

Appendix E

Interagency Consultation



United States Department of the Interior

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

IN REPLY
REFER TO:
MP-153
ENV-3.00

VIA ELECTRONIC MAIL ONLY

February 20, 2013
MEMORANDUM

To: Melissa Harris

From: Scott A Williams
Archaeologist – Division of Environmental Affairs

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for the Napa Berryessa Resort Improvement District (NBRID) Wastewater Improvement Project, Napa County, California (13-CCAO-036)

The Bureau of Reclamation is proposing to authorize NBRID to conduct improvements to the wastewater treatment and storage facilities at Lake Berryessa in Napa County, California (Figure 1). Authorizing a project on Federal lands constitutes an undertaking pursuant to Section 301(7) of the NHPA (16 U.S.C. 470) as amended which requires compliance with Section 106 of the NHPA (16 U.S.C. 470).

In an effort to identify historic properties, Hagensiker and Loyd, December 2012, (enclosed) completed a comprehensive records search at the Northwest Information Center, California Historical Resources Information System, as well as a pedestrian survey. The search revealed that portions of the project have been surveyed by Nickels (2007) and True and Baumhoff (1982). In addition, Hagensiker and Loyd (2012a; 2012b; 2012c) have previously completed three studies for different phases of this project, summarized within the enclosure. No historic properties were recorded within a half-mile of the current study area, as a result of these investigations.

Reclamation staff reviewed the historic properties inventory report by Hagensiker and Loyd as it relates to the current project and found it sufficient and applicable. The entire APE for this project was included in the pedestrian survey, with good ground surface visibility and negative results. Because the geologic formation within the APE predates evolution of humans by millions of years, and because of the nature of the soil development on moderate to steep slopes (i.e., a thin veneer of soil developed in place rather than through alluvial or colluvial action), the potential for subsurface deposits is considered extremely slight. Therefore, no subsurface identification efforts are deemed necessary.

In June of 2011, Reclamation contacted the Native American Heritage Commission (NAHC) requesting a Native American Contact List and any additional information in regard to potential development in the concession areas of the reservoir which included the APE. The NAHC did not have any record of sacred sites in or near the concession areas. In December 2012, Reclamation submitted letters to the three federally recognized tribes (five individuals) provided by the NAHC to invite their assistance in identifying sites of religious and cultural significance pursuant to

the regulations at 36 CFR § 800.3(f)(2) and 36 CFR § 800.4(a)(4). In addition, Reclamation submitted letters to three non-federally recognized Native Americans to inquire if they have any knowledge of or concerns with historic properties in the area and to identify issues relating to the undertaking's potential effects on those historic properties pursuant to 36 CFR § 800.4(a)(3). No responses have been received to date.

Reclamation initiated consultation with the California State Historic Officer (SHPO) on January 14, 2013, seeking concurrence with a finding of no historic properties affected for this undertaking. Pursuant to the regulations at 36 CFR §800.5(c), if California State Historic Preservation Officer (SHPO) has 30 days from receipt to review an agency finding. The SHPO received the consultation package on October 17, 2011 and 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 [§800.5(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 memo is intended to convey the conclusion of the Section 106 process for this undertaking. Although the project may go forward with no additional review from Section 106, Reclamation shall continue to seek concurrence on our finding from the SHPO. If, at some point, the SHPO reenters the consultation process and has comments or concerns regarding this action, Reclamation will seek to resolve these concerns while the project is being implemented. In addition, in the event of an inadvertent discovery Reclamation may have additional Section 106 obligations pursuant to the Post Review Discovery portion of the regulations at §800.13. Although very unlikely, if human remains are identified during implementation of this action, the project shall be halted immediately and the Reclamation Mid-Pacific Regional Archaeologist contacted immediately to discuss how to proceed.

Please retain a copy of this memo with the administrative record for this project. This memo fulfills our obligations and commitments to Section 106 as discussed in the finding of no historic properties affected for this action.

References:

Hagensieker, V. and J. Loyd

2012a *A Cultural Resources Study for the Napa Berryessa Resort Improvement District Project, at 1465 Steel Canyon Road, Napa, Napa County, California*. March 2012. Document S-38961 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

2012b *A Cultural Resources Study for the Napa Berryessa Resort Improvement District Wastewater Storage Ponds Project, Steel Canyon Road, Napa, Napa County, California*. May 2012. Document on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

2012c *A Cultural Resources Study for the Napa Berryessa Resort Improvement District Wastewater Storage Ponds Project, Steel Canyon Road, Napa, Napa County, California*. September 2012. Document on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

Nickels, A.

2007 *Cultural Resources Inspection of Proposed Mobile Home Removal at Lake Berryessa, Napa County, California*. Document S-35191 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

True, D. and M. Baumhoff

1982 *Archaeological Investigations at Lake Berryessa, California*. Document S-6052 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.



Harris, Melissa <mmharris@usbr.gov>

ITA Request - NBRID EA

3 messages

Harris, Melissa <mmharris@usbr.gov>

Fri, Jan 18, 2013 at 4:37 PM

To: PATRICIA RIVERA <privera@usbr.gov>

Cc: Kristi Seabrook <kseabrook@usbr.gov>, Mary Williams <marywilliams@usbr.gov>

Attached is the ITA request form, EA and map for the Napa Berryessa Resort Improvement District - Water and Wastewater Treatment Upgrades and Expansion EA. Please use CA: A10-0413-8948-000-00-0-0 and CC: 2430000 Please note that this is the same general project area as a previous recent project I submitted, CEC 12LB15. If you have any changes to the language for the ITA resources in the EA, please provide your changes.

Thank you,

Melissa Harris
Natural Resources Specialist
Bureau of Reclamation
mmharris@usbr.gov
916-989-7162

3 attachments

 **NBRID_WW_Draft_EA_01-18-13.docx**
721K

 **Map.pdf**
209K

 **ITA Request form - NBRID EA.docx**
19K

RIVERA, PATRICIA <privera@usbr.gov>

Tue, Jan 22, 2013 at 8:34 AM

To: Kristi Seabrook <kseabrook@usbr.gov>

Cc: Melissa Harris <mmharris@usbr.gov>

Kristi have you processed this one? Need info soon--thanks. Just respond to me for my action. thanks

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3 attachments

 **NBRID_WW_Draft_EA_01-18-13.docx**
721K

 **Map.pdf**
209K

 **ITA Request form - NBRID EA.docx**
19K

RIVERA, PATRICIA <privera@usbr.gov>
To: Melissa Harris <mmharris@usbr.gov>

Tue, Jan 22, 2013 at 9:41 AM

Melissa,

I reviewed the proposed action to approve the Napa Berryessa Resort Improvement District's (District) land-use agreement for the expansion of wastewater pond, and the acceptance of proposed improvements to the District's water and wastewater systems under existing land-use agreements with Reclamation.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is the Rumsey Rancheria approximately 25 miles North of the project location.

Patricia

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