



**National Park Service  
U.S. Department of the Interior**

**Joshua Tree National Park  
Regions 8, 9, 10 and 12**

**FINDING OF NO SIGNIFICANT IMPACT  
Construct New West Entrance Fee Station**

Recommended:

**DAVID SMITH** Digitally signed by DAVID SMITH  
Date: 2022.03.23 21:43:45 -07'00'

David A. Smith  
Superintendent, Joshua Tree National Park

Date

Approved:

Frank Lands  
Regional Director, Interior Regions 8, 9, 10 and 12, National Park Service

Date

# 1. Introduction

This Finding of No Significant Impact (FONSI) has been prepared in accordance with the National Environmental Protection Act (NEPA) for the Construct New West Entrance Fee Station Project, Joshua Tree National Park (JTNP). The Project is needed to resolve long-standing issues regarding excessively long traffic back-up outside the park boundary. Constructing a new fee station will enable more efficient fee collection and create safer working conditions for park staff in the desert environment.

An Environmental Assessment (EA) was prepared for the in accordance with NEPA and the National Park Service (NPS) Directors Order 12 (NPS's NEPA implementing regulations), and NPS NEPA Handbook (2015). As part of NPS's informed decision on this Project, impacts that were documented in the EA, both adverse and beneficial, were carefully considered. This FONSI, along with the EA, Determination of No Impairment, Response to Comments, and associated decision file comprises the administrative record of environmental impact analysis for this Project and completes the environmental compliance for this Project.

## 2. Alternatives and Selected Alternative

National Park Service analyzed the No Action Alternative and one action alternative (Proposed Action) in the Environmental Assessment consistent with the purpose of, and need for, action.

### 2.1. No Action Alternative

As described in the EA, the No Action alternative means there would be no Project. The JTNP fee operations would continue to be collected at the existing fee station. JTNP would continue fee operations and management of the existing West Entrance Station as it has been managed and operated in the recent past. No improvements would be done to the existing West Entrance Station. The no action alternative was used as the baseline condition in which the other action alternatives was compared.

### 2.2. Action Alternative – Proposed Action (Selected Alternative)

The selected alternative for implementation is described below. This selected alternative has not been changed since release of the EA. The selected action to be implemented is as follows (*full Project description can be found in the EA pg. 17*):

#### Location:

- The proposed action has two locations where Project activities will take place (*See EA See Figure 6*):
  - Existing West Entrance Fee Station Location: 34.093484, -116.264885
  - New West Entrance Location: 34.089806, -116.258905

#### Existing West Entrance Fee Station

- Demolish the existing single fee collection kiosk at the park's West Entrance.

- Grind and remove striping that directs traffic to/away from fee kiosk
- Change area of vehicle parking and at the existing entrance area:
  - Remove parking on the entrance side (west side) of the comfort station
  - Add an additional 4 parking spaces to the 9 existing parking spots on the east side of comfort station for a total of 13 spaces (2 accessible).
  - Add 1,900 sf asphalt pad pullout for oversized vehicles near the comfort station exit.
- Accessibility Upgrades:
  - Construct a new accessible path to the park entrance sign.
  - Upgrade, lengthen, and make accessible the sidewalk along front perimeter of parking area to the comfort station.
  - Create an accessible entryway into the comfort station.
- Amenities:
  - Create a pad directly adjacent on east side of comfort station for visitor gathering that would provide visitor information such as wayfinding or other relevant information for visitors first entrance into the park.
  - Provide a bike rack for bike parking.
- Remove and replace signage.
- Stormwater control.
- Place roadway signage indicating to motorists they are leaving the park and entering a residential area.

#### New West Entrance Fee Station Location (Site Preparation)

- Clearing and Grubbing:
  - Strip, salvage, and store topsoil; Topsoil to be brought back after site construction to rehabilitate disturbed footprint.
  - Remove, protect, and replant 16 Joshua trees that are within the Project area (see description below).
  - Other brush to be salvaged within the Project area. Brush to be stored and reused as vertical mulch for restoring disturbed footprint.
- Remove existing asphalt and roadside swales
- Earthwork / Grading of Site approximately 24,500 sf (Max disturbance 1.5 acres)
- Widen the main park road to 5 vehicle lanes, including inbound and outbound bypass lanes

#### Trenching/Horizontal Drilling. Water utility trenching from existing West Entrance Fee Station to the new station.

- Extend waterline from existing West Entrance comfort station to the new proposed fee station. A trench would be excavated for water line and empty conduit for future use. It is possible that horizontal pneumatic drilling would be done for the utility lines; however, this

would not be known until a contractor is selected. Six pull boxes would be placed evenly between existing station and new station along the road utility corridor.

#### New Building and Structures Construction

- Construct four new tandem (two per island, slab on grade) fee collection kiosks with curbed islands and connecting walkways.
- Construct separate staff support building/breakroom and materials storage room building with extended roofline (~630 sf); and adjacent staff parking spaces (9).
- Construct two large steel-framed shade shelters over fee collection kiosks to reduce sun directly shining on service windows and fee collectors. The shade structures would be used for placement of the PV panels

#### Construct On-site Wastewater System.

- Septic tank and drain field with two sets of distribution lines to be connected to the staff support building.

#### Joshua Tree Relocation

The Joshua tree is a State of California Candidate Species for protection under the California Endangered Species Act (ESA). Although the Joshua tree does not have any federal protection under federal ESA, the health and viability of Joshua Trees is important to the park. As such, the park is committed to replanting these trees to adjacent areas, or back within the construction footprint after final grading has occurred. Joshua trees would be salvaged and relocated from the Project area prior to ground disturbing activities. Salvaged Joshua trees would either be immediately transplanted to a new location near the proposed entrance station or boxed and stored until transplanting could occur.

- Salvage Actions:
  - Joshua trees shall be watered one or more times prior to salvage to assure trees are not water-stressed at time of salvage and that soil of the harvested root ball is moist to promote it remaining intact.

#### Monitoring

- JTNP will monitor speed of vehicles as they exit the West Entrance of the park and employ speed reduction measures if necessary.
- JTNP will monitor how cars are queueing as they enter the new fee station to inform whether additional widening is necessary beyond the approximately 200 ft. of widened road to ensure fee collection efficiency.

### **3. Rationale for the Decision (Selected Alternative)**

The Action Alternative was selected because it best meets the purpose and need of the Project and best resolves the long-standing issues associated with the existing West Entrance Fee Station as follows:

- Excessive long traffic back-up outside the park boundary
- Considerable Wait Times for Entrance

- Inefficient Fee Collection
- Unsafe Working Conditions for RFT Staff

*Full description of the issues the Project needed to address are in the EA pg. 2*

## **4. Public Involvement**

### **4.1. Pre-NEPA Civic Engagement**

Park Superintendent David Smith frequently communicated with the community at large and the local residential community adjacent to the West Entrance boundary represented by the Monument Manor Neighborhood Association (MMNA). Superintendent Smith discussed the Project on the local 107.7 radio talk show, the Up-Close Show, which has a listening reach throughout the Morongo Basin.

