



PUBLIC COMMENT OPPORTUNITY

The Idaho Department of Parks and Recreation (IDPR) plans to build a new, 50-space campground at Eagle Island State Park this year.

A plan to deal with the project's impacts on historic features has been created by IDPR, the National Park Service, and other agencies. See the proposal below. A hard copy of the document is available for anyone who would like to view it at IDPR's headquarters, 5657 E. Warm Springs Avenue, in Boise.

[Click here to comment.](#)

The deadline for comments is February 15, 2023. For information, call 208-514-2254 or email inquiry@idpr.idaho.gov.



Eagle Island State Park,
Visitor Center & Lake



**MEMORANDUM OF AGREEMENT
AMONG THE NATIONAL PARK SERVICE, THE IDAHO DEPARTMENT OF
PARKS AND RECREATION, AND THE
IDAHO STATE HISTORIC PRESERVATION OFFICER REGARDING THE CONSTRUCTION
OF A NEW CAMPGROUND AT EAGLE
ISLAND STATE PARK IN EAGLE, ADA COUNTY, IDAHO**

THIS MEMORANDUM OF AGREEMENT (Agreement) is made and entered by and among the National Park Service (NPS), the Idaho Department of Parks and Recreation (IDPR), and the Idaho State Historic Preservation Officer (SHPO).

WHEREAS, the National Park Service administers the Land and Water Conservation Fund (LWCF); and

WHEREAS, under the authority of the LWCF Act (Public Law 88-578, as amended, now codified at 54 U.S.C. §2003) the NPS may make LWCF grants available to States as the grantee, and through States to local jurisdictions as subgrantees; and

WHEREAS, 54 U.S.C. §200305(f)(3) of the LWCF Act requires the Governor of each State to delegate a state agency to accept and administer LWCF funds; and

WHEREAS, Governor Brad Little has delegated the NPS grantee responsibility to the Idaho Department of Parks and Recreation; and

WHEREAS, IDPR plans to construct new facilities at Eagle Island State Park including the construction of a new campground, pond, associated utilities (water, sewer, electric), roads, shower house/restroom and walking paths; and

WHEREAS, the undertaking involves a Land and Water Conservation Fund (LWCF) grant to the IDPR; and

WHEREAS, 54 U.S.C. §200305(f)(3) of the LWCF Act protects parks that have received funding through the LWCF program from conversion to other than outdoor recreation use without approval from the Secretary of the Interior, which approval shall be given only when the standards of 54 U.S.C. §200305(f)(3) and its regulations (36 CFR Part 59) are met; and

WHEREAS, the NPS has determined the approval of a federal LWCF grant assistance for the proposed project is an undertaking as defined in 36 CFR 800.16(y), and therefore is subject to review under Section 106 of the National Historic Preservation Act of 1966 as amended (54 U.S.C. § 306108) (Act); and

WHEREAS, the NPS has consulted with the following Tribes in regard to religious and cultural sites: Confederated Tribes of the Warm Springs Reservation of Oregon, Western Band of the Shoshone Nation, Te-Moak Tribe and the Shoshone-Bannock Tribes of the Fort Hall Reservation; and

WHEREAS, no Tribes expressed concern within the area of potential effect; and

WHEREAS, the NPS is the designated lead federal agency for the Project and for compliance with the Act pursuant to 36 CFR 800.2(a); and

WHEREAS, the NPS has consulted with IDPR and the Idaho SHPO, pursuant to the Act; and

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WHEREAS, the NPS, in consultation with IDPR and the SHPO, has defined the Area of Potential Effect (APE) for the undertaking as Eagle Island State Park, within the City of Eagle, Ada County, Idaho; and

WHEREAS, the NPS has determined that the undertaking will have an adverse effect on The Eagle Island Prison Honor Farm, which is eligible for listing in the National Register of Historic Places, and has consulted with the Idaho 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. § 306108); and

WHEREAS, the NPS, in consultation with IDPR, the Idaho SHPO, and consulting parties evaluated alternatives to avoid and minimize the adverse effect and has found that there is no practicable alternative that will avoid the adverse effect to historic properties and has developed this Memorandum of Agreement (MOA) to resolve the adverse effects; and

WHEREAS, requirements for public involvement were completed pursuant to 36 CFR 800.2(d) including.....; and

WHEREAS, the IDPR has responsibilities under this MOA and is an Invited Signatory to this MOA; and

WHEREAS, NPS and IDPR have consulted with the Idaho Heritage Trust, the Eagle Island Historical Society, and the Old Idaho Penitentiary regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a concurring party; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), on October 20th, 2022 the NPS notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation in accordance with 36 CFR 800.11(e), and on October 25th, 2022 the ACHP chose *not to* participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the Signatories, Invited Signatories, and Concurring Parties, are all considered Consulting Parties pursuant to 36 CFR 800.2(c) and their roles as described herein are consistent with those described in 36 CFR 800.6(c)(1), (2), and (3) respectively; and

WHEREAS, the State shall implement the Project and shall complete the stipulations of this MOA, the NPS, with assistance from the IDPR, shall be responsible for ensuring that implementation of the Project meets the terms of this MOA; and

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

STIPULATIONS

The NPS, with assistance from IDPR is responsible for ensuring that the following measures are carried out:

