



National Park Service
U.S. Department of the Interior

Rocky Mountain National Park

**FINDING OF NO SIGNIFICANT IMPACT
Fall River Entrance Improvements**

Recommended:

8-21-18

Darla Sidles
Superintendent, Rocky Mountain National Park

Date

Approved:

8/24/18

Sue E. Masica
Regional Director, Intermountain Region, National Park Service

Date

INTRODUCTION

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS) prepared an environmental assessment (EA) to examine alternative actions and environmental impacts associated with the proposed project to improve the Fall River Entrance at Rocky Mountain National Park. The project is needed to reduce traffic congestion, improve visitor access and convenience, and provide a safe and efficient work space for park employees.

The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

SELECTED ALTERNATIVE AND RATIONALE FOR THE DECISION

Based on the analysis presented in the EA, NPS selected Alternative 3 – Retain Fall River Entrance at Current Location and Replace Existing Buildings with New Construction (the NPS preferred alternative).

The selected alternative will improve the conditions around the existing Fall River Entrance by replacing all existing buildings with newly constructed buildings equipped with updated equipment and systems, improving accessibility of all entrance facilities, adding new parking spaces and pedestrian paths, and reconfiguring the entrance and exit lanes, including the addition of one new fast-pass lane that allows passholders to enter through an automated gate. Newly constructed buildings and entrance facilities will include updated ventilation systems, equipment, technology systems (Internet, communications, and secure transaction handling), work stations, and facilities that meet federal accessibility standards and provide accessible parking and facilities for employees with disabilities. Accessible pedestrian paths will be constructed between the office building, entry kiosks, and a designated accessible parking space for employees in compliance with the Architectural Barriers Act (ABA). Ten standard parking spaces (including one accessible space) will be provided for employees, plus an additional five spaces will be provided for visitors in a rehabilitated historic Civilian Conservation Corps (CCC) pull-off area. A new fast-pass lane will be added for pass-holding visitors as well as employees and emergency vehicles. Finally, a new interpretive wayside will be developed at Sheep Lakes Overlook to depict the developmental history of the Fall River Entrance Station Area.

The entrance reconfiguration is intended to benefit visitors through additional parking spaces, reduced wait times, and increased efficiency and reliability from improved technology systems. The rehabilitated pull-off will increase visitor opportunities to stop and become oriented to the park after passing through the entrance station. Accessibility of all facilities will be increased through the reconstruction of all existing buildings to meet federal accessibility standards, improving conditions for park employees and visitors with disabilities. The new buildings will have design features that will be compatible with the other structures in the area. The addition of a fourth fast-pass lane and positive flow ventilation systems in entry kiosks will reduce employee exposure to vehicle exhaust. Pedestrian safety will be improved through the installation of traffic calming devices and additional employee parking spaces. A new snow melt system in the new accessible pedestrian path will reduce the slipping hazard for employees and visitors, and updated structures will minimize the risk of injuries due to falling snow and ice. Retaining the current configuration of existing buildings will minimize impacts on the historic district, particularly on its integrity of location.

Rationale

Alternative 3 was selected because it best meets the project purpose to:

- Improve the visitor experience and visitor access to the park by enhancing the convenience and flow of entry.
- Enhance visitor and employee safety by more clearly delineating pedestrian access areas and providing better separation and protection of entry kiosks from traffic lanes, reducing the potential for collisions.
- Expedite pass-holding visitors and staff entry at the Fall River Entrance Station Area through the addition of the fast pass lane, which will also be used for emergency vehicle access.
- Improve employee working conditions with updated ventilation systems, work stations, and facilities that meet federal accessibility standards and provide accessible parking and facilities for employees with disabilities.
- Improve the efficiency, reliability, and sustainability of park operations with updated equipment and systems (Internet, communications, etc.) that support entrance station facilities.
- Improve fee collection operations including secure transaction handling, incorporating best available technology and ensuring that fee collections are effectively and efficiently conducted per Director's Order 22 Recreation Fees and NPS Management Policies (2006).
- Protect cultural and natural resources including those associated with the historic district to which the entrance station contributes, through design and construction that meet the Secretary of the Interior's Standards for the Treatment of Historic Properties.

MITIGATION MEASURES

The selected alternative incorporates the mitigation measures listed in Appendix B of this document.

PUBLIC INVOLVEMENT/AGENCY CONSULTATION

Initial public scoping for the project occurred from July 17, 2017, through August 14, 2017, and the NPS hosted a public scoping meeting on August 3, 2017. The EA was made available for public review and comment during a 30-day period, from June 18, 2018, through July 20, 2018, and the NPS hosted a public meeting on June 27, 2018. The NPS received eight separate public correspondences and two letters from tribal governments. Substantive comments focused on suggestions to add more lanes and infrastructure at the entrance, as well as if construction staging could occur at Cascade Cottages rather than the Sheep Lakes pull off area. Substantive comments are addressed in the response to public comments (Appendix C).

The selected alternative will result in adverse effects to the Fall River Entrance Historic District and Fall River Road (U.S. Highway 34) from the removal of contributing buildings, structures, and small-scale features that contribute to the Mission 66 period of significance. Although the entrance station area will remain in its Mission 66 era location, the loss of contributing resources will diminish the Fall River Entrance Historic District's ability to convey its significance as a Mission 66 era entrance area. As described below, a memorandum of agreement to resolve the adverse effects under Section 106 on historic properties was signed on June 15, 2018.

