

**Relevant Federal, Commonwealth of Virginia, and Department of the Interior
Policies Statutes, Regulations and Policies
SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DISTRICT**

Federal Mandates	Reference	Purpose	Compliance Required
<i>National Park Service Organic Act of 1916</i>	16 U.S.C. 1-4, et seq.	To promote and regulate the use of national parks, monuments, and reservations, by such means and measures as to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the land in such manner as will leave them unimpaired for the enjoyment of future generations.	National Park Service
<i>General Authorities Act of 1970</i>	16 U.S.C. 1	Affirmed that all national park areas, including historic sites, while acknowledged to be "distinct in character," were "united through their interrelated purposes and resources into one national park system, as cumulative expressions of a single national heritage."	National Park Service
<i>National Environmental Policy Act of 1969 (NEPA)</i>	42 U.S.C. 4321-4347	Establishes national policy for protection of the human environment and ensures that decisionmakers taken environmental factors into account. Requires all Federal agencies to analyze alternatives and document impacts resulting from proposed actions that could potentially affect the natural and human environment.	Federal agencies
<i>Council on Environmental Quality Regulations, as amended</i>	40 CFR 1500-1508	Implements NEPA and provides guidance to Federal agencies in the preparation of environmental documents identified under NEPA.	Federal agencies
<i>Government Performance and Results Act of 1993</i>	P.L. 103-62	Requires Federal agencies to develop a strategic planning and performance management system setting goals and reporting results.	Federal agencies
<i>Procedural Provisions of the National Environmental Policy Act by the Council on Environmental Quality, as amended</i>	40 CFR Parts 1500-1508	Provides guidance to Federal agencies in the preparation of environmental documents.	Federal agencies

Federal Mandates (continued)	Reference	Purpose	Compliance Required
<i>National Trust Act of 1949</i>	16 U.S.C. 468c-e	Facilitates public participation in the preservation of sites, buildings and objects of national significance or interest.	All agencies
<i>Administrative Procedures Act of 1979, as amended</i>	5 U.S.C. 551, et seq.	Outlines the forms of administrative proceedings (hearings, adjudication, etc.) and prescribes procedural and substantive limitations thereon. Provides for judicial review of Federal decision making actions.	Federal agencies
<i>Shenandoah Valley Battlefields National Historic District and Commission Act of 1996</i>	16 U.S.C. 461SEC. §606.b.1-4	[To] preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley; recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864; recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and create partnerships among Federal, state, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.	Shenandoah Valley Battlefield National Historic District Commission National Park Service
<i>Historic Sites Act</i>	16 U.S.C. 461-467 and 36 CFR 65	Establishes a national policy to preserve historic sites and objects of national significance for public use.	All agencies
<i>Antiquities Act of 1906, as amended</i>	16 U.S.C. 431-433	Provides for the protection of historic or prehistoric remains, "or any antiquity," on Federal lands; authorizes the President to declare national monuments by proclamation; authorizes the scientific investigation of antiquities on Federal lands. Protection of historic monuments and ruins on public lands.	Federal agencies
<i>Archaeological Resources Protection Act of 1979, as amended</i>	16 U.S.C. 470aa-mm	Prohibits the unauthorized excavation or removal of "archeological resources" on Federal and Indian land. Archeological resources include sites, features, artifacts, etc.	Federal agencies

