



# *Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields*

## *State of North Dakota*

Washington, DC  
June 2010



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U.S. Department of the Interior  
National Park Service  
American Battlefield Protection Program

Washington, DC  
June 2010

### **Authority**

The American Battlefield Protection Program Act of 1996, as amended by the Civil War Battlefield Preservation Act of 2002 (Public Law 107-359, 111 Stat. 3016, 17 December 2002), directs the Secretary of the Interior to update the Civil War Sites Advisory Commission (CWSAC) *Report on the Nation's Civil War Battlefields*.

### **Acknowledgments**

**NPS Project Team** Paul Hawke, Project Leader; Kathleen Madigan, Survey Coordinator; Tanya Gossett and January Ruck, Reporting; Matthew Borders, Historian; Kristie Kendall, Program Assistant

**Battlefield Surveyor(s)** Matthew Borders and Kathleen Madigan, American Battlefield Protection Program

**Respondents** Keith Giesler, Whitestone Hill Battlefield Historical Society; Diane Rogness, State Historical Society of North Dakota; Paul Van Ningen, U.S. Fish and Wildlife Service, Long Lake Wetland Management District; and Jeb R. Williams, North Dakota Game and Fish Department

**Cover: Killdeer Mountain is among North Dakota's most pristine battlefields, but oil industry interest in sub-surface resources may pose a threat to the historic topography. Exploratory drilling has had negligible impact so far, but any full-scale effort to extract oil from this area will devastate the landscape. Photograph by Matthew Borders, 2008.**

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## Introduction

The information in this report fulfills, in part, the purposes of the Civil War Battlefield Preservation Act of 2002 (Public Law 107-359, 111 Stat. 3016). Those purposes are:

- 1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and
- 2) to create partnerships among state and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

The Civil War Battlefield Preservation Act of 2002 directs the Secretary of the Interior, acting through the American Battlefield Protection Program (ABPP) of the National Park Service, to update the Civil War Sites Advisory Commission (CWSAC) *Report on the Nation's Civil War Battlefields*. The CWSAC was established by Congress in 1991 and published its report in 1993. Congress provided funding for this update in FY2005 and FY2007. Congress asked that the updated report reflect the following:

- Preservation activities carried out at the 384 battlefields identified by the CWSAC during the period between 1993 and the update;
- Changes in the condition of the battlefields during that period; and
- Any other relevant developments relating to the battlefields during that period.

In accordance with the legislation, this report presents information about Civil War battlefields in North Dakota for use by Congress, federal, state, and local government agencies, landowners, and other interest groups. Other state reports will be issued as surveys and analyses are completed.

**Figure 1. CWSAC Battlefields in North Dakota**



*Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields  
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## Synopsis

There are five CWSAC battlefields in the State of North Dakota – **Big Mound**, **Dead Buffalo Lake**, **Killdeer Mountain**, **Stony Lake**, and **Whitestone Hill**. Historically, these battlefields encompassed almost 42,210 acres.<sup>1</sup> Today, nearly all of this land retains sufficient significance and integrity to make the landscapes where U.S. and American Indian combatants fought during the Civil War worthy of preservation.<sup>2</sup>

At present, only 302 acres, or less than one percent, of these historic landscapes are permanently protected. Most of the battlefield land that is preserved has been protected for its role as wildlife habitat, not for its association with events of the Civil War. The North Dakota Game and Fish Department has preserved more than 196 acres of the **Big Mound** battlefield within the boundaries of its Tappen Slough Wildlife Management Area. The U.S. Fish and Wildlife Service protects almost 28 acres of battlefield land (24.19 acres at **Big Mountain** and 3.43 acres at **Dead Buffalo Lake**) within the boundaries of the Long Lake Wetland Management District. Only the State Historical Society of North Dakota, with 0.34 acres at **Big Mound**, 1 acre at **Killdeer Mountain**, and 76 acres at **Whitestone Hill**, protects battlefield land for the purpose of interpreting the historic significance of these landscapes.

In 1993, the CWSAC identified all of North Dakota's battlefields as landscapes where additional protection was needed. Based on current conditions and potential for future threat, the ABPP believes all five battlefields should be viewed as higher priorities for preservation.

Each of North Dakota's battlefields remains a good candidate for comprehensive preservation, but **Killdeer Mountain** is most at-risk. While exploratory oil well drilling has had little effect on the battlefield's condition so far, industrial scale extraction of the sub-surface resources at **Killdeer Mountain** could destroy the landscape and associated viewsheds in the near future.

Of North Dakota's five battlefields, only **Whitestone Hill** benefits from the efforts of a nonprofit group. As a partner of the State Historical Society of North Dakota, the Whitestone Hill Battlefield Historical Society (WHBHS) advocates for preservation and interpretation at **Whitestone Hill**. Throughout the country, groups like the WHBHS provide consistent, long-term support in the absence of, or in support of, state action. In North Dakota, the development of additional groups could help mitigate foreseen and unforeseen future threats at **Big Mound**, **Dead Buffalo Lake**, **Killdeer Mountain** and **Stony Lake**.

Finally, the ABPP found no battlefield land protected by easement in North Dakota. Preservation easements allow private property owners to keep their land and receive tax benefits, while prohibiting future development of the land. In many other states, easements are used to protect battlefield parcels when fee simple purchase is not viable. Given the remote, rural locations of North Dakota's five battlefields, fee simple purchase may continue to be the primary method of protecting land, but easements are a powerful preservation tool that should be considered for use in the state.

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<sup>1</sup>Using GIS software, and accounting for overlapping areas, ABPP calculated that the Study Areas for the seven battlefields in North Dakota represent 42,209.80 acres.

<sup>2</sup>Using GIS software, and accounting for overlapping areas, ABPP calculated that the Potential National Register Boundaries for the battlefields of North Dakota represent 42,209.80 acres.

Table 1 indicates how the CWSAC prioritized North Dakota’s Civil War battlefields in 1993. The National Park Service will issue updated priorities after all of the CWSAC battlefields nationwide have been surveyed and all state reports have been completed.

<b>Table 1: CWSAC Preservation Priorities from 1993</b>		
<b>CWSAC Priority</b>	<b>Battlefield</b>	<b>County/City</b>
<b>I Critical Need</b>	None	N/A
<b>II Comprehensive Preservation Possible</b>	None	N/A
<b>III Additional Protection Needed</b>	Big Mound (ND001) Dead Buffalo Lake (ND002) Killdeer Mountain (ND005) Stony Lake (ND003) Whitestone Hill (ND004)	Kidder County Kidder County Dunn County Burleigh County Dickey County
<b>IV Fragmented/Destroyed</b>	None	N/A



Figure 2. Sunflower fields in the **Stony Lake** battlefield study area. Because North Dakota is primarily an agricultural state, viewsheds and topography at its Civil War battlefields are remarkably pristine. Photograph by Kathleen Madigan, 2008.

## Method Statement

Congress instructed the Secretary of the Interior, acting through the American Battlefield Protection Program (ABPP), to report on changes in the condition of the battlefields since 1993 and on “preservation activities” and “other relevant developments” carried out at each battlefield since 1993. To fulfill those assignments, the ABPP 1) conducted site surveys of each battlefield and 2) prepared and sent out questionnaires to battlefield managers and advocacy organizations (see Appendix B).

### Research and Field Surveys

The ABPP conducted the field assessments of North Dakota battlefields in August and September of 2008. The surveys entailed additional historical research, on-the-ground documentation and assessment of site conditions, identification of impending threats to each site, and site mapping. Surveyors used a Global Positioning System (GPS) receiver to map historic features of each battlefield and used a Geographic Information System (GIS) program to draw site boundaries. The ABPP retains all final survey materials. Each battlefield survey file includes a survey form (field notes, list of defining features, list of documentary sources, and a photo log), photographs, spatial coordinates of significant features, and boundaries described on USGS topographic maps. The surveys did not include archeological investigations for reasons of time and expense.

### Study Areas and Core Areas

The CWSAC established a Study Area and a Core Area for five principal battlefields in 1993 (see Figure 3 for definitions) – **Big Mound, Dead Buffalo Lake, Killdeer Mountain, Stony Lake, and Whitestone Hill**. The CWSAC boundaries have proven invaluable as guides to local land and resource preservation efforts at Civil War battlefields. However, since 1993, the National Park Service has refined its battlefield survey methodology, which include research, working with site stewards, identifying and documenting lines of approach and withdrawal used by opposing forces, and applying the concepts of military terrain analysis to all battlefield landscapes. The ABPP's *Battlefield Survey Manual* explains the field methods employed during this study.<sup>3</sup> The surveys also incorporate the concepts recommended in the National Register of Historic Places' *Guidelines for Identifying, Evaluating, and Registering America's Historic Battlefields*, which was published in 1992 after the CWSAC completed its original assessments of the battlefields.<sup>4</sup>

Using its refined methodology, the ABPP was able to validate or adjust the CWSAC's Study Area and Core Area boundaries to reflect more accurately the full nature and original resources of these battlefields (see Table 2). At each of North Dakota's surveyed battlefields, the refined methodology resulted in significant increases to the sizes of the Study Area and Core Area. It is important to note that the Study Area and Core Area boundaries are based on the review of historic source material, drawn to indicate where the battle took place, and convey only the location of the battlefield; neither takes the current condition nor alterations to the historic landscape into consideration. For this reason, they should not be used to define surviving portions of a battlefield that merit protection and preservation without further evaluation.

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<sup>3</sup> American Battlefield Protection Program, “Battlefield Survey Manual,” (Washington, DC: National Park Service, revised 2007).

<sup>4</sup> National Register Bulletin 40, *Guidelines for Identifying, Evaluating, and Registering America's Historic Battlefields*, 1992, Revised 1999 (Washington, DC: U.S. Department of the Interior, National Park Service, Interagency Resources Division).

