

Appendix C - Documents

Document 1 - Utah Geological Survey Response Letter



State of Utah

**Department of
Natural Resources**

MICHAEL R. STYLER
Executive Director

**Utah
Geological Survey**

RICHARD G. ALLIS, PH.D.
*State Geologist/
Division Director*

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

August 12, 2005

Barbara Boyer
Bureau of Reclamation
302 East 1860 South
Provo UT 84606

RE: Paleontological File Search and Recommendations for Scofield Reservoir
Dam, Carbon County, Utah

Dear Barbara:

I have conducted a paleontological file search for the Scofield Dam Project in response to your telephone call of August 11, 2005.

There are no paleontological localities in the project area. Quaternary alluvial deposits (Qal) that are exposed here have a low potential for yielding significant fossil localities. Unless fossils are discovered as a result of construction activities, this project should have no impact on paleontological resources.

If you have any questions, please call me at (801) 537-3311.

Sincerely,

Martha Hayden
Paleontological Assistant

Document 2 – Tribal Consultation Letter



IN REPLY REFER TO:

PRO-772
ENV-6.00

United States Department of the Interior

BUREAU OF RECLAMATION
Upper Colorado Region
Provo Area Office
302 East 1860 South
Provo, Utah 84606-7317



Honorable Maxine Natchees
Chairwoman, Northern Ute Tribe
Uintah and Ouray Reservation
P.O. Box 190
Fort Duchesne, UT 84026

AUG 18 2005

Subject: Recommended Determination of No Effect, Scofield Dam Safety of Dams
Modification Project, Carbon County, Utah (U-05-BE-0828f)

Dear Chairwoman:

In accordance with the Bureau of Reclamation's responsibilities under Section 106, of the National Historic Preservation Act, the purpose of this letter is to consult with you regarding the proposed Safety of Dams construction activities at Scofield Dam in Carbon County, Utah. The Cultural Resource Report has been sent, by copy of this letter, to Ms. Betsy Chapoose, Ute Tribal Cultural Rights and Protection Department. The report includes maps showing the proposed project location. No tribal lands are included within the proposed project area. However, the proposed project area was part of the aboriginal territory used by the Utes, and there is a possibility of finding Ute cultural material in the area.

Pursuant to the Safety of Dams Act of 1978 (Public Law 95-578 as amended), Reclamation proposes to replace the concrete spillway structure on Scofield Dam, built in 1946. Also proposed is the replacement of the existing gatehouse because the historic concrete material is crumbling.

Concurrent with Reclamation's project, the Utah Department of Transportation (UDOT) proposes to remove and replace the bridge on State Highway 96, that crosses over the Scofield Dam and spillway. This work would be funded by the Federal Highway Administration (FHWA). UDOT would also realign the roadway to improve the turning radius on both ends of the dam.

The project will involve an area of 5.5 acres of land at and below the dam. Gravel will be used from the existing 2-acre borrow area near the dam. Due to extreme past disturbance, this area was not inventoried. Actual ground disturbing activity will be limited to approximately 4 acres or less within the project area boundaries.

A Class I Literature Search was conducted at the Bureau of Reclamation Provo Area Office files. Our records included a report: *A Cultural and Paleontological Resource Inventory of Selected Parcels at Scofield Lake State Recreation Area, Utah and Carbon Counties, Utah*, completed in the project area in April 1997. Class I and Class III Surveys of a portion of the project area were conducted in 1996 (U-97-SJ-0401w,s). The 1996 Survey, included the recording of the Scofield Dam Complex, which includes the earthen dam, spillway, gatehouse, outlet tunnel and outlet work, spillway and stilling basin, cutoff trench, and dam tender's house. All of these features are still present.

In August 2005, Ms. Barbara Boyer, Provo Area Office archaeologist, conducted a Class III Survey of 5.5 acres within the project area. Areas which were riparian, under the reservoir, and extremely disturbed surfaces (the borrow area) were not included in the inventory (see Figure 2 in the enclosed report for areas surveyed).

Three isolated prehistoric artifacts were located during the inventory in the sagebrush area on the south side of the Price River downstream from the dam (see Figure 3 in the report). No other cultural materials or new historic properties were located as a result of the inventory.

An inadvertent discovery clause will be included in the contract for the project, and the general contractor will invite Ms. Boyer to instruct all heavy equipment operators on the proper process regarding subsurface discoveries of cultural material or human remains during construction. If any cultural material, either on the surface or subsurface is discovered during construction of this project by heavy equipment operators, construction will stop immediately. Ms. Boyer and the contractor shall comply with 36 CFR 800.13(b)(c), and the State Historic Preservation Office and Ms. Chapoose will be notified at that time.

According to 36 CFR 800.5, modification of the spillway and the downstream face of the dam and replacement, in kind, of the gatehouse and bridge over the dam, will not alter, directly or indirectly, any of the characteristics that qualify them for inclusion in the NRHP in a manner that would diminish the integrity of location, design, setting, materials, workmanship, feeling, or association. Therefore, Reclamation is recommending that the project will have no effect on historic properties. Details of the inventory and maps of the project area are included in the enclosed report.

Thank you for your consideration of this project. If you have any concerns regarding Traditional Cultural Properties or sacred sites, please contact Ms. Barbara Boyer at 801-379-1082.

Sincerely,

BEVERLEY HEFFERNAN

Beverley C. Heffernan
Chief, Environmental Group

cc: Ms. Betsy Chapoose
Director, Ute Tribal Cultural Rights
and Protection Department
P.O. Box 190
Fort Duchesne, UT 84026
(w/encl)

Ms. Susan Miller
Region 4 Archaeologist
Utah Department of Transportation
1345 South 350 West
Richfield, UT 84701

Mr. Joe Gregory
Transportation Engineer
Federal Highway Administration
U.S. Department of Transportation
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847
(each w/o encl)

bc: ✓ PRO-772
(w/o encl)

WBR:BBoyer:landra:8/11/05:x1082:772/Scofield Dam SOD.Utea.doc

Document 3 – SHPO Consultation Letter



IN REPLY REFER TO:

PRO-772
ENV-6.00

United States Department of the Interior

BUREAU OF RECLAMATION
Upper Colorado Region
Provo Area Office
302 East 1860 South
Provo, Utah 84606-7317



Mr. Jim Dykman
Cultural Resource Coordinator
Utah State Historic Preservation Office
300 Rio Grande
Salt Lake City, UT 84101-1182

AUG 16 2004

Subject: Recommended Determination of No Effect, Scofield Dam Safety of Dams
Modification Project, Carbon County, Utah (U-05-BE-0828f)

Dear Mr. Dykman:

In accordance with the Bureau of Reclamation's responsibilities under Section 106, of the National Historic Preservation Act, the purpose of this letter is to consult with you regarding the proposed Safety of Dams construction activities at Scofield Dam, in Carbon County, Utah.

Pursuant to the Safety of Dams Act of 1978 (Public Law 95-578 as amended), Reclamation proposes to replace the concrete spillway structure on Scofield Dam, built in 1946. Also proposed is the replacement of the existing gatehouse because the historic concrete material is crumbling.

Concurrent with Reclamation's project, the Utah Department of Transportation (UDOT) proposes to remove and replace the bridge on State Highway 96 that crosses over the Scofield Dam and spillway. This work would be funded by the Federal Highway Administration (FHWA). UDOT would also realign the roadway to improve the turning radius on both ends of the dam.

The project will involve an area of 5.5 acres of land at and below the dam. Gravel will be used from the existing 2-acre borrow area near the dam. Due to extreme past disturbance, this area was not inventoried. Actual ground disturbing activity will be limited to approximately 4 acres or less, within the project area boundaries.