JTNP included updates to this Project in planning newsletters and dedicated a web page to this Project ([nps.gov/jotr/getinvolved/westentrance](https://nps.gov/jotr/getinvolved/westentrance)). The messaging provided basic information about the purpose and need of the Project, and the Project timelines for review and comment.

NPS received email queries from Bill Gillman, President of MMNA on 5/27/21 and 7/15/21. JTNP provided a detailed response regarding the schedule of major milestones.

The Park received and reviewed 20 letters from members of the Monument Manor Neighborhood Association (MMNA) on June 21, 2021. The letters expressed support for the relocation of the West Entrance Fee Station and strongly urged the park to move the Project to construction and expressed other concerns as well that were addressed in the EA.

NPS representatives David Smith and Jane Rodgers and San Bernardino County Field Representative Mark Lundquist met via a virtual meeting with MMNA on July 16, 2021. The NPS and County discussed the current state of and plans for the construction of the new JTNP West Entrance Fee Station and issues in the community. Smith, Rodgers, and Lundquist took questions and discussed community concerns.

### **4.2. Public Scoping**

Public Scoping was initiated on August 18, 2021, for a 30-day and public review and comment period. Notification of the start of public scoping was done by news release; park planning newsletter (<https://conta.cc/3gfb78>) to approximately 861 people; social media (tweet was sent with links to newsletter and Public PEPC comment site); and posted on JTNP website (<https://www.nps.gov/jotr/getinvolved/westentrance.htm>).

JTNP received comment from 53 individuals in response to our public scoping outreach. Most of the commenters noted support for the Project, especially those that have experienced the long queues for park entrance, or members of community who are affected by vehicles backing up outside the park boundary. Only a few comments opposed the Project. A summary of the scoping comments and JTNP consideration of these comments and how substantive comments were incorporated into the EA was described in Appendix A.

### **4.3. Public Review of Environmental Assessment**

The EA was released to the public on February 9, 2022, for a 30-day public review and comment period. Notification of the start of public scoping was done by news release; park planning newsletter (<https://conta.cc/365P27X>) to approximately 914 people; social media (tweet was sent with links to newsletter and Public PEPC comment site); and posted on JTNP website (<https://www.nps.gov/jotr/getinvolved/westentrance.htm>).

The comment period closed on March 11, 2022, and JTNP received comments from 31 individuals and one organization. Comments covered topics that were already covered in the EA and no new issue topics were raised during the EA public review. The comments and NPS responses are included in the Response to Comments section of the Errata and included as Appendix A. In response to public comments, changes were made to various portions of the EA, including comments regarding speed limits and road widening where JTNP adding a signage action and two monitoring requirements to the selected alternative (See Errata). Also, in a commitment to thoroughness, the NPS incorporated minor, self-initiated Project additions/clarifications into the EA, as reflected in the Errata. These clarifications do not alter the significance conclusions or any considerable portion of the Project itself.

## **5. Agency Consultation**

During Project planning, the NPS consulted with the U.S. Fish and Wildlife Service (USFWS) and the California State Historical Preservation Office (SHPO).

### **5.1. U.S. Fish and Wildlife Service**

On September 24, 2021, the USFWS completed a Programmatic Biological Opinion (PBO) for the federally listed Desert Tortoise for the activities in Joshua Tree National Park affecting desert tortoise.

By electronic mail dated January 6, 2022, JTNP sent a request to use the Programmatic Biological Opinion for Activities in Joshua Tree National Park (FWS-SB-21B0052-21F0493) to the USFWS for the Construction of a New West Entrance Fee Station. On January 28, 2022, the USFWS requested additional project information which was sent by JTNP on March 1, 2022. The USFWS, based on project specific information provided in the activity form, responded with a signed activity form on March 4, 2022, that the Project may be implemented under auspices of the PBO. The Project activities must be performed implementing the Conservation Measures outlined in the PBO. These conservation measures are outlined in Appendix C of the EA.

### **5.2. California State Historical Preservation Office**

The NPS consulted with SHPO using the process outlined under 36 CFR Part 800. Following a Four-Step National Historic Preservation Act (NHPA) process, the NPS has completed all four steps of this process (Establish the Undertaking; Identify Historic Properties; Assess Adverse Effects) in coordination with SHPO. Because the Project was determined to have an adverse effect to historic

properties, the park prepared a Memorandum of Agreement (MOA) with SHPO as a signatory to the agreement. The signed MOA is included as Appendix E.

## **6. Finding of No Significant Impact**

Using the criteria defined in the Council on Environmental Quality's NEPA regulations (Section 1501.3(b)), the NPS has determined the Selected Alternative will not have significant adverse effects on the human environment. No major adverse impacts were identified for the Selected Alternative that will require analysis in an EIS. This section summarizes effects on resources in the context of the project area and the Park as a whole, and documents that none of these effects are significant. The Selected Alternative neither establishes a precedent for future actions with significant effects, nor represents a decision in principle about a future consideration. The NPS used factors defined in 40 CFR §1508.27 to evaluate whether the Selected Alternative would have a significant impact on the environment.

Several issues were dismissed from detailed analysis in the EA (pgs. 7-16) and were dismissed either because: they do not exist in the Project Area; or, they would not be affected by the proposal, or the likelihood of impacts are not reasonably expected, and due to there being no effect or not measurable, there would either be no or a low contribution toward trend effects. As such, these impact topics do not have significant adverse effects on the human environment.

Seven impact topics were analyzed in detail in the EA (pgs. 25-42) which identified adverse impacts that range in intensity and duration. Best Management will be implemented as part of the Project and were developed to minimize these adverse impacts. Many of the adverse impacts are construction related and will, therefore, be temporary, short-term, and unnoticeable after completion of the project. Some project impacts are longer term, for instance a 20-kW propane generator, identified as a permanent air quality emission source, will be used when energy load exceeds the batteries capacity. However, generator use is expected to be minimal because the photovoltaic array is expected to keep batteries charged most of the time. Short or long-term adverse impacts identified in the EA for all impact topics analyzed are not significant in either context or intensity (severity of the impacts) with impacts being local in geographic context as defined in 40 CFR 1508.27.

### *Effects on Human Health and Safety*

The Selected Alternative will have beneficial effects for human health and safety for park staff working at the West Entrance Fee Station. One of the reasons the project is necessary is because park staff are working in unsafe conditions including direct exposure to the sun, exposure to exhaust from idling vehicles, and staff entering and exiting the fee station through active traffic lanes. The Project will construct shade structures over the fee kiosks and the kiosks will be equipped with positive pressure fresh air ventilation systems to prevent fumes from affecting fee collector's health. The air intakes for this system will be located to the side of the kiosks away from where vehicles will be queued for fee collection. The configuration of the fee station complex and traffic lanes will make for safer access to and from the comfort station and/or employee parking area.

