

Appendix C:
Historic Properties Correspondence



FEMA

January 28, 2010

Mr. Milford Wayne Donaldson
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
1416 9th Street, Rm.1442-7
Sacramento, CA 95814-5511
Attention: Ms. Susan Stratton

Re: Alamo Creek Detention Basin
FEMA-1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14

Dear Mr. Donaldson:

The City of Vacaville (Subgrantee) is proposing to construct a detention basin on City-owned land in Solano County, California. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is proposing to provide Federal financial assistance to the Subgrantee, through the California Emergency Management Agency (CalEMA), through the Hazard Mitigation Grant Program under the Presidential disaster declarations FEMA-1628-DR-CA and FEMA-1646-DR-CA for the severe storms, flooding, mudslides, and landslides that occurred in northern California in December 2005, January 2006, March 2006, and April 2006. FEMA's action of providing Federal financial assistance meets the definition of an Undertaking in accordance with 36 C.F.R. Part 800.16(y) (2009) and therefore requires the completion of a Section 106 review in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. § 470 [2009]).

FEMA has identified an area of potential effect (APE) and has reviewed the Subgrantee's proposal in compliance with Section 106 and the Stipulation VII of 2005 First Amended Programmatic Agreement (PA) among FEMA, your office, CalEMA, and the Advisory Council on Historic Preservation (Council). FEMA has identified two archaeological sites (CA-SOL-468 and CA-SOL-469) within the APE that are eligible for listing in the National Register of Historic Places under Criterion D for their ability to yield information important in prehistory, and therefore qualify as "historic properties" as defined in 36 C.F.R. Part 800.16(l)(1). FEMA has also determined that the Subgrantee's proposal would adversely affect these historic properties. In accordance with Stipulation VIII.A of the PA, FEMA hereby formally notifies your office of FEMA's determination of adverse effects to historic properties CA-SOL-468 and CA-SOL-469. FEMA requests your concurrence on our finding compliant with Stipulation VII.C of the PA and has enclosed documentation in accordance with 36 C.F.R. Part 800.11(e). FEMA has also determined that the

Mr. Milford Wayne Donaldson

January 28, 2010

Page 2

adverse effects of the Undertaking will be resolved with a Memorandum of Agreement (MOA) in accordance with 36 C.F.R. Part 800.6(b). FEMA proposes that archaeological data recovery be included as a stipulation of the MOA. A proposed treatment plan is attached for review and comment.

Pursuant to Stipulation VIII of the PA, FEMA is notifying the Council of its determinations and is providing the Council with documentation in accordance with 36 C.F.R. Part 800.11(e). In accordance with 36 C.F.R. Part 800.6(a)(1)(iii), FEMA is requesting that the Council advise FEMA of Council's participation in the consultation.

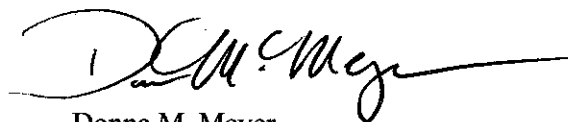
In accordance with 36 C.F.R. Part 800.4(a)(4), FEMA sent an informational letter to the California Native American Heritage Commission and other interested Native American parties. FEMA received a response from Marshall McKay, Chairman of the Rumsey Indian Rancheria of Wintun. Mr. Kesner Flores, environmental coordinator for the Cortina Band of Wintun Indians, responded to a separate inquiry made by Far Western Anthropological Research Group, consultant to the Subgrantee. FEMA is notifying both groups of the proposed MOA concurrent with this letter.

FEMA understands that the Subgrantee's proposal would affect waters of the United States and that the Subgrantee must obtain a permit from the U.S. Army Corps of Engineers, San Francisco District (USACE), to comply with Section 404 of the Clean Water Act. FEMA understands that the Subgrantee has not yet applied for a permit from the USACE, and FEMA is therefore acting as the lead Federal agency for the Undertaking. FEMA has contacted the USACE regarding the Undertaking, and will notify your office should USACE choose not to designate FEMA as the lead Federal agency pursuant to 36 C.F.R. Part 800.2(a)(2).

By copy of this letter, FEMA also advises CalEMA and the Subgrantee that any work associated with the Undertaking performed prior to completion of the Section 106 historic review process could jeopardize Federal funding.

If you should require any additional information about the proposed Undertaking, please do not hesitate to contact me at (510) 627-7027 or fema-rix-ehp-document@dhs.gov.

