside Drive, Bloody Angle Drive, Anderson Drive, and Gordon Drive would all be rehabilitated consistent with the previous rehabilitation project completed in 2003. These roadways and parking areas included: Furnace Road, Sickles Drive, Stuart Drive, and Bullock Road; Berry-Paxton Drive; Jackson Trail East; Jackson Trail West; Jackson Shrine Road; Hancock Road; and McCoull House Road.

Fredericksburg Visitor Center Parking Area

The entire parking area and access road around the Visitor Center would be milled and overlaid. A smaller parking area is located adjacent to this access road. The current condition of the pavement in this location does not warrant milling the surface, but would be overlaid.

Chancellorsville Visitor Center Parking Area

The parking area would be rehabilitated with an asphalt mill and overlay.

Wilderness Exhibit Parking Area

The entire parking area would be milled and overlaid. A concrete handicapped accessible ramp would also be constructed.

Site 1 (Spotsylvania Battlefield Exhibit Shelter)

The proposed work at this site includes milling and overlaying of the existing parking area, replacing accessible asphalt ramps with concrete ramps to improve handicap accessibility. The sidewalk would also be rehabilitated.

Site 3 (Upton Road Pullout)

The existing gravel pull-off would be reconstructed with asphalt pavement. NPS requested a 2-vehicle parallel parking capacity be accommodated at the Upton Road site. In addition to asphalt pavement, a low-level mountable curb would be constructed to facilitate drainage and prevent vehicle edge runoff.

Site 4 (Bloody Angle Tour Stop)

At Bloody Angle Tour Stop the existing gravel parking area and bus parking would be removed and relocated north of their current location (figure 2). Eleven head-in parking stalls would be created east of Grant Drive, with a 2-bus capacity parallel parking area across from the proposed car parking area. A narrow piece would be retained from the current parking location to serve as a pedestrian access path to connect the new parking area and exiting trailhead on the eastside of Anderson Drive (figure 3). The remaining portion outside of the gravel pedestrian path would be obliterated and revegetated. New 5 foot-wide graveled strips would be provided to link the exiting gravel areas to create a continuous pedestrian path.

Site 6 (Anderson- Gordon Drive Intersection)

A new pull-off would be constructed near the intersection of Gordon Drive and Anderson Drive with asphalt pavement and a low-profile mountable curb (figure 4). NPS requested a 2-vehicle parallel parking capacity be accommodated. This location is important due to its viewshed of the Harrison House, a private residence during the Civil War. The park's interpretive plan identifies this location as an opportunity to describe civilian life during the war.

Site 7 (Anderson Drive Bus Parking)

The existing bus parking area would be overlaid with asphalt.

Site 8 (East Angle Drive – Gordon/Burnside Drive Intersection)

This reconstruction involves the placement of embankment, subbase, and asphalt pavement. A one-way direction is proposed along Gordon/Burnside Drive at East Angle Drive allowing the remaining lane to be utilized for vehicle and bus parking. A 6-vehicle and 2-bus parking capacity is proposed. A low-profile mountable curb would be constructed along the intersection. East Angle Drive would be obliterated, regraded with aggregate-topsoil and revegetated (figure 5). NPS requires historical features of the existing road prism, ie, current configuration, pipe culverts, and all other historically significant features, remain in-place upon removal of the roadbed and asphalt pavement material.

Vermont Monument Parking Area and Trail

A new parking area would be located adjacent to the Brock Road – Plank Road Intersection Tour Stop Pulloff. This parking area would accommodate approximately 11 cars and a bus pulloff and would enter from and exit to Orange Plank Road. The Vermont Monument would be located within the Wilderness Battlefield area, and be connected to the parking area via a trail. The trail is not expected to exceed approximately two miles in length. The proposed action includes construction of a base for the monument as well as an interpretive center. Figure 6 shows the general vicinity of the parking area, to the west of the existing gravel pulloff area. The existing pulloff area may be incorporated into the parking area, depending on constraints including a crest to the west of this area and an intersection to the east the existing pulloff, which will be taken into consideration during the design process. The trail from the parking area to the monument would meander through the larger trees.