### **Potential National Register Boundaries**

To address the question of what part of the battlefield remains reasonably intact and warrants preservation, this study introduced a third boundary line that was not attempted by the CWSAC: the Potential National Register boundary (see Figure 4).

Looking at each Study Area, the surveyors assigned PotNR boundaries where they judged that the landscape retained enough integrity to convey the significance of the historic battle. In a few cases, the PotNR boundary encompasses the entire Study Area. In most cases, however, the PotNR boundary includes less land than identified in the full Study Area.

In assigning PotNR boundaries, the ABPP followed National Register of Historic Places (NRHP) guidelines when identifying and mapping areas that retain integrity and cohesion within the Study Areas.<sup>5</sup> However, because the ABPP focuses only on areas of battle, the Program did not evaluate lands adjacent to the Study Area that may contribute to a broader historical and chronological definition of “cultural landscape.” Lands outside of the Study Area associated with other historic events and cultural practices may need to be evaluated in preparation for a formal nomination of the cultural landscape.

Most importantly, the PotNR boundary **does not constitute a formal determination of eligibility by the Keeper of the National Register of Historic Places.**<sup>6</sup> The PotNR boundary is designed to be used as a planning tool for government agencies and the public. Like the Study and Core Area boundaries, the PotNR boundary places no restriction on private property use.

### **Figure 3: Boundary Definitions**

The **Study Area** represents the historic extent of the battle as it unfolded across the landscape. The Study Area contains resources known to relate to or contribute to the battle event: where troops maneuvered and deployed, immediately before, during, and after combat, and where they fought during combat. Historic accounts, terrain analysis, and feature identification inform the delineation of the Study Area boundary. The Study Area indicates the extent to which historic and archeological resources associated with the battle (areas of combat, command, communications, logistics, medical services, etc.) may be found. Surveyors delineated Study Area boundaries for every battle site that was positively identified through research and field survey, regardless of its present integrity.

The **Core Area** represents the areas of fighting on the battlefield. Positions that delivered or received fire, and the intervening space and terrain between them, fall within the Core Area. Frequently described as “hallowed ground,” land within the Core Area is often the first to be targeted for protection. There may be more than one Core Area on a battlefield, but all lie within the Study Area.

Unlike the Study and Core Areas, which are based only upon the interpretation of historic events, the **Potential National Register (PotNR) boundary** represents ABPP’s assessment of a Study Area’s current integrity (the surviving landscape and features that convey the site’s historic sense of place). The PotNR boundary may include all or some of the Study Area, and all or some of the Core Area. Lands within PotNR boundaries should be considered worthy of further attention, although future evaluations may reveal more or less integrity than indicated by the ABPP surveys.

<sup>5</sup> For general guidance about integrity issues and National Register of Historic Places properties, see National Park Service, *How to Apply the National Register Criteria for Evaluation* (Washington, DC: U.S. Department of the Interior, revised 1997). The survey evaluations described above do not meet the more stringent integrity standards for National Historic Landmark designation. See National Park Service, *How to Prepare National Historic Landmark Nominations* (Washington, DC: U.S. Department of the Interior, 1999), 36-37.

<sup>6</sup> See 36 CFR 60.1-14 for regulations about nominating a property to the National Register of Historic Places and 36 CFR 63 for regulations concerning Determinations of Eligibility for inclusion in the National Register of Historic Places.

The term integrity, as defined by the NRHP, is “the ability of a property to convey its significance.”<sup>7</sup> While assessments of integrity are traditionally based on seven specific attributes – location, design, setting, materials, workmanship, feeling, and association – battlefields are unique cultural resources and require special evaluation.” Generally, the most important aspects of integrity for battlefields are location, setting, feeling and association,” and the most basic test for determining the integrity of any battlefield is to assess “whether a participant in the battle would recognize the property as it exists today.”<sup>8</sup>

Other conditions contribute to the *degree* of integrity a battlefield retains:

- the quantity and quality of surviving battle-period resources (e.g., buildings, roads, fence lines, military structures, and archeological features);
- the quantity and quality of the spatial relationships between and among those historic resources and the landscape that connects them;
- the extent to which current battlefield land use is similar to battle-period land use; and
- the extent to which a battlefield’s physical features and overall character visually communicate an authentic sense of the sweep and setting of the battle.

The degree to which post-war development has altered and fragmented the historic landscape or destroyed historic features and viewsheds is critical when assessing integrity.

Changes in traditional land use over time do not generally diminish a battlefield’s integrity. For example, landscapes that were farmland during the Civil War do not need to be in agricultural use today to be considered eligible for listing in the NRHP so long as the land retains its historic rural character. Similarly, natural changes in vegetation – woods growing out of historic farm fields, for example – do not necessarily lessen the landscape’s integrity.

Some post-battle development is expected; slight or moderate change within the battlefield may not substantially diminish a battlefield’s integrity. A limited degree of residential, commercial, or industrial development is acceptable. These post-battle “non-contributing” elements are often included in the PotNR boundary in accordance with NRHP guidelines.<sup>9</sup>

Significant changes in land use since the Civil War do diminish the integrity of the battlefield landscape. Heavy residential, commercial, and industrial development; cellular tower and wind turbine installation; and large highway construction are common

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<sup>7</sup> National Park Service, National Register of Historic Places Bulletin 40, *Guidelines for Identifying, Evaluating, and Registering America’s Historic Battlefields*, 1992, Revised 1999 (Washington, DC: U.S. Department of the Interior, National Park Service, Interagency Resources Division), <http://www.nps.gov/nr/publications/bulletins/pdfs/NRB40.pdf>. Archeological integrity was not examined during this study, but should be considered in future battlefield studies and formal nominations to the National Register.

<sup>8</sup> National Park Service, National Register of Historic Places Bulletin 40, *Guidelines for Identifying, Evaluating, and Registering America’s Historic Battlefields*, 1992, Revised 1999 (Washington, DC: U.S. Department of the Interior, National Park Service, Interagency Resources Division).

<sup>9</sup> The ABPP looks only at the battle-related elements of a cultural landscape. Post-battle elements, while not contributing to the significance of the battlefield, may be eligible for separate listing in the National Register of Historic Places on their own merits.

examples of such changes. Battlefield landscapes with these types of changes are generally considered as having little or no integrity.

The PotNR boundaries therefore indicate which battlefields are *likely* eligible for future listing in the NRHP and *likely* deserving of future preservation efforts. If a surveyor determined that a battlefield was entirely compromised by land use incompatible with the preservation of historic features (i.e., it has little or no integrity), the ABPP did not assign a PotNR boundary.<sup>10</sup>

In cases where a battlefield is already listed in the NRHP, surveyors reassessed the existing documentation based on current scholarship and resource integrity, and, when appropriate, provided new information and proposed new boundaries as part of the surveys. As a result, some PotNR boundaries will contain or share a boundary with lands already listed in the NRHP. In other cases, PotNR boundaries will exclude listed lands that have lost integrity<sup>11</sup>

The data from which all three boundaries are drawn do not necessarily reflect the full research needed for a formal NRHP nomination. PotNR boundaries are based on an assessment of aboveground historic features associated with the cultural and natural landscape. The surveys did not include a professional archeological inventory or assessment of subsurface features or indications. In some cases, future archeological testing will help determine whether subsurface features remain, whether subsurface battle features convey important information about a battle or historic property, and whether that information may help to confirm, refine, or refute the boundaries previously determined by historic studies and terrain analysis.

The ABPP survey information should be reassessed during future compliance processes such as the Section 106 process required by the National Historic Preservation Act<sup>12</sup> and Environmental Impact Statements/Environmental Assessments required by the National Environmental Policy Act.<sup>13</sup> Likewise, more detailed research and assessments should take place when any battlefield is formally nominated to the NRHP or proposed for designation as a National Historic Landmark (NHL). New research and intensive-level surveys of these sites will enlighten future preservation and compliance work. Agencies should continue to consult local and state experts for up-to-date information about these battlefields.

No known effort has been undertaken to list any of North Dakota's battlefields in the National Register of Historic Places (see Table 4). The ABPP believes, however, all five battlefield landscapes have enough integrity to merit listing.<sup>14</sup>

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<sup>10</sup> National Park Service, National Register Bulletin 40, *Guidelines for Identifying, Evaluating, and Registering America's Historic Battlefields*, 1992, Revised 1999 (<http://www.nps.gov/nr/publications/bulletins/pdfs/NRB40.pdf>), offers recommendations regarding "Selecting Defensible Boundaries." While this document indicates that "generally, boundaries should not be drawn to include the portion of the route taken to the battlefield where there were no encounters," the *Guidelines* also state that "a basic principle is to include within the boundary all of the locations where opposing forces, either before, during or after the battle, took actions based on their assumption of being in the presence of the enemy." The ABPP interprets this latter guidance to mean all military activities that influenced the battle. See the individual battlefield profiles for information about military actions taken along the routes included. In accordance with the methodology of this study, if routes included in the Study Area retain integrity, they are included within the Potential National Register boundary for the battlefield landscape.

<sup>11</sup> The ABPP's surveys and PotNR assessments do not constitute formal action on behalf of the office of the National Register of Historic Places. PotNR assessments are intended for planning purposes only; they do not carry the authority to add, change, or remove an official listing.

<sup>12</sup> 16 USC 470f.

<sup>13</sup> 42 USC 4331-4332.

## Questionnaires

While the ABPP maintains data about its own program activities at Civil War battlefields, most preservation work occurs at the local level. Therefore, to carry out the Congressional directive for information about activities at the battlefields, the ABPP sought input from local battlefield managers and advocacy organizations. The ABPP distributed questionnaires designed to gather information about the types of preservation activities that have taken place at the battlefields since 1993. The Questionnaire is reproduced in Appendix B.