Sincerely,



Donna M. Meyer
Deputy Environmental and
Historic Preservation Officer

Attachments

cc: James Loomis, City of Vacaville
Paul Ransom, CalEMA
Dennis Castrillo, CalEMA

Alamo Creek Detention Basin
FEMA-1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14
FINDING OF ADVERSE EFFECTS TO HISTORIC PROPERTIES

(1) "A description of the undertaking, specifying the Federal involvement, and its area of potential effect, including photographs, maps, drawings, as necessary" (36 C.F.R. Part 800.11[e][1])

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is proposing to provide Federal financial assistance to the City of Vacaville (Subgrantee), through the California Emergency Management Agency (CalEMA), to construct a detention basin on City-owned land in Solano County, California (Figure 1). FEMA is proposing to fund the project through the Hazard Mitigation Grant Program under the Presidential disaster declarations FEMA-1628-DR-CA and FEMA-1646-DR-CA for the severe storms, flooding, mudslides, and landslides that occurred in northern California in December 2005, January 2006, March 2006, and April 2006.

The Subgrantee proposes to construct a detention basin on an approximately 77-acre parcel on the northern bank of Alamo Creek. The basin would be designed to store up to 575 acre-feet of storm water flows from Alamo Creek with a surface area of approximately 104,000 square feet. The project would be designed to reduce the existing flood hazard from Alamo Creek in the City of Vacaville when water in the creek is less than the 10-year flood event elevation.

The detention basin would be constructed of an earthen berm and would include a spillway, a 300-foot wide concrete inlet, and a 42-inch diameter concrete pipe outlet. The berm would have a crest elevation of approximately 255 feet above mean sea level and an approximate top width of 20 feet. An approximately 50-foot wide spillway would be constructed across the crest of the berm with an invert elevation of 250 feet above mean sea level. The maximum depth of excavation to construct the detention basin would be approximately 17 feet below ground surface. Construction activities would require a temporary construction easement surrounding the basin.

FEMA has determined that providing Federal financial assistance for the Subgrantee's proposal would be a Federal Undertaking pursuant to 36 C.F.R. Part 800.3(a).

In accordance with Stipulation VII.A of the 2005 First Amended Programmatic Agreement (PA), FEMA has determined that the area of potential effect (APE) for direct effects consists of the entire City-owned property, and includes all areas of ground disturbance, construction staging and access routes (Figure 2).

The Subgrantee's proposal would result in minimal visual change to the landscape, however, an APE for indirect effects was established to include historic-period properties (i.e., constructed more than 45 years ago) that may be indirectly affected by the proposed project.

The APE for indirect effects includes all historic-period properties with the potential to be indirectly affected by visual, audible, or atmospheric intrusions, shadow effects, vibrations from construction activities, or change in access or use (Figure 3).

(2) "A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to 36 C.F.R. 800.4(b)" (36 C.F.R. Part 800.11[e][2])

Pursuant to Stipulation VII.B of the PA, FEMA reviewed the results of a cultural resources investigation undertaken by the Subgrantee that included a pedestrian survey of the entire APE and a geoarchaeological testing program within the APE. The report containing the methods and results are provided in Attachment A.

In May 2008, an pedestrian survey of the APE for indirect effects was conducted by a consultant to FEMA who meets the Secretary of Interior Historic Preservation Professional Qualifications Standards for architectural history and history, as codified in 36 C.F.R. Part 61.

In accordance with 36 C.F.R. Part 800.4(a)(4), FEMA sent an informational letter to the California Native American Heritage Commission (NAHC) on February 5, 2008, to request a review of its Sacred Lands File and a list of the individuals and groups that the NAHC believed should be contacted regarding information or concerns related to the project area. The NAHC responded on February 15, 2008, with negative results for its search of the Sacred Lands File. FEMA transmitted an informational letter to the nine potentially interested parties identified by the NAHC on March 20, 2008. Marshall McKay, Chairman of the Rumsey Indian Rancheria of Wintun, responded on April 8, 2008, stating that he was not aware of any historic properties on the site but asked to be kept apprised of the project's progress. To date, FEMA has not received any other responses.

(3) "A description of the affected historic properties, including information on the characteristics that qualify them for the National Register (36 C.F.R. Part 800.11[e][3])

Three historic-period architectural resources were identified within the APE for indirect effects. Two of these properties, 6524 Pleasants Valley Road and the Minnie Long and George W. Samuels Ranch, meet the definition of a historic property per 36 C.F.R. 800.16(1)(1), however, they both lie outside the project area and the proposed project would not cause alterations to the properties that would diminish their character, use, or significance. Both are approximately 500 feet west of the proposed detention basin location and lie at the top of a gently sloping agricultural field. They are presently surrounded by infill non-historic-period construction that has altered the area's setting, feeling, and visual narrative. Therefore, the addition of a detention basin is not anticipated to cause a new visual adverse effect to historic properties.

