MEMORANDUM OF AGREEMENT

BETWEEN THE NATIONAL PARK SERVICE AT CAPITOL REEF NATIONAL PARK AND THE UTAH STATE HISTORIC PRESERVATION OFFICE REGARDING THE ROAD AND PARKING LOT REHABILITATION PROJECT, WAYNE COUNTY, UTAH

WHEREAS, Capitol Reef National Park (CARE) is a unit of the National Park Service (NPS) within Interior Region 7 in the state of Utah, and the NPS is charged to meet the directives of the NPS Organic Act of 1916, as amended (PL 64-235, 39 Stat. 535) to "conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations," as it applies to the park units; and

WHEREAS, the NPS plans to repair and expand the Chimney Rock, Visitor Center, and Capitol Gorge parking areas and repair and widen a portion of Scenic Drive, which are contributing elements of a National Register of Historic Places (NRHP)-eligible Mission 66 Historic District and the NRHP-eligible Scenic Drive Cultural Landscape at CARE; and

WHEREAS, the NPS is funding the proposed project on lands under its jurisdiction, which constitutes a federal Undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (NHPA; 54 USC § 306108), and its implementing regulations at 36 CFR § 800; and

WHEREAS, the project scope consists of expansion of the Chimney Rock, Visitor Center, and Capitol Gorge parking areas and widening and associated repairs to the portion of Scenic Drive from a fee station near a campground to the end of pavement at Capitol Gorge (see *Appendix A: Description of the Undertaking*); and

WHEREAS, the NPS has worked in collaboration with Federal Highway Administration (FHWA) to have the parking lots and roads designed and engineered to meet Park Road Standards and will oversee construction; however, the NPS retains responsibility for compliance with Section 106; and

WHEREAS, the project is CARE in Wayne County and the NPS has defined the Undertaking's Area of Potential Effect (APE) as composing all existing parking lot and Scenic Drive infrastructure and areas up 100 feet from the edge of all constructed features at Chimney Rock, up to 40 feet from existing parking area components at Visitor Center and Capitol Gorge, and up to 100 feet from the centerline of Scenic Drive, covering approximately 133 acres as shown in *Appendix A*, and encompasses all direct, indirect, and cumulative effects of the Undertaking; and

WHEREAS, the NPS had cultural resources surveys performed to identify historic properties within the APE, including a determination of eligibility for the Capitol Reef Mission 66 Historic District, which determined that the district was NRHP-eligible under Criteria A and C, and NRHP nomination form for the Scenic Drive Cultural Landscape, which determined that the cultural landscape was NRHP-eligible under Criterion A; and

WHEREAS, the Utah State Historic Preservation Officer (UT SHPO) concurred on July 25, 2023, that the project constitutes an Undertaking and that APE encompasses all direct, indirect, and cumulative effects and concurred that the Capitol Reef Mission 66 Historic District is NRHP-eligible under Criteria A and C and that the Scenic Drive Cultural Landscape is NRHP-eligible under Criterion A; and

WHEREAS, the NPS determined that the Undertaking will adversely affect the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape pursuant to 36 CFR § 800.5(a), and UT SHPO concurred with this assessment on July 25, 2023 (SHPO Case #23-0219); and

WHEREAS, the NPS has determined that the Undertaking will not adversely affect any other historic properties, and UT SHPO concurred with this assessment on July 25, 2023; and

WHEREAS, the NPS has developed this Memorandum of Agreement (Agreement) to resolve adverse effects to the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape through the development of avoidance, minimization, and mitigation measures in accordance with 36 CFR §§ 800.6(b) and 800.6(c); and

WHEREAS, the UT SHPO is authorized to enter into this Agreement in order to fulfill its role of advising and assisting federal agencies in carrying out their responsibilities under Sections 110 and 106 of the NHPA (36 CFR §§ 800.2[c][1][i] and 800.6[b]), and UT SHPO is participating as a signatory; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the NPS notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination June 25, 2023, with specified documentation, and on July 6, 2023, the ACHP informed the NPS that they chose not to participate in this Agreement pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the NPS initiated consultation with the following traditionally associated American Indian tribes (Tribes) on January 23-26, 2023: Confederated Salish and Kootenai Tribes, Hopi Tribe, Jicarilla Apache Nation, Kaibab Paiute Tribe, Los Vegas Paiute Tribe, Moapa Band of Paiutes, Navajo Nation, Ohkay Owingeh, Paiute Indian Tribe of Utah, Pueblo of Acoma, Pueblo of Cochiti, Pueblo of Isleta, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Nambe, Pueblo of Picuris, Pueblo of Pojoaque, Pueblo of San Ildefonso, Pueblo of Sandia, Pueblo of Santa Ana, Pueblo of Santa Clara, Pueblo of Taos, Pueblo of Tesuque, Pueblo of Zia, San Juan Southern Paiute, Santo Domingo Pueblo, Skull Valley Band of Goshute Indians of Utah, Southern Ute Indian Tribe, Ute Indian Tribe of the Uintah Ouray Reservation, Ute Mountain Ute Indian Tribe, White Mesa Ute, Zuni Tribe, and have invited the Tribes to participate as concurring parties to this Agreement; and

WHEREAS, the NPS will continue Tribal consultation throughout the duration of the Undertaking; and

WHEREAS, pursuant to 36 CFR § 800.2(d), the NPS solicited and considered public comment throughout the Section 106 process, including a public newsletter that a draft of this Agreement with a public review period of June 15 to July 6, 2023, and various substantive comments were

received, and these were considered and integrated into the current design for the Undertaking; and

WHEREAS, the definitions in this Agreement follow 36 CFR § 800.16; and

NOW, THEREFORE, the NPS and the UT SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations to resolve the adverse effects on historic properties.

STIPULATIONS

The NPS shall ensure that the following measures are carried out:

I. ROLES AND RESPONSIBILITIES

The NPS is the lead agency for administering and implementing this Agreement. These responsibilities include, but are not limited to, consulting and coordinating with the consulting parties, conducting Government-to-Government consultation with the Tribes, overseeing all cultural resources work, assembling all submissions to the consulting parties including cultural resources monitoring and reporting; and seeking SHPO concurrence with all agency compliance decisions. It is anticipated that monitoring and associated documentation, while being overseen by the NPS, would be completed by a qualified contractor working on the construction project.

II. PROFESSIONAL QUALIFICATIONS

- A. All work carried out pursuant to this Agreement shall meet the *Secretary of the Interior's Professional Qualification Standards* for Archaeology and Historic Preservation, as per Section 112(a)(1)(A) of the NHPA and 36 CFR § 800.2(a)(1) of the implementing regulations.
- B. All work to address historic structures will be conducted by or under the direct supervision of a Historian, Historic Architect, or Historic Landscape Architect that meets the *Secretary of Interior's Professional Qualification Standards* (Federal Register Vol. 48, No. 190:44738-44739).

