

**U.S. Department of the Interior
National Park Service
Fredericksburg & Spotsylvania National Military Park
Fredericksburg, Virginia**

**Finding of No Significant Impact
Interpret and Access Historic Ruins and Resources
October 8, 2003**

Introduction

The National Park Service (NPS) will stabilize historic resources and improve interpretation at Sunken Road, the Fredericksburg National Cemetery, and many of the 25 civilian sites at Fredericksburg & Spotsylvania National Military Park (FRSP) to more accurately convey their historical significance to visitors and to support a more coherent and expanded interpretation of the Civil War. This will improve visitor experience and circulation, rehabilitate cultural landscapes, and protect natural and cultural resources within the park. This work will include establishing an interpretive setting at Sunken Road in the Fredericksburg Battlefield; restoring and improving portions of the Fredericksburg National Cemetery; and accessing, stabilizing, and interpreting civilian sites throughout the park.

While these sites commemorate a significant time or place, many of them have lost their historical character and setting. For example, Sunken Road is now a paved road above its historical elevation that until recently was open to vehicular traffic. Although the original stone wall lining the road had been somewhat reduced prior to the Battle of Fredericksburg, it has been further reduced to such an extent that it no longer represents its historical context. In addition to this, the once open field between Fairview and the Chancellorsville Inn site is now wooded and does not portray the battlefield and vista that existed during the war. Such non-historic vegetation patterns have become a problem at many sites within the park and have impeded interpretation of wartime events.

Along with the loss of proper interpretation, the physical environment at FRSP is being reduced as well. The terraced slopes at the cemetery are eroding. This degradation is threatening the stability and integrity of the cemetery. Further erosion is occurring at other sites throughout the park as social paths cut through the terrain. Due to the lack of formalized circulation patterns, visitors have forged their own paths through the park, creating worn dirt paths. As these paths continue to erode, the stability of the site and the safety of visitors will be threatened.

An environmental assessment (EA) was released on July 21, 2003 for a 60-day public comment period in accordance with the National Environmental Policy Act (NEPA) and NPS Director's Order 12 (DO 12). The EA described the goals of the project, analyzed the effects of each alternative on the human environment, and solicited public comment on the proposed action.

NPS Preferred Alternative

The NPS Preferred Alternative involves three components: (1) establish an interpretive setting at the Sunken Road; (2) rehabilitate Fredericksburg National Cemetery; and (3) access, stabilize, and interpret civilian sites throughout the park. Improvements under this alternative would be focused around Sunken Road, the cemetery, and the civilian sites throughout the park.

Currently, Sunken Road is a paved road that does not display the road's historic elevation. Under the NPS Preferred Alternative, an appropriate interpretive setting along the length of the road will be established and vegetative plantings at either end of Sunken Road will visually screen the road from modern intrusions. A structural soil will be used to create a historically accurate surface, overhead utility lines will be relocated underground, and the stone wall along the road will be rehabilitated to provide a proper historical context for the site. Additional interpretive signs and improved access will also be provided to enhance the understanding and appreciation of this important site.

Loss of grass cover at the National Cemetery has led to increased erosion on the slopes. This increase is threatening the stability and integrity of the site. The loss of stability across the terraces has also allowed numerous headstones to tip over. This compromises the visual integrity of the cemetery, diminishes the respect due the site, and impedes grounds keeping operations. Under this alternative, new turf will be laid down to improve the stability of the site. This will also allow for headstones to be righted and properly maintained.

A variety of actions will occur at the various civilian sites based on their location and need. All sites will receive new interpretive signs that will not only replace the old, eroded signs, but will also interpret the interconnected nature of the sites. Those sites with existing visitor access will be improved to provide formalized circulation paths to guide visitors through the site thus protecting the integrity of these areas. Unified, consistent, park-wide design will be used to interpret the individual importance of each civilian site; as well as the relationship of the civilian sites to the Civil War battles that were fought in the Fredericksburg Spotsylvania area. Finally, improved parking and/or access will be provided at those sites where such improvements are necessary. The goal of all of the civilian site improvements is to present the overall context of the area and provide proper visual displays to convey this importance. The NPS Preferred Alternative is described in detail on pages 20-36 of the environmental assessment.

