

**PLANNING COMMISSION
WORK SESSION AGENDA
SEPTEMBER 6, 2016 - 3:00 PM
Fourth Floor Exhibit Hall
Rouss City Hall**

1. Discussion- Kernstown Battlefield Land Acquisition Grant
2. Review agenda for September 20, 2016 regular meeting
3. Committee reports
4. Status of projects pending Council approval
5. Announcements



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, DC 20240

H36(2287)

AUG 10 2016

Mr. Tim Youmans
Planning Director
City of Winchester Planning and Zoning Commission
15 North Cameron Street
Winchester, VA 22601

RE: Located at or near Virginia State Highway 37 (Sandy Ridge Tract)
Winchester, Frederick County, Virginia (Parcels 62-6-1, 62-6-2, 62-6-3, 62-6-4, 62-6-5, 62-6-6, and 62-6-7)
Battlefield Land Acquisition Grant (Federal Amount: \$357,900.00)
Section 106 Invitation to Comment

Dear Mr. Youmans:

In accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), and its implementing regulations, 36 CFR Part 800, "Protection of Historic Properties," the National Park Service (NPS) American Battlefield Protection Program (ABPP) wishes to consult with the City of Winchester Planning and Zoning Commission regarding ABPP's effect determination for a Battlefield Land Acquisition Grant (BLAG) that will be used for the fee-simple acquisition of the above-referenced property. ABPP reviewed the grant application and determined that the acquisition meets the definition of an undertaking with the potential to affect historic properties, as defined in 36 CFR 800.16(y).

The National Park Service (NPS) American Battlefield Protection Program (ABPP) is currently working under an Interim Programmatic Agreement (IPA) implemented among the NPS, the National Conference of State Historic Preservation Officers (NCSHPO), and the Advisory Council on Historic Preservation (ACHP) with the Civil War Trust as a Concurring Party, executed on May 14, 2015. This IPA stipulates that no activity, other than the acquisition of battlefield land or a conservation easement and placement of a conservation easement, may occur on the property before the Section 106 review is complete. This IPA also stipulates that in certain situations, applicants may initiate Section 106 review with the State Historic Preservation Office (SHPO) and/or Tribal Historic Preservation Office (THPO) within their planned vicinity of study. The Civil War Trust as the applicant for the fee-simple acquisition of the above-referenced property has consulted with the Virginia Department of Historic Resources (DHR) regarding the effect determination for a Battlefield Land Acquisition Grant (BLAG). DHR has recommended that there will be no adverse effect to historic properties conditioned upon compliance to several items (Enclosure 1).

ABPP is identifying additional organizations that may have an interest in the proposed project and its potential to affect historic properties. As part of the Section 106 review process, we are inquiring whether you have any knowledge of historic resources that may be affected by the project and/or whether you wish to comment on this proposed project and our assessment of effects. By becoming a consulting party and offering comments on the proposed project, you will be informed of steps in the Section 106 process, and your views will be actively sought.

Description of Undertaking

The ABPP's Battlefield Land Acquisition Grant Program provides dollar-for-dollar matching grants from the Land and Water Conservation Fund to assist non-Federal efforts to acquire and preserve battlefield lands outside of the legislative boundaries of National Park units. The ABPP received a grant application from the Virginia Department of Conservation and Recreation, as the government sponsor and pass through, for \$357,900.00 to cover the acquisition of the Sandy Ridge Tract (the Tract) by the non-profit Civil War Trust (CWT). The non-federal required match is proposed to come from CWT and other sources (\$357,900.00).

The ABPP has defined the direct Area of Potential Effect (APE) as the boundary of the project property (37.40 acres), since the acquisition (the undertaking) and any cumulative effects would directly affect the Tract. The indirect APE includes the properties that adjoin the Tract since any cumulative effects on the Tract may have a visual affect to these adjoining properties. Pursuant to the documentation standards specified in 36 CFR §800.11, enclosed are archaeological site reports and architectural survey forms related to the battlefields existing on the Tract (Enclosure 2) and maps showing the APE boundary (Enclosure 3). As aforementioned, the letter from DHR to ABPP concluding no adverse effect is also enclosed (Enclosure 1).

