

Press Release

Manassas National Battlefield Park

12521 Lee Highway, Manassas Virginia 20109

FOR IMMEDIATE RELEASE

Programmatic Agreement (Draft)

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The National Park Service (NPS) announces the availability of a Programmatic Agreement for public review and comment. The Programmatic Agreement, developed under consultation with the Federal Highway Administration, the Virginia State Historic Preservation Officer, and the Advisory Council on Historic Preservation, will govern the development and implementation of a highway relocation proposal for U.S. Route 29 and Virginia Route 234 in the area of Manassas National Battlefield Park and the implementation of interim construction projects at the intersection of the two highways. This agreement has been developed in compliance with Section 106 of the National Historic Preservation Act of 1966.

In accordance with Public Law 100-647, the NPS, in consultation with the Commonwealth of Virginia, the Federal Highway Administration (FHWA), and Prince William County, is proposing to conduct a study regarding the relocation of U.S. Route 29 and Virginia Route 234 in the vicinity of the park. Currently, the use of these roads as commuter and through-traffic routes conflicts with visitor safety and enjoyment of the park. The heavy volumes of traffic on both roads also have resulted in increasing pressure on the park to allow for highway expansion that, if permitted, will compromise the historic scene, diminish the integrity of the battlefield, and impair the quality of the visitor experience.

The NPS proposes this highway relocation study, so that commuter and through traffic may be diverted away from the interior of the battlefield onto alternative routes and that highway expansion through the battlefield may be avoided, allowing the historic highways to retain their rural character through the area of the park. The development of alternative routes for the highways will allow the existing roads to be used primarily for park traffic and will eliminate the unsafe conditions that presently exist due to the heavy use of the highways by commuters, commercial vehicles, and other through traffic.

As the preparation of this study and its implementation may require considerable time, the NPS has adopted a memorandum of understanding with the Virginia Department of Transportation (VDOT) and the FHWA to address concerns about congestion and unsafe driving conditions at the intersection of U.S. Route 29 and Virginia Route 234. The highway intersection is located near the center of the battlefield and is adjacent to the historic Stone House, the park's most

REFERENCE
Bull Run Regional Library

widely recognized landmark and a major interpretive site. Under the memorandum of understanding, the NPS proposes to cooperate with VDOT to implement interim construction projects at the intersection to address these concerns while the highway relocation study is under development. The implementation of these interim projects will improve traffic flow and reduce the risk of accidents at the intersection during the preparation of the study, and the successful completion of the study will allow for the restoration of the intersection area to its historical, pre-construction appearance.

Copies of the Programmatic Agreement are available on request from the Superintendent, Manassas National Battlefield Park, 12521 Lee Highway, Manassas, Virginia 20109. Additional copies for viewing will be available at the following libraries: Bull Run Regional Library, Manassas Central Library, Centreville Regional Library, and in the Virginia Room of the Fairfax City Library or on the website: <http://www.nps.gov/mana>

There is a 14 day reviewing period ending May 19, 2000, during which the public may comment on this agreement. All comments received by the closing date will be considered by the NPS as it completes its compliance with the National Historic Preservation Act and the National Environmental Policy Act.

Questions regarding this Programmatic Agreement should be directed to the Assistant Superintendent, Karen Cucurullo, at (703) 754-1861.

-NPS-
May 4, 2000

**PROGRAMMATIC AGREEMENT
AMONG
THE NATIONAL PARK SERVICE,
THE FEDERAL HIGHWAY ADMINISTRATION,
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

WHEREAS, Public Law 100-647 (Appendix A) has authorized the Secretary of the Interior, in consultation with the Commonwealth of Virginia, the Federal Highway Administration (FHWA), and Prince William County, to conduct a study regarding the relocation of U.S. Route 29 and Virginia Route 234 in and in the area of Manassas National Battlefield Park; and

WHEREAS, the Secretary of the Interior has delegated certain responsibilities for carrying out Public Law 100-647 to the National Park Service (NPS); and

