

National Park Service
U.S. Department of the Interior

Harpers Ferry National Historical Park
Harpers Ferry, WV



Harpers Ferry National Historical Park

Henkle Farm House Site Demolition

Environmental Assessment



August 2023



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TABLE OF CONTENTS

PURPOSE AND NEED.....	1
Introduction.....	1
Background and Project area	2
Issues and Impact Topics Retained for analysis	5
Potential for the project to impact Visitor Use and Experience.....	5
Potential for the project to impact Historic Structures and Districts	5
Potential for the project to impact Cultural Resources (Landscapes, Archeology) –	5
Issues and impact topics Dismissed from Further Analysis.....	5
Potential for the project to impact Water resources.....	5
Potential for the project to impact threatened an endangered species	5
Potential for the project to impact Health and Safety	5
Potential for the project to impact Wetlands.....	5
Alternative 1: No Action.....	6
Alternative 2: demolition of structures and stabilize foundation footprint (NPS preferred).....	6
Rationale For The Preferred Alternative.....	6
AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES	7
visitor Use And Experience	7
Affected Environment.....	7
Environmental Consequences.....	7
Historic Structures, Districts, Cultural Landscape And Archeology	7
Affected Environment.....	8
Environmental Consequences.....	8
CONSULTATION AND COORDINATION	9
Section 106 of the National Historic Preservation Act	9
Tribal Consultation	9
Section 7 of the Endangered Species Act	9
REFERENCES	10



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PURPOSE AND NEED

INTRODUCTION

The National Park Service (NPS) prepared this environmental assessment (EA) for the Harpers Ferry National Historical Park (the Park) on School House Ridge South (SHRS) in Jefferson County, West Virginia to evaluate the demolition of five (5) structures associated with the Henkle House Farm Site. The purpose of the Harpers Ferry National Historical Park is to preserve for the benefit and enjoyment of the people as a public national memorial, commemorating historical events that occurred at or near Harpers Ferry.

This Project is needed because the structures are in a severe state of disrepair and pose a serious safety hazard to visitors and staff. It is also a Park priority to dispose of unneeded properties in order to make more efficient use of real estate assets, but at the same time preserving the foundation in order to preserve the historical landscape. Removal of these structures will reduce maintenance costs associated with security and aid in the NPS initiative to “Freeze the Footprint”.

The implementation of this EA would also fulfill portions of the 2010 Harpers Ferry National Historical Park General Management Plan / Environmental Impact Statement that called for the Schoolhouse Ridge area of the Park to be managed as battlefield landscape to maintain the 1862 appearance. Demolition of the Henkle Farm House Site by removing nonhistorical structures further accomplishes that management decision and returns the landscape to resemble the Battle of Harpers Ferry landscape more closely.

This EA describes two alternatives for the demolition of the Henkle Farm House Site, an action alternative and the no-action alternative, and analyzes the environmental consequences of implementing the alternatives. The EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended; regulations of the Council on Environmental Quality (40 CFR 1500-1508); NPS Director’s Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making; and the NPS NEPA Handbook (NPS 2015). In conjunction with this EA, the project is undergoing a review of potential effects on historic resources in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. This document is being used for compliance with NEPA. A separate Assessment of Effects has been prepared for compliance with the NHPA.



Background and Project area

Harpers Ferry National Monument was authorized by Congress in 1944 (Public Law 78-386). The name was changed to Harpers Ferry National Historical Park in 1963. Today, the national historical park contains 3,745 acres, primarily in West Virginia, with additional lands in Maryland and Virginia.

Harpers Ferry National Historical Park lies at the confluence of the Potomac and Shenandoah Rivers, where the states of West Virginia, Virginia, and Maryland converge. This confluence of the two rivers cuts a gap through the Blue Ridge Mountains, as the Potomac River continues its voyage to the Chesapeake Bay.