### *Effects that violate federal, state, tribal, or local law protecting the environment*

Implementing the Selected Alternative will not cause effects that would violate federal, state, or local environmental protection laws.

### *Trends of Reasonably Foreseeable Planned Actions*

To determine significance, this project's impacts were analyzed in conjunction with other reasonably foreseeable planned actions that could affect the same resources as the construction of a new West Entrance Fee Station or other projects that would affect traffic and circulation near the West Entrance Fee Station. Park analysis found there are no such construction projects that have been funded or have existing decisions for implementation for identifying Trends.

## **7. Best Management Practices and Regulatory Requirements**

The selected alternative incorporates by reference the Best Management Practices located in Appendix C of the EA. The USFWS regulatory requirements under the Endangered Species Act for the Desert Tortoise are included in Appendix C of the EA; and the regulatory requirements for the National Historic Preservation Act are included as Appendix E herein.

## **8. Conclusion**

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA.

Based on the foregoing, it has been determined that an EIS is not required for this Project and, thus, will not be prepared.

## **9. Appendices**

Appendix A - Errata Indicating Text Changes to EA

Appendix B - Response to Substantive Public Comments

Appendix C - Non-Impairment Determination

Appendix D - USFWS Section 7 Signed Activity Form

Appendix E - Approved Memorandum of Agreement



## **Appendix A: Errata Indicating Text Changes to EA**

# ERRATA

## Construct New West Entrance Fee Station Environmental Assessment

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### INTRODUCTION

This errata has been prepared as an attachment to the Environmental Assessment (EA) which was released for public review from February 9 through March 11, 2022. The errata describe modifications or clarifications made to the Selected Alternative, if any, and changes made to the text of the EA. The corrections in the Errata do not change the project activities or increase the degree of impact described in the EA.

### MODIFICATIONS/CLARIFICATIONS TO THE SELECTED ALTERNATIVE

After review of the comments received, it has been determined that no changes are required to the selected alternative or the assessment of impacts.

### CHANGES TO TEXT

The following changes to the text to reflect modifications resulting from internal NPS and public review. Existing text to remain is in *italics*, additions to the text are underlined and deleted text is shown in ~~strikeout~~.

#### Page 46.

Change four (4) instances where the location of “Monument Valley” is used. ~~Monument Valley~~ is to be changed to *Monument Manor*.

#### Page 18.

Add a bullet after last bullet under the heading, “Existing West Entrance Station” as follows:

- *Place roadway signage indicating to motorists they are leaving the park and entering a residential area.*

#### Page 20. New Building and Structure Construction

Add the following bullet:

*Five lanes would be constructed to accommodate visitor traffic entering and exiting the park. Three lanes for entering the park (two lanes entering the kiosks, and one by-pass lane), and two lanes exiting the park (one lane along-side the kiosk and one by-pass lane).* -

#### Page 21. Proposed Action / Preferred Alternative

Add a header after the paragraph “Disturbed Site Rehabilitation” titled “Monitoring”. Add the following:

##### Monitoring

- *JTNP will monitor speed of vehicles as they exit the West Entrance of the park and employ speed reduction measures if necessary.*
- *JTNP will monitor how cars are queueing as they enter the new fee station to inform whether additional widening is necessary beyond the approximately 200 ft. of widened road to ensure fee collection efficiency.*

**Appendix B:**  
**Response to Substantive Public Comments**

# Appendix B

## NPS Response to Substantive Public Comments

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### Introduction

The EA was released to the public on February 9, 2022, for a 30-day public review and comment period. Notification of the start of public scoping was done by news release; park planning newsletter (<https://conta.cc/365P27X>) to approximately 914 people; social media (tweet was sent with links to newsletter and Public PEPC comment site); and posted on JTNP website (<https://www.nps.gov/jotr/getinvolved/westentrance.htm>).

Comments covered topics that were already addressed in the EA and no new issue topics were raised during the EA public review. In response to public comments, changes were made to various portions of the EA, as reflected in the Errata. Also, in a commitment to thoroughness, the NPS incorporated several minor, self-initiated project additions/clarifications into the EA, as reflected in the Errata. These clarifications do not alter the significance conclusions or any considerable portion of the Project itself.

The comment period closed on March 11, 2022, and JTNP received comments from 31 individuals and one organization. From these 32 commenters, 71 specific comments were extracted. These comments were divided into two categories – Substantive and Non-Substantive. NPS responses will only be provided to Substantive comments. Substantive comments are those that:

- Question, with reasonable basis, the accuracy of the information provided.
- Question, with reasonable basis, the adequacy of the information provided.
- Present reasonable alternatives other than those presented.
- Cause changes or revisions in the proposal.

### Non-Substantive Comment Summary (No-Response)

#### *Comments Supporting the Project*

JTNP received 19 comments offering support for the project.

#### *Comments Outside the Scope of the Project*

JTNP received 7 comments that expressed concerns or provided suggestions for issues that are outside the scope of the project. Although these concerns have been recorded for future NPS review and consideration, they will not be addressed as part of this planning effort. The seven comments include:

- Traffic to the Park along Monument Manor needs to be addressed
- Add 4-way stop at Park Blvd and Alta Loma; Park Blvd from Alta Loma needs to be Widened to allow left turn pockets
- Enforce no parking ordinance along-side the road before entering the park

- Cars parking outside of entrance station to take a picture of entrance sign
- Provide Equestrian Staging and Parking for Access to Trails
- Provide Bus Service
- Regulate visitor use into the park during peak season

## Substantive Comments and NPS Response

As a way of organizing the substantive comments, similar comments about a specific concern (i.e. By-Pass Lane) were grouped together and a single statement was used to summarize these like comments. Following the statement, the NPS response is provided.

### ***By-Pass Lane and Suggestions for More Efficient Fee Collection***

Seven comments desired that as part of the design and/or operation of the West Entrance Fee Station that a by-pass lane be used for visitors who have a pass, or a receipt. Some suggested the use of different methods or technologies for use at kiosks or the by-pass lane for making entrance into the park more efficient, such as the use of scanners, bar codes, or transponders (similar to toll road transponders) or posting a fee ranger in a by-pass lane and purge the line if the back-up goes beyond the park boundary. One suggested having a priority or express lane for locals and residents and for the park to encourage visitors to by their passes online.