Other Alternatives Considered

Alternative A (No Action Alternative)

The environmental assessment prepared for this project analyzed the NPS Preferred Alternative described above, and a no-action alternative. The action alternative was developed to resolve degrading resource conditions and to improve interpretive opportunities and visitor experience. The No Action Alternative would continue the present management, operations, and conditions of the historic ruins and resources at Fredericksburg and Spotsylvania National Military Park. Sunken Road would continue to lack the interpretive elements necessary to convey its historical significance. The ground cover at the Fredericksburg National Cemetery, as well as the interpretive signs located at the park's civilian sites, would continue to degrade. Overall, the individual sites within the park would remain separated and not be interpreted in a unified

manner. Historically critical viewsheds would not be restored, further hindering an overall interpretation of the park. Finally, no formalized access to the various sites would be established. Visitors would continue to forge social paths that would erode the surrounding soil and vegetation as well present safety hazards to those walking the paths.

Environmentally Preferred Alternative

In accordance with NPS Director's Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision Making*, the National Park Service is required to identify the "Environmentally Preferred Alternative" in all environmental documents, including environmental assessments. The Environmentally Preferred Alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969 (NEPA) which is guided by the Council on Environmental Quality (CEQ). The CEQ provides direction that "[t]he environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in Section 101 of NEPA," which considers:

- (1) "Fulfilling the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) Assuring for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) Attaining the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- (4) Preserving important historic, cultural and natural aspects of our national heritage and maintaining, wherever possible, an environment that supports diversity and variety of individual choice;
- (5) Achieving a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
- (6) Enhancing the quality of renewable resources and approaching the maximum attainable recycling of depletable resources."

Generally, these criteria mean the Environmentally Preferred Alternative is the alternative that causes the least damage to the biological and physical environment and that best protects, preserves, and enhances historic, cultural, and natural resources. In this case, the NPS Preferred Alternative is also the Environmentally Preferred Alternative. Although the No Action Alternative might meet some of these criteria, it in no way fulfills them to the level the proposed action would nor does it meet the purpose and need of the project.

Implementation of the No Action Alternative fails to meet many of the criteria listed above and does not meet the purpose and need of the project. Foremost, the No Action Alternative does not meet Criterion 2, 4, and 5 because it does not achieve a balance between population and resource use and preservation of important historic, cultural and natural aspects of our national heritage; nor does it assure safe and healthful surroundings for future generations. As visitors continue to create social trails across sensitive resources and erosion of steep slopes occurs cultural and natural resources are not protected and preserved. Safety issues will continue to persist from random access over unstable terrain and eroding slopes at many of the park's civilian sites. Loss of turf cover and erosion of steep slopes at the National Cemetery will result in adverse impacts to cultural resources and contribute to unsafe walking conditions and hamper visitor accessibility to the National Cemetery. Historic vistas at Hazel Grove / Fairview and Chancellorsville Inn will remain obscured by vegetative growth. A lack of vegetative screening at the Sunken Road area will not contribute to

an appropriate interpretive setting for this important historic resource impeding the ability of the park to meet Criteria 1, fulfilling the responsibility of each generation as trustee of the environment for succeeding generations.

Because the NPS Preferred Alternative promotes the national environmental policy as expressed in the six criteria above, the NPS Preferred Alternative is also the Environmentally Preferred Alternative. The NPS Preferred Alternative provides a setting that supports interpretive goals at the Sunken Road and at civilian sites throughout the park while improving visitor access and understanding of the park's resources. These actions not only enhance the park's ability to preserve and interpret these historical resources for future generations but will also broaden interpretive opportunities by incorporating numerous civilian sites into the story of Fredericksburg and Spotsylvania National Military Park (Criterion 1). Safety and accessibility are considerations at any NPS site. Current conditions at the park are becoming unsafe as terraces erode, social paths develop over unstable terrain, and sites are not adequately screened from busy roads. Interpretive signs and sites are also deteriorating at a noticeable rate. Not only is this a threat to safety but also in time will become a threat to the environment. The NPS Preferred Alternative would improve safety and aesthetics at the park providing culturally pleasing surroundings (Criterion 2).