III. RESOLUTION OF ADVERSE EFFECTS

Pursuant to 36 CFR § 800.6(a), this Agreement commits NPS to measures to resolve adverse effects to historic properties. The measures discussed below focus on the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape, including the treatment and documentation of NRHP-contributing features of these historic properties. Additional measures are provided for protection and documentation of any unanticipated discoveries. The NPS shall ensure all

construction documents and/or contracts include applicable provisions, and herein commits to the following:

- A. Continued consultation with UT SHPO regarding design, circulation, landscape, reclamation, and mitigation.
- B. Identification of the contributing elements of the Capitol Reef Mission 66 Historic District and Scenic Drive Cultural Landscape that may be adversely affected by the Undertaking, both directly and indirectly.
- C. Efforts made during design development to avoid and minimize adverse effects and efforts to maintain aspects of integrity for each contributing resource, including the landscape.
- D. Application of the Secretary of the Interior's Standards for the Treatment of Historic Buildings for proposed work, including guidelines for appropriate design within the boundaries of the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape.
- E. Completion of an updated NRHP nomination form for the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape for submission to the Keeper of the Register and listing on the NRHP.
- F. Interpretation to enhance the understanding of the significance of the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape and how Mission 66 is fundamental to the evolution of the NPS.
- G. Incorporation of comments received during the Section 106 public review period.
- H. A general schedule to implement cultural resources continued consultation, reporting, and reviews.
- I. Procedures for monitoring, evaluating, and treating discoveries of unanticipated or newly identified cultural resources during construction associated with the Undertaking, including consultation with appropriate parties (See Stipulation V).
- J. An interpretive sign within the project area in a location anticipated to receive heavy visitation and an update to the park's website to provide background information on the historic significance of the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape, particularly the Mission 66 era.
- K. Level I Historic American Landscapes Survey (HALS) documentation shall be completed for this project. See Section VII below.

CULTURAL RESOURCES MONITORING GENERAL PROVISIONS

A. The NPS will ensure that the location of contributing elements of the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape within or

- adjacent to the project area are incorporated into construction design documents. This process will make sure to safeguard this information to not to identify sensitive resources to personnel not directly involved with the Undertaking. Historic features will be labeled with their associated treatment measure (*Appendix A*). Having the location and extent of these resources in the designs will allow for more efficient communication and ensure that crew members coordinate with cultural monitors.
- B. The NPS will ensure that construction crews provide a minimum 14 calendar-day notice to CARE before working within or adjacent to culturally sensitive areas, such as contributing features of the historic district or cultural landscape, and shall specify the estimated length of time and extent of ground-disturbing and structural actions (e.g., digging within the parking areas, estimated depth, removal and reconstruction of vegetated islands and historic rock walls, repair of damaged culverts). This information will be shared with the associated monitors to determine if their presence is required during construction.
- C. If previously unreported cultural resources are encountered during the monitoring, the work shall be halted until the discovery is documented and evaluated for its significance and NRHP eligibility in coordination with the NPS subject matter expert. The NPS will notify UT SHPO and Tribes of the discovery, and consultation will follow, as appropriate. in accordance with Stipulation V.

IV. HISTORIC DISTRICT TREATMENT, CONSTRUCTION MONITORING, AND REPORTING

- A. The NPS will include the expertise of a Historian, Historic Landscape Architect, or Historic Architect as part of construction design teams and during implementation. This is to ensure requirements to avoid, minimize, and mitigate effects to the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape are implemented in the project. The Historian, Historic Landscape Architect, or Historic Architect will be included in the project kick-off meeting to identify contributing features of the district, discuss construction requirements associated with repair and rehabilitation of those features (e.g., masonry requirements to conduct in-kind replacement of masonry and stone walls), and address questions. The Historian, Historic Landscape Architect, or Historic Architect will also be available for project update meetings and intermittent monitoring of implementation of masonry and similar measures on contributing elements of the district, following recommendations to follow Secretary of the Interior's Standards for Rehabilitation, Standard 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to project the historic integrity of the project and its environment, where possible. Findings from these efforts will be incorporated into the regular quality control assessments during construction.
- B. The monitor and construction team will ensure repair of contributing features of the historic district and placement of new masonry will be designed to minimize

the effects to the historic character of contributing elements and overall historic setting of the district. This includes use of masonry techniques that replicate the aesthetics of existing significant features. Masonry shall utilize techniques that include matching mortar type, composition, color, and joint profile for each feature. Repairs to contributing features and construction of new rock walls shall reuse historic fabric (e.g., stone curbing, rock retaining wall) where possible, incorporate locally sourced sandstone (or stone with similar attributes), rebuild stone curbing and retaining walls in the same alignment when possible, and align walls in consideration of visual compatibility with the historic setting.

- C. Any source of building materials will be assessed for potential disturbance to historic properties and fully comply with associated requirements of the NHPA.
- D. The project will include a NRHP nomination form for the Capitol Reef Mission 66 Historic District and a NRHP nomination form for the Scenic Drive Cultural Landscape, including a discussion of all non-contributing elements.

V. POST REVIEW DISCOVERIES

The NPS shall ensure that all construction documents include the following provisions:

- A. If previously unidentified historic properties or unanticipated effects to historic properties are discovered during construction activities, the contractor shall immediately halt all activity within a 100-foot radius of the discovery, notify the NPS of the discovery, and implement interim measures to protect the finding(s) in place.
- B. Immediately upon receipt of the notification required in Stipulation V.A of this document, the NPS shall:
 - 1. Inspect the site to determine the extent of the discovery and ensure that construction activities have halted.
 - 2. Clearly mark the area of the discovery.
 - 3. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism.
 - 4. Have a qualified subject matter expert (archeologist, historian, historic landscape architect, historic architect, etc., as appropriate) inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment.
 - 5. Depending on recommendations from the qualified subject matter expert after discussion with NPS cultural resources personnel, for resources that could potentially be eligible for the NRHP the NPS will notify AZ SHPO and tribes and traditionally associated with SAGU. Notification will include a description of the

finding and the measures that have been implemented to comply with Stipulations V.B.1-4 of this document.

- C. Within 48 hours of receipt of the notification described in Stipulation V.B.5 of this document, the NPS shall provide the UT SHPO and tribes traditionally associated with CARE with its assessment of the NRHP eligibility of the discovery and the measures it proposes to take to resolve adverse effects. In making its official evaluation, the NPS, in consultation with the UT SHPO and tribes may assume the discovery to be NRHP eligible for the purposes of Section 106 pursuant to 36 CFR § 800.13(c). The UT SHPO and tribes shall respond within 48 hours of receipt.
- D. The NPS, which shall take into account the consulting parties' recommendations on eligibility and treatment of the discovery, shall ensure that appropriate actions are carried out and provide the UT SHPO and the other consulting parties with a report on these actions when they have been implemented.
- E. Construction activities may only proceed after NPS has determined that implementation of any actions necessary to address the discovery pursuant to Stipulation V.A-D have been completed.
- F. The NPS will comply with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA, 1990) and adhere to the principles outlined in the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects, dated March 1, 2023. No human remains or NAGPRA cultural items are known to exist in the APE; however, any such encounters would be treated in accordance with a NAGPRA Plan of Action as developed among the NPS and Tribes, as necessary.