Figure 1: Harpers Ferry National Historical Park

During its earliest period, Harpers Ferry was an important manufacturing and commercial town, using the two rivers for waterpower and transportation. George Washington recommended a federal armory be located at Harpers Ferry, and the Congress authorized the armory on June 15, 1796. When production began in 1801, it became the nation's second federal armory. By the 1850s, Harpers Ferry was militarily significant because of the US Armory and Arsenal; geographically significant due to the Baltimore and Ohio Railroad and Chesapeake and Ohio Canal transportation networks.

In 1859, Harpers Ferry was the scene of the electrifying John Brown Raid, a critical event in the months leading up to the Civil War. Strategically important, due to its location at the gateway into the Shenandoah Valley, Harpers Ferry changed hands eight times during the war. Stonewall Jackson's capture of the Union garrison at Harpers Ferry in September 1862, along with nearly 12,700 US soldiers, set the stage for the great battle at Antietam Creek that ended the South's first invasion of the North. It was the largest number of Union soldiers to surrender during the Civil War.

The story of Harpers Ferry National Historical Park can be found in numerous locations throughout the national historical park. One such location is Schoolhouse Ridge. Schoolhouse Ridge was Stonewall Jackson's main battle line during the 1862 Battle of Harpers Ferry. It parallels Bolivar Heights located approximately 1,000 yards west and it fronts along State Secondary Route 27 Bloomery/Bakerton Road its north and south sections are separated by U.S. 340.

The Henkle Farm House Site is located about a mile South of Rt. 340 along Millville Road within the Schoolhouse Ridge South Battlefield.



Figure 2: Project Area

Oral history suggests that the Henkle house was built sometime after 1906 by Jacob “Furl” Henkle. The property was operated as a farm and was part of a larger allotment owned by the Allstadt family including Jacob’s mother, Susan Allstadt Henkle. After Susan’s death in 1920, the property was sold to the Standard Lime & Stone Company. Thereafter, the farm was leased and used as the Standard Company Farm. Based upon construction techniques and design, the dairy barn, milk house, silo and corn crib probably date to after 1920 when the property was owned by the Standard Lime and Stone Company. From the 1920’s until its’ abandonment in the 1950’s, the structures were updated and renovated as technology in the dairy industry changed. To date the structures are in bad condition with pieces falling and creating a hazard for staff and visitors. The NPS has put up a 4ft. barrier fence around the structures to prevent access, but visitors are still seen inside the fence and the silo has a sunken area that has caused the death of several animals who have gotten trapped. The area is a huge safety concern that the NPS wishes to get rid of while maintaining a visual footprint of the structures to preserve the cultural landscape.

Building #1: Main residential structure, the Henkle house (1906), a two-story dilapidated, wooden, balloon frame building sheathed in German lap siding. It has the potential to collapse from a heavy wind or snowstorm. The floor dimensions are 33’ x 33’, mounted on stone and brick piers with wood floor joist

construction (now completely rotten). The gabled roof consists of non-weatherproof metal seam roof with attic space. It dates to the early twentieth century and is a typical two-story three-bay frame I-house with a side facing gable roof clad in standing seam metal. A projecting ell is attached to the rear of the house.

The other four structures are within close vicinity of the house and are associated with the farmstead and include the following:

Building #2: The Henkle concrete block silo (1923). This structure is comprised of concrete masonry unit (CMU) construction and is approximately 35'-40' tall. The diameter of the silo is 16'. The silo grain door has been removed. Water has filled the interior silo foundation. The silo poses a great threat for drowning. The site is secure and needs routine maintenance to keep it secure. It is unknown how deep the silo foundation is. No roof exists.

Building #3: The Henkle dairy barn (1923). This wood barn is three stories tall and is 50% collapsed on two sides. The floor foundation is 38' x 75' and is of concrete slab construction, but the framing is made of heavy timbers with mortise and tendon joinery. The roof is 100% collapsed and hanging and is of metal seam construction.

Building #4: The Henkle milk house (1915-1929). This is a single-story building constructed with CMU walls still intact. The floor dimensions are 12' x 30' mounted on a concrete slab. The roof is intact, leaks profusely, and is of metal seam construction.

Building #5: The Henkle Shed/Corn Crib. The structure is 60% collapsed, constructed with wood frame walls. The roof is made of metal seam construction. The floor dimensions are 24' x 16' and is dirt.