WHEREAS, the Virginia Department of Transportation (VDOT), representing the Commonwealth of Virginia, has identified concerns regarding safety and congestion at the intersection of U.S. Route 29 and Virginia Route 234 within Manassas National Battlefield Park; and

WHEREAS, the Congress, through its adoption of House Report 105-825 (attached to Public Law 105-277) has endorsed a three-phased approach including the implementation of interim construction projects at said intersection and the development of the highway relocation proposal identified in Public Law 100-647, and these actions constitute the UNDERTAKING, to ensure that safety concerns are addressed during the interim period while the highway relocation is being studied; and

WHEREAS, the NPS and VDOT have adopted a Memorandum of Understanding (MOU)(Appendix B) proposing these interim construction projects and agreeing to participate in the study and development of proposed alternative routes for said highways; and

WHEREAS, the interim construction projects identified in the MOU require a special use permit and a highway easement deed to be issued to VDOT by the NPS; and

WHEREAS, the NPS and VDOT have agreed that, in exchange for the necessary use of park lands, VDOT will transfer land from its existing right-of-way on U.S. Route 29 to the NPS, pursuant to the MOU; and

WHEREAS, the NPS, VDOT, and FHWA have executed a Memorandum of Agreement (Appendix C) dated April 6, 1999, for purposes of implementing the provisions of House Report 105-825, which identifies funding sources and allocates responsibility for carrying

out the interim construction projects and encourages the NPS to conduct the highway relocation study pursuant to Public Law 100-647; and

WHEREAS, the NPS has allocated funding for the completion of the highway relocation study; and

WHEREAS, the NPS has identified and documented significant contributing landscape features of the existing battlefield landscape of Manassas Battlefield, a site where two Civil War battles were fought on approximately the same land, in the documents entitled, *Cultural Landscape Inventory, Southern Portion* (Parsons), *Northeast Quadrant* (Joseph), and *Northwest Quadrant* (Joseph), all prepared in 1996 as part of the National Capital Region cultural landscape program, and in *A Cultural Landscape Restoration Report for the Stuart's Hill Tract, Manassas National Battlefield Park* (Morris and Firth, no date); and

WHEREAS, the NPS has identified and documented significant contributing historic structures of the battlefield in a comprehensive inventory, the List of Classified Structures; and

WHEREAS, the NPS has recognized that the highways, U.S. Route 29 and Virginia Route 234, known historically as the Warrenton Turnpike and the Sudley Road respectively, are significant contributing features of the battlefield and that they retain their rural and historic character; and

WHEREAS, the NPS has determined that the proposed UNDERTAKING may have an effect upon landscape features, historic structures, and archeological sites contributing to the significance of the Manassas Battlefield and has consulted with the Advisory Council on Historic Preservation (Council) and the Virginia State Historic Preservation Officer (SHPO) pursuant to the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) (the Regulations); and

WHEREAS, this UNDERTAKING consists of complex or multiple projects and therefore lends itself to a Programmatic Agreement as an alternative Section 106 procedure, pursuant to Section 800.14(b)(ii) and (v) of the Regulations;

WHEREAS, VDOT has participated in consultation and has been invited to concur in this agreement but has declined to do so; and

NOW, THEREFORE, the NPS, the Council, and the SHPO agree that the proposed UNDERTAKING shall be implemented in accordance with the following stipulations in order to take into account the effect on historic properties:

STIPULATIONS

The National Park Service will ensure that the following measures are carried out:

I. Preparation and Development of Highway Relocation Study

- A. The NPS, in consultation and consensus with FHWA, VDOT, and Prince William County, will conduct a highway relocation study to identify and evaluate alternative routes for U.S. Route 29 and Virginia Route 234 in and in the area of Manassas National Battlefield Park. The study will include cost estimates of available alternatives and recommendations regarding preferred alternative routes for relocating said highways to allow for traffic to be routed around the battlefield. The study will also develop plans for closing the existing highways to through traffic, while continuing to provide for the necessary access for private landowners in the area of the park. The study will include analysis of the timing and method of such closures and of means to provide alternative routes for traffic now transecting the park.
- B. To ensure compliance with the National Environmental Policy Act and Section 106 of NHPA, the NPS will document the results of the study through the preparation of an environmental impact statement (EIS) that will address the impacts of the proposed relocation of the highways on the natural, cultural, and other human resources in the area of the park. The preparation of the EIS will provide for extensive public involvement in the planning and development of alternatives for relocating the highways. In the preparation of the EIS, the NPS will use the process and documentation required in 36 CFR Section 800.8. The NPS will submit the draft of the completed study/EIS document to the Virginia SHPO, the Council, and other parties for review and comment, as determined appropriate pursuant to Section 800.8.
- C. For each build alternative included in the EIS, the NPS, in cooperation with FHWA, will include a proposed schedule of plan review that includes at a minimum the submission of 30% construction plans for the construction and/or improvement of the alternative routes for the highways, as identified in the EIS, to the Virginia SHPO and the Council, and other parties for review and comment, as determined appropriate pursuant to Section 800.8.

II. Planning and Review of Interim Construction Projects

- A. The NPS will submit plans for implementing the interim construction projects, to include project location map, drawings, and specifications for the proposed work to the Virginia SHPO for review and comment. The plans will address the following actions, undertaken to permit the continued use of the highways until implementation of the highway relocation study recommendations:
 - 1. Relocating the parking area for the Stone House;
 - 2. Regrading the vertical alignment of the northern approach of Route 234 (Buck Hill area of Manassas battlefield) for improved sight distance;
 - 3. Replacing existing traffic signal system, to include a signalized pedestrian crosswalk;

4. Widening of Routes 29 and 234 to provide left-turn lanes at the intersection;
 5. Constructing an enlarged bridge at the Route 29 crossing of Youngs Branch, to accommodate the widened highway;
 6. Expanding the box culvert at the Route 234 crossing of Youngs Branch;
 7. Improving drainage in the intersection area;
 8. Installing a pedestrian bridge over Young's Branch.
- B. Consistent with the provisions of the 1995 Nationwide Programmatic Agreement, the NPS will prepare documentation for the interim construction projects using the "Assessment of Actions Having an Effect on Cultural Resources" form (also called the Assessment of Effect form). Any forms will be reviewed by cultural resource advisors who meet the professional qualifications set forth in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation in the fields of archeology, history, historic landscape architecture, and historic architecture.

Actions that meet the criteria for programmatic exclusions, found in Stipulation IV.B of the 1995 Nationwide Programmatic Agreement, will require no further review. The NPS, however, will submit the Assessment of Effect forms to the SHPO for those actions to document agency decisions. If the criteria for programmatic exclusions is not met, the NPS will submit the assessment forms to the SHPO for review and comment.

- C. Following the review pursuant to Section II.B., the NPS will issue VDOT a special use permit for the use of parkland for the implementation of the interim construction projects and a highway easement deed for the continued maintenance of the highways in the area of the intersection of U.S. Route 29 and Virginia Route 234. The special use permit shall permit only the construction work identified in the approved plans as referenced in Section II.A. The highway easement deed shall permit only those measures required for the maintenance of the highways and shall not permit additional construction or highway expansion. The highway easement deed covering the use of parkland for the maintenance of the highways shall not exceed 20 years.

Prior to issuance of any special use permit or highway easement deed and consistent with the provisions of the MOU, NPS and VDOT shall define mutually agreeable boundaries for land to be transferred from VDOT to NPS. Pursuant to the MOU, VDOT will cede title to land from its existing right-of-way on Route 29 equal to the area of NPS land to be placed under the 20-year highway easement deed to prevent the further expansion of the intersection. The land transfer will conform to the legal descriptions to be arrived at by mutual consent consistent with the provisions of the MOU with the intent to ensure that historic properties in the area of the intersection receive adequate protection from the construction and future maintenance of the highway. Once the land transfer has been carried out, the NPS will issue the 20-year highway easement deed.