The third identified property, referred to as the Rogers Lane Property, was evaluated as part of the proposed project and found not to be eligible for inclusion to the NRHP because of modern alterations and the addition of non-historic-period elements. The Rogers Lane

Property is surrounded by modern infill construction, which has affected its ability to convey a specific period, theme or character, and the original appearance and arrangement cannot be determined easily. Department of Parks and Recreation (DPR) 523 forms for these properties are included as Attachment B.

As a result of the archaeological and geoarchaeological surveys, two prehistoric archaeological sites were identified within the APE for direct effects (CA-SOL-468, CA-SOL-469). CA-SOL-468 is a multi-component buried site with minor surface manifestations that extends the length of the APE along the northern bank of Alamo Creek. CA-SOL-469 consists of a buried deposit of fire-affected and fire-cracked rock, found in the northwest corner of the APE. Further testing would be required to determine how the sites are related, specifically if CA-SOL-469 is part of the larger CA-SOL-468.

In accordance with Stipulation VII.C of the PA, FEMA has determined that both sites are eligible for listing on the National Register of Historic Places (National Register) under Criterion D, for their ability to yield information important in prehistory, and therefore qualify as a "historic properties" as defined in 36 CFR 800.16(1)(1).

(4) "A description of the undertaking's effect on historic properties" (36 C.F.R. Part 800.11[e][4])

Pursuant to Stipulation VII.D of the PA, FEMA applied the criteria of adverse effect. FEMA has determined that in the case of CA-SOL-468 and CA-SOL-469, the implementation of the proposed Undertaking would result in "physical destruction of or damage to all or part of the property", resulting in an adverse effect to these historic properties.

(5) "An explanation of why the criteria of adverse effect were found to be applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects" (36 C.F.R. Part 800.11[e][5])

FEMA has determined that the proposed project activities would directly alter the characteristics and the integrity of the historic properties that qualifies them for inclusion in the National Register. Therefore, FEMA has determined that the Subgrantee's proposal and FEMA's Undertaking would result in an "adverse effect to historic properties."

FEMA has evaluated alternatives to the proposed project that could avoid, reduce, or mitigate adverse effects to these properties. In consultation with the Subgrantee, FEMA concluded that the construction of the detention basin is essential for the control of flooding in the City of Vacaville for the preservation of life and property.

FEMA is therefore proposing preparation of a Memorandum of Agreement (MOA) which would implement an archaeological treatment plan to mitigate adverse effects, pursuant to 36 C.F.R. Part 800.6. The proposed treatment plan is included as Attachment C.

**(6) “Copies or summaries of any views provided by consulting parties and the public”
(36 C.F.R. Part 800.11[e][6])**

Mr. Kesner Flores, environmental coordinator for the Cortina Band of Wintun Indians, served as a monitor during geoarchaeological testing performed by Far Western Anthropological Research Group (Far Western), as a consultant to and representative of the Subgrantee.

On July 7, 2009, Far Western notified interested parties identified by the NAHC that an archaeological site had been identified within the APE of the proposed project. Mr. McKay, Chairman of the Rumsey Indian Rancheria of Wintun., responded on July 15, 2009, requesting involvement in any future work at the site. On December 2, 2009, Far Western provided a copy of the survey report and proposed treatment plan to Ms. Phoebe Bender, Tribal Cultural Resource Information Specialist for the Rumsey Indian Rancheria of Wintun. FEMA will notify both groups of the proposed MOA.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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RECEIVED
MAR 26 2010
BY DREO - dmm



March 25, 2010

Reply In Reference To: FEMA100201A

Donna M. Meyer
Deputy Environmental and Historic
Preservation Officer, FEMA
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

RE: City of Vacaville, Alamo Creek Detention Basin, FEMA reference FEMA-1628-DR-CA, FEMA-1646-CA-DR, and HMGP 1628-31-14

Dear Ms. Meyer:

Thank you for your January 28, 2010, letter requesting my review and comment with regard to the proposed undertaking in the City of Vacaville. You are consulting with me pursuant to the 2005 *First Amended Programmatic Agreement Among the Federal Emergency Management Agency, The California State Historic Preservation Officer, The California Governor's Office of Emergency Services, and the Advisory Council on Historic Preservation*. Along with your letter, you also provided the following information:

- *Alamo Creek Detention Basin, FEMA-1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14, Finding of Adverse Effects to Historic Properties*, which includes the APE map and DPR 523 forms as attachments.
- *Far Western Anthropological Research Group, Inc., Archaeological Survey and Geoarchaeological Testing Report for the Upper Alamo Creek Detention Basin, Solano County, California, December 2009 Revised*.
- *Far Western Anthropological Research Group, Inc., Cultural Resources Treatment Plan for the Proposed Upper Alamo Creek Detention Basin, Vacaville, Solano County, California, December 2009*.