Description of Steps taken to Identify Historic Properties

Review of existing information, including historic aerial photographs and topographic maps, the National Register of Historic Places (NRHP), the 1993 Civil War Sites Advisory Commission's (CWSAC) *Report on the Nation's Civil War Battlefields*, the ABPP's 2010 update to the CWSAC report for the State of Virginia, county websites, and discussions with individuals and organizations with the knowledge of the area, determined the APE is located within the Core Area and Potential National Register boundary of the First Kernstown Battlefield. This battlefield has been given a Preservation Priority Rating of I.3 Class B by the 1993 Civil War Sites Advisory Commission's (CWSAC) *Report on the Nation's Civil War Battlefields*. The Tract also lies within the Battlefield Boundary of the Second Winchester Battlefield and the Second Kernstown Battlefield, both of which have a Preservation Priority Rating of IV.I Class B by the CWSAC.

This Tract is important due to its relevance in the First Battle of Kernstown (VA101). Early in the afternoon of March 23, 1862, Confederate Major General Stonewall Jackson unsuccessfully attacked Union forces on the Pritchard-Grim Farm and fighting moved about one-half mile west to the Sandy Ridge tract where the major infantry action took place along its northern slopes. Companies of the 100th PA, 67th OH, 5th OH, and 14th IN were trying to break the defensive line of the 5th and 42nd VA without success. At that point the 13th IN regiment sliced diagonally up along the eastern side of the ridge and collapsed the right side of the Confederate line. That breach of the final defensive line spelled defeat for the Confederate forces at Kernstown. The conclusion of the battle occurred on the flat ridge top and steep east side of the property.¹

The Sandy Ridge tract contains the stone wall where reinforcements came up after the first Confederate position was abandoned. There was fierce fighting and this property was an important Confederate artillery position. This stone wall is one of two identified archaeological sites within the APE, the other of which is the location of the March 23, 1862, First Battle of Kernstown as found through a metal detecting survey. As this Tract lies within the boundaries of the First Kernstown,

¹ Historical information concerning the Tract was taken from the VA DHR Quarterly Meeting Minutes on September 17, 2015: http://dhr.virginia.gov/register/BoardMinutes_9-17-15_APPROVED.pdf

Second Kernstown, and Second Winchester Battlefields, ABPP believes that additional archeological resources associated with these battles may exist on the Tract.

Aside from what remains of the stone wall, the Tract is unimproved and primarily wooded.

Effects Assessment

The ABPP has reviewed the Criteria of Adverse Effect per 36 CFR §800.5 and has determined that none apply to the acquisition (the undertaking) of the Tract since the acquisition will not alter any of the characteristics that qualify the First Kernstown Battlefield for inclusion in the National Register. Due to the type of undertaking and the requirement of an easement as per the grant program, ABPP finds that this undertaking and any cumulative effects will have “No Adverse Effect” upon historic properties pursuant to 36 CFR § 800.5, subject to the terms of the easement that will be prepared and the conditions provided by DHR in Enclosure 1. Such conditions include, for example, vacating the recorded plat of subdivision, incorporation of a written management plan into the easement, and review of all title work associated with the property.

Proposed future plans for the Tract by the CWT include placing the Tract under easement with DHR and possibly constructing interpretative trails and signage for the preservation, maintenance, and interpretation of the Civil War battlefield. The ABPP will verify that measures will be incorporated into the easement to ensure that cumulative adverse effects to the battlefield will be avoided, such as requiring the adherence to the Secretary of the Interior’s *Standards and Guidelines*, preparation of plans, and proper reviews and approvals. Additionally, as the land contains over 20 acres of wooded or forested cover, the easement will include provisions for a forest management plan.

Your response to this letter, acknowledging your interest in participating in this undertaking as a consulting party is greatly appreciated. Within 30 days of your receipt of this letter, please submit your comments to Elizabeth Vehmeyer’s attention at 1201 Eye Street NW, 6th Floor, Washington, DC 20005 or via email to elizabeth_vehmeyer@nps.gov. Please reference the battlefield and tract in your comments. If you do not respond within this time frame, you may request consulting party status in the future; however, the project may advance without your input and you won’t have an opportunity to comment on the current steps.