D. Cultural Landscape Features

The NPS shall ensure that the design and implementation of the proposed interim

construction projects is compatible with the historic contributing landscapes and landscape features of the Manassas Battlefield and is consistent with the recommended approaches to preserving its historic setting set forth in the Cultural Landscape Inventory (1996).

If the NPS determines that the proposed work may alter the qualities which make a contributing landscape or landscape feature significant, the NPS will prepare design alternatives and/or landscape treatment plans to reduce the project's adverse effects for submission to the SHPO for review and approval prior to permit approval.

E. Archeological Resources

The NPS shall ensure that an archeological testing program is developed in consultation with the SHPO. Prior to affecting any potentially eligible archeological site, NPS will develop a testing program of sufficient intensity to provide an evaluation of eligibility for the National Register of Historic Places by NPS in consultation with the SHPO, following the regulations outlined in 36 CFR Section 800.4 (c).

If, as a result of the testing program, archeological sites are identified that are eligible for the National Register of Historic Places, NPS shall develop a plan for their avoidance, protection, recovery of information or destruction without data recovery, in consultation with the SHPO. The plan shall be submitted to the SHPO for review and approval prior to implementation.

The NPS shall ensure that all data recovery plans prepared under the terms of this agreement shall include the following elements:

- Information on the archaeological property or properties where data recovery is to be carried out, and the context in which such properties are eligible for the National Register;
- Information on any property, properties, or portions of properties that will be destroyed without data recovery;
- Discussion of the research questions to be addressed through the data recovery, with an explanation/justification of their relevance and importance;
- Description of the recovery methods to be used, with an explanation of their pertinence to the research questions;
- Information on arrangements for any regular progress reports or meetings to keep the NPS and the SHPO up to date on the course of the work. The plan should contain the expected timetable for excavation, analysis and preparation of the final report.

The NPS shall ensure that all archeological work, including data recovery plan(s), shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archeological Documentation* (48 FR 4434-37) and the Virginia SHPO's *Guidelines for Archeological Investigations in Virginia, Additional Guidance for the Implementation of the Federal Standards Entitled Archeology and Historic Preservation: Secretary of*

the Interior's Standards and Guidelines, and take into account the Council's publication, *Consulting About Archeology Under Section 106* (1990).

The NPS shall ensure that all archeological work will be conducted under the direct supervision of an archeologist who meets, at a minimum, the qualifications set forth in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).

All archeological materials and appropriate field and research notes, maps, drawing and photographic records collected as part of this project (with the exception of human skeletal remains) will be cared for in accordance with the requirements in 36 CFR Part 79, Curation of Federally Owned and Administered Archeological Collections, at the NPS's Museum Resource Center, the National Capital Regional Archeology Program's laboratory and storage area in Lanham, Maryland. All such items will be made available to educational institutions and individual scholars for appropriate exhibit and/or research under the operating policies of the repository.

F. Archeological Reports

NPS shall submit two copies of all final technical reports to the SHPO for review and comment prior to permit approval. NPS shall ensure that all comments received within 30 days of report receipt shall be addressed in the final technical reports.

All technical reports prepared pursuant to this agreement will be consistent with the federal standards entitled *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-44742, September 29, 1983) and the state *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110, National Historic Preservation Act*.

G. Discovery Provision

NPS will ensure that construction documents contain a plan for the treatment of unexpected discoveries.

In the event that a previously unidentified archeological resource is discovered during ground disturbing activities, all construction work involving subsurface disturbance will be halted in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur. An archeologist approved by NPS and the SHPO will immediately inspect the work site and determine the area and the nature of the affected archeological property. Construction work may then continue in the project area outside the site area. A decision about National Register eligibility of the resource will be made between the NPS and the SHPO within 10 working days of the original notification of discovery.

