

SHEPHERDSTOWN BATTLEFIELD

SPECIAL RESOURCE STUDY / BOUNDARY STUDY /
ENVIRONMENTAL ASSESSMENT

WEST VIRGINIA AND MARYLAND

National Park Service
U.S. Department of the Interior



August 2014



Botlers Mill ca. 1890



U.S. Department of the Interior

Shepherdstown Battlefield

West Virginia and Maryland

August 2014

Special Resource Study / Boundary Study /

Environmental Assessment

HOW TO COMMENT ON THIS STUDY

Comments are welcome and will be accepted for a minimum of 30 days after this study is published and distributed. While comments may be submitted by any one of the following methods commenters are encouraged to use the Internet, if possible.

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EXECUTIVE SUMMARY

INTRODUCTION

The Department of the Interior, National Park Service (NPS), has prepared this special resource study / boundary study / environmental assessment to serve as a reference source for members of Congress, the National Park Service, and other persons interested in the potential inclusion of the Shepherdstown battlefield within the national park system.

During the Civil War, the battle at Shepherdstown was the final engagement of the Maryland Campaign that included the battles at Harpers Ferry, South Mountain, and Antietam. The Shepherdstown battlefield encompasses roughly 5,000 acres in Jefferson County, West Virginia, and Washington County, Maryland. The core battlefield is located approximately 1 mile east of Shepherdstown, West Virginia; 5.4 miles south of Antietam National Battlefield; and 12.5 miles north of Harpers Ferry National Historical Park. The Battle of Shepherdstown, also known as the Battle of Boteler's Ford, was fought on September 19 and 20, 1862, immediately following the Battle of Antietam on September 17, 1862. There were more than 600 casualties. The battle at Shepherdstown was the final engagement of the Maryland Campaign of 1862 that included the battles at Harpers Ferry, South Mountain, and Antietam.

As directed by Congress, this document includes a special resource study that evaluates the national significance of the study area and its potential for inclusion in the national park system. The legislation directing the Department of the Interior to undertake this study also directed the National Park Service to evaluate the suitability and feasibility of including the study area within the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield. When evaluating a resource for inclusion within the boundaries of a national park system unit, the National Park Service uses boundary

study criteria to evaluate the suitability and feasibility of the addition. Therefore, this document includes both an evaluation of the Shepherdstown battlefield under both special resource study and boundary study criteria, as well as an environmental assessment of the study alternatives. Changes to park boundaries require congressional approval.

LEGISLATIVE HISTORY

On March 30, 2009, Congress directed the Secretary of the Interior to evaluate the national significance of the Shepherdstown battlefield and related sites as well as the suitability and feasibility of including the battlefield as part of Harpers Ferry National Historical Park or Antietam National Battlefield (Public Law 111-11, Title VII, Subtitle C, Section 7205). The full text of this legislation is included in appendix A.

SPECIAL RESOURCE STUDY AND SUMMARY OF FINDINGS

NPS *Management Policies 2006*, section 1.3.1, directs that proposed additions to the national park system must possess significance at the national level. The National Park Service evaluated the national significance of the battlefield at Shepherdstown and the associated resources using the NPS national historic landmark criteria for national significance and determined that the study area was not nationally significant. Therefore, the Shepherdstown battlefield and its associated resources do not qualify as a new unit of the national park system. A complete discussion of the finding can be found in "Chapter 3: Evaluation of Shepherdstown Battlefield as a Potential New Unit of the National Park System."



BOUNDARY STUDY AND SUMMARY OF FINDINGS

The legislation authorizing this study also directed the National Park Service to evaluate whether the Shepherdstown battlefield would be a suitable and feasible addition to either Harpers Ferry National Historical Park or Antietam National Battlefield. While determined to not be nationally significant under national historic landmark criteria, the Shepherdstown battlefield is important due to its relationship with Battle of Antietam and as the final engagement of the Maryland Campaign. The evaluation of the Shepherdstown battlefield under boundary study criteria determined that the battlefield would be a suitable and feasible addition to either Harpers Ferry National Historical Park or Antietam National Battlefield, with Antietam National Battlefield being the preferable option due to its historical and geographical connections to the Battle of Shepherdstown. As such, each of these boundary adjustment options is included in the study alternatives.

Alternative 1 is the no-action alternative and discusses, in general terms, existing and potential future site conditions if the battlefield resources are not included in a proposed boundary adjustment for Antietam National Battlefield or Harpers Ferry National Historical Park. Alternative 2, option A, describes a boundary adjustment option for including battlefield resources as part of Antietam National Battlefield; and alternative 2, option B, describes a boundary adjustment option for including battlefield resources as part of Harpers Ferry National Historical Park. A complete description of the alternatives and application of the boundary study criteria to those alternatives are included in “Chapter 4: Alternatives and Application of NPS Criteria for Boundary Adjustments.”

THE PREFERRED ALTERNATIVE

The NPS National Capital Region director is required under law and policy to “identify which alternative, or combination of alternatives would . . . be the most effective and efficient in protecting significant resources and providing for visitor enjoyment.”¹ Taking into consideration public input received during scoping, NPS operational requirements, and the opinions of historians and other subject matter experts, the study found that “Alternative 2, Option A, Antietam National Battlefield Boundary Adjustment” would be the most effective and efficient alternative and would also provide the greatest opportunities for visitor enjoyment. This finding contributed to the development of the preferred alternative.

1. New Area Studies Act (see appendix B)

As noted in chapter 4, the long-term significance of the Battle of Antietam is directly tied to the outcome of the combat along the banks of the Potomac River at Shepherdstown. It is also noted that the resources associated with the Shepherdstown battlefield, including Boteler’s Ford, are also closely tied to the battle of Antietam and its significance.

Alternative 2, option A would allow Antietam National Battlefield to expand upon existing interpretive themes, provide visitors with a more complete understanding of the Maryland Campaign, and protect significant resources and values while enhancing opportunities for public enjoyment related to the park purpose and enabling legislation. This option also allows for the protection of resources critical to fulfilling the park purpose.

ENVIRONMENTAL ASSESSMENT

NPS policy requires that a special resource study be accompanied by an environmental assessment or environmental impact statement, as appropriate, and prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended and its implementing regulations (36 *Code of Federal Regulations* [CFR] 1500–1508), and Director’s Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (2001), and accompanying handbook. In fulfillment of these requirements, an environmental assessment has been prepared as a part of this study and can be found in “Chapter 5: Affected Environment” and “Chapter 6: Environmental Consequences.”

Because the study presents boundary adjustment alternatives at a broad level, the environmental assessment is similarly broad and the analysis is general. Implementation of the preferred alternative would come only if the boundary adjustment is authorized by Congress. If the boundary adjustment is authorized for either park, the National Park Service would update a land protection plan, increase its interpretation of the battlefield, and possibly enter into cooperative ventures with landowners to perhaps plan for limited visitor experience for segments of the battlefield. The environmental assessment evaluates the following two alternatives: no action (alternative 1) and boundary adjustment (alternative 2). Alternative 2 contains two options: Antietam National Battlefield boundary adjustment (option A) and Harpers Ferry National Historical Park boundary adjustment (option B).



Alternative 1 – No Action

The boundaries of Antietam National Battlefield and Harpers Ferry National Historical Park would remain unchanged. Current ownership and land uses would continue. The impacts of alternative 1, the no-action alternative, would include ongoing ownership of the land as separately held parcels by the respective land owners, with continuation of existing land uses and the potential for introducing new uses that may degrade battlefield resources.

Alternative 2 – Boundary Adjustment

Under alternative 2, Congress may make an adjustment to the boundary of either Antietam National Battlefield or Harpers Ferry National Historical Park to include the Shepherdstown battlefield. If a boundary adjustment is authorized, a legislative boundary would be established in which certain limited NPS functions could be carried out, including the interpretation of battlefield resources, the revision or development of a land protection plan, and acquisition of private property from willing sellers and donors. A single action alternative with two options was developed because the proposed legislative boundary adjustment described in this alternative is the same for both parks. Upon congressional authorization, further management planning and associated environmental compliance could take place in the future.

Option A: Antietam National Battlefield: Under option A, Congress may authorize a boundary adjustment of Antietam National Battlefield to include the Shepherdstown battlefield. Once the boundary adjustment is authorized, the National Park Service would complete or revise an existing land protection plan to identify priorities and the lands or interests in lands within the park's authorized boundaries that should be in federal ownership. Protection of battlefield resources in the expanded boundary would occur through a mix of fee simple acquisition and conservation easements from willing sellers and donors. Fee simple acquisition would be the preferred acquisition tool for only highly sensitive resource areas and critical visitor access points. If in the future the National Park Service was able to acquire lands from willing sellers or

donors within the legislative boundary, Antietam National Battlefield would take a lead role in the management, protection, and interpretation of any battlefield land owned by the National Park Service, with support from Harpers Ferry National Historical Park. Antietam National Battlefield may also work with the Chesapeake and Ohio Canal National Historical Park to provide visitor services at the Ferry Hill site.

The inclusion of the Shepherdstown battlefield as part of Antietam National Battlefield would provide visitors the opportunity to have an expanded understanding of the events directly following the Battle of Antietam and the culmination of the Maryland Campaign. Existing interpretive themes would be expanded to include interpretation of the Shepherdstown battlefield. The enabling legislation for Antietam National Battlefield directs the park to provide interpretation of the Battle of Shepherdstown; the inclusion of the Shepherdstown battlefield within the boundary of the Antietam National Battlefield would protect resources critical to fulfilling the park purpose. Additionally, the Battle of Antietam and the subsequent Battle of Shepherdstown are closely historically linked and both battles were dependent upon and impacted many of the same landscape features and terrain.

If the National Park Service were able to acquire land from willing sellers or donors in the future, the key impacts of implementing alternative 2, option A would include greater protection for resources related to the Battle of Shepherdstown. Cultural and natural resources would be managed according to NPS laws, policies, and guidelines, which would have a beneficial impact on those resources. The National Park Service may also work with landowners seeking conservation easements as a means of protecting battlefield resources. Option A may result in long-term beneficial impacts to the visitor experience due to expanded opportunities to access the resources and to understand the historical significance of the Shepherdstown battlefield.



Option B: Harpers Ferry National Historical Park: Under option B, Congress may authorize a boundary adjustment of Harpers Ferry National Historical Park to include the Shepherdstown battlefield. Once the boundary adjustment is authorized, the National Park Service would complete or revise an existing land protection plan to identify priorities and the lands or interests in lands within the park’s authorized boundaries that should be in federal ownership. Protection of battlefield resources in the expanded boundary would occur through a mix of fee simple acquisition and conservation easements from willing sellers and donors. Fee simple acquisition would be the preferred acquisition tool for only highly sensitive resource areas and critical visitor access points. If in the future the National Park Service were able to acquire lands from willing sellers and donors within the legislative boundary, Harpers Ferry National Historical Park would take a lead role in the management, protection, and interpretation of any battlefield land owned by the National Park Service, with support from Antietam National Battlefield. Harpers Ferry National Historical Park may also work with the Chesapeake and Ohio Canal National Historical Park to provide visitor services at the Ferry Hill site.

The inclusion of the Shepherdstown battlefield as part of Harpers Ferry National Historical Park would allow the latter to expand its Civil War interpretive theme by providing visitors with a complete overview of General Lee’s first invasion of the North and the Maryland Campaign.

If the National Park Service were able to acquire land from willing sellers or donors in the future, the key impacts of implementing alternative 2, option B would include greater protection for resources related to the Battle of Shepherdstown. Cultural and natural resources would be managed according to NPS laws, policies, and guidelines. The National Park Service may also work with landowners seeking conservation easements as a means of protecting battlefield resources. Option B may result in long-term beneficial impacts to the visitor experience due to expanded opportunities to access the resources and to understand the historical significance of the Shepherdstown battlefield.

PUBLIC INVOLVEMENT

The National Park Service held two public meetings in the towns of Harpers Ferry and Shepherdstown, West Virginia, in February 2012. Approximately 136 people attended the two meetings. A newsletter soliciting input was sent to 45 stakeholders and 140 landowners in the vicinity of the battlefield in both West Virginia and Maryland. Public input received by the National Park Service was predominately supportive of the study and enthusiastic about interpreting the Shepherdstown battlefield. A summary of the public scoping process and the comments received is included in “Chapter 7: Public Involvement, Consultation, and Coordination.”

NEXT STEPS

Following the minimum 30-day public review period of the *Shepherdstown Battlefield Special Resource Study / Boundary Study / Environmental Assessment*, the National Park Service will submit the study, along with a summary of public comments, to the Secretary of the Interior. The Secretary will then transmit the report to Congress, along with her recommendation.



A GUIDE TO THIS DOCUMENT

This special resource study / boundary study / environmental assessment is organized into seven chapters. Each chapter is briefly described below.

Chapter 1: Purpose and Background provides an overview of the purpose and need for the study along with the legislative history authorizing the study. This chapter also summarizes NPS findings on the special resource study and boundary study.

Chapter 2: Historical Background and Description of the Resource provides an overview of the Shepherdstown battlefield's place in Civil War and U.S. history. This chapter also describes the key physical and cultural resources associated with the Shepherdstown battlefield.

Chapter 3: Evaluation of Shepherdstown Battlefield as a Potential New Unit of the National Park System describes the evaluation criteria and findings for the study site. This chapter provides the analysis and evaluation required in a special resource study.

Chapter 4: Alternatives and Application of NPS Criteria for Boundary Adjustments evaluates the potential of including the Shepherdstown battlefield within the boundaries of an existing unit of the national park system—either Harpers Ferry National Historical Park or Antietam National Battlefield. This chapter provides the analysis and evaluation required in a boundary study.

Chapter 5: Affected Environment describes the areas and resources that would be affected by implementing the actions in the alternatives—cultural resources, natural resources, visitor use and experience, socioeconomic environment, and park operations.

Chapter 6: Environmental Consequences analyzes the impacts of implementing the alternatives on topics described in the “Affected Environment” chapter. Methods used for assessing the impacts in terms of the intensity, type, and duration of impacts are outlined in the chapter.

Chapter 7: Public Involvement, Consultation, and Coordination describes the history of public and agency coordination during the planning effort. It also lists agencies and organizations that will receive copies of the document and a list of preparers.





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CHAPTER 1: PURPOSE AND BACKGROUND

PURPOSE OF THIS SPECIAL RESOURCE STUDY / BOUNDARY STUDY / ENVIRONMENTAL ASSESSMENT

New lands are typically added to the national park system by an act of Congress. However, before Congress decides to create a new national park system unit, it needs to determine whether the area’s resources meet established criteria for designation. The U.S. Department of the Interior, National Park Service (NPS) is often tasked with evaluating potential new areas for compliance with these criteria and documenting its findings in a special resource study.

The National Park Service has prepared the *Shepherdstown Battlefield Special Resource Study / Boundary Study / Environmental Assessment* to evaluate the potential for lands associated with the American Civil War battle at Shepherdstown, West Virginia, to be included in the national park system.

As directed by Congress, this document includes a special resource study that evaluates the national significance of the study area and its potential for inclusion in the national park system as a new unit. The legislation directing the Department of the Interior to undertake this study also directed the National Park Service to evaluate the suitability and feasibility of including the study area within the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield. When evaluating a resource for inclusion within the boundary of an existing national park system unit, the National Park Service uses boundary study criteria to evaluate the suitability and feasibility of the addition. Therefore, this document includes an evaluation of the Shepherdstown battlefield under both special resource study and boundary study criteria. Changes to park boundaries require congressional approval.

ORGANIZATION OF DOCUMENT

This document is both a special resource study and a boundary study. The special resource study portion evaluates the Shepherdstown battlefield as a potential new addition to the national park system. The boundary study evaluates the Shepherdstown battlefield as a potential new addition to one of two existing national park system units—Antietam National Battlefield and Harpers Ferry National Historical Park.

This document presents information on historic context and existing conditions in “Chapter 2: Historical Background and Description of the Resource.” “Chapter 3: Evaluation of Shepherdstown Battlefield as a Potential New Unit of the National Park System” addresses the evaluation criteria specific to the special resource study.

The second part of the document features the environmental assessment for the boundary study. “Chapter 4: Alternatives and Application of NPS Criteria for Boundary Adjustments” presents the study alternatives in addition to addressing the evaluation criteria specific to a boundary study and the topic of “feasibility.” “Chapter 5: Affected Environment,” and “Chapter 6: Environmental Consequences” describe the resources and alternatives, in addition to analyzing the impacts of including the Shepherdstown battlefield within Antietam National Battlefield or Harpers Ferry National Historical Park in accordance with the National Environmental Policy Act of 1969, as amended (NEPA). “Chapter 7: Public Involvement, Consultation, and Coordination” describes public and agency involvement in the study process.



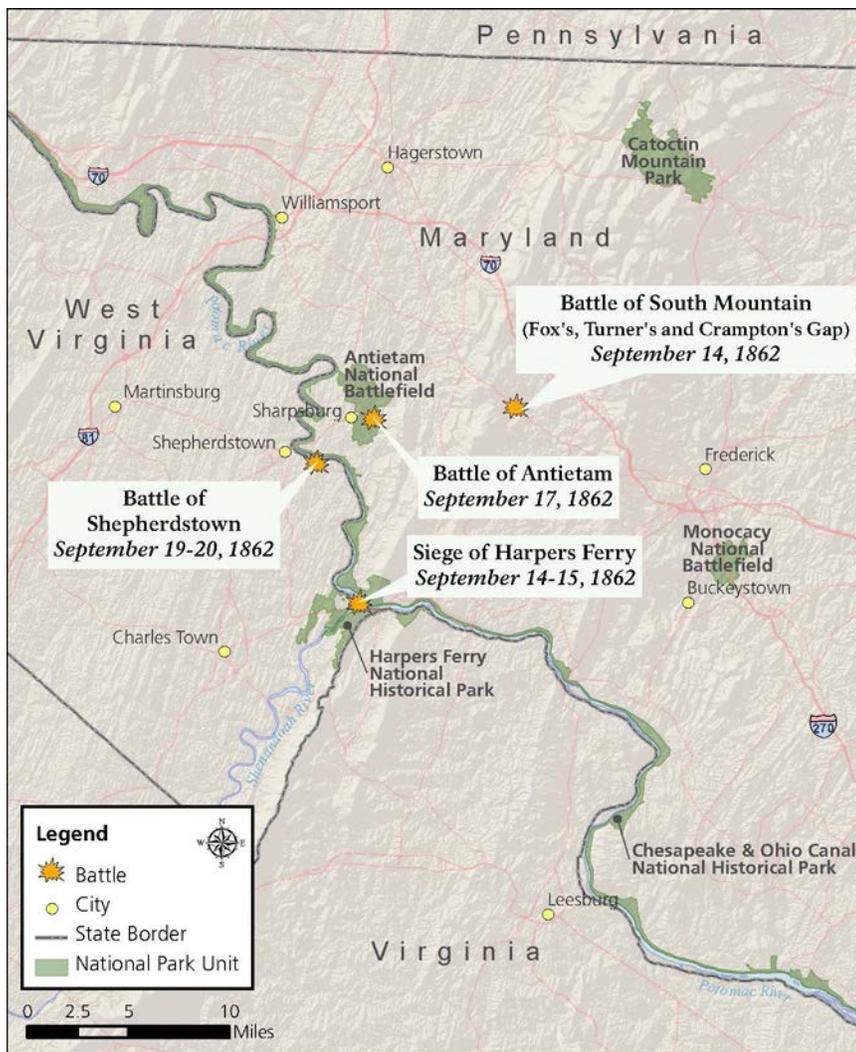


FIGURE 1.
Battle Sites of the
Maryland Campaign of
1862, including
Antietam National
Battlefield and
Harpers Ferry National
Historical Park

DESCRIPTION OF SHEPHERDSTOWN BATTLEFIELD

As depicted in figure 1, the Shepherdstown battlefield lies approximately 1 to 2 miles south and east of Shepherdstown, West Virginia, roughly between Harpers Ferry National Historical Park (12.5 miles south) and Antietam National Battlefield (5.2 miles north). In all, the Shepherdstown battlefield study area encompasses roughly 5,000 acres in Jefferson County, West Virginia, and Washington County, Maryland. The Battle of Shepherdstown, also known as the Battle of Boteler's Ford, was fought on September 19 and 20, 1862, immediately following the Battle of Antietam on September 17, 1862. There were more than 600 casualties. The battle at Shepherdstown was the final engagement of the Maryland Campaign that included the battles at Harpers Ferry, South Mountain, and Antietam.

The proposed legislative boundary identified in this study is approximately 510 acres. The majority of the land within the proposed legislative boundary is privately owned, with the exception of a 13-acre parcel purchased by the Jefferson County Landmarks Commission. Existing land uses on the battlefield include residential development, animal grazing/pasture, agricultural, and forestlands. A more complete description of the lands within and external to the proposed legislative boundary is contained in chapter 2 and the feasibility analysis in chapter 4.



STUDY METHODOLOGY/PROCESS

A seven-step methodology was used to determine if the Shepherdstown battlefield satisfies the special resource study or boundary study requirements. This methodology is discussed to the right.

1. **Assess public opinion and ideas about managing the site.** During a process called “scoping,” information was obtained about the broad range of potential ideas, goals, and objectives that future visitors, neighbors, local and state government agencies, regional residents, and the general public would like to see achieved at the Shepherdstown battlefield. A summary of the ideas and concerns generated through scoping is presented in appendix E.
2. **Evaluate national significance and suitability of site features.** Per Public Law 91-383, section 8, as amended by section 303 of the National Parks Omnibus Management Act (Public Law 105-391) and NPS policy, potential new units of the national park system must
 - a. possess national significant resources be a suitable addition to the national park system
 - b. be a feasible addition to the national park system
 - c. require direct NPS management or administration instead of alternative protection by other agencies or the private sector

Because the Shepherdstown battlefield did not meet the standards for national significance (criterion a, above) the other criteria (b, c, and d) were not considered in the “Special Resource Study” section of this document (chapter 3). The NPS study team then transitioned to a boundary adjustment study per the direction given in the legislation authorizing this study.

3. **Evaluate the potential of adding the Shepherdstown battlefield to an existing unit of the national park system—either Harpers Ferry National Historical Park or Antietam National Battlefield.** The criteria for boundary adjustments (*NPS Management Policies 2006*) requires the National Park Service to first demonstrate that the area protects significant resources and values or enhances opportunities for public enjoyment related to park purposes. Per this requirement, the study team evaluated how the Shepherdstown battlefield fits into the thematic context of either Antietam National Battlefield or Harpers Ferry National Historical Park.

The legislation directing the Department of the Interior to undertake this study did not delineate a boundary for the National Park Service to study. Therefore a key task for the study team was to identify a potential boundary expansion area that would be feasible for the National Park Service to manage. This boundary is referred to as the proposed legislative boundary. A discussion of the proposed legislative boundary, in addition to the feasibility and suitability of expanding the boundary of either Antietam National Battlefield or Harpers Ferry National Historical Park to include the Shepherdstown battlefield is presented in chapter 4.

4. **Evaluate the need for direct NPS management.** The boundary study process continues with an analysis to assist in the determination of need for direct NPS management instead of alternative protection by another group. To be considered, an area must meet the standard that “other alternatives for management and resource protection are not adequate” per *NPS Management Policies 2006*. A discussion of the need for direct NPS management is presented in chapter 4.



5. **Analyze the affected environment potential impacts.** The impact analysis includes a description of the context, duration, and intensity of impacts on all major resources and values affected by adjusting the boundary of Antietam National Battlefield or Harpers Ferry National Historical Park. Direct and indirect impacts were described, as well as consideration of the effects of connected, similar, and cumulative actions. The impact analysis is presented in chapters 5 and 6.
6. **Publish Study Report and Distribute for Public Review and Comment.** As part of the overall effort to encourage public involvement in the decision-making process, solicitation of public comment on the special resource study and boundary adjustment will follow the requirements of the National Environmental Policy Act. Comments are considered a critical aid in helping the National Park Service refine and reshape, if necessary, its recommendations so they best represent existing and potential future conditions at the site. After public review, comments on the study will be collected, analyzed, summarized, and provided to the Department of the Interior along with the study report.
7. **Transmit Study Report to Congress.** The study report and summary of public comments will be transmitted by the National Park Service to the Department of the Interior. The Department of the Interior will transmit the study and a recommendation to Congress.

STUDY LIMITATIONS

Special resource studies and boundary studies serve as reference sources for members of Congress, the National Park Service, and other persons interested in the potential designation of an area as a new unit of the national park system. The reader should be aware that the analysis and findings contained in this report do not guarantee future funding, support, or any subsequent action by Congress, the Department of the Interior, or the National Park Service.



CHAPTER 2: HISTORICAL BACKGROUND AND DESCRIPTION OF THE RESOURCE

HISTORICAL BACKGROUND

The following information provides a brief summary of the American Civil War and of the Maryland Campaign of 1862 (the Confederacy's first invasion of the North) to provide a context for interpreting the significance of the Battle of Shepherdstown.

American Civil War

The American Civil War (1861–1865) started because of longstanding disagreements over slavery and states' rights. For more than 80 years, debates between the northern and southern states over slavery, economic policies, and authority of the federal government had occurred. These issues escalated with the secession of several southern states from the United States. The first shots were fired at Fort Sumter off the coast of South Carolina on April 12, 1861. Four years later, Confederate Gen. Robert E. Lee surrendered the Army of Northern Virginia to Union Gen. Ulysses S. Grant at Appomattox Court House, symbolically ending the American Civil War.

More than 620,000 Union and Confederate soldiers died during the American Civil War. The number of disease- and combat-related deaths make this the deadliest war in the history of the United States. The American Civil War led to freedom for more than 4 million enslaved African Americans, established a more powerful and centralized federal government, and laid the foundation for the emergence of the United States as a world power.

The Maryland Campaign of 1862

The Maryland Campaign of September 1862 was General Lee's first significant incursion on northern soil. The four primary engagements in the Maryland Campaign were South Mountain, Harpers Ferry, Antietam, and Shepherdstown (figure 1).

Following the Confederate victory at the Second Battle of Bull Run (or Second Manassas) August 28–30, 1862, Lee wrote to Confederate President Jefferson Davis, "we cannot afford to be idle" (U.S. War Department 1880:590). Lee wanted to maintain the offensive and secure the Confederacy's independence by defeating Union forces on their home ground. Such a victory could also influence the fall mid-term elections, provide supplies for his army, move the war out of Virginia, and free Maryland from "the yoke of Union oppression." After crossing the Potomac River and arriving in Frederick, Maryland, Lee divided his army to capture the Union garrison at Harpers Ferry. Harpers Ferry, a gateway to the Shenandoah Valley, was a vital position for maintaining control over Confederate supply and communication lines in Virginia. The more than 14,000 Union soldiers at Harpers Ferry threatened Lee's link to the south, and Gen. Thomas J. "Stonewall" Jackson led more than two-thirds of Lee's army to capture Harpers Ferry. The remaining Confederates moved north and west toward South Mountain and Hagerstown, Maryland.

At Harpers Ferry, Jackson's forces approached the town from three directions. Brig. Gen. John G. Walker commanded one wing of Jackson's three-pronged advance. Crossing the Potomac River at Noland's Ferry near Point of Rocks, Maryland, Walker advanced across the northern Virginia countryside to the southern slope of Loudoun Heights. Union commander Dixon S. Miles was outnumbered and did not have enough men to post on Loudoun Heights, plus he considered them to be within the range of Federal cannon on Maryland Heights. Walker faced no Union opposition and moved a battery of artillery onto Loudoun Heights—on September 14, his army exchanged the first artillery fire with Union soldiers at Harpers Ferry.



Maj. Gen. Lafayette McLaws commanded the second wing of the Confederate advance. McLaws ordered two infantry brigades to advance south along the crest of Elk Ridge—the northern extension of Maryland Heights, the highest ridge overlooking Harpers Ferry. On September 13, Union defenders abandoned the mountain despite “a most obstinate and determined resistance.” On September 14, one day later, McLaws fired on Harpers Ferry (NPS 2012a).

General Jackson commanded the third Confederate wing. Advancing from Frederick to Boonsboro, Maryland, Jackson swept across western Maryland, crossed the Potomac River at Williamsport, captured Martinsburg, and came up behind Harpers Ferry, marching 51 miles in less than three days. His 15,000 soldiers occupied School House Ridge, surrounding the Federal garrison. From his command post near Halltown, Jackson directed his artillery to fire upon Miles’s lines. This Confederate bombardment proved effective. Colonel William H. Trimble of the 60th Ohio Infantry wrote that there was “not a place where you could lay the palm of your hand and say it was safe” (NPS 2012a).

Realizing that artillery alone would not subdue the Union garrison, Jackson ordered Brig. Gen. A. P. Hill to flank the Federal position atop Bolivar Heights. Using School House Ridge for cover, Hill moved his forces toward the Shenandoah River, dragged and tugged five batteries up the river’s steep bluffs, and succeeded in placing his artillery 1,000 yards from the exposed left flank of the Union position. Hill later wrote, “the fate of Harpers Ferry was sealed” (NPS 2012a).

On the morning of September 15, Union commanders at Harpers Ferry held a council of war. Surrounded by a force twice their size and out of long-range artillery ammunition, the officers unanimously agreed to surrender. Around 9:00 a.m., Union troops raised white flags along Bolivar Heights. Minutes later, a stray Confederate shell exploded directly behind Colonel Miles, mortally wounding the Union commander. Brig. Gen. Julius White, second in command, made the final arrangements for Union surrender. Jackson captured 12,737 Union troops at Harpers Ferry—the largest surrender of U.S. troops in U.S. history until the fall of the Philippines in World War II. The Confederates also seized 13,000 arms and 73 pieces of artillery.

Meanwhile, in Washington, D.C., President Abraham Lincoln turned to Maj. Gen. George B. McClellan to protect the capital and to respond to the Confederate invasion. McClellan quickly reorganized the demoralized Army of the Potomac and advanced toward Lee. The armies first clashed on South Mountain where on September 14 the Confederates tried unsuccessfully to block the Federals at three mountain passes—Turner’s, Fox’s, and Crampton’s gaps. Lee’s forces were able to keep McClellan’s troops occupied during the battle at South Mountain on September 14, allowing Jackson to complete his mission.

Following the Confederate retreat from South Mountain, Lee considered returning to Virginia. However, with word of Jackson’s capture of Harpers Ferry on September 15, Lee decided to make a stand at Sharpsburg. The Confederate commander gathered his forces on the high ground west of Antietam Creek with Gen. James Longstreet’s command holding the center and the right while Jackson’s troops filled in on the left. The Confederate position was strengthened with the mobility provided by the Hagerstown Turnpike that ran north and south along Lee’s line; however, there was risk with the Potomac River behind them and only one crossing back to Virginia at Boteler’s Ford. Lee and his soldiers watched the Union army gather on the east side of Antietam Creek.

Thousands of soldiers in blue marched into position as McClellan prepared for his attempt to drive Lee from Maryland. McClellan’s plan was, in his words, “to attack the enemy’s left,” and when “matters looked favorably,” attack the Confederate right, and “whenever either of those flank movements should be successful to advance our center” (NPS n.d.). As the opposing forces moved into position during the rainy night of September 16, one Pennsylvanian remembered, “. . . all realized that there was ugly business and plenty of it just ahead” (NPS n.d.).

The 12-hour battle began at dawn on September 17. For the next seven hours, there were three major Union attacks on the Confederate left flank, moving from north to south. Gen. Joseph Hooker’s First Corps led the first Union assault. Then, Gen. Joseph Mansfield’s Twelfth Corps attacked, followed by Gen. Edwin Sumner’s Second Corps as McClellan’s plan broke down into a series of uncoordinated Union advances. Combat raged across several areas as Lee shifted his men to withstand each Union thrust. After fighting all morning, the Confederate left flank was pushed back. More than 13,000 soldiers, Confederate and Union, became casualties.



In late morning, the fighting shifted to a sunken farm lane that would forever after be known as “Bloody Lane.” There, elements of the Union Second Corps struck the Confederate center. After several hours of bloody combat, the Confederate line in this sector was pushed back several hundred yards. More than 5,500 soldiers of both sides were killed or wounded in this phase of the battle.

Meanwhile, about 1.5 miles south of Sunken Road (Bloody Lane), Union Gen. Ambrose Burnside’s command made several attempts to capture the “Lower Bridge.” Around 1:00 p.m., the Union forces took the bridge, forcing the small Confederate force holding bluffs above to retreat. After taking the bridge, Burnside allowed his men to rest and to replenish ammunition. This critical delay of two hours allowed General A. P. Hill’s division to arrive on the field from Harpers Ferry. When Burnside’s men finally moved forward against Lee’s right flank, they were met by Hill’s reinforcements. By sundown, Burnside’s troops had been forced to withdraw to Antietam Creek. The Battle of Antietam was over.

Despite more than 23,000 casualties of nearly 100,000 soldiers, both armies held their ground as the sun set on the devastated landscape. On September 18, the opposing armies gathered their wounded and buried their dead.

Antietam is considered the bloodiest one-day battle in U.S. history. While some historians have considered it a tactical draw, many scholars now look upon it as a Union victory. Lee was forced to curtail his invasion and retreat across the river to Virginia shortly after the battle on the night of September 18. Thus, the stage was set for the final conflict of the Maryland Campaign of 1862—the Battle of Shepherdstown.

THE BATTLE OF SHEPHERDSTOWN

Approximately 1.5 miles downstream from Shepherdstown, Boteler’s Ford (also known as Blackford’s / Shepherdstown / Pack Horse Ford) served as the primary crossing point of the Potomac River for the Confederate Army of Northern Virginia. As Lee’s forces moved back into Virginia, he appointed Brig. Gen. William Nelson Pendleton to protect this vital river crossing with 44 cannons placed in artillery positions on the bluffs above the south side of the river. Federal forces set up significantly more artillery positions on the northern banks of the river on the Maryland bluffs and took advantage of the then-drained Chesapeake and Ohio (C&O) Canal to use as a trench for sharpshooters. Both sides exchanged artillery fire, but it was not until the movement of Federal

soldiers into Virginia on September 19 and the capture of Confederate artillery that the skirmish erupted into a bloody battle (NPS 2012d).