On January 3, 2018, NPS sent a letter to the U.S. Fish and Wildlife Service (USFWS) requesting concurrence for determinations of effect on listed species, including a *may affect, not likely to adversely affect* determination for Mexican spotted owl, and no effect determination for the remaining 11 threatened, endangered, proposed threatened, or candidate species listed above. The USFWS concurred with the letters of determination of effect on February 9, 2018.

FINDING OF NO SIGNIFICANT IMPACT

Council on Environmental Quality regulations in 40 Code of Federal Regulations 1508.27 identify 10 criteria for determining whether a selected action will have a significant effect on the human environment. The NPS reviewed each of these criteria given the environmental impacts described in the EA and determined there will be no significant direct, indirect, or cumulative impacts under any of the criteria.

As described in the EA, the selected alternative has the potential for adverse impacts on historic resources, human health and safety, and visitor use and experience; however, no potential for significant adverse impacts was identified. The selected alternative will result in adverse effects to the Fall River Entrance Historic District and Fall River Road (U.S. Highway 34) from the removal of contributing buildings, structures, and small-scale features that contribute to the Mission 66 period of significance. Although the entrance station area will remain in its Mission 66 era location, the loss of contributing resources will diminish the Fall River Entrance Historic District's ability to convey its significance as a Mission 66 era entrance area. The kiosks and office will be replaced with buildings designed to be compatible with the adjacent 1930s-era buildings in materials, form, massing, and color. In addition, the buildings will be constructed to comply with the design guidelines for the park, which call for an adaption of historic styles to modern building approaches that will meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. Up to 12 character-defining mature ponderosa pine trees (*Pinus ponderosa*) and up to 16,000 square feet of surrounding vegetation will potentially need to be removed to accommodate the parking lot rehabilitation, land reconfigurations, and widening of Fall River Road. Up to 37 character-defining trees will be removed under the cumulative scenario. This cumulative impact will not noticeably modify the integrity of setting and feeling around the entrance because the number of character-defining trees being removed is minimal when compared to the extent of the forested area that will not be impacted. The loss of integrity of setting and feeling resulting from the removal of character-defining trees will likely not be noticeable to most park visitors. The presence of construction equipment will result in a temporary direct impact on the feeling and setting of the historic district during the up to two-year construction period.

A memorandum of agreement to resolve adverse effects under National Historic Preservation Act Section 106 (Section 106) on historic properties was signed on June 15, 2018. It was developed between the Colorado State Historic Preservation Office (SHPO) and American Indian tribes (Appendix D). The Advisory Council on Historic Preservation was invited to participate in the process but declined. The memorandum of agreement was prepared for the NPS's preferred alternative (Alternative 3). Mitigation measures included in the memorandum of agreement are 1) completion of a context study for the Fall River Entrance to include a developmental history of the entrance beginning with the construction of the first Fall River Entrance in the 1920s, 2) completion of a revised National Register of Historic Places nomination form for the historic district, 3) development of an interpretive wayside at the existing Sheep Lakes Overlook, which will depict the developmental history of the Fall River Entrance Station Area and include historic photographs of the entrance station, and 4) rehabilitation of the

historic parking area and road curbing built by the CCC following the Secretary of the Interior's Standards for the Treatment of Historic Properties. All documentation will be submitted to SHPO for review and comment prior to approval.

An official federal species list (consultation code 06E23000-2017-SLI-0053) was obtained from the USFWS Information for Planning and Conservation website on August 14, 2017. The list identified 12 threatened, endangered, proposed threatened, or candidate species with the potential to occur within, and no critical habitat within, the proposed project area: Canada lynx (*Lynx canadensis*), Preble's meadow jumping mouse (*Zapus hudsonius preblei*), Mexican spotted owl (*Strix occidentalis lucida*), North American wolverine (*Gulo luscus*), least tern (*Sternula antillarum*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), pallid sturgeon (*Scaphirhynchus albus*), greenback cutthroat trout (*Oncorhynchus clarkii stomias*), Ute ladies'-tresses (*Spiranthes diluvialis*), western prairie fringed orchid (*Platanthera praeclara*), and Arapahoe snowfly (*Capnia arapahoe*).

No downstream depletions will occur in the Fall River, which is a tributary of the South Platte River, and therefore the least tern, piping plover, whooping crane, pallid sturgeon, and western prairie fringed orchid will not be impacted. The area was surveyed in 2012, and no greenback cutthroat trout occur in the project area or downstream. The project is located outside of a lynx analysis unit, below 9,500 feet (ft), and above 7,800 ft above mean sea level, and therefore will not impact the Canada lynx. In addition, the project area does not contain wolverine or Ute ladies'-tresses habitat. Preble's meadow jumping mouse requires undisturbed grassland with a riparian component, which does not occur in the area. The project area does not cross or come within close proximity to any streams or gulches where Arapahoe snowfly are known to occur. The only stream that occurs within the project vicinity is Bighorn Creek, a perennial tributary to the Fall River. The closest known detections are located approximately 30 miles east of the project, along Sheep Creek (tributary to Big Thompson River). Therefore, given the species' limited dispersal capabilities, it is unlikely to occur within the project area or be impacted by project construction or operation activities.