A Class I Literature Search was conducted at the Bureau of Reclamation Provo Area Office files. Our records included a report: *A Cultural and Paleontological Resource Inventory of Selected Parcels at Scofield Lake State Recreation Area, Utah and Carbon Counties, Utah*, completed in the project area in April 1997. Class I and Class III Surveys of a portion of the project area were conducted in 1996 (U-97-SJ-0401w,s).

cc: Ms. Susan Miller
Region 4 Archaeologist
Utah Department of Transportation
1345 South 350 West
Richfield, UT 84701
(w/encl)

Mr. Joe Gregory
Transportation Engineer
Federal Highway Administration
U.S. Department of Transportation
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847
(w/o encl)

bc: PRO-772
(w/o encl)

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Document 4 – SHPO Consultation Response Letter



State of Utah

JON M. HUNTSMAN, JK.
Governor

GARY R. HERBERT
Lieutenant Governor

Department of Community and Culture

YVETTE DONOSSO DIAZ
Executive Director

Division of State History / Utah State Historical Society

PHILIP F. NOTARIANNI
Division Director

COPY

September 7, 2005

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SC
500-74-7
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Beverly C. Heffernan
Chief, Environmental Group
Bureau of Reclamation
Provo Area Office
302 East 1860 South
Provo UT 84606-7317

RE: Scofield Dam Safety of Dams Modification Project U-05-BE-0828f

In Reply Please Refer to Case No. 05-1536

Dear Ms. Heffernan:

The Utah State Historic Preservation Office received the above information on August 29, 2005. The report states that no cultural resources were located in the project area. We, therefore, concur with the report's recommendation of No Historic Properties Affected.

This information is provided on request to assist with Section 106 responsibilities as specified in §36CFR800. If you have questions, please contact me at (801) 533-3555. My email address is: jdykman@utah.gov

As ever,

James L. Dykmann
Deputy State Historic
Preservation Officer - Archaeology

JLD:05-1536 BOR/NPA

Document 5 – Advisory Council on Historic Preservation – Invitation to Comment Letter



IN REPLY REFER TO:

PRO-772
ENV-6.00

United States Department of the Interior

BUREAU OF RECLAMATION
Upper Colorado Region
Provo Area Office
302 East 1860 South
Provo, Utah 84606-7317



NOV - 2 2005

Mr. Don Klima
Advisory Council on Historic Preservation
Office of Federal Agency Programs
1100 Pennsylvania Avenue NW, Suite 809
Washington, DC 20004

Subject: Invitation to Comment on the Proposed Safety of Dams Modifications and Bridge
Reconstruction - Scofield Dam, Scofield Project - Carbon County, Utah

Dear Mr. Klima:

The Scofield Dam complex is the property of the United States, administered by the Bureau of Reclamation, Provo Area Office. Pursuant to the Safety of Dams Act of 1978 (Public Law 95-578 as amended), Reclamation is proposing to replace the concrete spillway structure and the gatehouse on Scofield Dam. Concurrent with Reclamation's project, the Utah Department of Transportation (UDOT) and the Federal Highway Administration (FHWA) propose to replace the bridge on State Highway 96 that crosses over the Scofield Dam and spillway. Reclamation and the FHWA are jointly preparing an environmental assessment (EA) for this project as required by the National Environmental Policy Act of 1960 (NEPA) as amended, P.L. 91-90, and the Council on Environmental Quality. Therefore, we are consulting with you on historic properties, both for Section 106 of the National Historic Preservation Act, and for Section 4(f) compliance required by the FHWA.

The project would encompass an area of 5 ½ acres of land at and downstream from the dam along the Price River; however, actual ground disturbing activity would be limited to approximately 4 acres or less. See enclosed report and project location maps. The enclosed report (U-05-BE-0848f) will provide you with the necessary documentation to comply with 36 CFR 800.11(e).

In 1996 a complete documentation of the Scofield Dam Complex (SJ-501) was completed (U-97-SJ-0401w,s). The dam complex includes the earthen dam, gatehouse, outlet tunnel and outlet works, spillway and stilling basin, cutoff trench, and dam tender's house. All of these features are still present. The dam complex was recommended as eligible for the National Register of Historic Places under criteria c in 1996.

In accordance with FHWA's responsibilities under the Section 4(f), Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property, a letter sent to the Utah State Historic Preservation Office (SHPO) on October 26, 2005, states that a "net benefit" to the historic dam complex would occur as a result of the overall reconstruction and enhancement of the gatehouse, spillway, and bridge replacement. A copy of the SHPO letter and of the Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property report are enclosed.

In compliance with 36 CFR 800.4, a Class I and Class III (U-05-BE-0848f) Survey of the area of potential effect for this project was completed in August 2005, by Ms. Barbara Boyer, Reclamation archaeologist. The determination of effect for the removal and reconstruction of the gatehouse and spillway is an adverse effect to a historic property. Mitigation measures will be stated in a Memorandum of Agreement among the SHPO, FHWA, UDOT, Reclamation, and the Advisory Council, if you choose to participate.

Public involvement for the proposed project is ongoing at this time. A public scoping period for the above referenced EA was conducted, and no comments were received from the interested public. The draft EA will be made available for public review and comment in late October to early November 2005.

The Bureau of Reclamation has consulted with the Northern Ute Tribe's Cultural Rights and Protection Department for this project. Maps and a project description and effects were included. No comment has been received from the tribe.

In accordance with Sections 800.6 (a), and 800.11(e) of NHPA, we are hereby notifying the Advisory Council of the project. Please let us know if you would like to be a signatory on the MOA.

Thank you for your consideration of this project. We are looking forward to working with you in the future. If you have any questions, comments, or concerns regarding this project, please call Ms. Barbara Boyer at 801-379-1082 or e-mail her at bboyer@uc.usbr.gov.

Sincerely,

BEVERLEY HEFFERNAN

Beverley C. Heffernan
Chief, Environmental Group

Enclosures – 3

cc: Ms. Susan Miller
Region 4 Archaeologist
Utah Department of Transportation
1345 South 350 West
Richfield, UT 84701

Mr. Daryl Friant
Utah Department of Transportation
1345 South 350 West
Richfield, UT 84701

Mr. Joe Gregory
Federal Highway Administration
U.S. Department of Transportation
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847
(w/o encls to each)

bc: ✓ PRO-772
(w/encls)

WBR:BBoyer:landra:10/31/05:x1082:772/Scofield SOD.achp.lettr.doc

Document 6 – Resource Development Coordinating Committee Response Letter



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Office of The Governor
PUBLIC LANDS POLICY COORDINATION

LYNN STEVENS
Public Lands Policy Coordinator

RESOURCE DEVELOPMENT COORDINATING COMMITTEE
Public Lands Section

November 18, 2005

W. Russ Findlay
Bureau of Reclamation
Provo Area Office
302 East 1850 South
Provo, Utah 84606

SUBJECT: Draft Environmental Assessment for the Proposed Dam Modifications and Bridge Reconstruction at Scofield Dam
Project No. 05-5932

Dear Mr. Findlay:

The Resource Development Coordinating Committee (RDCC) has reviewed this proposal. The Division of Wildlife Resources comments:

The Utah Division of Wildlife Resources (UDWR) supports the preferred alternative for rebuilding the outlet structure at Scofield Dam and realigning Highway 96, with the following modification to protect downstream aquatic resources:

Discharge of spring and seep water collected in the outlet area should be done in such a manner as to not increase downstream sediment load in Lower Fish Creek (identified as the Price River in the EA). This may require baffling to slow the velocity of the discharge to be equal to or less than the ambient velocity of the flow in the stream. Increased sedimentation would adversely affect these fishery resources:

- Lower Fish Creek below Scofield Dam has been designated as a Blue Ribbon Fishery. Increased sedimentation or disruption of flows in the fall would interfere with brown trout spawning and potentially jeopardize the quality of this premier fishery.
- The Price River downstream of the confluence with the White River has populations of the state sensitive fish species flannelmouth sucker (*Catostomus latipinnis*) and bluehead sucker (*Catostomus discobolus*). Although these species are located far enough downstream from the dam that little effect from the project could be expected except in the case of a catastrophic event, increased sedimentation would adversely affect spawning or larval survival of this species. Care should be exercised to ensure that a significant release of sediment into the river does not occur.

