April 2025

FINDING OF NO SIGNIFICANT IMPACT

PROPOSED DEMOLITION OF HISTORIC STRUCTURES
ENVIRONMENTAL ASSESSMENT
NEW RIVER GORGE NATIONAL PARK AND PRESERVE
West Virginia

BACKGROUND

The National Park Service (NPS) has completed a comprehensive evaluation of a proposal to demolish historic structures that are deteriorated, not needed to achieve the park's mission, and a financial burden for the park at the New River Gorge National Park and Preserve (the park). The NPS's environmental assessment (EA) analyzed impacts of the proposed alternatives in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] §§ 4321 *et seq*.); the Department of the Interior NEPA regulations (43 Code of Federal Regulations [C.F.R.] § 46); and NPS Director's Order 12: *Conservation Planning, Environmental Impact Analysis and Decision-making* and its accompanying NPS NEPA Handbook.[1]

Through the NEPA process, the NPS consulted with federal and state agencies, tribes, interested and affected parties, and the public. The NPS held a civic engagement period for the public to comment on the initial proposal from December 13, 2023 through January 15, 2024, through its online Planning, Environment, and Public Comment (PEPC) system or by U.S. mail. This civic engagement period included a public meeting held on January 11, 2024. The NPS later solicited public comment on the EA from October 7 through November 8, 2024, through its online PEPC system or by U.S. mail. The comment period included a public meeting on October 22, 2024. Attachment A provides a summary of the public comments received and responses to all substantive comments. Concurrent with the issuance of this Finding of No Significant Impact (FONSI), the NPS has released a revised EA that incorporates modifications resulting from substantive comments. A determination of non-impairment is included in attachment B of this FONSI.

The EA and this associated FONSI constitute the record of the environmental impact analysis and decision-making process. This document records (1) that the proposed action will not have a significant effect on the human environment; (2) compliance with Section 7 of the Endangered Species Act (ESA); and (3) compliance with Section 106 of the National Historic Preservation Act (NHPA). This FONSI is available on NPS's PEPC website at: https://parkplanning.nps.gov/GAOAExcessStructureDemo.

[1] Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The National Park Service verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The National Park Service has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

SELECTED ACTION AND RATIONALE FOR DECISION

The selected action is "Alternative C: Retain Proposed Excess Historic Structures with High Potential for Reuse" from the public comment EA with a modification for the potential lease of three historic structures, summarized below and discussed in more detail on pages 14-15 in the revised EA. The NPS analyzed three alternatives in detail in the revised EA. In response to public comments, the NPS made minor modifications to "Alternative C: Retain Proposed Excess Historic Structures with High Potential for Reuse" between the public comment EA and the revised EA. The selected action carries forward these changes. Based on the revised EA's analysis, the NPS's selected action, as presented in this FONSI, best meets the purpose of and need for action and considers public comments without causing significant impacts on park resources.

Implementing the selected action will resolve the degraded existing conditions that would continue under "Alternative A: No Action" while retaining three key historic structures that would be demolished under "Alternative B: Demolish All Proposed Excess Historic Structures." The NPS may lease one of the retained structures, the Dun Glen Ark, if a potential lessee submits a viable proposal. Also, the selected action will consider leasing three additional structures set to be demolished under Alternative B: Tom Kelly House, Dun Glen Boat Storage Rack, and Dun Glen Mini Ark. If the NPS does not receive a viable proposal to lease these structures, then they will be demolished.

Under the selected action, the NPS will demolish and properly dispose of at least 13 of the 19 proposed excess historic structures (reduced from 16 presented in the public comment EA's Alternative C) and one non-historic addition to a historic structure (see Table 1 below). Also, the NPS will demolish up to three additional proposed excess historic structures unless they are leased after receipt of a viable proposal (the public comment EA's Alternative C did not have an option to lease). Where practicable, any foundations and retaining walls associated with these structures will be left in place to minimize ground disturbance; some foundations may be cut to ground level with the below-ground remnants left in place. At the Vallandingham House, only the contemporary rear (south) addition and concrete driveway will be demolished. After demolishing the addition, the structure's south elevation will be restored and the original (historic) log cabin will remain intact.

The selected action will retain three of the proposed excess structures: the Marilyn Brown House, the Thurmond Ice House, and the Dun Glen Ark (no change from the public comment EA's Alternative C). The NPS will retain these three structures because their ongoing maintenance burden is manageable with minimal additional effort to maintain them in stable condition for future reuse. Any future repair, rehabilitation, lease, or reuse of these structures would be undertaken through a separate planning effort.

Table 1 below provides a list of the historic structures and the decision to demolish, lease, or retain them under the selected action.

Table 1. Selected Action List of Structures

Structure Name	Area/Location	Decision
Charles Ashley Outbuilding	Thurmond Historic District	Demolish
Charles Ashley Garage	Thurmond Historic District	Demolish
May Bagoski House	Thurmond Historic District	Demolish
Harold Smith House	Thurmond Historic District	Demolish
Sidney Allen Ward House	Thurmond Historic District	Demolish
Wedzel Young House	Thurmond Historic District	Demolish

Structure Name	Area/Location	Decision
Marilyn Brown House	Thurmond Historic District	*Retain*
Tom Kelly House	Thurmond Historic District	*Demolish unless viable lease proposal received*
Erskine Pugh Rental House	Thurmond Historic District	Demolish
James Humphrey Sr. House	Thurmond Historic District	Demolish
Ice House	Thurmond Historic District	*Retain*
McGuffin Garage	Thurmond Historic District	Demolish
Phillip A. McClung/Meadows House	Thurmond Historic District	Demolish
Dun Glen Building/Ranger Station	Dun Glen / Thurmond Historic District	Demolish
Dun Glen Ark	Dun Glen	*Retain and potentially lease if viable proposal received*
Dun Glen Boat Storage Rack	Dun Glen	*Demolish unless viable lease proposal received*
Dun Glen Mini Ark	Dun Glen	*Demolish unless viable lease proposal received*
Prince Brothers General Store	Prince	Demolish
Pool Chemical Treatment Building	Camp Brookside	Demolish
Vallandingham House (addition only)	Richmond Bottom/SR26	Demolish (addition only)

The NPS developed Alternative C to address public input received during the civic engagement period. In response to substantive comments, the NPS identified proposed excess historic structures for which retention was practicable while meeting the purpose of and need for the project. The NPS proposed Alternative B as the Preferred Alternative in the public comment EA; however, after obtaining additional public input on the proposed alternatives, the NPS made the decision to select Alternative C with the modifications described above to preserve in place at least three structures important to the history of Thurmond and Dun Glen.

The Marilyn Brown House's location along the main route through Thurmond, and its visibility in proximity to the Fatty Lipcomb house, provide a clear visual representation comparing houses for railroad workers versus those for the managers. The Thurmond Ice House embodies a unique railroad industry structure not otherwise represented in the Thurmond Historic District, and its small size and stable condition offers opportunities for the structure to potentially be relocated and reused under a future planning effort. The Dun Glen Ark, located in the heart of Dun Glen's day use area, represents the history of the commercial whitewater rafting industry along the New River; its stable condition and large size provide reuse potential.

During the EA comment period, the NPS received interest in leasing the Tom Kelly House as well as interest in leasing a combination of the Ark, Boat Storage Rack, and Mini Ark in the Dun Glen area. Although the selected action identifies three of these structures (all but the Ark) for demolition, the NPS is willing to consider this potential for leasing. The NPS may retain these structures for leasing if it receives viable leasing proposals that meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. Retaining the structures under a successful leasing agreement still meets the purpose of and need for the project because they would no longer be a maintenance burden to the NPS. If the NPS

does not receive viable proposals to lease these three structures, then their retention is not practicable and the NPS will demolish them.

MITIGATIONS

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse impacts to affected resources. The NPS recommends multiple mitigation measures and best management practices to protect the following resources: visitor use, experience, and safety; wetlands and waters of the US; historic and cultural resources; vegetation; and special status species. Chapter 2 of the revised EA describes these stipulations and mitigations.

The authorities for mitigation for this project come from the following laws and policies:

- NPS Organic Act (54 U.S.C §§ 100101 et seq)
- NPS Management Policies (NPS 2006)
- Archeological Resources Protection Act (16 U.S.C. § 1B)
- National Historic Preservation Act (54 U.S.C. § 306108)
- Endangered Species Act, Section 7 (16 U.S.C. §§ 1531-1599)

SIGNIFICANCE CRITERIA REVIEW

POTENTIALLY AFFECTED ENVIRONMENT

The project area comprises several discontinuous locations throughout the park including areas of Thurmond, Dun Glen, Prince, Camp Brookside, and Richmond Bottom/SR 26. See figures 1–7 of the revised EA for maps of the project locations.

The largest portion of the project area encompasses the Thurmond Historic District, which includes the Town of Thurmond on the northeast side of the New River and portions of Dun Glen on the southwest side of the river. The Thurmond Historic District and its associated cultural landscape are historic for its association with the Chesapeake and Ohio Railroad and the coal mining industry during the late 19th and early 20th centuries. The NPS listed the Thurmond Historic District in the National Register of Historic Places (National Register) in 1984. The original National Register listing includes a total of 45 contributing structures, 39 of which remain as of the date of this decision document. The NPS has since identified many other outbuildings and garages as contributing structures to the historic district. Today, several residents remain living on privately-owned property within the boundaries of the historic district. This portion of the project area includes 11 of the structures that will be demolished, one of the structures that will be demolished if the NPS does not receive a viable lease proposal (Tom Kelly House), and two of the structures that will be retained (the Marilyn Brown House and the Ice House).