This project may affect but is not likely to adversely affect the Mexican spotted owl. The project area and adjacent forest are located within an area mapped as potentially suitable Mexican spotted owl habitat. Surveys for Mexican spotted owl were conducted in the park, including the project area, in 2007 and 2008. No Mexican spotted owl were detected in this area or in any of the potentially suitable habitat surveyed in the park. Noise impacts from the project will temporarily remove habitat from nesting and roosting in the years of construction. Foraging might also be impacted during the construction time frame, but this is considered less likely since Mexican spotted owl primarily forage at night when work is not planned to occur. Approximately 43 acres of habitat will be temporarily disturbed by noise during construction at the project location and construction staging areas. This represents 0.24% of the 17,952 acres of potentially suitable habitat identified in the park, leaving the majority of habitat available and suitable should Mexican spotted owl migrate into the park.

On January 3, 2018, NPS sent a letter to the U.S. Fish and Wildlife Service (USFWS) requesting concurrence for determinations of effect on listed species, including a *may affect, not likely to adversely affect* determination for Mexican spotted owl, and no effect determination for the remaining 11 threatened, endangered, proposed threatened, or candidate species listed above. The USFWS concurred with the letters of determination of effect on February 9, 2018.

Construction-related activities will result in short-term impacts on human health and safety due to the presence of large vehicles and construction equipment within visitor and employee areas

over the up to two-year construction period. However, the risk of injury to employees and visitors will be minimized to extremely low levels by installing a temporary fee collection area to divert visitors and staff away from the construction area and keep employees separate as facilities are being upgraded. Additional mitigation measures will be implemented by the contractor during construction to minimize impacts on human health and safety including clearly delineated and flagged construction areas and storage of construction equipment, tools, and debris in appropriately labeled and contained areas. For these reasons, the impacts will be less than significant. The selected alternative will also have long-term beneficial impacts on the health and safety of both visitors and employees from the addition of parking spaces (including one space meeting federal accessibility standards), a fourth fast-pass park entrance lane, positive flow ventilation systems, crash protection, integrated traffic calming devices, and snow melt systems.

Visitor use and experience will be adversely impacted during the up to two-year construction period since fee collection at the Fall River Entrance Station Area will be limited to one lane that will only be open to visitors with a pre-paid pass. Reducing the entrance to one lane will result in increased wait times during construction and any visitors who arrive at the entrance without a prepaid pass will experience additional inconvenience from being required to return to the nearby visitor center or other location to purchase a pass. In addition, the Fall River Visitor Center will likely experience increased parking lot congestion and longer lines at the purchase counter as a result of the prepaid pass requirement. Brief, temporary lane closures generally lasting less than 30 minutes, but on occasion lasting several hours during construction, will result in additional increased wait times. Short-term construction noise will occur in areas where it is already common for visitors to experience noise from vehicles and other human-made sounds. In addition, the presence of construction equipment will create a visual disturbance. However, construction and staging areas will be located in the immediate vicinity of the park entrance, where it is common for visitors to see and hear vehicles and human activity. Mitigation measures implemented prior to and during construction will help to offset these adverse impacts on visitors, including public announcements, informational signage, encouraging visitors to use the Beaver Meadows Entrance when possible, and clearly identifying area closures to maintain visitor safety throughout the construction period. This will allow visitors to plan their visit and manage expectations for wait times and increased visual and noise disturbance. For these reasons, resulting adverse effects will be less than significant. The selected alternative will also have long-term beneficial impacts on visitor use and experience from improved accessibility of entrance facilities, an additional pull-out and parking area, reduced wait times, and improved reliability of new technology systems.

As discussed in Public Involvement/Agency Consultation, in a letter submitted to the USFWS, the NPS determined that the selected alternative may affect, but is not likely to adversely affect, the Mexican spotted owl. The NPS also determined that there will be no effect on any other federally listed threatened or endangered species or critical habitat. The USFWS concurred with the park's determination on February 9, 2018.

The project will not result in the loss or destruction of significant scientific, cultural, or historic resources nor will there be any significant impacts on public health, public safety, or unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally require 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.

APPENDIX A: NON-IMPAIRMENT DETERMINATION

Non-Impairment Determination Fall River Entrance Improvements

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of the Interior and the NPS to manage units “to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (54 United States Code 100101). NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

An action constitutes impairment when its impacts “harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values” (NPS 2006, Section 1.4.5). To determine impairment, the NPS must evaluate the:

particular resources and values 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 constitute impairment, but an impact will be more likely to constitute an 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;
- 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 (NPS 2006, Section 1.4.5).

Fundamental resources and values for Rocky Mountain National Park are identified in the enabling legislation for the park, as well as the park’s foundation document (2013) and Master Plan (1976). Based on a review of these documents, the fundamental resources and values for Rocky Mountain National Park are as follows:

1. Rocky Mountain National Park provides exceptional access to wild places for visitors to recreate and experience solitude and outstanding scenic beauty. Trail Ridge Road, the highest continuous paved road in the United States, and the extensive trail system bring visitors to the doorstep of a variety of wilderness-based recreational opportunities.

