

**MEMORANDUM OF AGREEMENT
BETWEEN
THE NATIONAL PARK SERVICE (US DEPARTMENT OF THE INTERIOR)
AND THE
NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING REHABILITATION OF THE WHEELER PEAK CAMPGROUND
AT GREAT BASIN NATIONAL PARK**

WHEREAS, the National Park Service (NPS) plans to rehabilitate the Wheeler Peak Campground as described in Appendix I (the undertaking) and in doing so must meet the requirements of Sections 106 and 110(f) of the National Historic Preservation Act (54 U.S.C. 306108 and 54 U.S.C. 306107, respectively); and

WHEREAS, the NPS consulted with the Nevada State Historic Preservation Officer (SHPO) pursuant to the November 14, 2008 *Programmatic Agreement among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers* and 36 CFR Part 800 (56 USC 306108); and

WHEREAS, the NPS, in consultation with the SHPO, determined that the Wheeler Peak Campground is eligible to be listed as a historic district in the National Register of Historic Places (NRHP) under the Secretary's Significance Criteria A and identified the area of potential effects (APE)(see Appendix II) and the historic properties within the APE that have the potential to be affected by the undertaking; and

WHEREAS, the NPS, in consultation with the SHPO, determined that the undertaking will have an adverse effect on the Wheeler Peak Campground; and

WHEREAS, in accordance with 36 CFR §800.6(a)(1) the NPS notified the Advisory Council on Historic Preservation (ACHP) on August 23, 2018 of the adverse effect determination with specified documentation and the ACHP declined to participate in the consultations pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the NPS sought comment from the Indian tribes traditionally associated with park lands (Duckwater Shoshone Tribe, Ely Shoshone Tribe and Confederated Tribes of the Goshute Reservation) and the public, and received no comments;

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 effects of the undertaking on historic properties.

STIPULATIONS

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

I. STANDARDS AND QUALIFICATIONS

Pursuant to Section 112(a)(1)(A) of the National Historic Preservation Act (54 U.S.C. § 306131(a)(1)(A) and 36 CFR § 800.2(a)(1), the NPS will ensure that all work carried out in accordance with this agreement shall be done by or under the direct supervision of appropriate historic preservation professionals who meet the *Secretary of the Interior's Professional*

Qualifications Standards. The NPS will ensure that contractors retained for services also meet these professional qualifications standards.

II. DENDROGLYPH CARVINGS AVOIDANCE PLAN

The NPS will mark all forty (40) trees with dendroglyph carvings located within the archaeological site 26WP9735 dated before 1972 with 'DO NOT CUT' flagging tape to ensure they are not felled or damaged prior to the initiation of the undertaking.

III. PHOTODOCUMENTATION

A. Photodocumentation shall be performed to NRHP photo policy standards (https://www.nps.gov/nr/publications/bulletins/photopolicy/Photo_Policy_update_2013_05_15.pdf). The photo documentation, in draft form, shall be approved by the SHPO prior to the start of any demolition or ground disturbance in accord with Stipulation III.B below.

B. Review of draft photos:

NPS shall submit draft digital copies of the photographs to the SHPO at least thirty (30) days prior to the initiation of the undertaking.

1. The SHPO will review the documentation for completeness within fifteen (15) days of receipt. The SHPO will send its comments to the NPS for action, if needed.
2. The NPS shall review and address the changes requested by the SHPO and shall submit the draft final documents to the SHPO.
3. Upon SHPO acceptance of the documentation described in Stipulation III.B, the NPS may initiate any part of the undertaking.

C. All photos and site plans (including photo keys) shall be printed as 8-1/2 x 11 prints at 600 dpi on archival paper. Final copies of the photo documentation, including an archival CD with all images, shall be accessioned into the park's museum collections and one copy of the photo documentation shall be filed with the SHPO.

D. Photos will be taken of the following:

1. Restrooms 2, 3, 4, and 5

Color digital images shall include exterior and interior views of each restroom. Exterior views shall include:

- a) front and one side.
- b) rear and one side.
- c) front and rear elevations.
- d) environmental view showing the structure as part of its larger landscape.
- e) elements of the structure (doors, windows, louver vents, exterior mounted vent pipe)
- f) details such as materials and hardware.

Interior photographs of each restroom shall include one to two views of each of the two adjoining single user facilities.

Due to the four restrooms similarity of design, the Existing Plan, Elevations, and Sections sheet from the final schematic design package (sheet A1.0) shall be submitted with the photographs in lieu of a sketch plan.