On the afternoon of September 19, elements of the Union Fifth Corps crossed the river at Boteler’s Ford, capturing 4 of 44 artillery pieces before returning to the northern banks of the Potomac River at dusk. A panicked Pendleton fled the battlefield not having fully assessed the situation. Pendleton reported to Lee that his artillery had been captured by the Federals. Following this report, Lee quickly changed his plans and prepared for battle, sending A. P. Hill’s division, which included the brigades of Pender, Gregg, Thomas, Archer, Lane, and Brockenbrough, to counter the Federals at Boteler’s Ford, while withdrawing the remainder of his Confederate forces farther south into the Shenandoah Valley (figure 2).

On September 20, Federal forces under the command of Maj. Charles Lovell were taken by surprise by a large contingent of Confederate troops taking positions on both sides of Charlestown Road (Trough Road) and preparing to march north toward Boteler’s Ford. As Federal forces pulled back toward the river and Confederate troops advanced, skirmishes broke out as soldiers on both sides moved into positions readying for battle. As fighting erupted, Federal artillery on the north side of the Potomac River opened fire. The forces of Union Col. James Barnes, which had spread out along River Road and the knolls along the south side of the river, retreated across Boteler’s Ford (figure 3).

In the midst of the chaos, the green 118th Pennsylvania (Corn Exchange Regiment) found itself isolated and outflanked. Besides having only been in the service for three weeks, the men were armed with rifles that malfunctioned. The results were sadly predictable. The Pennsylvanians panicked and made a rush for the river. Some fell from the bluffs above the river. Others sought refuge in the nearby cement mill and kilns. Soon blue-coated bodies floated on the river as men of the 118th were shot while attempting to get back to the Maryland shore (figure 4). The battle lasted less than an hour and the Confederates withdrew to escape the wrath of Union artillery fire from across the river. With more than 675 casualties, the Battle of Shepherdstown was the bloodiest battle in what became the state of West Virginia. It was also the last major action of the Maryland Campaign. Lee’s failure in Maryland gave President Abraham Lincoln the impetus to issue the “Preliminary Emancipation Proclamation” on September 22, 1862, just two days after the Battle of Shepherdstown (NPS 2012d).



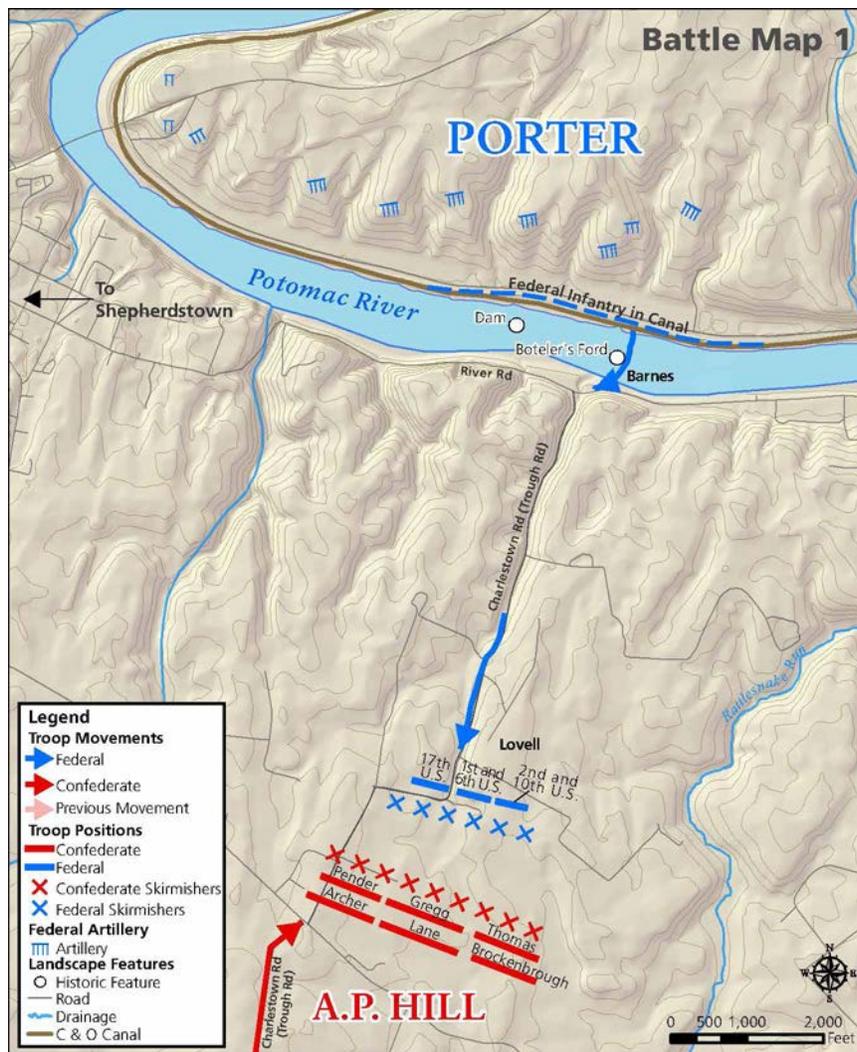


FIGURE 2.
Initial Engagement
of the Battle of
Shepherdstown,
September 19, 1862

Primary Resources

The following landscape features and structures have been identified as primary resources of central importance in the Battle of Shepherdstown (NPS 2012d). Many of these resources were also important to the Battle of Antietam. The battlefield landscape map (figure 5) depicts the locations of each of these resources.

- A. **Ferry Hill:** This hill was used by Union artillery on September 19–20. This position allowed an excellent field of fire to Shepherdstown and Confederate positions at all points along the Virginia bluffs. Ferry Hill Place was the childhood home of Henry Kyd Douglas, Jackson's youngest staff officer.
- B. **Maryland Bluffs:** During the Battle of Shepherdstown, these bluffs were lined with Union artillery from Douglas Hill to downstream of Boteler's Ford.
- C. **Chesapeake and Ohio Canal:** The drained canal served as a ready-made entrenchment for Federal soldiers beginning on September 19.
- D. **Boteler's Ford:** This river crossing was extremely important in the Maryland Campaign. In 1861, the covered bridge spanning the Potomac River at Shepherdstown was burned. As a result, all traffic was diverted one mile downstream to this river crossing. The ford was used by large parts of Lee's army to reach the field of Antietam. It was also the retreat route of the entire Army of Northern Virginia following the Battle of Antietam. The ford was the route of attack by the 1st U.S. Sharpshooters and 4th Michigan Infantry on the evening of September 19, as well as elements of the Fifth Corps and Union Cavalry on September 20. Boteler's Ford dictated the site of the Battle of Shepherdstown: The ford also was an important



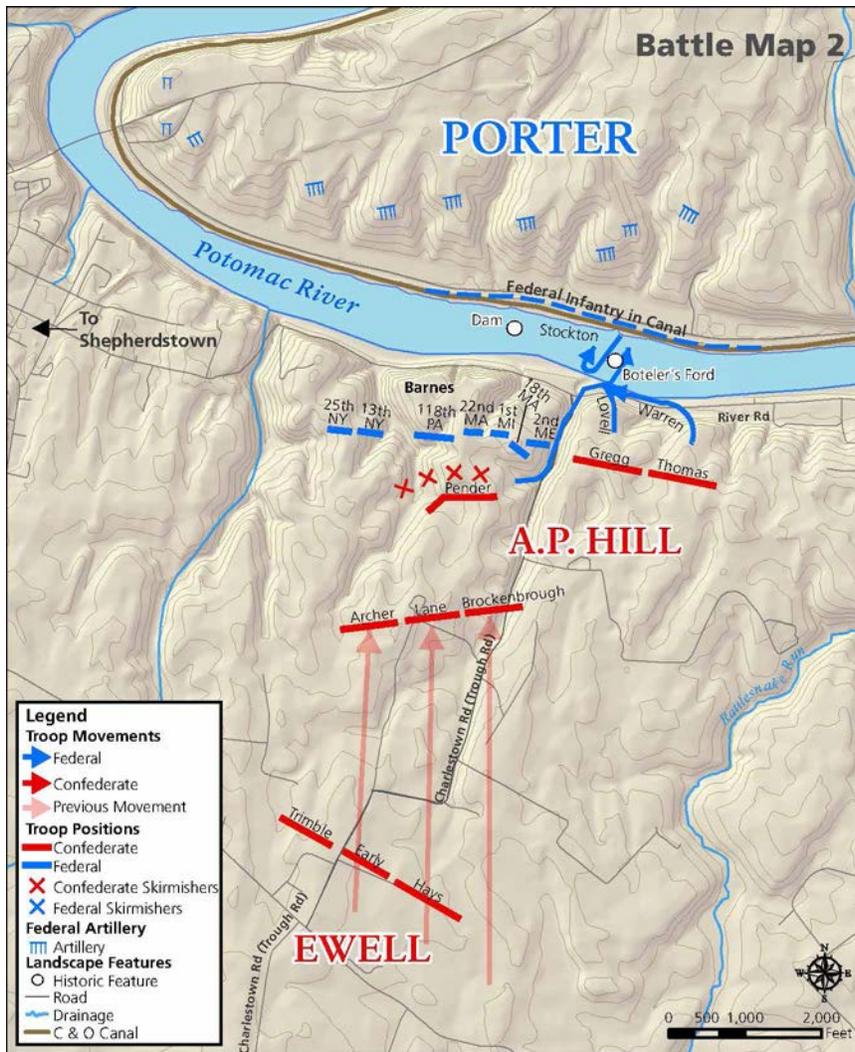


FIGURE 3.
Battle of
Shepherdstown,
Early Morning of
September 20, 1862

crossing for the Confederate Army during both the Gettysburg Campaign in 1863 and “Early’s Raid” into Maryland in July, 1864.

- E. **Charlestown Road:** Presently known as Trough Road, this roadway was the primary line of retreat for the Army of Northern Virginia on September 18 and 19. It also provided a route of withdrawal for Pendleton’s command on the evening of September 19. On the morning of September 20, this road was used by Lovell’s Brigade of Regulars as they advanced into Virginia. The road is a significant landscape feature because it is mentioned in numerous accounts of the action. On September 20, the road split the battle line of the initial Confederate advance, creating a gap between Pender’s Brigade on the left and Gregg’s and Thomas’s brigades on the right. This separation led Hill to send his last three brigades in

to support Pender against Barnes’s Brigade, which included the 118th Pennsylvania.

- F. **River Road:** This road was used by the Army of Northern Virginia during its withdrawal from Sharpsburg. It was also the main route used to transport nearly 8,000 Confederate wounded to the town of Shepherdstown. On the morning of September 20, it was used by Barnes’s Brigade to deploy to the bluffs above.
- G. **Hollow:** This hollow provided Confederate infantry and artillerymen cover from incoming Federal fire on September 19. This bowl-shaped ravine was also used by the 18th Massachusetts, 22nd Massachusetts, 1st Michigan, and 2nd Maine of Barnes’s Brigade to reach the summit of the bluffs on September 20. The same route was taken during their withdrawal.



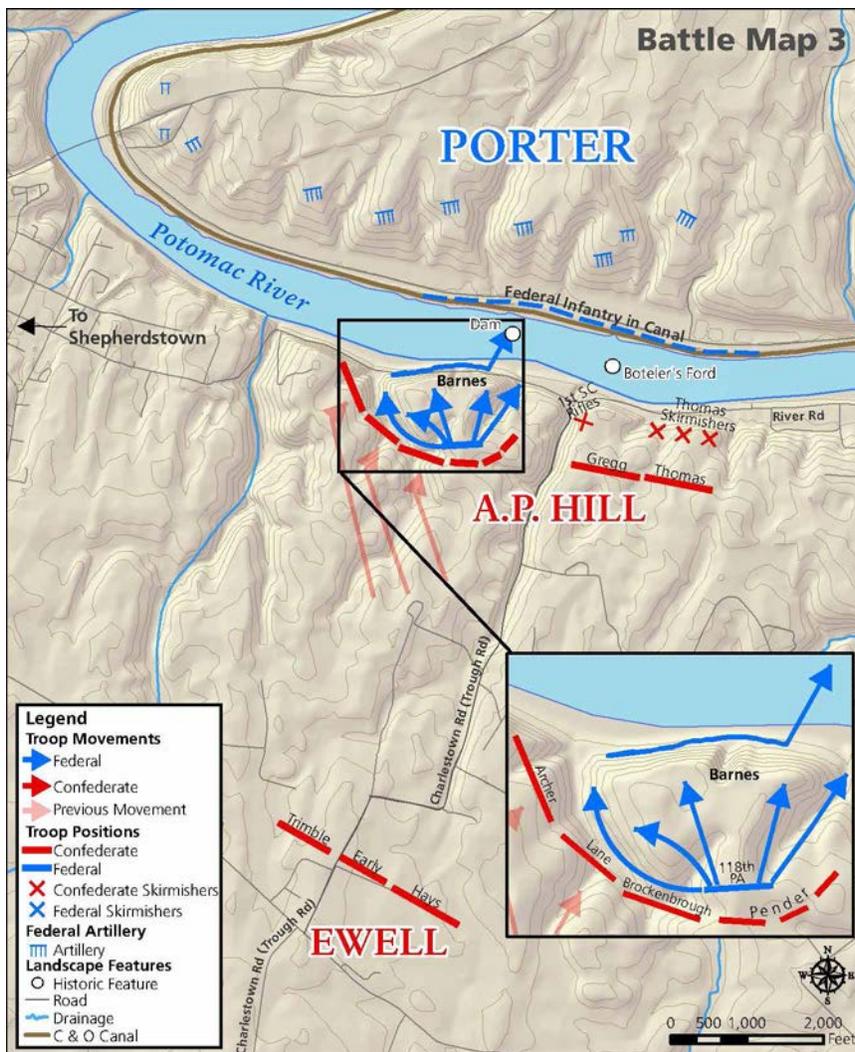


FIGURE 4.
Battle of
Shepherdstown,
Afternoon of
September 20, 1862

H. **Ravine:** This ravine was the approach for the 13th and 25th New York Infantry regiments, as well as the 118th Pennsylvania, to reach the summit of the bluffs on September 20. The 13th and 25th New York Infantry regiments deployed to the right of the ravine while the 118th Pennsylvania formed a line of battle to the left. This ravine created a gap in the Union line of battle. It was here that the order to withdraw was given by Lt. Walter Davis, Barnes's adjutant. The ravine was used as a line of retreat by the 13th and 25th New York Infantry regiments, and later by the 118th Pennsylvania. By the time of the withdrawal of the 118th Pennsylvania, a fallen tree blocked the path to the river and created a bottleneck. Confederate fire from the rim of the ravine (previously occupied by the 13th and 25th New York Infantry regiments) caused a number of casualties, both killed and wounded, in this area.

- I. **Knoll 1:** This point was used as an artillery position by Pendleton's reserve artillery on the afternoon of September 19. On September 20, this position was occupied by the 18th Massachusetts, which held it for 30 minutes, fired close to 60 rounds of ammunition, and suffered 14 casualties.
- J. **Knoll 2:** This rise of ground was the position of the 118th during the fight of September 20. The 118th Pennsylvania suffered heavy casualties and on September 22, Union burial parties laid 40 soldiers to rest here. The battle line of the 22nd Massachusetts and 1st Michigan was between and slightly to the rear of Knoll 1 and Knoll 2.



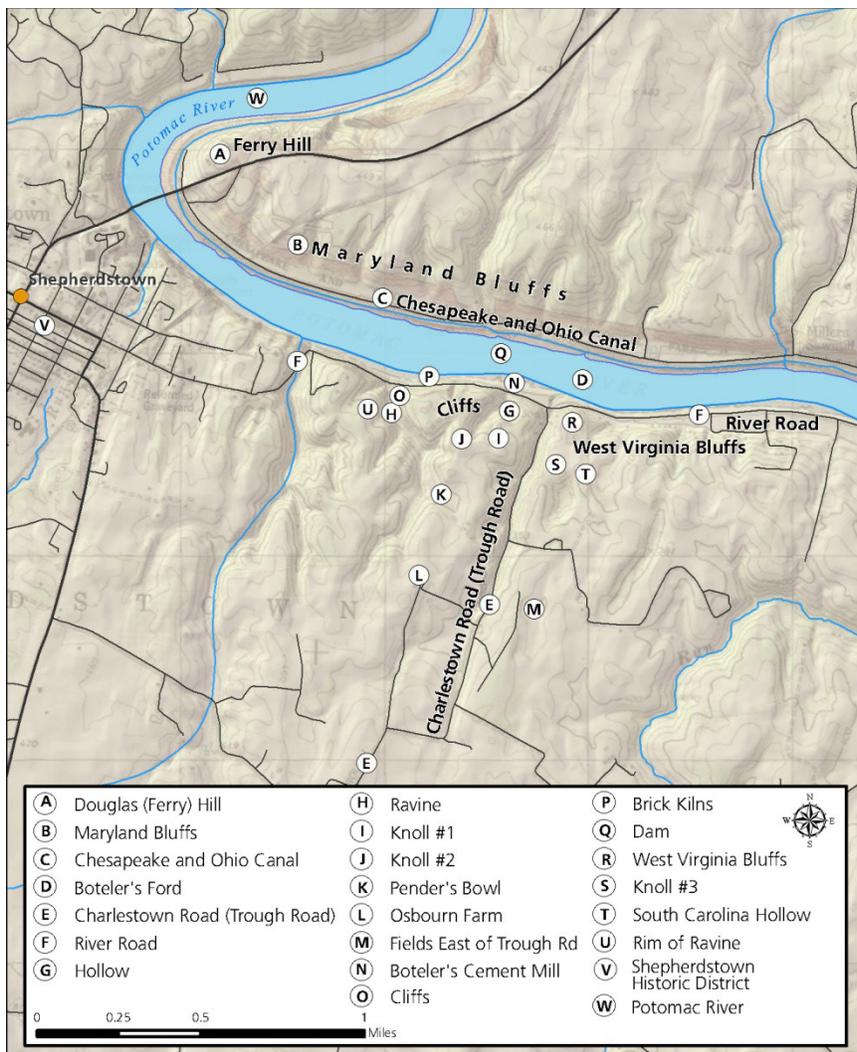


FIGURE 5.
Battle of
Shepherdstown
Landscape Features

K. **Pender's Bowl:** This deep depression in the ground provided cover from incoming fire for two regiments of Pender's Brigade on the morning of September 20. Pender sheltered his soldiers here as he waited for Archer's three brigades then advancing in support.

L. **Osbourn Farm:** The fields of the Osbourn Farm were the avenue of approach used by the Confederate brigades of Pender, Brockenbrough, Lane, and Archer on September 20. These units advanced across the fields into the line of battle and sustained casualties from incoming Federal fire. Near the Osbourn farmhouse, Archer received a message from Pender that the enemy outflanked him and he needed support on his left. The farm was also used as a hospital following the Battle of Shepherdstown.

M. **Fields East of Trough Road:** This area was the avenue of approach of Gregg's and Thomas's brigades on the morning of September 20. They advanced against Lovell's Brigade of Regulars under both artillery and rifle fire and sustained casualties at this part of the field. The 14th South Carolina Infantry lost 55 men in this advance.

O. **Cliffs:** The vertical stone cliffs played an important role in the fighting of September 20. Due to the steepness and inaccessibility of this terrain, Barnes was forced to divide his brigade in two while deploying his men to the summit of the bluffs. During the retreat, a number of soldiers of the 118th Pennsylvania were killed at this site.



- P. **Brick Kilns:** These kilns provided cover for men of the 118th Pennsylvania during their retreat. A Federal shell exploded in one of these kilns, killing several soldiers.
- Q. **Dam:** The dam, which was part of the cement mill operation, served as a retreat route for the 13th and 25th New York, as well as the majority of the 118th Pennsylvania. The 118th Pennsylvania crossed the dam under heavy enemy fire and suffered a number of casualties at the structure, including at least six soldiers killed.
- R. **West Virginia Bluffs:** The bluffs along the southern bank of the river were used by the Army of Northern Virginia's Reserve Artillery from September 16–19, 1862. Thirty-three guns were deployed along these heights in an effort to prevent a Union crossing and to protect the rear of the army. This defensive position included roughly 600 men of Lawton's and Armistead's brigades. The bluffs to the east of Trough Road marked the final line of battle of Lovell's and Warren's brigades on September 20.
- S. **Knoll 3:** This hill was occupied by a portion of Lovell's battle line on September 20. After Lovell's withdrawal, the 14th South Carolina advanced to the crest of this hill where it was halted for a few moments and exposed to heavy artillery fire before taking shelter in the adjacent ravine (feature T).
- T. **South Carolina Hollow:** On September 19, this hollow provided Confederate infantry and artillery soldiers cover from incoming Federal fire. This bowl-shaped ravine was also used by the 18th Massachusetts, 22nd Massachusetts, 1st Michigan, and 2nd Maine infantry regiments of Barnes's Brigade to reach the summit of the bluffs on September 20. The same route was taken during their withdrawal.
- U. **Rim of Ravine:** On September 20 this position was occupied by Archer's and Lane's brigades. From these heights they inflicted heavy casualties on the retreating 118th Pennsylvania below.
- W. **The Potomac River:** The Potomac River played a prominent role in the course and outcome of the Battle of Shepherdstown. The river was a formidable barrier between the north and south, made increasingly significant by the fact that the only river crossing was at Boteler's Ford. Troop movements and battle tactics were shaped by the presence of this terrain feature.

Secondary Resources

The following resources have been identified as important in the Battle of Shepherdstown and the site's related history, but are not directly related to the course and outcome of the engagement.

- N. **Boteler's Cement Mill:** This mill existed during the time of the battle and much of the fighting occurred around its structures. The mill buildings are mentioned in numerous reports and appear in several illustrations of the battle. The ruins provide a fixed reference point for the action. The large mill building along the river was used at various times during the battle by Confederate riflemen. Cement produced at the mill was used in the construction of the C&O Canal (now the Chesapeake and Ohio Canal National Historical Park) and in some of the federal buildings in Washington, D.C.
- V. **Shepherdstown Historic District:** Shepherdstown contains numerous buildings that housed thousands of wounded Confederate soldiers from the fighting at South Mountain, Antietam, and Shepherdstown.



CHAPTER 3: EVALUATION OF SHEPHERDSTOWN BATTLEFIELD AS A POTENTIAL NEW UNIT OF THE NATIONAL PARK SYSTEM

INTRODUCTION

NPS *Management Policies 2006*, section 1.3.1, stipulates that in order to qualify as a new unit of the national park system, the resource being studied must

1. possess natural and/or cultural resources that are nationally significant
2. be a suitable addition to the system
3. be a feasible addition to the system
4. require direct management by the National Park Service that cannot or will not be accomplished by another governmental entity or by the private sector

These criteria are designed to ensure that the national park system includes only the most outstanding examples of the nation's natural and cultural resources.

Evaluation of national significance is an important step on which subsequent stages of the process depend. Generally, special resource study teams do not apply criteria for suitability, feasibility, or direct management (criteria 2 through 4 above) unless a positive finding of national significance is reached.

NATIONAL SIGNIFICANCE CRITERIA

NPS *Management Policies 2006*, section 1.3.1, directs that potential new units to the national park system must possess significance at the national level. Historic properties considered for inclusion in the national park system must be evaluated according to national historic landmark (NHL) criteria contained in 36 *Code of Federal Regulations* (CFR) 65.4, which states:

The quality of national significance is ascribed to districts, sites, buildings, structures, and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology,

engineering, and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling and association, and meet one or more of the following six criteria:

- **Criterion 1**—that are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or
- **Criterion 2**—that are associated importantly with the lives of persons nationally significant in the history of the United States; or
- **Criterion 3**—that represent some great idea or ideal of the American people; or
- **Criterion 4**—that embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for the study of a period, style, or method of construction, or that represent a significant, distinctive, and exceptional entity whose components may lack individual distinction; or
- **Criterion 5**—that are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition, but collectively comprise an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
- **Criterion 6**—that have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light on periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts, and ideas to a major degree.



Director's Order 28: *Cultural Resource Management* defines integrity as "the degree to which behavior and ideas are manifested in the form and substance of a resource. A cultural resource has integrity if it retains material attributes associated with its social values."

In addition, the National Register Bulletin, *How to Prepare National Historic Landmark Nominations*, specifies that a property with a high degree of integrity must

retain the essential physical features that enable it to convey its historical significance. The essential features are those features that define both why a property is significant (NHL criteria and themes) and when it was significant (periods of significance)...and without which a property can no longer be identified.

Overview of Process Used to Develop the Significance Finding

NPS *Management Policies 2006*, section 1.3, states "NPS professionals in consultation with subject-matter experts, scholars, and scientists will determine whether a resource is nationally significant." National significance for cultural resources is evaluated by applying the NHL criteria contained in 36 CFR 65. The evaluation of resources under these criteria is completed by the NPS National Historic Landmarks Program based on a review of existing historical evidence, previous evaluations of significance, and the professional opinions of Civil War scholars. In accordance with NPS policy, the National Park Service consulted with NPS historians and contracted professional historians to assess the significance of the Shepherdstown battlefield according to NHL criteria described in the preceding section. The historians were asked to provide a professional assessment of whether the battlefield met these NHL criteria. An inventory of landscapes and resources associated with the Battle of Shepherdstown and an assessment of their integrity was developed. Contracted historians provided a description of the relationship between the Battle of Shepherdstown and the park purpose, park significance, and interpretive themes for Harpers Ferry National Historical Park and Antietam National Battlefield. These findings were submitted to the NPS National Historic Landmarks Program for review. The results of the final determination are summarized below.

Evaluation of National Significance

Criterion 1: (Properties) that are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad patterns of U.S. history and from which an understanding and appreciation of the patterns may be gained.

The Shepherdstown battlefield does not meet criterion 1. The Battle of Shepherdstown was the final engagement of the Maryland Campaign of 1862, but did not make a significant impact on either the outcome of the American Civil War or on the course of U.S. history. The congressionally chartered Civil War Sites Advisory Commission evaluated the relative significance of nearly 400 battlefields using a methodology consistent with that used by the National Register of Historic Places. Battlefields were ranked by importance from class A (having decisive influence on a campaign and a direct impact on the course of the war); class B (having a direct and decisive influence on the campaign); class C (having observable influence on the outcome of a campaign); to class D (having a limited influence on the outcome of the campaign or operation, but achieving or affecting important local objectives). The Shepherdstown battlefield was placed third out of four tiers, rating it a class C battlefield (CWSAC 1993). A class C battlefield designation as determined by the Civil War Sites Advisory Commission means that the Shepherdstown battlefield is not eligible under NHL criterion 1. The NHL program places considerable weight on determinations made by the Civil War Sites Advisory Commission.

Criterion 2: (Properties) that are associated importantly with the lives of persons nationally significant in the history of the United States.

The Shepherdstown battlefield does not meet criterion 2. While major and minor military commanders, including Major General McClellan, General Lee, General Jackson, General Hill, Gouverneur K. Warren, and Bvt. Maj. Gen. Joshua L. Chamberlain were involved in the Battle of Shepherdstown, there are other properties that are more importantly associated with these individuals. For example, McClellan, Lee, Jackson, and Hill played major roles in the Battle of Antietam commemorated at Antietam National Battlefield; and Warren and Chamberlain were both central to the outcome of the Battle of Gettysburg commemorated at Gettysburg National Military Park.



Criterion 3: (Properties) that represent some great idea or ideal of the American people.

The Shepherdstown battlefield does not meet criterion 3. President Abraham Lincoln announced the Preliminary Emancipation Proclamation on September 22, 1862, two days after the Battle of Shepherdstown. This action marked the beginning of federal government intervention in the movement to abolish slavery. However, the issuance of the Preliminary Emancipation Proclamation is more closely associated with the Battle of Antietam September 16–18, 1862. The engagement at Shepherdstown by itself did not result in President Lincoln’s decision to issue the Emancipation Proclamation. President Lincoln had been waiting for a Union victory, and the Battle at Antietam, while a tactical draw for both sides, resulted in the retreat of Lee’s forces southward across the Potomac River. Most historians agree that the Battle of Antietam was the definitive event ending the Maryland Campaign and the “victory” for which President Lincoln had been waiting.

Criterion 4: (Properties) that embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for the study of a period, style, or method of construction, or that represent a significant, distinctive, and exceptional entity whose components may lack individual distinction.

The Shepherdstown battlefield does not meet criterion 4. The only possible entity to satisfy criterion 4—the cement-mill complex—is not an outstanding example of its type nor does it retain the high degree of integrity required for national significance.

Criterion 5: (Properties) that are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition, but collectively comprise an entity of exceptional historical or artistic significance or outstandingly commemorate or illustrate a way of life or culture.

The Shepherdstown battlefield does not meet criterion 5. The Shepherdstown battlefield does not comprise an entity of exceptional historical or artistic significance nor does it outstandingly commemorate or illustrate a way of life or culture.

Criterion 6: (Properties) that have yielded or may be likely to yield information of major scientific importance by revealing new cultures or by shedding light on periods of occupation over large areas of the United States. Such sites are those that have yielded, or which may reasonably be expected to yield, data affecting theories, concepts, and ideas to a major degree.

The Shepherdstown battlefield does not meet criterion 6. The Shepherdstown battlefield is not likely to yield data affecting theories, concepts, and ideas to a major degree.

Conclusion: Does Not Meet Criteria for National Significance

The National Historic Landmark Program considered the arguments and evidence provided by the contracted and NPS historians and concurs with the Civil War Sites Advisory Committee evaluation of the Shepherdstown battlefield as a class C battlefield. The National Historic Landmark Program has determined that the Shepherdstown battlefield does not meet the NHL criteria for national significance, and therefore, is not nationally significant.

Because the study area is not nationally significant, it would not be eligible for consideration as a potential new unit of the national park system. This finding brought to a close the special resource study component of this project, and the planning team did not investigate the remaining new unit criteria of suitability, feasibility, and need for new management. This finding does not preclude the Shepherdstown battlefield from being included within the boundaries of an existing unit of the National Park Service from a boundary adjustment, therefore the focus of the team’s work shifted to the application of the NPS criteria for boundary adjustments, which is discussed in chapter 4.





CHAPTER 4: ALTERNATIVES AND APPLICATION OF NPS CRITERIA FOR BOUNDARY ADJUSTMENTS

INTRODUCTION

The legislation directing the Department of the Interior to undertake this study also directed the National Park Service to look at the proposed study area as an addition to Harpers Ferry National Historical Park or Antietam National Battlefield. When evaluating a resource for inclusion into an existing unit of the national park system (i.e., a boundary adjustment), the National Park Service uses boundary study criteria to evaluate the suitability and feasibility of the addition. Changes to park boundaries require an act of Congress.

This boundary study evaluates the proposed legislative boundary described in alternative 2 according to the following criteria published in *NPS Management Policies 2006*, section 3.5, at least one of which must be met for inclusion in an adjusted park boundary:

1. Protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes.
2. Address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads.
3. Otherwise protect park resources that are critical to fulfilling park purposes.

This section provides an analysis of the potential of the Shepherdstown battlefield (as described in alternative 2) to protect significant resources and values, enhance the opportunities for public enjoyment, or otherwise protect park resources related to the purpose of Harpers Ferry National Historical Park and Antietam National Battlefield. As is discussed below in the section titled “Application of the Criteria for Boundary Adjustments,” it was determined that Antietam National Battlefield meets criteria one and three, while Harpers Ferry National Historical Park meets criterion one. Recommendations for boundary changes also have to meet the following criteria (*NPS Management Policies 2006*, section 3.5):

1. The added lands will be feasible to administer, considering their size, configuration, and ownership; costs; the views and impacts on local communities and surrounding jurisdictions; and other factors such as the presence of hazardous substances or exotic species.
2. Other alternatives for management and resource protection are not adequate.

As is discussed below in the section titled “Adequacy of Other Management Options,” a boundary change of either Harpers Ferry National Historical Park or Antietam National Battlefield, as described in alternative 2, would meet both of these criteria.

ALTERNATIVES

Development of the Alternatives

In February 2011, the National Park Service held a series of public scoping meetings in Shepherdstown and Harpers Ferry, West Virginia, to solicit ideas for configuring the study area boundary for the Shepherdstown battlefield and to hear the public’s thoughts on preserving the battlefield. The feedback generated from these meetings was carried forward into an alternatives workshop with NPS staff from Antietam National Battlefield, Harpers Ferry National Historical Park, Chesapeake and Ohio Canal National Historical Park, the National Capital Regional Office, and the Denver Service Center-Planning Division in May 2012. The study team developed the alternatives and the proposed legislative boundary based on information gathered from public and stakeholder input, internal NPS discussions, historical research, and management models used in national park units around the nation.

Under the National Environmental Policy Act, the National Park Service is also required to develop a no-action alternative, which describes existing conditions of the resource or site being affected by a potential decision. The no-action alternative, which is included below, is used as a



baseline to which the impacts of the action alternative can be compared and evaluated. This evaluation is found in “Chapter 6: Environmental Consequences.”

Alternative 1: No Action

Under the no-action alternative, the boundaries of Antietam National Battlefield and Harpers Ferry National Historical Park would remain unchanged. The Shepherdstown battlefield would remain as primarily rural residential and agricultural lands. The potential for landowners to introduce new land uses would exist. Protection of a small portion of the battlefield and cement mill structures would continue on the 13-acre parcel owned by the Jefferson County Landmarks Commission; however, there are currently no plans to develop public access amenities on this parcel. Other protected battlefield land includes several conservation easements on both the West Virginia and Maryland sides of the Potomac River. These conservation easements would continue to protect agricultural and rural viewsheds. Public enjoyment of the battlefield would be limited to viewing late 19th century War Department informational tablets on the southwest corner of River Road and Trough Road; however, there are no formal parking areas or vehicle turnouts to provide safe access to these tablets. Interpretation of the battle would continue to be available to the public at the Ferry Hill site, managed by the Chesapeake and Ohio Canal National Historical Park.