2. Fragile alpine tundra encompasses one-third of Rocky Mountain National Park, one of the largest examples of alpine tundra ecosystems protected in the contiguous United States.
3. Glaciers and flowing fresh water carved the landscapes of Rocky Mountain National Park. The park is the source of several river systems, including the Colorado River and the Cache la Poudre, Colorado's first and only designated wild and scenic river.
4. The dramatic elevation range within the park boundary, which spans from 7,600 feet to 14,259 feet and straddles the Continental Divide, allows for diverse terrestrial and aquatic ecosystems, varied plant and animal communities and a variety of ecological processes. The park is designated as a United Nations Educational, Scientific and Cultural Organization (UNESCO) international biosphere reserve and globally important bird area, with portions of the park's montane, subalpine, and alpine ecosystems managed as research natural areas for scientific and educational purposes.
5. The mountainous landscape of Rocky Mountain National Park has drawn people to the area for thousands of years. Visitors can see remnants of the different ways people have used this land over time, ranging from prehistoric big game drives to dude ranching to recreational tourism.

Resources that were carried forward for detailed analysis in the environmental assessment (EA) and are considered necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, are key to the natural or cultural integrity of the park and/or are identified as a goal in relevant NPS planning documents, including historic structures. While analyzed in detail in the EA, non-impairment determinations are not necessary for human health and safety or visitor use and experience because impairment findings relate to park resources and values, and these impact topics are not generally considered park resources or values according to the Organic Act. Accordingly, a non-impairment determination is only made for historic resources.

This non-impairment determination has been prepared for the selected alternative, as described in the finding of no significant impact for the Rocky Mountain National Park Fall River Entrance Improvements Project Environmental Assessment.

Historic District

The EA analyzed the Fall River Entrance Historic District (5LR1184), which is listed in the National Register of Historic Places (NRHP), as well as small areas outside the historic district that may be subject to indirect impacts from the proposed action. Fall River Road (U.S. Highway 34) contributes to the historic district and is individually listed in the NRHP.

The Fall River Entrance Historic District includes two distinct areas: the Fall River Entrance Station Area and the Bighorn Ranger Station Area. The Fall River Entrance Historic District was originally listed in the NRHP in 1988 for its association with NPS rustic architecture of the New Deal era. This 1988 nomination included four buildings located in the Bighorn Ranger Station Area. In 2018, the nomination was amended to include the Fall River Entrance Station Area, which was constructed during the Mission 66 period of development in the park. The Fall River Entrance Historic District is significant under NRHP Criteria A and C for its association with the evolution of NPS planning and design theory from the 1930s New Deal period of investment to

the far-reaching Mission 66 program undertaken between 1956 and 1966, and the specific attention given to entrance facilities by the NPS during this period in an effort to modernize amenities and facilitate day-use visitation. The period of significance for the historic district is 1935 to 1966. The 7.89-acre historic district currently consists of eight buildings, three objects, and one road structure, as well as the natural landscape of the area and several small-scale features found within it.

The selected alternative will have adverse impacts on the historic integrity of the Fall River Entrance Historic District. The selected alternative will retain the current configuration of building placement, but the historic structures in the Fall River Entrance Station Area (the office building and the three entry kiosks) will be replaced with newly constructed buildings. This results in the removal of historic structures that contribute to the historic district. Up to 12 character-defining mature ponderosa pine trees and up to 16,000 sq ft surrounding vegetation will potentially have to be removed to accommodate the parking lot rehabilitation, land reconfigurations, and widening of Fall River Road (U.S. Highway 34). Up to 37 character-defining trees will be removed under the cumulative scenario. This cumulative impact will not noticeably modify the integrity of setting and feeling around the entrance because the number of character-defining trees being removed is minimal when compared to the extent of the forested area that will not be impacted. The loss of integrity of setting and feeling resulting from the removal of character-defining trees will likely not be noticeable to most park visitors.

The adverse effects on historic properties will be resolved through a memorandum of agreement (MOA) among the NPS, SHPO, and American Indian Tribes. Mitigation measures included in the memorandum of agreement are 1) completion of an historic context study for the Fall River Entrance to include a developmental history of the entrance beginning with the construction of the first Fall River Entrance in the 1920s, 2) completion of a revised NRHP nomination form for the historic district, 3) development of an interpretive wayside at the existing Sheep Lakes Overlook, which will depict the developmental history of the Fall River Entrance Station Area and include historic photographs of the entrance station, and 4) rehabilitation of the historic parking area and road curbing built by the Civilian Conservation Corps (CCC) following the Secretary of the Interior's Standards for the Treatment of Historic Properties. All documentation will be submitted to SHPO for review and comment prior to approval. The selected alternative will not impair historic resources with implementation of the mitigation measures included in the MOA.

Conclusion

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the superintendent's professional judgment that there will be no impairment of park resources and values from implementation of the selected alternative. The NPS has determined that implementation of the selected alternative will not constitute an impairment of the resources or values of Rocky Mountain National Park. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the EA, comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of NPS *Management Policies* 2006.