The non-preferred alternatives, 2.4.1.1 – Permanent Restriction of the Reservoir Elevation, 2.4.1.2 – Abandoning the Dam and Draining the Reservoir, and 2.4.1.3 – Breaching and Removing the Dam, would eliminate the high-quality fishery currently found in Scofield Reservoir and are therefore unacceptable to UDWR. Scofield Reservoir supports nearly 108,000 angler hours of pressure as determined from a 2004-2005 angler survey, with a value of over \$680,000.00 (Table 1). The value of the fishery shown in this table was estimated using figures on average total angler expenditure per trip from the 2001 National Survey of Fishing, Hunting, and Wildlife Associated Recreation (U. S. Department of Interior, et al. 2003). The fishery value in Table 1

5110 State Office Building, Salt Lake City, Utah 84114 • telephone (801) 537-9230 • facsimile (801) 537-9226

does not include, however, an estimate of total economic impact, which usually is much higher than the actual dollars expended.

Table 1. Estimate of the value of the Scofield Reservoir fishery.

Total Angler Hours	Average Trip Length	Number of Angler Trips	Average Expenditure per Day	Total Value
107,903.75	5.22	20,677.06	\$ 33.00	\$ 682,342.98

The fishery at Scofield Reservoir is maintained by an annual expenditure of monies by the UDWR for fish stocking, and personnel and current expenses for sampling. In 2005, this expenditure was estimated at \$198,936.47, as shown in Table 2. This value is a slight underestimate of the actual cost of maintaining the fishery because certain expenditures, such as attendance at administrative meetings regarding the fishery, could not be captured from the available data.

Current expenses (motor pool, equipment, and other purchases) could also not be determined directly from the available data, and were therefore estimated at 30% of personnel costs. This is the ratio used in the UDWR budgeting process for allocating current expense money.

Table 2. Annual expenditures by the UDWR to maintain the Scofield Reservoir fishery.

Stocking Costs	\$ 187,461.00
Personnel Costs	\$ 8,827.29
Current expense	\$ 2,648.19
Total	\$ 198,936.47

If you have any questions, please call Paul Birdsey, Aquatics Program Manager, at (435) 636-0268.

The Committee appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee, Public Lands Section, at the above address or call Carolyn Wright at (801) 537-9230.

Sincerely,



John Harja
Executive Director
Resource Development Coordinating Committee
Public Lands Section

Literature Cited

U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau. 2003. *2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*. State Report FHW/01-UT-Rev.

Document 7 – U.S. Fish and Wildlife Concurrence Letter



United States Department of the Interior

FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

November 22, 2005

In Reply Refer To
FWS/R6
ES/UT
I-0043

To: Bureau of Reclamation, Provo Area Office, (Attn.: Bruce Barrett), 302 East 1860 South, Provo, Utah 84606-7317

From: *JA* Utah Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, West Valley City, Utah 84119

Subject: Draft EA and Section 7 Consultation for the Proposed Safety of Dams Modifications and Bridge Reconstruction at Scofield Dam, Carbon County, Utah

Based on information provided in your letter and environmental assessment (EA) of October 31, 2005, we concur with your determination that the proposed action may affect, but is not likely to adversely affect the Ute ladies'-tresses (*Spiranthes diluvialis*), bald eagle (*Haliaeetus leucocephalus*), or Colorado pikeminnow (*Ptychocheilus lucius*).

Should project activities occur within 0.5 miles of a bald eagle roosting site during winter roosting months (approximately November – March), we recommend that construction activities be scheduled during daylight (non-roosting) hours, with activities beginning after 9:00 am and terminating at least one hour prior to official sunset. Site-specific topography or vegetation could allow for a smaller buffer, and should be determined by a project biologist in coordination with the Service.

Should project plans change or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered. If we can be of further assistance, please contact Betsy Herrmann, Ecologist, at (801) 975-3330, extension 139.

Document 8 – Identification of Potential Section 4(f) Resources

Identification of Potential Section 4(f) Resources

Introduction and Proposed Action Description

The United States Department of Interior, Bureau of Reclamation (BOR) proposes to replace the concrete spillway structure and gatehouse at Scofield Dam located in Carbon County, Utah. This project is in accordance with the Safety of Dams Act of 1978. The Scofield Dam and associated features were constructed in the mid 1940's. The spillway and gatehouse have deteriorated and need to be replaced. The No Action alternative includes not replacing the spillway which could result in the loss of the dam and reservoir. Therefore, the possibility exists that a failure could occur at the dam resulting in extensive losses including:

- Life and property
- Flood control protection to Helper and Price cities
- Recreational resources on the reservoir
- Fish and other wildlife habitat at the reservoir and along the Price River
- Water impoundment by the reservoir for agricultural, industrial and municipal uses

The purpose and need for this project is described in Chapter 1.0 of this Environmental Assessment.

In connection with the BOR project, the Federal Highway Administration (FHWA) and the Utah Department of Transportation (UDOT) propose to replace the deteriorated bridge over the spillway and to improve the bridge approaches. The bridge has a sufficiency rating of 21.8 percent and is considered structurally deficient and functionally obsolete (see section 1.2 of the Environmental Assessment).

Definition of Section 4(f)

Section 4(f) of the Department of Transportation provides protection to publicly owned parks and recreational areas, wildlife and waterfowl refuges, and historic sites on or eligible for inclusion onto the National Register of Historic Places (NRHP). Specifically, Section 4(f) of the Department of Transportation Act of 1966 states:

"The Secretary [of Transportation] may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if

- 1 - there is no prudent and feasible alternative to using that land; and
- 2 - the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use (49 USC 303(c)).

This section discusses the resources within the project corridor that may qualify for protection under Section 4(f) as defined in 23 CFR 771.135.

Publicly Owned Parks and Recreational Area

The Scofield Reservoir is a state park administered by the Utah State Parks and Recreation under agreement with the U.S. Bureau of Reclamation (BOR). Scofield State Park is both a summer and winter recreation destination and is situated in the Manti-LaSal Mountains. The reservoir's 2,800 acres offer excellent boating and year-round fishing. During winter months, the area serves as a base for snowmobiling and cross-country skiing. Other activities include camping, site seeing, swimming, nearby ATV trails, biking, and hiking.

Section 4(f) Applicability – Determination of Use for Publicly Owned Parks and Recreational Areas

The Proposed Action will not impact or use the Scofield Reservoir recreational area; therefore, no Section 4(f) analysis is required.

Historic Properties

Section 4(f) also applies to historic properties on or eligible for inclusion onto the National Register of Historic Places (NRHP). A cultural resources survey was conducted of the project area by the Bureau of Reclamation (BOR). To identify historic properties, a cultural resources survey was conducted at the project location by the BOR cultural resources specialist.

Cultural Resources Inventory

The BOR completed a literature survey and a field survey in August 2005 within the project limits to identify historical and archaeological sites. Three historic resources were identified near the project area:

- Union Pacific Railroad Tracks
- Bridge over Spillway (bridge #OD 202)
- Scofield Dam Complex (previously recorded in 1996 as site SJ-501)

Section 4(f) Applicability – Determination of Use for Historical Resources Eligible for the NRHP

UPRR Tracks – The UPRR tracks were identified as a historic resource and potentially eligible for the NRHP (see attached in Exhibit A); however, they were not recorded because it is outside of the project limits and will not be impacted. No Section 4(f) is required for the UPRR tracks.

Bridge (OD 202) – The bridge over the spillway on SR-96 was constructed at the same time as the Scofield Dam Complex. However, the bridge was extensively modified and reconstructed in 1982 and is not eligible for inclusion onto the NRHP and not part of the historic Scofield Dam Complex. No Section 4(f) is required.

Scofield Dam Complex – The Scofield Dam was completed in 1946. Historic elements of the Scofield Dam Complex include the earthen dam, gatehouse, outlet tunnel and outlet works, spillway and stilling basin, cutoff trench, and dam tenders house (see the figure in Exhibit A). This Section 4(f) Evaluation is being prepared for the Adverse Effects to the Scofield Dam Complex; specifically, the reconstruction of the spillway and gatehouse.