The core portion of the battlefield is within the Jefferson County rural district zoning category, which allows higher density residential development through a conditional use permitting process. A 120-acre parcel near the center of the core battlefield area is currently approved under this process for the development of 152 residential lots.

Alternative 2: Boundary Adjustment

Description of the Alternative. The legislation authorizing this study directed the National Park Service to evaluate whether the Shepherdstown battlefield would be a suitable and feasible addition to either Harpers Ferry National Historical Park or Antietam National Battlefield. The proposed legislative boundary adjustment described in this action alternative would be the same for both parks. As a result, the study team developed a single action alternative with two options; boundary adjustment of Antietam National Battlefield (option A) and boundary adjustment of Harpers Ferry National Historical Park (option B).

Actions Common to Options A and B. If Congress were to authorize a legislative boundary that would encompass the Shepherdstown battlefield as part of Harpers Ferry National Historical Park or Antietam National Battlefield, there would be no immediate change to existing landownership and the National Park Service would not carry out any actions that would affect the battlefield lands. Uses of battlefield lands would continue as they were before the legislative boundary adjustment. Any changes to land ownership or use would be in the future as the National Park Service is able to acquire battlefield land from willing sellers and donors. Scenic or conservation easements could also be purchased from willing sellers and donors both within and adjacent to the boundary, in order to provide additional viewshed and resource protection.

Once the legislative boundary is authorized, the National Park Service would update the land protection plan for either Harpers Ferry National Historical Park or Antietam National Battlefield where specific priorities for land interests and land acquisitions would be identified. It is anticipated that protection of battlefield resources in the expanded boundary would occur through a mix of fee simple acquisition and conservation easements from willing sellers and donors. Fee simple acquisition would be the preferred acquisition tool only for highly sensitive resource areas and critical visitor access points.

Once land is under National Park Service ownership, future actions may include maintenance, protection, monitoring, and additional interpretation of the battlefield through cooperative management between Antietam National Battlefield and Harpers Ferry National Historical Park. To the greatest extent possible, the use of existing nearby NPS infrastructure, such as the Ferry Hill site managed by the Chesapeake and Ohio Canal National Historical Park, could be used to provide interpretation of the battlefield. This would be achieved in accordance with the Chesapeake and Ohio Canal National Historical Park’s existing general management plan, long-range interpretive plan, and park foundation document. Additionally, the National Park Service could seek opportunities to work with state and local governments and interested nonprofit organizations to provide additional assistance with the maintenance, protection, and interpretation of the battlefield.

Detailed costs for management of lands the National Park Service might acquire would be identified through future management planning activities. However, potential costs for managing an area similar in size and resource type to the battlefield are discussed in general terms.



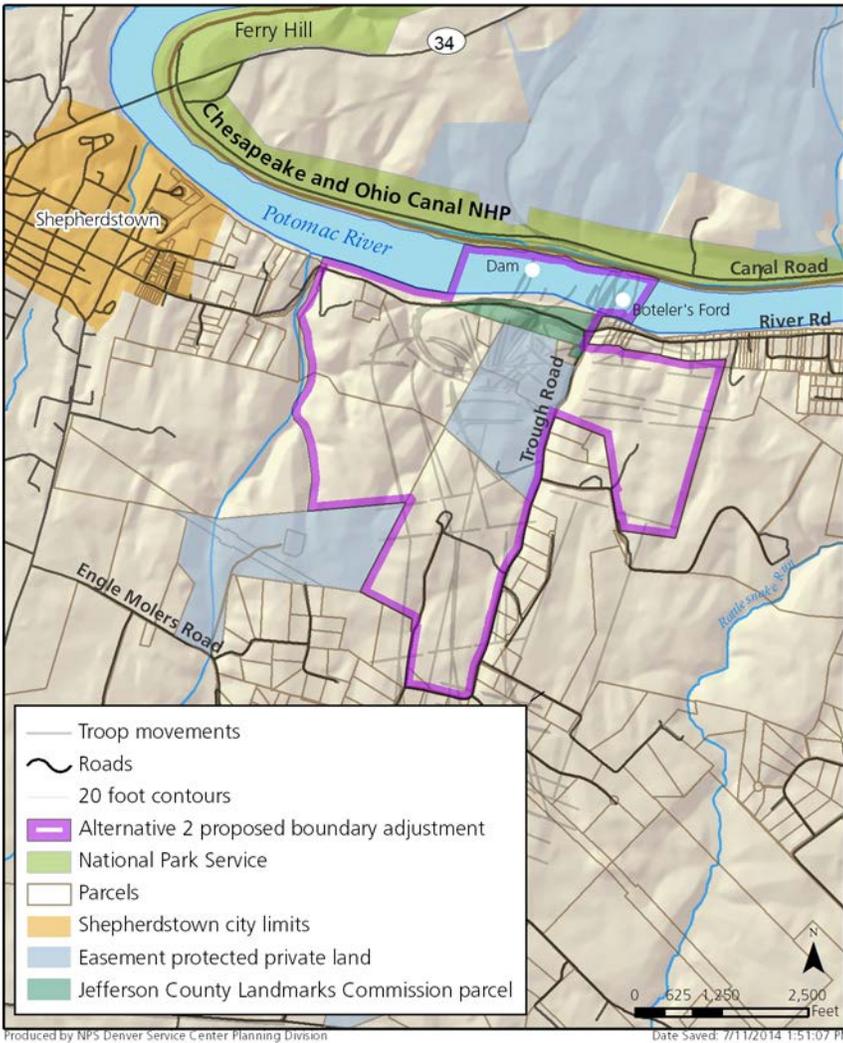


FIGURE 6.
Proposed Legislative
Boundary

Proposed Legislative Boundary. An acceptable boundary adjustment to a unit of the national park system should provide for the inclusion and protection of primary resources, sufficient surrounding area to provide a proper setting for the resources or to inter-relate a group of resources, and sufficient land for appropriate use and development. The legislative boundary proposed in this action alternative, which is common to both options A and B, was developed through careful consideration of these factors, which are discussed in greater detail as part of the feasibility evaluation portion of the study, “Boundary Size and Configuration.” The proposed legislative boundary is shown in figure 6.

Option A: Antietam National Battlefield. Option A proposes a boundary adjustment of Antietam National Battlefield to include the Shepherdstown battlefield. Only after the acquisition of battlefield lands from willing sellers and donors would Antietam National Battlefield take a lead role in the management, protection, and interpretation of

any battlefield land owned by the National Park Service, with support from Harpers Ferry National Historical Park. Antietam National Battlefield may also work with the Chesapeake and Ohio Canal National Historical Park to provide visitor services at the Ferry Hill site. Any future ownership of land within the legislative boundary would require park staff to travel approximately 5.4 miles from the headquarters at Antietam National Battlefield to the Shepherdstown battlefield for on-site interpretation, regular maintenance, resource monitoring, and patrol activities.

The inclusion of the Shepherdstown battlefield into Antietam National Battlefield would provide visitors the opportunity to have an expanded understanding of the events directly following the Battle of Antietam and the culmination of the Maryland Campaign. The park would provide this expanded understanding by extending its existing interpretive themes to include additional interpretation of the Shepherdstown battlefield.



Through the expansion of these existing themes, the visitor would be provided with an understanding of not only how the Battle of Shepherdstown occurred, but also its direct relationship to the Battle of Antietam. The enabling legislation for Antietam National Battlefield directs the park to provide interpretation of the Battle of Shepherdstown; the inclusion of the Shepherdstown battlefield within the boundary of the Antietam National Battlefield would protect resources critical to fulfilling the park purpose. Additionally, the Battle of Antietam and the subsequent Battle of Shepherdstown are closely historically linked and both battles were dependent upon and impacted many of the same landscape features and terrain.

Option B: Harpers Ferry National Historical Park. Option B proposes a boundary adjustment of Harpers Ferry National Historical Park to include the Shepherdstown battlefield. Only after the acquisition of battlefield lands from willing sellers and donors would Harpers Ferry National Historical Park take a lead role in the management, protection, and interpretation of any battlefield land owned by the National Park Service, with support from Antietam National Battlefield. Harpers Ferry National Historical Park may also work with the Chesapeake and Ohio Canal National Historical Park to provide visitor services at the Ferry Hill site. Any future ownership of land within the legislative boundary would require park staff to travel approximately 12.5 miles from the headquarters at Harpers Ferry National Historical Park to the Shepherdstown battlefield for on-site interpretation, regular maintenance, resource monitoring, and patrol activities.

The inclusion of the Shepherdstown battlefield into Harpers Ferry National Historical Park would allow the latter to expand on its Civil War interpretive theme by providing visitors with a complete overview of General Lee's first invasion of the North and the Maryland Campaign. Harpers Ferry is the site of the first battle of the Maryland Campaign and Shepherdstown the last, so visitors could develop a broader understanding of the significance of the Shepherdstown battlefield to the campaign and to the Civil War.

THE PREFERRED ALTERNATIVE

In addition to taking into consideration public input received during scoping, NPS operational requirements, and the expert opinions of historians and other subject matter experts, the National Park Service evaluated the proposed legislative boundary described in alternative 2 according to criteria for boundary adjustments defined in *NPS Management Policies 2006*, section 3.5. The study found that "Alternative 2, Option A, Antietam National Battlefield Boundary Adjustment" would be the most effective and efficient alternative and would also provide the greatest opportunities for visitor enjoyment. The study informed the development of the preferred alternative.

As noted below in the "Application of the Criteria for Boundary Adjustments," the long-term significance of the Battle of Antietam is directly tied to the outcome of the combat along the banks of the Potomac River at Shepherdstown. It is also noted that the resources associated with the Shepherdstown battlefield, including Boteler's Ford, are also closely tied to the Battle of Antietam and its significance.

Alternative 2, option A would allow Antietam National Battlefield to expand upon existing interpretive themes, provide visitors with a more complete understanding of the Maryland Campaign, and protect significant resources and values while enhancing opportunities for public enjoyment related to the park purpose and enabling legislation. This option also allows for the protection of resources critical to fulfilling the park purpose.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The National Park Service is required to identify the environmentally preferable alternative in its NEPA documents for public review and comment. Guidance from the Council on Environmental Quality (CEQ) defines the environmentally preferable alternative as the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historical, cultural, and natural resources" (46 *Federal Register* 18026, Q6a). It should be noted there is no requirement that the environmentally preferable alternative and the NPS preferred alternative be the same.



The National Park Service has identified alternative 2 (both options) as the environmentally preferable alternative. Either option of alternative 2 would better protect the biological and physical environment and historic and cultural resources of the Shepherdstown battlefield than the no-action alternative. Under alternative two, the National Park Service could pursue conservation easements and develop or revise an existing land protection plan to define strategies and priorities for acquiring land and easements. Protections afforded by the boundary adjustment proposed under alternative 2 could result in less unauthorized access, vandalism, and looting of cultural resources.

As determined by the application of the criteria for boundary adjustments defined in *NPS Management Policies 2006*, section 3.5, the boundary adjustment proposed in alternative 2, options A and B would also allow the National Park Service to protect significant resources and values, enhance opportunities for public enjoyment related to park purposes, address operational and management issues, and protect park resources critical for fulfilling park purposes.

ALTERNATIVES CONSIDERED BUT DISMISSED

Boundary Adjustment of Chesapeake and Ohio Canal National Historical Park

Because portions of the Battle of Shepherdstown took place on lands managed by the Chesapeake and Ohio Canal National Historical Park, the National Park Service considered the inclusion of the battlefield within the boundary of the park. However, it was determined the purpose of the Chesapeake and Ohio Canal National Historical Park is not consistent with the resources or themes represented at the Shepherdstown battlefield. As a result, this alternative failed to meet NPS criteria for boundary adjustments, and NPS criteria for reasonable alternatives as described in Director's Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making*. Therefore this alternative was dismissed from further consideration.

Legislative Boundary Encompassing All Troop Movements

The study team considered a boundary encompassing all estimated troop movements within the core area of the battlefield, including artillery positions on the northern bluffs above the Potomac River and Confederate staging areas on the southern extremity of the battlefield. However, much of the area included in this boundary lacked historic integrity, was not essential for interpretation and protection of the battlefield, included parcels with sufficient protection through conservation easements, and would be unreasonably expensive to acquire from willing sellers. These factors led the study team to determine that this boundary did not meet the feasibility criteria within NPS criteria for boundary adjustments, or NPS criteria for reasonable alternatives as described in Director's Order 12. Therefore, this alternative was dismissed from further consideration.

APPLICATION OF THE CRITERIA FOR BOUNDARY ADJUSTMENTS

This boundary study evaluates the proposed legislative boundary described in alternative 2 according to the following criteria published in *NPS Management Policies 2006*, section 3.5, at least one of which must be met for inclusion within an adjusted park boundary:

1. Protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes.
2. Address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads.
3. Otherwise protect park resources that are critical to fulfilling park purposes.

This section provides an analysis of the potential of the Shepherdstown battlefield (as described in alternative 2) to protect significant resources and values, enhance the opportunities for public enjoyment, or otherwise protect park resources related to the purpose of Harpers Ferry National Historical Park and Antietam National Battlefield.



Antietam National Battlefield

Antietam National Battlefield was established in 1890 to commemorate the Maryland Campaign of 1862 and the site of the single bloodiest day of the American Civil War. The battlefield was initially administered by the U.S. War Department. The Battle of Antietam, or Sharpsburg as it was referred to in the South, began at dawn on September 17, 1862. About 40,000 Southerners under the command of General Lee fought against 80,000 troops of the Federal Army of the Potomac commanded by General McClellan. At day's end, 23,110 soldiers were dead, wounded, or missing (NPS 1992).

The Battle of Antietam was a major turning point in the American Civil War. Although neither side could claim victory at battle's end, Lee's failure to effectively carry the war into the North caused Great Britain and France to postpone recognition of the Confederacy and provided President Lincoln the opportunity to issue the Emancipation Proclamation. From that time, the American Civil War had a dual purpose—to preserve the Union and abolish slavery (NPS 1992).

Antietam is considered one of the best preserved Civil War areas in the national park system. The farms and farmlands in and near the battlefield appear much as they did on the eve of the battle in 1862. The same can be said for the Shepherdstown battle area. Antietam Battlefield is in a rural area of south Washington County, Maryland; agriculture is the predominant land use. Of the 3,230 acres within the battlefield boundary, 1,991 are owned in fee by the federal government and managed by the National Park Service to maintain the historic setting and provide for visitor use; 751 acres are in partial federal ownership (less than fee), including privately owned land with easements held by the federal government that restrict the levels and types of allowable development; 466 acres are privately owned. Most privately owned lands are farmed by local residents. Antietam attracts about 400,000 visitors per year, most who come to tour the battlefield and learn about the battle events. The 11-stop automobile tour takes visitors through areas of historical interest, tracing troop movements, interpreting battle tactics and military strategy, and relating human interest stories. Additional interpretation is provided at the visitor center (NPS 1992).

The entire battlefield, including private properties within the boundary, is listed in the National Register of Historic Places as a historic district. A number of structures remain from the historic period, including the Miller, Mumma, Piper, Otto, and Sherrick farmhouses and the Pry house. The sites—Miller's Cornfield, Bloody Lane, and Burnside's Bridge—of the three main battle areas are maintained and interpreted to visitors. Several structures and features added to the battlefield since the war have become historic in their own right. These include Antietam National Cemetery, a burial site for 4,776 Federal soldiers; the road system established by the War Department in the 1890s; almost 100 monuments that commemorate the soldiers who fought at Antietam; and the observation tower overlooking Bloody Lane. There are a few modern structures on the battlefield (NPS 1992).

Boteler's Ford, which falls within the proposed boundary area, is a significant feature to the battle of Antietam. This river crossing was also extremely important in the Maryland Campaign. In 1861, the covered bridge spanning the Potomac River at Shepherdstown was burned. As a result, all traffic was diverted one mile downstream to this river crossing. The ford was used by large parts of Lee's army to reach the field of Antietam. It was also the retreat route of the entire Army of Northern Virginia following the Battle of Antietam. River Road, also within the proposed boundary area, was the main route used to transport nearly 8,000 Confederate wounded at the battle of Antietam to the town of Shepherdstown.

CRITERION 1: Protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes.

The Battle of Shepherdstown was the final chapter in the Maryland Campaign of 1862. The long-term significance of the Battle of Antietam is directly tied to the outcome of the combat along the banks of the Potomac River at Shepherdstown. Additionally, as mentioned above, Boteler's Ford and River Road, both of which fall within the proposed boundary area, are significant resources for the battle of Antietam.



Antietam National Battlefield has developed primary interpretive themes based on the park's purpose, which is to "preserve, protect, interpret, and improve for the benefit of the public the resources associated with the Battle of Antietam and its legacy." The relationship of the Battle of Shepherdstown to Antietam's existing interpretive themes is outlined below. Visitor opportunities for interpretive experiences are currently limited to viewing late 19th century War Department information tablets on the southwest corner of River Road and Trough Road. Interpretation of the battle is available to the public at Ferry Hill, managed by the Chesapeake and Ohio Canal National Historical Park.

Primary Interpretive Theme: The Maryland Campaign of 1862, which culminated in the Battle of Antietam, was a major turning point of the American Civil War and in U.S. history.

When the sun set on September 17, both armies were in essentially the same position they were in at the beginning of the day. However, General Lee had lost 25% of his army. He had no choice but to return to Virginia, where he hoped to regroup, cross back over the Potomac, and continue the campaign. The Battle of Shepherdstown was a direct result of the Confederate withdrawal from the fighting around Sharpsburg and Union General McClellan's attempt to pursue Lee's retreating army. The fighting along the Potomac convinced General Lee that it was impractical to continue with the invasion. It was the Confederate retreat into Virginia, the Battle of Shepherdstown, and the end of Lee's first invasion into the North that provided President Abraham Lincoln the opportunity to issue the Preliminary Emancipation Proclamation. No longer was the war solely about the reunification of the nation, but was also about the freedom of 4 million enslaved African Americans.

Primary Interpretive Theme: The level of carnage, suffering, and human drama during and after the Battle of Antietam has accorded it a unique place in U.S. history.

On September 17, 1862, 23,000 soldiers were killed, wounded, or missing, making the Battle of Antietam the bloodiest one-day battle in U.S. history. There were more casualties on that one day at Antietam than the Revolutionary War, War of 1812, and Mexican-American War combined. This unimaginable carnage at Antietam often overshadows the sacrifices that occurred after the battle. While significantly smaller than Antietam, the Battle of Shepherdstown had the highest number of casualties of any battle fought in what is now West Virginia. Individual acts of courage and sacrifice were demonstrated both on the farm fields around Sharpsburg and on the banks of the Potomac River at Shepherdstown. Private Daniel Burke, 2nd U.S. Infantry, and Private Cassius Peck, 1st U.S. Sharpshooters, were awarded the Medal of Honor for their exceptional heroism during fighting at Shepherdstown.

Primary Interpretive Theme: The battle was affected by the state of available technology and the landscape on which it was fought.

Every action of the Maryland Campaign was affected by technology, specifically weapons technology. The improvements in rifled small arms and rifled artillery significantly increased the casualty rates at South Mountain, Harpers Ferry, Sharpsburg, and Shepherdstown. More than 520 cannon were engaged at Antietam, with more than 40,000 artillery rounds fired in 12 hours. The firing was so intense that Confederate artillery commander Col. S. D. Lee described the battle as "Artillery Hell." The Union army had a larger number of artillery pieces and more of the heavier state-of-the-art rifled guns. Lee's army had effective artillery organization and superior defensive positions. The same artillery engaged at Antietam continued their fight along the Potomac River two days later at Shepherdstown. Union artillery directly supported infantry advances across the river and the Confederate Chief of Artillery William Pendleton massed more than 40 cannon on the south side of the river to defend the rear of the army. The artillery played a significant and memorable role in the Battle of Shepherdstown. It was described as "the heaviest cannonading of the war," by Brig. Gen. James Lane. Brig. Gen. William Pender said it was "the most terrible artillery fire I ever saw troops exposed to." "The advance of my command was made under the heaviest artillery fire I have ever witnessed," said Brig. Gen. James Archer. Major General A. P. Hill, whose Confederate division did most of the fighting at the ford, also said that it was "the most tremendous fire of artillery I ever saw."



The Potomac River itself marked the boundary between the Union and the Confederacy and was pivotal to the Battle of Antietam and to the Battle of Shepherdstown. After the Confederate retreat from South Mountain, General Lee made the critical decision to make a stand on the last defensive ground north of the Potomac River. Lee took significant risk with the great river behind him and only one crossing available—Boteler’s Ford—that connected the Confederate army with their only way home. If there had been no ford across the Potomac, Lee may have never taken position at Sharpsburg. When the Confederates settled in the night before the battle, one-fifth of Lee’s outnumbered army was still on the south side of the Potomac River. The only way to join Lee was by crossing Boteler’s Ford. The Confederate commander knew how important the ford was to this battle, which was why he immediately sent the army’s reserve artillery to the ford to protect his lifeline to Virginia. The two Confederate divisions that were the last to cross the Potomac River had the greatest impact on the battle. Major General McLaws’s division turned back the powerful Union advance into the West Woods when Lee’s army was almost broken in two. General Hill’s division marched 17 miles from Harpers Ferry the day of the battle, crossed the Potomac River late that afternoon, and arrived on the field at around 4:00 p.m. to save Lee’s army from almost certain defeat. Two days later, some of the most dramatic action of the Battle of Shepherdstown occurred at or around Boteler’s Ford. Boteler’s Ford, as the only available crossing of the Potomac in the area, was a focal point of action before, during, and after the Battle of Shepherdstown.

Today the critical and dramatic terrain of the Shepherdstown battlefield is still intact. Visitors can stand on the banks of the Potomac and see the unspoiled river crossing where more than 40,000 soldiers struggled against the current to cross the boundary between North and South. The high bluffs on the West Virginia side where Union soldiers fell to their death still loom over the river. You can stand and peer into the opening of the brick kiln where soldiers huddled for safety that took a direct hit from Union artillery, killing the men inside. The story of Civil War combat is the story of terrain, and Antietam and Shepherdstown provide exceptional opportunities to explore this truth.

Primary Interpretive Theme: The battle had a major impact on the town of Sharpsburg, surrounding farms, and area residents.

After the Battle of Antietam, more than 75 field hospitals were established in a 10-mile radius. From Keedysville to Shepherdstown, 19,000 wounded soldiers covered the countryside. Shepherdstown resident Harry Snyder wrote how the town had become “one great hospital” with the wounded from the Battle of Antietam. The wounded soldier numbers soon increased with casualties from the Battle of Shepherdstown. Mary Beddinger Mitchell of Shepherdstown wrote how the wounded from Antietam “continued to arrive until the town was quite unable to hold all the disabled and suffering. They filled every building and overflowed into the country round, into farmhouses, barns, corncribs, cabins—wherever four walls and a roof were found together.” For many in the area, the pain and suffering had just begun. Diseases brought by the army spread among the population. The Union army of more than 80,000 soldiers remained in the area for six weeks, overwhelming local communities. The graves of those killed filled farm fields. The Battle of Antietam changed the lives and fortunes of every resident for miles around. The Battle of Shepherdstown, two days after the Battle of Antietam, only intensified these impacts on the surrounding area.

Criterion 1 Conclusion: The inclusion of the Shepherdstown battlefield within the boundary of Antietam National Battlefield would enable the latter to enhance and expand upon its existing interpretive themes and provide visitors with a more complete perspective on the context and significance of the Battle of Antietam and the culmination of the Maryland Campaign. Specific resources within the proposed boundary area such as Boteler’s Ford and River Road have a high degree of integrity and would directly support an improved visitor understanding of Antietam National Battlefield. Consistent with the resource integrity found at Antietam Battlefield, the resources within the Shepherdstown battlefield—including the natural and cultural landscapes, viewsheds, and historic structures—are largely intact and retain their wartime appearances. This high degree of resource integrity would allow visitors to expand their understanding of the Battle of Antietam, on a landscape consistent with the level of preservation found at Antietam National Battlefield. In conclusion, the addition of the Shepherdstown battlefield to Antietam National Battlefield would protect significant resources and values and enhance opportunities for public enjoyment related to the park purpose and enabling legislation.



CRITERION 2: Address operational and management issues such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads.

Criterion 2 Conclusion: The boundary adjustment as described in alternative 2 does not address any operational or management issues at Antietam National Battlefield.

CRITERION 3: Otherwise protect park resources that are critical to fulfilling park purposes.

The original enabling legislation of Antietam National Battlefield specifically directs the park to provide interpretation of the Battle of Shepherdstown. A congressional act of June 1, 1896, provided funding:

...for completing the work of locating, preserving, and marking the positions of troops and lines of battle of the Union and Confederate armies at Antietam, and the closely related battles of Harpers Ferry, South Mountain, Crampton's Gap, and Shepherdstown, the said lines and positions to be marked with cast iron tablets, each bearing a brief historical legend compiled without praise and without censure; ... for preparing and publishing maps indicating movements and positions of troops engaged in the battles and in the Antietam campaign ...

Following this enabling legislation, Antietam National Battlefield currently protects tablets, monuments, or small parcels of property at South Mountain sites (Fox's, Turner's, Crampton's gaps) and at the Shepherdstown battlefield. Further protection of the Shepherdstown battlefield, as described in the action alternative, would be consistent with the intent of Antietam National Battlefield's enabling legislation and the purpose of the park which is to "preserve, protect, interpret, and improve for the benefit of the public the resources associated with the Battle of Antietam and its legacy." Because the long-term significance of the Battle of Antietam is directly tied to the outcome of the combat along the banks of the Potomac River at Shepherdstown, the resources found at the Shepherdstown battlefield are, by extension, critically important to fulfilling the purpose of Antietam National Battlefield. Additionally, Boteler's Ford, which falls within the proposed boundary area, is directly related to, and a significant feature of the battle of Antietam. This river crossing was also extremely important in the Maryland Campaign. In 1861, the covered bridge spanning the Potomac River at Shepherdstown was burned. As a result, all traffic was diverted one mile downstream to this river crossing. The ford was used by large parts of Lee's army to reach the field of Antietam. It was also the retreat route of the entire Army of Northern Virginia following the Battle of Antietam. If there had been no ford across the Potomac, Lee may have never taken position at Sharpsburg. River Road, which also falls within the proposed boundary area was the main route used to transport nearly 8,000 Confederate wounded from the battle of Antietam to the town of Shepherdstown. Further protection of this resource would allow for a more complete interpretation of the aftermath of the battle of Antietam.

Criterion 3 Conclusion: Because the original enabling legislation of Antietam National Battlefield specifically directs the park to provide interpretation of the Battle of Shepherdstown, and because resources at the Shepherdstown battlefield are critical to developing a complete understanding of the Battle of Antietam, the inclusion of the Shepherdstown battlefield within the boundary of the Antietam National Battlefield would protect resources critical to fulfilling the park purpose.



Harpers Ferry National Historical Park

Harpers Ferry National Historical Park lies at the confluence of the Potomac and Shenandoah rivers, where West Virginia, Virginia, and Maryland borders converge. During its earliest period, the town of Harpers Ferry was an important manufacturing and commercial center, using the two rivers for waterpower and transportation. The federal armory was established on June 15, 1796, by President George Washington. When production began in 1801, it became the nation's second federal armory (NPS 2008).

By the 1850s, Harpers Ferry had become militarily significant because of the U.S. Armory and Arsenal at Harpers Ferry, and geographically significant due to the Baltimore and Ohio (B&O) Railroad and C&O Canal. In 1859, Harpers Ferry was the scene of the John Brown raid, a significant event in the days leading to the start of the American Civil War. Harpers Ferry, which was strategically important due to its location as the gateway to the Shenandoah Valley, changed hands officially eight times during the war. The town's capture by Confederate troops under the command of General Jackson in 1862, together with 12,737 surrendered Union soldiers, was a dramatic prelude to the great battle at Antietam Creek that ended the South's first invasion of the North. This was the largest number of U.S. troops to surrender in U.S. history until the fall of the Philippines in World War II (NPS 2008).

The Union army quickly reoccupied Harpers Ferry and in 1862–1864 converted the position into a fortress with strong field fortifications overlooking the town on the summits of Bolivar Heights, Loudoun Heights, and Maryland Heights. In July 1864, the Union army repelled an attack by Lt. Gen. Jubal Early's Confederate army. This four-day operation and the later battle at Monocacy Junction delayed the Confederate army enough to allow the Union to reinforce Washington and stave off its capture (NPS 2008).

From August 1864 to December 1864, Harpers Ferry served as the main base of operations and chief supply depot for Maj. Gen. Philip S. Sheridan's Union army during the final campaign in which Sheridan successfully destroyed Early's army and conquered the Shenandoah Valley in Virginia (NPS 2008).

By the end of the American Civil War, Harpers Ferry was a ghost of the former town. Mills on Virginius Island and the U.S. arms manufacturing plants on Lower Hall Island in the musket factory yard along the Potomac River were largely destroyed. The U.S. government did not rebuild the armory, and disposed of the lands and ruined buildings. In part because of these decisions, the town of Harpers Ferry never fully recovered its industrial importance (NPS 2008).

The final events of national significance to take place at Harpers Ferry occurred during 1865–1955 and relate to black history and education and the Niagara Movement. These were associated with the founding and operation of Storer College. Established through the efforts of the U.S. Freedman's Bureau, the Freewill Baptist denomination, and a New England philanthropist, John Storer, the school was one of the first to provide education for freed African Americans. It was chartered as an integrated institution, a symbol of freedom through education, and a symbol of what John Brown hoped to achieve. Among the first trustees was Frederick Douglass. It was the site of the second meeting of the Niagara Movement in 1906, an event of great importance in the later establishment of the National Association for the Advancement of Colored People (NAACP). Today, Harpers Ferry National Historical Park comprises portions of Lower Town, the former Storer College campus, landscapes associated with the park's Civil War significance, and lands preserving the historic viewshed along the Potomac River (NPS 2008).

CRITERION 1: Protect significant resources and values or to enhance opportunities for public enjoyment related to park purposes.

Harpers Ferry National Historical Park has a broad range of interpretive themes derived from the purpose of the park to commemorate “historical events that occurred at or near Harpers Ferry.”

The inclusion of the Shepherdstown battlefield within the boundary of Harpers Ferry National Historical Park would allow the park to enhance and expand upon its Civil War interpretive theme, which is one of the five interpretive themes at the park. The relationship of the Battle of Shepherdstown to this interpretive theme is outlined below.



Primary Theme: The story of the cataclysmic impact of John Brown's raid, followed by the intense and pervasive effects of the Civil War on the community of Harpers Ferry and the nation, can provide myriad insights into the violent, transformative reality of war. The battlefields at Harpers Ferry and Shepherdstown are integral to developing a complete understanding of Robert E. Lee's first invasion of the North. The Battle of Harpers Ferry opened the Confederate campaign and the Battle of Shepherdstown concluded it. The Battle of Harpers Ferry was the largest battle in (West) Virginia; the Battle of Shepherdstown was the bloodiest. General Jackson, a native of (West) Virginia, led the Confederate army to victory at Harpers Ferry; Jackson's forces defeated the Federals at Shepherdstown. General Hill, whose division sealed the surrender at Harpers Ferry, ensured the Southern victory at Shepherdstown. Following the surrender, two-thirds of Lee's army marched from Harpers Ferry—north via (West) Virginia roads—to Antietam, crossing the Potomac River at Boteler's Ford. Following Lee's retreat from Maryland, the Union army pursued the Confederates, both to Shepherdstown and Harpers Ferry, simultaneously, in an effort to secure U.S. forces at Lee's rear in (West) Virginia. This Union pursuit succeeded at Harpers Ferry, but failed at Shepherdstown. The Federals remained an occupation force at Harpers Ferry in the aftermath of the Battle of Shepherdstown, establishing a new foothold in the Shenandoah Valley and the Confederacy. The continued U.S. presence at Harpers Ferry forced Lee to retain a large portion of his army in Jefferson County, (West) Virginia.

Harpers Ferry protects and interprets extensive Civil War resources and resources specific to the Maryland Campaign of 1862, including the U.S. armory and arsenal site; Bolivar Heights battlefield and permanent fortifications (1861); Gettysburg seizure (1863); Jubal Early siege (1864); Maryland and Loudoun Heights Civil War encampments; structures used as headquarters, hospitals, and barracks; and ruins of buildings and bridges destroyed during the war.

Criterion 1 Conclusion: Adjusting the boundary of Harpers Ferry to include the Shepherdstown battlefield would protect significant values and enhance opportunities for public enjoyment of resources related to the park purpose and enabling legislation.

CRITERION 2: Address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads.

Criterion 2 Conclusion: The boundary adjustment as described in alternative 2 does not address any operational or management issues at Harpers Ferry National Historical Park.

CRITERION 3: Otherwise protect park resources that are critical to fulfilling park purposes.

Criterion 3 Conclusion: The adjustment of the boundary of Harpers Ferry National Historical Park to include the Shepherdstown battlefield does not protect park resources critical to fulfilling the park's purpose.

FEASIBILITY

In addition to the criteria evaluated above, NPS *Management Policies 2006*, section 3.5, also requires recommendations for boundary changes to meet the following criterion: The added lands will be feasible to administer, considering their size, configuration, and ownership; costs; the views and impacts on local communities and surrounding jurisdictions; and other factors such as the presence of hazardous substances or nonnative species.

