## ATTACHMENT 3

Section 106 Process – October 10, 2012 Email

## Hubbard, Bradley C

From:

Bruce, Brandee E

Sent:

Wednesday, October 10, 2012 9:15 AM Crandell, Melissa L; Hubbard, Bradley C

To: Subject:

RE: CR-Resp 11-SCAO-246

Tracking No. 11-SCAO-246

Project Name: Merced Irrigation District (MID) Arena and Howard Laterals Improvement Project

Melissa and Brad,

The proposed action for Reclamation to partially fund an improvement project on portions of the MID's Arena and Howard Laterals in Merced County, California was determined to be the type of action that has the potential to affect historic properties. As a result, Reclamation entered into consultation with the California State Historic Preservation Office (SHPO) and reached a finding of no historic properties affected pursuant to 36 CFR Part 800.4(d)(1).

The MID proposed construction activities along the Arena and Howard Laterals include piping a combined total of over 3,900 feet of both laterals and concrete lining another 10,700 feet of the Arena and Howard Laterals. Removal of a small section of the Arena Lateral is also anticipated as part of this project. All construction access and staging activities will be limited to existing roadways and pullouts.

The MID conveyance system was previously evaluated as not eligible for the National Register of Historic Places (National Register), which the SHPO concurred with on April 17, 2012 (BUR110513A). For this undertaking, Reclamation documented the Arena and Howard Laterals as part of the ineligible MID conveyance system and evaluated them individually, as not eligible for inclusion in the National Register. Reclamation entered into consultation with the SHPO as outlined in the 36 CFR Part 800 regulations describing the Section 106 process. The consultation package was hand delivered to SHPO on August 29, 2012. To date, no correspondence has been received by Reclamation from the SHPO.

Pursuant to the regulations at 36 CFR  $\S800.5(c)$ , the SHPO has 30 days from receipt to review an agency finding. The SHPO has yet to respond to Reclamations request for review and comment. If after 30 days the SHPO has not responded, the regulations state that "...the agency official shall then carry out the undertaking in accordance with paragraph (d)(1) of this section [ $\S800.5(c)(1)$ ]." Because the SHPO has failed to comment on Reclamation's finding within the period of time provided to them pursuant to the Section 106 regulations, Reclamation may conclude the Section 106 process with no additional consideration.

This email serves as notification of the completion of the Section 106 process for this undertaking. If Reclamation receives a SHPO consensus letter at a later date, it will be forwarded to you for your records. Note that if the project description changes, Reclamation may have additional considerations under Section 106. Please retain a copy of this concurrence with the administrative file.

Thank you for providing the opportunity to comment.

BranDee

BranDee Bruce Architectural Historian Bureau of Reclamation 2800 Cottage Way Sacramento, CA. 95825 Phone: (916) 978-5039

Fax: (916) 978-5055



IN REPLY REFER TO:

MP-153 ENV-3.00

## United States Department of the Interior

BUREAU OF RECLAMATION Mid-Pacific Regional Office 2800 Cottage Way Sacramento, California 95825-1898

AUG 2 9 2012

SPECIAL DELIVERY - HAND DELIVERED

Mr. Milford Wayne Donaldson State Historic Preservation Officer Office of Historic Preservation 1725 23<sup>rd</sup> Street, Suite 100 Sacramento, CA 95816

Subject: National Historic Preservation Act (NHPA) Section 106 Compliance for Merced

Irrigation District (MID) Arena Canal and Howard Lateral Improvement Project,

Merced County, California (11-SCAO-246)

Dear Mr. Donaldson:

The Bureau of Reclamation is initiating the National Historic Preservation Act (NHPA) Section 106 consultation process and seeks your concurrence on a finding of no historic properties affected for a proposed project to conduct improvements on the Arena Canal and Howard Lateral in Merced County, California (Appendix A, Figure 1 in the enclosed report). Reclamation proposes to provide funding under the Department of the Interior's CALFED Bay-Delta Program to help further the goals and objectives of that program, particularly supplying Californians with a reliable water supply. This funding will be provided to MID for an improvement project designed to reduce water seepage and increase water use efficiency. The project consists of concrete lining and pipelining portions of the Arena Canal and Howard Lateral. Reclamation's action constitutes an undertaking as defined by Section 301(7) of the NHPA (16 U.S.C. 470), as amended. We are consulting with your office concerning this undertaking pursuant to the regulations at 36 CFR Part 800 that implement Section 106 of the NHPA.

The proposed project consists of the following components (refer to Appendix A, Figure 2 in the enclosed report). From the southern side of Bell Road, the Arena Canal will be reshaped and concrete-lined for approximately 5,493 feet, as it winds southwest through agricultural fields to a point just north of Sunset Drive. Portions of the V-shaped Arena Canal, located just north of Sunset Drive, will be demolished. Demolition will include the existing infrastructure on the eastern slant of the V, and the addition of approximately 603 feet of service lateral. On the western slant of the V, removal of the existing 603 feet of canal infrastructure and re-grading of the area will occur. A component of this project also involves digging a trench approximately five feet wide and five feet deep below the existing bottom of the Arena Canal, and installing approximately 2,270 feet of new 66-inch-diameter pipeline within the original alignment of the

existing canal prism. After crossing Washington Boulevard, a smaller 48-inch-diameter pipeline with an approximate length of 1,044 feet, will be placed in a trench three feet wide by four feet deep, below the existing bottom, and will transition back to open canal on the south side of Sunset Drive. Both pipelines will be covered with fill from the excavated dirt and canal berms. The final portion of the project within the Howard Lateral is concrete lining of another section of open channel for approximately 5,275 linear feet, terminating at Atwater Jordan Road.