The proposed undertaking, as I understand it, involves the construction of a detention basin on an approximately 77-acre parcel on the northern bank of Alamo Creek. The basin would be designed to store up to 575 acre-feet of storm water flows from the creek with a surface area of approximately 104,000 square feet. The basin would be designed to reduce the existing flood hazard from Alamo Creek in the City of Vacaville when water in the creek is less than the 10-year flood event elevation.

The detention basin would be constructed of an earthen berm and would include a spillway, a 300-foot wide concrete inlet, and a 42-inch diameter concrete pipe outlet. The berm would have a crest elevation of approximately 255 feet above mean sea level and an approximate top width of 20 feet. An approximately 50-foot wide spillway would be constructed across the crest of the berm with an invert elevation of 250 feet above mean sea level. The maximum depth of excavation to construct the detention basin would be approximately 17 feet below ground surface.

FEMA proposes an Area of Potential Effect (APE) that includes all properties with the potential to be indirectly affected by visual, audible, or atmospheric intrusions, shadow effects, vibrations from construction activities, or change in access or use.

A review of the records at the Northwest Information Center at Sonoma State University and a pedestrian survey of the APE by a qualified archaeologist resulted in the identification of two prehistoric archaeological sites within the APE (CA-SOL-468 and CA-SOL-469). FEMA has determined that both sites are eligible for listing on the National Register of Historic Places (NRHP).

Three historic-period architectural resources were identified within the APE: 6524 Pleasants Valley Road; the Minnie Long and George W. Samuels Ranch; and a property referred to in the attached DPR 523 forms as the Rogers Lane Property. FEMA found that the first two of these properties have been previously evaluated as eligible for listing on the NRHP. The Rogers Lane Property had not been previously evaluated for eligibility, so it was evaluated for this project and found to lack significance to meet the criteria for listing on the NRHP.

FEMA has applied the Criteria of Adverse Effect (36 CFR § 800.5(a)(1)) and concluded that the project will have an adverse effect because the two archaeological sites will be damaged or destroyed. The two historic-era properties within the APE, 6524 Pleasants Valley Road and the Minnie Long and George W. Samuels Ranch, are approximately 500 feet west of the proposed detention basin. FEMA does not anticipate any effect on these properties. However, as a result of the adverse effect on the archaeological sites, FEMA is proposing to prepare a Memorandum of Agreement (MOA) that would implement an archaeological treatment plan to resolve these effects.

After reviewing the information submitted with your letter, I offer the following comments:

- I concur with FEMA's determination that this action qualifies as a federal undertaking as defined in 36 CFR 800.
- I concur that the Area of Potential Effect (APE) as represented in Figures 2 and 3 of the report you submitted is appropriate.
- I concur with FEMA's determination that CA-SOL-468 and CA-SOL-469 are eligible for listing on the NRHP and that the Rogers Lane Property is not eligible for listing.
- I concur with your finding and agree that pursuant to 36 CFR § 800.5(2) a Finding of Adverse Effects is appropriate for the undertaking as described and with FEMA's plan to prepare an MOA and implement an archaeological treatment plan.

Thank you for seeking my comments and considering historic properties as part of your project planning. I look forward to continuing this consultation and receiving the draft MOA. If you have any questions or concerns, please contact Mark Beason, at (916) 653-8902 or mbeason@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer



FEMA

January 28, 2010

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Re: Alamo Creek Detention Basin
FEMA-1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14

Dear Mr. Nelson:

The City of Vacaville (Subgrantee) is proposing to construct a detention basin on City-owned land in Solano County, California. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is proposing to provide Federal financial assistance to the Subgrantee, through the California Emergency Management Agency (CalEMA), through the Hazard Mitigation Grant Program under the Presidential disaster declarations FEMA-1628-DR-CA and FEMA-1646-DR-CA for the severe storms, flooding, mudslides, and landslides that occurred in northern California in December 2005, January 2006, March 2006, and April 2006. FEMA's action of providing Federal financial assistance meets the definition of an Undertaking in accordance with 36 C.F.R. Part 800.16(y) (2009) and therefore requires the completion of a Section 106 review in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. § 470 [2009]).

FEMA has identified an area of potential effect (APE) and has conducted a standard project review for the proposal in compliance with Section 106 and Stipulation VII of the 2005 First Amended Programmatic Agreement (PA) among FEMA, the California State Historic Preservation Officer, CalEMA, and the Advisory Council on Historic Preservation (Council). FEMA has identified two archaeological sites (CA-SOL-468 and CA-SOL-469) within the APE that are eligible for listing in the National Register of Historic Places, under Criterion D for their ability to yield information important in prehistory, and therefore qualify as a "historic properties" as defined in 36 CFR Part 800.16(l)(1).