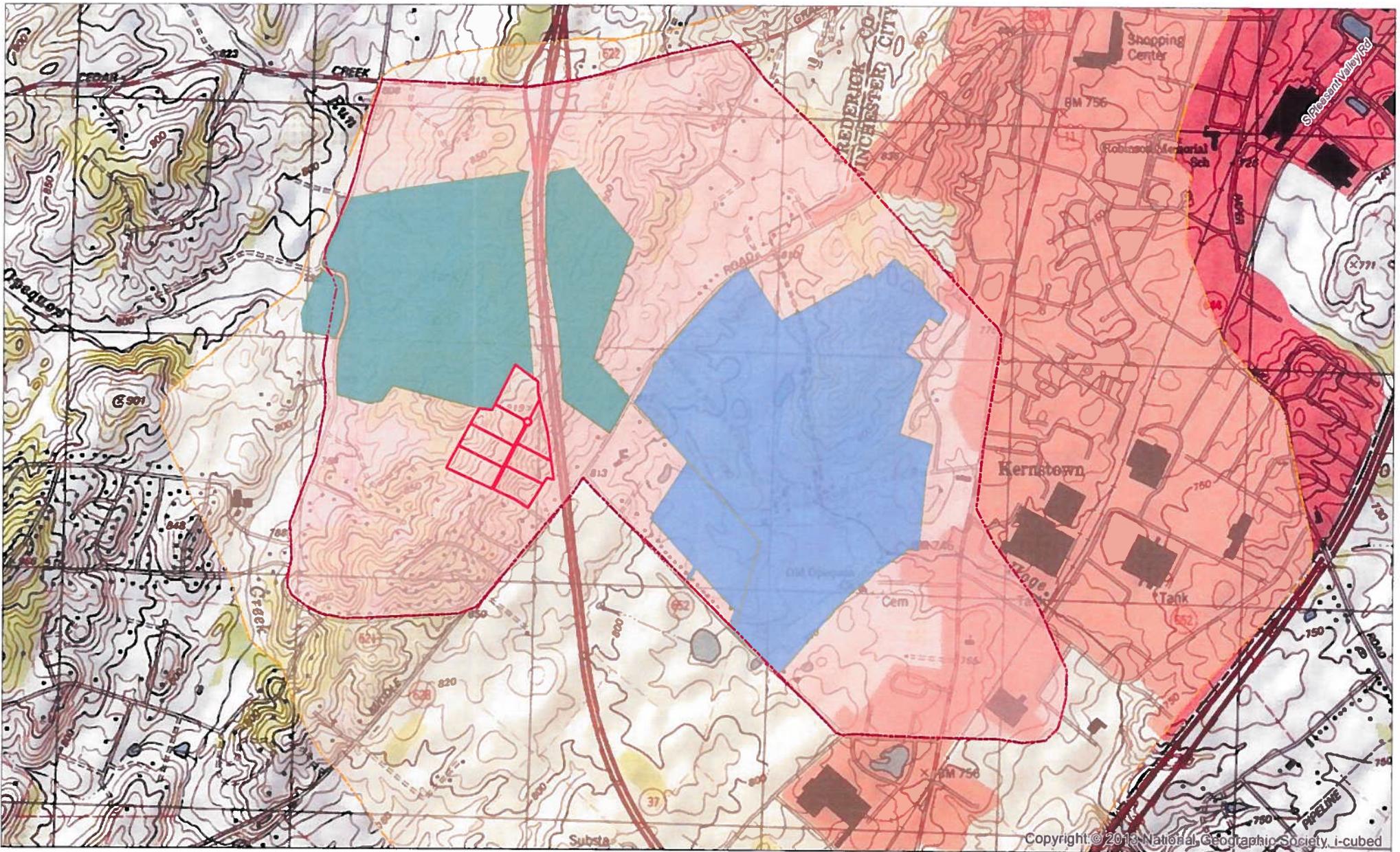
If you have any questions regarding this project or the Battlefield Land Acquisition Grant program, please contact Elizabeth Vehmeyer, Archeologist and Grants Specialist, at 202-354-2215 or the above listed addresses.