NPS Response. A By-Pass Lane is included as part of the proposed design of the new West Entrance Fee Station (*see EA Figure 6*). This by-pass lane has always been part of the design criteria and project description because its presence will allow for more efficient access into the park. The exact way the by-pass lane will be operated by our entrance operations team has not been decided and it may vary by the traffic or time of year. The specific protocol for how JTNP will utilize the by-pass lane is outside the scope of this project; but it will be used in the most efficient way to deal with the specific traffic pattern at the time to reduce congestion and lengthy car queues. Although the by-pass lane is shown in Figure 6 and was included as part of the impact analysis, it was inadvertently omitted from the bulleted project description. The EA will be modified to list this omitted feature under the heading “*New Building and Structures Construction*” pg. 20.

Likewise, as for other methods for passholders to have more efficient entry into the park using scanners, bar codes, transponders, and purging the line; these suggestions are very specific and are outside the scope of this project. The purpose of this proposal is to create infrastructure that would facilitate more efficient collection of fees and to eliminate the back-up of traffic into the park. The method of collecting fees and staffing hours of the fee station is beyond the scope of this analysis.

Purging the line is a practice currently being used and will be retained as a way to reduce congestion and lengthy car queues at the new fee station. These comments regarding more efficient entrance by fee or receipt holders has been made available for consideration by our entrance operations team for consideration as they develop their operations for the New West Entrance Station.

JTNP currently encourages visitors to buy their passes online and will continue to promote this practice.

### ***Configuration of the Fee Kiosk Stations and Number of Kiosks***

Comments expressed concern that the configuration of the fee kiosks (tandem – one in front of the other) will not be the most efficient way for vehicles to pass through the entrance station during peak traffic times. Kiosks in tandem can only pass vehicles through the kiosk lanes when the front vehicle finishes their kiosk encounter. It was suggested that side-by-side kiosks was a better alternative, and they could be reversed to accommodate exiting traffic at the end of day when most traffic is exiting the park. Also suggested was there needs to be more kiosks to handle the entrance traffic.

NPS Response. Use of tandem lanes was a compromise made to balance the additional site disturbance and cost of the project for individual lanes with a reduction in optimum efficiency on peak weekends. Tandem lanes have been implemented and are functioning at other national park sites. The by-pass lane will be key infrastructure to utilize during peak traffic.

JTNP is expanding the fee kiosks from one kiosk to four fee kiosks. Four kiosks will be adequate to meet the purpose and need of the project which is to resolve long-standing issues regarding excessively long traffic back-up outside the park boundary. JTNP will be using other fee collection techniques, such as use of a by-pass lane to increase the efficiency of fee collection.

### ***Traffic and Congestion***

Six commenters suggested that there should be two-lanes of traffic starting from the boundary leading to the new fee entrance station. By doing so, it would be the equivalent of queuing up to one mile of vehicles versus just ½ mile.

NPS Response. The design does widen the roadway to three entry lanes approximately 200' before the kiosk stations. JTNP estimates that the existing land widening configuration meets the purpose and need of the project to eliminate queueing of cars into the residential neighborhood. JTNP will take an adaptive approach and monitor whether widening needs to happen beyond the 200 ft. and make road widening changes if necessary.

### ***Timing of Construction***

Two comments expressed concern that construction during peak season, especially during Thanksgiving, winter school or spring break, would exacerbate the problem of traffic and congestion.

NPS Response. Ideally construction would start in late summer; however, the park estimates that construction could take 8-12 months which would overlap into the parks peak season. It is not anticipated that the construction would cause traffic congestion. As part of the first phase of the project, a two-way by-pass lane that goes around the project construction site would be built. During construction some slowing of traffic is anticipated while traffic by-passes the construction site but stopping traffic for construction is not anticipated. See EA discussion pg. 21.

### ***Cultural Resource Mission 66 Historic District***

One commenter disagreed that the area is eligible as a Mission 66 Historic District. The commenter noted the office and fee station were constructed in the 1990's; and questioned the entrance sign and roadway would make it National Register eligible.

NPS Response. The Determination of Eligibility (DOE) for the West Entrance was prepared by an independent contractor under the Mission 66 Multiple Property Documentation Form (MPD), which identifies Entrance Signs as a specific category of Interpretive Service Structures potentially eligible for the National Register of Historic Places. The MPD was certified at the national level by the National Park Service on August 13, 2015 and approved by the National Register on September 30, 2015 as a basis for evaluating related properties for listing in the National Register. The MPD is available for download in the Integrated Resource Management Applications (IRMA) data store at this link: <https://irma.nps.gov/DataStore/Reference/Profile/2286885>. The West Entrance DOE is available in the Joshua Tree National Park library and can be provided digitally by request.

### ***Design of New Fee Station***

There were three comments that raised questions and concerns regarding the design of the new fee station. Specifically, the concerns raised related to the design style looking "hostile"; the employee parking facing inbound having to cross the outbound lane to access the parking area; and the by-pass lane or PV panels not identified in the plan sketch or renderings.

NPS Response.

*Design.* There are and have been buildings with many different architectural styles within Joshua Tree National Park, including adobe buildings, wood-frame homestead cabins, and dry-stack masonry mining cabins. However, the majority of Joshua Tree National Park infrastructure was constructed during the Mission 66 era. Mission 66 was a nation-wide NPS building program which was defined by its use of mid-century modern design and architectural principles, and which includes buildings and infrastructure constructed between 1945 and 1972. NPS buildings from this time are often described as "Park Service Modern" and included buildings designed by mid-century master architects Richard Neutra and Frank Lloyd Wright.

At Joshua Tree, Mission 66 development occurred between approximately 1956 and 1972. During this period, the road networks were formalized, campgrounds were built, and buildings were constructed. These developments also included the formalization and paving of Park Boulevard and Pinto Basin Road, as well as the construction of entrance monuments at the North, West, South, and Indian Cove entrances of the park. Today, four districts associated with Mission 66 at Joshua Tree have been determined eligible for inclusion in the National Register of Historic Places: the Cottonwood Mission 66 Historic District, which includes the ranger station, employee housing, the maintenance building, the campground, and road connecting the development with the Cottonwood Spring; and the North, South, and West Entrance Mission 66 Historic Districts, which encompass the first mile of roadway and the entrance monuments themselves, as well as the associated parking areas at the North and South Entrances. Four additional campgrounds have also been determined eligible for

inclusion in the National Register as sites: Ryan Campground, Jumbo Rocks Campground, Sheep Pass Campground, and Indian Cove Campground.