In order for the park to attain the widest uses of the environment without undesirable consequences (Criterion 3), it must balance its care for the environment with its management of park resources and visitor use. The preferred action would formalize consistent park-wide interpretive treatments at civilian sites, establish an appropriate interpretive setting at the Sunken Road, and rehabilitate the National Cemetery. These actions will enable the park to attain the widest range of beneficial uses of the environment without degradation or other undesirable and unintended consequences.

The NPS Preferred Alternative provides consistent park-wide access to important cultural features facilitating visitor access while protecting important cultural and natural aspects of our national heritage. Structuring access to high visitation park resources will protect sensitive resources. Elsewhere in the park visitor access will continue unchanged maintaining, wherever possible, an environment that supports diversity and variety of individual choice (Criterion 4). The NPS Preferred Alternative achieves a balance between population and resource use through protecting resources with structured access, incorporating civilian sites into the Civil War battlefield story, and rehabilitating the National Cemetery. These actions will enhance a broader understanding and enjoyment of park resources and a sustainable level of use (Criteria 5 and 6).

Why the NPS Preferred Alternative will not have a Significant Effect on the Human Environment

Consideration of effects described in the EA and a finding that they are not significant is a necessary and critical part of this Finding of No Significant Impact (FONSI) as required by the Code of Federal Regulations (40 CFR 1508.13). Mitigation measures described in the EA and incorporated into the NPS Preferred Alternative, including construction monitoring and sediment and erosion control, are generally required by laws, regulations, or NPS policies and are adopted by this decision. In addition, special efforts will be taken to mitigate the vegetation removal at Fairview. Flagging will be used to protect those areas that are not to be cut, and cuts into trees would be made as close to the ground as possible to avoid sharp points on stumps and stems. Stumps of removed trees would be ground to grade to permit future mowing, and all stems and branches would be removed from the site for disposal. All disturbed areas would be seeded with either native warm-season or native cool-season grasses. The NPS would develop an erosion and sedimentation plan to be

implemented by the contractor. Among other things, the plan would describe the process for mulching and seeding the landings and specified skid trails with seed, fertilizer, lime, and mulch.

Context

This measure of significance considers the setting within which an impact was analyzed in the EA, such as the affected region, society as a whole, affected interests, and/or locality. In the EA, the intensity of impacts was evaluated within a local (i.e., project area) context, while the intensity of the contribution of effects to cumulative impacts was evaluated in a regional context, or in the case of special status species, within the context of species range. The decision to adopt the NPS Preferred Alternative would affect only the immediate local area in terms of resources, employees, local residents, and visitors. Any possible impact would be negligible, minor, or moderate and would be held below the significance threshold, as identified below.

Intensity

This measure of significance refers to the severity of impacts, which may be both beneficial and adverse, and considers measures that would be applied to minimize or avoid impacts. Impact thresholds are defined specifically for each impact topic in the EA and generally adhere to the following definitions:

Negligible: the impact is barely measurable with no perceptible effects.

Minor: the impact is slight but detectible and localized.

Moderate: the impact is readily apparent and measurable.

Major: the impact is severely adverse or exceptionally beneficial.

As defined in 40 CFR Section 1508.27 significance is determined by examining the following criteria:

- (1) Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an EIS.
- (2) The degree to which public health and safety are affected.
- (3) Any unique characteristics of the area (proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains, and so forth).
- (4) The degree to which impacts are likely to be highly controversial.
- (5) The degree to which the potential impacts are highly uncertain or involve unique or unknown risks.
- (6) Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.
- (7) Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects. Significance cannot be avoided by terming an action temporary or breaking it down into small component parts.
- (8) The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources.
- (9) The degree to which an action may adversely affect an endangered or threatened species or its habitat.
- (10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an Environmental Impact Statement (EIS)

None have been identified. The NPS Preferred Alternative would have negligible to moderate adverse impacts on soils and topography, vegetation, wildlife and wildlife habitat, archeological resources, historic structures, cultural landscapes, visual resources, visitor use and experience, circulation and site access, and park operations and infrastructure.