Sincerely,



for Paul Hawke
Chief, American Battlefield Protection Program

Enclosures



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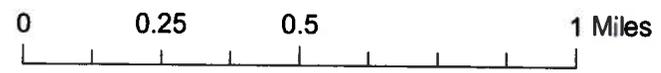
Prepared for the Civil War Trust

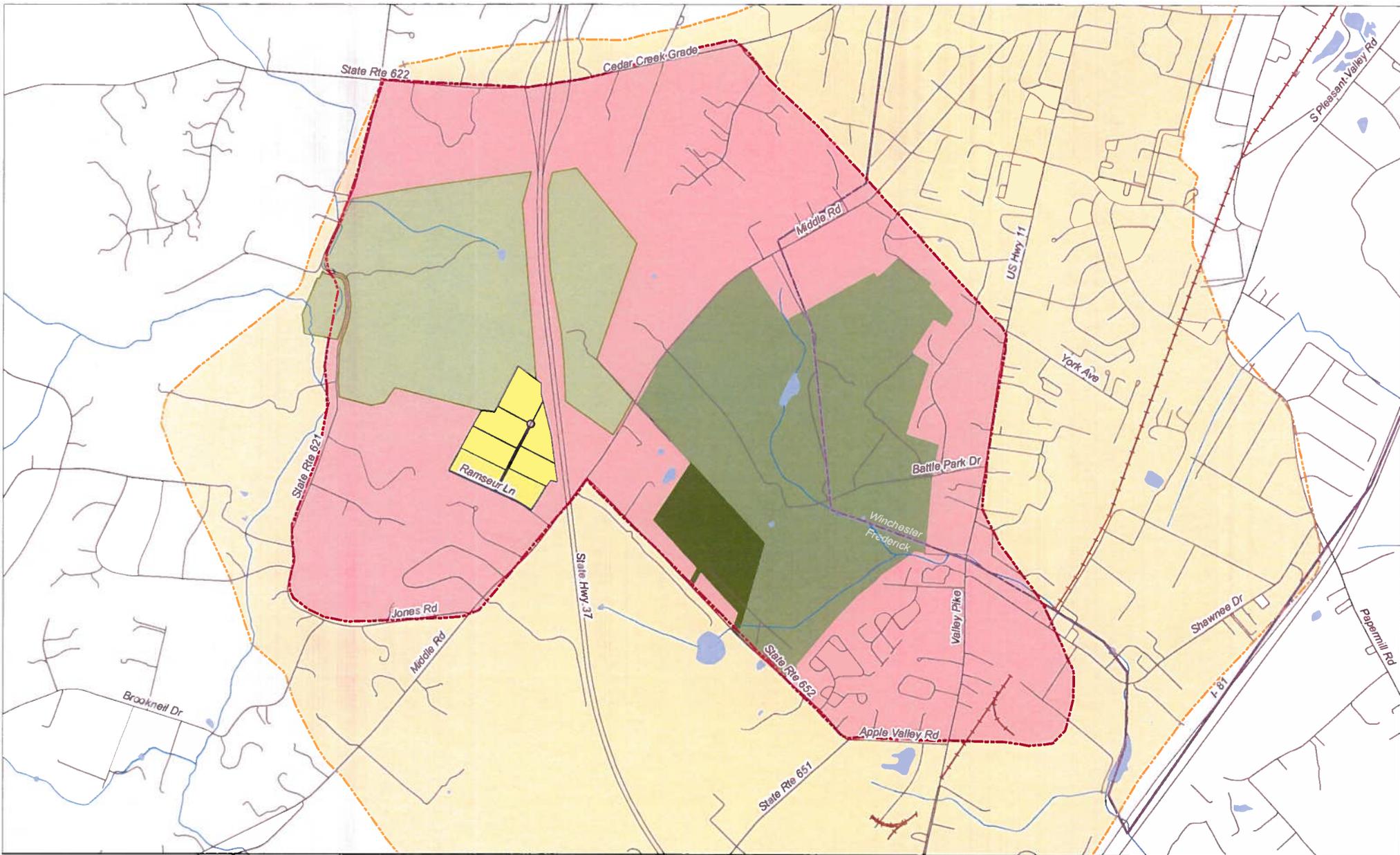
Sandy Ridge Tracts at First Kernstown Battlefield (Frederick County, VA)

Created on 8/4/15 by JM

- Sandy Ridge Tracts (36.69 Acres)
- Kernstown Battlefield Association (Preserved in part by the Trust)
- Owned by the Museum of the Shenandoah Valley
- First Kernstown Battlefield Core Area
- First Kernstown Battlefield Study Area

USA Topo Maps





Prepared for the Civil War Trust

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