Dun Glen sits on the southwest side of the New River, across from Thurmond. The area has a park maintenance facility, park staff housing, and a visitor day use area. Located on the bank of the river within the floodplain, the NPS uses the Dun Glen Ark, Mini Ark, and Boat Storage Rack for storage. The NPS determined these structures are eligible for the National Register for their association with the whitewater rafting industry in the New River. A public boat ramp and picnic area is immediately adjacent to these structures.

The Prince project area includes the Prince Brothers General Store, which sits immediately adjacent to SR 41 on the north side of the New River. The circa 1890s Prince Brothers General Store was a two-story wood frame building that was expanded around 1935. The store prospered during the coal and timber

boom due to its proximity to the railroad and operated until 1984. The NPS listed this structure on the National Register for its history in the areas of commerce and regional history.

Camp Brookside is located on the east bank of the New River in the Upper Gorge area of the park. The Electro Metallurgical Company constructed the 30-acre camp in 1948 as a recreational summer camp for the children of company employees. The camp consisted of the main campsite with an administration building, cabins, and water tower with an open field in the center, a swimming pool, athletic fields, and natural areas. In 2013, the NPS determined the camp is eligible for listing in the National Register as a historic district and cultural landscape. This historic district includes the Camp Brookside Pool Chemical Treatment Building.

A small residential neighborhood at Richmond Bottom/SR 26 includes the Vallandingham House. The house is eligible for listing in the National Register as an example of a late 19th century log cabin farmhouse, though the rear of the house has a contemporary addition and driveway. Several outbuildings associated with the house remain on the property that contribute to the house's eligibility.

DEGREE OF EFFECTS OF THE ACTION

The NPS considered the following actual or potential project effects in evaluating the degree of the effects for the selected action. As summarized below and documented in Chapter 3 of the revised EA, the selected action has the potential for impacts on historic structures, historic districts and cultural landscapes, associated communities, and visitor use and experience. The NPS did not identify any significant adverse effects from implementing the selected action.

a. Beneficial and adverse, short-term, and long-term effects of the proposed action.
The duration of impacts is measured in short-term impacts that occur during implementation of the action and long-term impacts that may last for many years following demolition or occur over time.

Historic Structures

Under the selected action, the park will lose several historic structures within a few years. This section discusses historic structures outside of historic districts, while "Historic Districts and Cultural Landscapes" below discusses historic structures within the Thurmond Historic District and the Camp Brookside Historic District. Individual historic structures lost under the selected action include the Prince Brothers General Store and, potentially, the Dun Glen Mini Ark and Dun Glen Boat Storage Rack if the NPS does not receive a viable lease proposal for them. Retaining any foundations of the structures if practicable will convey the historic location of the structure, but all other historic features will be lost. Should the NPS demolish the Dun Glen Mini Ark and Boat Storage Rack, this will result in a loss of structures associated with the whitewater rafting history of the New River; however, the park will have the opportunity to convey that history through the Dun Glen Ark in the future because the selected action will not demolish that structure.

Demolishing the rear addition of the Vallandingham House will remove a contemporary addition that does not contribute to the history of the farmstead. This will restore its historic character because the structure will more accurately reflect its appearance during the period of construction.

The NPS also considered the cumulative impact, which is the overall impact that results from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions. The selected action will contribute an adverse increment to the cumulative impact due to the loss of historic structures. However, demolishing these structures will allow the park to reallocate resources to continue preserving other historic structures in the long term. Also, past, present, and reasonably foreseeable actions will stabilize other important historic structures throughout the park, which will contribute beneficial increments to the cumulative impact on

historic structures. As a result, the combined cumulative impact of the selected action and other past, present, or reasonably foreseeable future actions will somewhat adverse, but primarily beneficial, as discussed on pages 24-25 of the revised EA.

Historic Districts and Cultural Landscapes

Within the Thurmond Historic District and Cultural Landscape, the NPS will demolish at least 11 contributing historic structures. The NPS will also demolish the Tom Kelly House if the park does not receive a viable lease proposal for the structure. After implementation of the selected action, 31 or 32 contributing structures from the original National Register nomination form (depending on if the NPS receives a viable lease proposal for the Tom Kelly House) will remain in the Thurmond Historic District along with numerous outbuildings and small-scale features. Demolition of these contributing resources will result in a loss of integrity of design, materials, and workmanship within the district, which will be a long-term adverse impact; however, the integrity of these structures is already compromised due to their degraded condition, which does not convey the historic character of a thriving boomtown. After demolition, any remaining foundations of these structures (left in place where practicable) will allow the park to continue telling the story of the former structures within the historic district, including their locations and physical relationships to the core of the historic district along the railroad.

The selected action will demolish the Dun Glen Building/Ranger Station, which includes a small portion of the former Dun Glen Hotel foundation. However, the remnants of the hotel foundation will remain in place to convey the historic location of the hotel that was lost to arson fire in the 1930s.

At the Camp Brookside Historic District and Cultural Landscape, the selected action will result in the loss of one contributing structure, which will be a long-term adverse impact. However, the current condition of the structures does not reflect its historic function, and the overall spatial organization, major contributing resources such as cabins and recreational facilities, and the circulation patterns will remain unchanged.

The selected action will contribute an adverse increment to the cumulative impact on historic districts and cultural landscapes due to the loss of contributing resources to Thurmond and Camp Brookside. However, demolishing these structures will allow the park to reallocate resources to continue preserving other contributing historic structures in the long term. Also, past, present, and reasonably foreseeable actions will contribute beneficial increments to the cumulative impact because they will stabilize key historic structures contributing to these historic districts and cultural landscapes, which will allow the NPS to better interpret and convey the history of these historic districts and cultural landscapes. As a result, the combined cumulative impact of the selected action and other past, present, or reasonably foreseeable future actions will be somewhat adverse, but primarily beneficial, as discussed on pages 35-36 of the revised EA.

Associated Communities

The selected action will demolish historic structures that contribute to the identity of the associated communities and to which individuals have personal and familial ties, which will be an adverse impact on those associated people and communities. Many of the proposed excess structures no longer fully reflect the historic appearance or identity of these communities due to their deteriorated nature and because they are no longer in use as their original functions (residential, commercial, etc.); however, the intrinsic value of the structures as a representation of community identity will be lost.

In the short term, demolition activities will temporarily increase noise within the vicinity of these adjacent communities. The NPS will require best management practices during demolition

activities to minimize the adverse impacts on nearby residents. After demolition is complete, the noise levels will return to the previous conditions. Also, demolition activities will be conducted in a controlled manner and all hazardous materials will be disposed properly.

The selected action will contribute an adverse increment to the cumulative impact on associated communities due to the loss of structures important to their familial history and community identity; however, past, present, and reasonably foreseeable actions will contribute beneficial increments to the cumulative impact due to the long-term stabilization and preservation of other important and pivotal structures to which these communities are associated, particularly in Thurmond. As a result, the combined cumulative impact of the selected action and other past, present, or reasonably foreseeable future actions will be both adverse and beneficial, as discussed on pages 38-39 of the revised EA.

Visitor Use and Experience

The selected action will have both adverse and beneficial impacts on visitor use and experience. Demolition of the structures will adversely impact the experience of some visitors who enjoy the historic and storytelling value of the structures, such as those associated with the whitewater rafting industry in Dun Glen and the railroad worker houses in Thurmond. However, for other visitors demolishing the dilapidated structures will have a beneficial impact on their general experience because they can enjoy a more natural scene without views of deteriorated structures. Demolishing the deteriorated structures will also remove hazardous and existing health and safety risks to visitors.

In the short term, demolition activities will temporarily increase noise and disrupt natural and historic viewsheds due to the presence of demolition equipment and materials within the vicinity of visitor use areas. These impacts will be temporary and only last the duration of demolition activities, which is expected to be approximately six months. There will be no long-term impacts related to demolition activities.

The selected action will contribute either an adverse or beneficial increment to the cumulative impact on visitor use and experience depending on whether visitors sought out an experience to see historic structures, which would be lost, or a more natural landscape, which will be created after demolition. Past, present, and reasonably foreseeable actions will contribute beneficial increments to the cumulative impact due to the preservation of other historic resources as well as improvements to visitor services and facilities throughout the park. As a result, the combined cumulative impact of the selected action and other past, present, or reasonably foreseeable future actions could be somewhat adverse, but will be primarily beneficial, as discussed on pages 42-44 of the revised EA.

b. Degree to which the proposed action affects public health and safety.

While visitor use is not currently permitted for any of the structures that will be demolished in the selected action, they are located adjacent to visitor use areas such as in Thurmond. Disrepair, structural instability, and collapse have resulted in many structures posing a risk of bodily harm to visitors and staff who interact with the structures through visitors' unauthorized entry or clambering on or in the structures. The selected action will enhance public safety by removing unsafe and potentially hazardous materials from close proximity to visitor use areas.

The NPS considered how the selected action will affect public health and safety during implementation. Active demolition and restoration areas will be closed to the public, and visitors will be rerouted around these areas. The NPS will use fencing, flagging, and signage to inform the public during implementation of the project. With these measures, the project is unlikely to affect public health or safety.

c. Effects to Federal, State, Tribal or Local Environmental Protection Laws.

The selected action does not threaten or violate applicable Federal, Tribal, State, or Local environmental laws or requirements imposed for the protection of the environment. Below is a summary of compliance with other laws.