To assess the feasibility of administration, the following factors were considered in this study:

- size
- boundary configurations
- current and potential uses of the study area and surrounding lands
- landownership patterns
- public enjoyment potential
- costs and operational issues
- access
- current and potential threats to the resources
- existing degradation of resources
- local planning and zoning
- the level of local and general public support (including landowners)
- impacts on local communities and surrounding jurisdictions

An overall evaluation of feasibility is made after taking into account all of the above factors. A summary of the feasibility findings is shown in table 1.



TABLE 1. SUMMARY OF FEASIBILITY FINDINGS

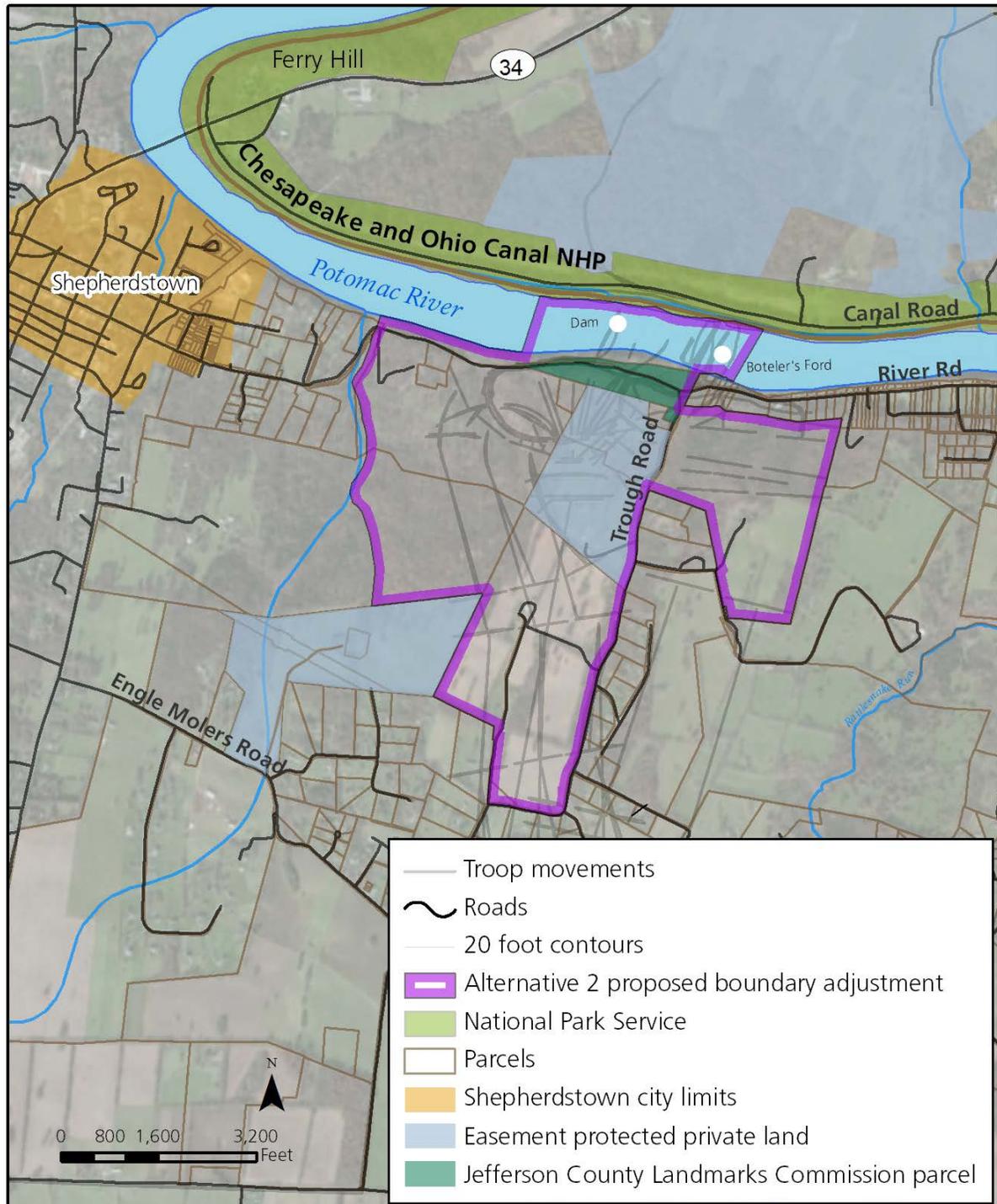
Feasibility Factor	Conclusion
Boundary Size and Configuration	Feasible: After analyzing the size and boundary configuration of the proposed area, the National Park Service concludes the proposed boundary area is of adequate size to ensure protection and visitor enjoyment of the resources associated with the Battle of Shepherdstown.
Land Ownership Patterns, Land Use, Zoning, and Planning	Feasible: After analyzing land ownership patterns, land use, zoning, and planning of the proposed area, the National Park Service finds the area to be a feasible addition to an existing unit of the national park system. Although the current ownership patterns, land uses, or planning in the study area do not pose an immediate threat to the battlefield, the current zoning does not guarantee its indefinite protection, as is evidenced by the approval of a 152-lot residential development. Although the exact design is unknown, the potential for this residential development on the parcel encompassing the Osbourn farm would probably fragment the historic landscape and pose a considerable threat to the preservation and interpretation of the battlefield.
Access and Public Enjoyment Potential	Feasible: Through the above analysis, the National Park Service concludes that the Shepherdstown battlefield has strong potential to provide public enjoyment to both local residents and visitors. Allowing for the protection of open space would protect rural character near the town of Shepherdstown and has the potential to provide additional recreational amenities adjacent to the community. Visitors to nearby national park system units would also be able to develop a more complete picture of the Maryland Campaign and the Civil War. The proximity and historical connection of Antietam National Battlefield to the site would provide more easily accessible opportunities for public enjoyment than would Harpers Ferry National Historical Park. Although local residents may see an increase in vehicles on the roads surrounding the battlefield, it is anticipated that the traffic would be considerably less than at large residential developments, which are currently permitted under existing zoning.
Existing Resource Conditions and Threats to Resources	Feasible: The features within the proposed legislative boundary retain sufficient historic integrity to provide worthwhile interpretation of the Battle of Shepherdstown. Threats to existing integrity of the resources such as vandalism, looting, and additional residential development would be diminished or prevented through NPS management of the battlefield.
Public Interest and Support	Feasible: Outreach for this study has demonstrated strong community support for the inclusion of the battlefield within the national park system. In addition, there may be future partnership opportunities with the local community and other organizations already engaged in preservation of portions of the battlefield.
Social and Economic Impact	Feasible: The social and economic impacts of including the Shepherdstown battlefield as part of the national park system appear to be largely beneficial and thus feasible.
Costs Associated with Acquisition, Operation, Development, and Restoration	Probably Feasible: Acquisition costs for the lands associated with the Shepherdstown battlefield could be significant in the long term. Operation costs would be modest for an addition of this size to the national park system. Over the long term, costs associated with acquisition, operation, and development are probably feasible. Adjusting the boundary of Antietam National Battlefield is a slightly more efficient and cost-effective option than is adjusting the Harpers Ferry National Historical Park boundary.
Adequacy of Other Management Options	National Park Service Management is Adequate: No organizations with an identified interest in or capacity to manage or partner to manage the battlefield have been identified. Therefore the National Park Service determines there is a need for NPS management if the site were to be included within the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield. However, the National Park Service would continue to seek partnership opportunities as described in alternative 2 if the boundary was adjusted.



TABLE 1. SUMMARY OF FEASIBILITY FINDINGS

Feasibility Factor	Conclusion
<p>Feasibility Conclusion</p>	<p>Feasible: Based on the feasibility analysis contained in this chapter, the study team has determined that adjusting the boundary of either Antietam National Battlefield or Harpers Ferry National Historical Park to include the Shepherdstown battlefield would provide opportunities to protect cultural resources, as well as public access, interpretation, and educational opportunities. The proximity and historical connection of Antietam National Battlefield to the Shepherdstown battlefield makes alternative 2, option A, more feasible than alternative 2, option B. Although the majority of the lands within the proposed legislative boundary are privately owned, there may be an immediate opportunity to partner with the Jefferson County Landmarks Commission to identify strategies for resource protection, interpretation, and public access on their recently purchased 13-acre parcel near the cement mill structures if the boundary of either park were to be adjusted. Public interest in and support for NPS protection of the battlefield is strong, as is evidenced by the existing grassroots efforts to protect the battlefield. The proposed residential development on the 120-acre parcel encompassing the Osbourn Farm has served as a catalyst for much of this community support. The development of this parcel into a residential subdivision would fragment a critical component of the battlefield landscape. If Congress were to adjust the boundary of Antietam National Battlefield or Harpers Ferry National Historical Park to include the Shepherdstown battlefield, it may provide a means to purchase this and other key parcels within the legislated boundary from willing sellers or donors. As is discussed in this chapter, the existing zoning within the proposed legislative boundary does not guarantee the indefinite protection of battlefield resources and the ability of other organizations, communities, and agencies to provide for long-term protection and interpretation is limited. Therefore, it appears that adjusting the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield is the most feasible means of guaranteeing indefinite protection of the Shepherdstown battlefield.</p>





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FIGURE 7. Land Status In and Around Proposed Boundary



EVALUATION OF FEASIBILITY FACTORS

Boundary Size and Configuration

The proposed boundary for the Shepherdstown battlefield totals approximately 510 acres. The boundary generally follows the West Virginia and Maryland shores of the Potomac River to the north. The eastern boundary follows Trough Road (County Route 31/1) with the exception of a 94 acre tract east of the road. The southern boundary continues to follow Trough Road (County Route 31/1). The western boundary follows property lines and topographic features (ravine bottom). The proposed boundary is shown in figure 6.

Associated battle movements (troop movement, artillery positions, and staging areas) occurred over a larger area, totaling approximately 5,000 acres. However, the proposed boundary focuses on the core battlefield area where significant loss of life occurred and/or where important battle actions took place. As a result, staging areas, troop movements, and artillery positions on both the northern and southern edges of the core battlefield were excluded from the proposed boundary. Additional exclusions to form the proposed boundary included parcels lacking historic integrity, parcels with existing protection through preservation easements that were not core to the battlefield, and existing NPS lands.

The associated battle movements taking place outside the proposed boundary may not need direct on-site interpretation. However, protection of these lands through preservation easements would benefit the viewsheds from the Shepherdstown battlefield. There are several entities working to obtain preservation easements in the lands in and around the proposed boundary. The National Park Service would support these efforts to provide additional viewshed protection.

CONCLUSION. After analyzing the size and boundary configuration of the proposed area, the National Park Service concludes the proposed boundary area is of adequate size to ensure protection and visitor enjoyment of the resources associated with the Battle of Shepherdstown.

Land Ownership Patterns, Land Use, Zoning, and Planning

LAND OWNERSHIP PATTERNS. There are 12 parcels ranging in size from 1 to 200 acres in the proposed boundary. Lands within the proposed boundary are primarily in private ownership. The Jefferson County Landmarks Commission recently purchased a 13-acre riverfront

parcel containing the ruins of the cement mill. The land was purchased for preservation purposes with funds from the Civil War Trust, Save Historic Antietam Foundation, Inc., Shepherdstown Battlefield Association, the State of West Virginia, and a Land and Water Conservation Fund grant through the National Park Service's American Battlefield Protection Program. Approximately 61 acres of private land are in conservation easements. The easement purposes vary from protection of natural resources, scenic resources, farmland, soils, open space conditions, wildlife habitat, and water quality; to the protection of the lands encompassing the Shepherdstown battlefield; to the protection of the park-like character of the lands between Antietam National Battlefield and Harpers Ferry National Historical Park. All conservation easements transfer with property title and provide permanent land protection. Other landowners within the study area are currently negotiating to put additional acres into conservation easements. A map depicting the current land status in and around the proposed boundary is shown in figure 7.

LAND USE. Land uses include residential development, animal grazing / pasture, agricultural, forestlands, and some commercial (cabin rentals). Other activities in the area include recreational uses such as walking/hiking, off-road vehicle use, searching for artifacts with metal detectors, hunting, and horseback riding. Recreational use on the Potomac River includes boating, swimming, and fishing. Bicycling on area roads is also a popular recreational activity.

ZONING. All of the lands within the proposed legislative boundary fall within Jefferson County's rural district zoning, which allows agricultural and low-density residential development (Jefferson County Planning Commission 2011). The county zoning ordinance allows property owners to propose other types of uses through a conditional use permit from the planning commission (Jefferson County 2004). Through this process, higher density subdivisions may be permitted in the rural district. A conditional use permit that would allow 152 lots on an approximately 120-acre parcel within the proposed legislative boundary has been issued by Jefferson County. Based on the most recent legal action, the conditional use permit is valid until August 2014—a final plat must be approved by August 2016 for it to remain valid.²

2 . E-mail correspondence with Jennifer Brockman, AICP, Director of Planning and Zoning, Jefferson County, West Virginia. "Re: Zoning Near Shepherdstown" June 22, 2012.



RELATIONSHIP TO OTHER PLANNING. Several plans would be influenced by the inclusion of the Shepherdstown battlefield in an existing national park boundary and the associated responsibility of the NPS to protect and interpret battlefield resources. The following plans are those that would probably be most affected by a boundary adjustment:

Regional Trail Plan—The Eastern Panhandle Trailblazers Association is working to enhance community connections to parks, greenways, trails, and waterways. The organization is working with the Rivers and Trails Conservation Assistance Program of the National Park Service to develop a trail plan for a loop trail connecting Ranson, West Virginia (approximately 11 miles south of Shepherdstown, West Virginia), to Harpers Ferry, West Virginia (NPS 2013). This trail would become the spine of a network of connecting trails in Berkeley, Jefferson, and Morgan counties. A portion of the trail would connect Harpers Ferry with the town of Shepherdstown and may run near the proposed boundary.

National Heritage Area Feasibility Study—There is a local effort to obtain national heritage area (NHA) designation for the region surrounding the confluence of the Potomac and Shenandoah rivers (Friends of Shepherdstown Riverfront 2010). The proposal is at an early stage and a NHA feasibility study has not been conducted. It has not been determined whether the NHA boundary would include the Shepherdstown battlefield.

National Park Service Planning—The National Park Service is developing a variety of planning documents for Antietam National Battlefield, Harpers Ferry National Historical Park, and Chesapeake and Ohio Canal National Historical Park. All three parks will be completing foundation documents by 2015; this planning effort will clarify and/or reaffirm park purpose, significance, interpretive themes, and future planning priorities. Other related documents include a cultural landscape report for Ferry Hill.

Shepherdstown Comprehensive Plan—This plan was developed by Bruce Denning and Associates and the Shepherdstown Comprehensive Plan Task Force in 2001. The plan seeks to maintain the historic and rural character of Shepherdstown, West Virginia. Protection of the Shepherdstown battlefield would be consistent with the vision for historic preservation articulated in this plan (Corporation of Shepherdstown 2001).

CONCLUSION. After analyzing land ownership patterns, land use, zoning, and planning of the proposed area, the National Park Service finds the area to be a feasible addition to an existing unit of the national park system. Although the current ownership patterns, land uses, or planning in the study area do not pose an immediate threat to the battlefield, the current zoning does not guarantee its indefinite protection, as is evidenced by the approval of a 152-acre lot residential development.

Access and Public Enjoyment Potential

Shepherdstown is within 80 miles of three large airports—Baltimore-Washington International Airport, Reagan (Washington) National Airport, and Dulles International Airport. The Shepherdstown battlefield is approximately 13 miles from Harpers Ferry National Historical Park and 5 miles from Antietam National Battlefield. It could be visited with relative ease in coordination with either park. The Shepherdstown battlefield is approximately 2 miles from Ferry Hill, an NPS contact station and interpretive area that is part of the Chesapeake and Ohio Canal National Historical Park.

The portions of the Shepherdstown battlefield on the south side of the Potomac River are accessible via both Trough Road (formerly Charlestown Road) and River Road. On the north side of the river, battle-related sites, including Ferry Hill, can be accessed via Canal Road.

The Shepherdstown battlefield has considerable potential to provide public enjoyment. A visit to the Shepherdstown battlefield and one or more of the other national park units in the area (Harpers Ferry National Historical Park, Antietam National Battlefield, Gettysburg National Military Park, Monocacy National Battlefield, or Chesapeake and Ohio Canal National Historical Park) would provide visitors with a better understanding of the American Civil War and the culmination of the Maryland Campaign of 1862.

The Shepherdstown battlefield, as with other battlefields managed by the National Park Service, could be experienced by visitors in vehicles and/or on foot or bicycle with interpretive signage and turnouts. Ranger-guided tours and self-guided interpretation (waysides and applications) could be developed for visitor use and enjoyment. Visitors could receive interpretive materials at the primary visitor centers at Harpers Ferry National Historical Park and Antietam National Battlefield, or at Ferry Hill within Chesapeake and Ohio Canal National Historical Park. Partnerships with Jefferson County to provide interpretation and initial visitor access could be explored.



Based on a qualitative analysis of noncontiguous units of the National Park Service with similar characteristics to those proposed at Shepherdstown, including interpretive themes, level of site development, proximity to major urban centers and interstate highways, and average length of stay, visitation at the Shepherdstown battlefield could draw anywhere from 20 to 130 passenger vehicles per day during peak season.

Because a vehicle is expected to travel both to and from the site, the battlefield could cause an increase of 40 to 260 vehicles on the road in a given day (trips). As a point of comparison, the 152-unit county-approved residential development within the proposed boundary would generate approximately 1,455 trips per day (Institute of Transportation 2008). An analysis of the current average daily traffic volume immediately surrounding the proposed boundary indicates that the existing road network would be able to accommodate the trips generated by these additional vehicles while still maintaining acceptable levels of service. While it appears the existing transportation network surrounding the proposed boundary could accommodate these additional vehicles, future unit management plans could consider the feasibility, practicality, and additional development requirements associated with allowing larger vehicles such as tour buses and recreational vehicles to access the site.

CONCLUSION. Through the above analysis, the National Park Service concludes that the Shepherdstown battlefield has strong potential to provide public enjoyment to both local residents and visitors. Allowing for the protection of open space would protect rural character near the town of Shepherdstown and has the potential to provide additional recreational amenities adjacent to the community. Visitors to nearby national park system units would also be able to develop a more complete picture of the Maryland Campaign and the Civil War. Although local residents may see an increase in vehicles on the roads surrounding the battlefield, it is anticipated that the traffic would be considerably less than that generated by possible future residential developments if developed to the density currently permitted under existing zoning.

Existing Resource Conditions and Threats to Resources

The majority of resources related to the Battle of Shepherdstown are landscape features, which in general retain a fairly high level of historic integrity. The primary impacts to these resources are some development and vegetation overgrowth. Other resource degradations include unimproved vehicle turnouts along River Road, social trails by the cement mill ruin and brick kiln structures, reforestation impeding or detracting from historic viewsheds, and the loss of historic archeological resources. Low-density residential development and associated structures on and adjacent to the battlefield are the most visible signs of modern development. There do not appear to be business operations that would generate hazardous wastes or historic uses that may have done so in the past.

Historic structures, including Boteler's Cement Mill, brick kilns, and the dam, have the least integrity of the resources related to the Battle of Shepherdstown. The stone walls of the most prominent and largest of the mill structures remain intact to approximately the second floor. The walls of a wartime brick office building on the south side of the road are also standing. The kilns are standing and appear structurally sound. Aside from graffiti and piles of debris at their base, they retain their wartime appearance. The log surface of the dam breast has been washed away, but the stone understructure remains intact and the dam site is clearly visible from either shoreline. While in ruins, what remains of these resources provide ample opportunity to increase understanding of the importance of these structures to the battle.

Threats to the resources include the potential for future residential development and other types of improvements, use of metal detectors to find and remove Civil War artifacts, flooding from the Potomac River, off-road vehicle use on the battlefield, vandalism and looting, and the unstable conditions of existing ruins and surrounding trees.

The following is a summary of the current conditions of each of the primary resources that fall within the proposed boundary area. The majority of the resources described lie on private property; therefore only general descriptions of condition are given. The parcel or parcels with which the resources are associated is also noted and corresponds to the figure 8 map.



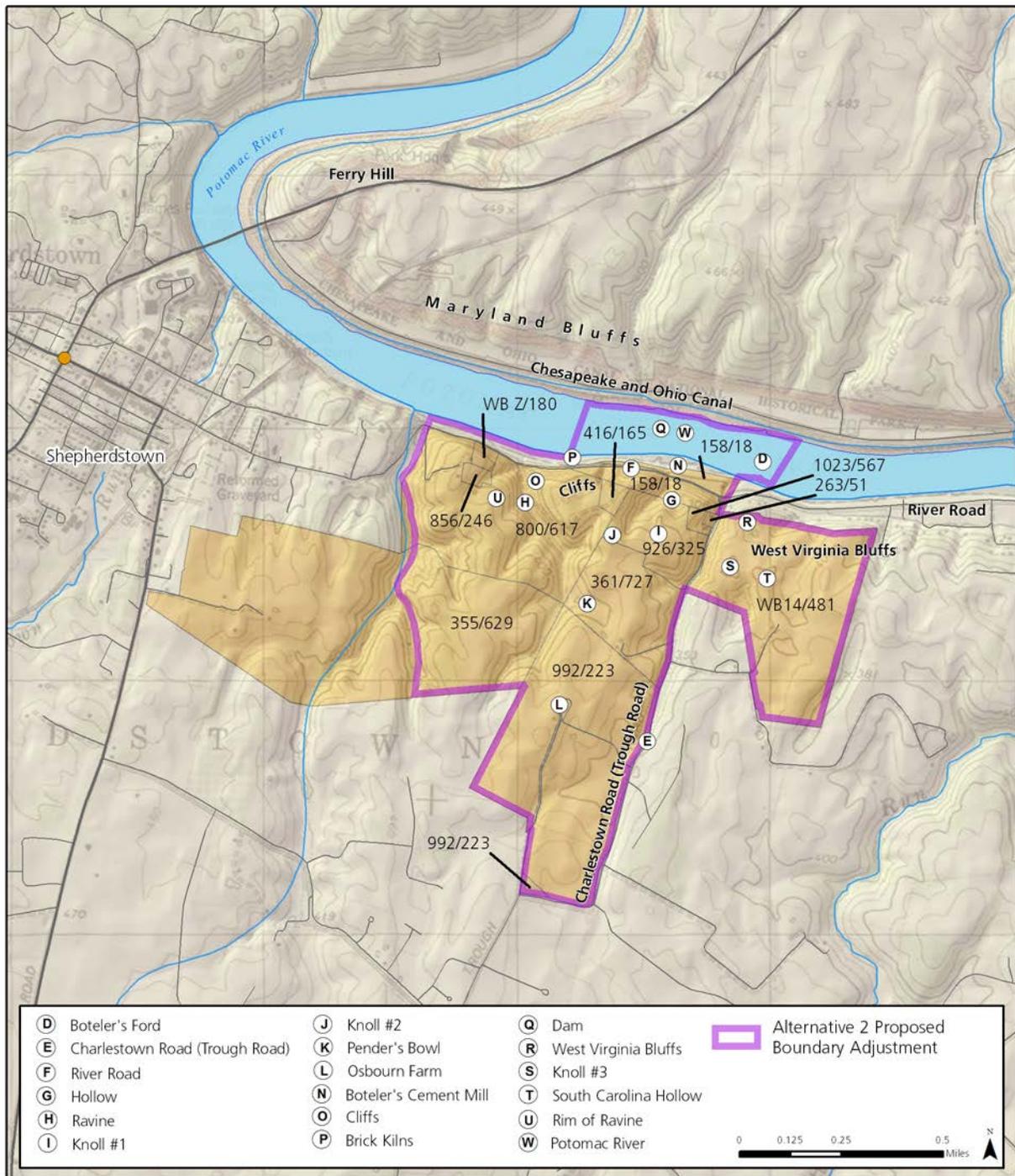


FIGURE 8. Primary Battlefield Resources and Associated Parcel Numbers



- D. **Boteler's Ford (Blackford's / Shepherdstown / Pack Horse Ford):** The ford appears much as it did during the Battle of Shepherdstown.
- E. **Charlestown Road:** Although the road has been paved, it retains its original track and width. The roadway is managed by the West Virginia Department of Transportation.
- F. **River Road:** Although the road has been paved, it retains its original track and relative width. The roadway is managed by the West Virginia Department of Transportation.
- G. **Hollow:** Although now wooded, the hollow retains its 1862 appearance, including a large stone kiln that was present during the battle (parcels 158/18 and 926/325).
- H. **Ravine:** A small dirt driveway has been constructed on the left bank of the ravine causing a minor disturbance to the terrain. The area retains its 1862 appearance (parcel 800/617).
- I. **Knoll 1:** A single home, post-dating the Civil War, has been constructed on the crest of the knoll, but the terrain itself has not been appreciably altered. Today, the area is open as it was in 1862, allowing an excellent vantage point to view the action that occurred there. This portion of the field is protected by a conservation easement (parcel 926/325).
- J. **Knoll 2:** The southern half of the knoll remains open and offers a clear view toward the Osbourn Farm as it did in 1862. The northern portion, although now wooded, retains its wartime character (parcel 926/325).
- K. **Pender's Bowl:** This terrain feature retains its wartime appearance (parcel 361/727).
- L. **Osbourn Farm:** The fields over which the Confederate brigades advanced on September 20, 1862, remain largely open today. The original brick farmhouse stands today and a Federal artillery shell is visibly imbedded in the northern wall. As discussed in the analysis of existing zoning above, the parcel (992/223) that encompasses the Osbourn Farm is approved for a 152-lot residential development. Although the specific layout of this development has not been determined, it is a likely threat to this currently intact landscape feature.
- N. **Boteler's Cement Mill:** The stone walls of the most prominent and largest of the mill structures remain intact to approximately the second floor. The walls of a wartime brick office building on the south side of the road are also standing. Although in ruins, and in some places covered in graffiti, what remains of these buildings provides ample opportunity to understand the importance of these structures to the battle.
- O. **Cliffs:** The cliffs retain their wartime appearance (parcels 800/617 and 416/165).
- P. **Brick Kilns:** The kilns are standing and appear structurally sound. Aside from piles of debris at their base, they retain their wartime appearance (parcel 158/18).
- Q. **Dam:** While the log surface of the dam breast has been washed away by the Potomac River, the stone understructure remains intact and the dam site is visible from either shoreline.
- R. **West Virginia Bluffs:** The tops of the bluffs largely retain their wartime character. On the west side of Trough Road there are two homes that have been built, but most of the artillery positions remain intact. On the east side of Trough Road the bluffs have become overgrown with trees; there has been minimal development on this portion of the battlefield (parcels 1006/24 and WB14/481).
- S. **Knoll 3:** This hill is now wooded but retains its wartime dimensions and contours (parcel WB14/481).
- T. **South Carolina Hollow:** This terrain feature retains its wartime appearance (parcel WB14/481).
- U. **Rim of Ravine:** This terrain feature retains its wartime appearance (parcel 800/617).
- W. **Potomac River:** The Potomac River played a prominent role in the course and outcome of the Battle of Shepherdstown. The river was a formidable barrier between the north and south, made increasingly significant by the fact that the only river crossing was at Boteler's Ford. Troop movements and battle tactics were shaped by the presence of this terrain feature. Other than more vegetation than would have been present during the time of the battle, the banks of the Potomac River immediately adjacent to Shepherdstown retain their wartime appearance.



CONCLUSION. The features within the proposed legislative boundary retain sufficient historic integrity to provide worthwhile interpretation of the Battle of Shepherdstown. Threats to the existing integrity of the resources, such as vandalism, looting, and land development, would be diminished or prevented through NPS management of the battlefield. However, some key resources are not within the proposed boundary adjustment area.

Public Interest and Support

Public interest and support for NPS management of the Shepherdstown battlefield is strong. An organization within the local community, the Shepherdstown Battlefield Preservation Association, was formed with the express intent of promoting preservation of the battlefield. Other organizations including the Civil War Trust; Save Historic Antietam Foundation, Inc.; Shepherdstown Battlefield Association; and the State of West Virginia Civil War Trust and the Jefferson County Historic Landmarks Commission have already engaged in preservation activities within the battlefield through assisting with the purchase of lands or easements within the battlefield.

Community outreach efforts for the Shepherdstown battlefield special resource and boundary study included a public scoping newsletter, a project website, and two public meetings in West Virginia.

Public comments have indicated general support for NPS management of the Shepherdstown battlefield. Because legislation authorizing this special resource study did not specify a definite boundary, the National Park Service sought public feedback on what lands should be included in the study area. The majority of commenters felt that the boundary should be limited to the core battlefield area.

General concerns expressed by the public include the impact of park infrastructure on the battlefield, difficulty of accessing the area, and potential impacts to traffic and the local economy if the area were to be added to the national park system.

A complete discussion of the public outreach efforts and the comments received is included in appendix E.

CONCLUSION. Outreach for this study has demonstrated strong community support for the inclusion of the battlefield within the national park system. In addition, there may be future partnership opportunities with the local community and other organizations already engaged in preservation of portions of the battlefield.

Social and Economic Impact

Expansion of either Harpers Ferry National Historical Park or Antietam National Battlefield to include the Shepherdstown battlefield within its boundary would provide both benefits and challenges to the local community. In 2001, the Shepherdstown comprehensive plan was adopted. The plan outlines the town's goals and policies and provides recommendations for tourism-based development that would strengthen the visitor industry and sustain the community's natural and cultural resources. The inclusion of the Shepherdstown battlefield in the boundary of an NPS unit is consistent with these goals and could benefit a tourism-based economy by expanding area tourist attractions and providing additional opportunities for heritage and cultural tourism.

The inclusion of the battlefield in the boundary of an NPS unit may increase visitation to the town of Shepherdstown. This increase in visitation could result in increases in visitor spending, sales and hotel tax revenues, and new growth in visitor-related businesses. Challenges to the community could include trespass on adjacent private lands by visitors and loss of county property tax revenue as lands within the proposed boundary are purchased from willing sellers or received through donations. Local residents within and adjacent to the proposed boundary may also notice increased traffic (see the "Access and Public Enjoyment Potential" section for a description of potential traffic impacts).

In 2010, park visitor spending was \$19,347,000 for Antietam National Battlefield and \$10,000,000 for Harpers Ferry National Historical Park. The addition of Shepherdstown to one of the two parks may increase visitor spending, which could provide additional jobs within the local area.

Conclusion. The social and economic impacts of including the Shepherdstown battlefield as part of the national park system appear to be largely beneficial and thus feasible.



Acquisition and Future Management and Operational Issues

The purpose of this boundary study in general is to evaluate the feasibility of adding lands to the national park system. Boundary studies do not make specific recommendations regarding how lands would be managed and developed for resource protection or visitor use. Therefore, formal cost estimates associated with site development and operations are not provided.

ACQUISITION COSTS. If the boundary of Antietam National Battlefield or Harpers Ferry National Historical Park is adjusted to include lands associated with the Shepherdstown battlefield, the National Park Service would work with willing sellers and donors to acquire land in order to preserve property significant to the Shepherdstown battlefield. When acquiring land, the National Park Service is mandated to offer fair market value.

No formal appraisals have been conducted to determine the value of the 12 parcels within the proposed boundary. The parcels vary in acreage and level of development and therefore the value of the properties would range greatly.

In addition to the purchase cost, the National Park Service would also incur expenses from conducting full title searches/insurance, completing hazardous material surveys, real estate appraisals, and preparing a legislative map of the property.

DEVELOPMENT COSTS. No formal estimates of development costs have been undertaken as part of this feasibility study. Development costs of national park system additions vary widely, depending on existing conditions and facilities and the types of conditions and facilities desired. New national park system units and additions frequently require investments of time and money to inventory and document resources in the unit, develop management or treatment plans for those resources, develop educational and interpretive materials, and develop and improve facilities for visitors and park operations.

If the National Park Service acquires land within the proposed legislative boundary, plans and studies that would probably be undertaken on battlefield lands owned and managed by the National Park Service include an archeological overview and assessment, cultural landscape inventory and report, historic resource study, some interpretive planning (possibly an amendment to a long-range interpretive plan or foundation document), and a site plan. A land protection plan to identify ways to protect lands within the legislated boundary could also be developed or an existing plan revised.

OPERATION COSTS. National park system unit operating costs and additions vary widely, depending on the amount and type of resources managed, number of visitors, level of programs offered, safety and security issues, and many other factors. While no formal estimate of operating costs has been completed for this study, it is anticipated that the inclusion of the Shepherdstown battlefield in the boundary of Antietam National Battlefield or Harpers Ferry National Historical Park would increase operating costs. The nearby Ferry Hill contact station could be used for visitor contact, facilities, and orientation for an interim period.

CONCLUSION. Acquisition costs for the lands associated with the Shepherdstown battlefield could be significant in the long term. Operation costs would be modest for an addition of this size to the national park system. Over the long term, costs associated with acquisition, operation, and development are probably feasible.

Adequacy of Other Management Options

In addition to the criteria evaluated above, NPS *Management Policies 2006*, section 3.5, also requires recommendations for boundary changes to meet criterion 5: Other alternatives for management and resource protection are not adequate. The criterion requires a finding that NPS management would be superior to alternative management arrangements by other entities.

Several organizations, including the Civil War Trust, Save Historic Antietam Foundation Inc., Shepherdstown Battlefield Association, and State of West Virginia, and the Jefferson County Landmarks Commission, have been involved in preservation of the Shepherdstown battlefield through both fee purchase and conservation easements. However, these organizations do not have missions consistent with, or have an expressed interest in, long-term management and protection of the battlefield.



The National Park Service identified two local organizations with missions consistent with battlefield interpretation and preservation—West Virginia State Parks and Forests and the Jefferson County Parks and Recreation Commission. Formal inquiries were sent to both organizations to determine whether they had an interest in and the capacity to assist in the preservation and interpretation of the battlefield. The Jefferson County Parks and Recreation Commission indicated they do not have the financial capability or interest to assume management of the battlefield. West Virginia State Parks did not provide a response.

