National Park Service
U.S. Department of the Interior

Capitol Reef National Park
Utah

REHABILITATE AND RESURFACE THE 8-MILE SCENIC DRIVE ROAD
FINDING OF NO SIGNIFICANT IMPACT

Capitol Reef National Park (park), in cooperation with the Federal Highway Administration (FHWA), Central Federal Lands Highway Division (CFLHD), will rehabilitate and resurface eight miles of the Scenic Drive roadway from the intersection with Utah State Route 24 (SR-24) (milepost 0.0) to the parking lot for Capitol Gorge (milepost 8.0).

This Finding of No Significant Impact (FONSI) and the Environmental Assessment (EA) constitute the record of the environmental impact analysis and decision-making process for the Scenic Drive resurfacing project. The National Park Service (NPS) will implement the preferred alternative, referred to in this document as the selected alternative. The selected alternative includes measures for protection of park resources, benefits to health and safety, improvement of visitor use and experience, and park operations and management. The selected alternative provides long-term conditions necessary to sustain natural and cultural resources. The alternative was selected after careful review of resource and visitor impacts and public comment.

This document records 1) a FONSI as required by the National Environmental Policy Act of 1969 (NEPA) and 2) a determination of no impairment which is the standard set by the NPS Organic Act of 1916.

SELECTED ALTERNATIVE

The Scenic Drive will be rehabilitated and repaved throughout its 8-mile length between SR-24 and the Capitol Gorge parking area. The existing roadway width will be maintained, but the pavement will be widened at "S-shaped" curves to help prevent vehicles from off-tracking onto the shoulders. The roadway will also be widened at its southern end to provide a consistent width. The subgrade throughout the length of the Scenic Drive will be excavated as needed in spot locations, and replaced with appropriate fill material. From milepost (MP) 0.00, the intersection with SR-24, to the park fee station at MP 1.70, the existing pavement on the Scenic Drive will be pulverized and the roadway will be paved with asphalt concrete. Between the fee station and the Capitol Gorge parking area the existing chip-seal pavement will be pulverized, and the roadway will be paved with a double chip-seal overlay. Painted centerline striping will be applied from the picnic area and campground in the Fruita Historic District to the intersection with SR-24. To enhance safety centerline striping may also be applied elsewhere on the road at some of the sharpest curves. Rumble strips will be installed at each end of the 15-mile-per-hour speed zone. Minor improvements will be made to the Fruita Campground entrance to provide additional width for turning movements into and out of the campground. Paved asphalt

aprons will be developed and extended into the entrances of Grand Wash and the Pleasant Creek Road.

At locations where drainage ditches are close to and parallel with the road bed, existing stone retaining walls will be extended or new walls will be constructed to prevent future erosion. The roadside ditch along the east side of the Scenic Drive across from the historic Gifford Barn (MP 1.25) will be improved to better accommodate storm flows. Options being considered include reconstructing and paving the ditch with a consistent cross section and slope to more easily accommodate mechanical maintenance, or retaining the current native soil ditch while implementing a schedule of more frequent maintenance. The native soil ditch will be reshaped and hardened with compaction as needed. More analysis will be conducted to determine the proper solution. Plugged culverts will be cleaned.

Existing concrete low water crossings will be repaired or replaced in kind as is needed. In some drainages where existing culverts have become plugged with soil and rock, the culverts will be replaced with low water crossings. Some such culverts will remain in place and be permanently plugged, to ensure that they do not deteriorate and collapse beneath the road bed.

Stone headwalls that have become weakened will be reconditioned with grout, resin, or new mortar applied, as needed. Some stone headwalls will be dismantled and reconstructed, using the original stone as much as is feasible. Any replacement stone will be native stone of a similar appearance. All masonry stone rehabilitation will be in accordance with the Secretary of the Interior's Standards for the Preservation of Historic Properties. Stone riprap will be placed at culvert outlets as needed.

The roadway pavement will be widened on curves between approximately mileposts 4.3 to 4.5, although the widened pavement will still be on the existing road bench. In other isolated locations throughout the length of the Scenic Drive the roadway will be widened by 1 to 2 feet, to provide a consistent road width as much as is feasible. Warning signs will be installed in locations where the roadway narrows, but cannot be widened because of the proximity of important park resources.