The BOR has prepared a *Consultation and Concurrence letter* for SHPO that states the findings of the cultural resources report. The letter also identifies the impacts anticipated to the Scofield Dam Complex. SHPO will review the letter and concurrence will be required prior to completion of the Environmental Assessment (see draft letter in Exhibit B).

Impacts to the Scofield Dam Complex

The impacts to historic properties resulting from the Proposed Action are categorized by criteria established by Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800), which include *No Effect*, *No Adverse Effect*, or *Adverse Effect*. The definitions are as follows:

No Effect is defined as "either there are no historic properties present or there are historic properties present but the undertaking would have no effect upon them as defined in 36 CFR 800.16(i)."

No Adverse Effect is defined in 36 CFR 800 as "when the undertaking's effects do not meet the criteria of 36 CFR 800.5(a)(1) 'Adverse Effect' or the undertaking is modified or conditions are imposed to avoid adverse effects." The Proposed Action results in a *No Adverse Effect* when the impacts to a historic property are minimal but do not completely alter the historic characteristics that qualify it for eligibility onto the NRHP.

Adverse Effect includes "when the undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register." (36 CFR 800.5(a))

For this project, the historic Scofield Dam Complex will be impacted by the Proposed Action. The BOR determined that the impacts will result in an *Adverse Effect*. SHPO's concurrence of the Adverse Effect will be required prior to completion of the Environmental Assessment (see *Consultation and Concurrence letter* in Exhibit B). The Proposed Action includes replacing the deteriorated spillway and reconstructing the gatehouse. Each is discussed below:

Spillway - Pursuant to the Safety of Dams Act of 1978 and due to the possibility of failure, the Bureau of Reclamation proposes to replace the concrete spillway and stilling basin. The spillway was constructed without water-stops between the transverse joints. The transverse joints in the concrete spillway have the potential to fail due to hydraulic jacking (the process of water seeping under the concrete spillway structure and causing it disintegrate and fail). For these reason, the existing spillway and stilling basin need to be replaced.

Gatehouse - The gatehouse is located adjacent to SR-96 on the upstream side of the reservoir (see figure in Exhibit A). The gatehouse contains the valves for the outlet works. This structure is in poor condition including deteriorated concrete foundation and no safe location for maintenance vehicles to park off of the narrow SR-96 across the dam. The BOR proposes to replace the gatehouse with a new structure with the same design, setting, and feeling as the existing one. Also, a parking pad would be constructed off of SR-96 for maintenance vehicles to safely park.

Applicability to Programmatic Net Benefit

This project qualifies for FHWA's Net Benefit Programmatic Section 4(f) Evaluation. The Net Benefit is achieved when the project uses certain measures to minimize harm and mitigation commitments that benefit the overall enhancement of the Section 4(f) resource when compared to both the No Action or avoidance alternatives and its present condition. The overall Section 4(f) resource is the Scofield Dam Complex which includes the earthen dam, gatehouse, outlet tunnel and outlet works, spillway and stilling basin, cutoff trench, and dam tenders house. As documented in this Environmental Assessment and Section 4(f) Evaluation the spillway and gatehouse will be removed and reconstructed. The No Action alternative could result in the complete loss of the historic Scofield Dam Complex and its associated elements. For these reasons, the Net Benefit Programmatic Section 4(f) is applicable to this project since it will enhance the historic Scofield Dam Complex.

Programmatic Section 4(f) Evaluation
For Net Benefit to Section 4(f) Properties

**FEDERAL HIGHWAY ADMINISTRATION – UTAH DIVISION
PROGRAMMATIC SECTION 4(f) DETERMINATION AND APPROVAL
UNDER THE NATIONWIDE PROGRAMMATIC 4(f) EVALUATION
AND APPROVAL FOR FHWA PROJECTS THAT HAVE A
NET BENEFIT TO A SECTION 4(f) PROPERTY**

Project # PRO-EA-05-001, Scofield Dam Modifications and Bridge Reconstruction

Description/Location of Historic Property

The U.S. Bureau of Reclamation (BOR) proposes to replace the Scofield Dam spillway structure and gatehouse in accordance with the Safety of Dams Act of 1978 (see figure in Exhibit A). The Scofield Dam modifications are needed due to the spillway's deteriorated state and possibility of failure and deteriorated condition of the gatehouse. In connection with the BOR project, the Utah Department of Transportation (UDOT) proposes to replace the bridge that carries State Route 96 (SR-96) over the spillway and approach sections. This bridge has a sufficiency rating of 21.8 percent and has been determined structurally deficient and functionally obsolete. This Net Benefit Programmatic Section 4(f) is for impacts to the Scofield Dam and its associated features (spillway and gatehouse). The bridge replacement is being funded by the Federal Highway Administration (FHWA) and therefore subject to Section 4(f) of the Department of Transportation.

Any response with a box ([]) requires additional information prior to approval. Consult Nationwide 4(f) evaluation.

APPLICABILITY		Yes	No
1.	Does the proposed transportation project use a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site?	X	[]
2.	Does the proposed project include all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection?	X	[]
3.	a. For historic properties, does the project require the major alteration of the characteristics that qualify the property for the National Register of Historic Places (NRHP) such that the property would no longer retain sufficient integrity to be considered eligible for listing?	[]	X
	b. For archaeological properties, does the project require the disturbance or removal of the archaeological resources that have been determined important for preservation in-place rather than for the information that can be obtained through data recovery?	[]	N/A
4.	For historic properties, is there an agreement amongst the SHPO and/or THPO, as appropriate, the FHWA and the Applicant on measures to minimize harm for the use of the Section 4(f) property and have these measures been incorporated into the project?	X	[]
5.	Has the official(s) with jurisdiction over the Section 4(f) property agreed in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property?	X	[]

Programmatic Section 4(f) Evaluation, Net Benefit

FEDERAL HIGHWAY ADMINISTRATION – UTAH DIVISION
PROGRAMMATIC SECTION 4(f) DETERMINATION AND APPROVAL
AND APPROVAL OF PROJECTS THAT HAVE A

ALTERNATIVES CONSIDERED

	Yes	No
1. The "Do Nothing" alternative has been evaluated and is considered not to be feasible and prudent.	X	[]
2. Improving the transportation facility in a manner that addresses the project's purpose and need without a use of the Section 4(f) property is not considered to be feasible and prudent.	X	[]
3. Building the transportation facility at a location that does not require use of the Section 4(f) property is not considered reasonable and prudent.	X	[]

MEASURES TO MINIMIZE HARM

	Yes	No
1. Does the project ensure that the proposed action includes all possible planning to minimize harm, includes appropriate mitigation measures, and that the official(s) with jurisdiction agree in writing?	X	[]

COORDINATION

	Yes	No
1. Has there been early coordination with the Federal, State, and/or local agency official(s) with jurisdiction over the Section 4(f) property?	X	[]
2. For non-Federal Section 4(f) properties, i.e. State or local properties, has the official(s) with jurisdiction been asked to identify any Federal encumbrances?	NA	[]
3. Have copies of the final written report been offered to the official(s) with jurisdiction over the Section 4(f) property and to other interested parties as part of the normal NEPA project documentation distribution practices and policies?	X	[]

PUBLIC INVOLVEMENT

	Yes	No
1. Has the proposed project included public involvement activities that are consistent with the specific requirements of 23 CFR 771.111?	X	[]

SUMMARY AND APPROVAL

Based on a review of the project documentation it is determined that:

1. The project meets the applicability criteria set forth in the Applicability section of the programmatic Section 4(f) evaluation approved on April 20, 2005.

Programmatic Section 4(f) Evaluation, Net Benefit

2. All of the alternatives set forth in the Findings section have been fully evaluated.
3. The findings in the programmatic evaluation (which conclude that the alternative recommended is the only feasible and prudent alternative) result in a clear net benefit to the section 4(f) property.
4. The project complies with the Mitigation and Measures to Minimization Harm.
5. The coordination and public involvement efforts required by this programmatic evaluation have been successfully completed and necessary written agreements have been obtained.
6. The project has documented the information that clearly identifies the basis for the above determinations and assurances.