Figure 3: Photos of existing Henkle Farm House Structures



ISSUES AND IMPACT TOPICS RETAINED FOR ANALYSIS

This section describes project issues or concerns identified during scoping that were determined by the project team to warrant a more detailed analysis. Relevant laws and policies would be briefly discussed for each issue. These issues and concerns are included in the impact topics that are discussed in the “Affected Environment and Environmental Consequences” section of this EA.

Potential for the project to impact Visitor Use and Experience. The impacts will be minimal due to the temporary closure of this area during demolition. The closure will include a portion of the SHRS battlefield trail (spur), less than 0.2 mile, that is adjacent to the work site. The main route of the trail can remain open during the project. Following demolition, the foundations would be stabilized and interpreted as contributing features to the historic landscape. The site would be visitor friendly and safe to have interpretive waysides placed nearby.

Potential for the project to impact Historic Structures and Districts. The Area of Potential Effect (APE) has been surveyed for cultural resources for the Harpers Ferry National Historical Park Historic District. Surveys were conducted as part of the National Register of Historic Places listing (boundary increase 2016) and a cultural landscape inventory. The house and the site are listed as contributing on the National Register. Demolition of these buildings will be an adverse effect to the historic resources. The foundations will be preserved and stabilized to be interpreted at a later date.

Potential for the project to impact Cultural Resources (Landscapes, Archeology) – The cultural landscape and archeology are contributing to the site history. Demolition activities have the potential to affect the cultural landscape and the archeology. The landscape will be returned to near battlefield condition and safer conditions will allow staff to get a better look at the archeology.

ISSUES AND IMPACT TOPICS DISMISSED FROM FURTHER ANALYSIS

This section provides brief descriptions of issues and concerns identified during scoping that were determined to not warrant further consideration, as well as a brief justification for the dismissal of each issue.

Potential for the project to impact Water resources. There are no springs or surface water resources on site, thus eliminating this topic from further discussion.

Potential for the project to impact threatened an endangered species. There are potentially a couple known species of concern within the demolition site according to U.S Fish and Wildlife Services (USFWS). The assessment included Indiana and Northern Long-eared bats, 16 different birds and the Madison Cave Isopod.

In accordance with Section 7 of the Endangered Species Act, the NPS consulted with the USFWS to determine the potential for federally listed protected species to be present at the project area. The service concurs that the determinations may affect, not likely to adversely affect the listed species (see Appendix B).

Potential for the project to impact Health and Safety. If anything, this project will eliminate the health and safety risk associated with the site by removing the standing water in the silo that provides breeding grounds for mosquitoes and will remove the chance that one of the structures could fall on a visitor or staff member.

Potential for the project to impact Wetlands. There are no known wetlands in this area, so this topic was dismissed from further analysis.



ALTERNATIVES

This EA documents the potential environmental consequences of two alternatives, an action and no action alternative. The elements of these alternatives are described in detail in this section. Impacts associated with the actions proposed under each alternative are outlined in the “Affected Environment and Environmental Consequences” section of the EA.

ALTERNATIVE 1: NO ACTION

Under the no action alternative, the five structures within the Henkle House Farm Site would remain extant and the Park would simply allow the structures to fall on their own time. The area would remain closed and fenced off to prevent visitor access and monitoring would occur on an annual basis. The safety and security issues would continue to persist, and the occasional wildlife would die from being trapped in the silo pit.

ALTERNATIVE 2: DEMOLITION OF STRUCTURES AND STABILIZE FOUNDATION FOOTPRINT (NPS PREFERRED)

Under this alternative, the Park proposes to demolish five structures, but leave as much of the foundations of the historic buildings in place, as well as the ornamental trees, shrubs and flowers that are part of the cultural landscape. The debris from the structures would be hauled to the local landfill. Documentation of the cultural resources including an archeological survey and Historic American Buildings Survey (HABS), Historic American Landscape Survey (HALS) was conducted in December 2022. The pit in the silo will be filled with dirt/gravel to prevent any future wildlife entrapment. The site will be used for interpretive purposes and re-opened to visitor use. Interpretive waysides will be installed to tell the story of the Allstadt family.