CONCLUSION. Because neither West Virginia State Parks and Forests or the Jefferson County Parks and Recreation Commission expressed an interest in managing, or partnering to manage, the battlefield, the National Park Service determines there is a need for NPS management if the site were to be included within the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield. The National Park Service would continue to seek partnership opportunities as described in alternative 2.

Feasibility Conclusion

Based on the feasibility analysis contained in this chapter, the study team has determined that adjusting the boundary of either Antietam National Battlefield or Harpers Ferry National Historical Park to include the Shepherdstown battlefield would provide opportunities to protect cultural resources, as well as public access, interpretation, and educational opportunities.

Although the majority of the lands within the proposed legislative boundary are privately owned, there may be an immediate opportunity to partner with the Jefferson County Landmarks Commission to identify strategies for resource protection, interpretation, and public access on their recently purchased 13-acre parcel near the cement mill structures if the boundary of either park were to be adjusted.

Public interest in and support for NPS protection of the battlefield is strong, as is evidenced by the existing grassroots efforts to protect the battlefield. The proposed residential development on the 120-acre parcel encompassing the Osbourn Farm has served as a catalyst for much of this community support. The development of this parcel into a residential subdivision would fragment a critical component of the battlefield landscape. If Congress were to authorize a boundary adjustment of Antietam National Battlefield or Harpers Ferry National Historical Park to include the Shepherdstown battlefield it may provide a means to purchase this and other key parcels within the legislated boundary from willing sellers or donors.

As is discussed in this chapter, the existing zoning within the proposed legislative boundary does not guarantee the indefinite protection of battlefield resources, and the ability of other organizations, communities and agencies to provide for long term protection and interpretation is limited. Therefore, it appears that adjusting the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield is the most feasible means of guaranteeing indefinite protection of the Shepherdstown battlefield.



CHAPTER 5: AFFECTED ENVIRONMENT

OVERVIEW

This chapter describes the environment of the Shepherdstown battlefield and the surrounding area. The intent of this chapter is not to provide an exhaustive description of resources and other relevant factors, but to provide sufficient detail to reasonably assess and compare the effects of implementing the management alternatives described in chapter 4. Topics were selected on the basis of federal laws, NPS expertise, and the concerns expressed by other agencies or members of the public during scoping. Information provided in the affected environment establishes the baseline for analyzing impacts presented in “Chapter 6: Environmental Consequences.”

The interdisciplinary planning team conducted a preliminary analysis to determine the anticipated context, duration, and intensity of effects on resources from implementing the alternatives. As a result, some impact topics have been eliminated from further analysis because these resources do not occur within the proposed legislative boundary or because the anticipated impacts would have no effect, negligible effect, or possibly a minor effect on resources.

The first section in this chapter discusses the impact topics that have been retained for analysis, and the next section describes impact topics that have been eliminated from the analysis with the rationale for this decision. Information about each resource topic corresponds to the level and type of impact being analyzed. Because comprehensive resource inventories have not been completed within the proposed legislative boundary, these descriptions are based on the best available information that has been gathered to date.

IMPACT TOPICS INCLUDED FOR DETAILED ANALYSIS

Cultural Resources

With the exception of the land owned by Jefferson County Historic Landmarks Commission, the land within the proposed study boundary is privately held. As a result, no NPS staff have conducted an inventory of cultural resources, and none of the landowners have nominated any historic structures to the National Register of Historic Places. The Jefferson County Historic Landmarks Commission has nominated their tract of land to the National Register of Historic Places, and the results are still pending. From existing research and conversations with professional Civil War historians knowledgeable about the battle and area, the National Park Service believes there are historic structures within the proposed boundary including the Osbourn farmhouse and brick kilns (the cement mill and dam remnants may also be considered historic after evaluation using national register criteria). The National Park Service also believes the land within the proposed boundary is a cultural, or historic, landscape because it was used for a brief period of time by Civil War military forces for military purposes (battlefields fall under one of the NPS cultural landscape categories found in Director’s Order 28). The battle of Shepherdstown took place on and was influenced by the physical landscape within the proposed boundary. The existing terrain, natural features, and cultural features of the landscape dictated how the Civil War military forces made decisions about logistics, positions, fields of fire, etc. Based on conversations with some of the landowners at the public meeting and because there is no disputing that the battle took place on this land based on the mapped troop movements, the National Park Service believes the battlefield landscape is imbued with a unique pattern of artifacts that should manifest itself as the historic archeological record.



Natural Resources

Terrestrial habitats such as forests, open fields, rocky outcrops, development, and transition habitats support many common eastern deciduous woodland species such as deer, song birds, red and gray fox, raccoons, gray and fox squirrels, and a few uncommon species such as black bear and bobcat. Bald eagles nest here and are seen regularly along the canal. The nearby C&O canal provides a corridor for wildlife moving in and out of the study area. Water resources include the Potomac River, the C&O Canal, and any wetlands or floodplains that may exist in the study area.

Distributions of many northern and southern plant species overlap the area. Although no plant inventory has been performed for the study area, the adjacent Chesapeake and Ohio Canal National Historical Park is one of the most biologically diverse parks, especially for plant species, in the national park system. This diversity of native plants probably extends into the study area.

This part of northern West Virginia is composed of agricultural fields, manicured landscapes, and forested areas. The current vegetation in the study area is nonnative crops or second-growth forest. At the time of the battle, agricultural fields probably dominated the study area.

As part of the scoping phase of this study, the National Park Service consulted the U.S. Fish and Wildlife Service to seek a determination on whether any federally threatened or endangered species would be affected by the action alternative. In response to this request, the U.S. Fish and Wildlife Service determined there would be no effects on federally listed threatened or endangered species.³

Visitor Use and Experience

This section describes aspects of visitor use and experience that may be affected by the management alternatives proposed in this plan. The description of these elements is based on best professional judgment of Antietam National Battlefield and Harpers Ferry National Historical Park staff, NPS planners, and research results from other specialists.

The following sections are organized by describing visitor use and experience through two different topics:

- “Visitor Access and Circulation” describes the level and ease of access and circulation opportunities that can be experienced within the Shepherdstown battlefield. These can include opportunities for parking, driving, reaching visitor information centers, and general ease of orientation and access to visitor facilities and services.
- “Opportunities for Interpretive Experiences and Recreation” describes opportunities for visitors to experience interpretation and education about the Shepherdstown battlefield and the types of recreational opportunities that can be experienced at the battlefield.

VISITOR ACCESS AND CIRCULATION. *Shepherdstown Battlefield*—Shepherdstown is within 80 miles of three large airports—Baltimore-Washington International Airport, Reagan (Washington) National Airport, and Dulles International Airport. The Shepherdstown battlefield is approximately 1 mile southeast of the town of Shepherdstown and roughly 13 miles from Harpers Ferry National Historical Park and 5 miles from Antietam National Battlefield. It could be visited with relative ease from either park. The Shepherdstown battlefield is approximately 2 miles from Ferry Hill, a NPS contact station and interpretive area that is managed by the Chesapeake and Ohio Canal National Historical Park.

The core of the Shepherdstown battlefield on the south side of the Potomac River is accessible via both Trough Road (formerly Charlestown Road) and River Road. The majority of the battlefield is privately owned for agricultural and residential land uses. Nineteenth century War Department informational tablets are on the corner of River Road and Trough Road, but no designated parking areas or vehicle turnouts exist to provide safe access to these interpretive tablets. Some informal social trails have been formed by visitors exploring the cement mill structures on a public area owned by the county. On the north side of the river, battle-related sites, including Ferry Hill, can be accessed via Canal Road.

3. The U.S. Fish and Wildlife Service determination, dated March 1, 2012, can be referenced in appendix F.



**TABLE 2. ANTIETAM NATIONAL BATTLEFIELD
ANNUAL VISITATION**

Year	Annual Visitors	Percent Change from Previous Year
1998	275,385	
1999	268,897	-2.36%
2000	286,896	6.69%
2001	303,599	5.82%
2002	303,209	-0.13%
2003	279,694	-7.76%
2004	237,885	-14.95%
2005	295,309	24.14%
2006	282,676	-4.28%
2007	337,569	19.42%
2008	352,548	4.44%
2009	378,966	7.49%
2010	393,957	3.96%
2011	384,987	-2.28%

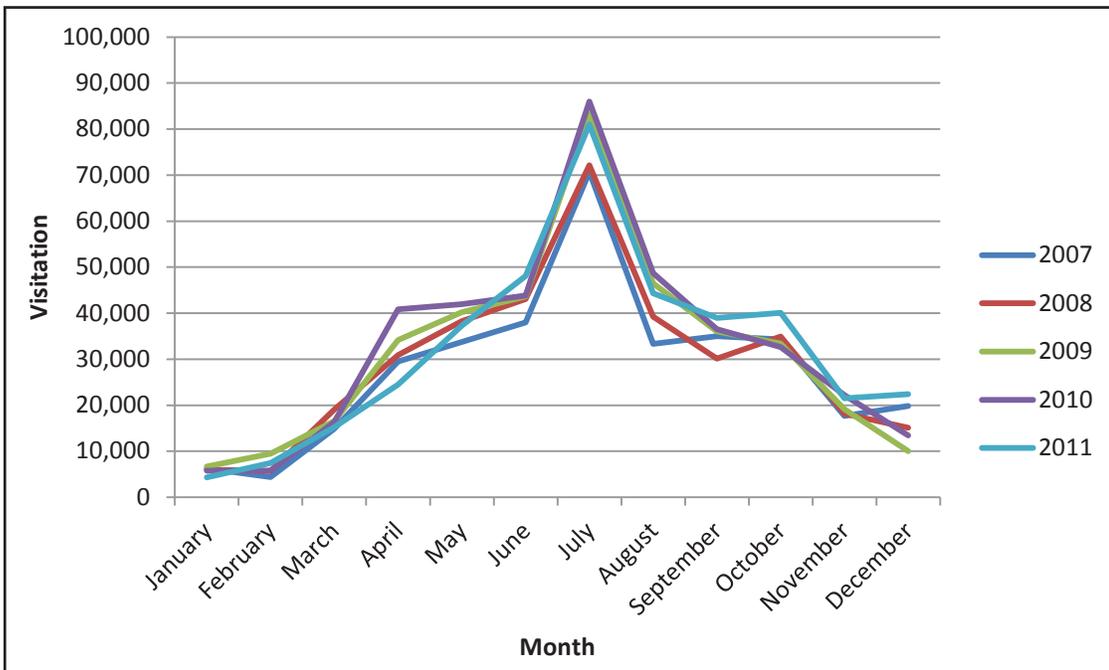


FIGURE 9. Visitation by Month & Year to Antietam National Battlefield



TABLE 3. HARPERS FERRY NATIONAL HISTORICAL PARK ANNUAL VISITATION		
Year	Annual Visitation	Percent Change from Previous Year
1998	371,094	
1999	333,738	-10.07%
2000	317,699	-4.81%
2001	325,156	2.35%
2002	286,289	-11.95%
2003	264,478	-7.62%
2004	260,783	-1.40%
2005	241,807	-7.28%
2006	267,501	10.63%
2007	249,908	-6.58%
2008	254,162	1.70%
2009	275,044	8.22%
2010	268,822	-2.26%
2011	255,348	-5.01%

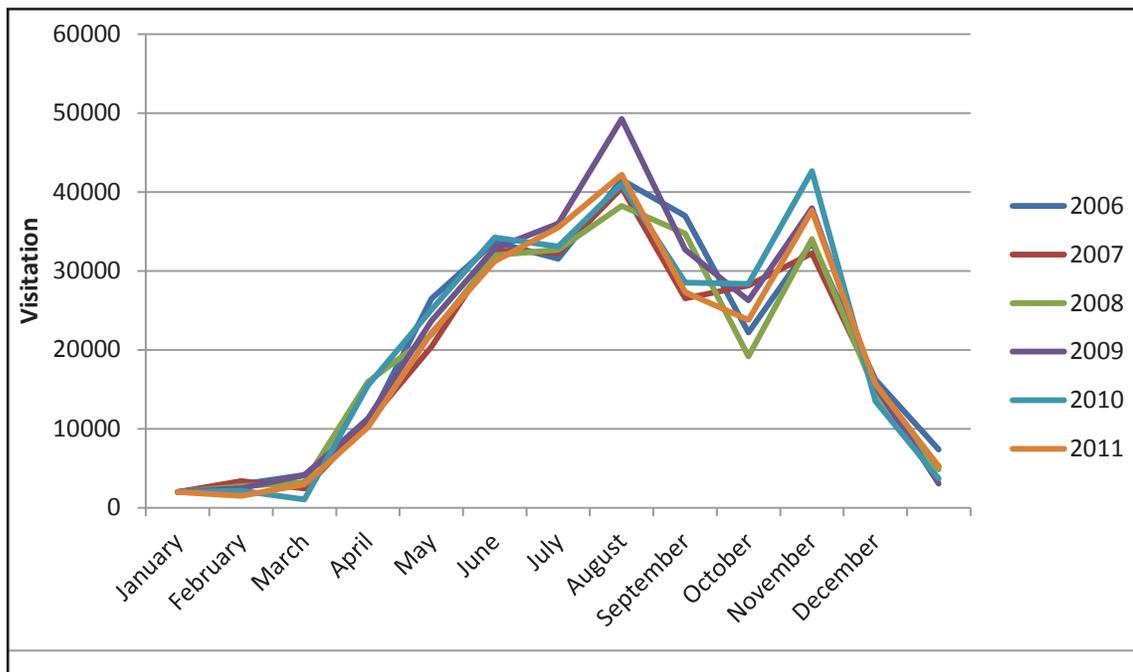


FIGURE 10. Visitation by Month & Year to Harpers Ferry National Historical Park



Antietam National Battlefield—Antietam National Battlefield is one of the best-preserved Civil War battlefields in the country. The national battlefield is open year-round. Hours of operation of the facilities and historic structures vary by season. Visitors to Antietam typically spend about a half day at the battlefield and half the day participating in programs at the visitor center and driving the tour route (NPS 1992). The tour road is approximately 8.5 miles long with 11 stops around the battlefield. Most visitors drive the route, but walking and biking are also encouraged. Typically, visitors begin the tour at the first stop (Dunker Church) near the visitor center. The driving tour continues north toward Nicodemus Heights, then loops to the south end of the battlefield and ends at Antietam National Cemetery near downtown Sharpsburg (NPS 2012a).

Harpers Ferry National Historical Park—Harpers Ferry National Historical Park is in the eastern panhandle of West Virginia. Visitors access the national historical park via U.S. 340 from West Virginia or Maryland. The national historical park is open year-round. Hours of operation at the facilities and historic structures vary by season. National historical park visitors are encouraged to begin their visit at Cavalier Heights where the visitor information center and shuttle bus boarding area to Lower Town are located. From the visitor information center, the shuttle takes visitors to the Shenandoah River along Shoreline Drive to Lower Town. Once in Lower Town, visitors may explore the historic buildings. Interpretive talks, tours, or demonstrations are held occasionally during the summer. The main information center, several museums, and public restrooms are in Lower Town. The cooperative association (Harpers Ferry Historical Association) operates a bookstore in Lower Town and a small outlet in the visitor contact station.

Visitors interact primarily with NPS personnel at three staffed stations—the NPS entrance station and the information centers at Cavalier Heights and Lower Town. The vast majority of visitors enter the national historical park via the Cavalier Heights entrance. Here, visitors have the opportunity to access the information center for initial orientation to the park. Visitors may then board the shuttle bus. On the bus ride a 5-minute recorded interpretive message plays for passengers. Visitors disembark the tour bus at the bus pavilion in Lower Town. Once in Lower Town, visitors may tour the historic buildings on their own, but are encouraged to visit the information center first to receive an overall orientation to the national historical

park's history. Visitors are also able to drive to Lower Town and begin their visit there. Visitor information on outlying Civil War sites is provided at the information center. Public transportation is not available to the outlying areas. First-time visitors may be at a loss as to where to go when entering the park because the information center is not clearly indicated. If visitors miss the information center, there are occasionally interpreters and maintenance workers available in the area to answer questions.

OPPORTUNITIES FOR INTERPRETIVE EXPERIENCES AND RECREATION. **Shepherdstown Battlefield**—Visitor opportunities for interpretive experiences are currently limited to viewing late 19th century War Department information tablets on the southwest corner of River Road and Trough Road. Interpretation of the battle is available to the public at Ferry Hill, managed by the Chesapeake and Ohio Canal National Historical Park.

Antietam National Battlefield—An 8.5-mile driving tour provides visitors the opportunity for a self-guided interpretive experience of the battlefield. Included along the tour route are several hundred War Department markers that provide detailed descriptions of the actions during the battle. Other outdoor activities include horseback riding, fishing, picnicking, boating and tubing, and hiking. Camping is only allowed by permit and for organized groups, but other overnight accommodations such as motels and campgrounds are provided in surrounding communities.

The visitor center in Sharpsburg has a theater, exhibits, observation room, and a museum store. The center shows various audiovisual programs and interpretive talks are conducted daily. The new Pry House Field Hospital Museum served as Union Commander Gen. George B. McClellan's headquarters during the battle and is open daily during the summer. Exhibits include a recreation of a field hospital, interpretive panels, and objects relating to care of the wounded and the effects on civilian populations in the area, and information about Pry House.

Harpers Ferry National Historical Park—The national historical park is primarily a day-use area, but overnight accommodations such as motels and campgrounds are available in surrounding communities. Harpers Ferry offers a variety of interpretive and recreational opportunities including museum exhibits, ranger-guided tours, a historical bookshop, and short walks and hikes. Visitors receive interpretation and resource education



primarily through self-guided walks among the historic structures and settings with wayside exhibits and brochures. The national historical park brochure provides basic information about the park, maps for navigating visitor opportunities and services, and a general historical overview of park interpretive themes. Many NPS buildings in Lower Town contain in-depth interpretation on the national historical park's themes. Personal orientation and interpretive services can be obtained at the visitor contact facility and during interpretive presentations. At the visitor information center in Lower Town, the broad outlines of the Harpers Ferry "town in history" story are provided. Branch museums amplify key aspects of the broad story (e.g., John Brown, the Federal Armory, the Civil War, etc.).

VISITOR USE TRENDS. Antietam National Battlefield—Visitor surveys are completed annually by all NPS park units to assist the National Park Service in compliance with the Government Performance and Results Act (University of Idaho 2012a). The surveys evaluate overall quality of facilities, services, and recreational opportunities and visitor satisfaction with these facilities and opportunities. Since 2004, on average, 98% of visitors to Antietam have indicated they were satisfied with appropriate park facilities, services, and recreational opportunities (NPS 2009). As shown in table 2, approximately 312,970 people visit Antietam annually. Visitation has fluctuated greatly over the past 14 years, with an average annual growth rate of 2.87%. Visitation is highest in July, with almost 81,000 park visitors in 2011, and lowest in January, with just over 4,200 park visitors in 2011, as shown in figure 9 (NPS 2012b).

Harpers Ferry National Historical Park—Visitor surveys completed for Harpers Ferry National Historical Park since 2005 show, on average, 96.6% of visitors indicated they were satisfied with appropriate park facilities, services, and recreational opportunities (University of Idaho 2012b). As illustrated in table 3, an average of 283,702 people visit the national historical park every year. Visitation has experienced some fluctuations, but overall has been slightly declining since the late 1980s with an average annual decline of 2.62%. Visitation is highest during July, with more than 42,000 people during 2011, and lowest in January, with nearly 1,500 visitors in 2011. Monthly visitation trends are shown in figure 10 (NPS 2012b).

Park Operations

Park operations for Harpers Ferry National Historical Park and Antietam National Battlefield consist of NPS operations that encompass protection of natural and cultural resources; maintaining all roads, trails, buildings, and other structures in a safe and aesthetically pleasing condition; preventing deterioration that would render the structures unsightly, unsafe, or beyond efficient repair; providing a variety of amenities for park visitors; administrative services; and emergency services. These aspects of park operations are discussed for both parks.

ANTIETAM NATIONAL BATTLEFIELD. Antietam National Battlefield has a staff of about 40 permanent employees. This staff accommodates nearly 400,000 visitors a year while managing 3,230 acres of park lands, 75 buildings, roads, trails, and extensive natural and agricultural areas. The staff of Antietam is organized into six operating divisions, managed by the park superintendent:

1. administration and management
2. cultural resource management
3. facility management
4. natural resources management and visitor protection
5. museum and library services
6. resource education and visitor services

The fiscal year (FY) 2012 appropriation for the battlefield was \$3,473,000 (NPS 2012b). Operation budgets may vary annually with nonrecurring base changes and one-time investments (e.g., major repair or construction projects). These are financed through project funds that are allocated on a competitive basis and are in addition to base budgets.

Administration and Management—The park superintendent is responsible for overall park management and supervision of division chiefs. The superintendent serves as the park's representative to external partners and is the park information officer. The administration division's responsibilities include human resource management, budget, procurement and contracting, property management, travel management, payroll and benefits programs, excess/surplus property program, and utility program management. Administration and management includes six full-time equivalent (FTE) positions (Wenschhof 2012).



Cultural Resources Management—The cultural resources management division’s responsibilities include National Historic Preservation Act and NPS cultural resources compliance activities, historic structures management, preservation and restoration, contract management and oversight, national cemetery management, Mumma Cemetery management, monument preservation, and research. There are four FTE positions (Wenschhof 2012).

Facility Management—The responsibilities of the facility management division include general operational maintenance, preservation maintenance, contract management, fleet management and maintenance, turf management, landscape restoration, historic structure preservation and restoration, national cemetery maintenance and burials, fencing program oversight and operations, general and custodial services, and support for special events. There are 15 FTE positions (Wenschhof 2012).

Natural Resources Management and Visitor Protection—The branch of natural resources management employs four FTE employees whose responsibilities include vegetation management, wildlife management, the agricultural lease program, trail management and construction, contract management, fencing program management, youth programs, native plant nursery, water quality program, soils program, research, and NEPA compliance. This division also coordinates with the Maryland Department of Natural Resources wildlife staff, natural resources police, the NPS National Capital Region regional wildlife biologist, and other interested parties regarding deer and wildlife management issues. The branch of visitor protection employs five FTE employees whose responsibilities include law enforcement, resource protection, boundary management, fire and security alarm programs, special use management program, special events programs, wildfire and structural fire program, cooperative agreement program management, risk management and safety operations, and investigative services (Wenschhof 2012).

Museum and Library Services—The division of museum and library services is responsible for researching, cataloging, displaying, and monitoring curatorial and archival collections. In addition, staff provides curatorial services research, library management, and research assistance.

Resource Education and Visitor Services—The resource education and visitor services division’s responsibilities include interpretive planning and operations, visitor services, education program operations, contract management, living history program coordination, volunteer program oversight, and the black powder safety program. There are seven FTE positions (Wenschhof 2012).

HARPERS FERRY NATIONAL HISTORICAL PARK. Harpers Ferry National Historical Park has a staff of approximately 88 permanent and term employees. During the summer months, the park’s seasonal workforce includes up to 60 additional employees.

The park accommodates more than 300,000 visitors a year while managing 3,645 acres of park lands, 80 actively used buildings, roads, trails, a shuttle bus fleet, and extensive natural areas. There are five other NPS units using the national historical park land or facilities—Chesapeake and Ohio Canal National Historical Park, Appalachian National Scenic Trail, Potomac Heritage National Scenic Trail, Harpers Ferry Center, and the Stephen T. Mather Training Center. The national historical park’s base budget in FY 2012 was \$6,712,000 (NPS 2012c). One-time investments (e.g., major repair or construction projects) are financed through project money that is allocated to parks on a competitive basis and is in addition to the base budget.

NPS staff is assisted by seasonal employees, volunteers, and the Harpers Ferry Historical Association. NPS operations can be divided into the following functions:

- cultural and natural resource management
- visitor and resource protection (law enforcement)
- visitor experience and enjoyment
- facility operations and maintenance
- management and administration



TABLE 4. AVERAGE DAILY TRAFFIC PER ROAD SEGMENT

Access Route	Road Segment	Average Daily Traffic
Access Routes from Antietam National Battlefield	Maryland Route 34 / West Virginia Route 480 at State Line	5,925
	Duke Street at Fairmont Avenue	5,756
	German Street at River Road	1,156
Access Routes from Harpers Ferry National Historical Park	U.S. Highway 340 at Bakerton Road	27,459
	Bakerton Road at U.S. Highway 340	2,032
	Best Road	No Data
	Engle Molers Road at Kidweller Road	495
	Trough Road at Windgate Drive	250
	Shepherdstown Pike approximately 0.5 mile north of Reedson	2,898
	Shepherdstown Pike approximately 0.5 mile south of Flowing Springs Road	2,543
	Shepherdstown Pike approximately 0.25 mile north of Engle Molers Road	6,400
	Mill Street	No Data
	Princess Street	No Data

Park headquarters is in the Morrell House on Camp Hill. Other park professional technical staff is housed in the Bracket House. The interiors of these historic homes have been rehabilitated to accommodate this use. Additional staff have offices in the upper floors of buildings in Lower Town, in Grandview School, and at the maintenance facility. Streets in Lower Town are not owned by the National Park Service, and conflicts arise between business owners who want the streets open and the National Park Service wanting to create an accurate living history environment. Public parking is limited, especially on weekdays when commuters fill the train station lot. The park maintenance facility is in a residential section of the town of Harpers Ferry. The National Park Service owns and operates the transportation system consisting of six buses and a busy maintenance facility in Cavalier Heights. The buses shuttle visitors between Cavalier Heights and Lower Town and include an interpretive message. The fleet was replaced with all new vehicles in 2004.

Cultural and Natural Resource Management—The cultural and natural resource management division is responsible for research, monitoring, and compliance for structures, artifacts, and lands that comprise Harpers Ferry National Historical Park. Because it is a historical park,

the majority of division funding is allocated to cultural resource management. Cultural resource management activities include cataloging and protecting museum collections; monitoring exhibits; structural protection; archeological excavations, surveys, and research; as well as NEPA documentation and compliance. Natural resource management activities include inventorying and monitoring the park's natural resources, invasive plant removal, boundary management, and pest control management. The division currently operates with eight permanent FTEs.

Visitor and Resource Protection—The visitor and resource protection division is responsible for ensuring the safety of park visitors by patrolling the park and monitoring park conditions and public use. Staff from the division also process applications and issue special use permits, provide emergency response services, manage fee collection, and deter artifact hunting and other illegal activities. The division currently operates with nine FTEs.



Visitor Experience and Enjoyment—Visitor experience and enjoyment staff carry out a variety of duties geared toward providing visitors with an educational and enjoyable experience during their park visit. Programs that fall under this functional area include education, interpretation, and the general management and administration of visitor-related activities. The division currently operates with 20 FTEs.

Facility Operations and Maintenance—The facility operations and maintenance division services Harper’s Ferry National Historical Park buildings, roads, grounds, trails, vehicles, and utilities on a daily basis to ensure the proper operation and availability of essential staff and visitor facilities. Facility operations efforts demand considerable investment in equipment and manpower to maintain the park’s complex set of cultural and natural resources dispersed across the park’s 2,505 acres. Services provided by this division include grounds maintenance, janitorial services, maintenance of the shuttle fleet, building maintenance, utility services, road maintenance, and trail maintenance. The division currently operates with 40 FTEs.

Management and Administration—The management and administration division can be divided into activities focused on internal park operations and those that connect the park with outside constituencies. The former group includes financial and general management, human resources, administration, planning, parkwide safety, and communications and information technology services. The latter involves management of external partners and activities related to public relations and marketing. The division currently operates with 11 FTEs.

Because the addition of the Shepherdstown battlefield would result in impacts to park operations at Antietam National Battlefield and Harpers Ferry National Historical Park, this impact topic is retained for further analysis.

Social and Economic Environment

The Shepherdstown battlefield is in Jefferson County in the eastern panhandle region of West Virginia. The western portion of the battlefield is approximately 0.5 mile west of the town of Shepherdstown, West Virginia. Jefferson County is bordered on the northwest by Berkeley County, West Virginia; on the northeast by the Potomac River and Washington County, Maryland; to the southeast by the Blue Ridge Mountains and Loudoun County, Virginia; and to the southwest by Clarke County, Virginia.

This region, long important for agricultural production, is now growing steadily influenced by development along the I-81 and I-70 transportation corridors. These transportation conduits have become convenient sites for a variety of light manufacturing and service industries and as a “bedroom community” for major metropolitan areas. Shepherdstown is about 60 miles from Washington, D.C., and 70 miles from Baltimore, Maryland.

The ability to harness the power of the Potomac River and the C&O Canal for economic development was the foundation of the surrounding communities. Today, the rivers continue to contribute to the economic and social activities of the region, although more for their aesthetic, recreational, and quality of life values than water power for industry.

The analysis of impacts to the socioeconomic environment for this study is based on the research and professional judgment of planners who have experience with similar projects. To help identify the impacts of the alternatives, three contributing factors of the socioeconomic environment are assessed for the town of Shepherdstown and the communities directly adjacent to the battlefield: (1) local economic base, (2) land use, and (3) transportation.

Jefferson County, West Virginia, and Washington County, Maryland, are home to Harpers Ferry National Historical Park and Antietam National Battlefield, respectively. To assist with the identification of the impacts of the alternatives on the communities surrounding these parks, two contributing factors are described: (1) local economic base, and (2) the economic contributions of the parks to the community.

SHEPHERDSTOWN, WEST VIRGINIA, AND SURROUNDING AREA. Shepherdstown, West Virginia, is one of the oldest towns in the region, and is considered the oldest town in the state of West Virginia, having been first established in 1762. The U.S. Census Bureau estimates that the population of Shepherdstown was 1,717 in 2010 (U.S. Census Bureau 2010). Today, visitors and residents alike enjoy the town’s historic character. Shepherdstown is also home to Shepherd University, which enrolls nearly 4,500 students (Shepherd University 2012).



Local Economic Base—The 2010 census found that nearly 28% of the workforce in Shepherdstown is employed in the educational services, healthcare, and social assistance industries. Much of this employment is probably attributed to Shepherd University. At 19%, the arts, entertainment, recreation, accommodation, and food services industries represent the second-largest category of employment in Shepherdstown (U.S. Census Bureau 2011). The town's 2001 comprehensive plan cites the economic importance of Shepherd College and historic downtown with its commercial shops, service businesses, and restaurants (Corporation of Shepherdstown 2001).

Land Use—The primary land uses within Shepherdstown are residential and commercial. The majority of housing within Shepherdstown (70%) is composed of single family homes. Multiunit structures account for approximately 25% of housing stock and the remaining 5% is composed of mobile homes (U.S. Census Bureau 2010). The 2001 comprehensive plan notes that residential units are distributed throughout the town. The Shepherdstown central business district is on German Street, generally between Church Street and Mill Street; however, commercial land uses can be found throughout the town (Corporation of Shepherdstown 2001).

Transportation—The primary access to Shepherdstown is via two-lane state and county highways. To the southwest, West Virginia Route 480 (Kearneysville Pike) connects to West Virginia Route 9. To the northwest, West Virginia Route 45 connects to Interstate 81 via Martinsburg. To the northeast, Maryland Route 34 connects to Interstate 70 and U.S. Highway 40 via Sharpsburg, Maryland, and Antietam National Battlefield; and from the south, West Virginia Route 230 (Shepherdstown Pike) connects to U.S. Highway 340 near Harpers Ferry National Historical Park. The most direct access route between Antietam National Battlefield and the Shepherdstown battlefield would probably run from Sharpsburg, Maryland, along Maryland Route 34 (turns into West Virginia Route 480 at the West Virginia state line), to Duke Street, east on German Street through the central business district and connecting to River Road. The battlefield can be accessed by a variety of routes from Harpers Ferry National Historical Park; U.S. Highway 340 to Bakerton Road to Best Road to Engle Molers Road to Trough Road; U.S. Highway 340 to Shepherdstown Pike to Engle Molers Road to Trough Road; or U.S. Highway 340 to Shepherdstown Pike to Mill Street (or Princess Street) to German Street to River Road.

In 2010, the Hagerstown / Eastern Panhandle Metropolitan Planning Organization completed an update to their Long Range Multi-Modal Transportation Plan, which included information on existing conditions in the Metropolitan Planning Organization. The anticipated access routes from both Harpers Ferry National Historical Park and Antietam National Battlefield are all within the boundaries of the Metropolitan Planning Organization. With the exception of U.S. Highway 340 through Harpers Ferry, each of the routes for which data are available between Antietam National Battlefield, Harpers Ferry National Historical Park, and the Shepherdstown battlefield is described as having an acceptable level of service (HEPMPO 2010). Level of service is a measure used by traffic engineers to describe traffic conditions on a roadway. Roadways with acceptable levels of service typically experience free-flow conditions, while roadways with unacceptable levels of service frequently are subject to breakdowns in vehicular flow (traffic jams). The Long Range Multi-Modal Transportation Plan also studied which routes within the Metropolitan Planning Organization are safety concern areas based on historic crash data. Of the potential access routes described above, only U.S. Highway 340 is considered a high-accident corridor (HEPMPO 2010).

The 2004 Jefferson County comprehensive plan also describes deficiencies in the county transportation network and identified several highway problem areas within the county. Of the anticipated access routes described above, problem areas were identified along West Virginia Route 230 / Shepherdstown Pike (one sharp curve and two bad intersections) and the intersection of West Virginia Route 45 / German Street and West Virginia Route 480 / Duke Street (bad intersection) (HEPMPO 2010).

The 2011 average daily traffic counts along many of the anticipated access routes are available from the West Virginia Department of Transportation Planning and Research Division (WVDOT 2012). These data are summarized in table 4. With the exception of U.S. Highway 340, West Virginia Route 230, and West Virginia Route 480 / Maryland Route 34, all of the potential access routes described above are considered local service roads per the county's 2004 comprehensive plan. U.S. Highway 340 is considered a primary route and West Virginia Route 230 and West Virginia Route 480 / Maryland Route 34 are considered secondary roads. As would be expected, average daily traffic is higher on primary and secondary routes than on local service roads.