Because the new entrance complex at West Entrance is located within the Mission 66 historic district, Mission 66 design principles and materials are the most appropriate references at this location. Park staff identified materials, such as the concrete block used for the entrance monuments and the geometric corrugated metal used on the Mission 66 picnic structures at Cottonwood, and design principles, such as utilizing deep overhangs, large plate glass windows, and low-slung masonry, which were used in the park during this period. This approach is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, which recommend incorporating the forms, materials, and color ranges of a historic resource when new construction at that resource's location is proposed. Additions and alterations should be compatible with original buildings or structures, but also distinct from them. Above all, it is important to avoid copying historic structures and buildings in a way that allows non-historic buildings to be mistaken as historic. Park staff believe that the proposed design incorporates these principles in a way that is appropriate within the historic context of the Mission 66 West Entrance Historic District.

*Employee Parking.* Employees traveling to the new fee station by way of the West Entrance will drive past the fee kiosks, when safe to do so, they will turn left and join the exit lane, then take a non-public lane into the parking area. The non-public lane will not have traffic exiting the park in this lane and will be separated by a separated median. When the employee arrives to the parking area they are expected to back into the spaces.

*By-pass Lane and PV Panels not in Sketch or Rendering.* The by-pass lane is shown in the EA Figure 6. JTNP does not have a rendering showing the PV Panels on the shade shelter. The material being used for the decking of the shade shelter will be made of corrugated metal decking and should be compatible with PV panels which are likely to be made of anodized aluminum.

### ***Desert Tortoise***

One commenter expressed concern about construction harming Desert Tortoises and believes extra precautions should be done to protect these animals.

NPS Response. The Desert Tortoise is a protected species under the Endangered Species Act and JTNP will be implementing Conservation Measures required by the U.S. Fish and Wildlife Service. In addition, JTNP will be requiring additional measures to minimize impacting this species. These protection measures can be found in the EA Appendix C.

### ***Entrance Sign***

Two comments asked the park to move the entrance sign further into the park. Both comments felt moving the sign would keep visitors from parking alongside the roadway and in private driveways and would help alleviate congestion at the West Entrance NPS boundary.

NPS Response. Moving the entrance sign was not an action NPS is proposing with this project. The sign and its location are one of two primary contributing features associated with the Mission 66 West Entrance Historic District. The other primary contributing feature



is the roadway. Moving the sign would cause adverse impact to the historic district and may cause significant loss to the district's integrity. If enacted, the district would likely become ineligible for historic district status.

Parking will remain at the existing West Entrance station and signage would be added to direct visitors to the parking area. JTNP supports the actions taken by the County of San Bernardino to make the roadway just outside the West Entrance boundary difficult for motorists to park along the road. These actions include safe-hit delineator posts along the road shoulder and placement of "No Stopping" signs. These County actions, along with additional signage that will be enacted by the NPS, should discourage roadway parking for people wanting to take a picture of the historic entrance sign.

### ***Existing West Entrance Improvements***

Two comments raised concerns regarding how visitors would use the area around the existing West Entrance comfort station after the fee station is removed. One comment specifically requesting that no parking be made available because late night partying occurs in this area. Another comment requesting that additional parking be made available, including more trash receptacles and seating.

NPS Response. The selected alternative does include actions at the existing West Entrance Station. These actions include adding some parking and a pullout area for oversized RVs; accessibility upgrades including an accessible path to the entrance sign; and additional visitor amenities. Parking would remain relatively the same; however, it is being slightly reconfigured to allow for better accessibility and space for larger RV vehicles, and a pedestrian pathway to the entrance sign. JTNP does not want to expand visitor services at this site because space and parking is limited and does not want to cause congestion at this site. This site will continue to disseminate basic park information. The actions to be done at the existing West Entrance Station are described on page 17-18 of the EA.

### ***Location of the New West Entrance Station***

Two comments felt the new entrance station is not being built far enough into the park. The comments feel that ½ mile into the park is not enough and back-up into the residential area outside the park boundary would still occur.

NPS Response. JTNP analyzed whether the location of the new entrance station would resolve the back-up of cars into the residential areas outside of the park boundary. The conclusion was that for almost all instances, this issue would be resolved. JTNP feels that in certain circumstances there is the possibility of the cars queueing beyond the park boundary, these include: visitation during the top 5% of visited days, lack of RFT staffing, or vehicle accident emergency. JTNP entrance personnel will retain the method of purging the lines as an alternative in these rare circumstances.

### ***Night Skies***

One commenter expressed concern and suggested careful consideration needs to be given to limiting excessive bright lighting during the construction phase and on the finished structure(s) upon completion. Experiencing the incredibly dark night sky is the primary reason for visiting Joshua Tree National Park. Mitigate unnecessary light trespass.

NPS Response. The project would minimize lighting during construction and would require any lighting used for construction be directed downward and be shielded. Permanent lighting of the complex would use light poles and would only illuminate the minimum necessary for park staff to safely navigate the complex at night. Indoor lighting of the support building would be motion activated and follow park lighting protocol with lumens below 400 and color temperature below 2700 kelvin. Outdoors, only fully shielded light fixtures would be used. With implementation of BMPs (See Appendix C – NS), there would be minimal effects to night sky.

### ***Speed Reduction***

Two comments expressed concerns regarding the speed of cars exiting the park and continuing to speed through the residential area. Concerns were raised that with the removal of the existing West Entrance Station there to slow traffic, cars would be leaving the park at a higher rate of speed through the residential area, and the park should consider road buttons.

NPS Response. Paved roads within the park have a speed limit of 35 mph. The speed of cars for this stretch of roadway leaving the park would not be any different for car speeds than any other stretch of open road within the park. Some motorists will exceed the speed limit and will use NPS law enforcement rangers to monitor this area as well as all areas of the park and ticket motorists exceeding the speed limit. Other speed reduction options, such as road buttons or similar, could be used as a future action to reduce speeding.

JTNP will post roadway signage indicating to motorists they are leaving the park and entering a residential area. Cars traveling more than the speed limit, currently set at 55 mph outside the park, are outside of JTNP jurisdiction for enforcement. JTNP has coordinated joint meetings with the County of San Bernardino to address residential concerns adjacent to JTNP boundary.

### ***Reuse the Existing Fee Station***

One commenter requested the park use as much as of the existing fee kiosk as possible.

NPS Response. Unfortunately, the existing fee station cannot be used as part of the new fee station. NPS staff will evaluate whether any portion of the existing fee station is salvageable for use by NPS for their maintenance operations.

### ***Safety of Fee Collection Staff***

One comment was concerned about exhaust fumes being trapped under the shade kiosks causing unsafe working conditions for NPS fee collection staff.

NPS Response. JTNP appreciates the safety and health concerns for our park staff. The shade shelters will be decked with corrugated metal decking and angled at a 1:12 slope and will not trap fumes. Also, the kiosks will be equipped with positive pressure fresh air ventilation systems to prevent fumes from affecting fee collector's health. The air intakes for this system will be located to the side of the kiosks away from where vehicles will be queued for fee collection.

