

Appendix E: Reclamation's Section 106 Determination

CULTURAL RESOURCES COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 11-SCAO-089

Project Name: Millerton Road Widening Project, Fresno County, California

NEPA Document: EA

NEPA Contact: Rain Emerson, Supervisory Natural Resources Specialist

MP-153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

Date: February 12, 2016

Reclamation proposes to issue a land use authorization and approximately 9.46 acres of new right-of-way easements to Fresno County to facilitate a proposed project that would widen a 4.7- mile long stretch of Millerton Road from a two-lane rural roadway to a four-lane divided arterial. As part of this road widening project, a new bridge also would be constructed adjacent to an existing bridge across Reclamation's Friant-Kern Canal (FKC). Reclamation determined that the issuance of the authorization and easements is an undertaking subject to review under Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act, and its implementing regulations found at 36 CFR Part 800, and that this undertaking involves the type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a).

Section 106 historic properties identification efforts for the Millerton Road Widening Project were conducted by AES on behalf of Fresno County. The US Army Corps of Engineers (Corps), which has various permitting actions related to the project, utilized the AES report of these efforts to consult with the State Historic Preservation Officer (SHPO) on a finding of no adverse effect to historic properties for their Section 106 undertaking, on which they received SHPO concurrence. The Corps' area of potential effects (APE) included the entire 4.7- mile long stretch of Millerton Road proposed for widening, plus a buffer. This APE encompassed the 9.46-acre APE for Reclamation's proposed action in its entirety. Through correspondence dated January 20, 2016, Reclamation initiated Section 106 consultation with the SHPO regarding our undertaking, referencing the AES identification efforts, the Corps' Section 106 consultation, and SHPO concurrence with the Corps' finding, likewise seeking concurrence with a finding of no adverse effect pursuant to 36 CFR § 800.5(b). Through correspondence dated February 12, 2016, the SHPO concurred with Reclamation's Section 106 finding for our undertaking.

With receipt of SHPO concurrence, Reclamation's responsibilities under Section 106 are fulfilled. This document conveys the completion of the Section 106 process and NEPA review for Reclamation's current undertaking. The proposed action will result in no adverse effect to historic properties under Section 106 of the NHPA and no significant impact to cultural resources under NEPA. Please retain a copy of this document with the administrative record for this action. Should the proposed action change, additional review under Section 106, including further consultation with the SHPO, may be required.



United States Department of the Interior

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

IN REPLY REFER TO:

JAN 20 2016

MP-153
ENV-3.00

CERTIFIED - RETURN RECEIPT REQUESTED

Ms. Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for the Millerton Road Widening Project, Fresno County, California (11-SCAO-089)

Dear Ms. Polanco:

The Bureau of Reclamation is initiating consultation under Title 54 USC § 306108, commonly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800, for the approval of land use authorization and right-of-way (ROW) easements to the County of Fresno (County) in conjunction with the Millerton Road Widening Project, Fresno County, California (Enclosure 1: Figure 1). Reclamation has determined that issuance of these approvals constitutes an undertaking as defined in 36 CFR § 800.16(y) and involves the type of activity with the potential to cause effects on historic properties under 36 CFR § 800.3(a). We are entering into consultation with you on a finding of no adverse effect to historic properties for this undertaking pursuant to 36 CFR § 800.5(b).

To help meet existing and future traffic demands and improve public safety, the County proposes to widen a 4.7 mile stretch of Millerton Road, between North Fork Road to just east of Table Mountain Road, from a two-lane rural roadway to a four-lane divided arterial (Enclosure 1: Figure 2). In order to accommodate the project, which includes a second bridge crossing over the Reclamation-owned Friant Kern Canal (FKC), the County has requested authorization to cross the FKC and the acquisition of approximately 9.46 acres of additional ROW easements from Reclamation. These ROW easements consist of land in the immediate vicinity of the FKC, as well as land that is currently leased to California State Parks as a component of the Millerton Lake State Recreation Area (Enclosure 1: Figure 3).

The U.S. Army Corps of Engineers (Corps), which will issue a Clean Water Act Section 404 permit to the County for the Millerton Road Widening Project, has previously consulted with your office regarding their Section 106 undertaking and associated APE (Corps reference no. SPK-2009-01500; SHPO reference no. COE120628A). The APE, as defined by the Corps in

their consultation, consisted of the entirety of the 4.7-mile section of Millerton Road proposed for widening, including a ROW of approximately 106 feet wide (53 feet on either side of the roadway centerline) along the entire route (Enclosure 1: Figure 2). Reclamation has determined that the APE for our undertaking is limited to the 9.46 acres requested for new ROW easements by the County, which includes the new FKC crossing (Enclosure 1: Figure 3). This APE is encompassed within the larger APE previously defined and consulted on by the Corps (refer to Enclosure 1: Figures 2 and 3).

Efforts to identify historic properties in the Corps' APE were conducted by AES on behalf of the County. These efforts included a records search, pedestrian survey, and coordination with Native American organizations and individuals identified by the California Native America Heritage Commission as having an interest in the project area. During these identification efforts, representatives from the Table Mountain Rancheria provided information about cultural resources in the project vicinity and also monitored subsurface testing of a previously recorded multicomponent site (CA-FRE-3111/H, P-10-3936) located within the Corps' APE.

The results of these identification efforts are documented in a report titled *Cultural Resources Study Millerton Road Widening Project, Fresno County* (AES 2011). This report was previously provided to you with the Corps' initial Section 106 submission dated June 25, 2012, and more recently as part of a resubmission by the Corps to which your office responded through correspondence dated November 16, 2015. The correspondence between the Corps and your office regarding Section 106 compliance for the Millerton Road Widening Project is provided for your reference in Enclosure 2. A digital copy of the AES (2011) report is also provided for your reference on the enclosed compact disc.

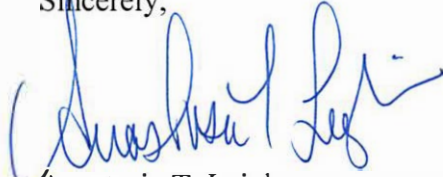
As the Corps has already consulted with you regarding their action in an APE that encompasses Reclamation's APE in its entirety, and you have concurred with the Corps' findings, Reclamation believes the historic properties identification efforts as conducted and reported by AES are appropriate for our undertaking as well. Briefly, the FKC is the only historic property identified within Reclamation's APE for the Millerton Road Widening Project (see AES 2011: Figure 7 in Appendix D).

Historically, Reclamation has treated the FKC as eligible for National Register inclusion under Criterion A. In 1997, the Federal Highway Administration obtained a consensus determination for the National Register eligibility of the FKC, but to date we have not received a consensus determination on our own formal evaluation of this Reclamation-owned resource. For the current undertaking, we agree with the Corps' determination that the new bridge proposed to cross the FKC, which will be similar in design and materials to the bridge currently present, would result in no adverse effect on the FKC, pursuant to 36 CFR § 800.5(b).

Based on the information provided above and in the enclosed materials, Reclamation has reached a finding of no adverse effect for the current undertaking. We invite your comments on the delineation of the APE and the appropriateness of the historic properties identification efforts.

We also request your concurrence with Reclamation's finding of no adverse effect. If you have any comments or questions concerning this submission, please contact Ms. Joanne Goodsell, Archaeologist, at 916-978-4694 or jgoodsell@usbr.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anastasia T. Leigh". The signature is fluid and cursive, with the first name being the most prominent.

Anastasia T. Leigh
Regional Environmental Officer

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