

**MEMORANDUM OF AGREEMENT
BETWEEN NATIONAL PARK SERVICE
AND THE
NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE RESOLUTION OF ADVERSE EFFECTS
ASSOCIATED WITH THE 2017 BOULDER BEACH CAMPGROUND
REHABILITATION PROJECT
LAKE MEAD NATIONAL RECREATION AREA**

WHEREAS, the National Park Service (NPS) plans to implement the 2017 Boulder Beach Campground Rehabilitation Project (the undertaking). The Superintendent is the responsible agency official for purposes of compliance with Section 106 of the National Historic Preservation Act as defined in 36 C.F.R. § 800.2 and is accountable to the Regional Director for full performance of Section 106 compliance through the NPS Management Policies, and procedures for performance and program evaluation. The Superintendent has determined that this rehabilitation is an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, the undertaking consists of rehabilitating areas of the Boulder Beach Campground (Attachment A). The NPS has defined the undertaking's area of potential effect (APE) as the boundary of the campground (Attachment B), the Boulder Beach Campground, 26CK9449, is located in the Boulder Beach developed area east of Lakeshore Road and south of Saddle Island in the South ½, Southwest ¼, Section 14 and North ½, Northwest ¼, Section 23, Township 22 South, Range 64 East north of Boulder City, Nevada; and

WHEREAS, the NPS and the Nevada State Historic Preservation Office (SHPO) entered into a Memorandum of Agreement (MOA) titled "Memorandum of Agreement Between National Park Service and the Nevada State Historic Preservation Office Regarding the Resolution of Adverse Effects Associated with the Rehabilitation of the Boulder Beach Campground" that expired on April 26, 2017. Because the NPS is planning to rehabilitate other areas of the Boulder Beach Campground, NPS and the SHPO are executing this MOA in accordance with 36 C.F.R. § 800.6; and

WHEREAS, the NPS has determined that the undertaking will have an adverse effect on the Boulder Beach Campground (26CK9449), which is being considered eligible for listing in the National Register of Historic Places (NRHP), and has consulted with the SHPO pursuant to 36 C.F.R. Part 800; and

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

NOW, THEREFORE, the NPS and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

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

I. MITIGATION.

- A. The NPS will have an architectural historian meeting standards set forth in the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44738-9) conduct field work at the Boulder Beach Developed Area (Attachment C) and prepare the following:
1. Based on the eligibility recommendation, a narrative history or a National Register of Historic Places Registration Form (NPS Form 10-900; hereinafter referred to as NR Form) and photographs for the Boulder Beach Developed Area, prepared in accordance with NRHP standards and guidelines.
 2. A Nevada SHPO Architectural Resource Assessment (ARA) Form for each of the following resources and obtain the appropriate resource numbers from the SHPO:
 - a. A District form for the entire Boulder Beach Developed Area; and
 - b. Forms for each individual building and structure (e.g., houses, visitor's center, road segments); and
 - c. Forms for each historic "site" or "cluster" (e.g., the campground, the marina, the RV Village) with each component within it being recorded as an accessory resource that either does or does not contribute to that cluster. Accessory resources could include, but are not limited to, bathrooms, circulation networks, gateways, the recreation building, and the amphitheater. NPS will determine whether each site or cluster contributes to the NRHP eligibility of the district; and
 - d. A single form for the entire non-historic cluster at the picnic area/ranger station/water safety center. The buildings within that cluster will be listed in a table including dates of construction. Photographs and a site plan will be included on the form.

B. Project Research

The NPS will conduct research at the NPS facilities in Boulder City, Nevada, the Pacific West Regional Office in San Francisco, California, online at the NPS Technical Information Center (eTIC), and other repositories as needed.

C. Photo Documentation

The NPS will take color digital photographs of each resource being evaluated as outlined in the Nevada Architectural Survey and Inventory Guidelines.

II. SCHEDULE AND REVIEW

- A. NPS will begin the photo documentation described in Stipulation I.C above as soon as possible.
 - 1. NPS shall submit draft photographs of each resource in the Boulder Beach Campground by October 20, 2017 to the SHPO for review.
 - 2. The SHPO will review and comment on the draft photographs within fifteen (15) calendar days from their receipt. If the SHPO concurs that the draft photographs are adequate or does not respond within fifteen (15) calendar days, NPS shall assume concurrence and begin construction of the undertaking.
 - 3. NPS shall revise the draft photographs to address SHPO comments.
 - 4. NPS shall submit the updated draft photographs to the SHPO for review. Upon SHPO concurrence that the updated draft photographs are adequate, NPS shall begin construction of the undertaking.