In accordance with Stipulation VIII.A of the PA, FEMA hereby formally notifies the Council of FEMA's determination of adverse effects to historic properties CA-SOL-468 and CA-SOL-469. FEMA has also determined that the adverse effects of the Undertaking will be resolved with a Memorandum of Agreement (MOA) in accordance with 36 C.F.R. Part 800.6(b). FEMA has enclosed documentation in

Mr. Reid Nelson
January 28, 2010
Page 2

accordance with 36 C.F.R. Part 800.11(e). FEMA proposes that archaeological data recovery be included as a stipulation of the MOA. A proposed treatment plan is attached for review and comment.

In accordance with 36 C.F.R. Part 800.4(a)(4), FEMA sent an informational letter to the California Native American Heritage Commission and other interested Native American parties. FEMA received a response from Marshall McKay, Chairman of the Rumsey Indian Rancheria of Wintun. Mr. Kesner Flores, environmental coordinator for the Cortina Band of Wintun Indians, responded to a separate inquiry made by Far Western Anthropological Research Group, consultant to the Subgrantee. FEMA is notifying both groups of the proposed MOA concurrent with this letter.

FEMA understands that the Subgrantee's proposal would affect waters of the United States and that the Subgrantee must obtain a permit from the U.S. Army Corps of Engineers, San Francisco District (USACE), to comply with Section 404 of the Clean Water Act. FEMA understands that the Subgrantee has not yet applied for a permit from the USACE, and FEMA is therefore acting as the lead Federal agency for the Undertaking. FEMA has contacted the USACE regarding the Undertaking, and will notify the Council should USACE choose not to designate FEMA as the lead Federal agency pursuant to 36 C.F.R. Part 800.2(a)(2).

Pursuant to Stipulation VIII.C of the PA, FEMA determined that the Undertaking would not adversely affect a National Historic Landmark and does not appear to meet the Criteria for Council Involvement in Reviewing Individual Section 106 Cases included in Appendix A to the Council's Section 106 implementing regulations. In accordance with 36 C.F.R. Part 800.6(a)(1)(iii), FEMA requests the Council advise us of their participation in the consultation.

If you should require any additional information about the proposed Undertaking, please do not hesitate to contact me at (510) 627-7027 or fema-rix-ehp-document@dhs.gov.

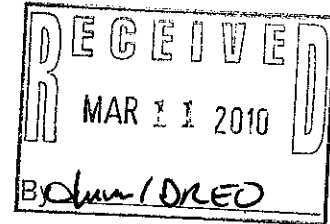
Sincerely,



Donna M. Meyer
Deputy Environmental and
Historic Preservation Officer

Attachments

cc: James Loomis, City of Vacaville (enclosure not included)
Paul Ransom, CalEMA (enclosure not included)
Dennis Castrillo, CalEMA (enclosure not included)



Preserving America's Heritage

March 11, 2010

Donna M. Meyer
Deputy Environmental & Historic Preservation Officer
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

Ref: *Proposed Construction of Alamo Creek Detention Basin*
FEMA - 1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14
Solano County, California

Dear Ms. Meyer:

On February 01, 2010, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the California State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Jaime Loichinger at 202-606-8529 or jloichinger@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov



FEMA

January 28, 2010

Ms. Jane Hicks
Branch Chief
Department of the Army
San Francisco District
U.S. Army Corps of Engineers
Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

Re: Alamo Creek Detention Basin
FEMA-1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14

Dear Ms. Hicks:

The City of Vacaville (Subgrantee) is proposing to construct a detention basin on City-owned land in Solano County, California. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is proposing to provide Federal financial assistance to the Subgrantee, through the California Emergency Management Agency (CalEMA), through the Hazard Mitigation Grant Program under the Presidential disaster declarations FEMA-1628-DR-CA and FEMA-1646-DR-CA for the severe storms, flooding, mudslides, and landslides that occurred in northern California in December 2005, January 2006, March 2006, and April 2006. FEMA's action of providing Federal financial assistance meets the definition of an Undertaking in accordance with 36 C.F.R. Part 800.16(y) (2009) and therefore requires the completion of a Section 106 review in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. § 470 [2009]).

In its efforts to comply with Section 106, FEMA has thus far completed the following steps:

- identified an area of potential effect;
- reviewed the Subgrantee's proposal in compliance with Section 106 and the 2005 First Amended Programmatic Agreement (PA) among FEMA, the California State Historic Preservation Officer, CalEMA, and the Advisory Council on Historic Preservation;

- identified two archaeological sites eligible for listing in the National Register of Historic Places (CA-SOL-468 and CA-SOL-469);
- determined that the Subgrantee's proposal would adversely affect these historic properties; and
- determined that the adverse effects of the Undertaking will be resolved with a Memorandum of Agreement (MOA) in accordance with 36 C.F.R. Part 800.6(b).