APPENDIX B: MITIGATION MEASURES

General Measures

- The contractor will be required to make every effort to keep one inbound lane and one outbound lane open during construction. However, there may be brief, temporary closures generally lasting less than 30 minutes, but on occasion lasting several hours. No holiday work will be allowed. No weekend work will be permitted without approval from the contracting officer.
- The construction area limits will be clearly defined, fenced, flagged, or otherwise delineated prior to beginning ground-disturbing activities to keep ground disturbance to a minimum. Equipment will be stored and staged on hardened surfaces. This measure is intended to reduce ground disturbance.
- All contractor employees and subcontractors will attend an orientation session(s) regarding park regulations focused on minimizing impacts on resources, human health, and safety. Construction workers and supervisors will be informed about the special sensitivity of park values, regulations, and appropriate housekeeping.
- All contractor employees and subcontractors will read and be familiar with the stormwater pollution prevention plan, which will address spill prevention and response protocols for the project. This measure is intended to reduce potential impacts from spills and stormwater.
- All tools, equipment, barricades, signs, surplus materials, and rubbish will be removed from the project area work limits upon project completion. Construction debris will be hauled from the park to an appropriate disposal or recycling location. This measure is intended to reduce potential impacts on the visual landscape and impacts on natural resources.
- The park has developed a comprehensive list of soil and vegetation protection measures (see Appendix B of the EA). These measures relate to construction limits, equipment usage, clearing and grubbing, excavation, topsoil salvage, vegetation salvage, rough grading, finish grading, imported aggregate and soil, placement of topsoil, erosion control, seeding, and mulching and will also be incorporated into contract documents.

Water Resources

- To reduce impacts on waters, no fill will be placed within the Bighorn Creek drainage other than for installation of the new culvert.
- The project will be completed in such a way as to leave creek banks and channels in a stabilized condition. This will include installation of erosion control and revegetation of disturbed areas.
- If necessary, a National Pollutant Discharge Elimination System Permit for Discharges from Construction Activities will be obtained prior to construction.
- A stormwater pollution prevention plan will be prepared prior to construction. The stormwater pollution prevention plan will be implemented during project construction. During earthwork, standard erosion- and sediment-control measures will be used, as appropriate. Stormwater runoff will be routed around areas of ground disturbance until these sites were revegetated. Within the construction area, sediment capture techniques such as silt fences, sediment curtains, sediment logs or wattles, and/or sediment traps will be employed as needed to contain sediment in the immediate work zone and prevent direct runoff to and degradation of Bighorn Creek. These measures will not be removed until all areas of ground disturbance are stabilized.

- All vehicle and equipment fueling will occur more than 100 ft from Bighorn Creek, to ensure that fuel spills do not enter the water.
- A spill prevention and response plan, which regulates the use of hazardous and toxic materials such as fuels and lubricants for construction equipment, will be prepared as part of the stormwater pollution prevention plan. All contractor employees and subcontractors will be familiar with this plan.
- The culvert replacement work will likely last one to two weeks, not including advance work related to site preparation, installing the bypass, and staging for construction. While the park intends to make every effort to maintain one lane open in each direction as much as possible during the construction period, temporary closures of all lanes of traffic may be necessary for brief, intermittent periods. Night work may be considered to minimize disruption to park access, and measures such as placing steel plates over work areas to facilitate access during non-work hours prior to full completion will be explored.

Wildlife and Species of Concern

- To reduce potential conflict with wildlife, construction personnel will be instructed on appropriate behavior in the presence of wildlife and on proper storage and handling of food, garbage, and other attractants.
- The following measures will be implemented to reduce potential impacts on migratory birds, bald eagles, and golden eagles:
 - If spring work (February 1–April 30) is planned, the contractor will notify the NPS at least one month prior to beginning work and the NPS will conduct appropriate surveys to detect presence of nesting protected bird species. A second survey for birds which arrive to breed later in the season will be conducted in April for project work that will occur between May 1 and August 1. If the area has been cleared by a survey, work can begin within a two-week period after the completion of the survey. Any work occurring prior to February 1 and after August 31 will only require a survey for eagle nests.
 - If nests of bald or golden eagles are discovered within 0.5 mile of the project area, the contractor may have to postpone work or modify work hours in the area until a repeat survey indicates no impacts on nesting eagles. If MBTA protected birds are found (that are not bald eagles or golden eagles) they will be evaluated by the NPS resource manager on an as-needed basis and the contractor may be required to avoid cutting down trees with active nests. A buffer around active nests might also be required.

Vegetation

- To reduce the potential for their spread, exotic and invasive plant species will be monitored and treated with herbicide as needed before and after construction for a minimum of three years. Treatment of invasive plant species will be in accordance with the park's invasive exotic plant management plan in effect at that time.
- To reduce the potential for introduction of nonnative plants, all equipment entering the park will be cleaned and pressure washed to remove foreign soil, vegetation, and other materials that may contain nonnative seeds and vegetation. All equipment will be inspected by qualified park personnel before entering the park.
- All disturbed areas will be revegetated with native species as described in the park's soil and vegetation protection measures (see Appendix B of the EA). All disturbed areas will

be restored as nearly as possible to preconstruction conditions shortly after construction activities are completed.

- Introduced seed or plant materials (even named native species) from commercial sources will not be used. If the park biologist determines additional plant material is needed, it will be collected from native seed and salvaged plant material from within the park.
- To reduce impacts on special status plants, surveys will be conducted prior to ground-disturbing activities. If special status plant species are found during these surveys, they will be marked for avoidance or relocated prior to construction.
- Trees and all native vegetation will be physically protected through the use of barriers to protect from damage by machinery while the work is in progress.