Near the Capitol Gorge parking area, from approximately milepost 7.4 to 7.9, the adjacent hillside will be cut back to create slopes with gradients of approximately two-to-one or three-to-one (2:1 or 3:1), depending on conditions at the sites. Drainage ditches will be cut at the toe of the slope alongside the roadway. The purpose of those excavations will be to widen the road to a consistent width through that stretch of narrow roadway. It is estimated that approximately 2,000 to 2,500 cubic yards of shale, shale residuum soils, and sandstone will be excavated.

The parking area at the entrance to Capitol Gorge will be paved with asphalt and the existing sandstone curbing will be reset. Some new matching curbing will be installed to formalize the parking area. A raised median will be added, and access to the existing restroom will be improved.

Approximately nine minor parking areas and pullouts along the length of the Scenic Drive will be reconstructed with formalized layouts. Others will be abandoned and rehabilitated.

MITIGATING MEASURES

The following mitigating measures were developed to minimize the degree and/or severity of adverse effects and will be implemented during construction of the selected alternative, as needed:

- To minimize the amount of ground disturbance, staging and stockpiling areas will be in previously disturbed sites, away from visitor use areas to the extent possible. All staging and stockpiling areas will be returned to pre-construction conditions following construction.
- Fugitive dust generated by construction will be controlled by spraying water on the construction site, if necessary.
- Contractors will be required to properly maintain construction equipment (e.g.-=, mufflers and brakes) to minimize noise. Construction equipment will not be permitted to idle for long periods of time.
- To minimize possible petrochemical leaks from construction equipment, the contractor will regularly monitor and check construction equipment to identify and repair any leaks.
- All tools, equipment, barricades, signs, surplus materials, and rubbish will be removed upon project completion.
- Revegetation efforts will strive to reconstruct the natural spacing, abundance, and diversity of native plant species using native species. A revegetation plan approved by NPS will be developed for disturbances in the project area.
- All disturbed areas will be restored as much as is feasible to pre-construction conditions shortly after construction activities are completed. Weed control methods will be implemented to minimize the introduction of noxious weeds. Remedial actions will include installation of erosion-control structures, reseeding, topsoil placement, and/or replanting the area, and controlling non-native plant species with herbicide.
- Because disturbed soils will be susceptible to erosion, until the soil is stable and vegetation is established, standard erosion control measures will be used to minimize any potential soil erosion and prevent sediment from reaching streams.
- Treatment of non-native vegetation will be completed in accordance with *NPS–13, Integrated Pest Management Guidelines*. Monitoring and follow-up treatment of exotic vegetation will occur after project activities are completed.
- To prevent the introduction of, and minimize the spread of, nonnative vegetation and noxious weeds, the following measures will be implemented during construction:
    - Soil disturbance will be minimized.
    - To avoid introduction of non-native/noxious plant species, no hay bales will be used for temporary erosion control or during revegetation.
    - All construction equipment will be pressure washed and/or steam cleaned before entering the park to ensure that all equipment is weed-free.
    - All haul trucks bringing fill materials from outside the park will be covered to prevent seed transport.
    - Vehicle and equipment parking will be limited to within construction limits or approved staging areas.
    - Staging areas outside the park will be surveyed for noxious weeds and treated appropriately prior to use.

  - All fill, rock, and additional topsoil will be obtained from stockpiles from previous projects or excess material from this project, if possible; and if not possible, then weed-free fill, rock, or additional topsoil will be obtained from sources outside the park. NPS personnel will certify that the source is weed-free.