In North Dakota, representatives from three organizations responded to ABPP's inquiries. Their responses, combined with the survey findings, allowed the ABPP to create a profile of conditions and activities at North Dakota's Civil War battlefields.



Figure 4. The rolling plains of **Big Mound** battlefield, like most lands associated with Civil War battles in North Dakota, retain superb integrity. Little effort, however, has been made to formally protect these historic landscapes. Photograph by Kathleen Madigan, 2008.

# Summary of Conditions of North Dakota’s Civil War Battlefields

## Quantified Land Areas

Using Geographic Information Systems software, the ABPP calculated the amount of land historically associated with the battle (Study Area), the amount of land where forces were engaged (Core Area), and the amount of land that may retain enough integrity to be eligible for listing in the National Register of Historic Places (NRHP) and that remains to be protected (Potential National Register boundary).

As noted above and as Table 2 illustrates, the Study Areas and Core Areas of North Dakota’s Civil War battlefields have been established in accordance with ABPP research and field survey methodology. Particular attention was paid to identifying the routes of approach and withdrawal associated with each battle, and to identifying areas of secondary action that influenced the course or outcome of the battles.<sup>15</sup> The Study Area and Core Area boundaries established for each battlefield take these movements and actions into account, recognizing the extent to which these ancillary areas serve as battlefield features. Please see the individual battlefield profiles for more information about the extent of and reasons for the established boundaries.

**Table 2. Battlefield Area Statistics**

<b>Battlefield</b>	<b>Study Area</b>	<b>Core Area</b>	<b>PotNR Boundary</b>
Big Mountain (ND001)	13,760.37	5,660.71	13,760.37
Dead Buffalo Lake (ND002)	4,449.43	743.46	4,449.43
Killdeer Mountain (ND005)	17,339.64	5,414.41	17,339.64
Stony Lake (ND003)	6,323.45	801.54	6,323.45
Whitestone Hill (ND004)	2,548.96	373.68	2,548.96

## Condition Assessments

Using field survey data, the ABPP assessed the overall condition of each battlefield’s *Study Area*. While no battlefield remains completely unaltered since the Civil War, there has been no significant alteration to the character defining features of North Dakota’s five battlefields during the past 150 years.<sup>16</sup> Viewsheds and topography within the Study Areas of **Big Mound, Dead Buffalo Lake, Killdeer Mountain, Stony Lake, and Whitestone Hill** are remarkably pristine. The excellent condition of these landscapes where U.S. Army

<sup>15</sup> National Register of Historic Places Bulletin 40, *Guidelines for Identifying, Evaluating, and Registering America’s Historic Battlefields* (<http://www.nps.gov/nr/publications/bulletins/pdfs/NRB40.pdf>), offers recommendations regarding "Selecting Defensible Boundaries." While this document indicates that "generally, boundaries should not be drawn to include the portion of the route taken to the battlefield where there were no encounters," the *Guidelines* also state that "a basic principle is to include within the boundary all of the locations where opposing forces, either before, during or after the battle, took actions based on their assumption of being in the presence of the enemy." The ABPP interprets this latter guidance to mean all military activities that influenced the battle. See the individual battlefield profiles for information about military actions taken along the routes included. In accordance with the methodology of this study, if routes included in the Study Area retain integrity, they are included within the Potential National Register boundary for the battlefield landscape.

<sup>16</sup> The condition of archeological resources within the battlefields was not assessed. Future studies are needed to determine the degree of archeological integrity associated with subsurface battle deposits.

and American Indian combatants fought provides a unique opportunity – all five of North Dakota’s Civil War battlefields could be protected *completely* and *permanently*.

At **Big Mound**, landscape features such as the lake where U.S. forces camped and first engaged the Sioux, ridges that concealed Sioux attackers, and the “Big Mound” upon which U.S. forces employed their artillery, retain integrity.

While portions of Interstate 94 run through **Dead Buffalo Lake** and **Stony Lake**, the road has had minimal impact on the integrity of these battlefields. The rolling prairie landscapes and viewsheds of these historic places have changed little since the time of battle.

The landscape of **Whitestone Hill** has suffered very little alteration, but “green” energy producing wind turbines have the potential to alter the historic character of this and other battlefields in North Dakota. Existing wind turbines north of **Whitestone Hill** do not currently affect the viewshed or topography of the battlefield, but southward expansion of the wind farm could pose a threat in the future.



Figure 5. Although wind turbines serve as a source for sustainable energy, the technology poses as much threat to the historic character of battlefield landscapes as oil wells. The wind farm located north of **Whitestone Hill** is not visible from the battlefield, but expansion into the Study Area would significantly alter the integrity of the landscape’s viewshed. Photograph by Kathleen Madigan, 2008.

The rocky hills and surrounding plains of the **Killdeer Mountain** have changed little since the Civil War, but increasing interest in sub-surface resource extraction represents a significant threat to the historic landscape. Although exploratory drilling has had negligible impact on the topography so far, any full-scale effort to extract sub-surface resources from this area will devastate the battlefield’s integrity. Oil industry activity in this area makes **Killdeer Mountain** North Dakota’s most threatened battlefield.

**Table 3: Condition Summary**

<b>Condition</b>	<b>Battlefield</b>
<b>Land use is little changed (5)</b>	Big Mound, Dead Buffalo Lake, Killdeer Mountain, Stony Lake, Whitestone Hill
<b>Portions of landscape have been altered, but most essential features remain (0)</b>	None
<b>Much of the landscape has been altered and fragmented, leaving some essential features (0)</b>	None
<b>Landscape and terrain have been altered beyond recognition (0)</b>	None

### Registration

The nation’s official method for recognizing historic properties worthy of preservation is listing in the NRHP. Registered battlefields meet national standards for documentation, physical integrity, and demonstrable significance to the history of our nation. Federal, state, and local agencies use information from the NRHP as a planning tool to identify and make decisions about cultural resources. Federal and state laws, most notably Section 106 of the National Historic Preservation Act of 1966, require agencies to account for the effects their projects (roads, wetland permits, quarrying, cell towers, etc.) may have on listed and eligible historic properties, such as battlefields. Listing allows project designers to quickly identify the battlefield and avoid or minimize impacts to the landscape.

Properties listed in the NRHP are also eligible for numerous federal and state historic preservation grant programs. Recognition as a registered battlefield may also advance public understanding of and appreciation for the battlefield, and may encourage advocacy for its preservation.<sup>17</sup>

As Table 4 indicates, none of North Dakota’s Civil War battlefields have been listed in the NRHP, but the ABPP has found more than 44,420 acres of land in North Dakota are likely eligible for listing based on association with these battles and a high degree of physical integrity.

<sup>17</sup> There are three levels of federal recognition for historic properties: Congressional designations such as national park units, National Historic Landmarks, and listings in the National Register of Historic Places. Congress creates national park units. The Secretary of the Interior designates National Historic Landmarks (NHL) – nationally significant historic sites – for their exceptional value or quality in illustrating or interpreting the heritage of the United States. The National Register of Historic Places (NRHP) is the nation’s official list of cultural sites significant at the national, state, or local level and worthy of preservation. Historic units of the National Park System and NHLs are also listed in the National Register.

**Table 4. Acres Registered Compared with Acres Potentially Eligible to be Registered**

<b>Battlefield</b>	<b>Designation</b>	<b>ABPP PotNR Acres</b>	<b>Existing Registered Acres</b>	<b>Acres Potentially Eligible to be Registered</b>
Big Mound (ND001)	None	13,760.37	0.00	13,760.37
Dead Buffalo Lake (ND002)	None	4,449.43	0.00	4,449.43
Killdeer Mountain (ND005)	None	17,339.64	0.00	17,339.64
Stony Lake (ND003)	None	6,323.45	0.00	6,323.45
Whitestone Hill (ND004)	None	2,548.96	0.00	2,548.96
<b>Totals</b>		<b>44,421.85</b>	<b>0.00</b>	<b>44,421.85</b>

### Stewardship

More than 40,000 acres of the land associated with North Dakota’s Civil War battlefields remains intact, but little effort has been made to formally protect these historic places. Only about 302 acres are permanently preserved. Through fee simple purchase, state and federal stewards have protected more than 222 acres at **Big Mound**, more than three acres at **Dead Buffalo Lake**, one acre at **Killdeer Mountain**, and 76 acres at **Whitestone Hill**. The rest remains in private, unprotected ownership.

The North Dakota Game and Fish Department, with 196.92 acres preserved at **Big Mound**, protects more battlefield land at its Tappen Slough Wildlife Management Area than any of the state’s other stewards.

The State Historical Society of North Dakota, with 0.34 acres at **Big Mound**, 1 acre at **Killdeer Mountain**, and 76 acres at **Whitestone Hill**, manages a little more than 77 acres of protected battlefield land. The U.S Fish and Wildlife Service provides the remaining stewardship, with 24.19 acres of preserved land at **Big Mound**, and 3.43 acres preserved at **Dead Buffalo Lake**, within the boundaries of the Long Lake Wetland Management District. There are no protected lands at **Stony Lake**.

While landscape preservation efforts in other states have benefited greatly from the purchase of development rights in the form of easements, this tool has not been utilized for the protection of battlefields in North Dakota. Preservation easements provide land protection without burdening the holder with the obligations associated with fee simple ownership. Federal, State, and local easement programs and tax incentives could encourage private property owners to willingly protect North Dakota’s remarkable battlefield landscapes.