Wetlands

- To reduce impacts on wetlands of Bighorn Creek, heavy equipment use in wetlands will be avoided if at all possible. Heavy equipment used in wetlands will be placed on mats, or other measures will be taken to minimize soil and plant root disturbance.
- Work within Bighorn Creek will be scheduled during drier months of the year to reduce potential impacts on the stream.

Soils

- Soil conservation measures are described in the park's soil and vegetation protection measures and will be implemented for this project.

Cultural Resources

- A memorandum of agreement to resolve adverse effects on historic properties under Section 106 has been developed in consultation with the Colorado State Historic Preservation Office and American Indian tribes. The Advisory Council on Historic Preservation was invited to participate in the process, but they declined. Mitigation measures included in the memorandum of agreement are
 - Completion of an historic context study for the Fall River Entrance to include a developmental history of the entrance beginning with the construction of the first Fall River Entrance in the 1920s,
 - Completion of a revised NRHP nomination form for the historic district,
 - Development of an interpretive wayside at the existing Sheep Lakes Overlook, which will depict the developmental history of the Fall River Entrance Station Area and include historic photographs of the entrance station,
 - Rehabilitation of the historic parking area and road curbing built by the Civilian Conservation Corps (CCC) following the Secretary of the Interior's Standards for the Treatment of Historic Properties. All documentation will be submitted to SHPO for review and comment prior to approval.
- Known archeological sites will be identified and flagged by an archeologist for avoidance. And all equipment and materials staging areas will avoid known archeological resources.
- An archeological monitor will be on-site during ground-disturbing activities. If previously unknown archeological resources are discovered during construction, all work in the immediate vicinity (600 ft) of the discovery will be halted until the resources are identified

and documented and an appropriate mitigation strategy developed, if necessary, in accordance with pertinent laws and regulations, including the stipulations of the 2008 Programmatic Agreement Among the NPS (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

- All workers will be informed of the criminal penalties for illegally collecting artifacts or intentionally damaging any archeological or historic property. Workers will also be informed of the correct procedures should previously unknown resources be uncovered during construction activities.
- In the event that human remains are discovered during construction activities, all work on the project will stop and as required by law, the coroner will be notified first. The park archeologist will also be contacted immediately. All provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.

Visitor Use and Experience

- To reduce impacts on visitors, signs, press releases, and other communication methods will be used to inform visitors about construction, closures, and traffic delays (see Section 2.6.1 of the EA).

Air Quality and Soundscapes

- Dust generated by construction will be controlled as necessary by spraying water on the construction site, or other best management practices for dust control.
- All construction motor vehicles and equipment will be in good working order to prevent excessive or unusual noise, fumes, or smoke.
- To reduce noise and pollution emissions, construction equipment will not idle for extended periods of time. No unattended motors/engines will be permitted.

Public Health, Safety, and Park Operations

- Appropriate barriers and barricades will be used to clearly delineate work areas and provide for safe visitor and staff travel near construction areas.
- Visitors will not be allowed into construction zones.
- Trucks hauling debris and other loose materials will be covered and will maintain adequate freeboard to prevent spillage to paved surfaces.
- Emergency response protocols will be developed as part of an accident prevention plan for implementation during construction.
- Construction activities will be conducted in accordance with established safety protocols and construction will be completed in full compliance with Occupational Safety and Health Administration laws and regulations.
- Employees and construction crews will be required to park their vehicles in designated locations on hardened surfaces.
- Asbestos, lead paint, and other hazard materials testing will be conducted by a licensed technician prior to any demolition. A job hazard analysis will be developed to guide demolition and disposal of hazardous materials.
- All hazardous waste will be contained and disposed of at approved disposal sites in accordance with federal, state, and local laws.

- A traffic management plan will be submitted for review and approval prior to the commencement of work activities. This plan will address location of warning signs, type of signs, placement of flaggers, placement of cones/fencing and barricades, duration of anticipated delays, use of pilot cars, etc. This plan will address vehicle and pedestrian traffic within the construction zone.
- Spill containment kits will be required to be on-site at all times during any construction activities.

APPENDIX C: RESPONSE TO PUBLIC COMMENTS

The EA was released for public review from June 18, 2018 to July 20, 2018. Notifications of the availability of the EA were sent to all interested parties in the Rocky Mountain National Park mailing list and published on the park's website, and in the *Estes Park Trail Gazette* and the *Estes Park News*. Notifications also were sent to various federal, state, and local agencies, elected officials, and affiliated Native American tribes. The NPS hosted a public meeting on June 27, 2018 in Estes Park, Colorado.

Eight separate public correspondences and three letters from tribal governments were submitted during the comment period. All comments will be maintained in the project decision file. The park determined that several of the correspondences included substantive comments. Park management officials find the opportunity to respond to these comments valuable and have addressed these in responses below.

USE OF CASCADE COTTAGES FOR CONSTRUCTION STAGING

COMMENT: The commenter had concerns about the use of Sheep Lakes as a storage site and how it would result in less public parking for visitors viewing bighorn sheep and suggested hardening an area at Cascade Cottages to use as an alternative staging site.