Longstreet Interpretive Pulloff

On the southwest side of Orange Plank Road, an existing gravel pulloff would be reconstructed with asphalt pavement to accommodate 2 passenger vehicles or 1 oversized vehicle. The existing gravel pulloff across Orange Plank Road on the southeast side would be removed and revegetated.

Natural Resource Office Driveway and Parking Lot

The existing gravel driveway and parking lot would be reconstructed with asphalt pavement.

OTHER ALTERNATIVES CONSIDERED

No Action Alternative

Under the No Action alternative, no substantial improvements would be performed other than in accordance with planned routine maintenance operations. The existing safety concerns would not be addressed. None of the existing roadways or parking areas would be paved or reconstructed. Maintenance and some limited construction activities would occur in the foreseeable future to address preservation needs, the no action alternative would not address future impacts created by higher visitation rates and longer-term maintenance needs.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

As defined by the CEQ: “The environmentally preferred alternative is the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources (CEQ 2005a).”

The environmentally preferred alternative is the alternative that best:

1. fulfills the responsibilities of each generation as trustee of the environment for succeeding generations.
2. ensures for all Americans, safe, healthful, productive, and esthetically and culturally pleasing surroundings.
3. attains the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.
4. preserves important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, and environment that supports diversity and variety of individual choice.
5. achieves a balance between population and resource use that will permit high standards of living and a wide sharing of life’s amenities.
6. enhances the quality of renewable resources and approach the maximum attainable recycling of depleteable resources.

The No Action Alternative would not create additional impacts vegetation and wildlife, but the deteriorated roads and parking areas are not aesthetically pleasing to most visitors, and therefore does not fully meet criteria 2 or 5. The No Action Alternative does not fully meet criteria 3 since deteriorated roadways are parking areas may cause safety hazards, especially during inclement weather. The lack of interpretation at the Wilderness Battlefield area does not fully meet criteria 1 or 4. Neither the No Action Alternative nor the Build Alternative better meets criteria 6.

The Build Alternative is the environmentally preferred alternative because best meets all of the above stated criteria. It provides additional opportunity for visitors to see and learn about the

Civil War battles through the placement of the Vermont Monument in to Wilderness Battlefield area with associated trail parking and interpretive signs, which fulfills criteria 1 and 4. Improvements to the existing roadways and parking areas would provide for a more aesthetically pleasing and safer park experience, which meets criteria 2 and 3. Minor impacts to the natural environment through tree clearing, grubbing, and paving for parking, would be necessary, however these minor impacts would be offset by the potential improvement in visitor education and experience, fulfilling criteria 5.

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

The selected alternative (build alternative) will have minor, short-term, temporary impacts to some of the natural and cultural resources, however they will be minimized and mitigated as described in the EA. A summary of environmental consequences and mitigation measures is provided below.

As defined at 40 CFR §1508.27, from the regulations of the Council on Environmental Quality that implement the provisions of NEPA, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

The selected alternative would have minor adverse impacts on vegetation, birds, fish and wildlife, however, the selected alternative would alleviate the difficulty in plowing deteriorated pavement and chip seal pavement, increasing visitor safety during inclement weather, therefore having a long-term beneficial minor improvement. The selected alternative would also have a long-term beneficial minor impact on visitor experience and use. Connecting visitors with key interpretive sites through the new pull-off areas, increasing parking capacity, and pedestrian access should allow visitors to better experience and appreciate the historical significance of the Park.

The degree to which the action affects public health or safety

The selected alternative would alleviate the difficulty in plowing deteriorated pavement and chip seal pavement, increasing visitor safety during inclement weather, therefore having a long-term beneficial minor improvement.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

The Park was created to preserve resources and the memory of historic Civil War battle sites; therefore the area is in close proximity to historic and cultural resources. The selected alternative is not anticipated to affect the park's archaeological and historic resources, nor impair the

integrity and interpretive qualities of the sensitive sites. During earth disturbing activities monitoring for archeological resources would be done. In the event of inadvertent discovery of archeological resources, all construction would stop and the NPS would be notified.

The degree to which the effects on the quality of the human environment are likely to be highly controversial

No controversial issues or effects associated with implementation of the Build Alternative were identified during the scoping or during public review of the EA.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.