**Table 5. Protective Stewardship of Intact Battlefield Land\***

<b>Battlefield</b>	<b>ABPP PotNR Acres</b>	<b>Permanently Protected Acres</b>	<b>Unprotected, Intact Acres Remaining</b>
Big Mound (ND001)	13,760.37	222.05	13,538.32
Dead Buffalo Lake (ND002)	4,449.43	3.43	4,446.00
Killdeer Mountain (ND005)	17,339.64	1.00	17,338.64
Stony Lake (ND003)	6,323.45	0.00	6,323.45
Whitestone Hill (ND004)	2,548.96	76.00	2,472.96
<b>Totals</b>	<b>44,421.85</b>	<b>302.48</b>	<b>44,119.37</b>

\* For details, see each site's Individual Battlefield Profile

### Public Access and Interpretation

In its questionnaire, the ABPP asked battlefield stewards about the types of public access and interpretation available at the battlefield. The ABPP did not collect information about the purpose or intent of the interpretation and access, such as whether a wayside exhibit was developed for purely educational reasons, to promote heritage tourism, or to boost local economic development.

The ABPP asked respondents to indicate the type of interpretation available at or about the battlefield. The categories included brochures, driving tours, living history demonstrations, maintained historic features or areas, walking tours and trails, wayside exhibits, websites, and other specialized programs. The results indicate all of North Dakota's five Civil War battlefields offer some degree of public interpretation. While resources are limited at **Big Mound, Killdeer Mountain, Dead Buffalo Lake, and Stony Lake**, there has been a visitor center at **Whitestone Hill** since 1945.

Almost 222 acres of the **Big Mound** battlefield are accessible to the public. Management areas included within this total are the Big Mound State Historic Site, the Tappen Slough Wildlife Management Area, and the Long Lake Wetland Management District. Together, these sites provide physical public access to less than two percent of the entire **Big Mound** battlefield landscape.

At **Whitestone Hill**, there are 76 acres of battlefield land accessible for public visitation within the boundaries of Whitestone Hill Battlefield State Historic Site. This area represents approximately three percent of land within the historic landscape.

More than three acres of **Dead Buffalo Lake** are publically accessible within the boundaries of the U.S. Fish and Wildlife Service's O'Neal Waterfowl Protection Area. One acre of land is accessible at **Killdeer Mountain** within the boundaries of the Killdeer Mountain State Historic Site. At both **Dead Buffalo Lake** and **Killdeer Mountain**, the accessible land represents less than one percent of the battlefield's historic extent. There is no public access at **Stony Lake** battlefield, but interpretive signage placed along Old State Highway 10 by the Township of Driscoll commemorates the site.

**Table 6: Interpretation Summary**

<b>On-site Interpretation</b>	<b>Battlefield</b>
<b>Battlefields with public interpretation, including visitors center (1)</b>	Whitestone Hill (ND004)
<b>Battlefields with public interpretation, but no visitors center (4)</b>	Big Mound (ND001) Killdeer Mountain (ND005) Dead Buffalo Lake (ND002) Stony Lake (ND003)
<b>Battlefields with no public interpretation (0)</b>	

### **Local Advocacy**

Nonprofit organizations play important roles in protecting historic battlefields. These organizations step in to preserve historic sites when public funding and management for historic preservation are absent. When public funding is available, nonprofits serve as vital partners in public-private preservation efforts, acting as conduits for public funds, raising critical private matching funds, keeping history and preservation in the public eye, and working with landowners to find ways to protect battlefield parcels.

The **Big Mound, Dead Buffalo Lake, Killdeer Mountain, and Round Stony Lake** battlefields do not have nonprofit groups to advocate for preservation interests. Only **Whitestone Hill** benefits from the efforts of a private nonprofit group.

Since 1986, the Whitestone Hill Battlefield Historical Society has worked with State Historical Society of North Dakota to preserve and interpret **Whitestone Hill's** battlefield landscape. The organization sponsors an annual concert to raise funds for the historic site and participates in the State Historical Society of North Dakota's annual Education Day, among other activities.

While other organizations with more general historical interests may also play important roles in preserving North Dakota's battlefields, the Whitestone Hill Battlefield Historical Society is the only known local organization in North Dakota dedicated *solely* to the goals of battlefield preservation, interpretation, and promotion.

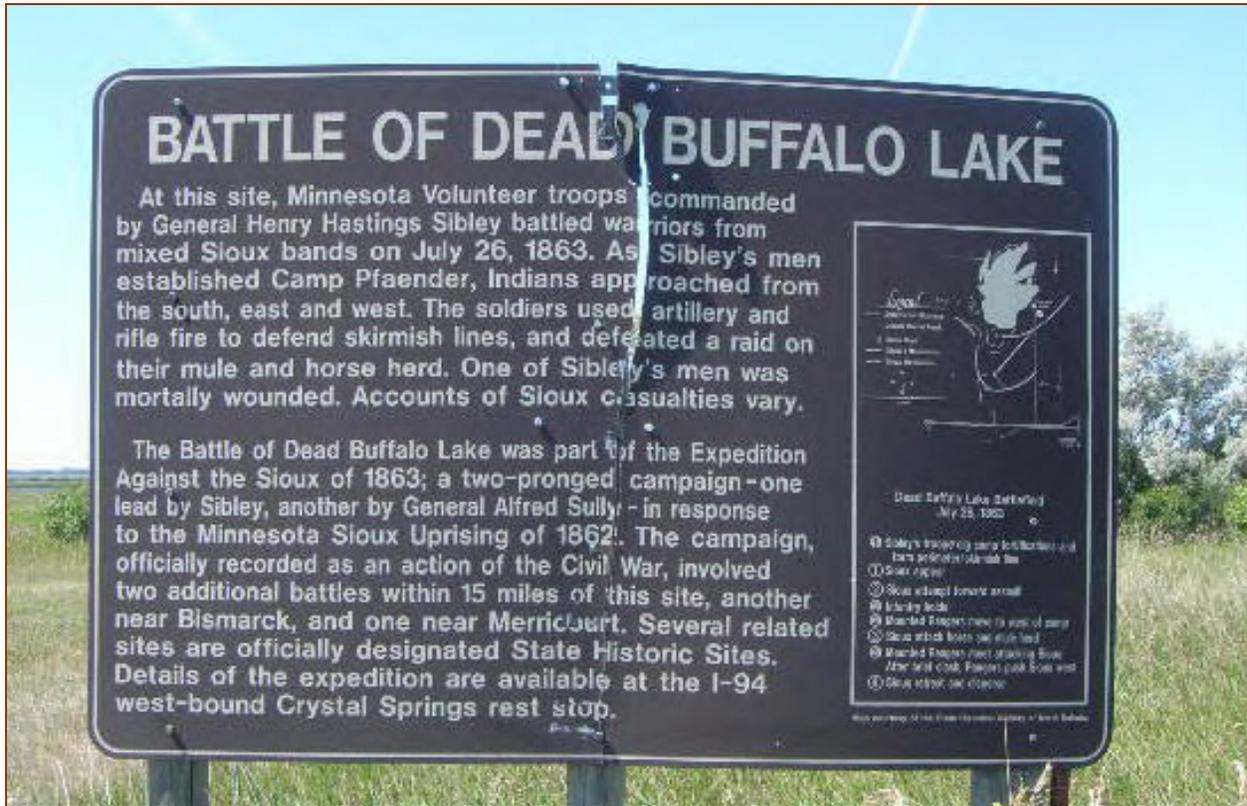


Figure 6. At battlefields across the county, non-profit organizations form partnerships with state and federal stewards to preserve the historic landscapes in their communities. Without the benefit of this local support, damage to the cultural resources and interpretive installations may go unchecked. Photograph by Kathleen Madigan, 2008.

## Individual Battlefield Profiles

### Battlefield Profile Glossary

<b>Location</b>	County or city in which the battlefield is located.
<b>Campaign</b>	Name of military campaign of which the battle was part. Campaign names are taken from <i>The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies</i> .
<b>Battle Date(s)</b>	Day or days upon which the battle took place, as determined by the Civil War Sites Advisory Commission.
<b>Principal Commanders</b>	Ranking commanders of opposing forces during the battle.
<b>Forces Engaged</b>	Name or description of largest units engaged during the battle.
<b>Results</b>	Indicates battle victor or inconclusive outcome.
<b>Study Area</b>	Acreage determined by the ABPP to represent the full extent of land associated with the historic battle.
<b>Potential National Register Lands</b>	Acreage of land that retains historic character and may be eligible for listing in the National Register of Historic Places (see Table 2).
<b>Protected Lands</b>	Estimated acreage (based on questionnaires and GIS) of battlefield land that is in public or private non-profit ownership, or is under permanent protective easement, and is managed specifically for 1) the purposes of maintaining the historic character of the landscape and for preventing future impairment or destruction of the landscape and historic features, or for 2) a conservation purpose and use compatible with the goals of historic landscape preservation.
<b>Publicly Accessible Lands</b>	Estimated acreage (based on responses to questionnaires) within the Study Area maintained for public visitation.
<b>Management Area</b>	Name of historic site, park, or other area maintained for battlefield resource protection and/or public visitation.
<b>Friends Group(s)</b>	Name of local advocacy organization(s) that support preservation activities at/for the battlefield.
<b>Preservation Activities Since 1993</b>	Indicates which types of preservation activities have taken place at the battlefield since 1993 (based on responses to questionnaires).
<b>Public Interpretation Since 1993</b>	Indicates which types of interpretation/educational activities have taken place at the battlefield since 1993 (based on responses to questionnaires).
<b>Condition Statement</b>	The ABPP's assessment of the overall condition of the battlefield's Study Area (based on field surveys and responses to questionnaires).
<b>Historical Designation</b>	Notes the most prestigious federal historical designation the battlefield has received (i.e. national park unit, National Historic Landmark, or National Register of Historic Places).