RESPONSE: The use of a portion of Sheep Lakes as a staging area will result in an inconvenience to visitors and cause a temporary parking shortage. Cascade Cottages was considered as a staging area, but was ruled out due to the lack of hardened surfaces for staging and the unknown locations of existing buried infrastructure in the area. Hardening an area within Cascade Cottages would negatively impact the potential historic integrity of the site. Perhaps most importantly, the future use of the site is unknown. That uncertainty combined with the unknown start date for construction of the Fall River Entrance Station Improvements Project makes the Cascade Cottages Site unsuitable as a staging area.

ADDING A SECOND FAST PASS LANE AND USING TOLLWAY TECHNOLOGIES

COMMENT: The commenter suggested that two fast pass lanes and issuing weekly pass swipe cards.

RESPONSE FROM PARK OFFICIALS: The addition of the fast pass lane to the Fall River Entrance will facilitate access for existing pass holders and on-duty park staff, thereby making lines shorter for those with and without passes. At the current time, the NPS does not have the capability to issue swipe cards for the weekly passes; however if that technology changes, it can be incorporated. An additional fast pass lane would require widening the developed area and increase the negative impacts to the historic district.

COMMENT: The commenter suggested that the gates and buildings be removed and modern tollway technology be used to collect admission via "electronic park tags." The commenter suggested this as a solution at all entrance stations (Fall River, Beaver Meadows, and Wild Basin).

RESPONSE: The improvements to the Fall River Entrance area are needed to reduce traffic congestion, improve visitor access and convenience, and provide a safe and efficient work space for park employees. The NPS recognizes that park visitation and corresponding

use of the Fall River Entrance Station Area is expected to increase over the coming decades. However, the objective of the project is not to expedite all access into the park through technologies such as those used on tollways, where booths are eliminated and fees are collected remotely. The park is not just concerned about the speed with which visitors enter the park, but also congestion on roads, limited parking, increased vehicle emissions, and resource damage. The park will continue to manage visitor use so there is a better balance between the demand for entry and the capacity of natural and cultural resources to handle use.

Also, the NPS wishes to maintain staffed entrance stations for purposes beyond collecting fees. Park employees at the entrance stations not only collect fees, but they also perform activities related to resource stewardship, education, and visitor-use management. Often, they are the only NPS employee that visitors interact with during their visit. Finally, many NPS units, such as Rocky Mountain National Park, have limited internet access. The passes that are sold nationwide, at all national parks and other federal recreation areas (USFWS, USFS, etc.) do not have the technology that would allow visitors to use them in this suggested manner.

SOUTHERN UTE INDIAN TRIBE REQUEST FOR ADDITIONAL INFORMATION

COMMENT: The Southern Ute Indian Tribe wrote and requested additional information on the planned site for its impact on properties of religious and cultural importance to the Tribe.

RESPONSE: In late July 2018, Rocky Mountain National Park held a consultation meeting with several tribes in which the Fall River Entrance Improvement project was a discussion topic. Members of the Southern Ute Indian Tribe attended this meeting and received answers to specific questions.

APPENDIX D: MEMORANDUM OF AGREEMENT

**MEMORANDUM OF
AGREEMENT BETWEEN
ROCKY MOUNTAIN NATIONAL PARK, NATIONAL PARK SERVICE AND
COLORADO STATE HISTORIC PRESERVATION OFFICER,
FOR REDEVELOPMENT OF THE FALL RIVER ENTRANCE**

WHEREAS, the National Park Service (NPS) plans to improve the Fall River Entrance Area at Rocky Mountain National Park (Park) by redeveloping (undertaking) the area pursuant to the NPS mission set forth by the Organic Act of 1916 (54 U.S.C. § 100101); and

WHEREAS, the undertaking consists of the removal of the existing kiosks (Buildings 669–671) and office building (Building 353) and construction of new buildings in a similar configuration, removal of flag pole and culvert, installation of new employee and visitor parking spaces, and reconfiguration of road circulation to include additional incoming lanes; and

WHEREAS, NPS has defined the undertaking's area of potential effects (APE) as a 2,325 foot linear alignment, expanding 40 feet on either side of the existing system and proposed alignments; and

WHEREAS, the NPS has determined that the kiosks, office building, flag pole, and natural landscape and small scale site features support the overall eligibility of the Fall River Entrance Historic District (5LR1184) and that the Fall River Entrance Historic District is listed in the National Register of Historic Places and the Colorado State Historic Preservation Officer (SHPO) concurred with this assessment on March 20, 2017; and

WHEREAS, the NPS has determined that a segment of the roadway supports the overall eligibility of the Fall River Road/Highway 34 (5LR885) and that Fall River Road/Highway 34 is listed in the National Register of Historic Places and the Colorado State Historic Preservation Officer (SHPO) concurred with this assessment on September 12, 2017; and

WHEREAS, the NPS has determined that redevelopment of the Fall River Entrance Area will have an adverse effect on the Fall River Entrance Historic District and the Fall River Road, and has consulted with the Colorado SHPO pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 100101); and

WHEREAS, NPS has consulted with the Arapaho Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Shoshone Tribe of the Wind River Reservation, Wyoming; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, and Utah participated and each have been invited to concur in this Memorandum of Agreement (MOA); and

WHEREAS, the NPS has provided the Advisory Council on Historic Preservation the opportunity to comment on this project and the Advisory Council has declined to participate in the process; and

NOW, THEREFORE, the NPS and Colorado SHPO agree that the project shall be implemented in accordance with the following stipulations:

I. STIPULATIONS

NPS shall ensure that the following measures are carried out:

A. Professional Qualifications

NPS shall ensure that archeological work conducted pursuant to this agreement is carried out by, or under the direct supervision of, a person or persons meeting the minimum appropriate qualifications set forth in the Secretary of the Interior's Professional Qualification Standards (36 CFR 61, Appendix A).