Federal Mandates (continued)	Reference	Purpose	Compliance Required
<i>National Historic Preservation Act of 1966, as amended; Sec. 106 and Sec. 110</i>	16 U.S.C. 470; 36 CFR 800	To protect and preserve districts, sites and structures and architectural, archaeological and cultural resources. Sec. 106 requires consultation with the State Historic Preservation Office. Sec. 110 requires that NPS identify and nominate all eligible resources under its jurisdiction to the National Register of Historic Places.	Federal agencies
<i>Archaeological and Historic Preservation Act of 1974, as amended</i>	16 U.S.C. 469-469c	Requires survey, recovery and preservation of significant scientific, prehistorical, historical, archaeological or paleontological data when such data may be destroyed to due a Federal project. Directs Federal agencies to notify the Secretary of the Interior whenever they find that such a project may cause loss or damage.	Federal agencies
<i>Federal Cave Resources Protection Act of 1988</i>	16 U.S.C. 4301-4310	To secure, protect and preserve significant caves on Federal lands for the perpetual use, enjoyment and benefit of all people; and to foster increased cooperation and exchange of information between governments and those who use caves on Federal lands.	Federal agencies
<i>Architectural Barriers Act of 1969; the Rehabilitation Act of 1973; and The Americans with Disabilities Act of 1990</i>	42 U.S.C. 4151, et seq.; 29 U.S.C. 701, et seq.; P.L. 101-336, 104 Stat. 327	Provides access to all public places for persons with disabilities and ensures that all facilities and programs are accessible to visitors with disabilities.	All agencies
<i>Fish and Wildlife Coordination Act of 1934, as amended</i>	16 U.S.C. 661-666	Requires early coordination with the U.S. Fish & Wildlife Service whenever water resources are involved. Applies to all projects that affect water resources.	All agencies

Federal Mandates (continued)	Reference	Purpose	Compliance Required
<i>Clean Water Act (CWA) of 1977, as amended, Sec. 401, Sec. 402, & Sec. 404(b)(1)</i>	33 U.S.C. 1251, et seq.	Virginia Dept. of Environmental Quality. Sec. 401 regulates water quality requirements specified under the CWA. Section 402 requires a National Pollutant Discharge Elimination System (NPDES) permit for discharges into waters of the U.S. Sec. 404 requires a permit before dredging or filling wetlands can occur.	All agencies
<i>Federal Water Pollution Control Act of 1972, as amended</i>	33 U.S.C. 1251-1376, et. seq.	Establishes criteria and performance standards for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters through prevention, reduction, and elimination of pollution.	All agencies
<i>National Wild and Scenic Rivers Act of 1968</i>	16 U.S.C. 1271, et. seq.	To preserve certain rivers with outstanding natural, cultural or recreational features in a free-flowing condition for the enjoyment of present and future generations.	All agencies
<i>Farmland Protection Policy Act (FPPA) of 1981</i>	7 U.S.C. 4201-4209	Minimizes impacts on farmland and maximizes compatibility with State and local policies.	Federal agencies
<i>Clean Air Act (CAA) Amendments of 1990, as amended; Sec. 118</i>	42 U.S.C. 7401, et seq. 42 U.S.C. 7609	Establishes standards to protect and improve air quality. Authority for air quality delegated to States. Requires project conformity with State Implementation Plan concerning air quality. Sec. 118 requires Federal land managers to protect air quality on Federal land.	All agencies
<i>Endangered Species Act of 1973, as amended</i>	16 U.S.C. 1531-1543	Establishes a policy to protect and restore federally listed threatened and endangered species of flora and fauna.	All agencies
<i>Land and Water Conservation Fund Act (LAWCON) of 1965, as amended; Sec. 6(f)</i>	16 U.S.C. 4601-4 to 4601-11	Preserves, develops and assures the quality and quantity of outdoor recreational resources. Applies to all projects that impact recreational lands involving LAWCON funds.	All agencies