VI. INTERPRETIVE PANEL AND WEBSITE

As part of construction, the NPS will, in consultation with UT SHPO and Tribes, develop and install a professionally designed interpretive panel to communicate the history and significance of the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape. The interpretive sign will be installed at specified location where heavy visitor use is anticipated. The NPS will also update the CARE website to include a webpage detailing similar information, with associated pictures and links to more information. This may be correlated to similar construction present at other park units completed during the Mission 66 era in the 1950s. Materials should highlight the contributing elements of the district and cultural landscape.

VII. LEVEL I HALS DOCUMENTATION

- A. Descriptions of the three levels of HALS documentation were published in the Federal Register on July 21, 2003, and are available at https://www.nps.gov/hdp/standards/standards_regs.pdf. Level I HALS documentation consists of:
 - 1. Drawings: sketch plan of parking areas.

- 2. Photographs: photographs with large-format negatives of parking areas and significant views of Scenic Drive.
- 3. Written data: short form historical report.
- B. Documentation will be prepared in accordance with the HALS Guidelines for history, drawing, photography, and transmittal available at https://www.nps.gov/hdp/standards/halsguidelines.htm.
- C. Photographs documenting current views will consist of no less than 15 images and will include the following views: Chimney Rock parking area (three images), Visitor Center parking area including rock retaining wall on edge of sidewalk (five images), start of Scenic Drive road widening area next to fee kiosk (one image), intersection of Scenic Drive and Danish Point (2 images), intersection of Scenic Drive and Grand Wash Road (2 images), Capitol Gorge parking area (4 images).
- D. Preparation of HALS documentation will be coordinated in advance with UT SHPO and National Park Service's Denver Office Heritage Partnerships Program (HPP), including submission of late-version draft documentation for review and comment. Following HPP acceptance, final documentation will be provided to HPP for transmittal to the Library of Congress. HPP contact information is available at https://www.nps.gov/hdp/regions.htm.
- E. HALS documentation, the updated nomination forms, and the architectural site record form will be provided before ground disturbance or other modification of contributing features of the historic district and cultural landscape. This reporting will be submitted to CARE and the UT SHPO for 30-day review and comment. Draft HALS documentation will be submitted concurrently to the Intermountain Regional Office HALS coordinator for 45-day review and comment. If necessary, additional reviews may be required to generate final documents. All review comments and edits will be integrated into final reporting. It is likely the reporting would be submitted in approximately Fall 2024.
- F. Upon receipt of the final report, the NPS shall submit the HALS documentation to the Washington office and the Library of Congress. This includes complying with the archival requirements of the Library of Congress. The NPS is encouraged to contact HALS staff in the Washington Office if questions arise. All such items shall be made available to educational institutions and individual scholars for appropriate exhibit and/or research in accordance with NPS operating policies.
- G. No physical impacts to contributing elements of the Capitol Reef Mission 66 Historic District or Scenic Drive Cultural Landscape will occur until documentation has been accepted in writing by the UT SHPO and HPP.

VIII. REVIEW AND COMMENT

The NPS will submit all documentation related to the Undertaking (e.g., historic district and cultural landscape NRHP nominations and associated determination of eligibility

report, Utah architectural resources record updates, HALS documentation, etc.) to the consulting parties for review and comment, unless stipulated elsewhere in this Agreement. Consulting parties shall have 30 days from receipt to provide written comments. If a party does not comment on a submittal during this period, the NPS will follow-up by telephone or e-mail with the party. If, after such reasonable and good faith efforts to reach an unresponsive consulting party, there has still been no response, the NPS will proceed to the next step.

IX. REPORTING AND REVIEW

- A. Following the execution of this Agreement, the NPS and FHWA will convene prior to construction to ensure that stipulations in this agreement are understood and associated requirements for documentation prior to construction are completed. The NPS will then compose a letter report (Annual Report) upon completion of construction, which is anticipated to be within one year of execution of this Agreement. Following this first year until this Agreement expires or is terminated, the NPS will compose additional brief Annual Reports to review the progress under this Agreement and associated treatment measures. The Annual Report will include an update on project schedule, status, and any ongoing cultural resources monitoring or mitigation activities, discovery situations, proposed future actions, or outstanding tasks to be completed under this Agreement. Consulting parties will have 30 calendar days to review the Annual Report and provide comments to the NPS, who will then address the comments. The NPS will share the report with consulting parties to this Agreement and ask if parties are interested in attending a virtual annual meeting.
- B. If an annual meeting is requested by consulting parties, the NPS will address the comments on the annual report to develop the meeting agenda. The meeting shall include a discussion of construction progress, any scheduling changes proposed, any problems encountered, associated findings for any disturbances or enhancements to historic properties, identification of any new discoveries, and any disputes and objections received in NPS's efforts to carry out the terms of this Agreement.
- C. Within 14 days after the annual meeting, the NPS will summarize the meeting, including proposed action items and how they are to be addressed, in a letter to consulting parties. Consulting parties will have 20 days to review and comment on the meeting notes and, if necessary, provide the NPS with any edits to the meeting notes. If changes are needed, the NPS will produce revised meeting notes within 30 days of receipt of comments and will provide the final notes to the consulting parties.

X. DISPUTE RESOLUTION

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

- A. Forward all documentation relevant to the dispute, including NPS's proposed resolution, to the ACHP. The ACHP shall provide the NPS with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the NPS 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. The NPS will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the 30-day period, the NPS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the NPS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the Agreement and provide them and the ACHP with a copy of such written response.
- C. The NPS's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of any dispute shall remain unchanged.

XI. CONFIDENTIALITY

To the maximum extent allowed by federal and state law, the NPS will maintain confidentiality of sensitive information regarding historic properties that could be damaged through looting or disturbance, and/or to help protect a historic property to which a Tribe attaches religious or cultural significance. However, any documents or records the NPS has in its possession are subject to the Freedom of Information Act (FOIA) (5 USC 552 et seq.) and its exemptions, as applicable. The NPS shall evaluate whether a FOIA request for records or documents would involve a sensitive historic property, or a historic property to which a Tribe attaches religious or cultural significance, and if such documents contain information that the NPS is authorized to withhold from disclosure by other statutes including the Section 304 of the NHPA, as well as the Archeological Resources Protection Act. If this is the case, then the NPS will consult with the Keeper of the National Register of Historic Places and the ACHP regarding withholding the sensitive information. If a Tribally sensitive property is involved, the NPS will also consult with the relevant Tribe(s) prior to making a determination in response to a FOIA request.

XII. AMENDMENTS

This Agreement 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 the signatories is filed with the ACHP.

XIII. TERMINATION

- A. If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII of this Agreement. If within 30 days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories and concurring parties.
- B. Once the Agreement is terminated, and prior to work continuing on the Undertaking, the NPS must either (a) execute a new Memorandum of Agreement pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The NPS shall notify the signatories as to the course of action it will pursue.

XIV. DURATION

This Agreement will expire if its terms are not carried out within five years from the date of its execution. Prior to such time, the signatories may consult and agree in writing to an extension for carrying out the terms of the Agreement in accordance with Stipulation XII above.