FEMA proposes that archaeological data recovery be included as a stipulation of the MOA to mitigate adverse effects. FEMA's findings and a proposed treatment plan are attached.

FEMA requires that the Subgrantee comply with the Clean Water Act as a condition of its grant. FEMA understands that the Subgrantee's proposal would affect waters of the United States and that the Subgrantee must obtain a permit from the U.S. Army Corps of Engineers, San Francisco District (USACE), to comply with Section 404 of the Clean Water Act. FEMA is writing to notify the USACE of the preparation of the MOA. FEMA invites USACE to participate in consultation as a consulting party of the MOA or to designate FEMA as the lead Federal agency for the project, pursuant to 36 C.F.R. Part 800.2(a)(2).

If you have any comments regarding this matter, please contact me at (510) 627-7027 or fema-rix-ehp-document@dhs.gov. If FEMA does not hear from you within 14 days of receipt of this letter, we will assume that the USACE is not interested in participating in the MOA process or designating FEMA as the lead Federal agency and that the USACE will remain independently responsible for compliance with Section 106.

Sincerely,



Donna M. Meyer
Deputy Environmental and
Historic Preservation Officer

Attachments

cc: James Loomis, City of Vacaville (enclosure not included)
Paul Ransom, CalEMA (enclosure not included)
Dennis Castrillo, CalEMA (enclosure not included)



"Jewell, Michael S SPK"
<Michael.S.Jewell@usace.army.mil>


04/15/2010 05:22 PM

To "FEMA-RIX-EHP-Documents"
<Fema-RIX-EHP-Documents@dhs.gov>
cc "Eakle, Wade L SPD" <Wade.L.Eakle@usace.army.mil>,
<jloomis@cityofvacaville.com>,
<dfaaborg@cityofvacaville.com>

Files Attached: **0** Total Email Size: **7 kb**
[Click here](#) to refresh values or press 'F9' on your keyboard

bcc

Subject RE: Alamo Creek Detention Basin (HMGP-1628-31-24) MOA
notification follow-up

 This message has been archived.

Dear Sir/Madam:

After two long months, we appreciate finally getting some communication from FEMA concerning this project and 106 consultation.

When we originally received FEMA's letter, our project manager, Ms. Krystal Bell, immediately tried to make contact with Donna at FEMA in an effort discuss the letter and the project, as well as get a copy of the draft MOA. Since then, Ms. Bell has made numerous attempts to reach Donna by both email and telephone, with no response. If necessary, I would be happy to provide you with the email messages Ms. Bell sent.

In the interest of good government and recognition of FEMA's lead federal agency status, the US Army Corps of Engineers Sacramento District appreciates the opportunity to participate in the consultation for Section 106 of the NHPA. As you know, we cannot issue a permit until a demonstration of compliance under Section 106 NHPA has been made. However, it is impossible for us to actively participate unless FEMA is responsive and provides my agency with a copy of the draft MOA for review.

To put this matter back on track, please tell us with whom at FEMA we should be working, as well as the name and contact info for the supervisor of the POC, and send us a copy of the draft MOA.

Thank you.

Michael S Jewell
Chief, Regulatory Division
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1480
Sacramento, California 95814
O:(916) 557-6605 F:(916) 557-6877
michael.s.jewell@usace.army.mil

Want to let us know how we're doing?
<http://per2.nwp.usace.army.mil/survey.html>

Need information on the Regulatory Program?
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

-----Original Message-----

From: FEMA-RIX-EHP-Documents [mailto:Fema-RIX-EHP-Documents@dhs.gov]
Sent: Thursday, April 15, 2010 2:44 PM
To: Jewell, Michael S SPK
Cc: Eakle, Wade L SPD; jloomis@cityofvacaville.com;
dfaaborg@cityofvacaville.com; dennis.castrillo@oes.ca.gov;

paul.ranson@oes.ca.gov; Graham_Craig@URSCorp.com; Geoff_Thornton@URSCorp.com;
Morgan_Griffin@URSCorp.com; brian_hatoff@urscorp.com;
maureen_kick@urscorp.com
Subject: Alamo Creek Detention Basin (HMGP-1628-31-24) MOA notification
follow-up

Mr. Jewell

This e-mail is a follow up to a letter sent by FEMA to the U.S. Army Corps of Engineers (Corps) on February 4, 2010, regarding FEMA's Section 106 review for the Alamo Creek Detention Basin project in Vacaville, California (see attachment). FEMA is currently preparing a Draft Memorandum of Agreement (MOA) for possible adverse effects to cultural resources for this project.

In this letter, FEMA identified steps it has taken thus far to comply with Section 106, and invited the Corps to participate as a consulting party in the MOA and designate FEMA as the lead federal agency for this project. The letter stated that if a response was not received by the Corps with 14 days of receipt of the letter, FEMA will assume that the Corps is not interested in participating in the MOA process or designating FEMA as the lead federal agency. To date, FEMA has not yet received a response.