Upgrading interpretive facilities at FRSP will improve visitor experience and site access to the extent that the sites can be properly interpreted and understood in their historical context. Furthermore, the improved terraces at the National Cemetery will increase the park's operating efficiency, as it will allow maintenance staff to carry out their upkeep of the cemetery in a more timely fashion. Increasing maintenance efficiency at the cemetery will also allow for more time to be spent maintaining other portions of the park, such as the improved civilian sites. However, the improvements at a two of these civilian sites will result in the removal of approximately 3.17 acres of trees and shrubby vegetation.

With mitigation as described in the EA on page 35, the overall effect of the NPS Preferred Alternative would result in no major impacts to any natural resources, individual species or populations of animals or plants, or any biotic communities as a whole. Prime farmlands and wild and scenic rivers are not present in the project area and will not be affected by the NPS Preferred Alternative.

The NPS has consulted with the Virginia State Historic Preservation Officer and the Advisory Council on Historic Preservation to develop a Programmatic Agreement (PA) stipulating actions the NPS will take prior to implementing the proposed actions. The nature of the undertaking and its potential scope and effect on cultural resources has not yet been completely defined. Under this phased approach, the NPS will follow up with full identification and evaluation as described in the attached PA once the project alternatives have been refined (36 CFR 800.4).

Degree of effect on public health or safety

The NPS Preferred Alternative will have a negligible impact on overall public health and safety. No hazardous materials are located within the project areas. Furthermore, no buildings that may contain asbestos or lead-based paints will be impacted. Under the NPS Preferred Alternative, no park facilities will be closed, however, access roads and parking areas may be temporarily closed or restricted while construction occurs. During active construction, the NPS will restrict access to the project areas to reduce potential injury to visitors.

Formalized circulation paths will improve visitor safety at FRSP. Under current conditions, social paths present tripping hazards. Installing formalized trails will provide safe access and circulation around the park.

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

As described in the environmental assessment on pages 41-47, Fredericksburg and Spotsylvania National Military Park is a site of significant historic importance. Agricultural land and prime farmland is also within the geographic area. In 1996, the park's List of Classified Structures (LCS) was updated to include approximately 222 park structures. Although the project area includes a number of these structures, no adverse impacts to historic properties are anticipated. Because, however, there is a potential for presently unidentified archeological resources within the project area the NPS, in consultation with the Virginia State

Historic Preservation Officer, developed a Programmatic Agreement which stipulates actions the NPS will take prior to implementing the NPS Preferred Alternative. No Native American graves are anticipated within the project area. In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (25 USC 3002) of 1990 would be followed. Minor to moderate beneficial impacts to cultural landscapes within the project area will result from restoring cultural landscapes, particularly at Fairview/Hazel Grove and Sunken Road.

The NPS Preferred Alternative will have no to negligible long-term effects that will not impair soils, topography, prime farmlands, wetlands, or ecologically critical areas.

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

As measured by public comment, this project is not likely to be highly controversial. During the 45-day public review and comment period, consolidated comment was received from the Commonwealth of Virginia, Department of Environmental Quality (DEQ). Three Virginia agencies, the Department of Environmental Quality, Department of Transportation, and Department of Forestry, as well as the City of Fredericksburg contributed to this consolidated review. Five Virginia agencies and one planning district (Department of Game and Inland Fisheries, Department of Agriculture and Consumer Services, Department of Conservation and Recreation, Department of Historic Resources, Chesapeake Bay Local Assistance Department, and the RADCO Planning District Commission) were also invited to participate. The Commonwealth of Virginia, DEQ concurred that the proposed activity is consistent with the Virginia Coastal Resources Management Program. Comment was received from the Central Virginia Battlefields Trust expressing support for the preferred alternative. Mary Washington College was invited to participate in the development of the programmatic agreement (PA) with the State Historic Preservation Officer, but declined to participate at a detailed level.

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

No highly uncertain, unique, or unknown risks were identified during preparation of the EA or the public review period. Because there is a potential for presently unidentified archeological resources within the project area the NPS, in consultation with the Virginia State Historic Preservation Officer, developed a Programmatic Agreement which stipulates actions the NPS will take prior to implementing the NPS Preferred Alternative.