National Historic Preservation Act, Section 106

To comply with Section 106 of the NHPA, the NPS initiated consultation with the West Virginia State Historic Preservation Officer (SHPO) and 18 culturally affiliated federally recognized tribes in August 2023 (see list of tribes under the "Tribal Partners" heading below). The NPS also accepted eight additional consulting parties to participate in the Section 106 process, including: the Chesapeake & Ohio Historical Society, Delegate Elliott Pritt of District 50 of the West Virginia Statehouse; Delegate Eric Brooks of District 45 of the West Virginia Statehouse; Dr. Susan Williams of Concord University; the Fayette County Historic Landmark Commission; the Dragan Family; the Preservation Alliance of West Virginia; and the Town of Thurmond. The SHPO concurred with an initial finding of adverse effect in September 2023 regarding the potential demolition of historic structures.

The NPS and the SHPO, in consultation with Tribes and consulting parties listed above, developed a Programmatic Agreement (PA) with stipulations to resolve the adverse effects, available in attachment C. The Advisory Council on Historic Preservation declined their invitation to participate in the Section 106 process. While the PA completes the Section 106 process for this project, the PA spells out how continued consultation with all parties will determine appropriate mitigation for the adverse effect resulting from the selected action. The SHPO concurred with the PA and, as of the date of this FONSI, is undergoing the signature process.

Tribal Partners

During the planning and compliance processes under NEPA and NHPA Section 106 for this project, the NPS held monthly video-conference calls and shared consultation materials with the following culturally affiliated tribal nations:

- Absentee-Shawnee Tribe of Indians
- Catawba Indian Nation
- Cayuga Nation
- Cherokee Nation
- Delaware Nation
- Delaware Tribe of Indians
- Eastern Band of Cherokee Indians
- Monacan Indian Nation
- Oneida Indian Nation
- Onieda Nation
- Onondaga Nation
- Seneca Nation of Indians
- Seneca Cayuga Nation
- Shawnee Tribe
- St. Regis Mohawk Tribe
- Tonawanda Seneca Nation
- Tuscarora Nation
- United Keetoowah Band of Cherokee Indians in Oklahoma

While the NPS received no concern regarding the demolition of the structures from any of the tribes, we did receive interest in how the project could affect archeological resources and native plant species. Ongoing consultation with the tribal contacts has kept them informed of any potential effects to these resources and methods incorporated to identify and protect them.

US Fish and Wildlife Service (USFWS)

Section 7 of the ESA (16 U.S.C. § 153 et seq) directs all federal agencies to work to conserve endangered and threatened species and ensure the actions they take do not jeopardize the existence of any listed species. To comply with Section 7, the NPS conducted a rare species survey and a bat survey in 2023 within the project areas to determine the presence of special status species. As a follow-up to the bat survey, a DNA analysis of guano samples confirmed that the bats observed in the structures are not federally listed species. The NPS consulted with the USFWS in February 2024, and the USFWS concurred with the finding that the project is not likely to adversely affect federally listed bat species on March 15, 2024. The Section 7 consultation process for this project has been completed for the selected action.

FINDING OF NO SIGNIFICANT IMPACT

Based on the information contained in the revised EA, I have determined that the selected action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement (EIS) will not be required.

This finding is based on consideration of Council on Environmental Quality and NPS guidance on the criteria for significance, regarding the potentially affected environment and degrees of effects of the impacts described in the EA (which is hereby incorporated by reference) and as summarized above.

Recommended: Eric G. LaPrice — Eric G. LaPrice 2025.04.17 14:42:31 -04'00' — 4/17/2025

Eric G. LaPrice, Acting Superintendent
New River Gorge National Park and Preserve

Date

Approved: STEVEN SIMS — Digitally signed by STEVEN SIMS Date: 2025.07.18 10:21:39 -04'00' — 7/18/2025

Steven D. Sims, Acting Regional Director
National Park Service, DOI Region 1

Date

ATTACHMENT A: RESPONSE TO COMMENTS

The National Park Service (NPS) released for public review the Proposed Demolition of Historic Structures Environmental Assessment and Draft Programmatic Agreement (EA/PA) for New River Gorge National Park and Preserve (the park) on October 7, 2024. This report describes the public comment period held by the NPS between October 7, 2024 and November 8, 2024, including an analysis and summary of public comments received. This review process provided an opportunity for the NPS to solicit public input on the purpose of and need for the project, the environmental issues and impact topics, alternatives, and impact analysis presented in the public comment EA under the National Environmental Policy Act (NEPA). Through this process, the NPS also solicited public comment on the Draft PA that proposed mitigation measures to address the proposal's adverse effect on historic properties under the National Historic Preservation Act. After the public comment period ended, the NPS used an established protocol to analyze and summarize the public comments received.

DEFINITION OF TERMS

Correspondence: The entire document received from a commenter. Document examples include letters, written comments forms, text entered directly into the NPS's Planning, Environment, and Public Comment (PEPC) database, and any other written comments provided either at the public meetings, by postal mail, or in person at the park.

Comment: A portion of the text within a correspondence that addresses a single subject. It could include information such as an expression of support or opposition for a project, additional data regarding the existing condition, or suggestions for actions to be considered.

Substantive Comment: A comment that:

- questions, with reasonable basis, the accuracy of the information in the NEPA documents;
- questions, with reasonable basis, the adequacy of the environmental analyses;
- presents reasonable alternatives other than those presented in the NEPA document; or
- causes changes or revisions in the proposal.

Concern Statement: Summary of comments on similar topics to give a better focus on their content.

PUBLIC OUTREACH

The NPS issued a news release on October 7, 2024 notifying the public and interested parties about the release of the EA/PA, the comment period, and a public meeting. The comment period was open for 33 days, through November 8, 2024. During this comment period, the NPS shared the EA/PA with the public, agencies, associated Tribal Nations, and other interested parties for review.

The park held a public meeting at the New River Convention Center (497 Mall Road, Oak Hill, West Virginia 25901) on Tuesday, October 22, 2024, from 5:30 – 8:30 p.m. ET to provide information about the EA/PA and solicit public comment. A total of 37 individuals attended the meeting (excluding NPS staff in attendance). During the meeting, the NPS gave a brief presentation with a project overview, how to access a copy of the EA/PA, and how to comment on the EA/PA. The NPS also gave an overview of other projects throughout the park that are related, but not included in the proposal of the EA/PA. Informational posters and a brief demonstrative video were available throughout the meeting to reinforce the information presented. After the presentation, the NPS held a question-and-answer period and allowed all attendees to ask questions or discuss concerns. Verbal remarks made at the meeting were not recorded and are not part of the formal comment record. The NPS encouraged participants to submit formal comments either through the provided comment cards at the meeting or electronically via the PEPC

system. Laptops available during the public meeting allowed attendees to enter comments directly into the PEPC system.

During the open comment period, the NPS received a total of 245 pieces of correspondence, including those submitted directly through PEPC, two comment cards collected at the public meeting, and two letters mailed to the park. Comment cards and letters were entered into the PEPC system for inclusion in the formal comment record.

COMMENT SUMMARY

The NPS reviewed each piece of correspondence, identified 325 specific comments, and then then grouped the comments into topics that summarize the issues and ideas. The NPS then identified substantive comments and grouped those into concern statements.

Comments that merely support or oppose a proposal or that merely agree or disagree with NPS policy are not substantive. While some comments were outside the scope of this project, the NPS may consider them during future park planning. The following paragraphs summarize non-substantive public comments. Substantive comments and associated NPS responses are in the following section under the "Concerns and Responses" heading.

Most comments opposed the proposed demolition of historic structures within the park. Commenters emphasized the cultural, historic, economic, and interpretive importance of these structures to the park and broader community. Many commenters have personal and generational connections to these structures and mentioned their role in conveying the local history, particularly the structures in Thurmond, Dun Glen, and the Prince Brothers General Store. Commenters felt that these structures offer invaluable tangible connections to the history of the coal industry as well as the later white water rafting industry that shaped the economy of the New River Gorge area as well as the Appalachian Region. Commenters expressed their frustration that so much of the industrial history of West Virginia and the Appalachian Region has been lost to modern development, and they do not want more buildings associated with that history to be lost.

Commenters opposed demolition of the contributing structures in the Thurmond Historic District because they help maintain the town's historic integrity. Commenters did not want to lose these physical representations of the lives of the former miners and railroad employees that created the boomtown. Some commenters felt that demolishing these structures would affect visitation to Thurmond because the town would have fewer resources to draw visitors to the town.

Some commenters expressed their support for Alternative C: Retain Proposed Excess Historic Structures with High Potential for Reuse. They felt this alternative would allow the NPS to address some of the deferred maintenance and safety concerns while maintaining some structures that offer interpretive opportunities. These commenters felt the identified structures to be retained under Alternative C would allow the NPS to continue to tell the important stories of the history of Thurmond and Dun Glen.

CONCERNS AND RESPONSES

The following concern statements represent summaries of the substantive comments received on the EA/PA. A response from the NPS follows each concern statement, along with details of any resulting changes to the EA/PA, if applicable. The concerns are organized by topic below.

Alternatives Considered, But Dismissed: Rehabilitate and Reuse Proposed Excess Historic Structures

Concern: Reconsider Rehabilitation and Reuse

Many commenters felt that the NPS should reconsider the previously dismissed alternative to rehabilitate and reuse some or all of the proposed excess historic structures. Commenters felt that the NPS could raise funds through donations to rehabilitate the structures, and that volunteers such as local residents, scout troops, AmeriCorps, HistoriCorps, and local vocational students could help conduct the rehabilitation work. Commenters suggested partnerships to raise funds, including to lobby for additional federal funds to support rehabilitation and reuse rather than demolition of these structures. A commenter suggested charging a fee to enter the rehabilitated buildings to help fund the upkeep and maintenance costs.