11-30-09

Date

Approved

George E. Dwyer, For
FHWA Division Administrator

Programmatic Section 4(f) Evaluation, Net Benefit

Supporting Documentation

**Programmatic Section 4(f) Evaluation and Approval under the Nationwide
Programmatic Section 4(f) Evaluation for Transportation Projects that have
a Net Benefit to a Section 4(f) Property
Scofield Dam Complex**

Introduction

This Programmatic Section 4(f) Evaluation was prepared using Federal Highway Administration (FHWA) guidance issued and effective on April 20, 2005 and published in the Federal Register (Volume 70, Number 75). The following answers the questions from the Programmatic Section 4(f) Evaluation for Minor Use of Historic Properties. The sections are divided into Applicability, Alternatives Considered, Measures to Minimize Harm, Coordination, and Summary and Approval.

Applicability	Response/Findings
<p>1. Does the proposed transportation project use a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site?</p>	<p>The Scofield Dam Complex has been recommended eligible for the National Register of Historic Places (NRHP) under criterion c. The Scofield Dam Complex includes the earthen dam, gatehouse, outlet tunnel and outlet works, spillway and stilling basin, cutoff trench, and dam tenders house. The Proposed Action includes reconstructing and relocating the spillway and reconstructing the gatehouse; both are contributing elements of the historic Scofield Dam Complex.</p>
<p>2. Does the proposed project include all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection?</p>	<p>The Proposed Action includes all appropriate measures to minimize harm and mitigation measures to the Scofield Dam Complex. The historic elements of the dam complex that will not be impacted include the earthen dam itself, outlet tunnel and outlet works, cutoff trench, and dam tenders house. In addition, the BOR will execute a Memorandum of Agreement (MOA) with the Utah State Historical Preservation Office (SHPO), Federal Highway Administration (FHWA), and the Utah Department of Transportation (UDOT). A copy of the draft MOA is found in Exhibit B. Components of the MOA include:</p> <ul style="list-style-type: none"> • Documentation of the spillway and gatehouse; • SHPO may monitor construction activities, if desired; and • The BOR will monitor the construction activities during and after the implementation of the project to assure the integrity of design, size, and location of the spillway and gatehouse.
<p>3. For historic properties, does the project require the major alteration of the characteristics that qualify the property for the National Register of Historic Places (NRHP) such that the property would no longer retain sufficient integrity to be considered eligible for listing? (i.e. does not result in a substantial diminishment of the activities, features, and attributes that qualify the property for Section 4(f) protection)</p>	<p>The historical integrity of the Scofield Dam Complex will remain unchanged even if the Proposed Action is implemented. The overall historical setting and feeling of the Scofield Dam Complex will not be altered such that it would be considered ineligible for inclusion onto the NRHP as a result of the Proposed Action. Other historic elements of the dam complex will not be impacted including the earthen dam, outlet tunnel and outlet works, cutoff trench, and dam tenders house.</p> <p>A <i>Consultation and Concurrence</i> letter has been prepared by the BOR (see Exhibit B). This letter outlines the applicability of the Net Benefit of the project to the Scofield Dam Complex and establishes the project impacts and its eligibility to the NRHP.</p>

Programmatic Section 4(f) Evaluation, Net Benefit

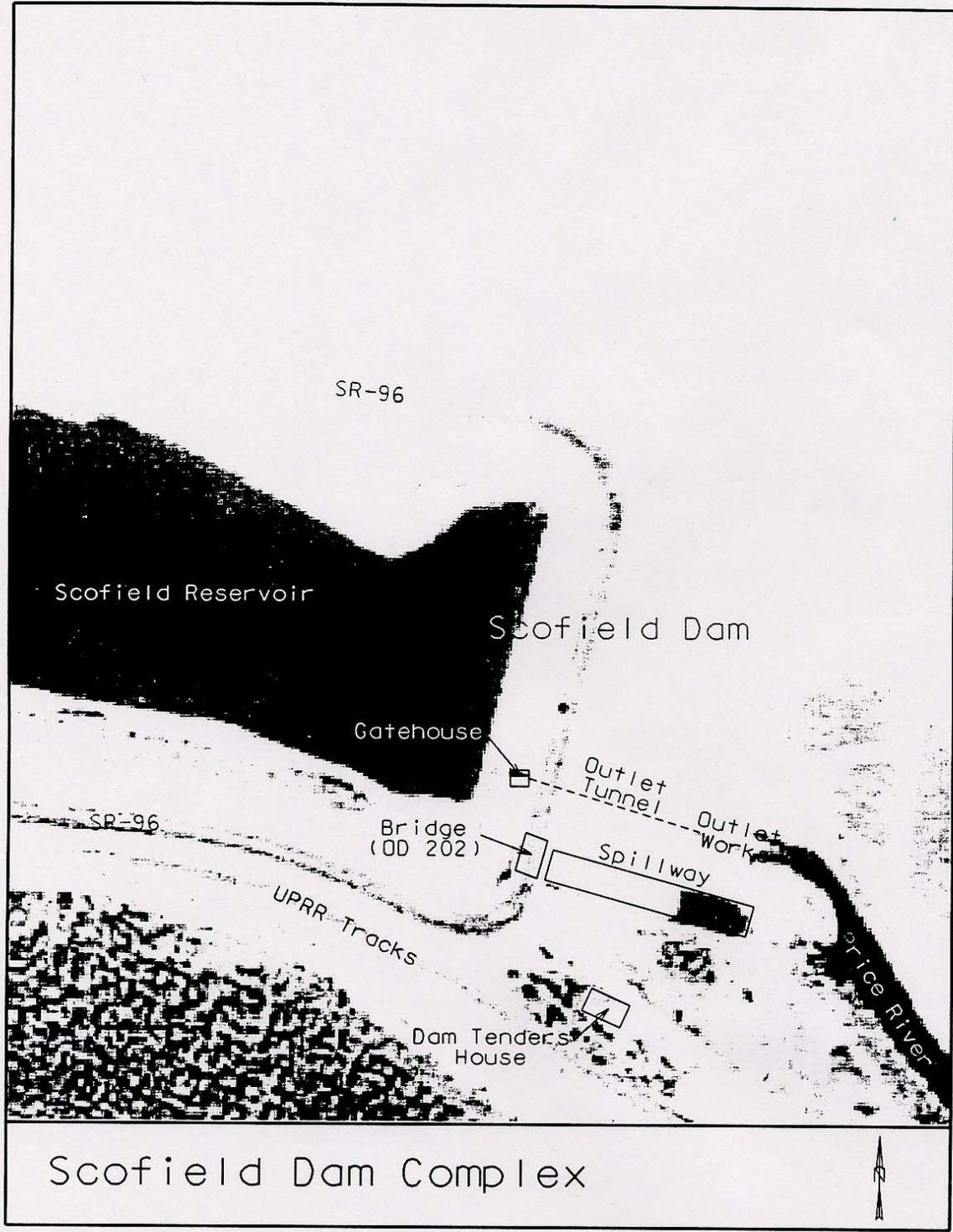
<p>4. For historic properties, is there an agreement amongst the SHPO and/or THPO, as appropriate, the FHWA and the Applicant on measures to minimize harm for the use of the Section 4(f) property and have these measures been incorporated into the project?</p>	<p>The BOR has prepared a <i>Consultation and Concurrence</i> letter to SHPO that outlines the results of the cultural resources report. Prior to completion of the Environmental Assessment, concurrence will be received from SHPO. The BOR has also prepared a draft MOA which includes SHPO, FHWA, and UDOT as signatories. The MOA states the measures to minimize harm and mitigation measures (see Exhibit B for copy of the draft MOA). The spillway will be reconstructed and function as the existing spillway. The new gatehouse will be constructed in the same location, have the same feeling and setting, and be designed and have the same size as closely as possible to the existing gatehouse. As discussed above, other historical features of the Scofield Dam Complex will not be impacted.</p>
<p>5. Has the official(s) with jurisdiction over the Section 4(f) property agreed in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property?</p>	<p>Prior to completion of the Environmental Assessment, concurrence from SHPO will be received regarding the assessment of impacts to the Scofield Dam Complex, the measure to minimize harm, and the mitigation measures (see <i>Consultation and Concurrence</i> letter and draft MOA in Exhibit B). The <i>Consultation and Concurrence</i> letter outlines the overall Net Benefit to the Scofield Dam Complex as a result of the Proposed Action. The Proposed Action and improvements to the Scofield Dam will further protect this historical feature.</p>
<p>Alternatives Considered</p>	<p>Findings</p>
<p>1. The "Do Nothing" alternative has been evaluated and is considered not to be feasible and prudent.</p>	<p>The "Do Nothing" alternative has been studied as part of the National Environmental Policy Act (see Chapter 2 of the Environmental Assessment). However, this alternative does not meet the project's purpose and need and is considered not prudent. The "Do Nothing" will not correct the current deficiencies and safety issues of the spillway and gatehouse now will it address the project's Purpose and Need. Therefore, the "Do Nothing" was discarded as a prudent alternative.</p>
<p>2. Improving the transportation facility in a manner that addresses the project's purpose and need without a use of the Section 4(f) property is not considered to be feasible and prudent.</p>	<p>The proposed FHWA and UDOT bridge replacement project <u>will not</u> require the relocation and replacement of the concrete spillway and gatehouse. These two historic elements of the Scofield Dam Complex will be replaced as part of the BOR dam modifications project. The Section 4(f) use of the spillway and gatehouse is a result of the BOR need to upgrade the Scofield Dam to meet current safety standards and to protect the historical integrity of the dam complex. The existing spillway was completed in 1946 and does not have water stops or shear reinforcement, making it susceptible to failure. Failure of the spillway would result in extensive impacts to the reservoir area and downstream natural and built environment as described in the Environmental Assessment. The gatehouse located adjacent to SR-96 is in need of replacement due to deteriorated conditions and lack of adequate and safe parking.</p>
<p>3. Building the transportation facility at a location that does not require use of the Section 4(f) property is not considered reasonable and prudent.</p>	<p>Same discussion as number 2 directly of Alternatives Considered.</p>