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 NPS Preferred Alternative neither establishes NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Future projects would be evaluated through additional, project-specific planning processes that incorporate requirements of NEPA and NPS policies.

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

Impacts to archeological resources, historic structures, cultural landscapes, visual resources, visitor use and experience, and circulation and site access were identified in the NPS Preferred Alternative in the EA. As described in the EA, cumulative impacts were determined by combining the impacts of the NPS Preferred Alternative with other past, present, and reasonably foreseeable future actions. The negligible, minor, and

moderate impacts of other past, present, and reasonably foreseeable future actions on natural, cultural, and socioeconomic resources, in conjunction with the impacts of the NPS Preferred Alternative, would result in both beneficial and adverse cumulative impacts ranging in intensity from negligible to moderate. However, the NPS Preferred Alternative would contribute a relatively minor increment to the overall cumulative effect, which would not be considered significant.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources

As described in the environmental assessment, proposed undertakings will not adversely affect historic properties. Compliance with Section 106 of the National Historic Preservation Act is continuing with the Virginia SHPO. Through consultation with the Virginia SHPO and the ACHP the NPS has developed a Programmatic Agreement stipulating actions the NPS will take prior to implementing the proposed alternative. Because the nature of the undertaking and its potential scope and effect on cultural resources has not yet been completely defined, the NPS is using a phased approach, whereby the NPS will follow up with full identification and evaluation as described in the attached PA once the project alternatives have been refined (36 CFR 800.4). Minor to moderate adverse impacts to archeological resources, minor beneficial impacts to historic structures, and minor to moderate beneficial impacts to cultural landscapes are anticipated.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

According to the U.S. Fish and Wildlife Service, the Virginia Department of Game and Inland Fisheries, the Virginia Department of Conservation and Recreation Division of Natural Heritage, and information in NPS documents and files, no special status species or critical habitat would be affected by the actions proposed in the EA.

Whether the action threatens a violation of federal, state, or local environmental protection law

The NPS Preferred Alternative violates no federal, state, or local environmental protection laws.

Impairment of Park Resources or Values

In addition to reviewing the list of significance criteria, the NPS has determined that implementing the NPS Preferred Alternative will not constitute an impairment of park resources and values. This conclusion is based on a thorough analysis of the impacts described in the EA, agency and public comments received, and the professional judgment of the decision-maker in accordance with *NPS Management Policies 2001*. As described in the EA, implementation of the NPS Preferred Alternative would not result in major adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of FRSP; (2) key to the natural or cultural integrity of the park; or (3) identified as a goal by the park.

Public Involvement

An Environmental Assessment, prepared in accordance with NEPA and CEQ regulations, was made available for public review and comment beginning July 21, 2003. A press release announcing the document's availability was published in local newspapers and copies of the EA were placed in local libraries and the

visitor center. The EA was distributed to state and local regulatory agencies, local businesses, and interested individuals. The NPS received one individual written comment on the EA. The Central Virginia Battlefields Trust expressed its approval for the NPS Preferred Alternative.

Four state and local agencies also commented during the regulatory review period, including the Virginia Department of Environmental Quality; the Virginia Department of Transportation; the Virginia Department of Forestry; and the City of Fredericksburg. These agencies indicated that the project would not impact regulated resources.

In consultation with the Virginia SHPO and the Advisory Council on Historic Preservation, the National Park Service developed a Programmatic Agreement stipulating actions the NPS will take prior to implementing the NPS Preferred Alternative. No adverse impacts to historic properties are anticipated.

Finding of No Significant Impact

The NPS Preferred Alternative does not constitute an action that normally requires preparation of an EIS and will not have a significant effect on the natural, cultural, or human environment. Adverse environmental impacts that could occur are negligible, minor, or moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, historic properties either 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 during the impact assessment. Implementing the action will not violate any federal, state, or local environmental protection laws.

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 & Spotsylvania National Military Park
Date

Approved: _____
Mary Bomar
Acting Regional Director, Northeast Region
Date