Commenters suggested the NPS reconsider specific buildings for rehabilitation and reuse, including the Prince Brothers General Store, Charles Ashley Garage, Marilyn Brown House, James Humphry Sr. House, Ice House, Dun Glen Building, and the Dun Glen Ark and Mini Ark. Suggested reuse options include lodging, dining, interpretation, education space, community space, and museum exhibits.

Response

Pages 15-16 of the revised EA discusses the reasons the NPS dismissed the alternative to rehabilitate and reuse the proposed excess historic structures. Additionally, Appendix B of the revised EA has a summary assessment of each building including the existing condition, previous efforts and costs of stabilization, and an estimate of the deferred maintenance cost associated with maintaining these structures.

Rehabilitating the structures within Thurmond for occupancy and use would require substantial investments in building repair and upgrades as well as improvements and upgrades to infrastructure, including roads, water and sewer services, and internet connectivity. The town's aging water, wastewater, and stormwater drainage systems would need a complete overhaul to meet modern standards, which would involve extensive planning, engineering, and construction. The cost of upgrading these systems would be substantial, requiring extensive funding and resources beyond routine maintenance budgets. Additionally, addressing these infrastructure challenges would require navigating the logistical complexities of working in a historically and environmentally sensitive area. Without these essential upgrades, the town's structures would remain vulnerable to ongoing water damage and sanitation issues, further complicating efforts to restore and repurpose the area for future use.

Concern: Reconsider Rehabilitation of the Prince Brothers Store

Many commenters suggested that the NPS should repair, rehabilitate, and reopen the Prince Brothers General Store to the public as either an interpretive feature or a commercial space. Commenters felt that the historic significance of the Prince Brothers General Store is too important to local and state history to allow it to be demolished. Despite its known structural issues, the commenters felt that with the right public/private partnership, the NPS could secure funding to complete the substantial stabilization and restoration work required for reuse.

Response

It is not feasible for the NPS to rehabilitate the Prince Brothers General Store because the structural integrity of the building has diminished beyond repair. The back wall of the building is severely compromised. The main structure, to include the building’s roof system, is being protected from imploding by a base beam support system on the lower and upper floors. The structure’s balloon construction technique has resulted in the building bowing out in the center and leaning 11 inches from

top to bottom. This building technique is ineffective for long-term stability. The original loose stacked rocks used as a makeshift foundation have shifted and deteriorated over the years, causing the building to severely sag. The building is located at the base of a steep hillside with drainage issues that have damaged its integrity. These ongoing drainage problems have worsened soil erosion around the foundation, accelerating the structural decline. Attempts to stabilize the building would require extensive and costly interventions, such as regrading the hillside and replacing the foundation entirely.

To add to the structural safety issues, the building is adjacent to West Virginia Highway 41. The front of the building is only 4 feet off the edge of road, which would be a potentially unsafe situation if the structure were open to the public. The site is on a curve in the road, resulting in potentially hazardous short sight distances for vehicles leaving and entering the adjacent parking area. Analysis of vehicle entry and exit to the parking area indicates issues with adequate sight distance, which is the minimum visual distance needed for motorists to safely enter and exit the highway considering the anticipated speed of the highway's traffic. The store's location on a slightly undulating section of road is responsible for the sight distance problem. Despite its current condition and safety issues, the Prince Brothers General Store remains a historically significant structure, and careful documentation of its features could provide an opportunity to preserve its legacy through interpretive methods.

Concern: Historic Resources Survey Report Recommendations

Several commenters asserted that the NERI 237369 Historic Resources Survey Final Report completed in 2022 for the proposed excess historic structures recommended the NPS restore and preserve the structures rather than demolish them. The commenters questioned why the NPS is going against these recommendations and is instead proposing to demolish them.

Response

The 2022 Historic Resources Survey Final Report was completed to meet requirements of Sections 106 and 110 of the National Historic Preservation Act to inform the potential effects to Federally owned historic structures. The final report documents survey results and recommendations made by engineers and preservation professionals based on existing conditions, preservation best practices, and professional expertise. The recommendations for treatment of these historic properties did not account for NPS's funding or staffing availability. The management team at the park considered the recommendations detailed in this final report, along with funding and staffing levels to propose actions that are realistic and feasible not only for implementation, but for long term maintenance as well. The NPS acquired many of these structures through land acquisition and the structures were never intended for reuse or occupation by the NPS. They and are abandoned, deteriorated, overgrown with vegetation, and/or pose both a safety risk to the park staff and visitors; all these structures are an ongoing management burden to the park due to the staff time and cost required to inspect, repair, and maintain the structures. The 2022 Historic Resources Survey Final Report documents those survey results and recommendations made by engineers and preservation professionals based on existing conditions, preservation best practices, and professional expertise. The recommendations for treatment of these historic properties did not account for NPS's funding or staffing availability. The management team at the park considered the recommendations detailed in this final report, along with funding and staffing levels to propose actions that are realistic and feasible not only for implementation, but for long term maintenance as well.

Concern: Stabilize Until Funds Available for Rehabilitation

A commenter suggested that because funding for rehabilitation of these historic structures is not currently available, the NPS could stabilize some buildings in the short term until additional funds become available for full rehabilitation and reuse. Suggested structures for stabilization include Mary Bagoski

House, Harold Smith House, Sidney Allen Ward House, Wetzel Young House, Tom Kelly House, James Humphrey Sr. House, McClung/Meadows House, and the Thurmond Ice House.

Response

Full rehabilitation of these historic structures would require a substantial cost investment for materials and labor, including required expertise of professionals meeting the Secretary of the Interior Professional Qualifications. The Great American Outdoors Act (GAOA) is currently the only funding source available for this project, and while it provided substantial funds, there is no guarantee that additional funding for restoration will be available to the park in the future. Stabilizing these historic structures would require funding for on-going maintenance and repair to ensure they remain in stable condition; there is no consistent funding source available to the park for this type of ongoing work. The current funding and staffing levels at the park do not allow for this level of dedicated maintenance while also ensuring other key visitor services and facilities throughout the park are maintained and operating at appropriate levels. The NPS will not invest substantial levels of funding to stabilize structures they are unable to maintain in the long term.

Alternatives Considered, But Dismissed: Lease Proposed Excess Historic Structures

Concern: Reconsider Leasing Historic Structures

Many commenters requested that the NPS reconsider the previously dismissed alternative to lease the proposed excess structures in order to rehabilitate and preserve them. Commenters felt that partnerships with private investors or non-profit organizations who could take on the rehabilitation and maintenance burden would allow these structures to be protected and preserved. Despite the substantial structural issues and dilapidated condition of many buildings, the commenters felt that with the right leasing partnership, the NPS could acquire funding to rehabilitate and reuse these structures. Commenters suggested that all leasing agreements should include stipulations that the structures are properly rehabilitated and maintained in the future.

Suggestions for leasing included private residences, short-term vacation rentals, lodging, museum spaces, general stores, or gift shops. Commenters felt the NPS could lease these buildings for commercial use to create jobs and revenue for the local economy. Specific structures suggested for leasing opportunities include the Marilyn Brown House, the Tom Kelly House, the Harold Smith House, the Sidney Allen Ward House, and the Prince Brothers General Store.

Response

Page 16 of the public comment EA discussed why the NPS dismissed the alternative to lease the proposed excess historic structures. The NPS owns 78 historic buildings within the park. None of these buildings are leased because the park does not currently have the funding, staffing, or capacity to manage leasing.

During the EA comment period, NPS received interest in leasing the Tom Kelly House in Thurmond and interest for leasing in combination the Ark, Boat Storage Rack, and Mini Ark in the Dun Glen area. Although the public comment EA's Alternative C included these structures, with the exception of the Ark, for demolition, the NPS is willing to pursue this potential for reuse through leasing. Therefore, the NPS may retain these structures for leasing if we receive viable leasing proposals that meet the Secretary of the Interior's Standards. Retaining the structures under a successful leasing agreement would still meet the purpose of and need for the project because the action would still reduce the NPS's maintenance burden. If the NPS does not receive viable proposals to lease these three structures, then their retention would not be practicable for the NPS, and they would be demolished. The NPS made changes in the

revised EA regarding the potential for leasing these structures, which the NPS released concurrent with this Finding of No Significant Impact.

Concern: Consider Selling or Divesting the Proposed Excess Historic Structures

Some commenters suggested selling the proposed excess historic structures to interested parties to own and maintain for the future. Commenters felt the NPS could sell the structures and the new owners could renovate and reuse them as commercial properties for economic development. Several commenters expressed their interest in acquiring specific structures, including the Philip McClung House, Marilyn Brown House, Harold Smith House, May Bagoski House, Sidney Allen Ward House, McGuffin House, Tom Kelly House, and the Erskine Pugh Rental House. One commenter suggested selling some of the properties at auction, using the example of what the US Fish and Wildlife Service did for the Pink House in Newburyport, Massachusetts. Other commenters suggested the NPS divest themselves of the Prince Brothers General Store to a non-profit or other preservation organization to prevent the building from being lost.

Response

The General Management Plan (GMP) for the park emphasizes land protection. Excessing individual parcels of land within the park would not fit within the framework of the GMP. Adding more inholdings within the park boundary would further complicate resource management, including the protection of viewsheds and non-native invasive species abatement.

Alternatives: Additional Alternative Suggestions

Concern: Deconstruction or Selective Demolition

A commenter suggested deconstruction or selective demolition as an alternative to complete demolition. Deconstruction would preserve the historic materials used in these buildings so they could potentially be reused elsewhere. Selective demolition would allow the NPS to remove the most hazardous parts of a structure while retaining as much of the original structure as possible. Rather than complete demolition, these methods could preserve valuable materials and reduce waste, environmental impact, financial costs, and maintain historic and architectural integrity.