2. Campsites

Color digital images of each campsite shall include:

- a) One to two general contextual views capturing the spatial relationship of the campsites and their structural elements to the surrounding landscape.
 - b) Structural elements (stone walls, drive spurs, picnic pads, picnic tables, fire pits, grills) of those campsites to be altered by this undertaking.
3. Each photograph shall be labeled and keyed to the appropriate Treatment Plan sheet (sheets L 2.0 to L21.0) in the final schematic design package.

IV. INTERPRETATION

Following construction, the NPS will develop an interpretive wayside to explain the historical context and significance of the Wheeler Peak Campground. The wayside will include at a minimum an interpretive panel describing:

- A. How the campground was planned and developed within Humboldt National Forest as part of the United States Forest Service's Operation Outdoors program, initiated in 1957.
- B. How in order to meet increased recreational demands, the Forest Service and the NPS developed plans to address needed updates and expanded visitor amenities, and how the NPS's Mission 66 program, established in 1955 as a systematic approach to modernize visitor facilities in national parks, is analogous to Operation Outdoors.
- C. How the design implemented by the Forest Service used principles developed years earlier in the 1930s for campground layout, while incorporating elements of the Modernist Movement popular in the mid-twentieth century.
- D. How each campsite is uniquely designed to provide a natural experience, such as access to Lehman Creek, views to Wheeler Peak or the meadow, and privacy from other campers.
- E. How the campground and its features are intact, reflecting the era of construction.

The wayside and all interpretive media would be fully compliant with the Architectural Barriers Act Accessibility Standard.

The NPS shall submit a draft of the interpretive wayside text to the SHPO for review. The SHPO will review the documentation for completeness within thirty (30) calendar days of receipt. The SHPO will send its comments to the NPS for action, if needed. The NPS shall review and address the changes requested by the SHPO and shall submit the draft final documents to the SHPO. The NPS will also submit photos to the SHPO showing the completed installation in situ.

V. DURATION

This Memorandum of Agreement (MOA) will expire if its terms are not carried out within five (5) years from the date of its execution. 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 VIII below.

VI. MONITORING AND REPORTING

Each year following the execution of this MOA until all work associated with the undertaking is completed or the MOA expires or is terminated, the NPS will provide the SHPO via email a summary report describing work undertaken pursuant to its terms. Each report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the NPS's efforts to carry out the terms of this MOA.

VII. DISPUTE RESOLUTION

Should either signatory to this MOA object at any time to any actions proposed or the manner in which the terms of the MOA are implemented, the NPS and SHPO will consult 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 the 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, the NPS will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, and provide the ACHP and SHPO with a copy of this written response. The 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, the NPS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the NPS will prepare a written response that takes into account any timely comments regarding the dispute from the SHPO, and provide the SHPO and the ACHP with a copy of such written response.
- C. The 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.

VIII. AMENDMENTS

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

IX. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, NPS shall adhere to the requirements found in 36 CFR 800.13(b)(3).

X. TERMINATION

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

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

XI. ANTI-DEFICIENCY ACT

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

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

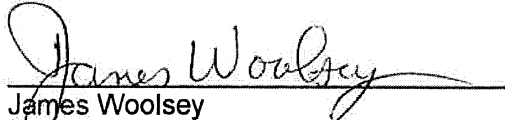
EXECUTION of this MOA by the NPS and SHPO and implementation of its terms evidence that the NPS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

This MOA will be signed in counterparts and each signature will be effective and binding as if the signatories had signed the same document.

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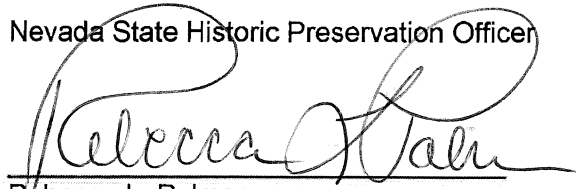
SIGNATORIES

National Park Service


James Woolsey
Superintendent, Great Basin National Park

Date: 12/21/2018

Nevada State Historic Preservation Officer


Rebecca L. Palmer
Nevada State Historic Preservation Officer

Date: 12/21/18

APPENDIX I –THE UNDERTAKING

The NPS proposes to rehabilitate Wheeler Peak Campground as follows:

Campsites

Rehabilitation of 34 of the 37 campsites (sites 1-4, 6-20, 22-32, 34-37) entails:

- Removing and replacing concrete picnic pads in kind, in the same location, configuration and size (34 sites).
- Sanding and painting wood tops of picnic table and benches (34 sites).
- Repointing stone walls and resetting collapsed or missing stones (new stones will match existing in color, size, and character) (34 sites).
- Removing and replacing fire pits in kind (34 sites).
- Removing and replacing standing grills in kind (22 sites).
- Minor regrading adjacent to picnic pads or drive spurs to minimize erosion (34 sites).
- Repaving campsite drive spurs in same manner as campground roadway (34 sites).