- Erosion control best management practices for drainage and sediment control, as identified and used by the FHWA and NPS, will be implemented to prevent or reduce nonpoint source pollution and minimize soil loss and sedimentation in drainage areas. These practices may include, but will not be limited to, silt fencing, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas to minimize sedimentation and turbidity impacts as a result of construction activities. The placement and specific measures used will be dictated to a large degree by the steepness of the topography immediately adjacent to the roadway. Silt fencing fabric will be inspected daily during project work and weekly after project completion, until removed. Accumulated sediments will be removed when the fabric is estimated to be approximately 75% full. Silt removal will be accomplished in such a way as to avoid introducing sediments into any flowing water bodies.
- Regular site inspections will be conducted to ensure that erosion control measures are properly installed and functioning effectively.
- The operation of ground-disturbing equipment will be temporarily suspended during large precipitation events to reduce the production of sediment that may be transported to streams.
- A National Pollution Discharge Elimination System (NPDES) permit will be prepared by CFLHD and submitted to the Utah Division of Water Quality prior to commencing any near-water activities.
- A hazardous spill plan will be required from the contractor prior to the start of construction stating what actions will be taken in the case of a spill and preventive measures to be implemented. Hazardous spill clean-up materials will be on-site at all times. This measure will be designed to avoid/minimize the introduction of chemical contaminants associated with machinery (e.g., fuel, oil, and hydraulic fluid) used in project implementation.
- Construction workers and supervisors will be informed about special status species. Contract provisions will require the cessation of construction activities if a species is discovered in the project area, until park staff re-evaluates the project. This will allow modification of the contract for any protection measures determined necessary to protect the discovery.
- If there is night construction, lights will be shielded and directed downward to minimize the areas impacted by the artificial light, and to avoid light pollution.
- The construction contractor will be required to keep all garbage and food waste contained and removed daily from the work site, to avoid attracting wildlife. Construction workers will be instructed to remove food scraps and not feed or approach wildlife.
- Should construction unearth previously undiscovered cultural resources, work will be stopped in the area of any discovery and the park will consult with the state historic preservation officer and the Advisory Council on Historic Preservation, as necessary, according to 36 CFR 800.13, Post Review Discoveries. In the unlikely event that human remains are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.

- The National Park Service will ensure that all contractors and subcontractors are informed of the penalties for illegally collecting artifacts or intentionally damaging paleontological materials, archeological sites, or historic properties. Contractors and subcontractors will also be instructed on procedures to follow in case previously unknown paleontological or archeological resources are uncovered during construction.
- To minimize the potential for impacts to park visitors, variations on construction timing may be considered. One option would include conducting the majority of the work in the off-season or shoulder seasons.
- Visitors will be informed in advance of construction activities.
- As much as is feasible, park staff will be posted at construction traffic stops to answer visitor questions and provide information during traffic delays.
- Provisions for emergency vehicle access through construction zones will be developed.

ALTERNATIVES CONSIDERED

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which guides the Council on Environmental Quality (CEQ). The CEQ provides direction that "[t]he environmentally preferable alternative is the alternative that would promote the national environmental policy as expressed as goals in NEPA's §101:

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
5. achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

While the no action alternative (Alternative A) would preserve existing conditions, it would not be considered the environmentally preferred alternative because not rehabilitating the Scenic Drive, repairing damaged road and drainage problems, and implementing other improvements would not meet environmental goals in the same manner as the selected alternative. Alternative A is not the environmentally preferred alternative for the following reasons: **1.** not rehabilitating the Scenic Drive would not meet the stewardship responsibility for protecting park resources (goal 1, as expressed in NEPA's §101); **2.** it would not improve road safety or protection of environmental and cultural resources (goals 2, 3, and 4); **3.** damaged road sections would continue to deteriorate and result in increased maintenance costs (and would not fully meet goal

3); and **4.** there is a higher likelihood of road failure, which would result in road closure, making it more difficult for visitors and staff to access park facilities (goal 5). Thus, Alternative A does not fully meet the provisions of NEPA §101 goals 1, 2, 3, 4, and 5.

The NPS determined that the environmentally preferred alternative is the selected alternative (Alternative B) because it surpasses Alternative A in realizing the full range of national environmental policy goals as stated in §101 of NEPA. Alternative B will provide the widest range of beneficial uses without degradation, and will reduce risks to health and safety because it will provide sustainable vehicular access to the facilities and trailheads along the Scenic Drive. Implementing Alternative B will best preserve the natural and cultural features along the road because it implements structural improvements while providing long-term protection of environmental and cultural resources (goals 1 and 4). Road improvements will allow for unimpeded access to recreational opportunities and regional access (goals 2, 3, and 5). Alternative B provides for the reuse of asphalt in place or milled asphalt that could be used on other road projects outside of the project area (goal 6).