XV. ANTI-DEFICIENCY ACT

The NPS's obligations under this Agreement are subject to the availability of appropriated funds, and the stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act. The NPS shall make reasonable and good faith efforts to secure the necessary funds to implement this Agreement in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the NPS's ability to implement the stipulations of this Agreement, the NPS shall consult in accordance with the amendment and termination procedures found at Stipulations XII and XIII of this Agreement.

Execution of this Agreement by the NPS and UT SHPO and implementation of its terms are evidence that the NPS has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment, and that the NPS has satisfied its Section 106 responsibilities for the Undertaking.

SIGNATORY:	
National Park Service – Capitol Reef National Park	
	Date: TBD
Cassity Bromley, CARE Superintendent	

SIGNATORY:	
	Date: TBD
Chris Merritt, Utah State Historic Preservation Officer	

SIGNATORY:			
			Date: TBD
Judy Salomonson	Federal Highway Adm	inistration Chief of	Rusiness Operations

CONCURRING PARTIES:

Confederated Salish and Kootenai Trib	pes
	Date
Tom McDonald, Chairman	
Hopi Tribe	
	Date
Stewart Koyiyumptewa, Tribal Histori	
Jicarilla Apache Nation	
	Date
Edward Velarde, President	Date
Kaibab Band of Paiute Indians	
	Dete
Ona Segundo, Chairwoman	Date
Las Vegas Tribe of Paiute Indians	
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Deryn Pete, Chairwoman	Date

Moapa Band of Paiute Indians	
Buu Nygren, President	Date
Navajo Nation Buu Nygren, President	Date
Ohkay Owingeh Joseph Aguino, Governor	Date
Paiute Indian Tribe of Utah Corrina Bow, Tribal Chairwoman	Date
Pueblo of Acoma Randall Vicente, Governor	Date
Pueblo of Cochiti Everett P. Herrera, Governor	Date

Pueblo of Isleta	
Max Zuni, Governor	Date
Pueblo of Jemez Dominic Gachupin, Governor	Date
Pueblo of Laguna Wilfred Herrera, Jr., Governor	Date
Pueblo of Nambe Nathaniel S. Porter, Governor	Date
Pueblo of Picuris Craig Quanchello, Governor	Date
Pueblo of Pojoaque Jenelle Roybal,, Governor	Date

Pueblo of San Ildefonso	
Christopher A. Moquino, Governor	_ Date
Pueblo of Sandia Stuart Paisano, Governor	_ Date
Pueblo of Santa Ana Joseph Sanchez, Governor	_ Date
Pueblo of Santa Clara J. Michael Chavarria, Governor	_Date
Pueblo of Taos Clyde Romero, Governor	_ Date
Pueblo of Tesuque Robert Mora, Sr., Governor	_ Date

Pueblo of Zia	
	Date
Gabriel Galvan, Governor	
Pueblo of Zuni	_ Date
Arden Kucate, Governor	
San Juan Southern Paiute Tribe	Date
Candelora Lehi, Acting President	Date
Santo Domingo Pueblo	Date
Esquipula Tenorio, Governor	
Southern Ute Indian Tribe	Date
Melvin J. Baker, Chairman	
Ute Indian Tribe of the Uintah and O	uray Reservation, Utah
Shaun Chapoose, Chairman	_ Date

Ute Mountain Ute Tribe		
	Date _	
Manuel Heart, Chairman		
White Mesa Ute		
	Date _	
Malcom Lehi, Council Representative		

Appendix A: Description of the Undertaking and Area of Potential Effects

Introduction

The National Park Service (NPS), in cooperation with the Federal High Administration (FHWA) proposes to rehabilitate Scenic Drive and multiple parking lots in Capitol Reef National Park (CARE), including work in Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape. The project would significantly expand existing parking at the Chimney Rock, Visitor Center, and Capitol Gorge parking areas, and include widening of Scenic Drive and improvements to various drainage structures, including additional of ditches and repair of culverts and low-water crossings, and adding three parking areas at the junction of Scenic Drive and Grand Wash Road.

Background

The park has experienced significant increases in visitation and seeks to make various repairs and improvements to park infrastructure to best accommodate public safety and access to important locations within Capitol Reef. Many of the park's parking lots were originally designed and built in the 1960s when visitation was closer to 150,000 per year than the 1,200,000 per year the park routinely exceeds now. The landscape is also highly erosive and experiences regular flood events, which strains roads and parking areas requiring periodic repairs and maintenance to remain safe and accessible. The parking lot at Chimney Rock Trailhead and Scenic Drive has shown signs of pavement cracking, shoulder erosion, and damage to various drainage structure (e.g., low-water crossings, culverts). Increased visitation has led to overwhelmed parking lots, and vehicles parking in areas that create safety and resource concerns. The Visitor Center parking lot and infrastructure is routinely overcrowded, resulting in informal parking along adjacent roadways. The park has also experienced challenges during flood events where vehicles have been stuck in the Grand Wash and Capitol Gorge areas and seeks to provide safe parking options. The primary focus is on these areas:

- Expansion of parking capacity and delineation of parking spots (parallel and pull in)
- Drainage improvements
- Road widening, with primary focus in tight curve areas
- Improvements to meet accessibility requirements (e.g., additional accessible parking spaces, sidewalks, and associated low-slope grading)

The parking areas were all originally constructed in the 1960s as part of the Mission 66 era that included various improvements and associated construction style and aesthetic throughout the NPS. Scenic Drive was constructed based on an older route and retains historical characteristics such as a narrow roadbed and various drainage features constructed in the historic period. However, the design of the original infrastructure has been strained by significant increases in visitation to the park and includes components that have presented safety concerns for potential vehicle, bicycle, and pedestrian use of the area. Near pedestrian-vehicular accidents happen frequently and congestion interrupts pedestrians and vehicles.

Project Undertaking and Area of Potential Effects

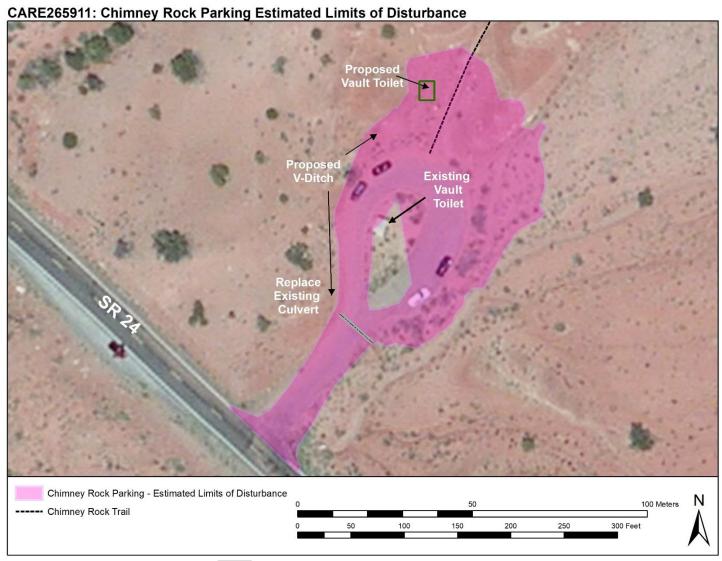
The area of potential effects for parking lots includes a 100-foot buffer from the edge of the estimated limits of disturbance. Staging of materials and equipment is anticipated to occur within the project area and on existing paved or graveled surfaces such as nearby parking areas, the three proposed parking areas at the junction of Scenic Drive and Grand Wash Road, and the Pendleton Pasture, which was used for a similar construction project on Scenic Drive in approximately 2010-2011. Associated actions include the following for each parking location.