Response

Selective demolition of only the most hazardous portions of the proposed excess structures would not address the long-term issue of deferred maintenance throughout the park. Retaining portions of these structures would continue to require routine maintenance and repair to ensure the structures do not develop new hazards or fall back into disrepair. The remaining portions of the structures would continue to be vulnerable to vandalism; the park’s law enforcement records indicate 40 instances of vandalism and trespassing between 2020 and 2024 in Thurmond alone. Remaining portions of structures may require security measures such as fencing to minimize these instances in the future. These routine maintenance and safety measures would require the park to dedicate funds and staff to these structures, which would continue to draw resources away from other park services and structures.

Although the NPS would not be able to selectively demolish these structures, contractors are usually very careful when bringing these structures down and many of the materials can be repurposed/reclaimed. Salvaging elements such as timber, brick, or ornamental features from the historic structure could allow these materials to be reused in other projects, preserving a part of the site's history while minimizing waste. Additionally, this process provides an opportunity to honor the craftsmanship of the past while incorporating these elements into modern designs.

Concern: Long-Term Preservation Plan

A few commenters suggested that the NPS develop long-term preservation plans that include funding to protect and preserve the remaining historic structures within the park, but particularly in Thurmond. The concern is that although the current funding source provides an opportunity to address deferred maintenance and stabilize and preserve some historic structures, the NPS will not have sufficient funding to maintain those structures in the future. Commenters did not want to see more structures fall into disrepair due to lack of resources after this project is implemented.

Response

A goal of this project is to reduce the overall deferred maintenance in the park, which will free up park resources (budget and staffing) that would be dedicated to the long-term preservation of the remaining historic structures. In particular, the NPS would dedicate resources to stabilizing Commercial Row and other key structures in Thurmond to ensure they are preserved for the future. The NPS is currently in the planning and design process for a project proposing to stabilize and rehabilitate key historic structures in Thurmond. This planning would stabilize the following structures within the Thurmond Historic District to prevent deterioration and allow future rehabilitation and use: the National Bank of Thurmond, Thurmond Depot, the Goodman-Kincaid Building, and the Mankin-Cox Building comprising Commercial Row as well as the Fatty Lipcomb, McClung, and McGuffin Houses on the hillsides.

Concern: Relocation of Some Historic Structures

Commenters suggested that the NPS relocate some of the proposed excess historic structures to better locations or to better include them in interpretation of park sites. Commenters suggested the Prince Brothers General Store could be relocated to Glen Jean, and some of the outbuildings proposed for demolition could be relocated to support existing houses in Thurmond. Other ideas included moving structures out of NPS property such as to the City of Beckley's Exhibition Coal Mine Museum.

Response

Relocating the proposed excess historic structures would be an expensive and highly challenging undertaking for the NPS. The process would involve carefully dismantling and cataloging each structure to preserve its historic integrity, transporting the components to a new location, and reassembling them while adhering to preservation standards. This would require specialized contractors experienced in handling historic materials, which drastically increases costs. Additionally, property owners would need to properly prepare the suggested relocation sites with new foundations and infrastructure to support the structures. For larger buildings like the Prince Brothers General Store, relocation would also necessitate substantial engineering to ensure structural stability during transportation. The cumulative expenses and logistical difficulties, combined with the risk of damaging irreplaceable elements of the structures, make relocation a technically and economically infeasible option.

Project Justification

Concern: Conflict with NPS Mission

Commenters felt that the NPS is acting in conflict with the agency's mission to preserve and protect historic and cultural resources for this and future generations to enjoy. Commenters expressed concern that demolishing historic structures, particularly the buildings in Thurmond, is not aligned with this mission.

Response

Preserving historic structures is part of the NPS mission and the park has many examples of historic buildings that have been and will continue to be preserved, including Commercial Row at Thurmond, Thurmond Depot, Glen Jean Bank Building, Trump-Lilly and Richmond Hamilton farms, and the restored coal mining structures at Nuttallburg. The NPS will retain enough buildings in Thurmond to represent all the building styles for interpretive purposes. Funding and staffing limitations at the park mean that not every historic structure can be preserved and maintained; therefore, priority is given to those structures most significant to the park's history that are in good or stable condition and thus feasible to be restored and maintained.

Concern: Use of Funding for Preservation

Some commenters questioned why the funding received through GAOA and Legacy Restoration Funds is being used for demolition and not for the rehabilitation, reuse, and preservation of these structures. Commenters felt that the funds should be used to preserve and protect the historic structures because that is part of the National Park Service's mission.

Response

For this project, the NPS is using GAOA and Legacy Restoration Funds to address deferred maintenance and repairs (DM&R), which is created when routine maintenance and repairs are delayed because of limited resources. The "U.S. Department of the Interior's Great American Outdoors Act National Parks and Public Land Legacy Restoration Fund Strategic Plan" identifies individual goals and objectives. To achieve its goal of using the GAOA program to improve its overall financial health, the Department of Interior established the following operational objectives:

- Objective 2.1: Reduce or eliminate DM&R [at the project or site]
- Objective 2.2: Leverage funding and pursue partnering opportunities
- Objective 2.3: Reduce annual operating costs
- Objective 2.4: Remove, replace, or dispose of assets

In this case, limited resources at the park resulted in many historic structures falling into disrepair and contributing to the park's deferred maintenance. Preserving historic structures is part of the NPS mission and the park has many examples of historic buildings it has and will continue to preserve, including Commercial Row at Thurmond, the Glen Jean Bank Building, Trump-Lilly and Richmond Hamilton farms, and the restored coal mining structures at Nuttallburg. Funding and staffing limitations at the park mean that not every historic structure can be preserved and maintained; therefore, the park gives priority to those structures most significant to the park's history that are feasible to be restored and maintained in stable condition.

Affected Environment and Impact Analysis

Concern: Prince Brothers General Store Additional Research

A commenter suggested that because the Prince Brothers General Store is important as one of the very few surviving examples of an early grocery/dry goods store, the NPS should complete additional research to identify how many remain in the state and country. This commenter noted that the area has lost other historic grocery/dry goods stores in the past several decades. Additional research would help to better understand the historic context of these resources and how many remain.

Response

In 2024, the NPS fully recorded the Prince Brothers General Store and other historic structures proposed for demolition using photography and 3D scanning. This allows information about the building's structure, materials, and appearance to be documented and studied in perpetuity using data and computer-generated models. While it is regretful to lost the historic building, the data will be available for future research and documentation of its history and appearance. As part of the measures to address the adverse effects on historic properties under Section 106 of the National Historic Preservation Act, the NPS has agreed to a stipulation to accession, catalogue, and curate the objects and archives associated with the store, which will aid future research and study on the building's history and its association with grocery/dry goods stores in the area.

Concern: Impacts to Thurmond Historic District

A commenter questioned how demolishing the proposed excess historic structures would affect the Thurmond Historic District's eligibility for listing in the National Register of Historic Places, particularly under eligibility Criterion A for its association with the historic pattern of events related to the railroad and mining industries. This commenter felt that these buildings, even in a state of decay, provide context on the town's size and scale as well as the overall spatial arrangement of the structures in relation to the landscape.

Response

Pages 34-36 of the revised EA discuss impacts related to the Thurmond Historic District's eligibility. While there would be a loss of contributing resources, the remaining structures would continue to convey the history of the district, and the district would continue to be listed on the National Register of Historic Places.

As part of the Programmatic Agreement to resolve the adverse effects under Section 106 of the National Historic Preservation Act, the NPS agreed to revise and update the National Register Nomination Form for the Thurmond Historic District to reflect the changes and evaluate its significance and integrity.

Concern: Loss of Tourism

Some commenters felt that demolishing these structures would affect visitation to Thurmond because there would be fewer resources to draw visitors to the town. Commenters noted that visitors enjoy seeing the historic structures in the town, and they are part of the reason visitors come to Thurmond. Commenters felt this would result in a loss of economic potential if tourists were no longer interested in visiting Thurmond, and they would spend their tourist dollars elsewhere.

Response

The alternatives presented in the revised EA would not impact socioeconomic resources or substantially alter visitation to Thurmond. A long-term goal for the park, and to which this project contributes, is to focus resources into the key historic structures in Thurmond, specifically Commercial Row, to allow for future interpretation and potential reuse of those key structures. The potential future lease of the Tom Kelly House, if the NPS receives a viable lease proposal, could also draw tourists to Thurmond, depending on the use. A similar but separate project to stabilize the Commercial Row buildings will ensure they are protected in place for potential future use. Even with the selected action's demolitions, Thurmond will continue to have structures that represent historic architectural designs, including the depot, buildings along commercial row, and individual homes along the hillside. The NPS is currently in the planning and design process for a project proposing to stabilize and rehabilitate other key historic

structures in Thurmond. This action would stabilize the following structures within the Thurmond Historic District to prevent deterioration and allow future rehabilitation and use of the structures: the National Bank of Thurmond, the Goodman-Kincaid Building, and the Mankin-Cox Building comprising Commercial Row as well as the Fatty Lipcomb, McClung, and McGuffin Houses on the hillsides. The NPS will continue to convey the history of Thurmond despite the demolition of historic buildings because key historic structures will remain for future use and interpretation. Other projects will further protect these structures and improve visitor facilities through water system improvements. Therefore, it is not anticipated that there will be any effect on socioeconomic resources, and tourists will continue to be drawn to the historic Town of Thurmond.