JEFFERSON COUNTY, WEST VIRGINIA. The U.S. Census Bureau estimates that the population of Jefferson County was 53,498 in 2010. The population grew by 48.9% from 1990 to 2010 (U.S. Census Bureau 2011). The population growth trend for Jefferson County is projected to continue and remain among the strongest growing counties in the state. By 2015, it is projected that the county's population will be 57,891. It is projected that population will increase to approximately 63,000 by 2020 and more than 71,000 by 2030 (West Virginia Bureau of Business and Economic Research 2011).

The median household income in Jefferson County was \$62,418 compared to West Virginia at \$39,453, and the nation at \$51,484 for 2009–2011, a difference of 21% for Jefferson County and the nation (U.S. Census Bureau 2012). The average income per capita was \$28,128 and the number of persons living below the poverty level was 10.2%. Statewide in West Virginia, the average income per capita was \$22,083 with 17.9% of the population living below the poverty level (U.S. Census Bureau 2012).

Local Economic Base—The leading industries for Jefferson County for 2009–2011 were educational services, healthcare, and social assistance at 21.1%; arts, entertainment, recreation, accommodations, and food services at 13.8%; and professional, scientific, management, administrative and waste management services at 13.6% for those employed over the age of 16 out of a civilian employed population of 25,795 (U.S. Census Bureau 2012).

About 73% of those employed in Jefferson County work for private companies. The most common occupations for Jefferson County are: management, business, science, and arts occupations at 38%; sales and office occupations at 24%; and service occupations at 20% (U.S. Census Bureau 2012).

Economic Contributions of Harpers Ferry National Historical Park—In 2010, an estimated total annual visitor spending of \$10 million was associated with recreational visits to the park with the bulk of that spending conducted by nonlocal visitors (\$9.1 million) staying overnight in area motels, hotels, and camping (NPS 2011). Visitor spending supported an estimated 129 jobs, with an estimated labor income of \$4.1 million in the regional economy.

WASHINGTON COUNTY, MARYLAND. The U.S. Census Bureau estimates that the population of Washington County was 147,430 in 2010. The population grew by 21.5% from 1990 to 2010 (U.S. Census Bureau 2011). By 2015, it is projected that the county's population will be 154,000. It is projected that population will increase to 163,100 by 2020 and approximately 182,000 by 2030 (Maryland Department of Planning 2012).

The median household income in Washington County was \$52,334 compared to Maryland at \$71,294, and the nation at \$51,484 for 2009–2011, a difference of 2% for Washington County and the nation (U.S. Census Bureau 2012). The average income per capita was \$25,805, and the number of people living below the poverty line was 12.2%. Statewide in Maryland, the average income per capita was \$35,193 with 9.7% of the population living below the poverty line (U.S. Census Bureau 2012).

Local Economic Base—The leading industries for Washington County for 2009–2011 were educational services, healthcare, and social assistance at 21.8%; retail trade at 13.2%; professional, scientific, management, administrative, and waste management services at 9.9%; construction at 8.5%; and manufacturing at 8.5% for those employed over the age of 16, out of a civilian employed population of 68,553 (U.S. Census Bureau 2012).

About 77% of those employed in Washington County work for private companies. The most common occupations for Washington County are: management, business, science, and the arts at 31.2%; sales and office occupations at 25.9%; and service occupations at 19% (U.S. Census Bureau 2012).

Economic Contributions of Antietam National Battlefield—Antietam contributes to economic growth in the county and surrounding communities through spending by park visitors and park employees, as well as creating or supporting jobs at the battlefield and in the surrounding community. In 2010, the estimated total annual visitor spending of \$19.3 million was associated with recreational visits to the park and with the bulk of that spending attributed to nonlocal visitors (\$17.4 million) staying overnight in area motels, hotels, and camping (NPS 2011).



Visitor spending supported an estimated 250 jobs, with an estimated labor income of \$9.5 million in the regional economy. These estimates may not fully account for the seasonal employment and income effects associated with the private and commercial recreation/entertainment operations functioning in the park. Although the jobs supported by park visitor spending represent a negligible percent of total regional employment, visitor spending and the jobs supported are important to many businesses and communities around the park whose activities are directly tied to the park.

IMPACT TOPICS DISMISSED FROM FURTHER CONSIDERATION

Some resource impact topics that are commonly considered during planning processes were dismissed from detailed analysis because the management alternatives would have no effect, a negligible effect, or a minor effect on resource or the resource does not occur within the study area. For the purpose of this section, an impact of negligible intensity is one that is “at the lowest levels of detection, barely perceptible, and not measurable.” An impact of minor intensity is one that is “measurable or perceptible, but is slight, localized, and would result in a limited alteration or would impact a limited area.” The rationale for dismissing these specific topics is described below.

Geology, Geohazards, and Soils

There are no specific actions being proposed that would affect geology. Future projects would require site-specific planning and environmental analysis.

The only geohazard recognized is in the area of the cliffs. It is possible that rock and dirt naturally falling off cliff faces could pose a hazard to persons below the cliffs. If someone were to stand on the edge of the cliff line, it is possible that a portion of the edge could collapse, causing injury or death. Because the action alternatives do not propose any site-specific actions that would increase the danger of these hazards, the topic is dismissed from further analysis. Future projects would require site-specific planning and environmental analysis.

The soils below the cliffs within the proposed boundary are primarily alluvial, deposited as sediment by the meandering of the river. One soil type that is fairly common in the area is Poplimento silt loam. This soil is classified by the Natural Resources Conservation Service (2012) as unique farmlands meaning that the soils have the capability to grow specialty crops such as fruit or nut trees. If the preferred alternative is approved, there could be actions that would affect or change the use of the unique farmlands. Future projects would require site-specific planning and environmental analysis. There are no specific actions in this study, so the topic of soils is dismissed from further analysis.

Ethnographic Resources

The National Park Service defines ethnographic resources as any “site, structure, object, landscape, or natural resource feature assigned traditional legendary, religious, subsistence, or other significance in the cultural system of a group traditionally associated with it” (Director’s Order 28: *Cultural Resource Management*). Ethnographic resources are associated with the cultural practices and beliefs of a living community that are rooted in that community’s history and are important in maintaining the continuing cultural identity of the community.

No ethnographic resources associated with the proposed management boundaries were identified during the scoping process, which included public meetings, news releases, and newsletters. There are no federally or state recognized American Indian tribes within the state of West Virginia, and no Civil War enthusiast groups expressed interest in the battlefield as an ethnographic resource. Additionally, a letter was sent to the West Virginia state historic preservation office (SHPO), and no concerns were raised regarding potential ethnographic resources. If the proposed management boundaries were to be adopted and the Shepherdstown battlefield did become a part of either Antietam National Battlefield or Harpers Ferry National Historical Park, an ethnographic overview and assessment would be completed. Given the broad scope of this assessment and minor development considered in the alternatives, this topic was dismissed from further analysis.



Museum Collections

Museum collections are prehistoric and historic objects, artifacts, works of art, archival material, and natural history specimens. Requirements for proper management of museum objects are defined in 36 CFR 79, NPS *Management Policies 2006* (NPS 2006), and other cultural resources laws identifying the need to evaluate effects on NPS collections, if applicable. The proposed alternatives would not affect how existing museum collections are currently acquired, accessioned, and cataloged, preserved or protected. Therefore, museum collections were dismissed from further analysis.

Climate Change

Climate change refers to a suite of changes occurring in the earth's atmospheric, hydrologic, and oceanic systems. Documented changes, including increased global air and ocean temperatures, widespread melting of snow and ice, increased frequency and intensity of storms, and rising global average sea level provide evidence that the climate is warming. The alternatives presented in this document would have little, if any, effect on the cumulative level of greenhouse gases or other climate change factors when viewed nationwide or regionally. Therefore, climate change has been dismissed from further analysis.

Air Quality

The Clean Air Act (42 *United States Code* [USC] 85) states that federal land managers have an affirmative responsibility to protect air quality-related values from adverse air pollution impacts. Local air quality may be temporarily affected by the types of development activities set forth in the alternatives, although future projects would require site-specific planning and environmental analysis. Hauling material and operating construction equipment would result in airborne particulate concentrations and increased vehicle emissions in a localized area. Volatile organic compounds, nitrogen compounds, carbon monoxide, and sulfur dioxide emissions would be produced from combustion engines in any construction areas, but generally would disperse quickly. This air degradation would last only as long as construction activities occurred and would probably have a minor, adverse effect in the park and a negligible effect on regional pollutant levels. Therefore, air quality is dismissed from further analysis.

Additionally, vehicle use levels may increase with implementation of the alternatives, but the increase is not expected to be substantial and the emissions from additional vehicles would be minor compared to current levels.

Night Skies

NPS *Management Policies 2006* states the National Park Service will preserve, to the greatest extent possible, the natural lightscapes of park units, including natural darkness. The agency strives to minimize the intrusion of artificial light into the night scene by limiting the use of artificial outdoor lighting to basic safety requirements, shielding the lights when possible, and using minimal impact lighting techniques. No new facilities that would necessitate new nighttime lighting are being proposed in the alternatives and any future projects would require site-specific planning and environmental analysis. Thus, the topic of night skies has been dismissed from further analysis.

Soundscapes

NPS *Management Policies 2006* states the National Park Service will preserve, to the greatest extent possible, the natural soundscapes of parks. Some natural sounds in the natural soundscape are also part of the biological or other physical resource components of the park. Examples of such natural sounds include

- sounds produced by wildlife such as birds, frogs and insects to define territories and attract mates
- sounds produced by physical processes such as wind in the trees, flowing water, or thunderstorms

Because the majority of lands within the study area are privately owned, the existing soundscape cannot be accurately described. Prominent sounds within the study area may include the flowing of water in the Potomac River, vehicle traffic along River Road and Trough Road, and engine noise from agricultural equipment. If the preferred alternative were to be implemented, additional vehicle traffic may have a long-term minor adverse impact on the natural soundscape. However, the location and magnitude of these impacts, relative to the no-action alternative, cannot be accurately described without site-specific planning and design. Site-specific planning and design would only occur if the site were to be included within the boundary of Harpers Ferry National Historical Park or Antietam National Battlefield and the National Park Service were to acquire battlefield land from willing sellers or donors. Then, as appropriate, planning and



design would take into account impacts to soundscapes and any mitigation measures. Therefore, because of a lack of baseline information, site-specific planning and design, and the expectation that any impacts to soundscapes would be minor, soundscapes have been dismissed from further analysis.

Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority and Low-Income Populations,” requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing the disproportionately high or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities.

According to the U.S. Environmental Protection Agency, environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement

of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Environmental justice has been dismissed as an impact topic for the following reasons:

- The national park solicited public participation as part of the planning process and gave equal consideration to all input from persons regardless of age, race, income status, or other socioeconomic or demographic factors.
- The management alternatives would not result in any disproportionate human health or environmental effects on minorities or low-income populations and communities.
- The management alternatives would not result in any effects that would be specific to any minority or low-income population or community.



CHAPTER 6: ENVIRONMENTAL CONSEQUENCES

OVERVIEW

NPS policy requires that special resource studies and boundary studies be accompanied by an environmental assessment or environmental impact statement, as appropriate, prepared in accordance with the requirements of the National Environmental Policy Act and its implementing regulations (36 CFR 1500–1508), and Director’s Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (2001), and accompanying handbook. As described in chapter 4, two alternatives were carried forward for analysis in this plan—the no-action alternative (alternative 1) and the action alternative with two options (alternative 2, option A and option B). Alternative 2, option A is the NPS preferred alternative. Alternative 2 (both options) has been identified as the environmentally preferable alternative. Because no specific actions are proposed, some of the anticipated impacts are general and nonspecific.

The first sections of this chapter discuss terms and assumptions and the cumulative actions used in the impacts analysis; these sections are followed by the impacts of the no-action alternative and action alternative. Each impact topic includes a description of the impacts of the alternative, a discussion of cumulative effects, and a conclusion.

METHODS AND ASSUMPTIONS FOR ANALYZING IMPACTS

Methods

The planning team based the impact analyses in this chapter on professional judgment, research of existing studies and literature, opinions from experts within the National Park Service and other agencies, and the study of previous projects that had similar effects. Several impact parameters were analyzed for both alternatives including: (1) type, (2) intensity, (3) duration, and (4) context. Explanations and definitions of these criteria are as follows:

TYPE: Type of impact is determined to be either beneficial or adverse. The no-action is a baseline for comparison with the action alternative. Once it is determined whether an impact is beneficial or adverse, the other impact measurement criteria—intensity, duration, and context—can be assessed.

INTENSITY: Intensity refers to the degree, level, or strength of the impact on the respective resource or value. Impact intensities for beneficial and adverse effects are quantified as negligible, minor, moderate, and major. Because the definitions of intensity vary by resource topic, separate intensity definitions have been developed for each impact topic (in individual sections of this chapter).

DURATION: Duration refers to the length of time the impact affects the resource or value. In this analysis, impact durations are defined as follows (unless otherwise noted in the impact topic section):

- Short-term—impacts would last less than three years
- Long-term—impacts would persist for three or more years
- Permanent—impacts would be irreversible

CONTEXT: Context refers to the setting or geographic scope of the impact on the particular resource or value. In this analysis, impacts are measured relative to the following two context levels (unless otherwise noted in the impact topic section):

- Local—impacts would be limited to a specific site or relatively small area within the Shepherdstown battlefield boundaries
- Regional—impacts would occur over a large, widespread area within and/or beyond the Shepherdstown battlefield boundaries, or in areas between Antietam National Battlefield, the Shepherdstown battlefield, and Harpers Ferry National Historical Park



Assumptions

Because Congress has to authorize a boundary adjustment of Antietam National Battlefield or Harpers Ferry National Historical Park to include the Shepherdstown battlefield, and the National Park Service would have to acquire battlefield land from willing sellers or donors, the alternatives presented in this study are highly conceptual. As a result of the highly conceptual nature of the alternatives, the analysis of environmental consequences is necessarily quite general and reasonable projections of likely impacts are made.

If Congress were to authorize a boundary adjustment, future site-specific environmental and historical compliance under the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, and other applicable federal laws may need to happen in the future.

CUMULATIVE IMPACTS

The Council on Environmental Quality, which ensures that federal agencies meet their obligations under the National Environmental Policy Act, requires an assessment of cumulative impacts in the decision-making process for all federal projects. Cumulative impacts are described in CEQ regulation 1508.7 as follows:

Cumulative impacts are the impacts that result from the incremental impacts of the action when added to other past, present, and reasonably foreseeable actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over time.

Cumulative impacts are evaluated separately for the no-action alternative and options A and B of the action alternative by adding the impacts of each alternative with the impacts of other past, present, and reasonably foreseeable actions. To make these determinations, it was necessary to identify other actions in and adjacent to the proposed legislative boundary.

To determine which actions within this area may have cumulative impacts the National Park Service identified projects and programs that have occurred in the past, are currently being implemented, or would probably be implemented in the near future. Combined, these actions are referred to as the *cumulative scenario*.

Past, present, and reasonably foreseeable actions have been organized into two main categories: (1) NPS infrastructure improvements and management action, and (2) other non-NPS management actions. A summary of these actions that could contribute to cumulative impacts is provided for each category. The evaluation of cumulative impacts, described under each impact topic, is qualitative in nature.

NPS Infrastructure Improvements and Management Actions

Harpers Ferry General Management Plan. A general management plan was completed for Harpers Ferry National Historical Park in December 2010. The purpose of the general management plan is to provide a comprehensive direction for resource preservation and visitor use and a basic foundation for decision making for the park for the next 15 to 20 years. The selected alternative prescribes the resource conditions and visitor experience that are to be achieved and maintained in the park over time. The plan lays out a vision for the park to provide greater visitor enjoyment, increased access to park locales, more varied interpretation, and additional outreach and events to add new life and excitement to Harpers Ferry National Historical Park.

FOUNDATION PLANNING. The National Park Service is developing foundation documents for Antietam National Battlefield, Harpers Ferry National Historical Park, and Chesapeake and Ohio Canal National Historical Park. All three of the parks will be completing their foundation documents by 2015; this planning effort will clarify and/or reaffirm park purpose, significance, interpretive themes, and future planning priorities.

Non-NPS Management Actions

JEFFERSON COUNTY COMPREHENSIVE PLAN. In March 2004, Jefferson County adopted a comprehensive plan that assesses the county's current conditions, goals, and strategies for achieving these goals. A comprehensive plan is a requirement for all West Virginia counties in order to implement land use and zoning regulations within the county. The 2004 Jefferson County comprehensive plan encourages economic development, preservation of a viable agricultural industry, focused development near existing public infrastructure and services, and conservation of natural and cultural resources (Jefferson County 2004).



JEFFERSON COUNTY ZONING. All of the lands within the proposed legislative boundary fall within Jefferson County's rural district zoning, which allows agricultural and low density residential development (Jefferson County 2011). The county zoning ordinance allows property owners to propose other types of uses through a conditional use permit from the planning commission. Through this process, higher density subdivisions may be permitted in the rural district. Approximately 120 acres within the proposed legislative boundary have obtained a conditional use permit that would allow 152 residential lots. Based on the most recent legal action, the conditional use permit is valid until August 2014, and a final plat must be approved by August 2016 for it to remain valid.⁴ The ability to predict the exact type and intensity of the impacts from this development is limited.

SHEPHERDSTOWN COMPREHENSIVE PLAN. In 2001, the Shepherdstown Comprehensive Plan Task Force collaborated with Bruce Denning and Associates to develop an update to the town's 1978 comprehensive plan. The plan outlines 13 goals designed to ensure the long-term health of the community (Corporation of Shepherdstown 2001):

- Maintain the small, quiet village character of the community.
- Keep residential sections primarily residential in land use, architectural character, and context, allowing permitted residential/business uses within mixed-use zone areas and allowing development of affordable housing.
- Preserve the central commercial district as a district of small shops and offices compatible with residences.
- Establish and maintain commercial uses on the basis of land use compatibility and infrastructure capacity.
- Preserve, improve, increase, and protect parks, cemeteries, and other open, green space areas.
- Preserve, protect, maintain, and use historic properties and land use patterns, architectural character, and context in a manner conducive to the general benefit of the community.
- Maintain a cooperative working relationship with Shepherd College to address mutual community/college concerns.

- Establish lines of communication between internal and external, formal and informal organizations, institutions, and governmental jurisdictions.
- Provide an adequate level of public facilities and services consistent with a historic small town.
- Diversify transportation options within and around Shepherdstown so that reliance is not solely on an individual's personal vehicle.
- Permit the expansion of the community through annexation where feasible. Recognize Shepherdstown's place in the surrounding environment and take steps to protect, preserve, and restore that environment.
- Identify and address the area around Shepherdstown city limits that directly influences the realization of all the other goals in order to enhance and protect Shepherdstown.

CULTURAL RESOURCES

This section describes the effects on cultural resources that may result if Congress authorizes the proposed legislative boundary adjustment. The impact analysis is based on best professional judgment of Antietam National Battlefield and Harpers Ferry National Historical Park staff, NPS planners, and research results from other specialists.

Methods and Assumptions for Analyzing Impacts

The following impact thresholds have been developed for analyzing the effects of the alternatives on cultural resources. The intensity refers to the significance or degree of the impact to cultural resources. The impact intensities would be measured as *negligible*, *minor*, *moderate*, and *major*. To provide a metric for quantifying the intensity of the impacts, the definitions for impact intensity and thresholds are as follows:

Negligible: Disturbance of cultural resources would be barely measurable and with no perceptible consequences.

Minor: Disturbance of cultural resources would result in little, if any, loss of significance or integrity.

Moderate: Disturbance of cultural resources would result in some loss of significance or integrity.

Major: A cultural resource is destroyed.

4. E-mail correspondence with Jennifer Brockman, AICP, Director of Planning and Zoning, Jefferson County, WV. "Re: Zoning Near Shepherdstown" June 22, 2012.



Alternative 1: No Action

Alternative 1 would result in a continuation of existing conditions. There would be no new actions by the National Park Service that would affect historic structures. The historic Boteler's Cement Mill would remain under the ownership of the Jefferson County Historic Landmarks Commission, which would be a beneficial, long-term impact. The commission purchased the mill with the intention of protecting the site and eventually deeding the property to the National Park Service. The property would continue to be subject to damage caused by vandalism (graffiti), looting, and unauthorized visitation as it has in the past, which would result in a minor, adverse, and long-term to permanent impact. Other potential battlefield-related historic structures would remain private property and would be subject to actions of the current landowners.

There would be no new actions by the National Park Service that would affect pre-contact or historic archeological resources or cultural landscapes under alternative 1. Properties would continue to be used by existing landowners. Use of the sites by current landowners could have the potential for ground disturbance, the use of metal detectors to search for Civil War era artifacts, unauthorized visitation, social trails, and off-road vehicle use, which could result in adverse, minor to moderate, long-term to permanent impacts to archeological resources and cultural landscapes.

CUMULATIVE IMPACTS. The approval of a 152-lot residential development within the study area under Jefferson County's conditional-use permitting process may result in adverse impacts to cultural resources within the study area. However, because the design, timing, or feasibility of this development is unknown, the ability to predict the duration or intensity of these impacts cannot be accurately assessed.

As described above, alternative 1 (no action) may result in long-term to permanent, minor to moderate, adverse impacts to cultural resources. Because the impacts of potential future actions within the study area are unknown, the cumulative impacts cannot be determined.

CONCLUSION. Alternative 1 would result in a continuation of existing conditions. Impacts caused by current landowner actions could occur and may possibly result in permanent, minor to moderate adverse local impacts.

Alternative 2: Options A and B

Under alternative 2, options A and B, the Boteler's Cement Mill, and other potential historic structures, archeological resources, and cultural landscapes would fall within the proposed legislative boundary. If the National Park Service was able to acquire land within the legislative boundary in the future from willing sellers and donors, cultural resources on those lands would be afforded greater protection and would be managed according to *NPS Management Policies 2006* (chapter 5), *NPS Director's Order 28: Cultural Resource Management*, and any stabilization, preservation, or rehabilitation of historic structures and cultural landscapes would be undertaken in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* and *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. This would result in long-term, beneficial impacts to cultural resources.

If, in the future, the National Park Service was to acquire land within the proposed legislative boundary, increased visitation to cultural resources may occur that may result in negligible to minor, long-term, adverse impacts. NPS visitor education and interpretation of the significance of cultural resources associated with the Battle of Shepherdstown could mitigate or discourage any adverse impacts resulting from increased visitation. A boundary adjustment could result in increased public interest and efforts by private landowners within the legislative boundary to protect cultural resources through scenic and conservation easements on their land, resulting in long-term, beneficial impacts to cultural resources.

In summary, future acquisition of land within the legislative boundary would afford greater protection of cultural resources resulting in a beneficial impact. While an increase in visitation may result in more wear and tear on the cultural resources resulting in adverse impacts, these adverse impacts could be mitigated by visitor education and interpretation of battlefield resources and the implementation of NPS cultural resource management policies and guidelines described above. A boundary adjustment could result in a net beneficial impact to cultural resources within the legislative boundary.

CUMULATIVE IMPACTS. If a boundary adjustment is made to include the Shepherdstown battlefield within Harpers Ferry National Historical Park, the National Park Service



would, in the future, amend the Harpers Ferry National Historical Park general management plan to include the desired conditions and proposed actions if land were acquired within the legislative boundary. This would result in a beneficial impact.

Depending on which park's boundary is adjusted and if land can be acquired within the boundary, either Harpers Ferry National Historical Park or Antietam National Battlefield would, in the future, update their foundation document to reflect the resources and values present on land acquired within the legislative boundary. This would result in a beneficial impact.

A boundary adjustment authorization and possible land acquisition within the boundary would comply with the Jefferson County comprehensive plan and the Shepherdstown comprehensive plan because natural and cultural resources would be conserved, and acquired land would be used in a manner conducive to the general benefit of the community, respectively. Impacts would be beneficial.

The approval of a 152-lot residential development within the study area under Jefferson County's conditional-use permitting process may result in adverse impacts to cultural resources within the study area. However, because the design, timing, or feasibility of this development is unknown, the ability to predict the duration or intensity of these impacts cannot be accurately assessed.

As described above, if the boundary is adjusted, implementation of alternative 2, option A or B, could result in net beneficial impacts to cultural resources if the National Park Service was able to acquire land within the boundary and if private landowners acquired conservation easements on their land. The net beneficial impacts of this alternative, in combination with the beneficial impacts of other past, present, and reasonably foreseeable future actions, could result in cumulative beneficial impacts to cultural resources.

CONCLUSION. In conclusion, impacts on cultural resources under alternative 2 would be local, long term, and beneficial.

NATURAL RESOURCES

This section describes the effects on natural resources that may result if Congress authorizes the proposed legislative boundary adjustment. The impact analysis is based on the best professional judgment of Antietam

National Battlefield and Harpers Ferry National Historical Park staff, NPS planners, and research results from other specialists. Because the majority of lands within the proposed legislative boundary are privately owned, no comprehensive natural resource inventories or assessments have taken place. Therefore the impact analysis that follows is based on generalized assumptions of the types of natural resources and land uses that may exist within the proposed legislative boundary.

Methods and Assumptions

The following impact thresholds have been developed for analyzing the effects of the alternatives on natural resources. The intensity refers to the significance or degree of the impact to natural resources. The impact intensities would be measured as *negligible*, *minor*, *moderate*, and *major*. To provide a metric for quantifying the intensity of impacts, the definitions for impact intensity thresholds are as follows:

Negligible: There may be an impact on natural resources, but it would not be observable or measurable. Any effects would be well within natural fluctuations.

Minor: Impacts would be detectable, but they would not be expected to be outside the natural range of variability or have any lasting effects on natural resources. For example, population numbers, genetic variability, and other demographic factors for species might have small changes, but they would remain stable and viable.

Moderate: Impacts on natural resources would be detectable, and they could be temporarily outside the natural range of variability. Population numbers, genetic variability, and other demographic factors for species might change, but would be expected to rebound to pre-impact numbers and to remain stable and viable over time. Sufficient habitat would remain functional to maintain viability of native species.

Major: Impacts on natural resources would be detectable, and they would be expected to be outside the natural range of variability for extended periods of time or permanently. Population numbers, genetic variability, and other demographic factors for species might experience substantial changes.



Alternative 1: No Action

Alternative 1 would result in a continuation of existing conditions. There would be no new actions by the National Park Service that would affect natural resources under alternative 1. Use of the site by current landowners would continue and could have the potential for habitat disturbance and the loss of wildlife habitat from small-scale improvements in the residential areas. Any conservation measures or habitat improvements currently being implemented by landowners may have beneficial effects on natural resources.

CUMULATIVE IMPACTS. The approval of a 152-lot residential development within the study area under Jefferson County's conditional-use permitting process may result in adverse impacts to natural resources within the study area. However, because the design, timing, or feasibility of this development is unknown, the ability to predict the duration or intensity of these impacts cannot be accurately assessed.

CONCLUSION. Although no new actions are proposed, current landowners could continue to modify areas under their control, which could have both adverse and beneficial impacts on natural resources. Depending on the significance of these natural resources and the extent of disturbance or habitat improvements, these actions could range from negligible to minor and be beneficial or adverse.

Alternative 2: Options A and B

If the boundary adjustment is authorized by Congress and the National Park Service was able to acquire land within the legislative boundary in the future, the natural resources found on the acquired property would be afforded greater protection and would be managed under federal laws, regulations, and the practices dictated in *NPS Management Policies 2006*.

If, in the future, the National Park Service was to acquire land within the proposed legislative boundary, increased visitation may occur that may result in negligible to minor, long-term, adverse impacts. NPS visitor education could mitigate or discourage any adverse impacts to natural resources resulting from increased visitation. A boundary adjustment could result in increased public interest and efforts by private landowners within the boundary to protect natural resources through scenic and conservation easements on their land, resulting in a beneficial impact to natural resources.

In summary, while additional visitation could result in negligible to minor, adverse impacts to natural resources, these adverse impacts could be mitigated by visitor education and the NPS natural resource management policies described above. Scenic and conservation easements would also have a beneficial impact on natural resources. Congressional authorization of the proposed boundary could result in a net beneficial impact to natural resource.

CUMULATIVE IMPACTS. If Congress were to authorize a boundary adjustment for Harpers Ferry National Historical Park, the National Park Service would amend the Harpers Ferry National Historical Park general management plan in the future to include the desired conditions and proposed actions if land were acquired within the legislative boundary. This would result in a beneficial impact.

Depending on which park's boundary is adjusted and if land can be acquired within the boundary, either Harpers Ferry National Historical Park or Antietam National Battlefield would, in the future, update their foundation document to reflect the resources and values present on land acquired within the legislative boundary. This would result in a beneficial impact.

A boundary adjustment authorization and possible land acquisition within the boundary would comply with the Jefferson County comprehensive plan and the Shepherdstown comprehensive plan because natural and cultural resources would be conserved and acquired land would be used in a manner conducive to the general benefit of the community, respectively. Impacts would be beneficial.

The approval of a 152-lot residential development within the study area under Jefferson County's conditional-use permitting process may result in adverse impacts to cultural resources within the study area. However, because the design, timing, or feasibility of this development is unknown, the ability to predict the duration or intensity of these impacts cannot be accurately assessed.

As described above, if the boundary is adjusted, implementation of alternative 2, option A or B, could result in net beneficial impacts to natural resources if the National Park Service was able to acquire land within the boundary and if private landowners acquired conservation easements on their land. The net beneficial impacts of this alternative, in combination with the beneficial impacts of other past, present, and reasonably foreseeable future actions, could be beneficial for natural resources.



CONCLUSION. In conclusion, impacts to natural resources under alternative 2 would be long term and beneficial. Wildlife and wildlife habitat, water-related resources, vegetation, and threatened or endangered species may have been subject to minor to moderate adverse impacts in the past; future acquisition of portions of the battlefield by the National Park Service and potential conservation easements on private land could mitigate any potential adverse impacts in the future.⁵

VISITOR USE AND EXPERIENCE

This section describes the effects the alternatives may have on visitor use and experience. Impact analysis is based on the best professional judgment of Antietam National Battlefield and Harpers Ferry National Historical Park staff, NPS planners, and research results from other specialists.

Methods and Assumptions for Analyzing Impacts

The following impact thresholds have been developed for analyzing the effects of the alternatives on visitor use and experience. The intensity refers to the significance or degree of the impact to visitor use and experience. The impact intensities would be measured as *negligible*, *minor*, *moderate*, and *major*. To provide a metric for quantifying the intensity of the impacts, the definitions for the impact intensity and thresholds are as follows:

Negligible: Most visitors would probably be unaware of any effects associated with implementation of the alternative.

Minor: Changes in visitor opportunities and/or setting conditions would be slight but detectable.

Moderate: Changes in visitor opportunities and/or setting conditions would be noticeable.

Major: Changes in visitor opportunities and/or setting conditions would be highly apparent.

The focus of this analysis is on visitor access and opportunities for interpretive experiences as they relate to the boundary adjustment and possible future acquisition of land within the legislative boundary from willing sellers and donors. Impacts on visitor use and experience would be minimal with a boundary adjustment and more likely to be noticeable in the future after the National Park Service acquired land within the legislative boundary.

5. The U.S. Fish and Wildlife Service determination, dated March 1, 2012, can be referenced in appendix F.

Alternative 1: No Action

VISITOR ACCESS. Under the no-action alternative, there would be no change to visitor access or circulation. There would be no public access to the Shepherdstown battlefield other than existing access to the county land surrounding the cement mill. To access the existing War Department informational tablets, visitors would continue to use the shoulder of River and Trough roads for parking. Visitors would still use the informal social trails surrounding the cement mill structures. Because there would be no changes to visitor access and circulation under alternative 1, there would be negligible, adverse impacts to visitor use and experience.

OPPORTUNITIES FOR INTERPRETIVE EXPERIENCES. Under the no-action alternative, the existing interpretive experiences would remain the same. Visitor opportunities for interpretive and education experiences at the battlefield would remain limited to viewing late 19th century War Department informational tablets at the intersection of Trough Road and River Road and to the county-owned space surrounding the cement mill structures. Interpretive opportunities regarding the battle would continue to be available to visitors at the Ferry Hill site across the Potomac River, managed by the Chesapeake and Ohio Canal National Historical Park. Because the opportunities for interpretive experiences would remain the same, the impacts to visitor use and experience would be negligible and adverse.

CUMULATIVE IMPACTS. The foreseeable future action that may affect visitor use and experience is the approval of a 152-lot residential development within the study area under Jefferson County's conditional-use permitting process. However, because the design, timing, or feasibility of this development is not known, the ability to predict the type, duration, or intensity of these impacts cannot be accurately assessed.

CONCLUSION. Alternative 1, the no-action alternative, would result in long-term, negligible, adverse impacts to the visitor use and experience at the Shepherdstown battlefield due to limited access and opportunities for interpretive experiences. Any effects resulting from residential development within the study area may result in additional effects on visitor use and experience, but the ability to predict the type or intensity of these impacts unknown at this time.



Alternative 2, Option A

VISITOR ACCESS. Under alternative 2, option A, if, in the future, the National Park Service was able to acquire land within the legislative boundary, the land would be accessible to the public. By what means people would have access to the battlefield is outside the scope of this boundary study and, therefore, would be determined in a future NPS planning effort. Visitors seeking to experience both the Shepherdstown battlefield and Antietam National Battlefield would need to travel approximately 5.4 miles from one site to the other. Alternative 2, option A would have long-term, beneficial impacts on visitor access.