Chimney Rock Parking Project Details

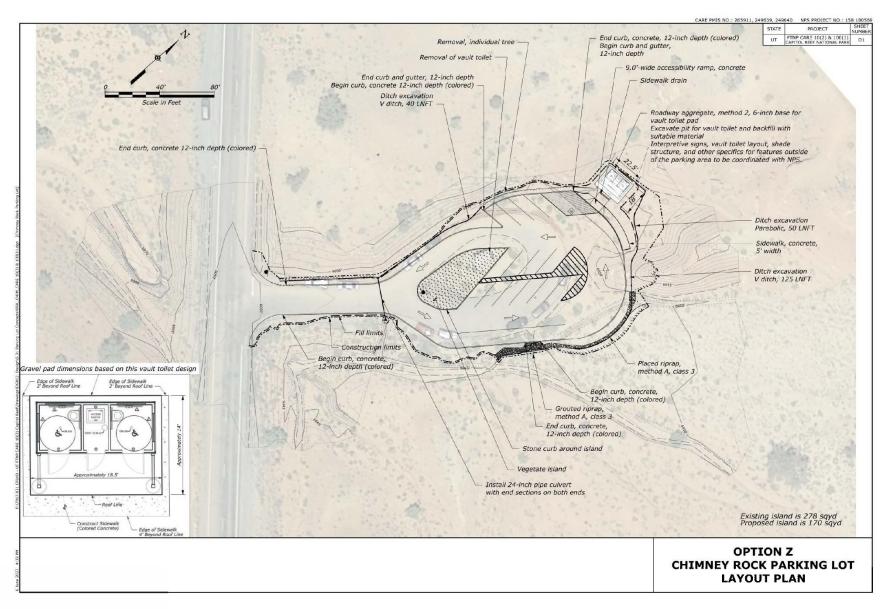
The Chimney Rock parking lot is located on the east side of SR 24 approximately 3 miles north of the Visitor Center. This parking lot has an approximately 100-foot-long entrance road and forms a generally oval parking area with central sparsely vegetated island and vault toilet. The road and lot are paved in asphalt and the central island is partially covered in gravel with some scattered rectangular stone wheel stops. Parking spots are not delineated, and vehicles usually park either parallel to the road on the outside edge of the oval or irregularly. The north end of the lot transitions into the Chimney Rock trail, which is delineated by two loose parallel alignments of rocks. A stone trailhead monument sign and metal interpretive panel are along the first 30 feet of trail, which has a dirt tread. The view of the parking area is obstructed from travelers heading south on SR 24 by a rock bench on the west side of the lot, while the lot is more easily visible by vehicles heading north on SR 24. The road and parking lot were originally designed and constructed in the Mission 66 era and the alignment of the entrance road and parking area has remained the same. However, changes in the modern era include the addition of the vault toilet, a rock bench on the north side of the comfort station, irregularly spaced wheel stops, and the trailhead signs and rock delineators.

The area has presented challenges for park management, particularly safety concerns. Significant increases in visitation have resulted in overcrowding in the lot, leading to informal offroad parking and increased threat of accidents. The parking is also challenging for visitors using large recreational vehicles or buses and those trying to maneuver around these large vehicles. The lot also experiences occasional pooling water and related erosion, particularly on the north side and in the central island.

The NPS plans to expand the size of the parking area, remove a portion of the vegetated island, move the vault toilet next to the trailhead on the west side (or leave in place), add concrete curbing and sidewalks, delineate parking spots to include three spaces for oversized vehicles, add wheel stops, and improve the trailhead area to include additional signage, a shade ramada, and trash receptacles. The lot would be expanded to the north and east. Approximately 60 percent of the island would be retained. The entrance road would retain the same width and alignment. An approximately 90-foot-long x 1-foot-deep v-ditch lined with concrete would be installed on the northeast side of the lot and would connect to existing natural drainages to route water away from the structures into a nearby wash. A similar ditch, approximately 190 feet long, would be constructed on the west side of the parking lot and connect to an existing wash and culvert inlet. New traffic signs would be added, including a one-way designation. All construction staging would occur within the existing developed area, with associated closure of portions of the lot to allow for continued use of the trailhead, where possible. Construction would expand the developed area from 0.23 acre to approximately 0.43 acre. Associated ground disturbance would include removal of the vault toilet, small portion of the vegetated island, paved parking oval, and approximately 30 feet of the Chimney Rock trail, and adjacent lightly vegetated areas to a maximum of approximately 2 feet deep in most areas, 3 feet deep for footings to support the shade ramada and new interpretive signage, and 6 feet deep for the vault toilet. Staging would occur within the construction area. It is not anticipated that the new construction would be visible from any new areas on SR 24.



Chimney Rock parking map.



Chimney Rock parking layout plan.



Chimney Rock parking showing vegetated island and portions to be removed, view north.



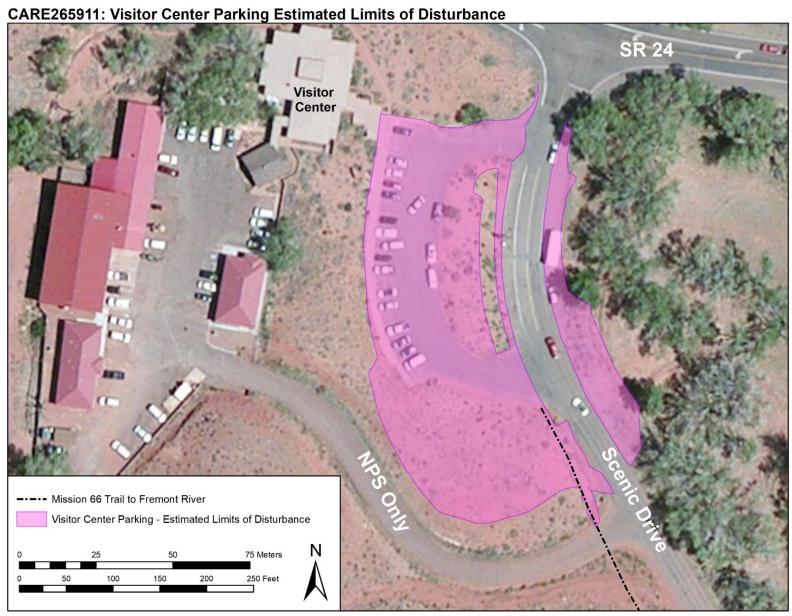
Chimney Rock parking, view southeast showing area of potential expansion.