### ***Suggested Changes to the EA***

Three comments suggested changes to the EA. They are as follows:

Pg. 4. The statement "Because of funding shortfalls due to the COVID pandemic, the project has been delayed which has frustrated the public." is misleading and inaccurate. This project has been in PMIS (214937) since at least 2014 but management has not given it the priority it deserved.

NPS Response. JTNP believes this statement is accurate.

P. 19. There is no mention of a communications line (as stated on scanned p. 59) besides water in this trenching section.

NPS Response. As stated on pg. 20, the trench will contain a water line and an empty conduit line for future use. There will be no communication line that will be placed in the conduit. This empty conduit will be used in the future if there is an enhanced communication line (e.g. fiber optic cable) that is brought close to the West Entrance boundary.

P. 46. Why are you using the term "Monument Valley" (4x) when like on p. 42 the correct term is "Monument Manor".

NPS Response. See Errata. All instances of Monument Valley have been replaced with "Monument Manor".

## **Appendix C: A Non-Impairment Determination**

# Determination of Non-Impairment

## Construct New West Entrance Fee Station

National Park Service  
Joshua Tree National Park  
March 2022

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### Introduction

National Park Service (NPS) Management Policies 2006 (Section 1.4) requires analysis of potential effects to determine whether or not actions will impair a park's resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. However, NPS has the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park, although that discretion is limited by the statutory requirement that the NPS must leave resources and values unimpaired unless a particular law directly and specifically provides otherwise.

The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values. Non-resource topics are generally not subject to impairment assessment. Whether an impact could lead to impairment depends on the particular resources that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts. An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact will be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact may be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated. Impairment may result from visitor activities, NPS administrative activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.

An impairment determination is not made for all resource impact topics analyzed for the Proposed Action Alternative. An impairment determination is not made for land use, utilities, socioeconomics, and visitor health and safety because impairment findings only relate to resources and values that maintain the park's purpose and significance. Additionally, this determination applies only to NPS lands, and does apply to impacts to visitor experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, as these do not constitute impacts to park resources and values subject to the non-impairment standard.

## Vegetation

The project is located in a single vegetation association, within the *Yucca brevifolia*/*Larrea tridentata* (Joshua tree/Creosote bush) plant association. This plant association forms an open woodland with *Y. brevifolia* and *L. tridentata* aspect dominants.

The proposed construction of a new West Entrance Fee Station would disturb approximately 1.45 acres; including sixteen Joshua trees which occur in this area.

The Joshua tree is the iconic species in Joshua Tree National Park (JTNP) and is a candidate species for listing under the California Endangered Species Act (CAESA). Clearing of ground to accommodate the new West Entrance Fee Station will cause impacts to 16 Joshua Trees. To avoid destroying the Joshua trees, they will be salvage and transplanted outside of the construction area.

Surveys conducted in the project area found no federally listed threatened or endangered plant species to occur within the area of potential impact; and no locally rare plant species or plant species of concern are known to occur within the area of potential impact.

Because the impacts to vegetation are confined to a small area, Joshua trees will be salvaged and relocated, and the disturbed area will be replanted; the Selected Alternative will not result in the impairment of Vegetation.

## Special-Status Species – Desert Tortoise

Using USFWS IPaC resource database, JTNP obtained a list of T&E species that are known or expected to be on or near the project area. The list included species that occur outside of the project area, but that could potentially be adversely affected by activities in the project area. There were three species included on the list: Desert Tortoise (*Gopherus agassizii*), and two plant species, Parish's Daisy (*Erigeron parishii*) and Triple-ribbed Milk-vetch (*Astragalus tricarlinatus*). No critical habitat exists at the project location. JTNP biologists have determined that the two plant species are not present on the site and the site lacks habitat conditions for these species.

In analyzing impacts to T&E species, impacts to the Desert Tortoise were identified. The desert tortoise was federally listed by the USFWS in April 1990 (USFWS 1990) as a threatened species (50 CFR 17.11 – 17.12). The construction of a new West Entrance Fee Station would create a loss and degradation of tortoise habitat of approximately 1.45 acres. It was also identified that harassment could occur to the Desert Tortoise during construction activities. To minimize the effects to the Desert Tortoise, JTNP will require the implementation of Conservation Measures identified in the Biological Opinion that covers the activities of the project. These Conservation Measures are outlined in Appendix C of the EA. In their Programmatic Biological Opinion (9/24/21) the USFWS determined the activity "Construction of Non-Linear Facilities" like the activity proposed by NPS, would not likely jeopardize the continued existence of the desert tortoise. And reached their conclusion for the following reasons:

1. The proposed action is not likely to appreciably reduce the number, distribution, and reproduction of desert tortoises within the action area and, by extension, throughout the range of the desert tortoise, as discussed in the Effects of the Action Summary section above.
2. The activities considered within this biological opinion will not appreciably reduce our ability to recover the desert tortoise, as discussed in the Recovery section above.

Therefore, given the activity would not likely jeopardize the continued existence of the desert tortoise, this Selected Alternative will not result in the impairment of the Desert Tortoise.

## **Cultural Resources**

The Selected Alternative will not result in the impairment of cultural resources. The effects of the Selected Alternative on cultural resources within the Area of Potential Effects (APE) will cause no impact to archeological or ethnographic resources; however, will cause an adverse effect on the eligible Mission 66 West Entrance Historic District. The adverse effects to the eligible historic district are associated with affect to the Integrity of the district (36 CFR 800.6); specifically, the Setting (size and scale), and Design and Feeling (form, plan, and space). This adverse effect will be minimized or resolved with the implementation of the approved Memorandum of Agreement (MOA). The MOA is included as Appendix E.

The Selected Alternative would constitute an adverse effect under Section 106 to the eligible Mission 66 West Entrance Historic District. However, this action would not render the historic district ineligible for listing in the National Register of Historic Places. Under the approved (3/14/22) Memorandum of Agreement (MOA) between the NPS and SHPO, the NPS will ensure the MOA Stipulations and Minimization Measures are carried out to resolve adverse effects prior to the implementation of the project.

## **Air Quality**

The Selected Alternatives would not result in the impairment of Air Quality. JTNP is designated as a Federal Class I Airshed under the Clean Air Act, granting special air quality protections from any new major stationary source or major modifications near the park.

The proposed project is located within the Mojave Desert Air Quality Management District (MDAQMD). MDAQMD and Southern California Association of Governments (SCAG) have developed air quality management plans (AQMPs) to meet the requirements of the federal Clean Air Act. The proposed project must comply with CARB and/or the USEPA mandated mobile source emissions regulations outlined in the applicable AQMPs.