Please respond to this e-mail or by letter indicating if the Corps wishes to participate in the MOA process and designate FEMA as the lead federal agency. If a response is not received by April 23, 2010, FEMA will assume that the Corps is not interested in participating in the MOA process or designating FEMA as the lead federal agency, and will remain independently responsible for compliance with Section 106.

Should you have any questions, please do not hesitate to call (510) 627-7027 or respond via electronic mail to FEMA-RIX-EHP-Documents@dhs.gov <mailto:FEMA-RIX-EHP-Documents@dhs.gov> .

Thank you,

FEMA Region IX Office of Environmental and Historic Preservation (RIX-OEHP)



FEMA

January 28, 2010

Elaine Patterson
Chairperson
Cortina Band of Indians
P.O. Box 1630
Williams, CA 95987

Re: Upper Alamo Creek Detention Basin
FEMA-1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14

Dear Ms. Patterson:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is writing regarding the project referenced above. In the proposed project, the City of Vacaville (Subgrantee) would construct a detention basin along Alamo Creek on City-owned land north of Vacaville, Solano County, California. FEMA is considering providing funding for the project under the Hazard Mitigation Grant Program under the Presidential disaster declarations FEMA-1628-DR-CA and FEMA-1646-DR-CA for the severe storms, flooding, mudslides, and landslides that occurred in northern California in December 2005, January 2006, March 2006 and April 2006. FEMA has determined that providing Federal financial assistance for the Subgrantee's proposal would be a Federal Undertaking pursuant to 36 C.F.R. Part 800.3(a) (2009) and has initiated the process of complying with Section 106 of National Historic Preservation Act (NHPA).

FEMA notified you of this project initially on March 21, 2008. Subsequently, the City's archaeological consultant, Far Western Anthropological Research Group Inc. (Far Western), conducted pedestrian and geoarchaeological surveys of the project site and identified two prehistoric archaeological sites (CA-SOL-468 and CA-SOL-469). The survey report, prepared by the Far Western Anthropological Research Group, Inc., is provided as Attachment A.

FEMA has determined that the sites are eligible for listing on the National Register of Historic Places under Criterion D for their ability to yield information important in prehistory and therefore qualify as "historic properties" as defined in 36 C.F.R. Part 800.16(1)(1). FEMA has also determined that implementation of the proposed Undertaking would adversely affect these

Ms. Elaine Patterson

January 28, 2010

Page 2

properties. FEMA has evaluated alternatives to the proposed project that could avoid, reduce or mitigate adverse effects, and in consultation with the City, has concluded that construction of the detention basin is essential for the control of flooding in the City for the preservation of life and property. FEMA is therefore initiating preparation of a Memorandum of Agreement (MOA) to resolve adverse effects pursuant to 36 C.F.R. Part 800.6. FEMA is proposing that archaeological data recovery be conducted as a stipulation of the MOA. A proposed treatment plan is provided for your review (Attachment B).

FEMA is writing to notify you of the preparation of the MOA and to invite you to consult regarding the project.

If you have any comments regarding this matter, please contact me at (510) 627-7027 or fema-rix-ehp-document@dhs.gov. If FEMA does not hear from you within 2 weeks of receipt of this letter, we will assume that you are not interested in consulting with FEMA.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Meyer", with a long, sweeping horizontal line extending to the right.

Donna M. Meyer
Deputy Environmental and
Historic Preservation Officer

Attachments



FEMA

January 28, 2010

Marshall McKay
Tribal Chairman
Rumsey Indian Rancheria of Wintun
P.O. Box 18
Brooks, CA 95606

Re: Upper Alamo Creek Detention Basin
FEMA-1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14

Dear Mr. McKay:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is writing regarding the project referenced above. In the proposed project, the City of Vacaville (Subgrantee) would construct a detention basin along Alamo Creek on City-owned land north of Vacaville, Solano County, California. FEMA is considering providing funding for the project under the Hazard Mitigation Grant Program under the Presidential disaster declarations FEMA-1628-DR-CA and FEMA-1646-DR-CA for the severe storms, flooding, mudslides, and landslides that occurred in northern California in December 2005, January 2006, March 2006 and April 2006. FEMA has determined that providing Federal financial assistance for the Subgrantee's proposal would be a Federal Undertaking pursuant to 36 C.F.R. Part 800.3(a) (2009) and has initiated the process of complying with Section 106 of National Historic Preservation Act (NHPA).

FEMA notified you of this project initially on March 21, 2008. Subsequently, the City's archaeological consultant, Far Western Anthropological Research Group Inc. (Far Western), conducted pedestrian and geoarchaeological surveys of the project site and identified two prehistoric archaeological sites (CA-SOL-468 and CA-SOL-469). The survey report, prepared by the Far Western Anthropological Research Group, Inc., is provided as Attachment A.