Federal Mandates (continued)	Reference	Purpose	Compliance Required
<i>The Department of Transportation Act of 1966, Sec. 4(f)</i>	49 U.S.C. 1653(f)	Provides that the Secretary of Transportation shall not approve any program or project requiring the use of any publicly owned park, recreation area, wildlife and waterfowl refuge, historic site, or land of local, state, or national significance, unless there is no prudent or feasible alternative to using such land.	Federal agencies
NPS Policies and Guidance	Reference	Purpose	Compliance Required
<i>Park Planning</i>	Director's Order 2	Directs the decision-making processes that result in the goals and actions specific to each unit of the national park system and those units of the national trails system administered by the National Park Service.	National Park Service
<i>National Environmental Policy Act Guidelines, 1997</i>	Director's Order 12	Provides bureau guidance on NEPA compliance consistent with CEQ regulations and on approaches to environmental documentation.	National Park Service
"Criteria for Parklands"		NPS criteria and qualifications for resource evaluation and determination of a site's suitability and feasibility for inclusion into the National Park System. Provides guidance for NPS Special Resource Studies.	National Park Service
<i>Cultural Resource Management Guidelines</i>	Director's Order 28	NPS policy regarding the preservation and treatment of archaeological, cultural and historic properties and ethnographic resources.	National Park Service
<i>Wetlands Protection</i>	Director's Order 77-1	Establishes NPS policies, requirements and standards for implementing Executive Order 11990, "Protection of Wetlands."	National Park Service

NPS Policies and Guidance (continued)	Reference	Purpose	Compliance Required
<i>Chesapeake 2000, Chesapeake Bay Agreement</i>	Directive No. 98-2	NPS agreed to work cooperatively with the participating states, including Virginia, and other Federal agencies and partners to manage the 64,000-square-mile Chesapeake Bay watershed as a cohesive ecosystem through its 26 park units. Through the 1998 Federal Agencies Chesapeake Ecosystem Unified Plan (FACEUP), NPS recommitted to cooperative ecosystem management, watershed protection, living resources and habitat stewardship, nutrient and toxins prevention and reduction and sustainability.	National Park Service, U.S. Environmental Protection Agency; U.S. Fish & Wildlife Service, NOAA, U.S. Dept. of Transportation, Dept. of Defense; Virginia, Pennsylvania, Maryland, District of Columbia, Chesapeake Bay Commission
Federal Executive Orders	Reference	Purpose	Compliance required
<i>Intergovernmental Review of Federal Programs</i>	Executive Order 12372	Establishes clearinghouse coordination required with State and local agencies concerning impacts of Federal projects.	Federal agencies
<i>Protection and Enhancement of Environmental Quality</i>	Executive Order 11514, as amended by E.O. 1199	Provides Federal leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life.	Federal agencies
<i>Protection of Wetlands</i>	Executive Order 11990	Requires Federal agencies to consider all practicable alternatives to impacting wetlands.	Federal agencies
<i>Floodplain Management</i>	Executive Order 11988	To avoid the long-and short-term adverse impacts associated with the occupancy and modification of floodplains and to restore and preserve the natural and beneficial values served by floodplains.	Federal agencies

Federal Executive Orders (continued)	Reference	Purpose	Compliance required
<i>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</i>	Executive Order 12898	To avoid Federal actions that cause disproportionately high and adverse impacts on minority and low-income populations with respect to human health and environment.	Federal agencies
<i>Use of Historic Buildings in Historic Districts</i>	Executive Order 13006	Agencies are to give priority consideration to use of historic buildings in historic district in Central Business Areas or give consideration to compatible new construction in a CBA.	Federal agencies
<i>Protection and Enhancement of Cultural Environment</i>	Executive Order 11593	To protect and enhance the cultural environment.	Federal agencies
Commonwealth of Virginia Statutes	Reference	Purpose	Compliance required
<i>State Environmental Review Process (SERP)</i>	Code of Virginia: Title 10.1-1188 (b), Chapter 11, Art. 2	Provides guidance on the Commonwealth of Virginia's environmental review process	Commonwealth agencies
<i>Environmental Impact Review of Major State Facilities</i>	Code of Virginia: Title 10.1-1188(a), Chapter 11, Art. 2	Requires Commonwealth agencies to submit environmental impact reports on major projects. Sets forth procedures for agency environmental impact reports.	Commonwealth agencies
<i>Scenic Rivers Act, 1970</i>	Code of Virginia: Title 10.1-401 et seq.	To protect and preserve certain rivers possessing natural or pastoral beauty. The Shenandoah River in Clarke Co. from the Warren-Clarke Co. line to Lockes Landing 14+ miles is designated a Scenic River.	All agencies
<i>Virginia Cave Protection Act</i>	Code of Virginia: Title 10-150.11-150.18	Recognizes the unique qualities of caves and the irreplaceable archaeological and natural resources found therein and establishes measures to protect these resources.	All agencies