Visitor Center Parking Project Details

The parking lot on the east side of the Visitor Center and approximately 60 feet from the intersection of SR 24 and Scenic Drive is one of the most heavily visited locations in the park. It includes a large sparsely vegetated island (170 feet north-south x 58 feet east-west) on its east side and a sidewalk on its west side. It is mostly lined with curbing and has delineated spots on the west side. The east side of the vegetated island has unmarked parallel parking and the west side has marked parallel parking typically used for buses and other large vehicles. The northwest corner of the lot includes two accessible spots. The west edge of the sidewalk is lined by a 1.5-foot-tall stone and mortar retaining wall with an ashlar pattern. There is also a rectangular gathering space and flagpole. Approximately 60 to 140 feet south of the edge of the parking lot, across an approximately 6-foot-tall sandy berm, is a paved NPS-only access road that leads west to a parking lot and associated administrative buildings. A trail, consisting of a simple dirt tread, is located on the south side of the parking area at the junction with Scenic Drive and continues south across the NPS-only access road and down to the Fremont River. East of the parking lot on the opposite side of Scenic Drive is a paved parallel parking area for large vehicles that is lined with a stone and masonry curb that was installed in approximately 2012. It On the east side of this parking area is a moderately dense stand of large trees that partially obscure views, while the general parking area is otherwise visible from SR 24 and Scenic Drive and all adjacent buildings. The road and parking lot extents and trail alignment match what was originally constructed in the Mission 66 era.

This area has struggled with visitation levels that the historic infrastructure was not designed for, particularly excessive vehicles leading to informal parking along adjacent roadways and increased hazards to vehicles and pedestrians. It has been identified by the NPS as having the greatest potential for increased future use and for potential improvements to visitor experience, particularly spaces for interpretive programs and signage.

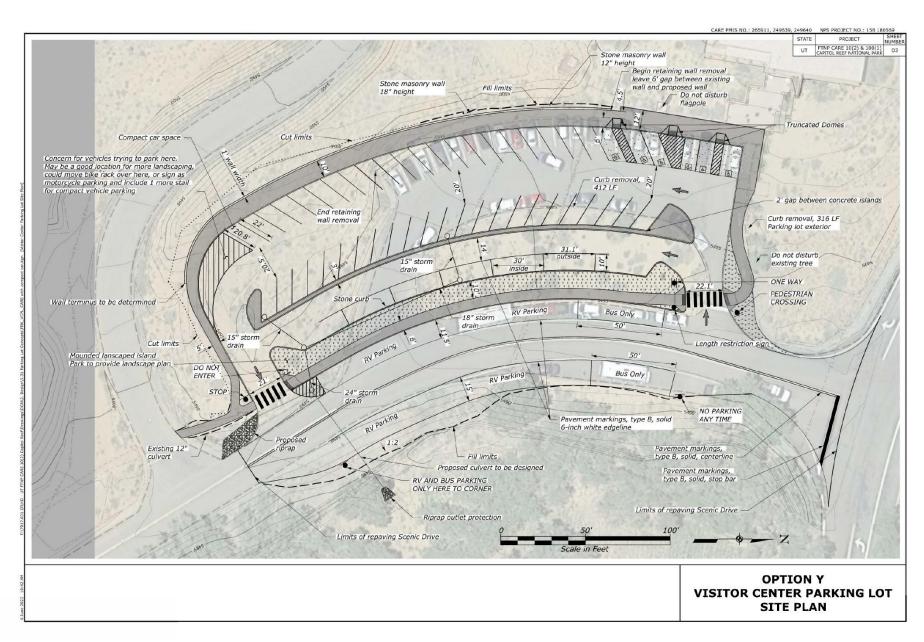
The parking lot would be significantly expanded to the east and south. The width of the vegetated island would be reduced from 56 feet to approximately 26 feet and would be lengthened approximately 100 feet to the south. The western edge of parking would be expanded approximately 10-15 feet, and the southern portion of the parking lot would be extended up to 140 feet so that the outside edge of the lot would be approximately 10-30 feet from the edge of the NPS-only access road. The parallel parking area on the east side of Scenic Drive would be expanded approximately 100 feet to the south with an associated fill slope that would extend to approximately 40 feet from the current edge of pavement. Parking would be delineated to maximize volume, including designated spaces for recreational vehicles and buses. The portion of the dirt trail between the existing parking area and southern edge of the NPS-only access road would be removed. Additional interpretive and traffic signs would be installed. This would include expansion of the existing paved area to the southwest approximately 55 feet, installing multiple interpretive signs and sculptures, benches in a seating area, and the flagpole would be moved closer to the Visitor Center. The grade leading to the Visitor Center would be adjusted to meet accessibility requirements, including an accessible ramp. Approximately 210 linear feet of the stone retaining wall would be removed and rebuilt along the new edges of the sidewalk along the parking lot. Excavation depths would generally be 2 feet deep or shallower, though the cut into the berm on the southern edge of the lot would be approximately 4-6 feet deep to match the grade of the adjacent parking area. Construction would expand the developed area from approximately 0.38 acre to 1 acre. Staging would occur within the construction area. It is anticipated that the expanded facilities would not be visible from additional portions of SR 24, though the parking lot would be more visible while heading north on Scenic Drive.



Visitor Center parking map.

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Visitor Center parking site plan.



Visitor Center Parking, view west from north entrance of lot.



Visitor Center Parking showing example of stone wall on southwestern edge of lot lining sidewalk to be replaced.



Visitor Center Parking, view north from south side of NPS-only access road (foreground) and estimated extent of expansion.

Scenic Drive

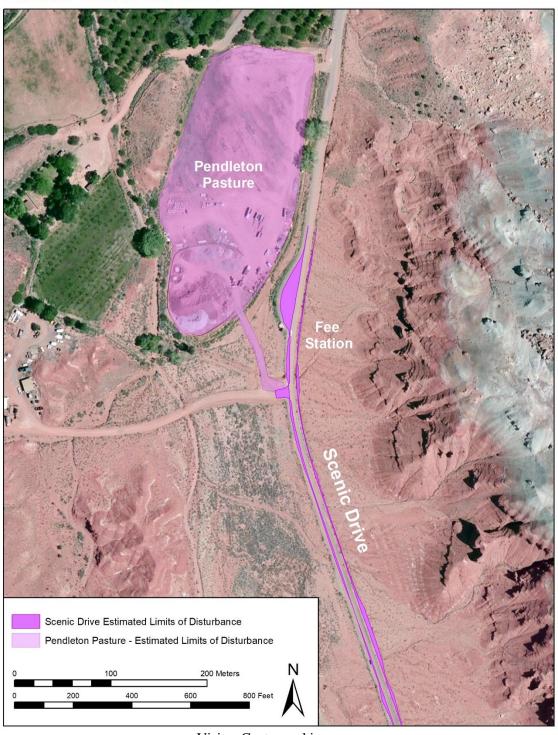
Scenic Drive is a major attraction and access route for the park, starting at the junction with SR 24 and continuing for 2 miles south through the developed area of the park, and heading further south to provide access to various attractions such as Grand Wash and Capitol Gorge. It follows and crosses multiple washes and includes various paved parking areas at important viewpoints and some informal parking scattered along the route. The road was originally a natural surface, with some older stone culverts constructed in the Civilian Conservation Corps era, and was later chip sealed and paved in 1989. It includes 22 concrete low water crossings which were constructed in 1998 and later replaced in 2011-2012. Most of these crossings are lined with either loose or mortared stone riprap and have ditching lined with rock and/or short concrete walls to convey water from adjacent slopes into the wash. Some also include short concrete weirs that were installed in the modern era. There are 64 culverts, which include a mixture of corrugated pipes with stacked and/or mortared stone headwalls constructed in the historic period, and concrete culverts installed in the modern era. Most of the road does not have curbing, though paved pullouts are lined with a low mortared rock wall. In 2011-2012 these pullouts were all paved and new stone curbs were added. There is also a gabion retaining wall lining the wash near the end of the road, approximately 0.14 mile northwest of the Capitol Gorge parking area. Construction for previous road projects included staging in the Pendleton Pasture, which is the southernmost pasture in the developed area. This was accessed by a short route that connects to an existing road to wastewater ponds that joins with Scenic Drive on the south side of the fee station pullout.