Programmatic Section 4(f) Evaluation, Net Benefit

Measures to Minimize Harm	Response
<p>1. Does the project ensure that the proposed action includes all possible planning to minimize harm, includes appropriate mitigation measures, and that the official(s) with jurisdiction agree in writing?</p>	<p>The Proposed Action includes replacing the spillway and gatehouse to meet current dam safety standards and because of their deteriorated condition. The Scofield Dam Complex includes the spillway and still basin, gatehouse, the earthen dam itself, outlet tunnel and works cutoff trench, and dam tenders house. The other elements will not be impacted by the proposed project. A draft MOA has been prepared and will be executed between the BOR, SHPO, FHWA, and UDOT.</p>
Coordination	Response
<p>1. Has there been early coordination with the Federal, State, and/or local agency official(s) with jurisdiction over the Section 4(f) property?</p>	<p>SHPO is the jurisdictional agency over historic resources in the state of Utah. Concurrence from SHPO on the determination that the Scofield Dam Complex is eligible for inclusion onto the NRHP will be received prior to completion of the Environmental Assessment. Also, the BOR has prepared a draft MOA with SHPO, FHWA, and UDOT as signatories. The MOA outlines the measures to minimize harm, and the MOA prepared by the BOR (see <i>Consultation and Coordination</i> letter and draft MOA in Exhibit B). The MOA will be executed prior to construction.</p>
<p>2. For non-Federal Section 4(f) properties, i.e. State or local properties, has the official(s) with jurisdiction been asked to identify any Federal encumbrances?</p>	<p>Not applicable.</p>
<p>3. Have copies of the final written report been offered to the official(s) with jurisdiction over the Section 4(f) property and to other interested parties as part of the normal NEPA project documentation distribution practices and policies?</p>	<p>Concurrence from SHPO is required prior to the completion of the Environmental Assessment on the Net Benefit determination, eligibility of resources, and impacts. The <i>Consultation and Concurrence</i> letter identifies the eligibility of the historic resources, the impacts, and a Net Benefit discussion (see letter in Exhibit B). Also, an Environmental Assessment has been prepared and a formal opportunity for public hearing will be offered.</p>
Public Involvement	Response
<p>1. Has the proposed project included public involvement activities that are consistent with the specific requirements of 23 CFR 771.111?</p>	<p>As part of the NEPA process, an opportunity for public hearing will be advertised per the requirements set forth in the UDOT Environmental Manual of Instructions and NEPA guidelines.</p>
Summary and Approval	Response
	<p>This Programmatic Section 4(f) Evaluation has been prepared according to FHWA guidance and meets all of the criteria for programmatic evaluations for net benefits to Section 4(f) properties. The Proposed Action has included an alternatives evaluation for complete avoidance of the historic site, measures to minimize harm, and the appropriate agencies have been contacted and consulted.</p>

Programmatic Section 4(f) Evaluation, Net Benefit

Exhibit A – Section 4(f) Map



chriswork.dgn 10/28/2005 3:12:34 PM

Exhibit B – Correspondence



United States Department of the Interior

BUREAU OF RECLAMATION

Upper Colorado Regional Office
125 South State Street, Room 6107
Salt Lake City, Utah 84138-1102

IN REPLY REFER TO:

PRO-772
ENV-6.00

NOV 1 2005

Ms. Barbara Murphy
Deputy State Historic Preservation Officer
Utah State Historic Preservation Office
300 Rio Grande
Salt Lake City, UT 84101-1182

Subject: Scofield Dam Safety of Dams Modification Project, Carbon County, Utah
SHPO Case No. 05-1536

Dear Ms. Murphy:

In accordance with the Bureau of Reclamation's responsibilities under Section 106 of the National Historic Preservation Act, the purpose of this letter is to consult with you regarding the proposed Safety of Dams construction activities at Scofield Dam in Carbon County, Utah. This letter supersedes our letter of August 18, 2005, although the report transmitted with that letter is still germane.

Pursuant to the Safety of Dams Act of 1978 (Public Law 95-578 as amended) and due to the possibility of failure, Reclamation proposes to replace the concrete spillway structure on Scofield Dam, completed in 1946. Also proposed, due to safety concerns, is the reconstruction of the existing gatehouse because the historic concrete material is crumbling.

Concurrent with Reclamation's project, the Utah Department of Transportation (UDOT) proposes to remove and replace the bridge on State Highway 96 that crosses over the Scofield Dam and spillway (bridge No. OD 202). This work would be funded by the Federal Highway Administration (FHWA).

The proposed project will involve an area of 5.5 acres of land at and below the dam. Gravel will be used from the existing 2-acre borrow area near the dam. Due to extreme past disturbance this area was not inventoried. Actual ground disturbing activity will be limited to approximately 4 acres or less within the project area boundaries.

A Class I literature search was conducted using Reclamation records filed at the Bureau of Reclamation's Provo Area Office. These results were:

A Cultural and Paleontological Resource Inventory of Selected Parcels at Scofield Lake State Recreation Area, Utah and Carbon Counties, Utah, completed in the project area in April 1997. Class I and Class III surveys of a portion of the project area were conducted in 1996 (U-97-SJ-0401w,s). The 1996 survey included the recording of the Scofield Dam Complex, which includes the earthen dam, gatehouse, outlet tunnel and outlet works, spillway and stilling basin, cutoff trench, and dam tender's house. All of these features are still present. The dam complex was recommended as eligible for the National Register of Historic Places under criteria c in 1996. Reclamation agrees with this determination of eligibility.

In August 2005, Ms. Barbara Boyer, Provo Area Office archaeologist, conducted a Class III survey of 5.5 acres within the project area. Heavily vegetated riparian areas, areas under the high-water mark on the reservoir, and extremely disturbed surfaces (the borrow area) were not included in the inventory (see Figure 2 in the report for areas surveyed). A copy of the report (U-05-BE-0828f) was sent to Mr. Jim Dykmann, of your office, on August 18, 2005.

A consultation letter and copy of the report were sent to Ms. Betsy Chappoose, Cultural Rights and Protection Department, Northern Ute Tribe on August 19, 2005.

