

MEMORANDUM OF AGREEMENT
BETWEEN THE
USDA FOREST SERVICE
ARAPAHO AND ROOSEVELT NATIONAL FORESTS AND PAWNEE NATIONAL
GRASSLAND,
THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE
COLORADO STATE HISTORIC PRESERVATION OFFICER
REGARDING THE FUTURE MANAGEMENT PLAN
AND REMOVAL OF BUILDINGS AT THE SHADOW MOUNTAIN VILLAGE
GRAND COUNTY, COLORADO

WHEREAS, USDA Forest Service Arapaho and Roosevelt National Forests (FS) owns and plans to conduct demolitions and substantial renovations in Shadow Mountain Village (SMV) (5GA1893) pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471-544), Title 41, Code of Federal Regulations, Chapter 101 (41 CFR 101), FSM 6400; and

WHEREAS, SMV was officially determined to be eligible for the National Register of Historic Places on April 7, 1997; and

WHEREAS, the SMV consists of 31 historical buildings, four storage Quonset buildings (buildings 92, 91, 98, 118), one office Quonset (building 100) one storage silo (building 95), one garage (building 97), sixteen temporary pre-fabricated houses (buildings 66, 67, 68, 69, 70, 71, 87, 88, 89, 90, 101, 102, 103, 104, 105 and 117), eight permanent CCC era houses (buildings 106, 107, 108, 110, 111, 112, 113, 114 and 115) and four modern buildings (building 96, 119, 120 and well house); and

WHEREAS, due to changes in staffing levels and future budgets FS has determined that the continued use and maintenance of all of the buildings in SMV is no longer financially feasible and no longer meets the Agency Mission; and

WHEREAS, FS has searched for alternative funding for rehabilitation and reuse of the pre-fabricated houses, such as office space for other federal and state agencies and as rec fee demo cabins using Colorado State Historical Fund grants but has been unable to find partners interested in applying for such grants, and has been unsuccessful in these attempts; and

WHEREAS, FS's lack of maintenance for unoccupied buildings has reached a critical point where the structural integrity of some of those buildings will soon be compromised; and

WHEREAS, the undertaking consists of the planned immediate removal of three buildings, the office Quonset (building 100), and pre-fabricated houses (buildings 70 and 71) and construction of a modular office building as well as in the future the removal and alteration of eighteen more

buildings Quonset buildings (buildings 92, 91, 98, 118), sixteen temporary pre-fabricated houses (buildings 66, 67, 68, 69, 87, 88, 89, 90, 101, 102, 103, 104, 105 and 117); and

WHEREAS, FS has defined the undertaking's area of potential effects (APE) as the exterior boundary of SMV (5GA1893) as shown in Attachment A; and

WHEREAS, FS has determined that the undertaking will have an adverse effect on SMV and has consulted with the Colorado State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. 300101 et seq); and

WHEREAS, FS has consulted with the Northern Arapaho Tribe, Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe, Ute Indian Tribe, and Southern Ute Indian Tribe, pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f,) regarding the effects of the undertaking on historic properties. They have declined to participate; and

WHEREAS, FS has consulted with the Grand County Historic Preservation Board and Grand County Historical Association, pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f,) regarding the effects of the undertaking on historic properties. They have declined to participate; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FS has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, FS, SHPO, and ACHP 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

FS shall ensure that the following measures are carried out:

I. Archival Documentation

Prior to the commencement of the undertaking, FS shall ensure that SMV (5GA1893) is recorded in accordance with the following guidelines derived from the Level II documentation standards prescribed in "Historic Resource Documentation, Standards for Level I, II, and III Documentation" Office of Archaeology and Historic Preservation, History Colorado March 2013 (OAHP #1595).

- A. FS will ensure that all recordation activities will be performed or directly supervised by professionals meeting the qualification standards in the Secretary of Interior's Professional Qualifications Standards (36 CFR 61).

B. FS will ensure that an archival documentation report will be created. The report will include the following elements:

A. Permanent Dwellings

- i. Photo-documentation of the exteriors of each of the eight (8) CCC constructed dwellings. Photographs will be taken with a 6 megapixel (or more) digital camera using RAW or TIFF file format. All prints will be produced using archival processes, printed on archival photo paper using archival ink. The photographs will include:
 1. Front façade
 2. Rear façade
 3. Perspective view, front and one side.
 4. Perspective view, rear and opposing side.
 5. Detail, front entrance and/or typical doorway.
- ii. Measured drawing of the same representative buildings. The drawings will include plan views and elevations drawn on archival paper per OAHP Level II standards.
- iii. A record of notable differences from the basic design among the eight (8) dwellings constructed by the CCC will be included on the accompanying Architectural Inventory Forms (OAHP #1403) for each dwelling.

B. Temporary Dwellings

- i. Photo-documentation of the exterior of one representative temporary dwelling, which dwelling shall be chosen in consultation with SHPO. Photographs will be taken with a 6 megapixel (or more) digital camera using RAW or TIFF file format. All prints will be produced using archival processes and printed on archival photo paper using archival ink. The photographs will include:
 1. Front façade.
 2. Rear façade.
 3. Perspective view, front and one side.
 4. Perspective view, rear and opposing side.
 5. Detail, front entrance and/or typical doorway.
- ii. Measured drawing of the same representative building. The drawing will include a plan view and elevations drawn on archival paper per OAHP Level II standards.
- iii. A record of notable differences from the basic design among the sixteen (16) temporary dwellings will be included on the accompanying Architectural Inventory Forms (OAHP #1403) for each building.