## Big Mound (ND001)

<b>Location</b>	Kidder County
<b>Campaign</b>	Operations against the Sioux in North Dakota (1863)
<b>Battle Date(s)</b>	July 24-25, 1863
<b>Principal Commanders</b>	Brigadier General Henry Hastings Sibley [US]; Chief Inkpaduta [I]
<b>Forces Engaged</b>	District of Minnesota [US]; Santee Sioux (Northern Sisseton and Wahpekute) and Teton Sioux (Hunkpapa and Sicasu) [I]
<b>Results</b>	Union victory
<b>Study Area</b>	13,760.37 acres The Study Area was extended slightly to the south to reflect the route taken by U.S. cavalry, with infantry and artillery following, as they pursued the retreating Sioux (after breaking-off pursuit, U.S. forces used this same route to withdraw seven miles back toward Big Mound to camp for the night). The Core Area was expanded to the south to encompass the full extent of this running battle.
<b>Potential National Register Lands</b>	13,760.37 acres
<b>Protected Lands</b>	222.05 acres North Dakota Game and Fish Department, 196.92 acres, fee simple U.S. Fish and Wildlife Service, 24.79 acres, fee simple State Historical Society of North Dakota, 0.34 acres, fee simple
<b>Publicly Accessible Lands</b>	222.05 acres Tappen Slough Wildlife Management Area, North Dakota Game and Fish Department, 196.92 acres Long Lake Wetland Management District, U.S. Fish and Wildlife Service, 24.79 acres Big Mound State Historic Site, State Historical Society of North Dakota, 0.01 acres McPhail's Butte, State Historical Society of North Dakota, 0.33 acres
<b>Management Area(s)</b>	Big Mound State Historic Site Long Lake Wetland Management District Tappen Slough Wildlife Management Area
<b>Friends Group(s)</b>	None
<b>Preservation Activities Since 1993</b>	Advocacy Cultural Resource Surveys and Inventories Fundraising Interpretation Projects Land or Development Rights Purchased Legislation Planning Projects Research and Documentation Other
<b>Public Interpretation Since 1993</b>	Brochure(s) Driving Tour

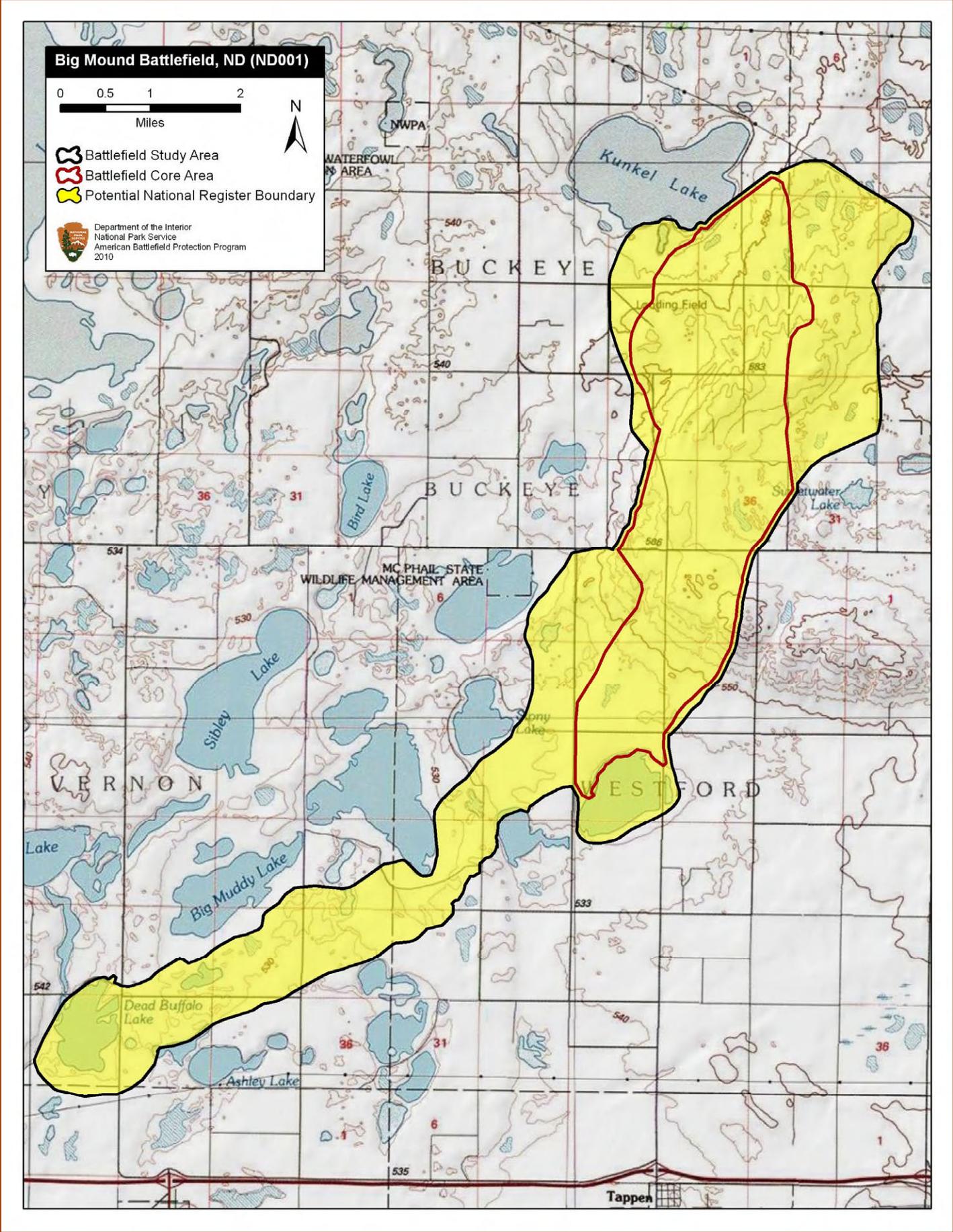
- Living History
- Maintained Historic Features/Areas
- Visitor Center
- ✓ Walking Tour/Trails
- ✓ Wayside Exhibits/Signs
- Website
- Other

**Condition Statement**

Land use is little changed since the period of significance and there are no immediate threats to the integrity of the battlefield features. Historic terrain features such as the lake where U.S. forces camped and first engaged the Sioux, ridges that concealed Sioux attackers, and the U.S. artillery position on "Big Mound" remain intact.

**Historical Designation**

None



## Dead Buffalo Lake (ND002)

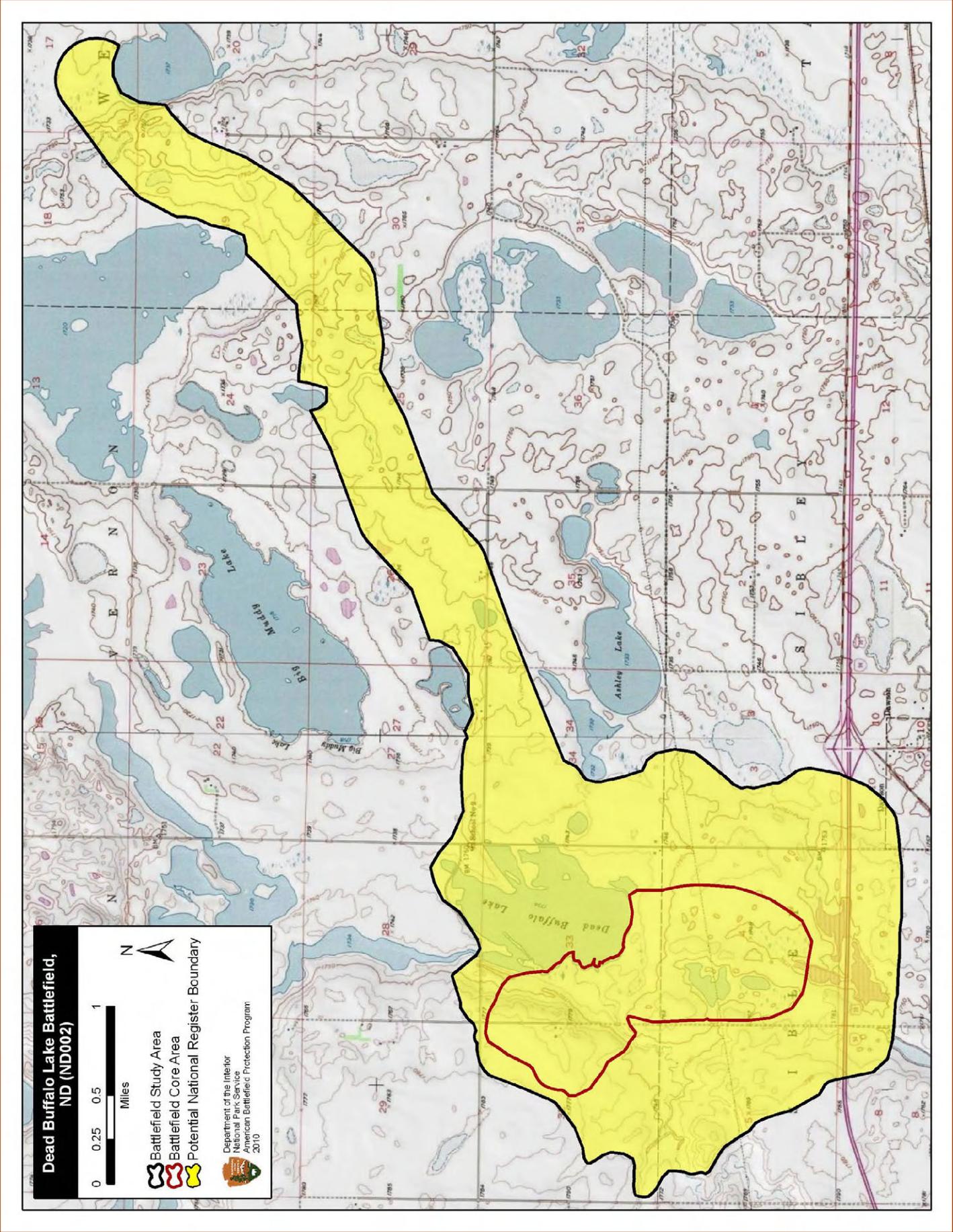
<b>Location</b>	Kidder County
<b>Campaign</b>	Operations against the Sioux in North Dakota (1863)
<b>Battle Date(s)</b>	July 26, 1863
<b>Principal Commanders</b>	Brigadier General Henry Hastings Sibley [US]; Chief Inkpaduta [I]
<b>Forces Engaged</b>	District of Minnesota [US]; Santee Sioux (Wahpekute) and Teton Sioux (Hunkpapa and Sihasapa [Blackfeet]) [I]
<b>Results</b>	Union victory
<b>Study Area</b>	4,449.43 acres The Study Area was extended in the north to include the route taken by U.S. forces from their encampment as they resumed pursuit of the Sioux combatants they had engaged at Big Mound the day before. The Core area was expanded to the south to include battleground extending out from the southern and eastern shores of Dead Buffalo Lake.
<b>Potential National Register Lands</b>	4,449.43 acres
<b>Protected Lands</b>	3.43 acres U.S. Fish and Wildlife Service, fee simple
<b>Publicly Accessible Lands</b>	3.43 acres Long Lake Wetland Management District, U.S. Fish and Wildlife Service
<b>Management Area(s)</b>	Long Lake Wetland Management District
<b>Friends Group(s)</b>	None
<b>Preservation Activities Since 1993</b>	Advocacy Cultural Resource Surveys and Inventories Fundraising Interpretation Projects Land or Development Rights Purchased Legislation Planning Projects Research and Documentation
<b>Public Interpretation Since 1993</b>	Brochure(s) Driving Tour Living History Maintained Historic Features/Areas Visitor Center Walking Tour/Trails Wayside Exhibits/Signs Website Other