- B. NPS shall begin the resource documentation fieldwork described in Stipulation I.A.2 as soon as possible.
 - 1. NPS shall submit the draft first page of the ARA Form containing a picture and basic feature information for each resource in the Boulder Beach Developed Area to the SHPO for review.
 - 2. The SHPO will review and comment on the draft page within fifteen (15) calendar days from their receipt. If the SHPO concurs that the draft pages are adequate or does not respond within fifteen (15) calendar days, NPS shall assume concurrence and will finalize the document.
 - 3. NPS shall revise the draft first page to address SHPO comments.
 - 4. NPS shall submit the updated draft first page to the SHPO for review.

- C. Draft narrative history or NR Form and ARA Forms.
 - 1. NPS will complete the draft narrative history or NR Form for the Boulder Beach Developed Area described in Stipulation I.A.1 and the ARA Forms described in Stipulation I.A.2 by January 19, 2018.
 - 2. NPS will submit the draft documents described in Stipulation II.C.1 to the SHPO for review.
 - 3. The SHPO will review and comment on the draft documents within thirty (30) calendar days. If the SHPO concurs that the draft documents are adequate or does not respond within thirty (30) calendar days, NPS shall assume concurrence and will finalize the documents.
 - 4. NPS shall revise the draft documents to address SHPO comments.
 - 5. NPS will submit the final forms to the SHPO within sixty (60) days of SHPO concurrence that the draft documents are adequate.

- D. Upon completion of the requirements of Stipulation II.C.5 the NPS may submit the NR Form to the Keeper of NRHP for a determination of eligibility and listing on the NRHP.

The NPS will provide the SHPO with copies of all correspondence from this activity.

III. DURATION

This MOA will expire if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the undertaking, NPS shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, the NPS may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below. The NPS shall notify the SHPO as to the course of action it will pursue.

IV. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, all work in the immediate vicinity of the discovery would be halted and the procedures of 36 CFR Part 800.13(c) followed.

V. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, the NPS shall provide all parties to the MOA a summary report detailing work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NPS's efforts to carry out the terms of this MOA.

VI. DISPUTE RESOLUTION

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

A. Forward all documentation relevant to the dispute, including the NPS's proposed resolution, to the ACHP. The ACHP shall provide NPS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NPS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the SHPO, and provide them with a copy of this written response. NPS will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NPS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NPS shall 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.

C. NPS'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.

VII. AMENDMENTS

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

NPS may make minor modifications to the activities proposed for the undertaking and update the list in Attachment A without amending the MOA proper. If this occurs, NPS shall notify the SHPO of the modification to Attachment A and provide the SHPO with a copy of the document within thirty (30) days of the NPS decision to modify the activities of the undertaking.

VIII. TERMINATION

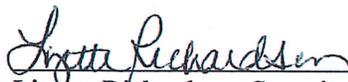
If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any 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, NPS must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. NPS shall notify the SHPO as to the course of action it will pursue.

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

SIGNATORIES:

National Park Service, Lake Mead National Recreation Area

 Date 10/3/17
Lizette Richardson, Superintendent

Nevada Historic Preservation Officer

 Date 10/5/17
Rebecca L. Palmer, State Historic Preservation Officer

ATTACHMENT A

Description of the Undertaking for the Boulder Beach Campground Rehabilitation Project