Concern: Description of Historic Structures

A commenter requested that the NPS further classify the proposed excess historic structures to determine which structures are more historically significant than others. This commenter felt that structures of higher importance should not be lumped in with those of lesser historic importance to justify their demolition. This classification would help identify other structures that could be candidates for rehabilitation through partnerships.

Response

While the historic structures proposed for demolition are presented together in the revised EA, the NPS considered each building individually prior to including them on the proposed excess list. Consideration included the level of historic importance to the park and the area, along with existing condition, potential for reuse, and investment needed for full rehabilitation and reuse. Presenting all structures proposed for demolition together in the revised EA allowed the NPS to discuss the existing conditions and potential impacts in a focused and concise manner. In the revised EA, Appendix B: Structure Review Sheets has additional details of each structure. Combining the structures into one impact analysis does not preclude the NPS from deciding to include or exclude individual structures from implementation of the project—the selected action may be different than the alternatives proposed in the public comment EA.

Concern: Correct Terminology

A commenter requested that the EA and Draft PA change the language regarding some structures as “potentially eligible” (see public comment EA pages 21 and 27) to “eligible” to accurately reflect their status as eligible for listing in the National Register of Historic Places.

Response

The NPS corrected this language in the revised EA per this comment by changing all instances of “potentially eligible” to “eligible”. The language in the Final PA also reflects this change.

Public Review Process

Concern: Consideration of Public Comments and Suggestions

Commenters expressed concern that they feel the NPS made a pre-determined decision to demolish the proposed excess historic structures. Several commenters felt that the NPS did not collaborate with the Town of Thurmond prior to this plan, and that the NPS is not fully considering other alternatives suggested by local stakeholders and the public.

Response

The NPS engaged with interested and affected members of the public and other stakeholders, including the Town of Thurmond, using a variety of means throughout the planning process. The NPS considered all substantive feedback and used it to develop alternatives, identify environmental issues / impact topics, and propose mitigation measures. As described on revised EA page 45, the NPS conducted a civic engagement process from December 13, 2023 to January 15, 2024, to share information and solicit feedback. On February 2, 2024, the NPS met with the Town of Thurmond to hear and better understand residents' concerns about the preliminary proposal. Because of their demonstrated interest and the potential effects of the project on historic resources, the NPS granted consulting party status to the Town of Thurmond and several other parties under Section 106 of the National Historic Preservation Act. The NPS received and revised pertinent information from consulting parties about the project. Subsequently, the NPS asked consulting parties to share their views on potential effects to historic properties and ways to avoid, minimize, or mitigate adverse effects to those properties. On June 6, 2024, the NPS hosted a site visit for consulting parties to view potentially affected historic structures in Thurmond, Dun Glen, and Prince. The NPS received valuable feedback from consulting parties and the public and incorporated that feedback into the public comment EA and draft PA, such as:

- addition of Alternative C (public comment EA p. 14-15), which would retain three structures in Thurmond and Dun Glen,
- consideration of alternatives to reuse or lease structures (public comment EA p. 15-16),
- analysis of impacts on the Town of Thurmond and other associated communities (public comment EA p. 36-39) and visitor use and experience (public comment EA p. 39-43), and
- proposed measures to reduce impacts (public comment EA p. 16-17 and Appendix D, p. D-5 to D-7).

The NPS released the public comment EA and draft PA for review and comment on October 7, 2024, and held a public meeting on October 22, 2024, to discuss the documents with the public and solicit their comments. During the 33-day review period, the NPS received 245 pieces of correspondence from the public and other interested parties. As a result of those comments, the NPS further refined alternative C to include the potential for retaining up to three additional historic structures if viable leasing proposals are received. The NPS selected the revised alternative C for implementation, as discussed in the Finding of No Significant Impact.

Concern: Extending Comment Period

A commenter requested the NPS extend the comment period for the EA/PA an additional one to two weeks to allow the public to digest the information heard at the public meeting and put together their comments.

Response

The NPS considered extending the comment period for the EA/PA based on this comment but determined that an appropriate length of time was provided. The NPS considered the length of the original comment period, the timeframe in which a decision is needed, and any extenuating circumstances, which is consistent with the guidance provided in the NPS NEPA Handbook.

ATTACHMENT B:
DETERMINATION OF NON-IMPAIRMENT

PROPOSED DEMOLITION OF HISTORIC STRUCTURES
ENVIRONMENTAL ASSESSMENT
NEW RIVER GORGE NATIONAL PARK AND PRESERVE
West Virginia

The Organic Act of 1916 directs the US Department of Interior and the National Park Service (NPS) to manage units "to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations" (54 United States Code [U.S.C.] § 100101(a)). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that the NPS must conduct its actions in a manner that will ensure no "derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress" (54 U.S.C. § 100101(b)(2)).

According to NPS *Management Policies 2006* Section 1.4.5, an action is considered an impairment when its impacts “harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.” Section 1.4.5 goes on to state that, “an impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.”

An impact may be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values, and it cannot be further mitigated. Impairment may result from visitor activities; NPS administrative activities; or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.

An impairment determination is not made for subject matters such as visitor experience, public health and safety, socioeconomics, land use, and park operations because impairment determinations only relate to resources and values that maintain the park’s purpose and significance. This determination on impairment has been prepared for the selected action as described in this Finding of No Significant Impact and includes a determination for resource topics of historic structures and historic districts and cultural landscapes.

HISTORIC STRUCTURES

The selected action will result in the loss of up to three individual historic structures in the park outside of a historic district: the Prince Brothers General Store, the Dun Glen Mini Ark (if the NPS does not receive a viable lease proposal), and the Dun Glen Boat Storage Rack (if the NPS does not receive a viable lease proposal). The selected action will also remove a non-historic addition to the historic Vallandingham House. Note that the section titled “Historic Districts and Cultural Landscapes” below discusses historic structures located within the Thurmond Historic District and the Camp Brookside Historic District.

One of the park's significance statements, as documented in the 2011 Foundation Plan, says the park "contains a large, outstanding and representative group of historic places that testify to the experiences of those diverse people who settled and developed this part of Appalachia between the 19th and mid-20th centuries."[2] Historic structures are important physical representations of these historic places, and help to convey these stories to park visitors. Although preservation of outstanding historic resources is part of the NPS mission and purpose of the park, there are many examples of historic resources throughout the park that have been and will continue to be preserved, including Commercial Row at Thurmond, the Glen Jean Bank Building, Trump-Lilly and Richmond Hamilton farms, and the restored coal mining structures at Nuttallburg. The park gives priority to the structures most crucial to conveying the park's history, and the selected action will allow park funding and staff preservation efforts to be focused on those most crucial structures.

The selected action's demolition of these historic structures will not impair the park's ability to tell the history of these places because the NPS fully documented the structures' history through photographs and 3D scans in 2024. This allows information about the buildings' structure, materials, and appearance to be documented and studied in perpetuity using data and computer-generated models. While the physical remains of the buildings will be lost, the data will be available for future research and documentation of their history and appearance. Additionally, any foundations left in place will convey the historic locations and possibly footprints of these structures. As part of the measures to address the adverse effects on historic properties under Section 106 of the National Historic Preservation Act, the NPS has agreed to a stipulation to catalogue and properly store in museum collections the objects and archives associated with the Prince Brothers General Store, which will further aid future research and study on the building's history and its association with grocery/dry goods stores in the area.

Although the selected action will demolish several historic structures, it will not impair the park's ability to meet its purpose and significance for which it was established, nor will it impair the park's ability to carry out the NPS mission. The park has fully documented the history and physical conditions of these structures, and many historic and cultural resources vital to telling the park's history will remain preserved and protected due to the reduction in deferred maintenance under the selected action. Therefore, the selected action will not result in an impairment to the park's historic structures.

HISTORIC DISTRICTS AND CULTURAL LANDSCAPES

Under the selected action, the park will lose contributing structures in two historic districts and their associated cultural landscapes: the Thurmond Historic District and the Camp Brookside Historic District. The park's 2011 Foundation Plan considers resources related to railroad history throughout the area to be fundamental resources and values, including "railroad depots, rail yards, rail grades, steel and timber trestle bridges, railroad equipment, archeological sites and associated towns, such as Thurmond, developed to support the railroad." Fundamental resources and values specific to cultural landscapes include, "cultural landscapes that reflect settlement and industry influenced by a rugged and isolated setting."[3] Although the park will lose structures contributing to the historic districts and cultural landscapes under the selected action, these impacts will not impair the park's historic districts or structures, as discussed below.

Thurmond Historic District

The Thurmond Historic District and its associated cultural landscape is historic for its association with the Chesapeake and Ohio (C&O) Railroad and the coal mining industry during the late 19th and early 20th

[2] National Park Service. 2011. *New River Gorge National River Foundation Plan*, 10.
[3] National Park Service. 2011. *New River Gorge National River Foundation Plan*, 10, 11.

centuries. The NPS listed the district in the National Register of Historic Places (National Register) in 1984 with a total of 45 contributing structures documented in the nomination form, including 16 considered pivotal structures with the highest importance to the historic district. Since that nomination form, numerous outbuildings, garages, retaining walls, circulation patterns, spatial organization, and other features have been documented as contributing elements to the district. Today, the district has 39 remaining contributing structures from the original National Register nomination form, including 15 of the 16 pivotal structures, along with numerous outbuildings and small-scale features.