The project area is in a non-attainment area, exceeding federal and state air quality standards for:

- Ozone 8-Hr (1997 Standard)
- Ozone 8-Hr (2008 Standard)
- Ozone 8-hr (2015 Standard)
- PM 10 (1987 Standard)

For mobile source emissions, the implementation of the project would not exceed emission thresholds and does not meet the thresholds for fugitive dust. A permanent source emission will be introduced to the park with the need to have a propane generator as a back-up energy source for the fee station. Because pollutants and Green House Gas (GHG) Emissions will be emitted as a result of the project, Best Management Practices (BMPs) will be required including:

- Construction activities would be coupled with water sprinkling to reduce fugitive dust emissions. Water sprinkling would be conducted as necessary on active work areas where soil or fine particles are exposed.
- Idling of construction vehicles would be limited to reduce construction equipment emissions. Unnecessary idling of all construction vehicles and equipment would be avoided throughout the construction period.
- Propane generator would meet CARB standards.
- NPS would obtain a permit from MDAQMD for the operation of the propane

Although there is the potential of air quality impacts, they do not exceed regulatory requirements and is considered de minimis; however, BMPs will be required to reduce the generation of air pollutants, GHGs, and fugitive dust.

## **Visual Resources**

The Selected Alternative was analyzed for impacts to the viewshed from various vantage points and distances looking at the constructed facility. Because the facility is being designed to blend with the undeveloped desert environment and is being constructed with minimal outdoor night lighting, the impact on the viewshed is more prominent the closer the vantage point is to the facility. For most visitors, the analysis recognizes that most of the views will come from visitors as they pass through the station in their automobiles. As such, a fee station to enter the park is not an unexpected feature. The analysis concluded that the visual impact is not of the degree that the facility would be readily distinguishable from a distance, both during the day and night. An entrance fee station is not a unique feature for National Parks, nor for JTNP who has two additional fee kiosks in the park. For these reasons, the Selected Alternative would not result in the impairment of the Visual Resources.

## **Conclusion**

NPS has determined that implementation of the Selected Alternative would not constitute an impairment of the resources or values of Joshua Tree National Park. This conclusion is based on consideration of JTNP's purpose and significance, a thorough analysis of the environmental impacts described in the Construct New West Entrance Fee Station Environmental Assessment, comments provided by the consulting agencies and the public, and the professional judgement of the decision maker guided by the direction of the 2006 NPS Management Policies.



**Appendix D:**  
**USFWS Section 7 Signed Activity Form**



U.S. FISH AND WILDLIFE SERVICE  
Palm Springs Fish and Wildlife Office  
777 E. Tahquitz Canyon Way, Suite 208  
Palm Springs, California 92262



NATIONAL PARK SERVICE  
Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms, California 92277-3597

## ACTIVITY FORM

This consultation consists of the biological opinion, the National Park Service's (Park Service) request to use the biological opinion for the proposed action with project specific information (Part A), the Fish and Wildlife Service's (Service) response (Part B), and the Park Service's post-project reporting (Part C). This form will be filled out and sent electronically. If your response to any questions does not fit in the fillable box, **please add extra pages and note the additional pages in the box.**

For projects that require an activity form, the Service's Division Supervisor will respond within 30 days by signing and returning the activity form via electronic mail. The Park Service will not authorize or implement such projects until it receives notification from the Service.

For projects that are minor activities and do not require an activity form, the Park Service will not be required to notify the Service, unless a desert tortoise was moved out of harm's way. For these activities, the Park Service will notify the Service immediately and include completed Part C of the activity form in the annual report.

### PART A: REQUEST TO IMPLEMENT AN ACTIVITY BY THE PARK SERVICE

Date of request from Park Service: 01/06/2022

Park Service point of contact: Michael Vamstad

Phone number/e-mail: Michael\_Vamstad@nps.gov; 760-367-5562

Proponent/applicant:

National Park Service - Joshua Tree National Park

Project/activity title:

Construct New West Entrance Fee Station - Joshua Tree National Park

**Summary and Results of Desert Tortoise Survey:**

☒ Attach any relevant reports to indicate habitat quality or survey information.

Estimate number of desert tortoises potentially impacted (see Service survey protocol 2018):

<180 mm: 0

>180 mm: 0

Estimate acres of suitable habitat anticipated to be affected:

Temporarily: 0

Permanently: 1.18

**Description of Proposed Action:**

What is the Federal action (e.g., permit, etc.)? Agency Federal Action

☒ Attach a map of the action area to form.

☐ Electronically send GIS project data to Service.

What is the estimated date the action would begin? 08/01/2022

What is the estimated date the action would end? 03/01/2023

Describe the specific activities for the proposed action.

See Attached Project Description

How will access to work areas be accomplished? List equipment and routes of travel

Mobilization of construction equipment would be main paved road (Park Boulevard). Construction staging would be wholly encompassed within the construction footprint of the new station (See Action Area Map) which will be fenced. Construction workers and NPS personnel would access the site via the communities of Joshua Tree or Twentynine Palms via Park Boulevard

List proposed Protective Measures.

See Attached BMPs

Additional Information:

**Park Service Approval:**

Signature (Responsible Park Service Official):

**\*\*Original Signature on File**

**PART B: SERVICE RESPONSE**

Service File No. for Proposed Activity: FWS-ERIV-2022-0015579

Date of FWS response to Park Service: 03/04/2022

**Conclusion:**

Is this project appropriate for use under the biological opinion? ☒ Yes ☐ No

Additional protective measures agreed to by the Park Service and Service during consultation:

Note: The Service received requested additional project information on March 1, 2022.

**Service Approval:**

Signature (Responsible Service Official):

**\*\*Original Signature on File**

Authorized Official  
Palm Springs Fish and Wildlife Office  
Palm Springs, California

## **PART C: POST-PROJECT REPORTING**

### **Actual number of desert tortoises impacted:**

Killed:

Injured:

Moved:

### **Actual acres of suitable habitat affected:**

Temporarily:

Permanently:

### **Other effects not described above:**

### **Recommendations to improve protection of desert tortoises during future project activities:**

**Appendix E:**  
**Memorandum of Agreement**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
JOSHUA TREE NATIONAL PARK  
AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
CONSTRUCTION OF A NEW FEE COMPLEX  
AND  
ASSOCIATED SITE IMPROVEMENTS AT THE WEST ENTRANCE**

**WHEREAS**, Joshua Tree National Park (the Park) is planning to construct a new fee complex one-half mile inside the park's West Entrance, consisting of an expanded roadway, four fee booths and a staff support building with parking; install fee booth shelters with solar collectors that would provide power to the complex; to remove the existing fee booth; and to complete accessibility improvements throughout the project area, hereafter referred to as the Project, and that such a project meets the definition of an undertaking as defined in 36 CFR 800.16(y), and as such must meet the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

**WHEREAS**, the Park has defined the area of potential effect (APE) for the undertaking to be the one-mile of East West Highway between Mile Marker 34 and park's boundary, with a 100-meter buffer; and