There are no identified risks associated with the selected alternative that are unique or unknown, and there are no effects associated with the selected alternative that are highly uncertain identified during the analysis for the EA or during the public review of the EA.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The selected alternative does not establish a precedent for any future actions that may have significant effects, nor does it represent decisions about future considerations. The purpose of this action is to address safety and interpretation concerns within the Park.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

A project proposed for construction by the Virginia Department of Transportation is the Route 208 Courthouse Road, Spotsylvania Courthouse Bypass. This project is located south of the Battlefield of Spotsylvania Courthouse and proposes to connect with the intersection of Burnside Drive and Courthouse Road (Route 208). This action combined with the selected alternative will not have cumulatively significant impacts.

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

NPS conducted a comprehensive analysis of significant historic/prehistoric structures and features within the park, nearly all of which are listed on the National Register of Historic Places. None of these sites would be directly impacted by the selected alternative; therefore there would be negligible adverse impacts. Shovel testing was done to in the areas proposed for new construction, with the exception of the Vermont Monument parking area. No historic resources were found during the testing. The Section 106 report was made available for public comment, and subsequently was sent to the Virginia State Historic Preservation Officer

(SHPO) for review. The SHPO concurred on December 1, 2005 that the project would have “no adverse effect” upon the National Register qualities of the battlefields or park.

A Programmatic Agreement (PA) was developed in August 2004 between the NPS and the SHPO for improving visitor access and interpretation to the Orange Plank corridor of the Wilderness Battlefield. This PA includes the new proposed parking area that will facilitate and accommodate the Vermont Monument, and outlines the agreed upon process for carrying out the Section 106 process. A signed copy of the PA was included in the EA that was released for public comment.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

In cooperation with the NPS, the Eastern Federal Lands Highway Division initiated consultation with the FWS on May 7, 2004 per Section 7 of the Endangered Species Act (ESA). The FWS determined, based on the proposed plans to rehabilitate and reconstruct sites within the Park, that the project is “not likely to adversely affect” federally listed or proposed species or adversely modify critical habitat in a letter dated June 14, 2004. After the addition of the Vermont Monument, parking area and trail to the project consultation was reinitiated. A response from FWS dated September 16, 2005 stated “We have reviewed the information you have provided and believe that the proposed action will not adversely affect federally listed species or federally designated critical habitat because no federally listed species are known to occur in the project area.

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

This action violates no Federal, State, or local environmental protection laws.

MITIGATION

Specific mitigation measures were addressed immediately following any possible impacts to the respective resources in their pertinent section above. Listed below is a summary of those mitigation measures.

- 1) The final construction plans should include guidance and specifications to the Contractor on revegetation and reestablishment of disturbed areas. Non-invasive native plant species shall be used for reestablishment.
- 2) The final construction plans should include directions and clearly articulate locations where the Contractor is responsible for avoiding disturbance of sensitive vegetation and archeological sites.
- 3) An Erosion and Sediment Control Plan should be prepared and included in the final construction plans. Best Management Practices should also be used.
- 4) Monitoring for cultural resources should continue throughout any ground disturbing activities. If archeological artifacts are encountered during excavation operations, construction shall be halted immediately. The NPS Superintendent for the

Fredericksburg National Military Park and the Virginia State Historic Preservation Office should be notified. All required procedures shall be implemented in accordance with NPS policies.

PUBLIC INVOLVEMENT

The environmental assessment was made available for public review and comment during a 60-day period starting on **December 14, 2005**. A Notice of Availability was published in the local papers on **December 13, 2005**. The public review and comment period closed on **February 13, 2006**.

RESPONSE TO COMMENTS

1) Comments from the Spotsylvania County Planning Department

- a) The placement of the impact topic “Viewsheds” under Impact Topics Dismissed from Further Analysis appeared to be incorrect, due to the addition/movement of roads, pull-offs, and parking.
- b) Under the impact topic “Socioeconomic Environment”, the EA states that the Spotsylvania census data indicates a 57% increase in population growth. This is incorrect. The population increased by 57%, not the population growth. The data should also be referenced as United States Census Bureau data about Spotsylvania County, not Spotsylvania census data.