Three isolated prehistoric artifacts were located during the inventory in the sagebrush area on the south side of the Price River downstream from the dam. No other archaeological sites or new historic properties were located as a result of the inventory.

In accordance with FHWA's responsibilities under the Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property, this letter establishes a net benefit to the historic dam complex as a result of the overall reconstruction and enhancement of the gatehouse, spillway, and bridge replacement. A "net benefit" is achieved when the transportation use, the measures to minimize harm, and the mitigation incorporated into the project results in an overall enhancement of the Section 4(f) property when compared to both the No Action or avoidance alternatives and its present condition, considering future use of the features, and attributes that qualify it for Section 4(f) protection. Analysis of the proposed No Action and Action alternatives are discussed in the Draft Environmental Assessment for the Safety of Dams Modifications and Bridge Reconstruction, Scofield Dam, Scofield Project, Utah - October 2005 (EA).

Net benefit would result by the replacement of the spillway and bridge because this would prevent future failure of the transverse joints. Joint failure would have the potential to initiate a failure mode for the dam due to hydraulic jacking. Because of the early design and construction of the existing spillway, the joints do not have water stops or shear reinforcement incorporated into their design which are now considered a standard safety feature and are part of the proposed new design. Also, replacement of crumbling concrete would reinforce and strengthen the spillway. A copy of the Section 4 (f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4 (f) Property Report is enclosed.

In addition, Reclamation is required to comply with stipulations stated in the Safety of Dams Act. Failure of the dam could result in uncontrolled release of water from the reservoir which could cause significant loss of life and property downstream, the loss of continued water delivery for municipal, industrial and agricultural use, loss of flood control for the cities of Price and Helper, elimination of essential fish and wildlife habitats at the reservoir, degradation of

downstream habitats, and loss of the recreational benefits associated with Scofield Reservoir and State Park.

The new gatehouse, which sits adjacent to SR-96 will be placed in the same location as the original gatehouse, have the same setting, feeling and association, be the same size, and be designed as closely as possible to the historic metal and concrete structure. There is presently no place for the dam tender to safely park a vehicle. The new road construction will allow for safe parking beside the gatehouse. The old concrete is crumbling at the base of the present structure which is elevated above and hangs out over the reservoir water. Age, close and constant traffic vibration, and freeze-thaw action are increasing the cracks in the building foundation which could cause an unsafe structure in the near future. The building houses and the original gate operation mechanism will remain functional and in place. The replacement of the crumbling historic concrete base, and the advantage of safely being able to park a vehicle for the dam tender will provide a net benefit to the future stability of this structure and maintaining the overall historic integrity of the dam complex.

Public involvement for the proposed project is ongoing at this time. A public scoping period for the above referenced EA was conducted, and no comments were received from the interested public. The draft EA will be made available for public review and comment in late October to early November 2005.

Compliance with the programmatic evaluation meets the applicability criteria for the requirements of Section 4(f) if the jurisdictional officials agree, in writing, with the assessment of the effects to eligible historic properties, the proposed mitigation measures, and the net benefit to the properties. These requirements can be met through the analysis completed for the EA, and in a Memorandum of Agreement (MOA) among Reclamation, the Utah State Historic Preservation Office (SHPO), FHWA, the Advisory Council on Historic Preservation (Council), and UDOT.

According to 36 CFR 800.4, Reclamation has determined that the dam complex is within the area of potential effect and we agree with the evaluation that it is eligible for the NRHP under criteria c. The results of the identification and evaluation are that there would be an adverse effect to the spillway and gatehouse from the implementation of the proposed project. The bridge across the dam (OD 202), built in 1944, was extensively modified in 1982. The alterations included widening and replacement of the original guardrails with Jersey barriers. It is a non-contributing element of the dam complex and is designated as non-eligible for the NRHP in the UDOT Structure Inventory and Appraisal Report, located at UDOT, Salt Lake City, Utah.

According to 36 CFR 800.6, resolution of the adverse effect will be further consultation with SHPO, notification to the Council, and stipulations regarding mitigation measures established in the MOA among SHPO, FHWA, Reclamation, UDOT, and the Council, if they choose to participate.

A copy of this letter, signed by your office, signifies your concurrence with the above process to satisfy both Section 106 of the National Historic Preservation Act, and the Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f)

Property. Enclosed are four copies of this letter, please return three original signed letters, and keep one for your files. A signed copy will be added as an appendix to the EA. 4

Thank you for your consideration of this project. If you have any questions, please contact Ms. Barbara Boyer at 801-379-1082. For questions regarding the requirements for the Section 4(f) Evaluation, please contact Mr. Jeff Berna, FHWA Environmental Specialist at 801-963-0078 x235.

Sincerely,

BEVERLEY HEFFERNAN

Beverley C. Heffernan
Chief, Environmental Group

I, _____ concur with Reclamation's Determination of Eligibility and Finding of Effect according to Section 106 and agree there will be a net benefit under Section 4(f) for the proposed subject project.

Enclosure

cc: Ms. Susan Miller
Region 4 Archaeologist
Utah Department of Transportation
1345 South 350 West
Richfield, UT 84701

Mr. Joe Gregory
Transportation Engineer
Federal Highway Administration
U.S. Department of Transportation
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847
each w/enclosure

bc: PRO-772
w/o encl

WBR:BBoyer:Awilliams:10/25/05:x1082:g/700/scofie-1

Draft as circulated for signature, November 2005

MEMORANDUM OF AGREEMENT

AMONG THE

UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION,
PROVO AREA OFFICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
THE FEDERAL HIGHWAY ADMINISTRATION, AND THE
UTAH DEPARTMENT OF TRANSPORTATION

REGARDING

THE SAFETY OF DAMS MODIFICATIONS AND BRIDGE RECONSTRUCTION,
SCOFIELD DAM, SCOFIELD PROJECT (PRO-EA-05-001), CARBON COUNTY, UTAH

WHEREAS, the United States of America, under the administration of the Bureau of Reclamation (Reclamation) owns the Scofield Dam complex, including the earthen dam, gatehouse, outlet tunnel and outlet works, spillway and stilling basin, cutoff trench, and dam tender's house, and

WHEREAS, pursuant to the Safety of Dams Act of 1978 (Public Law 95-578 as amended) and due to the possibility of failure, Reclamation proposes to replace the concrete spillway structure on Scofield Dam, and the existing gatehouse, and

WHEREAS, in 1996 the gatehouse and spillway which are part of the Scofield Dam complex (SJ-501) were recommended as being eligible for the NRHP under Criterion C, and

WHEREAS, concurrent with Reclamation's project, the Utah Department of Transportation (UDOT) and the Federal Highway Administration (FHWA), proposes to remove and replace the bridge on State Highway 96 that crosses over the Scofield Dam and spillway, and

WHEREAS, the bridge (#OD-202) which was extensively modified in 1982, is now a non-contributing element to the dam complex and is listed on the Utah Department of Transportation's Structure Inventory and Appraisal report as non-eligible for the National Register of Historic Places (NRHP), and

WHEREAS, the proposed project will involve an area of five and one-half acres of land at and downstream from the dam along the Price River, with actual ground-disturbing activity limited to approximately four acres or less within the project boundaries, and

WHEREAS, Reclamation and the FHWA have determined that, pursuant to 36 CFR 800.5(a)(1) and (2), the replacement of both the spillway and the gatehouse on this property will constitute an adverse effect to these elements of the historic property (SJ-501), and

WHEREAS, the stipulations that follow will serve as mitigation for the adverse effect, and

WHEREAS, Reclamation has consulted with the Advisory Council on Historic Preservation (Council) and the Utah State Historic Preservation Office (SHPO), and pursuant to 36 CFR Part 800.3(f)(2), with the Northern Ute Tribe of the Uintah and Ouray Reservation, Utah, and

WHEREAS, pursuant to 36 CFR 800.5(c)(3), the 15 day period provided for Council to participate has expired, and thus Council has declined to participate; and

NOW THEREFORE, Reclamation, the Utah SHPO, UDOT, and FHWA agree that the mitigation actions shall be conducted in accordance with the following stipulations to satisfy Reclamation's and FHWA's responsibilities under Section 106 and Section 110 (f) and the Guidelines (a-i) of the National Historic Preservation Act (as amended) and with the FHWA's Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property for this project.