If the resource is deemed to meet the National Register Criteria (36 CFR Part 60.6), NPS will ensure compliance with 36 CFR Section 800.13 of the Council's regulations. Work

in the affected area shall not proceed until either (a) the development and implementation of an appropriate data recovery or other recommended mitigation procedures, or (b) the decision is made that the located remains are not eligible for inclusion on the National Register.

III. Public Involvement

The NPS will arrange for public participation appropriate to the subject matter and the scope of the work for actions to be implemented under this Programmatic Agreement and involve the individuals, organizations and entities likely to be interested, in accordance with Public Law 100-647, Section 800.2(d) and Section 800.8 of the Regulations, and the NPS's National Environmental Policy Act Guidelines, NPS-12.

IV. Monitoring of Performance Under the Agreement

The NPS shall ensure that any documentation pertaining to activities carried out pursuant to this agreement is provided to the Virginia SHPO and the Council, as appropriate, and, upon request, to other interested parties.

If necessary, the parties to this agreement shall engage in further consultation to review implementation of the terms of this agreement and determine whether revisions are needed. If revisions are needed, the parties to this agreement will consult in accordance with 36 CFR Section 800.6 to make such revisions.

V. Dispute Resolution

- A. Should the SHPO object to any actions proposed or carried out pursuant to this Agreement, the NPS shall consult with the SHPO to resolve the objection. If after initiating such consultation, NPS determines that the objection cannot be resolved through consultation, the NPS shall provide all relevant documentation to the Council. Within forty-five (45) days of receipt of all pertinent documentation, the Council shall exercise one of the following options:
 1. Provide NPS with recommendations, which NPS shall consider prior to reaching a final decision on the matter; or
 2. Notify NPS that the matter will be referred to the Council for comment pursuant to Section 800.7 of the Regulations. The resulting comment shall be taken into consideration by NPS in reaching a final decision.
- B. Should the Council not exercise one of the above options within forty-five (45) days of receipt of all pertinent documentation, NPS may assume the Council's concurrence in its proposed response to the objection.

- C. If at any time during the tenure of this agreement, a member of the public shall raise an objection, NPS shall consult with the person or entity raising the objection, and should the objector so request, consult with the SHPO or the Council as appropriate in preparing its response.

VI. Terminating the Agreement

- A. If the Council determines that the terms of the Programmatic Agreement are not being carried out, or if this Agreement is terminated, the NPS shall provide all relevant documentation to the Council and proceed with the dispute resolution provisions set forth in Stipulation V.
- B. Any party to this Agreement may terminate it by providing thirty (30) days notice to the other parties. The parties will consult during the period prior to termination in order to seek agreement on amendments or other actions that would prevent the termination.

VII. Duration of the Agreement

- A. This Programmatic Agreement will continue in full force and effect until five years after the date of the last signature. At any time in the sixth-month period prior to such date, the NPS may request the signatory parties to consider an extension or modification of this agreement. No extension or modification will be effective unless all parties to the Programmatic Agreement have agreed with it in writing.
- B. In the event of expiration of this Programmatic Agreement prior to completion of its terms, the NPS shall provide all relevant documentation to the Council and proceed with the dispute resolution provisions set forth in Stipulation VI.

Execution and implementation of this Programmatic Agreement evidences that the NPS has satisfied its Section 106 responsibilities for all individual actions of this UNDERTAKING.

SIGNATURES

NATIONAL PARK SERVICE

By: _____ Date: _____

Robert K. Sutton
Superintendent
Manassas National Battlefield Park

FEDERAL HIGHWAY ADMINISTRATION

By: _____ Date: _____

Donald W. Miller
Acting Division Engineer

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

H. Alexander Wise, Jr.
Virginia State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

DRAFT

10

By: _____ Date: _____

John M. Fowler
Executive Director