B. Minimization of Adverse Effects

NPS shall conduct cultural resource awareness training for staff and contractors involved in redevelopment activities.

C. Mitigation of Adverse Effects

1. The NPS will complete a context study for the Fall River Entrance to include a developmental history of the entrance beginning with the construction of the first Fall River Entrance in the 1920s. The park's eastern boundary was revised several times which resulted in the relocation of the Fall River Entrance at least four different times. This will include information on the entry kiosk architectural style.
2. The NPS will complete a revised National Register Nomination for the Fall River Entrance Historic District to reflect project related impacts.
3. The NPS will use the information gathered from the context study to develop a new interpretive wayside at the Sheep Lakes overlook. The wayside will depict the developmental history of the Fall River Entrance and include historic photographs of the entrance station; including a photograph of the Fall River Entrance when it was located at Sheep Lakes. The SHPO will review the proposed location and interpretive waysides prior to installation.
4. The NPS will rehabilitate the historic parking area and road curbing built by the Civilian Conservation Corps (CCC) as part of the 1930s entrance station. The rehabilitation activities will follow the Secretary of the Interior's Standards for the Treatment of Historic Properties. The SHPO will review the rehabilitation plans prior to approval.
5. The above actions will be completed in consultation with the SHPO. All documentation will be submitted to SHPO for review and comment prior to approval.

D. Inadvertent Resource Discoveries

If previously unknown archeological resources are discovered during ground disturbing activities, all work in the immediate vicinity of the discovery will be halted and the procedures of 36 CFR Part 800.13[b] will be followed. In the unlikely event that Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony are discovered, all work in the immediate vicinity of the discovery will be halted and the procedures of 43 CFR § 10.3 will be carried out including taking immediate steps to protect the discoveries in situ, notification of the eleven aforementioned tribes, tribal consultation, and the development and execution of a Plan of Action.

II. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, NPS shall consult with such party to resolve the dispute. If the signatories cannot agree regarding a dispute, the NPS or Colorado SHPO may request the participation of the Advisory Council to assist in resolving the dispute. Any recommendation or comment provided by the Advisory Council will be understood to pertain only to the subject of the dispute. The NPS's responsibility to carry out all actions under this Agreement that are not the subjects of dispute will remain unchanged.

At any time during implementation of the measures stipulated in this Agreement, should a member of the public raise an objection to any such measure, the NPS shall take the objection into account and consult as needed with the Colorado SHPO.

III. AMENDMENT OF AGREEMENT

The Agreement may be modified by amendment at any time by mutual concurrence of all parties. Amendment of the Agreement, as necessary, shall be accomplished in the same manner as the original agreement. Amendments will be in writing and approved by the original signatories or their designated official.

IV. TERMINATION OF AGREEMENT

Either party to this Agreement may terminate it by providing thirty (30) calendar days' notice to the other party, provided that the parties will consult during the period prior to termination to seek agreements on amendments or other actions that would avoid termination. In the event of termination by the SHPO, the NPS will request the comments of the ACHP, in accordance with 36 CFR Part 800.7[a].

V. ANTI-DEFICIENCY ACT

All actions taken by the park in accordance with this MOA are subject to the availability of funds, and nothing in this MOA shall be interpreted as constituting a violation of the Anti-Deficiency Act.

V.I. REPORTING

The park will report annually to the CO SHPO as to the actions taken to fulfill the terms of the MOA.

VII. TERM OF AGREEMENT

This Agreement shall become effective after the date of the last signatory. The Agreement shall be null and void if its terms are not carried out within five (5) years from the date of its approval by the Park and SHPO, unless the signatories agree in writing to an extension for carrying out its terms. Otherwise, this Agreement shall become null and void when the project is complete, and all of the above stipulations are fulfilled. The Agreement and any amendments shall be binding upon the parties, their successors, and assigns.

Execution of this Agreement by the NPS and the Colorado SHPO, its subsequent acceptance by the Council, and implementation of its terms, evidences that the NPS afforded the Council an opportunity to comment on the project and its effects on historic properties, that the NPS has taken into the account the effects of the undertaking on historic properties, and that the NPS has satisfied its Section 106 responsibilities for the project referenced in this Agreement.

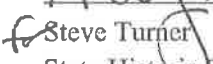
**MEMORANDUM OF AGREEMENT
REDEVELOPMENT OF THE FALL RIVER ENTRANCE**

Signatories

National Park Service

By:  Date: 31 May 2018
Darla Sidles
Superintendent, Rocky Mountain National Park

Colorado State Historic Preservation Office

By:  Date: 15 June 18
 Steve Turner
State Historic Preservation Officer