NPS Response to Comments

- a) The relocation of the Bloody Angle tour stop parking area and obliteration of East Angle Drive would have a beneficial impact to the viewsheds. The additional/relocated parking areas and pull-offs would be located along the existing roadway; therefore they would not impact viewsheds and would allow park visitors to safely appreciate the viewsheds and interpretation, enhancing visitor experience. The impact topic was dismissed because although construction activities would have a short-term negligible impact to viewsheds; the long-term impacts to viewsheds would be beneficial.
- b) Thank you for your comment. The correction does not affect the determinations in the EA.

2) Comments from the Virginia Department of Transportation (VDOT)

- a) Increased traffic from rapid residential and commercial growth in the area could limit the NPS’s ability to fulfill its mission. It is recommended NPS be supportive of, and potentially participate in, future transportation improvement efforts within the region.

- b) It is recommended that access to the Vermont Monument be evaluated in conjunction with VDOT to assure appropriate safety measures have been incorporated into its design and construction.
- c) While a portion of the Fredericksburg region has been declared to be in attainment for air quality purposes by EPA, there is a required monitoring program for the region that must be followed. A determination on the air quality impacts of the proposed improvements will be needed. It is likely the projects will be found to be not regionally significant and to have a neutral effect on air quality.
- d) Because federal funds will be expended on transportation improvements and most of the sites are located within the boundaries of the Fredericksburg Area Metropolitan Planning Organization (FAMPO), an amendment to FAMPO's Transportation Improvement Program (TIP) and Comprehensive Long Range Plan (CLRP) will be required.

NPS Response to Comments

- a) NPS will strive to be more active in the local planning as staff resources are available.
- b) NPS will coordinate the design and construction of the Vermont Monument parking area with VDOT to ensure appropriate safety measures are taken into consideration.
- c) If the air quality impact determination was not performed as part of the STIP amendments in the fall of 2005; a determination of air quality impacts will be done through coordination with the VDOT's Richmond Office.
- d) At the FAMPO meeting in March 2006, the amendment regarding the project was approved for a 30-day public comment period. The amendment will most likely be approved for inclusion in the TIP at the April 2006 FAMPO meeting.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

In a letter dated February 7, 2006, The Virginia Department of Environmental Quality stated the following.

Pursuant to the Coastal Zone Management Act of 1972, as amended, federal activities located inside or outside of Virginia's designated coastal management area that can have reasonable foreseeable effects on coastal resources or coastal uses must, to the maximum extent practicable, be implemented in a manner consistent with the Virginia Coastal Resources Management Program (VCP). The VCP consists of a network of programs administered by several agencies. The DEQ coordinates the review of federal consistency determinations with agencies administering the Enforceable and Advisory Policies of the VCP.

This EA (page 29) includes a consistency determination and accompanying analysis of the enforceable policies of the VCP. Based on the information provided in the EA and federal consistency determination, and the comments of reviewing agencies, we concur that the proposed activity is consistent with the Virginia Coastal Resources Management Program, provided that the FHWA and NPS comply with all requirements of applicable permits and other authorizations that may be required.

The FHWA and NPS will ensure that the project is in compliance with Virginia's Erosion and Sediment Control Law and regulations, and Stormwater Management Law and regulations. Project activities will be coordinated with the Virginia Department of Conservation and Recreation Division of Chesapeake Bay Local Assistance to ensure project consistency with the coastal lands management enforceable policy of the VCP.

IMPAIRMENT STATEMENT

In addition to reviewing the list of significance criteria, the National Park Service has determined that implementation of the proposal will not constitute an impairment to the critical resources and values of the Park. This conclusion is based on a thorough analysis of the environmental impacts described in the EA, public comments, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in *NPS Management Policies 2001*. The plan under the selected alternative will not result in any adverse impacts to Park resources. Overall, the plan results in benefits to park resources and values, opportunities for their enjoyment, and it does not result in their impairment.

CONCLUSION

The selected alternative does not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are negligible or minor in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

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

Recommended: _____
Russell P. Smith
Superintendent, Fredericksburg and Spotsylvania NMP
Date

Recommended: _____
Kevin S. Rose
Environmental Protection Specialist, Eastern Federal Lands Highway Division
Date

Approved: _____
Paul T. Nishimoto
Planning and Programming Engineer, Eastern Federal Lands Highway Division
Date

Approved: _____
Mary A. Bomar
Regional Director, National Park Service, Northeast Region
Date