**Condition Statement**

Land use is little changed since the period of significance and there are no immediate threats to the integrity of the historic battlefield features. Although Interstate 94 runs through the southern portion of the battlefield's Study Area, the rolling prairie landscape, along with Dead Buffalo Lake and surrounding viewsheds, remains unchanged since the time of battle.

**Historical Designation**

None



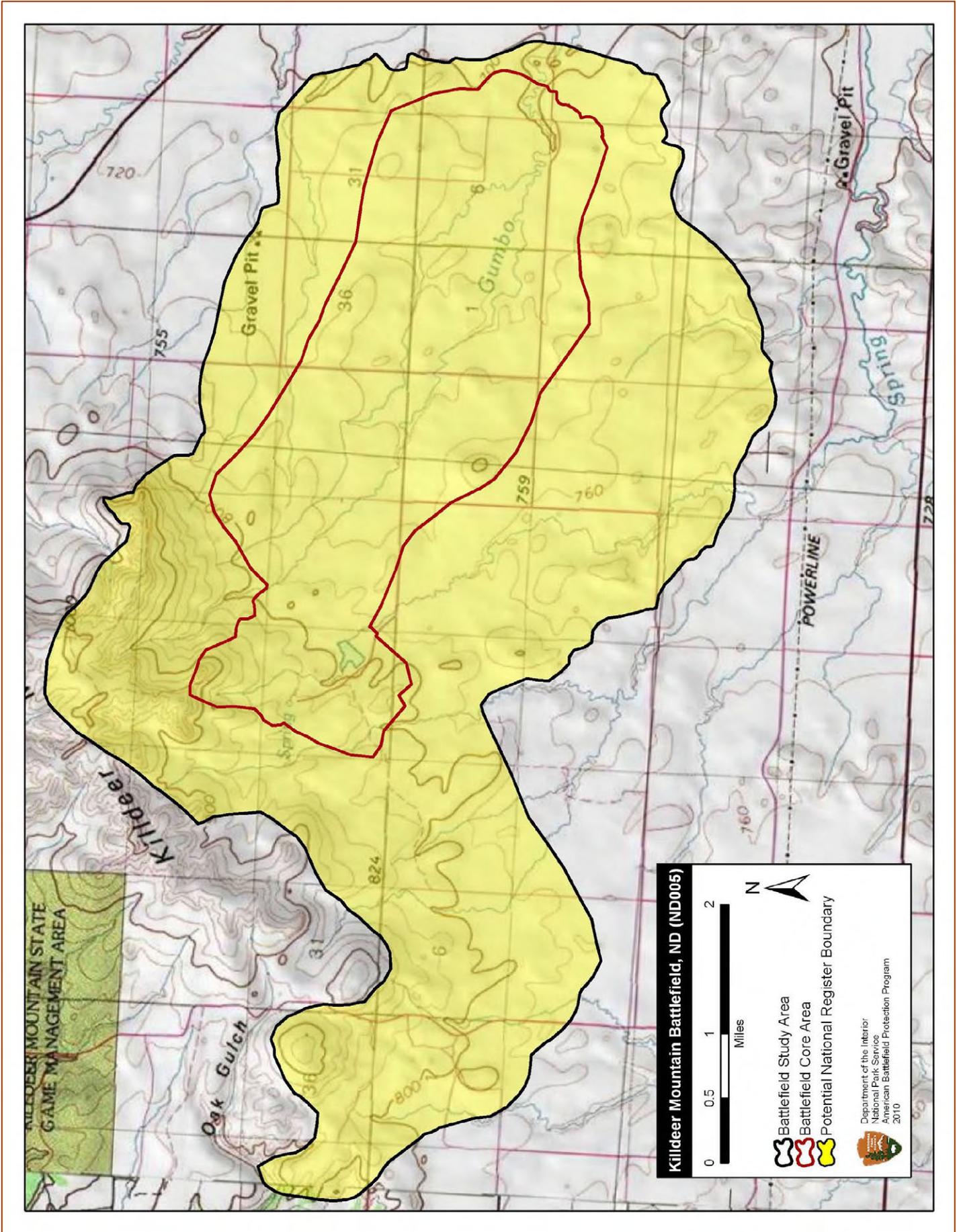
## Killdeer Mountain (ND005)

<b>Location</b>	Dunn County
<b>Campaign</b>	Sully's Expedition against the Sioux in Dakota Territory (1864)
<b>Battle Date(s)</b>	July 28-29, 1864
<b>Principal Commanders</b>	Brigadier General Alfred Sully [US]; Chief Inkpaduta [I]
<b>Forces Engaged</b>	Army detachments of 8 <sup>th</sup> Minnesota Infantry, 2 <sup>nd</sup> Minnesota Cavalry, 3 <sup>rd</sup> Minnesota Battery, Brackett's Minnesota Battalion of Cavalry, 6 <sup>th</sup> Iowa Cavalry, 7 <sup>th</sup> Iowa Cavalry, Dakota Cavalry Regiment, Nebraska Scouts, Pope's Prairie Battery [US]; Santee Sioux (Wahpekute), Teton Sioux (Hunkpapa, Miniconjou, Sans Arc, and Sihasapa [Blackfeet]), and Yankton-Yanktonai Sioux (Pabaksa [Cuthead] and Yanktonai) [I]
<b>Results</b>	Union victory
<b>Study Area</b>	17,339.64 acres The 1993 Study Area boundary was redefined in the northwest and southwest to exclude areas that were not historically associated with the battle. In the west, the Study Area was expanded to include the route of the Sioux advance. To the north and northeast, the Study Area was enlarged to include the full extent of U.S. and Sioux movements. In the southeast, the boundary was expanded to include the entire engagement area.
<b>Potential National Register Lands</b>	17,339.64 acres
<b>Protected Lands</b>	1.00 acres State Historical Society of North Dakota, fee simple
<b>Publicly Accessible Lands</b>	1.00 acres Killdeer Mountain State Historic Site, State Historical Site of North Dakota
<b>Management Area(s)</b>	Killdeer Mountain State Historic Site
<b>Friends Group(s)</b>	None
<b>Preservation Activities Since 1993</b>	Advocacy Cultural Resource Surveys and Inventories Fundraising ✓ Interpretation Projects Land or Development Rights Purchased Legislation Planning Projects Research and Documentation
<b>Public Interpretation Since 1993</b>	Brochure(s) Driving Tour Living History ✓ Maintained Historic Features/Areas Visitor Center ✓ Walking Tour/Trails

- ✓ Wayside Exhibits/Signs
  - Website
  - Other

**Condition Statement** Land use is little changed since the period of significance, but oil industry interest in mineral rights development is a steadily increasing threat at Killdeer Mountain.