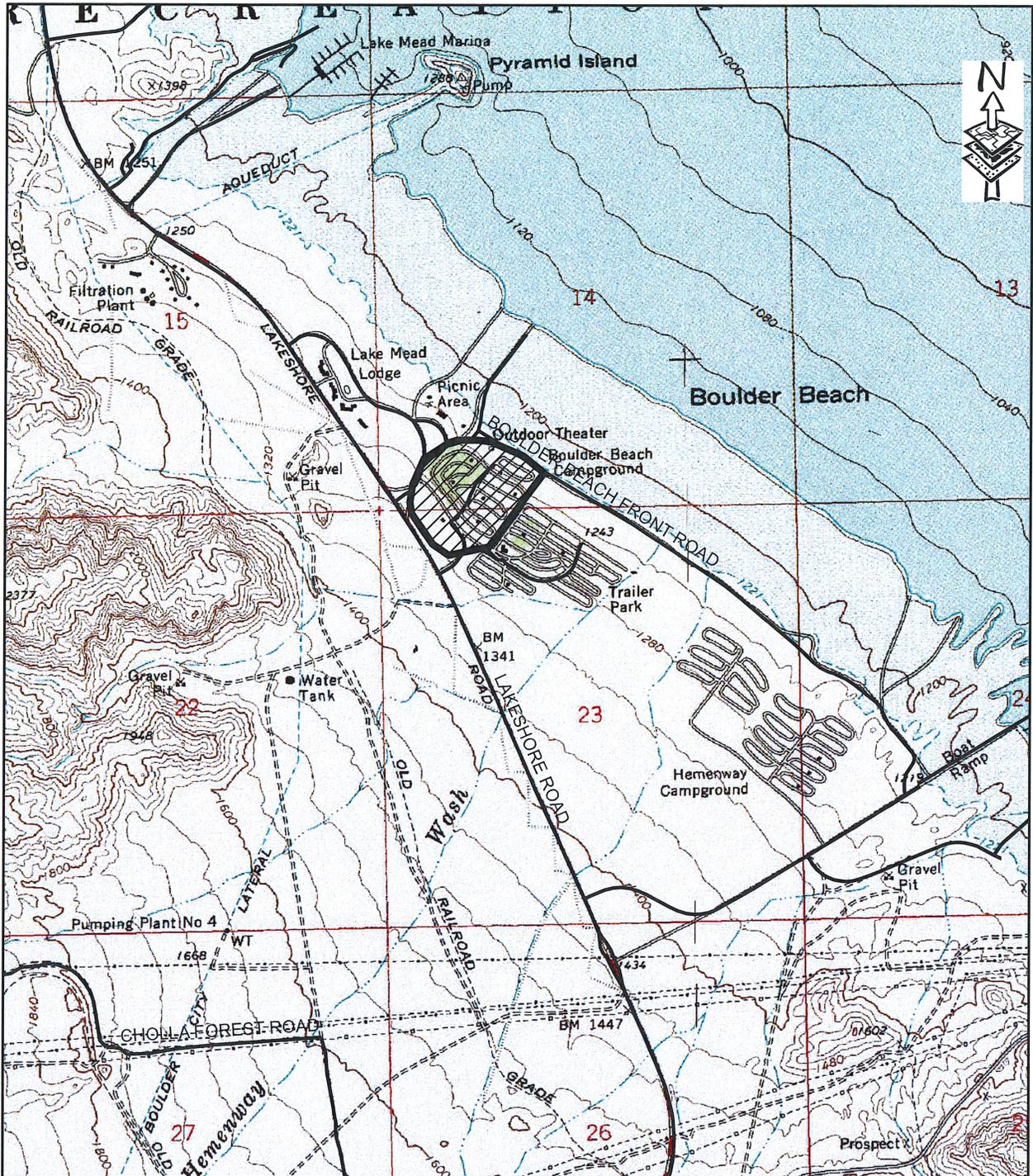
The undertaking consists of rehabilitating areas of the Boulder Beach Campground including the following: replacing all asphalt road ways and the asphalt parking areas in the western and northern sections and Loop D; replacing asphalt pads within the camp sites with concrete pads, making a selected number of the camp site ADA accessible; installing new grills and tables at each campsite; installing concrete pads with shade structures in the group camping area; installing shade structures in selected camp sites that are lacking shade in the northern and southern sections of the campground; replace the RV Sanitary Dump and Potable Water Station; replace exotic vegetation with native plant species; replace the open ditch irrigation system with a water-efficient drip system; and make the access to the amphitheater ADA accessible.

Attachment: B

Location Map for 26CK9449

Boulder Beach Campground

LAKE CRP 17-050



Overview of Boulder Beach Campground

Legend

-  LAKE roads
-  Boulder Beach Campgrounds Boundary



ATTACHMENT C

Boulder Beach Developed Area

The following resources will be evaluated for inclusion in a potential historic district in the Boulder Beach Developed Area.

Alan Bible Visitor Center

Lake Mead RV Village

Boulder Beach Campground

Boulder Beach Ranger Station, Water Safety Center, & Picnic Area

Park Housing & Maintenance Area

Lake Mead National Recreation Area Boulder Beach Developed Area (CRP 17-050)



Drafted by: Christine Nycz
LAKE Cultural Resources
Drafted on: 7/26/2017
Scale 1:30,000