Three campsites (5, 21, and 33) will be rehabilitated to comply with the requirements of the Architectural Barriers Act Accessibility Standard (ABAAS) for camping facilities. Rehabilitation of the three campsites, for which the terrain is fairly level in comparison to other campsites and more easily rehabilitated to meet ABAAS standards, entails:

- Widening two drive spurs/parking spaces from 12 feet to 20 feet.
- Widening one drive spur/parking space from 12 feet to 16 feet;
- Installing 36-inch wide universally accessible crushed stone paths between drive spurs and picnic pads, and from picnic pads to water spigots.
- Removing concrete picnic pads and replacing with new concrete picnic pads to be increased in size by approximately 50%.
- Removing picnic tables and fire pits and replacing with accessible picnic tables and fire pits.
- Removing and replacing standing grills with accessible units.
- Repointing stone walls and resetting collapsed or missing stones (new stones will match existing in color, size, and character).
- Repaving the drive spurs in same manner as campground roadway.

Campground Road

The existing roadway will be milled full depth and processed to be used as aggregate base under a new layer of 3-inch thick asphalt concrete. One-foot wide gravel shoulders will be provided on each side of the road.

Culverts

Nine existing cross culverts provide drainage under the campground roadway. The culverts are approximately 18-inch diameter corrugated metal pipe with stone headwalls on the upstream ends. Existing culverts will be removed and replaced with new culverts. The new culverts will be galvanized corrugated metal pipes equal to or slightly larger than the existing culverts. Existing stone headwalls on the upstream ends will be rebuilt to maintain the existing character. Inlets to the new culverts will be defined to reduce erosion and sediment blockage. New culvert outlets will be reinforced with riprap to reduce the potential for erosion downstream of the culverts.

Waterline

A new 1.5-inch diameter waterline will replace the existing campground waterline. The waterline will connect to an existing valve at the southwest corner of the water house, located approximately 50 yards west of where Wheeler Peak Scenic Drive enters the campground, and extend east in the road shoulder on the south side of the campground road to the culvert located between campsites 1 and 2 where it will cross to the north side. The water line will run along the north side of the road and serve the spigots near campsites 2 and 5 before crossing at the culvert east of campsite 6, back to the south side of the road. The line will cross under the one-way road serving campsites 23-37 and follow the inside edge creating a loop in the water line alignment.

A branch of the water line will cross to the north side of the campground road just east of the road intersection at campsite 11 and run along the east side of the road until the culvert crossing between campsite 14 and 15 where it will cross to the north side of the road and extend along the north and west shoulder to the spigot near campsite 19. From there it will extend east to the spigot across from campsite 17 and then along the west edge of the road back to the beginning of the loop road across from campsite 16 forming a loop in the waterline alignment.

The waterline routing will be along the shoulder of the existing road where feasible to minimize impact to the existing roadway and adjacent vegetation. The waterline will cross beneath the road utilizing the road cuts for the culvert replacement as much as possible (approximately three locations). Four new road cuts will need to be made to cross at locations where there are no existing culverts nearby. To minimize impacts to the campground, the old water line will be abandoned in place and will only be removed in areas it directly conflicts with the new waterline.

Fourteen hydrants (water spigots) will be replaced in their existing locations. Tees will be installed to provide services to water hydrants located away from the roadway. Valves will be placed on the service lines to water hydrants to isolate water hydrants. Valve drains will be located at several locations to allow the water system to be drained at the end of the camping season. The new water hydrants will include backflow prevention.

Restrooms

Minor masonry repairs (e.g. repairing disintegrating mortar or cracks in mortar joints in-kind) will be made to the exteriors of restrooms 2, 3, and 4. The interiors of each will also be repainted in-kind.

To improve restroom accessibility in the campground, the NPS will demolish restroom 5 (the restroom nearest the three accessible campsites) and replace it with a custom designed restroom installed over a precast vault. A paved parking space adjoining the restroom will also be constructed. Both the restroom and the parking space will meet the accessibility standard for ABAAS.

The new restroom will be installed adjacent to the footprint of the demolished structure. It will be appropriately scaled and compatible with but not replicative of the existing restrooms, with a similar layout and roof slope and constructed of materials physically and visually comparable to the original restrooms.

APPENDIX II – AREA OF POTENTIAL EFFECTS