**Historical Designation** None



## Stony Lake (ND003)

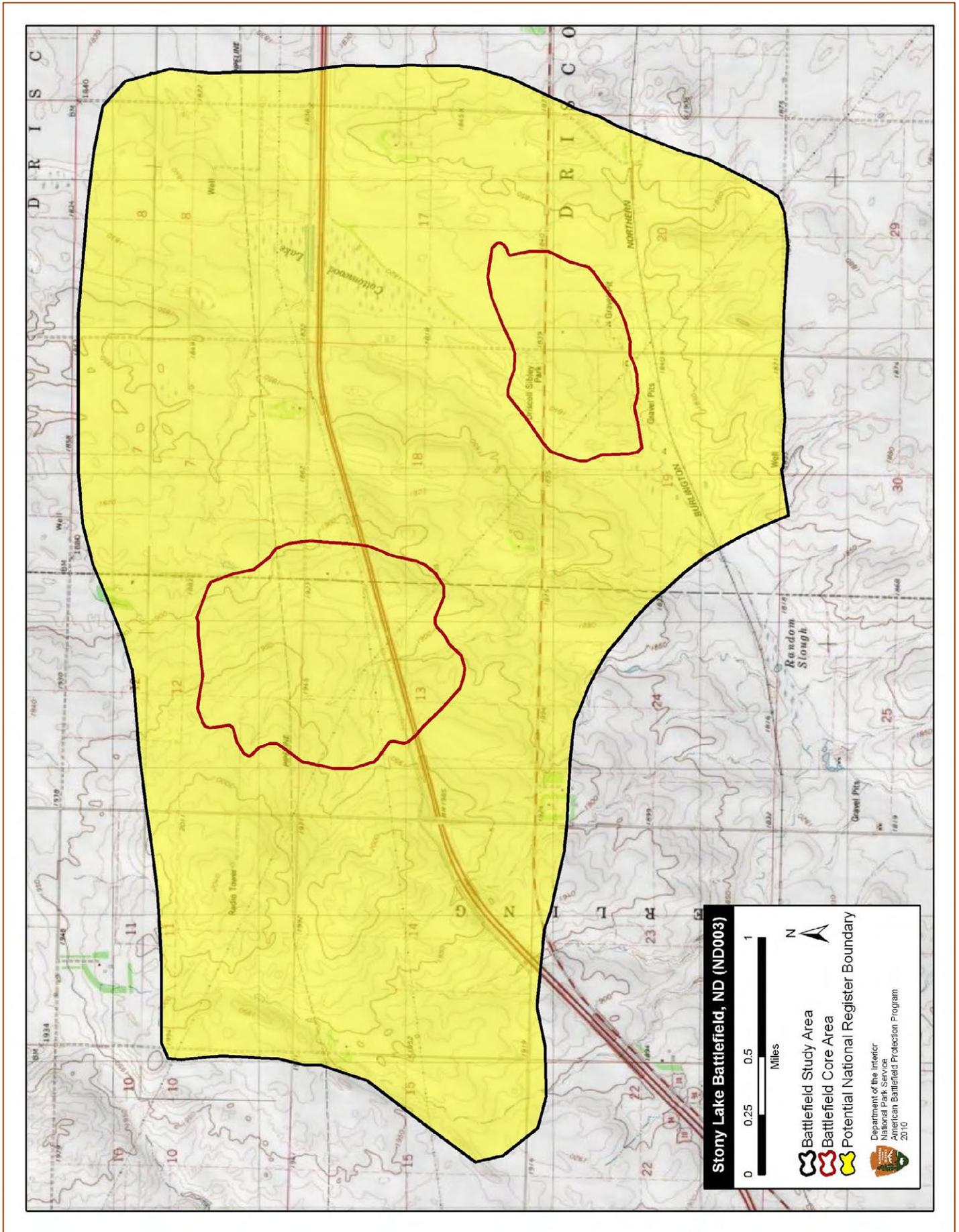
<b>Location</b>	Burleigh County
<b>Campaign</b>	Operations against the Sioux in North Dakota (1863)
<b>Battle Date(s)</b>	July 28, 1863
<b>Principal Commanders</b>	Brigadier General Henry Hastings Sibley [US]; Chief Inkpaduta [I]
<b>Forces Engaged</b>	District of Minnesota [US]; Santee Sioux (Wahpekute) and Teton Sioux (Hunkpapa and Sihasapa [Blackfeet]) [I]
<b>Results</b>	Union victory
<b>Study Area</b>	6,323.45 acres The 1993 Study Area was enlarged to include the movements of U.S. forces as they pursued the Sioux Indians withdrawing from the battle of Dead Buffalo Lake. The Study Area was also expanded in the northeast to include the movement of the Sioux as they withdrew from the Stony Lake battlefield.
<b>Potential National Register Lands</b>	6,323.45 acres
<b>Protected Lands</b>	0.00 acres
<b>Publicly Accessible Lands</b>	0.00 acres
<b>Management Area(s)</b>	None
<b>Friends Group(s)</b>	None
<b>Preservation Activities Since 1993</b>	Advocacy Cultural Resource Surveys and Inventories Fundraising Interpretation Projects Land or Development Rights Purchased Legislation Planning Projects Research and Documentation
<b>Public Interpretation Since 1993</b>	Brochure(s) Driving Tour Living History Maintained Historic Features/Areas Visitor Center Walking Tour/Trails ✓ Wayside Exhibits/Signs Website Other

**Condition Statement**

Land use is little changed since the period of significance and there are no immediate threats to the integrity of the battlefield landscape. With the exception of Interstate 94, which bisects the battlefield, the landscape and surrounding viewsheds of Stony Lake remain intact.

**Historical Designation**

None



## Whitestone Hill (ND004)

<b>Location</b>	Dickey County
<b>Campaign</b>	Operations against the Sioux in North Dakota (1863)
<b>Battle Date(s)</b>	September 3-5, 1863
<b>Principal Commanders</b>	Brigadier General Alfred Sully [US]; Chief Inkpaduta [I]
<b>Forces Engaged</b>	Army detachments of: 6 <sup>th</sup> Iowa Cavalry, 2 <sup>nd</sup> Nebraska Cavalry, Dakota Cavalry, 7 <sup>th</sup> Iowa Cavalry, 45 <sup>th</sup> Iowa Infantry [US]; Santee Sioux (Sisseton and Wahpekute), Teton Sioux (Hunkpapa and Sicasu), and Yankton-Yanktonai Sioux (Pabaksa [Blackfeet]), and Yankton [Cuthead], and Yankton) [I]
<b>Results</b>	Union victory
<b>Study Area</b>	2,548.96 acres The Study Area boundary was redefined to remove areas that were not historically associated with the battle. Two small Core Areas were merged and expanded to form a single large Core Area. This unified boundary now contains all of the land over which the combatants fought.
<b>Potential National Register Lands</b>	2,548.96 acres
<b>Protected Lands</b>	76.00 acres State Historical Society of North Dakota, fee simple
<b>Publicly Accessible Lands</b>	76.00 acres Whitestone Hill Battlefield State Park, State Historical Society of North Dakota
<b>Management Area(s)</b>	Whitestone Hill Battlefield State Park
<b>Friends Group(s)</b>	Whitestone Hill Battlefield Historical Society (1986)
<b>Preservation Activities Since 1993</b>	Advocacy ✓ Cultural Resource Surveys and Inventories Fundraising ✓ Interpretation Projects Land or Development Rights Purchased Legislation ✓ Planning Projects ✓ Research and Documentation Other
<b>Public Interpretation Since 1993</b>	Brochure(s) Driving Tour ✓ Living History Maintained Historic Features/Areas ✓ Visitor Center Walking Tour/Trails Wayside Exhibits/Signs

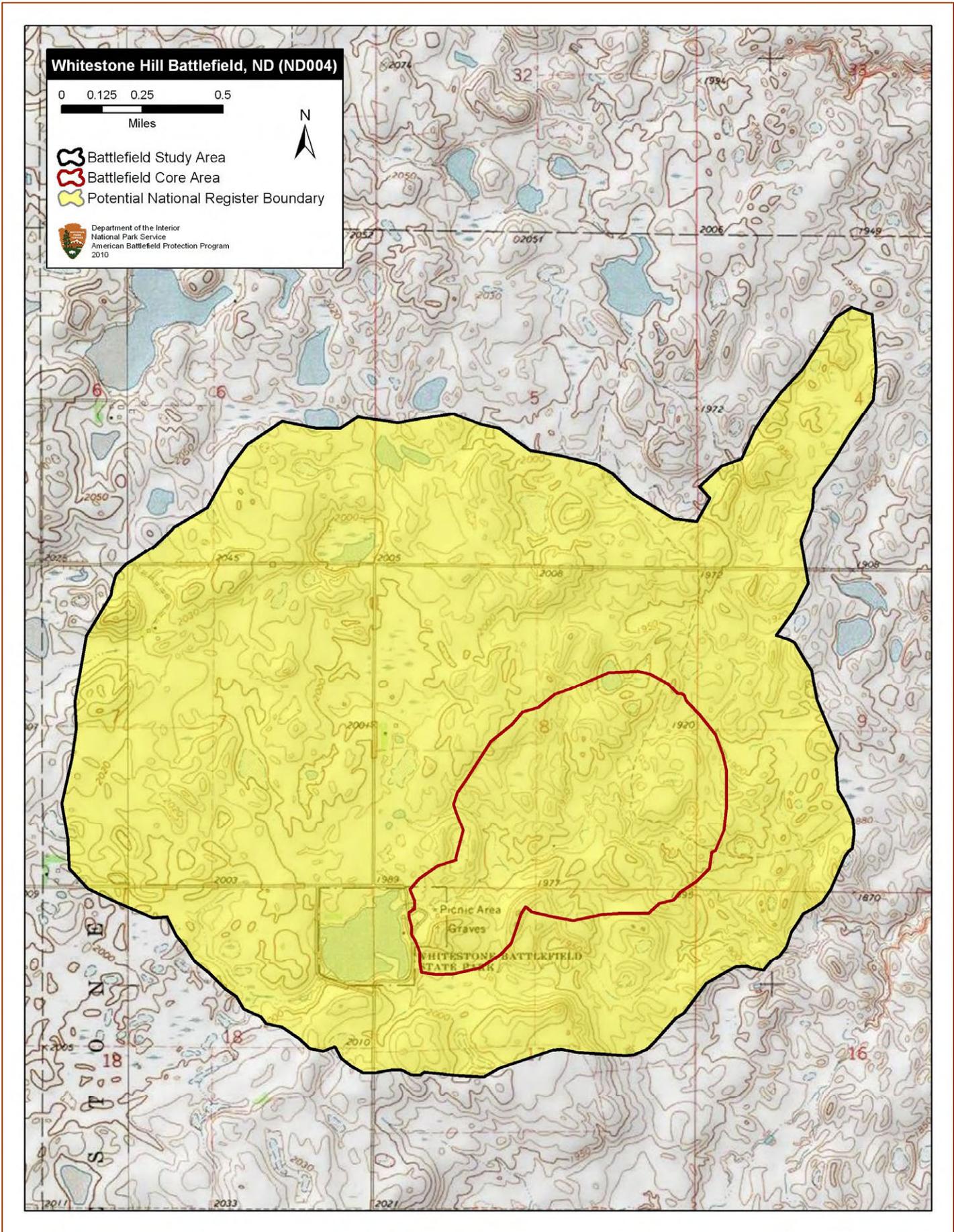
- ✓ Website
- Other

**Condition Statement**

Land use is little changed since the period of significance. There are no immediate threats to the historic terrain features, however wind turbines have been placed on the flat lands to the north. If more of these massive structures are installed within the Study Area or viewshed of Whitestone Hill, the integrity of the battlefield could be compromised.

