

Appendix D

Reclamation's Cultural Resources Determination

CULTURAL RESOURCE COMPLIANCE
Division of Environmental Affairs
Cultural Resources Branch

Section 106 Conclusion Memorandum

MP-153 Tracking Number: 09-SCAO-174

Project Name: Fresno Slough (James) Bypass Regulation and Recharge Project, James Irrigation District (JID), Fresno County, California

NEPA Document: EA-08-081

MP 153 Cultural Resources Reviewer:

Date: 13 December 2013

The proposed undertaking involves the extensive modification of existing water basins and recharge areas, and the construction of wells and distribution canals as part JID's efforts for regulation and recharge of the King's River flows as well as groundwater and other smaller water sources in the region. The project is proposed by JID, but would require authorization from Reclamation. The Federal authorization of the proposed project 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. Reclamation's effort to identify historic properties resulted in the identification of no National Register of Historic Places (National Register) eligible or listed properties.

Reclamation initiated consultation with the California State Historic Officer (SHPO) on November 5, 2013 seeking concurrence with the determinations of National Register eligibility for four historic-era properties. Additionally, Reclamation requested concurrence with the finding that the undertaking results in no adverse effects to historic properties pursuant to [36 CFR §800.5(d)(1)]. 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 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

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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 adverse effects to historic properties for this action.

**OFFICE OF HISTORIC PRESERVATION
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October 23, 2014

Reply in Reference To: BUR_2014_1107_001

Anastasia T. Leigh
Regional Environmental Officer
Bureau of Reclamation, Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

RE: Fresno Slough (James) Bypass Regulation and Recharge Kit Fox Preserve Project, James Irrigation District; Fresno County, California; (09-SCAO-174.1).

Dear Ms. Leigh:

Thank you for seeking my consultation regarding the above noted undertaking. Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA), the Bureau of Reclamation (Reclamation) is seeking my concurrence on a *Finding of No Historic Properties Effectuated*.

The James Irrigation District (JID) proposes to create eleven escape dens and eight pupping dens to establish a Kit Fox Preserve on JID land. Reclamation is providing partial funding for this project. The escape dens will consist of approximately ten foot sections of twelve inch diameter pipe covered with several inches of stockpiled soil. The pupping dens will consist of a ten foot section of twelve inch diameter pipe, placed to slope from the surface to a depth of one meter and connect to a subsurface central valve box of twenty-five square feet to serve as the den. Soil from excavation of the pupping den would be used to cover and insulate the den and pipe. All excavation will be done by backhoe.

The Area of Potential Effect (APE) is a 25 meter radius centered on each of the escape and pupping dens and an approximately sixty meter wide access route to the dens from Placer Road. The vertical APE is approximately one meter in depth for the dens.

In addition to your letter received September 17, 2014, you have submitted the *Extended Phase I Investigation for the Fresno Slough (James) Bypass Regulation and Recharge Project, Kit Fox Preserve, Reclamation District 1606, Western Fresno County, California* (J & R Environmental Services, March 2014) as evidence of your efforts to identify and evaluate historic properties in the project APE.

Archival research included a records search at the Southern San Joaquin Valley Information Center on September 19, 2013. Two previously recorded archaeological resources were identified within the project APE by the records search:

1. P-10-000546: Prehistoric site: obsidian & basalt flakes, burnt bone, bowl fragment, ground stone fragments and fire cracked rock.

2. P-10-000547: Prehistoric site: plummet shaped charm stone, obsidian flakes and fire cracked rock.

A pedestrian surface survey was conducted on November 8 & 10, 2013 of the APE utilizing transects ten meters wide or less. A more intensive survey of a 25-meter diameter area around each proposed kit fox escape and pupping dens was also conducted. No new cultural resources were identified during survey. Previously recorded sites were relocated and site records were updated. It was determined the original 1975 site records were incorrect and both P-10-000546 and -000547 lie outside the APE.

Because it appeared surface artifacts on the known sites came from a subsurface context, Extended Phase I subsurface testing was conducted at the eight proposed pupping dens between November 9 and 11, 2013. One 50 cm square shovel test probe (STP) was excavated at each of the eight locations. Subsurface testing was halted by extreme hard pan and discontinued. No cultural materials were identified in the STPs.

Reclamation identified the Santa Rosa Rancheria, Big Sandy Rancheria and Cold Springs Rancheria of Mono Indians as tribes likely to have knowledge of sites of religious or cultural significance to them in the project area. No such properties were identified through consultation efforts.

Pursuant to 36 CFR §800.4(d)(1) Reclamation has determined there will be *No Historic Properties Affected* by the proposed project. Based on your identification efforts, I concur with the *Finding of No Historic Properties Affected*. Identification efforts are sufficient and I also have no objections to the delineation of the APE, as depicted in the supporting documentation.

Thank you for considering effects to historic properties in your project planning. Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Reclamation may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns regarding archaeological resources, please contact Associate State Archaeologist, Kim Tanksley at (916) 445-7035 or by email at kim.tanksley@parks.ca.gov. Any questions concerning the built environment should be directed to State Historian, Kathleen Forrest at (916)445-7022 or by email at kathleen.forest@parks.ca.gov.

Sincerely,



Carol Roland-Nawi, PhD
State Historic Preservation Officer