OPPORTUNITIES FOR INTERPRETIVE EXPERIENCES. Alternative 2, option A, would provide visitors with the opportunity to expand their understanding of the events directly following the Battle of Antietam and the culmination of the Maryland Campaign. Antietam National Battlefield would provide this expanded historical understanding by modifying its existing interpretive themes to include the Battle of Shepherdstown and including the history of the battle in its interpretive materials. Due to the proximity of the two battlefields and their historical correlation, visitors may be highly compelled to visit the Shepherdstown battlefield after visiting Antietam to complete their interpretive experience. The increase in opportunities for interpretive experiences would have a long-term, beneficial impact on visitor use and experience.

Existing late-19th century War Department informational tablets would remain as part of the interpretive experience. Other interpretive opportunities regarding the battle would continue to be available to visitors at the Ferry Hill site across the Potomac River, managed by the Chesapeake and Ohio Canal National Historical Park. Visitors would still be able to experience the cement mill area using existing informal social trails. Additional interpretation and visitor opportunities within the battlefield may become available if lands are acquired from willing sellers or donors within the proposed legislative boundary. Overall, when combined with the new opportunities for access and interpretation, the existing interpretive experiences would have a long-term, beneficial impact.

CUMULATIVE IMPACTS. If Congress were to authorize a boundary adjustment for Harpers Ferry National Historical Park, the National Park Service would amend the Harpers Ferry National Historical Park general management plan in the future to include the proposed access and interpretive experience it would want for visitors if land were acquired within the legislative boundary. This would result in a beneficial impact.

Depending on which park's boundary is adjusted and if land can be acquired within the boundary, either Harpers Ferry National Historical Park or Antietam National Battlefield would, in the future, update their foundation document to reflect the new interpretive theme created for the Shepherdstown battlefield. This would result in a beneficial impact.

A boundary adjustment authorization and possible land acquisition within the boundary would comply with the Shepherdstown comprehensive plan because acquired land would be used in a manner conducive to the general benefit of the community. Impacts would be beneficial.

The approval of a 152-lot residential development within the study area under Jefferson County's conditional-use permitting process may result in adverse impacts to the visitor experience within the study area. However, because the design, timing, or feasibility of this development is unknown, the ability to predict the duration or intensity of these impacts cannot be accurately assessed.

CONCLUSION. Alternative 2, option A, would result in local and regional, long-term, beneficial impacts to visitor use and experience due to increased potential for expanded visitor access and interpretive opportunities.

Alternative 2, Option B

VISITOR ACCESS. Under alternative 2, option B, if, in the future, the National Park Service was able to acquire lands within the legislative boundary from willing sellers and donors, the land would be accessible to the public. By what means people would have access to the battlefield is outside the scope of this boundary study and, therefore, would be determined in a future NPS planning effort. Visitors seeking to experience both the Shepherdstown battlefield and Harpers Ferry National Historical Park would need to travel approximately 12.5 miles from one site to the other. Alternative 2, option B would have long-term, beneficial impacts on visitor access.

OPPORTUNITIES FOR INTERPRETIVE EXPERIENCES. Alternative 2, option B, would provide visitors with opportunities to expand their understanding of General Lee's first invasion of the North and of the Maryland Campaign. Because Harpers Ferry is the site of the first battle of the Maryland Campaign and Shepherdstown the last, visitors may develop a broader understanding of the significance of the Shepherdstown battlefield to the campaign and the Civil War.



Harpers Ferry National Historical Park would enhance visitor interpretive experiences by modifying its existing Civil War interpretive theme to include the Battle of Shepherdstown and including the history of the battle in its interpretive materials. New interpretive opportunities from the modified interpretive theme may provide visitors with more opportunities to experience the connections between the Battle of Shepherdstown and Harpers Ferry National Historical Park.

Existing late 19th century War Department informational tablets would remain as part of the interpretive experience. Other interpretative opportunities regarding the battle would continue to be available to visitors at the Ferry Hill site across the Potomac River, managed by the Chesapeake and Ohio Canal National Historical Park. Visitor would still be able to experience the cement mill area using existing informal social trails. Additional interpretation and visitor opportunities within the battlefield may become available as lands are received from willing sellers or donors within the proposed legislative boundary. Overall, when combined with the new opportunities for access and interpretation, the existing interpretative experiences would have a long-term, beneficial impact.

CUMULATIVE IMPACTS. If Congress were to authorize a boundary adjustment for Harpers Ferry National Historical Park, in the future, the National Park Service would amend the Harpers Ferry National Historical Park general management plan to include the proposed access and interpretive experience it would want for visitors if land were acquired within the legislative boundary. This would result in a beneficial impact.

Depending on which park's boundary is adjusted and if land can be acquired within the boundary, either Harpers Ferry National Historical Park or Antietam National Battlefield would, in the future, update their foundation document to reflect the new interpretive theme created for the Shepherdstown battlefield. This would result in a beneficial impact.

A boundary adjustment authorization and possible land acquisition within the boundary would comply with the Shepherdstown comprehensive plan because acquired land would be used in a manner conducive to the general benefit of the community. Impacts would be beneficial.

The approval of a 152-lot residential development within the study area under Jefferson County's conditional-use permitting process may result in adverse impacts to the visitor experience within the study area. However, because the design, timing, or feasibility of this development is unknown, the ability to predict the duration or intensity of these impacts cannot be accurately assessed.

CONCLUSION. Alternative 2, option B, would result in local and regional, long-term, beneficial impacts to visitor use and experience due to increased potential for expanded visitor access and interpretive opportunities.

PARK OPERATIONS

Park operations generally encompasses providing visitors with an enjoyable and educational experience; protecting and preserving cultural and natural resources; and maintaining park infrastructure and buildings. As a result of the narrow focus of this boundary study, the analysis of the impacts to park operations is necessarily general.

Methods and Assumptions for Analyzing Impacts

INTENSITY OF IMPACT. The following impact thresholds have been developed for analyzing the effects of the alternatives on park operations. The intensity refers to the significance or degree of the impact to park operations. The impact intensities would be measured as negligible, minor, moderate, and major. To provide a metric for quantifying the intensity of the impacts, the definitions for the impact intensity and thresholds are as follows:

Negligible: The effect would be at or below the lower levels of detection and would not have an appreciable effect on park operations.

Minor: The effects would be detectable, but would be of a magnitude that would not have an appreciable effect on park operations.

Moderate: The effects would be readily apparent and would result in a change in park operations in a manner noticeable to staff and the public.

Major: The effects would be readily apparent and would result in a substantial change in park operations in a manner noticeable to staff and the public. The change would produce conditions that would be markedly different from existing operations.



Alternative 1: No Action

The no-action alternative would result in a continuation of existing park operations at Antietam National Battlefield, Harpers Ferry National Historical Park, and Chesapeake and Ohio Canal National Historical Park. NPS staff time or resources would not be devoted to preserving or protecting the Shepherdstown battlefield. The continuation of existing conditions would result in no impact to park operations.

Alternative 2, Option A

In alternative 2, option A, the boundary of Antietam National Battlefield would be adjusted to include the Shepherdstown battlefield. This boundary adjustment would prompt staff at Antietam National Battlefield to modify its existing land protection plan. Land protection plans identify priorities and the lands or interests in lands within the park's authorized boundary that should be in federal ownership because there are resources on the lands worthy of protection. Only after land is acquired from willing sellers and donors would staff from Antietam National Battlefield, with support from staff at Harpers Ferry National Historical Park, work to protect, preserve, and monitor battlefield resources (natural and cultural resources) and manage existing infrastructure and nonhistoric buildings. Both parks would work with staff from the Chesapeake and Ohio Canal National Historical Park to provide visitor services at the Ferry Hill site. In order to carry out park operation duties, staff from Antietam National Battlefield would travel approximately 5.2 miles to and from the Shepherdstown battlefield, a shorter distance than what Harpers Ferry National Historical Park staff would have to travel. Because Antietam National Battlefield is relatively close to the Shepherdstown battlefield, transporting staff and materials between the two sites would cause only minor logistical challenges and operational inefficiencies, and therefore, result in minor, adverse impacts to park operations. Overall, a boundary adjustment of Antietam National Battlefield would have negligible to minor, long-term, adverse impacts on park operations.

CUMULATIVE IMPACTS. If, in the future, land is acquired within the legislative boundary, Antietam National Battlefield would update its foundation document to include the resources and values present on the acquired land. This would result in a beneficial impact.

CONCLUSION. A boundary adjustment of Antietam National Battlefield would have negligible to minor, adverse impacts to park operations. When combined with the beneficial impact of future actions, the overall impact to park operations would be negligible to minor, long-term and adverse.

Alternative 2, Option B

In alternative 2, option B, the boundary of Harpers Ferry National Historical Park would be adjusted to include the Shepherdstown battlefield. This boundary adjustment would prompt staff at Harpers Ferry National Historical Park to modify its existing land protection plan. Land protection plans identify priorities and the lands or interests in lands within the park's authorized boundary that should be in federal ownership because there are resources on the lands worthy of protection. Only after land is acquired from willing sellers and donors would staff from Harpers Ferry National Historical Park, with support from staff at Antietam National Battlefield, work to protect, preserve, and monitor battlefield resources (natural and cultural resources) and manage existing infrastructure and nonhistoric buildings. Both parks would work with staff from the Chesapeake and Ohio Canal National Historical Park to provide visitor services at the Ferry Hill site. In order to carry out park operation duties, staff from Harpers Ferry National Historical Park would travel approximately 12.5 miles to and from the Shepherdstown battlefield, a longer distance than what Antietam National Battlefield staff would have to travel. Because Harpers Ferry National Battlefield is relatively distant from the Shepherdstown battlefield, transporting staff and materials between the two sites would cause noticeable logistical challenges and operational inefficiencies, and therefore, result in minor to moderate, adverse impacts to park operations. Overall, a boundary adjustment of Harpers Ferry National Historical Park would have minor to moderate, long-term, adverse impacts on park operations.

CUMULATIVE IMPACTS. If, in the future, land is acquired within the legislative boundary, Harpers Ferry National Historical Park would update its foundation document to include the resources and values present on the acquired land. This would result in a beneficial impact.



CONCLUSION. A boundary adjustment of Harpers Ferry National Historical Park would have minor to moderate, long-term, adverse impacts to park operations. When combined with the beneficial impact of future actions, the overall impact to park operations would be minor to moderate, long-term and adverse.

SOCIOECONOMIC ENVIRONMENT

The National Park Service applied logic, experience, professional expertise, and professional judgment to analyze the impacts of alternative 2, options A and B, on the social and economic environment in Shepherdstown and the surrounding area. Economic data, historic visitor use data, and expected future visitor use were all considered in identifying, discussing, and evaluating expected impacts.

Assessments of potential socioeconomic impacts were based on comparisons between the no-action alternative and options A and B of the action alternative.

Methods and Assumptions for Analyzing Impacts

DURATION OF IMPACT. The evaluation of impacts also included an assessment of duration. Distinguishing between short-term and long-term duration was necessary to understand the extent of the identified effects. In general, short-term impacts are temporary in duration and typically are transitional effects associated with implementation of an action and are less than one year. In contrast, long-term impacts might have a permanent effect on the socioeconomic environment, and their effect extends beyond one year (e.g., operational activities).

INTENSITY OF IMPACT. The following impact thresholds have been developed for analyzing the effects of the alternatives on the socioeconomic environment. The intensity refers to the significance or degree of the impact to the socioeconomic environment. The impact intensities would be measured as negligible, minor, moderate, and major. To provide a metric for quantifying the intensity of the impacts, the definitions for the impact intensity and thresholds are as follows:

Negligible: Effects on socioeconomic conditions would be below or at the level of detection. There would be no noticeable change in any defined socioeconomic indicators.

Minor: Effects on socioeconomic conditions would be slight but detectable.

Moderate: Effects on socioeconomic conditions would be readily apparent and result in changes to socioeconomic conditions on a local scale.

Major: Effects on socioeconomic conditions would be readily apparent, resulting in demonstrable changes to socioeconomic conditions in the region.

TYPE OF IMPACT. With respect to economic and social effects, few standards or clear definitions exist as to what constitutes beneficial changes and those considered to be adverse. For example, rising unemployment is generally perceived as adverse, while increases in job opportunities and average per capita personal income are regarded as beneficial. In many instances; however, changes viewed as favorable by some members of a community are seen as unfavorable by others. For example, the impact of growth on housing markets and values may be seen as favorable by construction contractors and many homeowners, but adverse by renters and by local government officials and community groups concerned with affordability. Consequently, some of the social and economic impacts of the alternatives may be described to allow the individual reviewer to determine whether they would be beneficial or adverse (impact is indeterminate with respect to “type”).



Alternative 1: No Action

Under the no-action alternative, the Shepherdstown battlefield, as a destination for visitors, would continue to provide little economic benefit to local communities or have an appreciable effect on current transportation and land use patterns. However, the current agricultural and low density residential land uses on the site contribute minor economic and quality of life benefits to the local community. Overall, alternative 1 would have negligible, beneficial impacts on the socioeconomic environment.

CUMULATIVE IMPACTS. The approval of a 152-lot residential development within the study area under Jefferson County's conditional use permitting process may have impacts on the local community that are both beneficial and adverse. However, because the design, timing, or feasibility of this development is unknown, the ability to predict the duration or intensity of these impacts cannot be accurately assessed.

CONCLUSION. The impacts on the socioeconomic environment under the no-action alternative would be long-term, negligible, and beneficial due to the current agricultural and low-density residential land uses.

Alternative 2: Options A and B

A boundary adjustment of Harpers Ferry National Historical Park or Antietam National Battlefield to include the Shepherdstown battlefield and the future acquisition of land within the legislative boundary would probably result in an increase in visitation to the town of Shepherdstown and surrounding areas. This increased visitation may result in long-term moderate benefits to local businesses that cater to visitors such as restaurants, hotels, and retail shops. Increased revenue to local businesses may also result in increased tax revenue for the City of Shepherdstown and surrounding counties, resulting in long-term minor benefits to the community. Additionally, while the potential for protection of open space near the town of Shepherdstown would provide a long-term minor quality of life benefit to local residents, it could also result in the loss of developable land, which may result in short-term minor adverse impacts on the real estate development and construction industries. Additional long-term minor adverse impacts may include trespass on private lands by visitors and loss of county property tax revenue if lands within the proposed legislative boundary are acquired by the National Park Service from willing sellers and donors.

Alternative 2, options A and B, may also result in an increase in the number of vehicles traveling to the Shepherdstown battlefield from Harpers Ferry National Historical Park, Antietam National Battlefield, the Ferry Hill site, and population centers throughout the region. While this increase in vehicles would probably not be noticeable on primary or secondary routes, residents on local service roads directly adjacent to the battlefield may notice an increase in vehicles, particularly on weekends with the highest visitation and during any special events. This may result in long-term minor adverse impacts to these residents.

CUMULATIVE IMPACTS. Adjusting the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield to include the Shepherdstown battlefield would be consistent with the visions set forth in both the Jefferson County and Shepherdstown comprehensive plans, by providing quality-of-life benefit through the preservation of open space and rural character. This would result in a cumulative long-term beneficial impact to the socioeconomic environment.

CONCLUSION. Alternative 2, options A or B, would result in impacts that are both beneficial and adverse to the socioeconomic environment. Because these impacts may be viewed as favorable by some members of a community and unfavorable by others, no conclusive determination can be made as to whether the impacts are ultimately beneficial or adverse.



CHAPTER 7: PUBLIC INVOLVEMENT, CONSULTATION, AND COORDINATION

PUBLIC INVOLVEMENT

The study team provided opportunities for elected officials, local governments, organizations, federal and state agencies, and the general public to learn about and contribute to the study process through public meetings, a newsletter, and the study website.

Scoping

During the public scoping period, the National Park Service solicited feedback from the public through a public scoping newsletter, the project website, and two public meetings, which were advertised as press releases in local and regional media and on park websites. Additionally, the National Park Service sent formal inquiries to West Virginia State Parks and Forests and the Jefferson County Parks and Recreation Commission to determine if there are other viable alternatives to NPS management of the battlefield per boundary study criteria.

A project newsletter was developed for public scoping, which included a brief history of the Battle of Shepherdstown, a description of the study, the criteria used in special resource and boundary studies, the study time line, and an invitation to attend the public meetings. The newsletter also provided information on how to comment via the project website or by mail. A letter describing the study process and potential implications for landowners, along with the newsletter, was sent to approximately 140 landowners in the vicinity of the battlefield in both West Virginia and Maryland.

Additionally, approximately 45 copies of the public scoping newsletter were distributed to stakeholders, including federal, state, and nongovernmental agencies and organizations, in early February 2012. These included:

- C & O Canal Association
- C & O Canal Trust
- Civil War Trust
- Eastern Panhandle Trailblazers c/o Appalachian Institute

- Friends of Harpers Ferry Park
- George Tyler Moore Center for the Study of the Civil War, Shepherd University
- Governor of Maryland
- Hagerstown/Washington County Convention & Visitor Bureau
- Harpers Ferry Conservancy
- Heart of the Civil War Heritage Area
- Historic Shepherdstown Commission
- Jefferson County Board of Education
- Jefferson County Convention & Visitors Bureau
- Jefferson County Commission
- Jefferson County Economic Development Authority
- Jefferson County Farmland Protection Program
- Jefferson County Historical Society
- Jefferson County Landmarks Commission
- Jefferson County Office of Planning and Zoning
- Jefferson County Planning Commission
- Maryland Department of Natural Resources
- Maryland Heritage Area Authority
- Maryland Historical Trust
- Maryland Office of Tourism Development
- National Park Conservation Association
- Pennsylvania Civil War Sesquicentennial Commission
- Save Historic Antietam Foundation, Inc.
- Shepherdstown Battlefield Preservation Association
- Shepherdstown Visitors Bureau
- Washington County Historic District Commission
- Washington County Commissioners
- Washington County Office of Planning and Zoning
- West Virginia Civil War Sesquicentennial Commission
- West Virginia Office of Tourism



- West Virginia State Historic Preservation Office
- U.S. Senator Joe Manchin, WV
- U.S. Congresswoman Shelly Moore Capitol, WV
- U.S. Senator Jay Rockefeller, WV
- U.S. Congressman Roscoe Bartlett, MD
- U.S. Senator Benjamin L. Cardin, MD
- U.S. Senator Barbara A. Mikulski, MD

The official public scoping comment period opened on February 13, 2012, and closed on March 13, 2012.

Comments were received via the study website, comment cards, and flip chart / comment stations set up at the public meetings, and through mailed correspondence. Two public meetings were held during the comment period—one in Harpers Ferry, West Virginia, during the late afternoon and evening of Thursday, February 23, 2012, and the second during the morning and early afternoon of Saturday, February 25, 2012, in Shepherdstown, West Virginia.

Approximately 136 people attended the public meetings. Many of these attendees provided comments at the various flip chart stations or they completed a comment card. Forty-nine comments were received via the study website and mailed comment cards or letters. A summary of the feedback received during the public scoping period can be found in appendix E.

Comments were received from five different states (West Virginia, Maryland, Michigan, New York, and Indiana), the District of Columbia, and eight unknown locations. While most of the respondents were unaffiliated individuals, several county and nongovernmental organizations submitted comments. These organizations included:

- Civil War Trust
- Friends of Shepherdstown Riverfront, Inc.
- Jefferson County Historic Landmarks Commission
- Land Trust of Eastern Panhandle
- National Parks Conservation Association
- Rising Sun Historic Preservation Commission
- Shepherdstown Battlefield Preservation Association
- Two Rivers Heritage Partnership

AGENCY AND TRIBAL CONSULTATION

Per section 106 of the National Historic Preservation Act and section 7 of the Endangered Species Act, the National Park Service is required to consult with state historic preservation offices and U.S. Fish and Wildlife Service offices. Copies of this correspondence can be found in appendix F.

Section 106 of the National Historic Preservation Act

The National Park Service has identified historic properties listed in or eligible for listing in the National Register of Historic Places within the broadly defined area of potential effects for the special resource study / boundary study. However, due to the general nature of the study and the relative uncertainty of the nature of the actions (undertakings) that may stem from it, the National Park Service cannot yet assess the potential effects of these actions on historic properties. This study is part of the “nondestructive project planning” for these prospective actions and as such does not “restrict the subsequent consideration of alternatives to avoid, minimize, or mitigate [a specific] undertaking’s adverse effects on historic properties” in accordance with 36 CFR 800.1(c). Accordingly, the National Park Service finds that no historic properties will be affected by the study in accordance with 36 CFR 800.4(d)(1). Further, the National Park Service commits in this decision to complete the section 106 review for each undertaking that may stem from the study in accordance with the *Programmatic Agreement Among the National Park Service, the ACHP, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act (2008)* and Advisory Council on Historic Preservation regulations.

State historic preservation offices in Maryland and West Virginia were notified by letter in February 2012 of the conduct of the special resource study. Both offices have also been invited to comment on the final study.



Section 7 of the Endangered Species Act

U.S. Fish and Wildlife Service field offices in Elkins, West Virginia, and Annapolis, Maryland, were notified by letter in February 2012 of the conduct of the special resource study with regard to threatened and endangered species. In response, the U.S. Fish and Wildlife Service determined there would be no effects on federally listed threatened or endangered species.⁶ Both field offices have also been invited to comment on the final study.

Tribal Organizations

There are no federally recognized tribes in the state of West Virginia or Maryland; therefore, no tribal organizations were formally contacted as a part of this study.

AGENCIES AND ORGANIZATIONS TO WHOM COPIES OF THE STUDY ARE BEING SENT

This report is being sent to the study mailing list, which includes the agencies and organizations previously listed in this chapter, individuals who provided their contact information at the public meetings or on the project website, and the approximately 140 landowners in the vicinity of the battlefield who received correspondence and the study newsletter during the public scoping period.⁷

6. The U.S. Fish and Wildlife Service determination, dated March 1, 2012, can be referenced in appendix F.

7. Note: Representative Roscoe Bartlett has been succeeded by Representative John Delaney who will now be receiving a copy of the study.





APPENDIX A: LEGISLATION FOR THIS SPECIAL RESOURCE STUDY

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(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

- (A) Harpers Ferry National Historical Park; or
- (B) Antietam National Battlefield.

(b) **CRITERIA.**—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the “site”) to evaluate—

- (1) the national significance of the site; and
- (2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) **CRITERIA.**—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **CONTENTS.**—The study authorized by this section shall—

- (1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

- (2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

- (3) identify alternatives for the management, administration, and protection of the site.

(d) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

- (1) the findings and conclusions of the study; and
- (2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the “birthplace site”) in Lamar, Missouri, to determine—

- (1) the suitability and feasibility of—
 - (A) adding the birthplace site to the Harry S Truman National Historic Site; or



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associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate— Evaluation.

(A) the national significance of the sites and resources;

and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383 (16 U.S.C. 1a-5) shall apply to the study under paragraph (1). Applicability.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate— Deadline.

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(b) REPORT.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—



APPENDIX B: NEW AREA STUDIES ACT

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS SEC. 301. SHORT TITLE.

This title may be cited as the “National Park System New Areas Studies Act”.

SEC. 302. PURPOSE.

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.

Section 8 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–5) is amended as follows:

(1) By inserting “GENERAL AUTHORITY.—” after “(a)”.

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words “For the purposes of carrying” the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—”.

(4) By inserting the following after subsection (a):

“(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—

(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and

Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

“(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

“(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

“(B) themes, sites, and resources not already adequately represented in the National Park System;

and

“(C) public petition and Congressional resolutions.

“(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

“(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance

surveys of individual areas requiring a total expenditure of less than \$25,000.

“(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.



“(c) REPORT.—

(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

“(2) In conducting the study, the Secretary shall consider whether the area under study—

“(A) possesses nationally significant natural or cultural resources and represents one of the most important examples

of a particular resource type in the country; and

“(B) is a suitable and feasible addition to the system. “

(3) Each study—

“(A) shall consider the following factors with regard to the area being studied—

“(i) the rarity and integrity of the resources;

“(ii) the threats to those resources;

“(iii) similar resources are already protected in the National Park System or in other public or private ownership;

“(iv) the public use potential;

“(v) the interpretive and educational potential;

“(vi) costs associated with acquisition, development and operation;

“(vii) the socioeconomic impacts of any designation;

“(viii) the level of local and general public support; and

“(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

“(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

“(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

“(D) may include any other information which the Secretary deems to be relevant.

“(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

“(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary’s preferred management option for the area.

“(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

“(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.”.

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: “For carrying out subsections (b) through (d) there are authorized to be appropriated \$2,000,000 for each fiscal year.”



APPENDIX C: NPS MANAGEMENT POLICIES 2006 (SECTIONS 1.2, 1.3, AND 3.5)

THE NATIONAL PARK SYSTEM

The number and diversity of parks within the national park system grew as a result of a government reorganization in 1933, another following World War II, and yet another during the 1960s. Today there are nearly 400 units in the national park system. These units are variously designated as national parks, monuments, preserves, lakeshores, seashores, wild and scenic rivers, trails, historic sites, military parks, battlefields, historical parks, recreation areas, memorials, and parkways. Regardless of the many names and official designations of the park units that make up the national park system, all represent some nationally significant aspect of our natural or cultural heritage. They are the physical remnants of our past—great scenic and natural places that continue to evolve, repositories of outstanding recreational opportunities, classrooms of our heritage, and the legacy we leave to future generations—and they warrant the highest standard of protection.

It should be noted that, in accordance with provisions of the Wild and Scenic Rivers Act, any component of the national wild and scenic rivers system that is administered by the Park Service is automatically a part of the national park system. Although there is no analogous provision in the National Trails System Act, several national trails managed by the National Park Service have been included in the national park system. These national rivers and trails that are part of the national park system are subject to the policies contained herein, as well as to any other requirements specified in the Wild and Scenic Rivers Act or the National Trails System Act.

CRITERIA FOR INCLUSION

Congress declared in the National Park System General Authorities Act of 1970 that areas comprising the national park system are cumulative expressions of a single national heritage. Potential additions to the national park system should therefore contribute in their own special way to a system that fully represents the broad spectrum of natural and cultural resources that characterize our nation. The National Park Service is responsible for conducting professional studies of potential additions to

the national park system when specifically authorized by an act of Congress, and for making recommendations to the Secretary of the Interior, the president, and Congress. Several laws outline criteria for units of the national park system and for additions to the national wild and scenic rivers system and the national trails system.

To receive a favorable recommendation from the Service, a proposed addition to the national park system must (1) possess nationally significant natural or cultural resources, (2) be a suitable addition to the system, (3) be a feasible addition to the system, and (4) require direct NPS management instead of protection by other public agencies or the private sector. These criteria are designed to ensure that the national park system includes only the most outstanding examples of the nation's natural and cultural resources. These criteria also recognize that there are other management alternatives for preserving the nation's outstanding resources.

National Significance

NPS professionals, in consultation with subject-matter experts, scholars, and scientists, will determine whether a resource is nationally significant. An area will be considered nationally significant if it meets all of the following criteria:

1. It is an outstanding example of a particular type of resource.
2. It possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage.
3. It offers superlative opportunities for public enjoyment or for scientific study.
4. It retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource.

National significance for cultural resources will be evaluated by applying the national historic landmarks criteria contained in 36 CFR 65.



Suitability

An area is considered suitable for addition to the national park system if it represents a natural or cultural resource type that is not already adequately represented in the national park system, or is not comparably represented and protected for public enjoyment by other federal agencies; tribal, state, or local governments; or the private sector.

Adequacy of representation is determined on a case-by-case basis by comparing the potential addition to other comparably managed areas representing the same resource type, while considering differences or similarities in the character, quality, quantity, or combination of resource values. The comparative analysis also addresses rarity of the resources, interpretive and educational potential, and similar resources already protected in the national park system or in other public or private ownership. The comparison results in a determination of whether the proposed new area would expand, enhance, or duplicate resource protection or visitor use opportunities found in other comparably managed areas.

Feasibility

To be feasible as a new unit of the national park system, an area must be (1) of sufficient size and appropriate configuration to ensure sustainable resource protection and visitor enjoyment (taking into account current and potential impacts from sources beyond proposed park boundaries), and (2) capable of efficient administration by the Service at a reasonable cost.

In evaluating feasibility, the National Park Service considers a variety of factors for a study area, such as the following:

- size
- boundary configurations
- current and potential uses of the study area and surrounding lands
- landownership patterns
- public enjoyment potential
- costs associated with acquisition, development, restoration, and operation
- access
- current and potential threats to the resources
- existing degradation of resources
- staffing requirements
- local planning and zoning

- the level of local and general public support (including landowners)
- the economic/socioeconomic impacts of designation as a unit of the national park system

The feasibility evaluation also considers the ability of the National Park Service to undertake new management responsibilities in light of current and projected availability of funding and personnel. An overall evaluation of feasibility will be made after taking into account all of the above factors. However, evaluations may sometimes identify concerns or conditions, rather than simply reach a yes or no conclusion. For example, some new areas may be feasible additions to the national park system only if landowners are willing to sell, or the boundary encompasses specific areas necessary for visitor access, or state or local governments will provide appropriate assurances that adjacent land uses will remain compatible with the study area's resources and values.

DIRECT NATIONAL PARK SERVICE MANAGEMENT

There are many excellent examples of the successful management of important natural and cultural resources by other public agencies, private conservation organizations, and individuals. The National Park Service applauds these accomplishments and actively encourages the expansion of conservation activities by state, local, and private entities and by other federal agencies. Unless direct NPS management of a studied area is identified as the clearly superior alternative, the Service will recommend that one or more of these other entities assume a lead management role, and that the area not receive national park system status.

Studies will evaluate an appropriate range of management alternatives and will identify which alternative or combination of alternatives would, in the professional judgment of the director, be most effective and efficient in protecting significant resources and providing opportunities for appropriate public enjoyment. Alternatives for NPS management will not be developed for study areas that fail to meet any one of the four criteria for inclusion listed in section 1.3.



In cases where a study area's resources meet criteria for national significance but do not meet other criteria for inclusion in the national park system, the National Park Service may instead recommend an alternative status, such as "affiliated area." To be eligible for affiliated area status, the area's resources must (1) meet the same standards for significance and suitability that apply to units of the national park system; (2) require some special recognition or technical assistance beyond what is available through existing NPS programs; (3) be managed in accordance with the policies and standards that apply to units of the national park system; and (4) be assured of sustained resource protection, as documented in a formal agreement between the National Park Service and the nonfederal management entity. Designation as a "heritage area" is another option that may be recommended. Heritage areas have a nationally important, distinctive assemblage of resources that is best managed for conservation, recreation, education, and continued use through partnerships among public and private entities at the local or regional level. Either of these two alternatives (and others as well) would recognize an area's importance to the nation without requiring or implying management by the National Park Service.

BOUNDARY ADJUSTMENTS

The boundary of a national park may be modified only as authorized by law. For many parks, such statutory authority is included in the enabling legislation or subsequent legislation that specifically authorizes a boundary revision. Where park-specific authority is not available, the Land and Water Conservation Fund Act of 1965, as amended, provides an additional but limited authority to adjust boundaries. The act provides for boundary adjustments that essentially fall into three distinct categories: (1) technical revisions; (2) minor revisions based upon statutorily defined criteria; and (3) revisions to include adjacent real property acquired by donation, purchased with donated funds, transferred from any other federal agency, or obtained by exchange. Adjacent real property is considered to be land located contiguous to but outside the boundary of a national park system unit.

As part of the planning process, the Park Service will identify and evaluate boundary adjustments that may be necessary or desirable for carrying out the purposes of the park unit. Boundary adjustments may be recommended to

- protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes
- address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads
- otherwise protect park resources that are critical to fulfilling park purposes

If the acquisition will be made using appropriated funds, and it is not merely a technical boundary revision, the criteria set forth by Congress at 16 USC 4601-9(c) (2) must be met. All recommendations for boundary changes must meet the following two criteria:

The added lands will be feasible to administer considering their size, configuration, and ownership; costs; the views of and impacts on local communities and surrounding jurisdictions; and other factors such as the presence of hazardous substances or nonnative species.

Other alternatives for management and resource protection are not adequate.

These criteria apply conversely to recommendations for the deletion of lands from the authorized boundaries of a park unit. For example, before recommending the deletion of land from a park boundary, a finding would have to be made that the land did not include a significant resource, value, or opportunity for public enjoyment related to the purposes of the park. Full consideration should be given to current and future park needs before a recommendation is made to delete lands from the authorized boundaries of a park unit. Actions consisting solely of deletions of land from existing park boundaries would require an act of Congress.





APPENDIX D: NATIONAL HISTORIC LANDMARKS CRITERIA

36 CFR SECTION 65.4 NATIONAL HISTORIC LANDMARKS CRITERIA

The criteria applied to evaluate properties for possible designation as national historic landmarks or possible determinations of eligibility for national historic landmark designation are listed below. These criteria shall be used by the National Park Service in the preparation, review and evaluation of national historic landmark studies. They shall be used by the Advisory Board in reviewing national historic landmark studies and preparing recommendations to the Secretary of the Interior. Properties shall be designated national historic landmarks only if they are nationally significant. Although assessments of national significance should reflect both public perceptions and professional judgments, the evaluations of properties being considered for landmark designation are undertaken by professionals, including historians, architectural historians, archeologists and anthropologists familiar with the broad range of the nation's resources and historical themes. The criteria applied by these specialists to potential landmarks do not define significance nor set a rigid standard for quality. Rather, the criteria establish the qualitative framework in which a comparative professional analysis of national significance can occur. The final decision on whether a property possesses national significance is made by the Secretary of the Interior on the basis of documentation including the comments and recommendations of the public who participate in the designation process.

(a) Specific Criteria of National Significance: The quality of national significance is ascribed to districts, sites, buildings, structures and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling and association, and:

- (1) That are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or
- (2) That are associated importantly with the lives of persons nationally significant in the history of the United States; or
- (3) That represent some great idea or ideal of the American people; or
- (4) That embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or that represent a significant, distinctive and exceptional entity whose components may lack individual distinction; or
- (5) That are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
- (6) That have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.