The width of the road varies and in some places is too narrow to safely allow multiple large vehicles to pass at the same time, particularly on some tight curves with visibility obscured by the surrounding topography. There are also issues with informal parking throughout, particularly at the junction with the short road that leads into Grand Wash. The area is also dangerous due to flash flooding, particularly for visitors heading into Grand Wash and Capitol Gorge, and the low water crossings regularly flood and are covered in displaced sediment. Culverts and low water crossings also require regular cleaning. Repeated flooding has caused erosion on the road edges, particularly at the low water crossings and associated inlet ditches and concrete weirs. Some of these ditches are also poorly defined and route water in a way that causes roadway overtopping and road shoulder erosion. Informal parking in the Grand Wash area has also made it more challenging for vehicles to get in and out of the area, especially during flood events. The gabion wall suffers from scouring and slope instability on each end.

This project would include repaving Scenic Drive from the SR 24 junction to the Capitol Gorge parking area. The road would also be widened, starting at the fee station next to the Pendleton Pasture and ending at Capitol Gorge parking lot. This will occur particularly on tight curves, generally up to 3 feet on either side, requiring a combination of cut or fill. The superelevation of short portions of the road would also be slightly adjusted, requiring some excavation of subgrade or additional fill. Culverts would be cleaned out, and in a few locations short concrete-lined v-ditches and mortared stone riprap would be installed to convey water to culvert inlets to reduce erosion. These ditches and riprap would be within 15 feet of and parallel to the road edge. Various traffic control signs would also be removed and replaced on the edge of the widened road. A low concrete curb would be added to portions of the road currently without curbing that

have issues with water running across the road and eroding the shoulder. At the Danish Hill parking area, which is approximately 2.4 miles south of the junction with SR 24, a short accessible concrete ramp and associated sidewalk would be installed at the edge of the lot in anticipation of a future project to construct an accessible trail to a nearby viewpoint. At one low water crossing approximately 0.5-mile northwest of Capitol Gorge parking damaged concrete and riprap would be removed and replaced with new materials, with associated ground disturbance up to 20 feet outside of the existing edge of the structures. Seven other low water crossings would also include installation of mortared riprap to replaced damaged existing riprap at the inlet and outlet corners of the crossing. Two new 30-inch diameter concrete pipe culverts and associated mortared stone riprap aprons would also be installed between station markers 283 and 286 in an area prone to erosion and flooding across the road. At the gabion wall, both ends would be supported by mortared riprap armoring to stabilize the slope and reduce erosion. Associated ground disturbance for the project would generally be 2 feet deep or shallower (e.g., road widening, v-ditches, curb installation, riprap at low water crossings and ends of gabion wall), with excavation to 4 feet deep to install the two new culverts. It is anticipated that the Pendleton Pasture area at the north end of the project area would be used for staging. This would require reopening the short access route that was used during construction on Scenic Drive in 2011-2012. Upon completion of the project the pasture and short access route would be restored to current conditions. Additional staging may also be used at the three proposed parking areas at the junction with Grand Wash (see details below).

CARE265911: Start of Scenic Drive Widening and Staging in Pendleton Pasture Estimated Limits of Disturbance



Visitor Center parking map.

Scenic Drive Estimated Limits of Disturbance 800 Feet

CARE265911: Example of Proposed Widening on Scenic Drive Widening and Repair to Low-Water Crossing - Estimated Limits of Disturbance

Example of widening and repair to low-water crossing on Scenic Drive approximately 0.4 mile northwest of Capitol Gorge.

Grand Wash Parking

At approximately 3.42 miles south of the Scenic Drive junction with SR 24 is a dirt road that leads into Grand Wash. This road crosses back and forth across the wash for 1.25 miles to where it ends at an informal dirt parking area. There are no existing structures in this area aside from the dirt road. This area experiences heavy visitor use including informal parking that is concentrated at the road junction, especially during storms. Both the route into the gorge and the parking area at the end experience significant recurrent flooding. There are also issues with visitors driving oversized vehicles into deep into the gorge and creating challenges for access and egress for other vehicles. Scenic Drive also has restrictions on the length of vehicles allowed to drive to this point, as noted at the fee station pullout across from Pendleton Pasture, but visitors sometimes do not follow those directions, and this is the first point that is wide enough to turn around.

The NPS would construct a new gravel parking lot on the east side of the road into Grand Wash for use when Grand Wash is closed, with additional paved parking along Scenic Drive. The construction would include a paved parking area on the west side of Scenic Drive at the junction with Grand Wash, covering approximately 80 feet long and 14 feet wide (0.02 acres). A second paved parking area would be built on the east side of Scenic Drive approximately 45 feet southeast of the junction with Grand Wash, measuring 205 feet long and 14 feet wide (0.06 acres). These two parking areas would be in locations that are currently used for informal roadside parking. The third parking area would be gravel and located 700 feet north of the Scenic Drive and Grand Wash Road junction on the east side of Grand Wash Road, measuring 140 feet long and 23 feet wide (0.07 acres). Associated ground disturbance would be approximately a maximum of 3 feet deep. The new lots would be visible from approximately 0.36 mile to the north and 0.13 mile to the south on Scenic Drive.

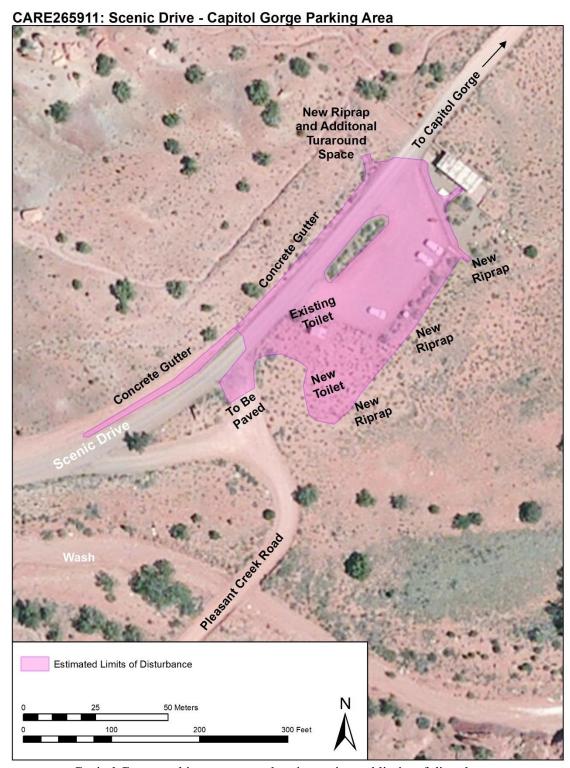


Scenic Drive and Grand Wash proposed parking area map showing estimated limits of disturbance.