1. Interpretive Mitigation

- 1.1. Install interpretive signage in the area adjacent to the shower house facility that will be within the new campground. See attachment 1 for photograph of signage similar to what will be installed at Eagle Island State Park.
- 1.2. Install interpretive signage in the area adjacent to the existing visitors center at Eagle Island State Park.
- 1.3. Both interpretive signs will contain different information about the history of Eagle Island as a Prison Honor Farm. The signage will be designed in a way that it will be a part of a story of the history of Eagle Island, the structures that once stood on the property, the historic uses of the property as well additional items that may be discovered through historical research.
- 1.4. IDPR will enlist a qualified graphic designer and a qualified Secretary of the Interior's qualified historian (consultant) that specializes in historical interpretive signage.
- 1.5. IDPR will work with Idaho SHPO, the Old Idaho Penitentiary, The Idaho Heritage Trust and the Eagle Historical Society to determine the historic scope that will be contained within the interpretive signage.
- 1.6. The consultant will meet with the staff of IDPR, Idaho SHPO and the Old Idaho Penitentiary to discuss the approach to interpretation at the Eagle Island State Park.
- 1.7. The graphic designer will meet with the staff of IDPR, Idaho SHPO and the Old Idaho Penitentiary to discuss the overall design options for the signs.
- 1.8. The Idaho SHPO and the Old Idaho Penitentiary will review the content and design of the signs within 45-days or receipt.

I. DURATION

This 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 other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V below.

II. INADVERTENT DISCOVERIES

If previously unidentified historic properties (including archaeological sites) or unanticipated effects to historic properties (including exceptionally significant finds) are discovered during Project activities and reported to the State, the State shall immediately halt all Project activities within a one hundred (100) foot radius of the discovery, notify the NPS and the SHPO of the discovery, and implement interim measures

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to protect the discovery from looting and vandalism. The NPS shall consult with the SHPO immediately and make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties. In the event of an unanticipated discovery of human remains or burials, the NPS understands and agrees that it must immediately stop work within the area of discovery, ensure protection of the area of discovery, immediately notify local law enforcement, and consult with the SHPO.

III. MONITORING AND REPORTING

Each **1 year** following the execution of this MOA until it expires or is terminated, IDPR shall provide all parties to this MOA and the ACHP a summary report 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 NPS's/IDPR's efforts to carry out the terms of this MOA.

IV. DISPUTE RESOLUTION

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

- a) Forward all documentation relevant to the dispute, including the NPS's proposed resolution, to the ACHP pursuant to 36 CFR 800.7. In accordance with 36 CFR 800.7(c)(4) 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 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. 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 period, NPS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the NPS 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) The responsibility of the Consulting Parties to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

V. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories and invited signatories. The amendment will be effective on the date a copy

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signed by all of the signatories and invited signatories is filed with the ACHP.

VI. 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 and invited signatories to attempt to develop an amendment per Stipulation V above. If within sixty (60) calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory or invited signatory may terminate the MOA upon written notification to the other Consulting Parties.

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 shall notify the parties to this MOA as to the course of action it will pursue.

VII. COUNTERPARTS, FACSIMILE, OR .PDF SIGNATURES

This Agreement may be executed in counterparts, with a separate page for each Consulting Party. This MOA shall become effective on the date of the final signature by the Signatories and Invited Signatories. The NPS and IDPR shall ensure each party is provided with a complete copy of the final, executed MOA, updates to appendices, and any amendments. The NPS and the IDPR shall ensure that the final MOA, updates to appendices, and any amendments are filed with the ACHP. A facsimile or pdf copy of this Agreement and any signatures thereon will be considered for all purposes as an original.

VIII. DISTRIBUTION OF AGREEMENT

In order to meet the requirements of Section 106. 36 CFR § 800.6(b)(1)(iv), upon the execution of this Agreement and prior to approving the undertaking, the NPS must transmit to the ACHP the executed Agreement along with documentation specified in Section 800.11(f).

Execution of this MOA by the NPS, and SHPO and implementation of its terms provides sufficient evidence that the NPS has taken into account the effects of its undertaking on historic properties and has afforded the ACHP opportunity to comment pursuant to Section 106 of the National Historic Preservation Act.

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SIGNATORY:

NATIONAL PARK SERVICE:

By: _____ Date: _____
Neal Bedlan, Regional Program Officer Team Lead
NPS Land and Water Conservation Fund
Authorized Representative

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SIGNATORY:

IDAHO STATE HISTORIC PRESERVATION OFFICE:

By: _____ Date: _____
Tricia Canaday, Deputy State Historic Preservation Officer
Authorized Representative

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INVITED SIGNATORY:

IDAHO DEPARTMENT OF PARKS AND RECREATION:

By: _____ Date: _____
Susan Buxton, Director
Authorized Representative

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CONCURRING:

OLD IDAHO PENITENTIARY:

By: _____ Date: _____
Anthony Parry, Interim Administrator
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CONCURRING:

IDAHO HERITAGE TRUST:

By: _____ Date: _____
Katherine Kirk, Executive Director
Authorized Representative

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CONCURRING:

CITY OF EAGLE, EAGLE MUSEUM OF HISTORY & PRESERVATION:

By: _____ Date: _____
Alana Dunn, Eagle Museum Curator/City Historic Preservation Officer
Authorized Representative