STIPULATIONS

I. APPLICABILITY OF AGREEMENT

This agreement applies to all actions of the participating signatories regarding the Safety of Dams Modifications and Bridge Reconstruction, Scofield Dam, Scofield Project. The processes established by this Memorandum of Agreement (MOA) shall be completed prior to the date specified in Part XIII of this document. The signing of this MOA obligates the parties to carry out its terms. If the terms of this MOA cannot be carried out, the document must be amended, or further comments of the Council must be sought in accordance with 36 CFR 800.5.

II. DESCRIPTION OF THE UNDERTAKING

The first dam at this location was constructed by the Price River Water Conservancy District from 1925 to 1926. This original dam was determined to be unsafe, and could not be economically repaired. The existing dam was authorized by the Water Conservation and Utilization Act of 1939. Construction began in 1943, and was

completed in June 1946. Recent evaluation of the dam and spillway identified structural deficiencies that must be corrected to ensure public safety. Reclamation, therefore, proposes to replace the concrete spillway structure and the concrete and metal gatehouse. Concurrent with Reclamation's replacement of the spillway and gatehouse, UDOT proposes to remove and replace the bridge on State Highway 96 that crosses over the spillway of Scofield Dam.

III. DEFINITION OF THE AREA OF POTENTIAL EFFECT (APE)

The Scofield Dam complex is located approximately 22 miles northwest of Price, Utah. Reclamation has preliminarily defined the APE for the entire project on the map contained in Attachment A of this agreement.

IV. BUREAU OF RECLAMATION RESPONSIBILITIES

Reclamation, Provo Area Office, will serve as the overall project lead and Federal contact with and among FHWA, the Utah SHPO, the Council, UDOT, and other interested parties. Reclamation's Provo Area Office archaeologist may be called upon to facilitate coordination with FHWA, the Utah SHPO, UDOT, and the Council to distribute information and/or reports to reviewers.

Reclamation will provide, in addition to the cultural resource report already submitted (U-05-BE-0828f), black and white photographic documentation of the original spillway and gatehouse to the Utah SHPO prior to project implementation.

Reclamation shall notify UDOT when the above mentioned mitigation documentation is completed and accepted by the Utah SHPO so that no conflict of construction activity will occur.

Reclamation shall invite the Utah SHPO to monitor activities carried out pursuant to this MOA, and/or the Council will review such activities if so requested.

Reclamation will coordinate its review and monitoring responsibilities with FHWA, the Utah SHPO, UDOT, and with the Council if so requested.

Monitoring will be conducted by Reclamation's Provo Area Office archaeologist during and after project implementation to assure the integrity of design, size, and location of both the spillway and the gatehouse as stated in the letter to the Utah SHPO dated November 1, 2005.

Reclamations Provo Area Office archaeologist shall attend a preconstruction meeting to discuss and distribute a "quick reference" card to heavy equipment operators and field supervisors. The card summarizes the process for complying with federal laws in the case of an inadvertent discovery of subsurface human remains or deposits of cultural

material.

V. UTAH STATE HISTORIC PRESERVATION OFFICE RESPONSIBILITIES

The Utah SHPO shall review the information concerning the mitigation measures, to ensure compliance with the terms of this MOA.

VI. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION RESPONSIBILITIES

The FHWA shall provide the necessary 4(f) documentation to be appended to the Environmental Assessment for the proposed project.

The FHWA shall provide assistance, guidance, and advice on the application of the Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property.

VII. THE ADVISORY COUNCIL ON HISTORIC PRESERVATION RESPONSIBILITIES

The Council may provide assistance, guidance, and advice on the application of Section 106 compliance and the Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property to specific portions of this project, including resolution of disagreements, even though Council has chosen not to formally be involved in the review process.

VIII. NATIVE AMERICAN CONSULTATION

Consultation in the form of letters and maps for this project was conducted with the Northern Ute Tribe of the Ouray and Uintah Indian Reservation in Fort Duchesne, Utah, in August 2005. No comments were received.

IX. REPORTING

Reclamation shall ensure that all final reports/documentation resulting from actions pursuant to this MOA will be provided to the Utah SHPO, UDOT, FWHA, and the Council.

X. PROFESSIONAL STANDARDS

Historic preservation work in accordance with the terms of this MOA shall be carried out meeting 36 CFR 68 (Standards for Reconstruction) 1995. A thorough archaeological investigation to locate and identify all surface and subsurface features, where possible, of both the spillway and the gatehouse was completed and are documented in two reports to SHPO (U-96-SJ-0401w,s and U-05-BE-0828f). Reclamation shall consult

with UDOT, FHWA, and SHPO as necessary, to determine the appropriate expertise required to accomplish each activity or type of work scheduled.

XI. INADVERTENT DISCOVERIES

During construction, if there is any inadvertent discovery of human remains, the work will stop immediately and the Provo Area Office archaeologist or her intermediary will be notified. See Part IV of this MOA.

XII. DISPUTE RESOLUTION

Should the Utah SHPO, FHWA, UDOT, or Reclamation object within 10 days to any specifications provided pursuant to this MOA, Reclamation shall consult with the objecting party to resolve the objection. If Reclamation determines that objection cannot be resolved, Reclamation shall forward all documentation relevant to the dispute to the Council. Within 15 days after receipt of all pertinent documentation, the Council will either:

1. Provide Reclamation with recommendations on how to resolve the dispute, which Reclamation will take into account in reaching a final decision regarding the dispute; or
2. Notify Reclamation that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by Reclamation in accordance with 36 CFR 800.6(c) (2) with reference to the subject of the dispute.

XIII. TIME FRAMES

All documentation, photographs, maps, and other materials collected or developed for any identification, evaluation, or treatment activities will be sent by Reclamation to UDOT Region 4, and to the Utah SHPO in Salt Lake City. A third copy will be filed at the Provo Area Office in Provo, Utah, at the time the final report associated with that activity is completed.

If any party to the agreement, or any other interested parties fail to respond to Reclamation within 30 days of the receipt of a submission, Reclamation shall presume concurrence with Reclamation's findings and recommendations as detailed in the submission, and proceed accordingly.

XIV. DURATION

Pursuant to 36 CFR §800.6(c) (5) this MOA shall be effective for four years from the

date of signing of this agreement. If extenuating circumstances occur before the four year term is expired, such as security restraints which would interfere with the stipulations of this MOA, renegotiation can take place at that time. If this MOA is in place as written for the full four years, terms may be reconsidered by all of the signatories at the end of that time.

XV. AMENDMENTS AND ADDENDA

Any party to this Agreement may request that an addendum be added or that it be amended pursuant to 36 CFR 800.6(c)(7), whereupon the parties will consult in accordance with 36 CFR §800.6(c)(8) to consider such amendment or addendum.

XVI. TERMINATION

Any party to this MOA may terminate it by providing 30 days notice to the other parties of the reasons for termination, provided that the parties consult during the period prior to that termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, Reclamation will comply with 36 CFR §800.4-800.6 with regard to individual undertakings covered by this Agreement.

EXECUTION AND IMPLEMENTATION of this MOA shows evidence that Reclamation has afforded the Council a reasonable opportunity to comment on its support of the implementation of the project as described in Part II of this MOA, and that Reclamation, FWHA, and UDOT have taken into account the effects of this project on historic properties.

SIGNATORIES:

THE BUREAU OF RECLAMATION, PROVO AREA OFFICE

By: _____ Date: _____

Bruce C. Barrett
Title: Area Manager

UTAH STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Wilson Martin
Title: Utah State Historic Preservation Officer

FEDERAL HIGHWAY ADMINISTRATION

By: _____ Date:

Walter Waldelich
Title: Division Administrator

UTAH DEPARTMENT OF TRANSPORTATION

By: _____ Date:

Dal Hawks
Title: Region 4 Director

ATTACHMENT A