C. Quonsets

- i. Photo-documentation of the exteriors of the 5 Quonsets. Photographs will be taken with a 6 megapixel (or more) digital camera using RAW or TIFF file format. All prints will be produced using archival processes and printed on archival photo paper using archival ink. The photographs will include:
 1. Front façade.
 2. Rear façade.
 3. Perspective view, front and one side.
 4. Perspective view, rear and opposing side.
- ii. Architectural Inventory Forms (OAHP #1403) will be completed for each Quonset.

D. Landscape Features

- i. Overview. The record will include a detailed site map based on existing data, aerial photographs, and field records.
- ii. Photographic overview. The photographic record will include general landscape views, and views capturing the spatial relations of buildings, structures, and the landscape.
- iii. Photo-documentation of roads from each end of the complex, including details such as walls, driveways, and landscaping. Photographs will be taken with a 6 megapixel (or more) digital camera using RAW or TIFF file format. All prints will be produced using archival processes and printed on archival photo paper using archival ink.

E. Historical Information

- i. Updated historical context of the site record. Incorporate the physical history from FS records including both historical and modern alterations and changes in function throughout time.
- ii. Digital format of the report in addition to an archival hard copy. Digital format will be in PDF form with TIFF or RAW format for original photographs, and stored on an archival CD or DVD.
- iii. Per the OAHP Level II documentation standards, an architectural inventory form will be included in the final report for each building.

- C. Within 30 days of completion, FS shall submit the archival photo-documentation report to SHPO for review and comments. SHPO shall have 30 days for review and comments. Acceptance of the photo-documentation report by SHPO shall conclude the mitigation of the adverse effect for this property.

II. RETENTION OF REPRESENTATIVE BUILDINGS

FS will retain for future use one representative small temporary housing building and one storage Quonset. The representative buildings have been chosen in consultation with SHPO based on the following criteria.

- A. **Location:** Retained temporary dwelling and Quonset should be located in close proximity to the permanent structures that are to be retained for District employee housing in order to retain a representative example of each building type in close proximity to retain the feel of the cultural landscape.
- B. **Structural Integrity:** The retained temporary dwelling and Quonset should be of good structural integrity with a reasonable amount of remaining historic fabric. Deferred maintenance needs should not exceed replacement cost.
- C. The buildings chosen by the design criteria above are temporary house # 105 and Quonset # 118.
- D. The retained buildings will be managed so as not to change the visual esthetics of the remaining buildings.

III. INTERPRETATION

FS shall develop in consultation with SHPO interpretive messages regarding the history of the site including the development of Colorado – Big Thompson Water Diversion project. The interpretation will utilize multiple methods to reach a large segment of the public.

- A. **Onsite Interpretation:** FS shall develop scripts and interpretive materials to be used by FS staff to present in person interpretation at campsites and recreational facilities within the Arapaho National Recreation Area (ANRA). Interpretation materials will include a list of interpretation sites located within the ANRA.
- B. **FS Web Interpretation:** FS shall develop a Heritage web page and shall place interpretation regarding the history of the site and the development of Colorado – Big Thompson Water Diversion project. Interpretive materials shall include historic photos of the SMV site.
- C. **TourSphere Interpretation:** TourSphere provides interpretation via smart phone technology. Using the GPS technology in smart phones, TourSphere alerts the user to interpretation in their location. The visiting public may access the TourSphere web to access interpretive messages. FS shall develop an interpretation regarding the history of the site and the development of Colorado – Big Thompson Water Diversion project. Interpretive materials shall include historic photos of the SMV site.
- D. **SHPO Review:** FS shall provide the SHPO the draft webpage design, interpretive messages and photos. SHPO shall have 30 days to provide comments.

IV. VISUAL DESIGN CRITERIA

The Forest shall maintain the buildings in such a manner as to retain historic feel at the site.

- A. Building Maintenance: FS shall maintain the exteriors of the retained buildings in the same manner that maintenance has occurred in the past. Modifications to buildings will take into account the historic feel of the site and will meet the FS Built Environmental Guides.
- B. New Construction or introduction of Modern Buildings: FS shall ensure that new construction or new modular buildings at the site meet FS Built environment Guidelines and Scenic Management requirements.

V. DURATION

This MOA will expire if its terms are not carried out within two (2) years from the date of its execution. Prior to such time, FS may consult with the other signatories 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 it expires or is terminated, FS shall provide all parties to this MOA a summary report by the anniversary date of the last signature to the MOA detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FS's efforts to carry out the terms of this MOA.

VII. DISPUTE RESOLUTION

Should any signatory to this MOA, Indian tribe, representative of local government, or member of the public object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FS shall consult with such party to resolve the objection. If FS determines that such objection cannot be resolved, FS will:

- A. Forward all documentation relevant to the dispute, including the FS's proposed resolution, to the ACHP. The ACHP shall provide FS 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, FS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and

provide them with a copy of this written response. FS 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, FS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. FS'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

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.

IX. 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 signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FS 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. FS shall notify the signatories as to the course of action it will pursue.

X. PRINCIPAL CONTACTS.

Forest Service Project Contact

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ACHP Project Contact

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

SIGNATORIES:

The parties hereto have executed this instrument.

USDA Forest Service – Arapaho and Roosevelt National Forests and Pawnee National Grassland

By:  Date: 5/27/15
(For) GLENN P. CASAMASSA, Forest Supervisor, USDA Forest Service Agency Official

Colorado State Historic Preservation Officer

By:  Date: 5-27-15
for EDWARD C. NICHOLS, State Historic Preservation Officer

Advisory Council on Historic Preservation

By:  Date: 6/8/15
for JOHN M. FOWLER, Executive Director