RATIONALE FOR THE PREFERRED ALTERNATIVE

Under the Preferred Alternative, the removal of the five structures will result in the elimination of safety hazards for the employee and visitor. Maintenance costs for security will be eliminated from the budget. The cultural landscape will be restored back to the desired legislated period of 1862. Removing the structures aids in the NPS’s initiative of, “Freeze the Footprint”. Overall impacts to visitor use and experience would be short-term due to the limited closure of the trail that accesses the property. This action will result in an adverse effect to properties contributing to the national register. However, all structures would be documented prior to project start, an archeological survey will be conducted along with a cultural landscape, HABS and HALS level survey and any site restoration would occur following demolition. The site will be interpreted to provide an in depth look at the Henkle Farm and the role it played late in the 19th century.



AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section describes current environmental conditions in and surrounding the project area. The discussion is focused on resources that could potentially be affected by the implementation of the proposed project and provides a baseline for understanding the current condition of the resources. This section also includes an analysis of the environmental consequences, or “impacts,” of the No Action and Action Alternatives.

The Affected Environment description is followed by the Environmental Consequences analysis for each resource topic. The resource topics analyzed here correspond to the planning issues and concerns described in the Purpose and Need section of this EA.

In accordance with the Council on Environmental Quality (CEQ) regulations, the environmental consequences analysis includes the direct, indirect, and cumulative impacts potentially resulting from the proposed alternatives (40 CFR 1502.16). The intensity of the impacts is assessed in the context of the battlefield’s purpose and significance, and any resource-specific context that may be applicable (40 CFR 1508.27). Where appropriate, mitigating measures for adverse impacts are described and their effect on the severity of the impact is noted. The methods used to assess impacts vary depending on the resource being considered but are generally based on a review of pertinent literature and studies, information provided by on-site experts and other agencies, professional judgment, and staff knowledge and insight.

VISITOR USE AND EXPERIENCE

This section will describe the affected environment and environmental impacts of the project alternatives as they relate to Visitor Use and Experience.

Affected Environment

There is currently no visitor use of this site, the area is currently fenced off and closed to the public to prevent visitor access for safety concerns. However, Park visitors frequently climb over the fence to explore the property, which is expected to continue into the future.

Environmental Consequences

Impacts of Alternative 1 – No Action

The impacts of Alternative 1 would be the same as the current management of the area. Continued concerns for visitor safety would keep the project area blocked off and keep maintenance costs at current levels. Vandalism and potential complaints from neighbors would persist until structures fall or crumble to the ground. In addition, the NPS would continue to lose the opportunity to interpret the site. As the structures continue to degrade health risks to Park staff and trespassing visitors would increase as time goes by, resulting in adverse cumulative impacts.

Impacts of Alternative 2 – (NPS Preferred)

The impacts of Alternative 2 would open the area up to visitation and interpretation and eliminate the safety concerns associated with collapsing structures. This alternative would also improve the visual aesthetics by returning the landscape to what it once was during the battle and reduce the costs associated with safety and security. Demolition of this historic site, which is listed as contributing to the National Register, will result in an adverse effect to historic properties. Beneficial cumulative impacts would occur to the overall visitor use and experience as the site is made safe for visitors and interpretive opportunities are increased and diversified within the Park as a whole.

HISTORIC STRUCTURES, DISTRICTS, CULTURAL LANDSCAPE AND ARCHEOLOGY

This section will describe the affected environment and environmental impacts of the project alternatives as they relate to Historic Structures, Districts, Cultural Landscapes, and Archeology.



Affected Environment

The project is situated within Harpers Ferry National Historical Park Historic District, which is listed on the National Register of Historic Places. The project area includes five structures associated with the Jacob “Furl” and Susan Allstadt Henkle Farmstead located in a wooded area on the School House Ridge South Battlefield. The primary dwelling dates to the early twentieth century. The other four structures are within proximity to the house and are associated with the farmstead. The Park has other similar structures such as the Lodge at School House Ridge North that was part of the “Jellystone Campground”, although it is not National Register eligible.