**Historical Designation**

None



# Appendices

## Appendix A. Civil War Battlefield Preservation Act of 2002

Public Law 107-359, 111 Stat. 3016, 17 December 2002

Amends the American Battlefield Protection Program Act of 1996 (16 U.S.C. 469k)

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An Act

To amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil War Battlefield Preservation Act of 2002".

### SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.--Congress finds the following

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.

(2) According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields--

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.

(b) Purposes.--The purposes of this Act are--

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

### SEC. 3. BATTLEFIELD ACQUISITION GRANT PROGRAM.

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended--

(1) by redesignating subsection (d) as paragraph (3) of subsection (c), and indenting appropriately;

(2) in paragraph (3) of subsection (c) (as redesignated by paragraph (1))--

(A) by striking "Appropriations" and inserting

*Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields  
Final DRAFT - State of North Dakota*

``appropriations''; and  
(B) by striking ``section'' and inserting  
``subsection'';

(3) by inserting after subsection (c) the following

``(d) Battlefield Acquisition Grant Program.--

``(1) Definitions.--In this subsection

``(A) Battlefield report.--The term `Battlefield Report' means the document entitled `Report on the Nation's Civil War Battlefields', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

``(B) Eligible entity.--The term `eligible entity' means a State or local government.

``(C) Eligible site.--The term `eligible site' means a site--

``(i) that is not within the exterior boundaries of a unit of the National Park System; and

``(ii) that is identified in the Battlefield Report.

``(D) Secretary.--The term `Secretary' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

``(2) Establishment.--The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

``(3) Nonprofit partners.--An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

``(4) Non-federal share.--The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

``(5) Limitation on land use.--An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

``(6) Reports.--

``(A) In general.--Not later than 5 years after the date of the enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.

``(B) Update of battlefield report.--Not later than 2 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that updates the Battlefield Report to reflect--

``(i) preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;

``(ii) changes in the condition of the battlefields during that period; and

``(iii) any other relevant developments relating to the battlefields during that period.

``(7) Authorization of appropriations.--

“(A) In general.--There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection \$10,000,000 for each of fiscal years 2004 through 2008.

“(B) Update of battlefield report.--There are authorized to be appropriated to the Secretary to carry out paragraph (6)(B), \$500,000.”; and

(4) in subsection (e)--

(A) in paragraph (1), by striking “as of” and all that follows through the period and inserting “on September 30, 2008.”; and

(B) in paragraph (2), by inserting “and provide battlefield acquisition grants” after “studies”.

-end-

## Appendix B. Battlefield Questionnaire

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**State**  
**Battlefield**

**Person Completing Form**  
**Date of completion**

**I. Protected Lands of the Battlefield** (“Protected lands” are these “owned” for historic preservation or conservation purposes. Please provide information on land protected since 1993.)

1) Identify protected lands by parcel since 1993. Then answer these questions about each parcel, following example in the chart below. What is the acreage of each parcel? Is parcel owned fee simple, by whom? Is there is an easement, if so name easement holder? Was the land purchased or the easement conveyed after 1993? What was cost of purchase or easement? What was source of funding and the amount that source contributed? Choose from these possible sources: Coin money, LWCF, Farm Bill, State Government, Local Government, Private Owner, Private Non-Profit (provide name), or Other (describe).

<b>Parcel</b>	<b>Acres</b>	<b>Owner</b>	<b>Easement</b>	<b>Year</b>	<b>Cost</b>	<b>Source</b>
<i>Joe Smith Farm</i>	<i>194</i>	<i>Private</i>	<i>SHPO</i>	<i>1995</i>	<i>\$500,000</i>	<i>LWCF/\$250,000 Private/\$250,000</i>
<i>Sue Jones Tract</i>	<i>16</i>	<i>Battlefield Friends, Inc.</i>	<i>No</i>	<i>2002</i>	<i>\$41,000</i>	<i>State/\$20,000 BFII/\$21,000</i>

2) Other public or non-profit lands within the battlefield? (Y/N)

- If yes, describe
- Name of public or non-profit owner or easement holder
- Number of Acres owned/held

3) Is the information in a GIS? (Y/N)

If yes, may NPS obtain a copy of the data? (Y/N)

## **II. Preservation Groups**

1) Is there a formal interested entity (friends group, etc) associated with the battlefield? (Y/N)

If yes

Name

Address

Phone

Fax

E-mail

Web site? (Y/N)

If yes, what is the URL?

Does the web site have a preservation message? (Y/N)

What year did the group form?

## **III. Public Access and Interpretation**

1) Does the site have designated Public Access? (Y/N) (Count public roads if there are designated interpretive signs or pull-offs)

If yes, what entity provides the public access (Access may occur on lands owned *in fee* or *under easement* to the above entities)

Federal government

State government

Local government

Private Nonprofit organization

Private owner

Other

Name of entity (if applicable)

Number of Acres Accessible to the Public (size of the area in which the public may physically visit without trespassing. Do not include viewsheds.)

2) Does the site have interpretation? (Y/N)

If yes, what type of interpretation is available?

Visitor Center

Brochure(s)

Wayside exhibits

Driving Tour

Walking Tour

Audio tour tapes

Maintained historic features/areas

Living History

Website

Other

## **IV. Registration**

Applies only to the battlefield landscape, not to individual contributing features of a battlefield (i.e., the individually listed Dunker Church property of .2 acres does not represent the Antietam *battlefield* for the purposes of this exercise)

1) Is the site a designated National Historic Landmark? (Y/N)

If yes, NHL and ID Number

2) Is the site listed in the National Register? (Y/N)

If yes, NRHP Name and ID Number

- 3) Is the site listed in the State Register? (Y/N)  
If yes, State Register Name and ID Number
- 4) Is the site in the State Inventory? (Y/N)  
If yes, State Inventory Name and ID Number
- 5) Is the site designated as a local landmark or historic site? (Y/N)  
Type of Designation/Listing

## **V. Program Activities**

What types of preservation program activities have occurred at the battlefield? Provide final product name and date if applicable (e.g., *Phase I Archeological Survey Report on the Piper Farm, 1994* and *Antietam Preservation Plan, 2001*, etc.)

- 1) Research and Documentation
- 2) Cultural Resource surveys and inventories (building/structure and landscape inventories, archeological surveys, landscape surveys, etc.)
- 3) Planning Projects (preservation plans, site management plans, cultural landscape reports, etc.)
- 4) Interpretation Projects (also includes education)
- 5) Advocacy (any project meant to engage the public in a way that would benefit the preservation of the site, e.g. PR, lobbying, public outreach, petitioning for action, etc.)
- 6) Legislation (any local, state, or federal legislation designed to encourage preservation of the battlefield individually or together with other similar sites)
- 7) Fundraising
  - a. To support program activities?
  - b. To support land acquisition/easements?
- 8) Other

## **Appendix C. Civil War Battlefield Land Acquisition Grants**

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The Civil War Battlefield Preservation Act of 2002 (PL 107-359) amended the American Battlefield Protection Act of 1996 (16 USC 469k) to authorize a matching grant program to assist States and local communities in acquiring significant Civil War battlefield lands for permanent protection. Most recently, Congress showed its continuing support for these grants when it reauthorized this program within the Omnibus Public Land Management Act of 2009 (PL 111-11).

Eligible battlefields are those listed in the 1993 Report on the Nation's Civil War Battlefields prepared by the Congressionally-chartered Civil War Sites Advisory Commission (CWSAC). Eligible acquisition projects may be for fee interest in land or for a protective interest such as a perpetual easement.

Since 1998, Congress has appropriated a total of \$38.9 million for this Civil War Battlefield Land Acquisition Grants (CWBLAG) Program. These grants have assisted in the permanent protection of more than 15,742.00 acres at 61 Civil War battlefields in 14 states. No program funding has been used to protect battlefields in North Dakota to date, but all five of the state's battlefields are eligible to apply for CWBLAG money.

## Appendix D. American Battlefield Protection Program Planning Grants

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Since 1992, ABPP has offered annual planning grants to nonprofit organizations, academic institutions, and local, regional, state, and tribal governments to help protect battlefields located on American soil. Applicants are encouraged to work with partner organizations and federal, state, and local government agencies as early as possible to integrate their efforts into a larger battle site protection strategy. In North Dakota, the ABPP has already awarded \$26,843.00 for work at **Whitestone Hill**. All five battlefields in the state are eligible to apply for funding.

<b>Grantee</b>	<b>Year</b>	<b>Project Title</b>	<b>Award</b>
<i>State Historical Society of North Dakota</i>	2008	Whitestone Hill Battlefield Archeological Survey and National Register Nomination	\$26,843.00
<b>Total ABPP Planning Grants to North Dakota Battlefields as of FY2009</b>			<b>\$26,843.00</b>