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR 1508.27, significance is determined by examining the following criteria.

Impacts that may be both beneficial and adverse; a significant effect may exist even if the agency believes that on balance the effect will be beneficial

The selected alternative will result in both beneficial and adverse impacts. In general, the project provides long-term beneficial effects to cultural landscapes, soundscape, geology and soils, health and safety, visitor use and experience, and park operations and management. Adverse impacts to those same resources are minor to moderate, and are generally short-term from construction-related disturbances and temporary inconvenience to visitors during road work. There will be minor long-term adverse impacts to geology and soils from the loss of rock and soil to accommodate some widening of the roadway, the excavation and paving of an earthen ditch, and the cleaning, realignment, and widening of other ditches. There will still be long-term, minor adverse impacts on visitor use and experience and on park operations and management from future maintenance work on the Scenic Drive. However, the road improvements will reduce that need from its current levels. Mitigation measures, as listed previously in this document, will minimize adverse effects. A summary of resource effects is found in Table 3 of the EA.

Degree of effect on public health or safety

The selected alternative will have short-term minor adverse impacts on health and safety, as motorists approach and pass through the construction area. The selected alternative will also have beneficial long-term impacts on health and safety. The correction of existing roadway deficiencies and improved safety features will increase safety for motorists on the Scenic Drive. Provisions will be made for emergency vehicle access during the construction period. Maintaining a safe environment for park staff, contractors, and visitors during and after construction will be a primary objective.

Degree to which effects on the quality of the human environment are likely to be highly controversial

The park conducted public scoping prior to preparation of the EA, and the public was given an opportunity to comment on the completed EA. Based upon the input received during public scoping, there was no evidence that the effects will be highly controversial.

By the conclusion of the 30-day public review and comment period (which ended on March 19, 2010), the park received four comments. One of the comments was a statement of support for the preferred alternative. One of the comments was an inquiry about the project schedule. Two commenters requested that the park consider paving the road with reddish-colored materials, to more closely match the surrounding natural geologic features and to resemble the likely color of the original unpaved roads through the project area.

The park and other NPS staff have concluded that the Scenic Drive will not be paved with reddish-colored asphalt. The available reddish-colored pavement materials would deteriorate more quickly than those used in the existing black asphalt pavement, and would require more frequent repairs and repaving. The resultant degraded road surface would have an adverse effect on the cultural landscapes in the park.

Because none of the public comments presented any objections to the proposed action, the NPS has concluded that the effect on the quality of the human environment will not be highly controversial.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

Repairing and resurfacing the Scenic Drive between SR-24 and the parking lot for Capitol Gorge meets the project objectives of improving the efficiency of park operations and providing for visitor enjoyment and safety, while protecting the park's natural and cultural resources. The anticipated effects on the human environment, as analyzed in the EA, are not highly uncertain or unique, nor were any unknown risks identified.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

Repairing and resurfacing the Scenic Drive will not result in significant adverse effects to the natural environment, cultural resources, or visitor use and experience, and will not set a precedent for future actions that could have significant effects.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

The EA concluded that past, present, and future activities, when coupled with repairing and resurfacing the Scenic Drive, will have long-term minor adverse cumulative effects on cultural landscapes, and on health and safety. There will be short-term, moderate, adverse, cumulative effects on soundscape and on visitor use and experience. There will be long-term, moderate, adverse, and long-term beneficial cumulative effects on park operations and management. There will also be long-term beneficial, cumulative effects on cultural landscapes, soundscape, geology and soils, health and safety, and on visitor use and experience. No significant adverse cumulative effects were identified.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places; or may cause loss or destruction of significant scientific, cultural, or historical resources

After applying Advisory Council on Historic Preservation criteria of adverse effects (36 CFR 800.5, Assessment of Adverse Effects), the NPS concludes that implementation of the selected alternative will have no adverse effect on historic structures, archeological sites, cultural landscapes, ethnographic resources, or museum collections. On January 22, 2010, the Utah State Historic Preservation Officer concurred that sites that are eligible for listing in the National Register of Historic Places would not be adversely affected by the proposed project. Archeological monitoring will be conducted during construction activities in areas that are in proximity to previously recorded sites that are eligible for listing in the National Register.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