Environmental Consequences

Impacts of Alternative 1 – No Action

Under the No Action Alternative, the structures will remain a hazard to staff and visitors and be left to fall or crumble on their own time. The impacts are cumulative in that if left standing will cause the foundations to decompose and not allow staff to conduct archeology surveys due to the safety concerns. The debris would be unsightly and would take away from the interpretive aspect in that it would appear as a pile of rubble. The debris would also create additional hazards for visitors and staff, such as sharp objects and metal pieces. Looters would also have more to dig through.

Impacts of Alternative 2 (NPS Preferred)

The project intends to remove the structural portion of the buildings that pose a risk of fall damage or injury and leave as much of the foundation of the historic buildings as possible. The surrounding landscape, including ornamental trees, shrubs, and flowers along with the topography will be preserved as much as feasible. The site will remain as a wooded area so that farming practices do not disturb or damage any of the foundations or potential archeological remains. Demolition of this historic site, which is listed as contributing to the National Register, would result in an adverse effect to historic properties.



CONSULTATION AND COORDINATION

Consultation and coordination with federal and state agencies and other interested parties was also conducted to refine the alternatives and identify issues and/or concerns related to park resources. This section provides a brief summary of the public involvement and agency consultation and coordination that occurred during planning.

SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800) “Protection of Historic Properties”, NPS initiated consultation with the West Virginia State Historic Preservation Office (SHPO) in a letter dated September 17, 2018.

NPS submitted an Assessment of Effects to the SHPO which assessed whether the proposed undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Based on the Assessment of Effects, it was determined that the proposed undertaking would have an adverse effect on historic properties. A Memorandum of Agreement was entered into with the following mitigations:

- 1) Vegetation removal will be limited. Prior to the building demolition, the park archaeologist will mark vegetation that must remain in place. There are several large trees, potentially associated with this site that are in relatively good health and should not be removed or disturbed.
- 2) A walkover survey of the domestic site should be conducted prior to demolition.
- 3) Documentation of the site should include basic Level I HABS and HALS level drawings and photographs.
- 4) A Phase I archaeology survey and report of the property is required.

The Phase I archeological survey and documentation were conducted in December 2022. The survey results found a typical late 19th-early-20th century site. Based upon the survey, it was determined that the demolition of the structures will not cause an adverse effect to the archeological resources. The NPS, following the stipulations of the Memorandum of Agreement with the West Virginia State Historic Preservation Office, will implement measures to limit ground disturbance and will employ protective measures, such as the use of mats to safeguard cultural resources (see Appendix A).

TRIBAL CONSULTATION

Consultation initiation letters as well as a notice of availability for this EA were sent to the following tribes in August 2022: Absentee Shawnee, Catawba, Delaware Nation, Pamunkey, Shawnee, Chickahominy, Chickahominy Eastern, Monacan, Nansemond, Rappahannock, and Upper Mattaponi. Responding tribes agreed with the no adverse effect determination and requested that they be notified if inadvertent finds were discovered.

SECTION 7 OF THE ENDANGERED SPECIES ACT

An official species list was obtained using the USFWS Information for Planning and Consultation (IPaC) System on July 26, 2023, that identified the federally listed threatened northern long-eared bat and the federally endangered Indiana bat as potentially occurring in the vicinity of the project site. The NPS determined that implementation of the proposed Plan may affect, not likely to adversely affect the listed species. Therefore, no further consultation with USFWS is necessary. The official species list obtained through the IPaC System and USFWS Concurrence Letters are included in Appendix B.



REFERENCES

Mader, David

2015 A National Strategy for Reducing the Federal Government's Real Estate Footprint

National Park Service

2005 Allstadt Farm Cultural Landscapes Inventory, United States Department of the Interior,
National Park Service, National Capitol Region (NCR), Washington, D.C.

National Park Service

2015 A Call to Action: Preparing for a Second Century of Stewardship and Engagement,
United States Department of the Interior, National Park Service, National Capitol
Region, Washington, D.C.