**WHEREAS**, the Park has determined that the undertaking will have an adverse effect on the West Entrance Mission 66 Historic District which is eligible for listing in the National Register of Historic Places (NRHP) under criterion A for its association with the National Park Service's Mission 66 program and under Criterion C for its expression of the Mission 66 principles, with a period of significance of 1964; and

**WHEREAS**, the park has consulted with the California State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

**WHEREAS**, the Park has consulted with its 15 traditionally associated Native American communities and invited them to participate in this memorandum of agreement (MOA) as concurring parties, and they have declined; and

**WHEREAS**, the Park sought and considered the views of public on the Undertaking through the Draft Environmental Assessment as required by the National Environmental Policy Act during a comment period between February 9, 2022, and March 11, 2022; and

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

**WHEREAS**, the Park evaluated two (2) other alternatives that either fail to address project objectives and/or result in more pronounced impacts the West Entrance Mission 66 Historic District; and

**NOW, THEREFORE**, the Park and the SHPO agree that the project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.



## **STIPULATIONS**

### **I. STANDARDS AND QUALIFICATIONS**

Pursuant to Section 112(a)(1)(A) of the National Historic Preservation Act (54 U.S.C. § 306131(a)(1)(A) and 36 CFR § 800.2(a)(1), the Park will ensure that all work carried out in accordance with this agreement will be done by or under the direct supervision of appropriate historic preservation professionals who meet the *Secretary of the Interior's Professional Qualifications Standards*. The Park will ensure that contractors retained for services also meet these professional qualifications standards.

### **II. DESIGN REVIEW**

The park shall provide the SHPO with 90% Construction Drawings for review and a description of new construction prior to final drawings. The SHPO will review and provide comment within 30 days. The Park will consult further if necessary based on the SHPO's review of the 90% Construction Drawings.

### **III. MITIGATION MEASURES**

#### **A. Preservation and Restoration of Mission 66 Entrance Monuments**

The Park shall complete preservation and restoration work on the eligible Mission 66 monuments at the North, South, and West Entrances, including repairing mortar failure between the concrete masonry units (CMU) and repairing the deteriorating mortar caps. All three entrances were constructed in the same year and are eligible for the National Register of Historic Places under the same area of significance; preservation work shall promote the longevity of the monuments and restoration work shall improve the integrity of the monuments by improving the integrity of setting and design, mitigating the overall adverse effect to the West Entrance Mission 66 Historic District and improving the overall integrity of the set of historic districts. The Park shall provide a review of work completed annually under the reporting process described in Stipulation IV. All work on the monuments shall be completed in accordance with the Secretary of the Interior's Standards and shall include the following work:

1. The Park shall remove sediment which has accumulated against the monuments since their construction and shall replace sediment where it has eroded.
2. The Park shall remove vegetation which is growing too closely and may be undermining, destabilizing, or uprooting the monuments.
3. The Park shall grow in its plant nursery and plant native vegetation where appropriate to improve views and the natural setting, and to mitigate social trailing adjacent to the monuments.
4. Restoration work shall be completed to address previous repairs which failed to match the historic mortar and to remediate and repair staining and discoloration of the CMU from past maintenance efforts which used improperly pigmented mortar and cleaning techniques. Reuse of original materials shall be prioritized rather than defaulting to replacement in kind whenever feasible.
5. The park will fabricate and install a "Leaving Joshua Tree National Park" sign consistent with the original Mission 66 design to be installed at the South Entrance, where the previous sign was destroyed by a vehicle collision in 2014.

#### **B. Development of Mission 66 Web Materials**

The Park shall create a page on its website (<https://www.nps.gov/jotr/>) providing information about Mission 66, describing Mission 66 efforts at Joshua Tree, communicating to visitors where they can see Mission 66 resources in the Park, including the entrance monuments, and directing visitors to resources where they may find additional information.

#### **C. Inclusion of Mission 66 Information on Joshua Tree National Park Mobile App**

The Park shall include information about Mission 66 and the West Entrance monument on the "Place Asset" page for the West Entrance in the Joshua Tree National Park smartphone App.

#### **IV. ADMINISTRATIVE STIPULATIONS**

##### **A. Inadvertent Discoveries**

If during construction previously unknown archeological resources are discovered, all work in the immediate vicinity of the discovery shall be halted and the procedures of 36 CFR Part 800.13 followed. In the event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, the regulations implementing the Native American Graves Protection and Repatriation Act (43 CFR Part 10) shall be followed.

##### **B. Timeline for Completion of Mitigation Measures**

The Park will complete all mitigation measures prior to the expiration of the MOA (five (5) years from execution of this agreement).

##### **C. Duration**

This MOA will expire five (5) years from execution of this agreement. Prior to such time, the Park may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Administrative Stipulation IV.F below.

##### **D. Annual Reporting**

The Park shall provide to the SHPO annually a summary report of the work undertaken pursuant to the terms of this Agreement in the preceding calendar year for the duration of the agreement document. This report will be provided via email and in conjunction with the annual report required under the 2008 Programmatic Agreement between the NPS, the ACHP, and the National Council of State Historic Preservation Officers.

##### **E. Dispute Resolution**

Should either signatory to this MOA object at any time to any actions proposed or the manner in which the terms of the MOA are implemented, the Park and SHPO will consult to resolve the objection. If the Park determines that such objection cannot be resolved, the Park will:

1. Forward all documentation relevant to the dispute, including the Park's proposed resolution, to the ACHP. The ACHP shall provide the Park with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Park will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, and provide the ACHP and SHPO with a copy of this written response. The Park will then proceed according to its final decision.
2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the Park may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Park will prepare a written response that takes into account any timely comments regarding the dispute from the SHPO and provide the SHPO and the ACHP with a copy of such written response.
3. The Park's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

##### **F. Amendments**

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

##### **G. Termination**

If either signatory to the MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatory to attempt to develop an amendment per Stipulation IV.F, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, either signatory may terminate the MOA upon written notification to the other signatory.

Once the MOA is terminated, and prior to work continuing on the undertaking, the Park must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The Park will notify the SHPO as to the course it will pursue.


#### **H. Anti-Deficiency Act**

The Park's obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act (31 USC Section 1341). The Park will make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the Park's ability to implement the stipulations of this MOA, the Park will consult in accordance with the amendment and termination procedures found in Stipulation IV of this agreement.

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

#### **AUTHORIZING SIGNATURES**

##### **Joshua Tree National Park**

By:  **DAVID SMITH**  
Digitally signed by DAVID SMITH  
Date: 2022.03.14 08:45:53  
David Smith  
Superintendent, Joshua Tree National Park

Date: \_\_\_\_\_

##### **California State Historic Preservation Office**

By:  \_\_\_\_\_  
Julianne Polanco  
California State Historic Preservation Officer

Date: 3/14/22