In accordance with the Endangered Species Act, the National Park Service contacted the U.S. Fish and Wildlife Service (USFWS) with regards to federally listed special status species. The USFWS concurred with the NPS opinion that the proposed project is not likely to adversely affect any protected species, and is not likely to adversely modify critical habitat of the Mexican spotted owl.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

As described in the EA, no adverse effects to wild and scenic rivers, ecologically critical areas, or prime farmland were identified for the selected alternative. The NPS concludes, and the Utah SHPO concurs that there will be no adverse effect on historic or cultural resources. Less than 0.1 acre of riverine wetlands will be impacted by construction of outlet protection in the washes.

Whether the action threatens a violation of federal, state, or local environmental protection law

The selected alternative violates no federal, state, or local environmental protection laws.

APPROPRIATE USE, UNACCEPTABLE IMPACTS, AND IMPAIRMENT

Sections 1.5 and 8.12 of NPS *Management Policies 2006* underscore the fact that not all uses are allowable or appropriate in national park units. The proposed use was screened to determine consistency with applicable laws, executive orders, regulations, and policies; consistency with existing plans for public use and resource management; actual and potential effects to park resources; total costs to the NPS; and whether the public interest will be served.

The NPS determined that rehabilitating and repaving the Scenic Drive, including associated drainage structures, is an acceptable use. Because analysis in an EA

determined that impacts to resources will be less than major, and because mitigation measures are expected to be successful in ensuring that no major adverse impacts will occur to park resources, implementation of the selected alternative will not result in any unacceptable impacts.

In analyzing impairments in the NEPA analysis for this project, the NPS takes into account the fact that if an impairment were likely to occur, such impacts would be considered major or significant under Council on Environmental Quality regulations. This is because the context and intensity of the impact would be sufficient to render what would normally be a minor or moderate impact to be major or significant. Taking this into consideration, NPS guidance documents note that "Not all major or significant impacts under a NEPA analysis are impairments." However, all impairments to NPS resources and values would constitute a major or significant impact under NEPA. If an impact results in impairment, the action should be modified to lessen the impact level. If the impairment cannot be avoided by modifying the proposed action, that action cannot be selected for implementation.

In addition to reviewing the definition of "significantly" under NEPA regulations, the NPS has determined that implementation of the selected alternative will not constitute an impairment to the integrity of park resources or values, as described by NPS *Management Policies 2006* (§ 1.4). This conclusion is based on the NPS's analysis of the environmental impacts of the selected alternative as described in the EA, the public comments received, relevant scientific studies, and the professional judgment of the decision maker guided by the NPS *Management Policies 2006*. The EA identified less than major adverse impacts on cultural landscapes, soundscape, geology and soils, health and safety, visitor experience, and on park operations and management. This conclusion is further based on the park Superintendent's professional judgment that the project will result in benefits to park resources and values, and opportunities for their enjoyment, and does not result in their impairment.

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

The EA was made available for public review and comment during a 30-day period ending March 19, 2010. In accordance with Section 106 of the National Historic Preservation Act, the NPS consulted with the Utah State Historic Preservation Office. In accordance with the Endangered Species Act, the NPS consulted with the U.S. Fish and Wildlife Service on potential impacts to federally listed threatened or endangered species. The park consulted with the federally recognized tribes with a possible connection to the project area, and responses were received from the Paiute Indian Tribe of Utah and the Navajo Nation. These tribes expressed no objections to the proposed project. The park received four comments during the public review period of the EA. The FONSI will be available on the National Park Service Planning, Environment and Public Comment (PEPC) website at http://parkplanning.nps.gov.

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.

Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that are localized and range from short- to long-term, and negligible to moderate. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other 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 selected alternative will not violate any federal, state, or local environmental protection law.

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

Recommended: Scott F. Brown acting — Superintendent — 4/13/10 — Date

Approved: — Regional Director, Intermountain Region — 4/22/10 — Date