National Register of Historic Places

2016 Harpers Ferry National Historical Park (Boundary Increase), Harpers Ferry,
Jefferson/Loudoun Counties, West Virginia/Virginia, National Register #16000238



APPENDIX A – SECTION 106 CONSULTATION

**MEMORANDUM OF AGREEMENT
BETWEEN HARPERS FERRY NATIONAL HISTORICAL PARK
AND THE
WEST VIRGINIA STATE HISTORIC PRESERVATION
OFFICE
REGARDING PEPC 76643, FR-18-1443-JF, DEMOLISH FIVE STRUCTURES AT THE
HENKLE HOUSE PROPERTY ON SCHOOL HOUSE RIDGE SOUTH BATTLEFIELD**

WHEREAS, Harpers Ferry National Historical Park, (HAFE) plans to demolish five structures associated with the Jacob “Furl” and Susan Allstadt Henkle Farmstead located in a wooded area on the School House Ridge South Battlefield (undertaking) pursuant to 54 U.S.C. § 306108); and

WHEREAS, the undertaking consists of the demolition of a house, barn, silo, milk house and corncrib. The primary structure is a two-story balloon frame dwelling sheathed in German lap siding. It dates to the early twentieth century and is a typical two-story three-bay frame I-house with a side facing gable roof clad in standing seam metal. A projecting ell is attached to the rear of the house. The other four structures are within close vicinity of the house and are associated with the farmstead. Although it is collapsed, the ruins of the three-story barn still remain in place. The foundation consists of poured concrete, but the framing is made of heavy timbers with mortise-and-tendon joinery. A concrete block silo is attached to the barn and remains intact except for its roof. The milk house is also constructed of concrete blocks with a poured concrete floor. Lastly, the corn crib is constructed of milled lumber and is currently in ruins. Currently, all five of the structures are in a severe state of disrepair and are considered a health and safety hazard. This demolition project intends to address the health and safety concerns by removing the structural portions of the buildings that pose a risk of fall damage or injury. Essentially, the superstructures will be removed, but as much as possible, the foundations of the historic buildings will remain in place. Furthermore, the surrounding cultural landscape including ornamental trees, shrubs and flowers along with the topography will be preserved as much as feasible. The site will remain as a wooded area so that farming practices do not damage any of the foundations or potential archeological remains; and

WHEREAS, HAFE has defined the undertaking’s area of potential effects (APE) as the area encompassing the entire wooded area of the Henkle farmstead. All of the structures comprising the farmstead are proposed for removal, leaving only foundations and the cultural landscape intact. Because the structures are in a wooded area, the surrounding viewshed of the Schoolhouse Ridge Battlefield will not be affected; and

WHEREAS, HAFE has determined that the undertaking will have an adverse effect on properties listed as contributing on the National Register, and has consulted with the West Virginia State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), HAFE has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *not to* participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, HAFE and the WV SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

HAFE shall ensure that the following measures are carried out:

- I. As much as possible, the foundations of the historic buildings will remain in place. The park archeologist will monitor the demolition and work with the contractors to ensure the least amount of damage to the landscape. The scope of work for the demolition will specify criteria that excavation is not allowed and that the foundations must be protected. As much as possible, the foundations will be filled in with clean fill to stabilize and secure the site. If, in the process of demolition, a portion of the foundation collapses, the park archeologist will work with the contractor to ensure that the foundation remnants remain in place and no further collapses occur.
- II. The surrounding cultural landscape including ornamental trees, shrubs and flowers along with the topography will be preserved as much as feasible. The site will remain as a wooded area so that farming practices do not damage any of the foundations or potential archeological remains.
- III. In order to fulfill federal documentation requirements and, due to the fact that very little documentation exists for this site, a basic level of HABS and HALS documentation will be conducted prior to the demolition.
- IV. A phase I archeological survey will be conducted prior to the demolition. The results and recommendations of the survey will be shared with the WV SHPO. If findings rise to the level of a phase II investigation, further consultation with the WV SHPO will be required.
- V. An environmental Assessment (EA) will be conducted prior to the demolition. This process will include a public scoping period to allow for public scoping and comment.