Commonwealth of Virginia Statutes (continued)	Reference	Purpose	Compliance Required
<i>County Comprehensive Planning</i>	Code of Virginia: Title 15.2-2223-2224	Requires that all localities have comprehensive plans showing the proposed uses for land throughout the locality; sensitive environmental areas; historical areas; etc.	Local governments
<i>County Historic District Zoning</i>	Code of Virginia Title 15.2-2283	Authorizes localities to protect historic structures and areas through zoning.	Local governments
<i>Historic Districts</i>	Code of Virginia Title 15.2-2306	Authorizes localities to preserve historic resources through the establishment of historic districts.	Local governments
<i>Agricultural, Horticultural and Food</i>	Code of Virginia: Title 3.1-18-8	To protect and enhance agricultural and forestal land as economic and environmental resource	Commonwealth agencies
<i>Agricultural and Forestal District Act</i>	Code of Virginia Title 15.2-440	Provide for the creation of Agricultural and Forestal Districts through the voluntary applications of landowners.	Local governments
<i>Historic Register Listing</i>	Code of Virginia Title 10.1-2204	The Virginia Board of Historic Resources can nominate historic structures, sites and districts for listing on the Virginia Landmarks Register and National Register of Historic Places.	Commonwealth
<i>Virginia Cultural Resources</i>	Code of Virginia: Title 10.1-2200	To preserve and protect State cultural, historic and archaeological resources.	Commonwealth & Non Governmental Organizations (NGO)
<i>Virginia Antiquities Act</i>	Code of Virginia: Title 10.1, Chapter 23	To identify, evaluate, preserve and protect sites and objects of antiquity which have historic, scientific, archaeological or educational value and are located on State-controlled land.	Commonwealth
<i>Virginia Natural Heritage Program</i>	Code of Virginia: Title 10.1-212	Establishes a natural heritage program that identifies significant natural resources.	Commonwealth
<i>Virginia Water Quality Improvement Act of 1997</i>	Code of Virginia: Title 10.1, Chapter 21.1	Establishes the State's water quality and defines point source and nonpoint source pollution programs in Virginia.	All agencies & NGO

Commonwealth of Virginia Statutes (continued)	Reference	Purpose	Compliance Required
<i>Virginia Erosion and Sediment Control Act, 1973, as amended</i>	Code of Virginia: Title 10.1, Chapter 5, Art. 4	Establishes regulations controlling soil erosion, sediment deposition and runoff to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources.	All agencies & NGO
<i>Virginia Natural Area Preserves Act</i>	Code of Virginia: Title 10.1-209, Chapter 2, Art. 3	Establishes and protects areas of special concern that the Commonwealth has designated as Natural Area Preserves.	All agencies & NGO
<i>Virginia Endangered Plant and Insect Act</i>	Code of Virginia: Sec. 3.1-1020-1030	Authorized Virginia Dept. of Agriculture and Consumer Services to regulate and protect Virginia's endangered plants and insects.	All agencies & NGO
<i>Virginia Endangered Species Act, 1987, as amended</i>	Code of Virginia: Sec. 29.1-564-568, Chapter 5, Art. 1	Regulates endangered or threatened species in Virginia and to prohibit the taking, transportation, processing, sale or offer for sale within the Commonwealth, any threatened or endangered species of fish or wildlife.	All agencies & NGO
<i>Scenic Highway and Virginia Byways Act, 1966</i>	Code of Virginia: Sec. 10, Chapter 390	Authorizes the Commonwealth Transportation Board the Dept. of Recreation and Conservation to recognize certain roads for outstanding features.	Commonwealth

Source: Legislative Information System, Code of Virginia, 1999; NPS *Director's Order 2, Park Planning*, Preservation Alliance of Virginia, *Virginia's Rural Historic Districts*, 1998.