- (b) Ordinarily, cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings and properties that have achieved significance within the past 50 years are not eligible for designation. Such properties, however, will qualify if they fall within the following categories:
- (1) A religious property deriving its primary national significance from architectural or artistic distinction or historical importance; or
 - (2) A building or structure removed from its original location but which is nationally significant primarily for its architectural merit, or for association with persons or events of transcendent importance in the nation's history and the association consequential; or
 - (3) A site of a building or structure no longer standing but the person or event associated with it is of transcendent importance in the nation's history and the association consequential; or
 - (4) A birthplace, grave or burial if it is of a historical figure of transcendent national significance and no other appropriate site, building or structure directly associated with the productive life of that person exists; or
 - (5) A cemetery that derives its primary national significance from graves of persons of transcendent importance, or from an exceptionally distinctive design or from an exceptionally significant event; or
 - (6) A reconstructed building or ensemble of buildings of extraordinary national significance when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other buildings or structures with the same association have survived; or
 - (7) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own national historical significance; or
 - (8) A property achieving national significance within the past 50 years if it is of extraordinary national importance.



APPENDIX E: PUBLIC SCOPING SUMMARY

During the public scoping period, the National Park Service solicited feedback from the public through a public scoping newsletter, the project website, and two public meetings, which were advertised as press releases in local and regional media and on park websites. Additionally, the National Park Service sent formal inquiries to West Virginia State Parks and Forests and the Jefferson County Parks and Recreation Commission to determine if there are other viable alternatives to NPS management of the battlefield per boundary study criteria.

Approximately 45 copies of the public scoping newsletter were distributed to stakeholders, including federal, state, and nongovernmental agencies and organizations, in early February 2012. The newsletter included a brief history of the Battle of Shepherdstown, a description of the study, the criteria used in special resource and boundary studies, the study time line, and an invitation to attend the public meetings. The newsletter also provided information on how to comment via the project website or by mail. A letter describing the study process and potential implications for landowners, along with the newsletter, was sent to approximately 140 landowners in the vicinity of the battlefield in both West Virginia and Maryland.

The official public scoping comment period opened on February 13, 2012, and closed on March 13, 2012. Comments were received via the PEPC website (this is considered the project website), comment cards, and flip chart / comment stations set up at the public meetings, and through mailed correspondence. Two public meetings were held during the comment period—one in Harpers Ferry, West Virginia, during the late afternoon and evening of Thursday, February 23, 2012, and the second during the morning and early afternoon of Saturday, February 25, 2012, in Shepherdstown, West Virginia.

PUBLIC INTEREST

Approximately 136 people attended the public meetings. Many of these attendees provided comments at the various flip chart stations or they completed a comment card. Forty-nine comments were received via the PEPC website and mailed comment cards or letters.

Comments were received from five different states (West Virginia, Maryland, Michigan, New York, and Indiana), the District of Columbia, and eight unknown locations. While most of the respondents were unaffiliated individuals, several county and nongovernmental organizations submitted comments. These organizations included:

- Civil War Trust
- Friends of Shepherdstown Riverfront, Inc.
- Jefferson County Historic Landmarks Commission
- Land Trust of Eastern Panhandle
- National Parks Conservation Association
- Rising Sun Historic Preservation Commission
- Shepherdstown Battlefield Preservation Association
- Two Rivers Heritage Partnership

PUBLIC OPINIONS, PERCEPTIONS, AND VALUES

The National Park Service sought feedback on the special resources study by asking the public to answer four questions. The questions were listed in the public scoping newsletter and at the comment stations at the public meetings. The questions were:

1. Do you have any ideas or concerns about preserving and interpreting the battlefield? What are they?
2. What lands should or should not be included in the study area? Why?
3. What are your thoughts about possible management options for the Shepherdstown battlefield and related sites?
4. Do you have any other ideas or comments you would like to share with us?

The following is a brief overview of the comments made by respondents, broken down by the four main topics covered in the scoping questions listed above. During the analysis process, most of these topics were further broken down into several subtopics. For a more detailed look at these comments, see the “Full Substantive Comment Listing Sorted by Assigned Codes” section below. (Note: The comments have not been edited.)



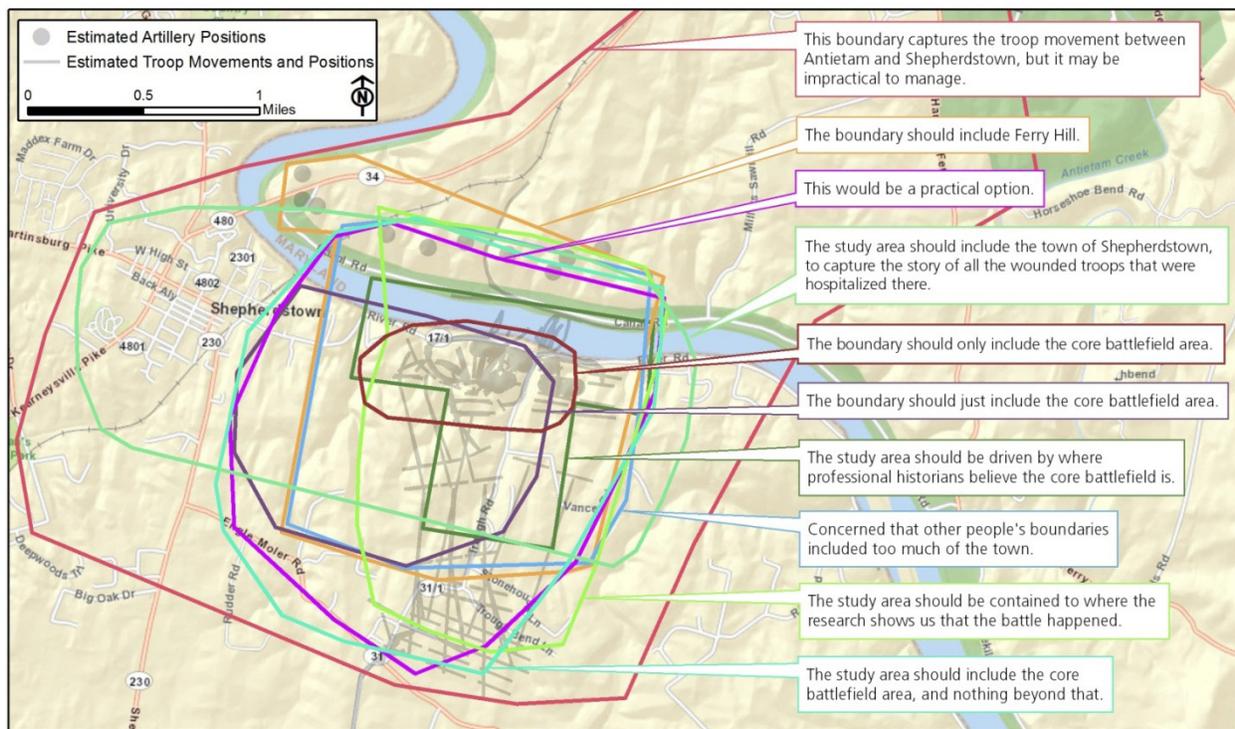


FIGURE A-1. Study Area Boundaries Drawn by Attendees at Public Meetings Along with Their Comments Reflecting Rationale of Each Boundary

PRESERVING AND INTERPRETING THE BATTLEFIELD

Many comments included specific ideas on various ways to preserve and interpret the battlefield. One commonly expressed idea was for the battlefield to be interpreted from the Ferry Hill site, which is under existing NPS management by Chesapeake and Ohio Canal National Historical Park. Many also felt that the battlefield should be interpreted with minimal investment in infrastructure or development. Walking trails, self-guided interpretive tours, scenic easements, and an off-site visitor center were just a few of the suggested minimalist management tools.

Many comments expressed a desire for the National Park Service to interpret the history of the Shepherdstown area beyond the battle. Places and events of historical significance that were specifically mentioned include the cement mill and its importance to the industrial revolution and construction of the C&O Canal, the role of Pack Horse Ford and Trough Road as the historic Philadelphia wagon road and during pre-colonial times, and the role of Shepherdstown's civilian population in the aftermath of the battles of Shepherdstown and Antietam.

STUDY AREA BOUNDARY

Because the legislation authorizing this special resource study did not specify a study area boundary, the National Park Service sought public feedback on what lands should be included in the study area. While some individuals felt that the town of Shepherdstown, West Virginia, should be included in the study area due to its role in establishing a makeshift hospital after the battles of Antietam and Shepherdstown, the majority felt that the boundary should be limited to the core battlefield area.

In addition to soliciting boundary feedback on the PEPC website and the flip charts, a station was set up at the public meetings for participants to mark up digital or hard copy maps with their preferred study area boundary. The boundaries drawn by the public at this station, along with their comments reflecting the rationale behind each boundary, are included in figure A-1. The results from this exercise are fairly consistent with comments received on the PEPC website, which in general reflect a preference for a boundary that is limited to the core battlefield area.



SUGGESTED MANAGEMENT OPTIONS

Many of the comments received from the public meetings and through the PEPC website included ideas on how the battlefield could be managed. The majority of commenters expressed a desire for the National Park Service to have some role in the management of the battlefield, although there were some who suggested the battlefield could best be managed by a state and/or local government or a local battlefield preservation organization. A small number of commenters felt that the battle was not significant enough to warrant any protection at all.

Both the newsletter and the presentations at the public meetings referenced the legislation authorizing the study, which directs the National Park Service to determine if the battlefield could best be managed by Harpers Ferry National Historical Park or Antietam National Battlefield. It was also explained at the public meetings that staff from Chesapeake and Ohio Canal National Historical Park are included on the study team because part of the battle took place on lands within the park's boundary. While the majority of commenters expressed support for management by Antietam National Battlefield, many expressed a desire for Chesapeake and Ohio Canal National Historical Park to have a role because of perceived opportunities to view and interpret the battlefield from Ferry Hill, which is within its boundary. Some commenters also expressed a preference for management of the battlefield by Harpers Ferry National Historical Park because of the thematic connections to the Bolivar Heights battlefield. Some also saw an opportunity for the battlefield to be interpreted and managed by organizations other than the National Park Service such as the State of West Virginia, Jefferson County, or a nongovernmental battlefield preservation group.

OTHER IDEAS AND CONCERNS

Other ideas expressed in the comments included using licensed guides to help interpret the battlefield, developing an information station away from the battlefield, stationing battlefield ambassadors on the battlefield to educate visitors, and ensuring the riverfront generally stays clean and open to public access.

Some general concerns expressed by the comments included the impact of park infrastructure, such as walking trails or parking areas, on the battlefield; the difficulty of accessing the area because of traffic and terrain; and the potential impacts to traffic and the local economy if the area were to be added to the national park system.





APPENDIX F: AGENCY CONSULTATION



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

N1621(NCR)

February 13, 2012

Mr. Jim Zelenak
US Fish and Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

Dear Mr. Zelenak:

The National Park Service (NPS) is beginning a special resource study of Shepherdstown Battlefield near Shepherdstown West Virginia. In March 2009, Congress passed legislation (Public Law 111—11, Title VII, Subtitle C, Sec.7205) requiring a study to be undertaken to examine the significance of the battlefield and related sites, and determine if it would be suitable and feasible to add the battlefield and related sites to Harpers Ferry National Historical Park or Antietam National Battlefield.

The primary focus of this study will be on battlefield lands located about one mile southeast of Shepherdstown in Jefferson County, West Virginia. Most of these lands are privately owned. Some of the battlefield is also located in Washington County, Maryland on lands managed by the C&O Canal National Historical Park and nearby privately owned lands, many of which include special easements. We are requesting a current list of federally listed threatened or endangered species, species of concern, or any other special status species that might occur in the locality mentioned above, and designated critical habitats, if any, for these species.

In order to meet project schedules, I would appreciate your response by March 13, 2012. Please respond to:

National Park Service, National Capital Region
Attn: David Hayes
110 Ohio Drive SW
Washington DC, 20242

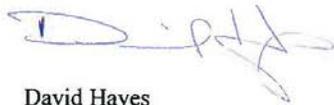
If you have any questions or comments, please contact me at 202/619-7277 or e-mail at david_hayes@nps.gov.



This letter will serve as part of the administrative record that the NPS is initiating informal consultation with your agency pursuant to the requirements of the 1973 Endangered Species Act, as amended, and NPS *Management Policies*, 2006.

We appreciate your continuing assistance with National Park Service projects.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Hayes', with a stylized flourish at the end.

David Hayes
Regional Planner

cc: DSC, Jordan Hoaglund





IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

N1621(NCR)

February 13, 2012

U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, MD 21401

Dear Sir or Madam:

The National Park Service (NPS) is beginning a special resource study of Shepherdstown Battlefield near Shepherdstown West Virginia. In March 2009, Congress passed legislation (Public Law 111—11, Title VII, Subtitle C, Sec.7205) requiring a study to be undertaken to examine the significance of the battlefield and related sites, and determine if it would be suitable and feasible to add the battlefield and related sites to Harpers Ferry National Historical Park or Antietam National Battlefield.

The primary focus of this study will be on battlefield lands located about one mile southeast of Shepherdstown in Jefferson County, West Virginia. Most of these lands are privately owned. Some of the battlefield is also located in Washington County, Maryland on lands managed by the C&O Canal National Historical Park and nearby privately owned lands, many of which include special easements. We are requesting a current list of federally listed threatened or endangered species, species of concern, or any other special status species that might occur in the locality mentioned above, and designated critical habitats, if any, for these species.

In order to meet project schedules, I would appreciate your response by March 13, 2012. Please respond to:

National Park Service, National Capital Region
Attn: David Hayes
110 Ohio Drive SW
Washington DC, 20242

If you have any questions or comments, please contact me at 202/619-7277 or e-mail at david_hayes@nps.gov.

This letter will serve as part of the administrative record that the NPS is initiating informal consultation with your agency pursuant to the requirements of the 1973 Endangered Species Act, as amended, and NPS *Management Policies*, 2006.

We appreciate your continuing assistance with National Park Service projects.

Sincerely,

David Hayes
Regional Planner

cc: DSC, Jordan Hoaglund





United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY
REFER TO:

H4217-NCR-LRP

February 13, 2012

Mr. J. Rodney Little
Director/ State Historic Preservation Officer
Maryland Department of Planning
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, Maryland 21032

Dear Mr. Little:

The National Park Service is beginning a special resource study and boundary study (environmental assessment) of Shepherdstown Battlefield near Shepherdstown, West Virginia. In March 2009, Congress passed legislation (Public Law 111—11, Title VII, Subtitle C, Sec. 7205) requiring the National Park Service to study the significance of this Civil War battlefield and related sites, and determine if it would be suitable and feasible to add the battlefield and related sites to Harpers Ferry National Historical Park or Antietam National Battlefield. In accordance with Section 106 of the National Historic Preservation Act, as amended and 36 CFR Part 800, the National Park Service seeks to initiate the consultation process with your office for this study.

The primary focus of this study will be on battlefield lands located about one mile southeast of Shepherdstown in Jefferson County, West Virginia. Most of these lands are privately owned. Some of the battlefield is also located in Washington County, Maryland on lands managed by the C&O Canal National Historical Park and nearby privately-owned farmlands that hold special easements. A copy of the public scoping newsletter is enclosed that will orient you to the history of the battle and the area being considered for this study. We are also sending a consultation letter to the West Virginia State Historic Preservation Office. The environmental assessment written as part of this study will comply with the requirements of the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act.

At this time we are beginning the public scoping process and invite your participation at the upcoming public open houses.

Thursday, February 23, 2012
4:00 p.m. to 7:00 p.m.
Stephen T. Mather Training Center
51 Mather Place
Harpers Ferry, WV 25425

Saturday, February 25, 2012
10:00 a.m. to 2:00 p.m.
Clarion Hotel
233 Lowe Drive
Shepherdstown, WV 25443

If you have any questions or comments, please contact me at 202-619-7277 or e-mail at david_hayes@nps.gov.

We appreciate your continuing assistance with National Park Service projects.

Sincerely,

David Hayes
Regional Planner

Enclosure





United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY
REFER TO:

H4217-NCR-LRP

February 13, 2012

West Virginia Division of Culture and History
Attention: State Historic Preservation Officer
The Culture Center, Capitol Complex
1900 Kanawha Boulevard East
Charleston, West Virginia, 25305-0300

Dear Sir or Madam:

The National Park Service is beginning a special resource study and boundary study (environmental assessment) of Shepherdstown Battlefield near Shepherdstown, West Virginia. In March 2009, Congress passed legislation (Public Law 111—11, Title VII, Subtitle C, Sec. 7205) requiring the National Park Service to study the significance of this Civil War battlefield and related sites, and determine if it would be suitable and feasible to add the battlefield and related sites to Harpers Ferry National Historical Park or Antietam National Battlefield. In accordance with Section 106 of the National Historic Preservation Act, as amended and 36 CFR Part 800, the National Park Service seeks to initiate the consultation process with your office for this study.

The primary focus of this study will be on battlefield lands located about one mile southeast of Shepherdstown in Jefferson County, West Virginia. Most of these lands are privately owned. Some of the battlefield is also located in Washington County, Maryland on lands managed by the C&O Canal National Historical Park and nearby privately-owned farmlands that hold special easements. A copy of the public scoping newsletter is enclosed that will orient you to the history of the battle and the area being considered for this study. We are also sending a consultation letter to the Maryland State Historic Preservation Office. The environmental assessment written as part of this study will comply with the requirements of the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act.

At this time we are beginning the public scoping process and invite your participation at the upcoming public open houses.

Thursday, February 23, 2012
4:00 p.m. to 7:00 p.m.
Stephen T. Mather Training Center
51 Mather Place
Harpers Ferry, WV 25425

Saturday, February 25, 2012
10:00 a.m. to 2:00 p.m.
Clarion Hotel
233 Lowe Drive
Shepherdstown, WV 25443

If you have any questions or comments, please contact me at 202-619-7277 or e-mail at david_hayes@nps.gov.

We appreciate your continuing assistance with National Park Service projects.

Sincerely,

David Hayes
Regional Planner

Enclosure





Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

April 11, 2012

David Hayes
Regional Planner
National Park Service
National Capital Region
1100 Ohio Drive, S.W.
Washington, DC 20242

Re: Shepherdstown Battlefield
Special Resource and Boundary Study
Washington County, Maryland

Dear Mr. Hayes: *David*

Thank you for contacting the Maryland Historical Trust (MHT) regarding the special resource and boundary study being performed for Shepherdstown Battlefield.

As the State Historic Preservation Office, MHT reviews projects in Maryland that are undertaken, assisted, or permitted by a federal or state agency, and the Trust comments on proposed actions pursuant to Section 106 of the National Historic Preservation Act and the Maryland Historical Trust Act of 1985. According to your February 13 letter, the study will primarily focus on battlefield lands in West Virginia, but parts of the battlefield are located in Maryland on both public and private land. Maryland sections include the Ferry Hill Plantation (WA-II-0035) as well as resources within the C&O Canal (WA-VI-045). While the study itself is not considered an "undertaking" that requires consultation under Section 106, it will produce important information related Section 110 of the National Historic Preservation Act and public history in general. We commend the National Park Service for undertaking this important work and thank you for keeping MHT abreast of the project.

Thank you for providing us this preliminary opportunity to comment. If you have any questions or we may be of assistance, please contact me (regarding archeology) at 410-514-7631 \ bcole@mdp.state.md.us or Jonathan Sager (regarding historic buildings and landscapes) at 410-514-7636 \ jsager@mdp.state.md.us.

Sincerely,

Beth Cole
Administrator, Project Review and Compliance
Maryland Historical Trust

EJC \ JES \ 201200792

cc: Susan Trail (NPS – Antietam)
Kevin Brandt (NPS – C&O Canal)

100 Community Place • Crownsville, Maryland 21032-2023
Telephone: 410.514.7600 • Fax: 410.987.4071 • Toll Free: 1.800.756.0119 • TTY Users: Maryland Relay
Internet: <http://mht.maryland.gov>





April 3, 2012

The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562
EEO/AA Employer

Regional Director
National Capital Region
Attn: Mr. David Hayes
National Park Service
1100 Ohio Drive, SW
Washington, DC 20242

Re: Shepherdstown Battlefield Special Resource Study

Dear Mr. Hayes:

We have received the National Park Service's request for comments regarding the Shepherdstown Battlefield Special Resource Study. For almost ten years, we have worked with various local parties interested in preserving the battlefield and recognizing it through listing in the National Register of Historic Places. We welcome this opportunity to comment. Your questions and our comments are as follows:

1. Do you have any ideas or concerns about preserving and interpreting the battlefield?
What are they?

The Battle of Shepherdstown played a significant role as the final conflict of the Maryland Campaign. We fully support the preservation and interpretation of the nationally significant Shepherdstown Battlefield. We encourage consultation with all concerned citizens and public education regarding the significance of this resource.

2. What lands should or should not be included in the study area? Why?

The study area should include all land historically associated with the battlefield, including Ferry Hill and the bluffs in Maryland and areas south, across the Potomac River along Trough Road to Engle Molar Road. Starting from an accurate delineation of the area associated with the battlefield, we suggest that areas within that boundary be identified as lacking integrity due to modern development and other changes since the period of significance. Following that, another layer of mapping can identify the areas significant to the interpretation and protection of the battlefield. This will create a base map to prioritize land parcel acquisition as well as an accurate map for an appropriate National Register boundary.



Page 2
Mr. David Hayes
April 3, 2012

3. What are your thoughts about possible management options for Shepherdstown Battlefield and related sites?

There are a number of management options that can be considered. Federal protection through National Park Service ownership will secure protection of the resource. However, funding for title search, appraisal and purchase may not be possible during the current economic climate. Covenants and easements can provide protection during a transitional time frame, allowing an opportunity for future federal ownership, as funding becomes accessible. These actions may also require the securing of funding.

4. Do you have any other ideas or comments you would like to share with us?

For many years, there has been a strong, local grassroots effort to protect this battlefield. Intermittently, the West Virginia State Historic Preservation Office has worked with individuals and organizations to provide technical assistance. Most recently, we received a draft National Register nomination. Our office looks forward to working with all proponents who wish to secure the protection of this Civil War battlefield.

Thank you for the opportunity to comment. If you have any questions, please don't hesitate to contact Erin Riebe, National Register Coordinator, or me.

Sincerely,


Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/EMR

cc: Randall Reid-Smith, Commissioner



MAR-07-2012 WED 08:53 AM USFWS WVFO

FAX NO. 13046367824

P. 01



United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

N1621(NCR)

February 13, 2012

Mr. Jim Zelenak
US Fish and Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

Dear Mr. Zelenak:

The National Park Service (NPS) is beginning a special resource study of Shepherdstown Battlefield near Shepherdstown West Virginia. In March 2009, Congress passed legislation (Public Law 111—11, Title VII, Subtitle C, Sec. 7205) requiring a study to be undertaken to examine the significance of the battlefield and related sites, and determine if it would be suitable

RECEIVED
FEB 21 2012
WVFO



United States Department of the Interior

FISH AND WILDLIFE SERVICE
West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241



In response to your letter above, we have made a "no effect" determination that the project will not affect federally-listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

Definitive determinations of the presence of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715 Baltimore, Maryland 21203-1715, Phone: 410-962-8024

Dominica S. [Signature]
Reviewer's signature and date

Laura Hall 3-1-12
Field Supervisor's signature and date





IN REPLY REFER TO

L7019 (NCR-LPD)

United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region

1100 Ohio Drive, S.W.

Washington, D.C. 20242

JUL - 9 2012

Jennifer Myers, Director
Jefferson County Parks and Recreation Commission
235 Sam Michael's Lane
Shenandoah Junction, WV 25442
(304) 728-3207

Dear Ms. Myers:

In 2009, Congress passed legislation directing the National Park Service (NPS) to conduct a special resource and boundary study for Shepherdstown Battlefield, near Shepherdstown, West Virginia. This study will evaluate the significance of the Shepherdstown Battle in U.S. history, as well as the suitability and feasibility of adding the battlefield to either Harpers Ferry National Historical Park or Antietam National Battlefield.

Special resource and boundary study criteria require the National Park Service to determine if alternatives to NPS ownership and management exist (willing and interested entities that could adequately provide protection and visitor enjoyment of the resource). Alternatives to direct NPS ownership and management may also include partnerships.

As part of this effort, the study team is reaching out to state and local land and resource management agencies in an effort to determine if there are other viable alternatives to NPS management of the battlefield. The study team has identified Jefferson County Parks and Recreation Commission as an organization with a mission that may be consistent with management of the Shepherdstown Battlefield. The purpose of inquiry is to formally determine whether your organization has the interest and capacity to assume management of Shepherdstown Battlefield considering its size, location, and visitor experience and resource protection needs.

Please see the attached study newsletter, which describes the study process, and the history of Shepherdstown Battlefield in more detail. A formal response is requested by August 11, 2012.

Thank you for your time and attention to this inquiry. We greatly appreciate your assistance with the study. If you have any questions, please contact David Hayes, National Capital Region, Regional Planner, (202) 619-7277, David_Hayes@nps.gov.

Sincerely,

David Hayes
Regional Planner
National Capital Region, National Park Service
1100 Ohio Drive Southwest
Washington, DC 20242





IN REPLY REFER TO:

L7019 (NCR-LPD)

United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region

1100 Ohio Drive, S.W.

Washington, D.C. 20242

JUL - 9 2012

Kenneth Caplinger, Parks and Recreation Chief
 West Virginia Division of Natural Resources
 Parks and Recreation
 324 4th Avenue
 South Charleston, WV 25303

Dear Mr. Caplinger:

In 2009, Congress passed legislation directing the National Park Service (NPS) to conduct a special resource and boundary study for Shepherdstown Battlefield, near Shepherdstown, West Virginia. This study will evaluate the significance of the Shepherdstown Battle in U.S. history, as well as the suitability and feasibility of adding the battlefield to either Harpers Ferry National Historical Park or Antietam National Battlefield.

Special resource and boundary study criteria require the National Park Service to determine if alternatives to NPS ownership and management exist (willing and interested entities that could adequately provide protection and visitor enjoyment of the resource). Alternatives to direct NPS ownership and management may also include partnerships.

As part of this effort, the study team is reaching out to state and local land and resource management agencies in an effort to determine if there are other viable alternatives to NPS management of the battlefield. The study team has identified West Virginia Division of Natural Resources, Parks and Recreation as an organization with a mission that may be consistent with management of the Shepherdstown Battlefield. The purpose of inquiry is to formally determine whether your organization has the interest and capacity to assume management of Shepherdstown Battlefield considering its size, location, and visitor experience and resource protection needs.

Please see the attached study newsletter, which describes the study process, and the history of Shepherdstown Battlefield in more detail. A formal response is requested by August 11, 2012.

Thank you for your time and attention to this inquiry. We greatly appreciate your assistance with the study. If you have any questions, please contact David Hayes, National Capital Region, Regional Planner, (202) 619-7277, David_Hayes@nps.gov.

Sincerely,

David Hayes
 Regional Planner
 National Capital Region, National Park Service
 1100 Ohio Drive Southwest
 Washington, DC 20242





235 Sam Michael's Lane, Shenandoah Junction, WV 25442
Phone: (304) 728-3207 Fax: (304) 728-9746
Email: info@jcprc.org
Website: www.jcprc.org

David Hayes
Regional Planner
National Capital Region, National Park Service
1100 Ohio Drive Southwest
Washington, DC 20242

July 23, 2012

Dear Mr. Hayes:

The Jefferson County Parks & Recreation Commission (JCPRC) is in receipt of your letter dated July 9, 2012 concerning the special resource and boundary survey that the National Park service is conducting. We appreciate the opportunity to respond. The JCPRC has been approached by other organizations and discussed the Cement Mill Property several times over the past few years. Although a beautiful piece of property and rich in history, the JCPRC had concerns about the liability as well as maintenance costs that would be associated with it.

At its regular meeting held on July 18, 2012, the Jefferson County Parks & Recreation Commission upheld its decision from 2010 not to move forward with management or ownership of the Cement Mill Property. We appreciate the consideration; however, we do not have the funding, manpower, or willingness at this time to assume control of the property.

If you have any questions or need further information, please do not hesitate to contact our office at (304) 728-3207.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Marshall". The signature is written in a cursive, somewhat stylized script.

Paul Marshall
President



STUDY TEAM

Antietam National Battlefield

Susan Trail, Superintendent
Ed Wenschhof, Chief Ranger
Ted Alexander, Park Historian

Harpers Ferry National Historical Park

Rebecca Harriett, Superintendent
Dennis Frye, Chief Historian and Chief
of Interpretation

Chesapeake and Ohio Canal National Historical Park

Kevin Brandt, Superintendent
Brian Carlstron, Deputy Superintendent
John Hitchcock, Community Planner
Chris Stubbs, Chief of Resource Management

National Park Service – Denver Service Center

Jordan Hoaglund, Project Manager
Pam Holtman, Cultural Resource Specialist
Kate Randall, Landscape Architect
Jennifer Stein, Visitor Use Specialist
Brenda Todd, Cultural Resource Specialist

National Park Service – National Capital Regional Office

Tammy Stidham, Chief of Planning,
Compliance & GIS

National Park Service Assistance, Park Planning and Special Studies Division, Washington Office

Carol Cook, Program Analyst
Thomas Sheffer, Program Analyst

Consultants

Thomas McGrath, Historian, North Country College
Dr. Mark A. Snell, Historian, Department of History,
Shepherd University





SELECTED REFERENCES

Civil War Sites Advisory Commission (CWSAC)

- 1993 "Report on the Nation's Civil War Battlefields." Prepared for the Committee on Energy and Natural Resources, United States Committee on Natural Resources, U.S. House of Representatives; Secretary of the Interior.

Corporation of Shepherdstown

- 2001 "Shepherdstown Comprehensive Plan 2000." Prepared by Bruce Drenning & Associates. August 14, 2001. Accessed online on October 5, 2012.

Friends of Shepherdstown Riverfront

- 2010 Newsletter Volume 6, Issue 3.

Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO)

- 2010 "Long Range Multimodal Transportation Plan Update." June 1, 2010.

Institute of Transportation

- 2008 *Trip Generation Manual*, 8th Edition

Jefferson County

- 2004 "Jefferson County, West Virginia, Comprehensive Plan 2004." March 18, 2004.

Jefferson County Planning Commission

- 2011 Jefferson County Zoning and Land Development Ordinance. As Amended November 10, 2011.

Maryland Department of Planning

- 2012 "Historical and Projected Total Population for Maryland's Jurisdictions." Revisions, March 2012. Accessed October 30, 2012.

National Park Service (NPS)

- 1992 *Antietam National Battlefield General Management Plan / Final Environmental Impact Statement*. Denver Service Center. NPS D-47.
- 2008 *Harpers Ferry National Historical Park Draft General Management Plan/ Environmental Impact Statement*. Denver Service Center.
- 2009 *Antietam and Monocacy National Battlefields: Chronic Wasting Disease Detection and Initial Response Plan / Environmental Assessment*. Denver, CO: NPS Environmental Quality Division.
- 2011 "Economic Benefits to Local Communities from National Park Visitation and Payroll, 2010." Prepared by Daniel J. Stynes. Department of Community, Agriculture, Recreation and Resource Studies. Michigan State University. December 2011. Accessed October 30, 2012.
- 2012a "1862 Battle of Harpers Ferry." <http://www.nps.gov/hafe/historyculture/1862-battle-of-harpers-ferry.htm> . Accessed July 21, 2012.
- 2012b National Park Service Public Use Statistics Office. Natural Resource Stewardship and Science, Public Use Statistics Office. Accessed October 18, 2012.
- 2012c National Park Service Budget Office Operations Formulation System Report. Accessed November 2, 2012.
- 2012d "Shepherdstown Battlefield Special Resource Study." Thomas McGrath 2012.
- 2012e "Battle of Shepherdstown Special Resource Study." Mark A. Snell 2012.



- 2013 “West Virginia News.” Publication of the Rivers, Trails, and Conservation Assistance Program, <http://www.nps.gov/nrc/programs/rtca/whatwedo/projects/WV.pdf>.
- n.d. *The Battle of Antietam*. Accessed Online on July 21, 2012 <http://www.nps.gov/anti/historyculture/upload/Battle%20history.pdf>.
- Shepherd University
- 2012 “University Profile.” Office of Enrollment Management. <http://www.shepherd.edu/aaweb/profile.pdf>. Accessed November 2, 2012
- U.S. Census Bureau
- 2010 2006–2010 American Community Survey 5-Year Estimates. Last accessed November 2, 2012.
- 2011 2010 Census Interactive Population Search. Accessed October 22, 2012.
- 2012 2009–2011 American Community Survey 3-Year Estimates. Accessed October 22, 2012.
- U.S. Department of Agriculture, Natural Resources Conservation Service
- 2013 Web Soil Survey. Accessed October 2012.
- United States War Department
- 1880 *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Volume XIX, part II. Government Printing Office, Washington, D.C.
- University of Idaho
- 2012a Antietam National Battlefield. Park Studies Unit, Visitor Survey Card Reports. Accessed on October 18, 2012. <http://psu.uidaho.edu/>.
- 2012b Harpers Ferry National Historical Park. Parks Studies Unit, Visitor Survey Card Reports. Accessed October 18, 2012. <http://psu.uidaho.edu/>.
- Wenschhof, Edward
- 2012 E-mail correspondence between Ed Wenschhof, Antietam National Battlefield Chief of Natural Resources and David Plakorus (LBG), “Re: ANTI Deer Management Plan Park Ops and Management,” February 1, 2012.
- West Virginia Department of Transportation (WVDOT)
- 2012 Traffic Volume Counts, Districts 4, 5, and 6. December 3, 2012.
- West Virginia Bureau of Business and Economic Research
- 2011 “Population Projection for West Virginia Counties.” Report prepared by Christiadi. Bureau of Business and Economic Research, College of Business and Economics. West Virginia University. August 2011. Accessed October 30, 2012.





As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historic places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under US administration.



National Park Service
U.S. Department of the Interior