After implementing the selected action, 31 or 32 contributing structures from the original National Register nomination form (depending on if the NPS receives a viable lease proposal for the Tom Kelly House), including 14 of the 16 pivotal structures, will remain the in Thurmond Historic District along with numerous outbuildings and small-scale features. Other character-defining elements of the Thurmond Historic District will remain intact, including the overall spatial organization, small-scale features such as retaining walls, and historic circulation patterns. As a whole, the contributing structures and character-defining elements remaining under the selected action will continue to convey the history of the district and its association with the railroad and the coal industry.

As part of the Programmatic Agreement to resolve the adverse effects under Section 106 of the National Historic Preservation Act, the NPS agreed to revise and update the National Register Nomination Form for the Thurmond Historic District to reflect the changes and evaluate its significance and integrity.

Camp Brookside Historic District and Cultural Landscape

The Camp Brookside Historic District and Cultural Landscape is historic as a 30-acre camp constructed in 1948 as a recreational summer camp for the children of employees of the Electro Metallurgical Company. The camp was determined eligible for the National Register in 2013, and retains its historic spatial organization, circulation, and many original structures of the camp. The main cabin area where the children bunked consists of six cabins encircling a shared wash house with camp facilities including an administration building, hospital cabin, and caretaker's residence outside the cabin area. The former swimming pool and pool chemical treatment building are located at the edge of a wooded area less visible from the main camp area.

After implementing the selected action, the historic district will lose a contributing resource of the pool chemical treatment building; however, it no longer serves its historic function as the pool has since been closed and filled in. The NPS will retain the most critical buildings and structures that convey the history of the summer camp during its use in the mid-20th century, and the district will retain all other character-defining features that make it eligible for listing in the National Register.

Conclusion

In keeping with the NPS mission, the park will continue to preserve its many examples of historic structures within historic districts and cultural landscapes. In Thurmond, these structures include the Thurmond Depot, the railroad bridge across the New River, and the buildings along Commercial Row. The NPS will retain enough buildings in Thurmond to interpret excellent examples of each historic building style including different housing types, commercial structures, and railroad support structures. Notably, the remaining contributing structures will be primarily concentrated along the main visitor circulation route through Thurmond along Commercial Row, allowing the district to convey its historic character as a railroad boomtown from the most accessible areas for visitors. At Camp Brookside, the primary camp structures include the cabins, administrative building, and water tower. These structures continue to convey their former use as a camp and picnic area with recreational outdoor space and are located in the primary use area for most camp visitors. Because these historic districts and cultural landscapes will retain excellent examples of the various historic building types, and because those

buildings will be concentrated in areas where the NPS can easily convey their history to visitors, the selected action will not constitute an impairment to the park's historic districts and cultural landscapes.

CONCLUSION

The selected action's impacts will not constitute an impairment of the park's resources or values. Additionally, the selected action will allow the park to focus resources on continuing to preserve and protect historic resources of vital importance to the park's history. This determination is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the environmental assessment, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision maker, as guided by the direction of NPS *Management Policies 2006*.

ATTACHMENT C:
PROGRAMMATIC AGREEMENT

PROGRAMMATIC AGREEMENT
AMONG THE NATIONAL PARK SERVICE
(NEW RIVER GORGE NATIONAL PARK AND PRESERVE) AND
STATE OF WEST VIRGINIA DEPARTMENT OF ARTS, CULTURE AND HISTORY
REGARDING THE DEMOLITION OF HISTORIC STRUCTURES

WHEREAS the National Park Service (NPS) administers New River Gorge National Park and Preserve (the Consolidated Appropriations Act of 2021 redesignated the New River Gorge National River as New River Gorge National Park and Preserve) hereafter referred to as the Park; and

WHEREAS the NPS, as a recipient of funding granted through the Great American Outdoors Act (2020), proposes to undertake the demolition of certain historic structures across the Park (the Undertaking); and

WHEREAS in planning for the Undertaking the NPS completed West Virginia Historic Property Inventory (HPI) forms for each of the structures being considered for demolition with the results compiled in a *Historic Resource Final Survey Report* (November 2022), which the West Virginia State Historic Preservation Officer (SHPO) reviewed and concurred with in February 2023; and

WHEREAS the 20 structures being considered for demolition include 13 structures that are contributing resources to the National Register of Historic Places (National Register) listed Thurmond Historic District, 4 Dun Glen structures that are considered National Register eligible for their association with the development of the commercial whitewater rafting industry, 2 structures that are individually listed in the National Register, and the modern addition to 1 structure individually listed in the National Register (see Appendix A); and

WHEREAS, pursuant to 36 CFR part 800 of the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), the NPS initiated consultations for the Undertaking in August 2023 with the SHPO and the 18 federally recognized American Indian Tribes traditionally associated with Park lands: Absentee-Shawnee Tribe of Indians, Catawba Indian Nation, Cayuga Nation, Cherokee Nation, Delaware Nation, Delaware Tribe of Indians, Eastern Band of Cherokee Indians, Monacan Indian Nation, Oneida Indian Nation, Oneida Nation, Onondaga Nation, Seneca Nation of Indians, Seneca Cayuga Nation, Shawnee Tribe, St. Regis Mohawk Tribe, Tonawanda Seneca Nation, Tuscarora Nation, United Keetoowah Band of Cherokee Indians in Oklahoma; and

WHEREAS the areas of potential effect (APE) will vary for individual structures and will be initially defined as (1) the extent of the Thurmond Historic District for those structures within its boundary and (2) the remaining structures outside the historic district will have APEs that are confined to an immediate area surrounding each structure with minimal staging and access (see Appendix B), to be refined further through additional consultations with the SHPO and Tribes; and

WHEREAS the NPS conducted an archeological investigation of the areas of potential effects to assist in the identification of historic properties resulting in the identification of 2 potentially significant sites that will be protected during the undertaking and the final report (*Archeological Investigation in Support of Multiple Historic Property Demolitions, New River Gorge National Park and Preserve*, July 2023) was shared with the SHPO and Tribes, which the SHPO reviewed and concurred with in June 2024; and

WHEREAS many of the historic structures identified for demolition have extensive deterioration and severe structural damage and are not suitable for rehabilitation, and rehabilitating other structures, while less deteriorated, would result in an unsustainable maintenance burden on NPS staff and add considerably to the Park's operational costs taking resources from other key historic structures that will be preserved, as documented in the *Demolish Proposed Excess Historic Structures Environmental Assessment* (September 2024) prepared by the NPS to meet its obligations under the National Environmental Policy Act (NEPA); and

WHEREAS the NPS and SHPO concur that the Undertaking would adversely affect historic properties, as defined at 36 CFR § 800.5(a)(1); and

WHEREAS the NPS and SHPO agreed to enter into this programmatic agreement (PA) to resolve potential adverse effects to historic properties in accordance with 36 CFR §800.6(a)(1)(i)(C) and in turn 36 CFR §800.14 (b)(ii), to provide a framework to address individually each structure's demolition and the associated adverse effects and because any final decisions regarding the demolition of the historic structures cannot be made until compliance with NEPA is complete; and

WHEREAS in accordance with 36 CFR §800.6(a)(1) the NPS notified the Advisory Council on Historic Preservation (ACHP) of the adverse effects determination and the ACHP declined to participate in this PA; and

WHEREAS the NPS sought additional consulting parties regarding the Undertaking and accepted 8 requests to be consulting parties [Mark Totten, President-C&O Historical Society; Delegate Elliot Pritt, WV House District 50; Delegate Eric Brooks, WV House District 45; Dr. Susan Williams, Professor-Marketing and Hospitality, Concord University; Ami Dangerfield-Executive Assistant, Fayette County Historic Landmark Commission; Josh Dragan (representing the Dragan family); Danielle Parker, Executive Director- Preservation Alliance of West Virginia; Melissa McCune, (Town of Thurmond)] who will be afforded the opportunity to participate in the Section 106 consultations and to review and comment on the programmatic agreement; and

WHEREAS the NPS sought and considered the views of the public on the proposed Undertaking during a 30 day public comment period from December 13, 2023 to January 15, 2024 (including a public meeting held January 10, 2024), during a 30 day public review period during September-October 2024 for the environmental assessment prepared in accordance with NEPA, and shared this programmatic agreement publicly in the environmental assessment and via the NPS's Planning, Environment, Public Comment website; and

NOW, THEREFORE, the NPS and SHPO agree that the Undertaking will be implemented in accordance with the following stipulations, which would apply to whichever of the 20 historic structures are designated for demolition at the conclusion of the Section 106 consultations and NEPA process, in order to take into account the effect of the Undertaking on historic properties.

STIPULATIONS

I. Professional Qualifications and Standards

(1) All work performed in accordance with this programmatic agreement that has the potential to have an effect, directly or indirectly, on historic properties will be conducted or supervised by qualified individuals and/or teams that meet the *Secretary of the Interior's Historic Preservation Professional Qualification Standards*, 62 Fed. Reg. 33,707 (June 20, 1997), for history, architectural history, architecture, historic architecture and conservation, landscape architecture and/or archeology, as appropriate. Project work pursuant to this agreement will be reviewed by the Park Cultural Resource Program Manager and informed by review of cultural resource management (CRM) team members that include the relevant subject matter specialists, as described in the 2008 *Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act*.

(2) Any testing, inventory, or documentation of potential or known historic properties pursuant to implementation of this programmatic agreement will conform to the provisions of the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR. 44716-44740) and applicable standards and guidelines for historic preservation established by the SHPO.

II. Final Determination of Structures to be Demolished

Final decisions on which structures are to be demolished will not be made until (1) the NPS examines public and agency responses to the environmental assessment and the NEPA process is completed and (2) the NPS undertakes further consultations with the consulting parties and SHPO. The NPS will formally notify the consulting parties and SHPO by letter of the structures to be demolished.