FEMA has determined that the sites are eligible for listing on the National Register of Historic Places under Criterion D for their ability to yield information important in prehistory and therefore qualify as "historic properties" as defined in 36 C.F.R. Part 800.16(1)(1). FEMA has also determined that implementation of the proposed Undertaking would adversely affect these properties. FEMA has evaluated alternatives to the proposed project that could avoid, reduce or

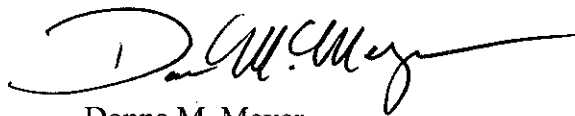
Mr. Marshall McKay
January 28, 2010
Page 2

mitigate adverse effects, and in consultation with the City, has concluded that construction of the detention basin is essential for the control of flooding in the City for the preservation of life and property. FEMA is therefore initiating preparation of a Memorandum of Agreement (MOA) to resolve adverse effects pursuant to 36 C.F.R. Part 800.6. FEMA is proposing that archaeological data recovery be conducted as a stipulation of the MOA. A proposed treatment plan is provided for your review (Attachment B).

FEMA is writing to notify you of the preparation of the MOA and to invite you to consult regarding the project.

If you have any comments regarding this matter, please contact me at (510) 627-7027 or fema-rix-ehp-document@dhs.gov. If FEMA does not hear from you within 2 weeks of receipt of this letter, we will assume that you are not interested in consulting with FEMA.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Meyer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Donna M. Meyer
Deputy Environmental and
Historic Preservation Officer

Attachments



RECEIVED
FEB 24 2010

BY: _____

February 18, 2010

Tribal Council

Marshall McKay
Chairman

Leland Kinter
Secretary

Anthony Roberts
Treasurer

Mia Durham
Member

James Kinter
Member

Ms. Donna M. Meyer
Deputy Environmental and Historic Preservation Officer
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland CA 94607-4052

Re: Upper Alamo Creek Detention Basin, FEMA-1628-DR-CA and FEMA-1646-CA-DR: HMGP 1628-31-14

Dear Ms. Meyer:

We are in receipt of your email dated January 28, 2010, regarding the proposed Upper Alamo Creek Detention Basin Project in Vacaville, California. We appreciate your efforts to contact us, and wish to respond.

Based on the location information provided, which indicates the presence of prehistoric cultural sites within in the project area, Yocha Dehe Wintun Nation, would like to initiate consultation with the FEMA, Oakland Area Office.

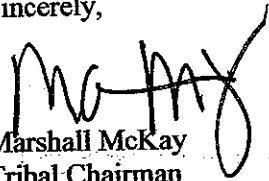
Additionally, as the project progresses, if any new information or historic remains are found, we do have a process to protect such important and sacred artifacts. Upon such a finding, please contact the following individual:

Ms. Phoebe Bender
Cultural Resource Information Specialist
Yocha Dehe Wintun Nation, of California
Office: (530) 796-3400, pbender@yochadehe-nsn.gov

And copy all communications to:
Ms. Michelle LaPena, LaPena Law Corporation, michelle@lapenalaw.com

Thank you for providing us with this notice and opportunity to comment.

Sincerely,


Marshall McKay
Tribal Chairman

MM:pb

cc: City of Vacaville, Engineering Services

Yocha Dehe Wintun Nation

PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org



FEMA

May 27, 2010

Mr. Marshall McKay
Chairman
Yocha Dehe Wintun Nation
P.O. Box 18
Brooks, CA 95606

Re: Alamo Creek Detention Basin
FEMA-1628-DR-CA and FEMA-1646-CA-DR; HMGP 1628-31-14

Dear Mr. McKay:

In response to your letter dated February 18, 2010, FEMA is formally initiating government to government consultation pursuant to 36 CFR 800.2(c)(2)(ii). In response to your request, FEMA would like to schedule a meeting with you or your designated representative regarding the above-referenced project. A representative from the United States Army Corps of Engineers has also requested to participate in the consultation and meeting.

Please contact me at (510) 627-7284 or fema-rix-ehp-documents@dhs.gov at your earliest convenience to schedule this meeting.

Sincerely,

A handwritten signature in black ink that reads "Amaglio".

Alessandro Amaglio
Environmental Officer

Attachments

cc: Krystal Bell, USACE (attachments not included)
Michelle LaPena, LaPena Law Corporation (attachments not included)
James Loomis, City of Vacaville (attachments not included)
Paul Ransom, CalEMA (attachments not included)
Dennis Castrillo, CalEMA (attachments not included)