



# United States Department of the Interior



## NATIONAL PARK SERVICE

Fredericksburg and Spotsylvania  
National Military Park  
120 Chatham Lane  
Fredericksburg, Virginia 22405

IN REPLY REFER TO:

F50

December 15, 2005

### Memorandum

To: Associate Director, Natural Resource Stewardship and Science, WASO

Through: Regional Director, Northeast Region

Through: Associate Director, Cultural Resources, WASO

From: Superintendent, Fredericksburg & Spotsylvania NMP

Subject: Recommended Settlement of Damage to National Park System Resources  
NTS/Fawn Lake II - Destruction of over 13,500 square feet of Civil War earthworks in  
Fredericksburg and Spotsylvania National Military Park

A proposed settlement for damages associated with the NTS/Fawn Lake incident has been reached in out-of-court negotiations with NTS, the park (myself and John Hennessy), the NPS Environmental Response Damage Assessment and Restoration unit (Karen Battle) and the Solicitor's Office (Marcia Gittes.) The proposed settlement amount is \$88,351. The original claim for this incident included our past response and damage assessment costs and compensation of lost use for visitor service (offsite historical interpretation) and archeological research (offsite archeological survey) for a total of [REDACTED]

The proposed settlement amount is lower than the original claim, but the negotiating team felt that this was the best defensible amount if the case were to go to litigation. \$30,821 will be applied to offsite historical interpretation, primarily in the form of wayside exhibits. The original value in the claim was based on a linear distance of approximately 1000 ft. This distance included the injury from the prior NTS claim along with some sections that were uninjured. Although the negotiating team reduced the 1000 ft to 400ft or 40% (the linear distance of the injury in this incident) for the sake of negotiations and due to some potential litigation risk, we still feel that disjointed nature of the entire 1000 linear ft of earthwork is an injury to park resources. \$52,045 will be applied to archaeological surveying on offsite locations in the park. The total for archeological survey was reduced by 20% which took into consideration potential litigation risks concerning how the assessment was completed. The remainder of the settlement will cover NPS past costs.

I approve the recommended settlement. All recoveries will be applied to past costs and activities to restore injured resources within Fredericksburg and Spotsylvania National Military Park.

*Russell P. Smith* 12/15/05  
Superintendent, Fredericksburg and Spotsylvania National Military Park

Concur, Regional Director, Northeast Region

Concur, Associate Director, Cultural Resources

cc:

Karen Battle, ERDAR

John Hennessy, FRSP

Marcia Gittes, Solicitor's Office, Boston