III. Review of Demolition Plans

To ensure that there is adequate opportunity for input from the SHPO and consulting parties during the development of demolition plans, the NPS will adhere to the following measures.

(1) The NPS will submit to the SHPO and consulting parties a demolition schedule and any revisions to the schedule as they become available.

(2) The NPS will submit to the SHPO and consulting parties draft demolition plans for each affected structure, including the limits of disturbance, for review and comment. The NPS will ensure that each review is conducted in a manner in which:

i. The SHPO and consulting parties are provided 30 calendar days from the date of receipt to conduct the review and submit comments unless otherwise negotiated, and
ii. Comments received are taken fully into account and the SHPO and consulting parties are notified of how the NPS responded to the comments.

(3) If the SHPO and consulting parties fail to respond within 30 calendar days, the NPS will assume they have no comments.

IV. Avoidance, Minimization and Mitigation Measures for Historic Structures to be Demolished

The NPS, SHPO and consulting parties will consult to avoid, minimize, or mitigate adverse effects of the Undertaking. The NPS tentatively identified the following measures as potential mitigation for adverse effects; however, further planning and consultation among the NPS and SHPO will result in the final agreed upon measures.

<u>Measures Common to All Structures</u>

(1) Prior to demolition and as appropriate depending upon extant documentation, the NPS would ensure the structures are documented. The methods could include HABS/HAER drawings, photos, and three-dimensional as-builts and exterior elevations derived from side-scanning LIDAR.

(2) The NPS would demolish structures, when possible, without impacting the integrity of piers and foundations, which would be left in place, offering opportunities for future interpretation.

(3) The NPS would minimize ground disturbance and erosion at demolition sites by:

- Operating heavy equipment on hardened surfaces or ground-protection mats.
- Leaving septic tanks and lines in place and piercing the tanks and filling with gravel.
- Restoring sites following demolition to natural conditions by seeding and/or planting vegetation as appropriate for the site.
- Monitoring of disturbed areas for potential archeological resources during demolition and site restoration.

<u>Thurmond Historic District</u>

In addition to the measures common to all structures, the NPS would:

(1) Stabilize and preserve Thurmond Commercial Row buildings:

- Install new roofs and gutters to prevent further water damage.
- Stabilize and repair exterior walls, structural members, and some interior components, such as the first floor of the Mankin-Cox building.
- Repoint exterior masonry.
- Correct the soil grade around buildings and install stormwater management systems and foundation drainage to prevent further flooding and water damage from surface water runoff.
- Remove all water, sanitary, and vent piping and patch and seal exterior penetrations to exclude pests and weather.
- Install new ventilation fans for interior airflow and moisture management.
- Upgrade fire and security alarm systems.

(2) Stabilize and preserve Fatty Lipcomb, McClung, and McGuffin houses.

- Stabilize building foundations and exterior walls.
- Stabilize grounds to prevent slope failures.
- Repair roofs, porches, windows, and exterior doors.
- Repair, refinish, and repoint exterior siding and masonry.
- Seal all penetrations to exclude pests and weather.
- Correct the soil grade around buildings and install stormwater management systems and foundation drainage to prevent further flooding and water damage from surface water runoff.
- Install fire alarms and security systems.

Dun Glen Facility Rehabilitation

The NPS would repair and rehabilitate several facilities built by Wildwater Expeditions Unlimited, Inc.:

- Dormitory building: install a new roof, gutters, exterior doors, and windows, as well as rehabilitate exterior siding and paint the building interior.
- Two picnic shelters: repair and refinish wooden siding and replace roofs, gutters, electrical outlets, and lighting.
- Restrooms: replace electrical, mechanical, and plumbing components, replace roof, refinish wooden siding, and remodel interiors.

Thurmond Wastewater and Water Treatment Systems

The NPS would:

- Remove the existing wastewater treatment package plant located on an unstable floodplain embankment and restore the site to natural conditions.
- Install a more effective and higher capacity wastewater treatment package plant in front of the Thurmond train depot, with all components located underground except for a small utility building and fence that will be designed to be clearly differentiated from historic buildings but compatible in terms of mass, scale, materials, and color.
- Install a more effective and higher capacity domestic water treatment system and water-lab to meet safety standards and demand from increased visitation.
- Replace the failing river retaining wall in front of the Thurmond train depot, improving site stability and visitor access and safety.

Scenic Vistas from Rend Trail

The NPS would reestablish the scenic vistas of Thurmond Historic District from the Rend Trail.

Thurmond Historic District National Register of Historic Places Nomination Form

The NPS would revise the National Register of Historic Places documentation for the Thurmond Historic District to reflect current conditions and evaluate the Southside Junction African American Baptist Church and cemetery for inclusion in the district.

Cultural Landscape Report for Thurmond Historic District

The NPS would develop a cultural landscape report for the Thurmond Historic District.

Historic Resource Study for Whitewater Rafting Industry

The NPS would complete a historic resource study to address the early whitewater rafting industry theme relative to the Park's Recreation/State Parks historic context, including construction and use of the Dun Glen dormitory, ark, mini-ark, and boat storage rack by Wildwater Expeditions Unlimited, Inc., which began commercial whitewater operations on the New River in 1968.

Updated Visitor Experience/Interpretation

The NPS would develop an updated interpretation strategy for affected historic structures or districts to include traditional methods, such as wayside exhibits and tours, but also incorporating novel approaches such as augmented reality.

Prince Brothers Store

In addition to the mitigation measures common to all structures, the NPS would:

- Accession, catalog, and curate associated archives and objects.
- Develop a plan with consulting parties to include the store in the park interpretation and educational activities.

V. Post-Review Discoveries

If during demolition activities any previously unknown historic properties are discovered, or if unanticipated effects on historic properties occur within the APE after the demolition activities have been initiated, the NPS will halt all work in the immediate vicinity of the discovery or unanticipated effect and follow the procedures of 36 CFR § 800.13. If human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, the NPS will follow regulations implementing the Native American Graves Protection and Repatriation Act (43 CFR Part 10).

VI. Duration

This programmatic agreement will expire if its terms are not carried out within 10 years from the date of its execution. Prior to such time, the Park may consult with the other signatories to reconsider the terms of the programmatic agreement and amend it in accordance with Stipulation IX below.

VII. Annual Reporting

At the conclusion of each calendar year and until this programmatic agreement expires, or all project components subject to this programmatic agreement are completed, or the programmatic agreement is terminated, the NPS will provide an annual report to the SHPO, Tribes, and consulting parties summarizing all activities undertaken pursuant to the terms of the programmatic agreement.

VIII. Dispute Resolution

Should the signatories to this programmatic agreement object at any time to any actions proposed or the manner in which the terms of the programmatic agreement are implemented, the signatories will consult to resolve the objection. If the NPS determines that such objection cannot be resolved, the NPS will:

(1) Forward all documentation relevant to the dispute, including the NPS's proposed resolution, to the ACHP. The ACHP will provide the NPS with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the NPS will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the signatories and provide them with a copy of this written response. The NPS will then proceed according to its final decision.

(2) If the ACHP does not provide its advice regarding the dispute within the thirty 30 calendar day period, the NPS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the NPS will prepare a written response that takes into account any timely comments regarding the dispute from the signatories and provide them and the ACHP with a copy of such written response.

(3) The NPS's responsibility to carry out all other actions subject to the terms of this programmatic agreement that are not the subject of the dispute remain unchanged.

IX. Amendments

This programmatic agreement may be amended when such an amendment is agreed to in writing by the signatories. The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.

X. Termination

If a signatory to this programmatic agreement determines that its terms will not or cannot be carried out, that party will immediately consult with the NPS and any other signatories to resolve any issues or develop an amendment per Stipulation IX. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the programmatic agreement upon written notification to the other signatories. Once the programmatic agreement is terminated, and prior to work continuing on the undertaking, the NPS must either (a) execute an agreement document pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The NPS will notify the signatories as to the course it will pursue.

XI. Anti-Deficiency Act

The NPS's obligations under this programmatic agreement are subject to the availability of appropriated funds, and the stipulations of this programmatic agreement are subject to the provisions of the Anti-Deficiency Act (31 USC Section 1341). The NPS will make reasonable and good faith efforts to secure the necessary funds to implement this programmatic agreement in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the NPS's ability to implement the stipulations of this programmatic agreement, the NPS will consult in accordance with the amendment and termination procedures found in Stipulations IX and X of this agreement.

EXECUTION of this programmatic agreement by the NPS and SHPO and implementation of its terms evidence that the NPS has taken into account the effects of this undertaking on historic properties and has afforded the ACHP an opportunity to comment on the undertaking and its effect on historic properties.

SIGNATORIES:

National Park Service, New River Gorge National Park and Preserve

_____

Eric G. LaPrice, Acting Superintendent Date

West Virginia, Department of Arts, Culture and History

_____

Randell Reid-Smith, State Historic Preservation Officer Date

APPENDIX A
Historic Structures Proposed for Demolition

National Register of Historic Places Individually Listed/Eligible Structures

- Prince Brothers' general store
- Camp Brookside pool/chemical treatment building
- Vallandingham house addition (remove modern addition only)

Thurmond Historic District

- Charles Ashley outbuilding
- Charles Ashley garage
- May Bagoski house
- Marilyn Brown house
- Erskine Pugh rental house
- Harold Smith house
- Sidney Allen Ward house
- McGuffin garage
- Philip A. McClung/Meadows house
- James Humphrey Sr. house
- Tom Kelly house
- Icehouse
- Wedzel Young house

Dun Glen Area (Considered Eligible)

- Ark
- Mini-Ark
- Boat storage rack
- Dun Glen Building (ranger station)