VI. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, HAFE may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below.

VII. MONITORING AND REPORTING

At this time, HAFE has not acquired the funding to execute this project. Once funding has been acquired, HAFE shall provide all parties to this MOA with an intent to proceed. HAFE will provide all parties with copies of the archeology, HABS and HALS reports, prior to any demolition for review and further consultation. Within 60 days following the execution of the demolition, HAFE shall provide all parties to this MOA a summary report detailing work undertaken pursuant to the terms of the MOA. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in HAFE's efforts to carry out the terms of this MOA.

VIII. POST REVIEW DISCOVERIES

If properties are discovered that may be historically significant or unanticipated effects on historic properties found, HAFE shall stop work and consult with the SHPO to determine further action.

IX. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, HAFE shall consult with such party to resolve the objection. If HAFE determines that such objection cannot be resolved, HAFE will:

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

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

C. HAFE's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

X. AMENDMENTS

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

XI. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VII, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, HAFE must either (a) execute an MOA 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. HAFE shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by HAFE and the WV SHPO and implementation of its terms evidence that HAFE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

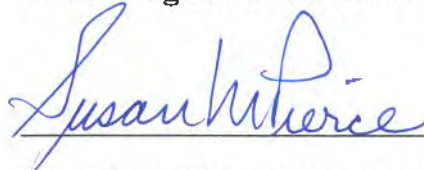
SIGNATORIES:

Harpers Ferry National Historical Park

H. BRANDYBURG Digitally signed by H.
BRANDYBURG
Date: 2021.03.15 16:16:54 -04'00' _____ Date

Tyrone Brandyburg, Superintendent

West Virginia State Historic Preservation Officer

 _____ Date 4/27/21

Deputy State Historic Preservation Officer



APPENDIX B – ESA SECTION 7 CONSULTATION



United States Department of the Interior



FISH AND WILDLIFE SERVICE
West Virginia Ecological Services Field Office
6263 Appalachian Highway
Davis, WV 26260-8061
Phone: (304) 866-3858 Fax: (304) 866-3852

In Reply Refer To:
Project code: 2023-0109348
Project Name: Henkle EA

July 28, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Interior

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for 'Henkle EA'

Dear Eric Kelley:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on July 28, 2023, for 'Henkle EA' (here forward, Project). This project has been assigned Project Code 2023-0109348 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (DKey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the determination of “May Affect, Not Likely to Adversely Affect” the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Indiana Bat *Myotis sodalis* Endangered
- Madison Cave Isopod *Antrolana lira* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the West Virginia Ecological Services Field Office and reference Project Code 2023-0109348 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Henkle EA

2. Description

The following description was provided for the project 'Henkle EA':

The site is located on the School House Ridge South Battlefield, which is positioned south of Route 340 along Millville Road. This project will contract for the demolition of five farm structures (Henkle house the primary residence, a wood sided two story structure, concrete silo, collapsed wooden dairy barn on a concrete foundation, concrete block milk house and collapsed wooden corn crib) all from the early 20th century. Foundations will remain in place to maintain the historic footprint. The demolition project is expected to last approximately six weeks. All trees, shrubs, vines, need to be removed for access to demo the buildings safely. All vegetation cut will be removed by the contractor. The project will likely occur between October and February.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.30451665,-77.78316257606392,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you contacted the appropriate agency to determine if your action is near any known northern long-eared bat hibernacula?

Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat hibernacula is available [here](#). Location information for northern long-eared bat hibernacula is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

No

10. Will the proposed action result in the cutting or other means of knocking down, bringing down, or trimming of any trees suitable for northern long-eared bat roosting?

Note: Suitable northern long-eared bat roost trees are live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities.

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.5

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.3

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

Yes

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0.3

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0.3

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

Will all project activities be completed by April 1, 2024?

Yes

IPAC USER CONTACT INFORMATION

Agency: Department of Interior

Name: Eric Kelley

Address: PO Box 65

City: Harpers Ferry

State: WV

Zip: 25425

Email: eric_kelley@nps.gov

Phone: 3045355037