Reclamation has determined that the area of potential effects (APE) for this undertaking includes a 16-acre area that encompasses the interconnected Arena Canal and Howard Lateral and all associated construction activities, located in sec. 9, 10, T. 7 S., R. 11 E., Mount Diablo Meridian, as depicted on the Arena and Stevinson 7.5' U.S. Geological Survey topographic quadrangle maps (Appendix A, Figures 3 and 4). The APE includes a vertical APE, a maximum of 5 feet below the bottom of the Arena Canal, which will primarily be the result of digging two trenches in the bottom of two conveyances. All construction access and staging will be on existing roads and areas previously disturbed along the canals and laterals.

To identify historic properties, Reclamation conducted a file search and records review of the Mid-Pacific Regional library, Reclamation Cultural Resources Branch library, and a records search at the Central California Information Center of California Historical Resources Information System. Research was also conducted at the MID headquarters in Merced, California, with access to maps and records given to Reclamation staff. Results of the record search indicate only one previously conducted survey within the APE. In the resultant report, the MID system, which includes all the canals, laterals, dams, wells, and hydroelectric power plants, was recorded. A site record was prepared by Michael Brandman Associates (MBA). MBA recommended that the MID system is eligible for inclusion in the National Register of Historic Places (National Register) under Criterion A for its association with the local patterns of water delivery in the county of Merced and under Criterion D for its ability to yield information associated with public water control systems in Merced County. However, discussion between Reclamation and your staff resulted in an understanding that the finding did not receive concurrence and that the MID system was actually determined ineligible for inclusion in the National Register (Appendix E, SHPO Letter BUR110513A) by the SHPO.

Field inspection of the project locations by Reclamation cultural resources staff BranDee Bruce, Architectural Historian, and Amy Barnes, Archaeologist were conducted on February 10, 2012. Work was coordinated with MID staff Ryan Lippincott and John Wiersma. Due to the highly disturbed context in and around the canals and the associated berms, an intensive survey was not completed along the entire length of the canal. The entire alignments of the Arena Canal and Howard Lateral were driven, to record and photograph sections of the conveyances. Wherever there was a potential for activities to occur outside of the canal prism, the area was subjected to an intensive pedestrian survey, within a 100 foot radius around all canal crossings. Due to the highly disturbed nature of the agricultural setting around the conveyances, the pedestrian cultural resource survey would have been useful in identifying not only any surface cultural materials, but evidence of cultural resources that may have been buried in the shallow Holocene deposits.

A supplemental California Department of Parks and Recreation (DPR) 523 form has been updated to include the Arena Canal and Howard Lateral for the MID system, and new Primary

DPR 523 forms have been included for both (Appendix D, enclosed). Reclamation applied the National Register criteria pursuant to 36 CFR § 60.4 and determined that both the Arena Canal and Howard Lateral are individually ineligible for inclusion in the National Register. Since the MID system is not eligible, then neither property could contribute to the eligibility of that system. Full evaluations of these two resources are presented in the enclosed report (Bruce and Williams 2012). In addition, Reclamation determined that the potential for buried cultural resources in the APE is very low. This determination is based on the depth of the existing canal and lateral which extend below the shallow Early to Middle Holocene (cal 7,000-4,000 BP) deposits which have a moderate potential for buried resources (see discussion in Bruce and Williams 2012, enclosed). The proposed trenching below the bottom of the conveyances will be below the shallow Holocene sediments where there is little to no potential for cultural resources to be present.

Reclamation identified the Picayune Rancheria, the Santa Rosa Rancheria, Table Mountain Rancheria, and the Tule River Indian Tribe as tribes who might attach religious and cultural significance to historic properties within the APE pursuant to the regulations at 36 CFR § 800.3(f)(2). Reclamation sent letters to the tribes on March 22, 2012, to invite their participation in the Section 106 process and seek their assistance in identifying sites of religious and cultural significance that may be affected by the proposed undertaking pursuant to 36 CFR § 800.4(a)(4). Reclamation also identified the Amah Mutsun Tribal Band, Choinumni Tribe, North Valley Yokuts Tribe, and Southern Sierra Miwok Nation as organizations that may have knowledge of historic properties within the APE. Reclamation sent letters to these organizations to request their assistance in identifying historic properties which may be affected by the proposed undertaking pursuant to 36 CFR § 800.4(a)(3). No responses have been received to date. If concerns arise regarding this undertaking, Reclamation will work with these Indian tribes or individuals to address their concerns and will notify your office as appropriate.

Based on the enclosed materials and discussion above, Reclamation finds no historic properties affected from the proposed undertaking, pursuant to 36 CFR § 800.4(d)(1). Reclamation invites your comments on our delineation of the APE and the appropriateness of our identification efforts. Reclamation requests your concurrence on our determination that the Arena Canal and Howard Lateral are not eligible for inclusion in the National Register. Reclamation also requests your concurrence that implementing the proposed project will result in a finding of no historic properties affected. If you have any questions or concerns regarding this information, please contact Ms. Bruce at 916-978-5039 or bbruce@usbr.gov.

Sincerely,

Anastasia T. Leigh

Jon fry

Regional Environmental Officer

Enclosure

bc: MP-410 (BHubbard, MCrandell) (w/o encl)