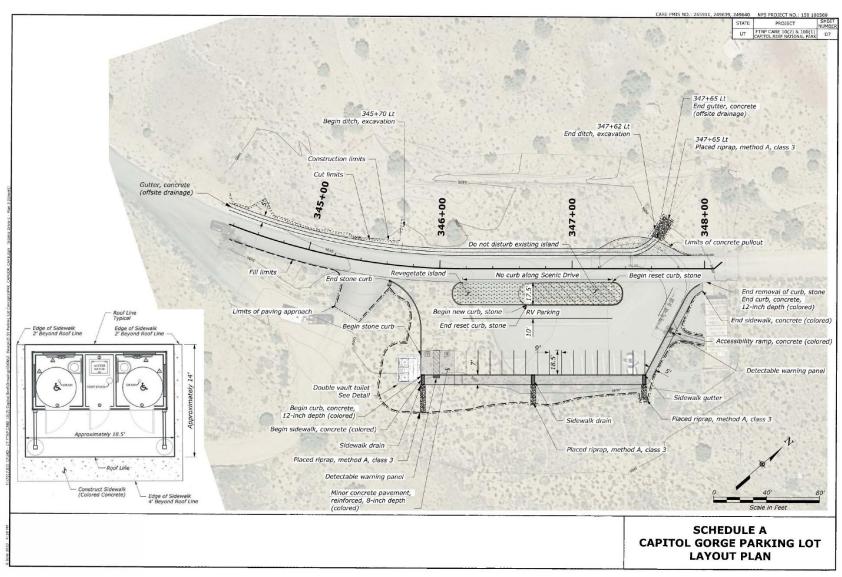
Capitol Gorge Parking Project Description

At the end of the paved portion of Scenic Drive is a parking lot with associated shade ramada and picnic tables at the entrance to Capitol Gorge. This lot includes a vegetated island with parallel parking for large vehicles on its east edge, 10 pull in spots on the eastern edge of the lot, and a sidewalk and pathway area on the northeast side with a mortared sandstone rock wall with ashlar pattern and steel interpretive panel. A vault toilet with short concrete path is located on the southwest edge of the parking lot. The extent and orientation of the lot has remained the same since the Mission 66 period, though the shade ramada, tables, vault toilet, and new stone and mortar curbing was added to the vegetated island and the southern edge of the parking area were added in the modern era.

Increases in visitation have resulted in this lot overflowing, leading to informal parking in adjacent areas. The lot also experiences pooling water due to poor drainage. This project would expand the lot approximately 45 feet to the southwest along Scenic Drive. The vegetated island would be retained and expanded approximately 40 feet southwest along Scenic Drive. Three drainage outlets and associated mortared stone riprap apron would be installed on the east edge of the parking area. Each riprap area would extend approximately 14 feet away from the edge of the lot and be approximately 3 feet wide and connected by a new fill slope. A concrete gutter would be installed along the north edge of Scenic Drive to funnel water through the parking area to an outlet at the northwest corner where mortared stone riprap covering approximately 9 feet x 6 feet would be added to connect to an existing wash. Near the east end of this gutter a small, paved area would be created to allow large vehicles to turn around. The existing vault toilet would be moved to the southwestern edge of the lot and a concrete sidewalk with accessible grade will run along the eastern edge of the lot to connect to the shade structure/picnic area. This would expand the developed area, including Scenic Drive, from approximately 0.34 acre to 0.60 acre. Associated ground disturbance for the project would generally be 2 feet deep or shallower (e.g., expansion of parking, riprap, concrete apron, with excavation to approximately 5 feet deep to remove the vault toilet and construct a new toilet.



Capitol Gorge parking area map showing estimated limits of disturbance.



Capitol Gorge parking area layout plan.



View northeast from Scenic Drive toward Capitol Gorge parking with gorge in background and estimated disturbance on both sides of Scenic Drive.



View north from east side of Capitol Gorge parking lot, Scenic Drive in foreground, showing potential turnaround and concrete gutter.

Proposed Actions on Capitol Reef Mission 66 Historic District and Scenic Drive Cultural Landscape

The proposed Undertaking would occur within the Capitol Reef Mission 66 Historic District and the Scenic Drive Cultural Landscape. The district was determined NRHP-eligible under Criteria A and C, obtaining significance during the period of 1945-1972 and retaining sufficient integrity to convey its significance. Under Criterion A, this property contributes to the post-WWII planning and development era that accommodated for an increasingly mobile public to access it, and many of the structures are used in interpreting culturally and naturally significant aspects of the area. As an essential part of the overall park development plan, this has extraordinary importance in the history of the park. Under Criterion C, this property is significant for its association with the design precepts and construction techniques of the Modern Movement style or "Park Service Modern," most of which still retain a high level of integrity and therefore serve as excellent examples of this movement and continued use. The master planning of the district abides by Mission 66 Program objectives to provide sufficient and appropriate protection to park resources while affording control and supervision with physically present facilities and staff. This intact representation of a Mission 66 development includes all of the characteristic components of this era and exhibits high integrity. The visitor center, maintenance building, residential buildings, and comfort station are architecturally characteristic of the Mission 66 and belong to the associated building types that emerged during the Mission 66 movement. The historic district embodies the distinctive characteristics of this type, the mid-century modern period and modern methods of construction. The contributing elements of the district that are within the area of potential effects for the Undertaking and contribute to its significance include the roads and parking areas with their associated design elements (e.g., vegetated islands, rock retaining walls).

The Scenic Drive Cultural Landscape was determined NRHP-eligible under Criteria A, obtaining significance during the period of 1883-1966. Under Criterion A, this property is associated with significant developmental periods in the history of the NPS and local area, particularly early settlement in the late 1800s, expansion of NPS roads during the Civilian Conservation Corps (CCC) era in the 1930s, renewed construction and improvements tied to the Mission 66 era in 1945-1966 with emphasis on improved visitor access for enjoyment of park resources. The contributing elements of the district that are within the area of potential effects for the Undertaking are the road prism, culverts from either the CCC or Mission 66 eras, and sandstone directional signs at junctions with roads and near pull offs, and the Visitor Center and Capitol Gorge parking areas.

The proposed Undertaking involves proposed modifications to multiple historically significant components of the district and cultural landscape, in addition to adding various modern features. Direct effects involving physical destruction or damage to all or part of contributing element of the district include removal of part of the vegetated islands in all three parking lots, expansion of the parking areas, removal of part of the historic rock retaining wall on the edge of the Visitor Center parking area, widening of a large portion of Scenic Drive, and addition of various non-historic elements with associated deterioration of the integrity of design, setting, and feeling of the Mission 66 spatial arrangement of contributing features, and the deterioration of the integrity of materials, design, workmanship, and feeling for the cultural landscape.