

APPENDIX E

Cultural Resources

APPENDIX E1

Native American Heritage Commission Contact Letters



5 December 2008

Ms. Debbie Pilas-Treadway
Associate Governmental Program Analyst
Native American Heritage Commission
915 Capital Mall, Room 364
Sacramento, CA 95814

RE: Cultural Resources Identification Efforts of the Folsom Plan Area Specific Plan Project, Sacramento County, California - Unsec. parts of T9N, R7E and Sections 15-22 of T9N, R8E, MDBM

Dear Ms. Pilas-Treadway:

ECORP Consulting, Inc. has been retained to assist in the planning of the development on the project indicated above. As part of the identification effort, we are seeking information from all parties that may have knowledge of or concerns with historic properties or cultural resources in the area of potential effect.

Included is a map showing the project area outlined. We would appreciate input on this undertaking from the Native American community with concerns about possible traditional cultural properties or potential impacts within or adjacent to the area of potential effect. Please understand that this is not a request for location, data or any other information that may be deemed sensitive or confidential to individual Native Americans, Native American organizations, or Federally Recognized Tribes. Information on other parties that may have interests or concerns in the undertaking would be appreciated. Please fax your response to my attention at (916) 782-9134. If you have any questions, please contact me at (916) 782-9100.

Thank you in advance for your assistance in our cultural resource management consultation.

Sincerely,

Lisa Westwood, RPA
Cultural Resource Manager

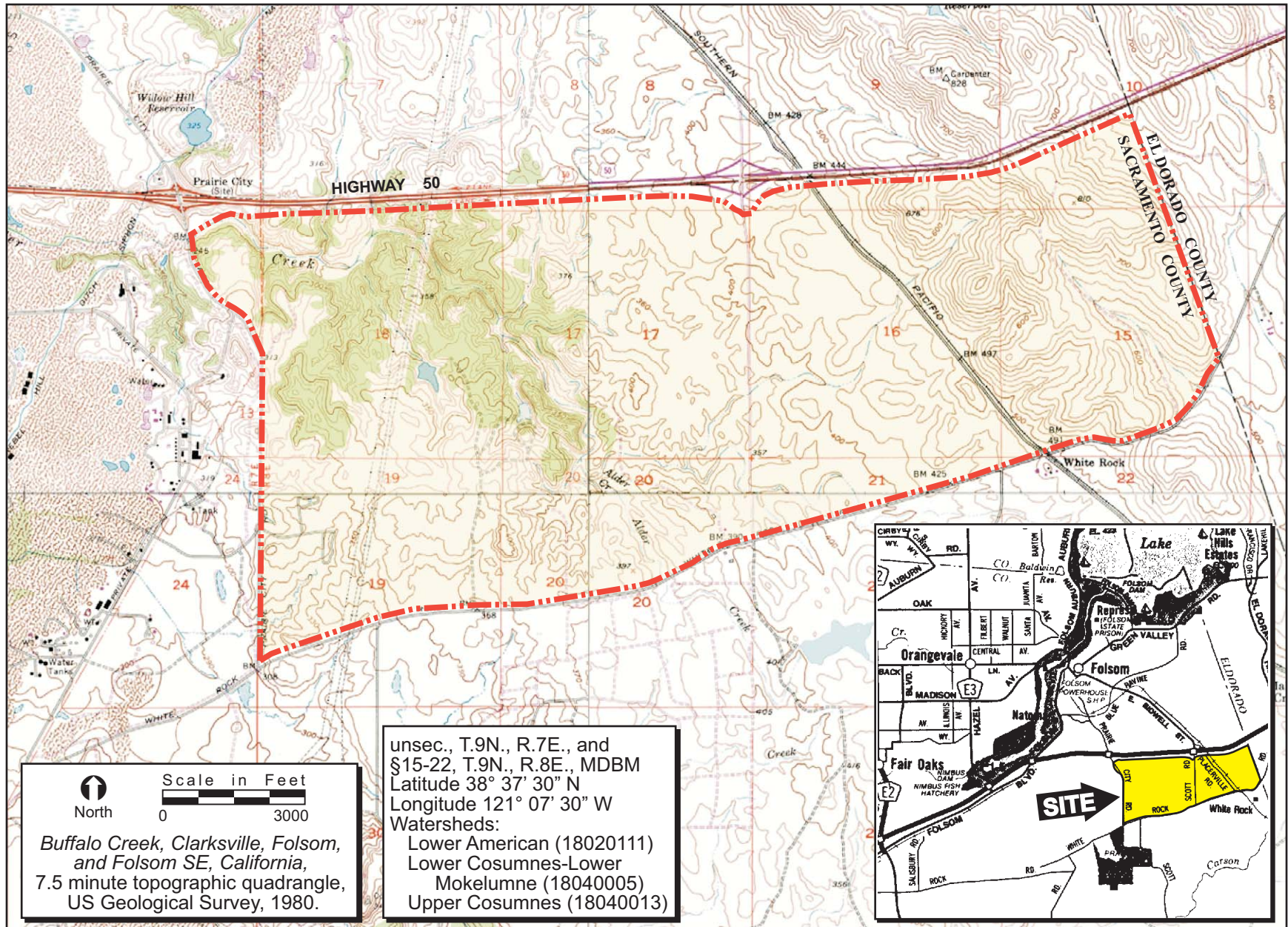


FIGURE 1. Project Site and Vicinity

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390
Web Site www.nahc.ca.gov



December 23, 2008

Lisa Westwood
Cultural Resource Manager
ECORP Consulting, Inc.
2525 Warren Drive
Rocklin, CA 95677

Sent by Fax: 916-782-9134
Number of Pages: 2

Re: Proposed Folsom Plan Area Specific Plan Project, Sacramento County

Dear Ms. Westwood:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Pilas-Treadway".

Debbie Pilas-Treadway
Environmental Specialist III

Native American Contacts
 Sacramento County
 December 23, 2008

Rose Enos
 15310 Bancroft Road Maidu
 Auburn , CA 95603 Washoe
 (530) 878-2378

United Auburn Indian Community of the Auburn
 Tribal Preservation Committee
 10720 Indian Hill Road Maidu
 Auburn , CA 95603 Miwok
 530-883-2390
 530-883-2380 - Fax

Kenneth Council
 4209 V Street #5 Miwok
 Sacramento , CA 95817 Maidu
 mrken@sonic.net
 916-457-7144 - Home
 916-213-3934 - cell

Shingle Springs Band of Miwok Indians
 John Tayaba, Vice Chairperson
 P.O. Box 1340 Miwok
 Shingle Springs , CA 95682 Maidu
 (530) 676-8010
 (530) 676-8033 Fax

Shingle Springs Band of Miwok Indians
 Nicholas Fonseca, Chairperson
 P.O. Box 1340 Miwok
 Shingle Springs , CA 95682 Maidu
 nfonseca@ssband.org
 (530) 676-8010
 (530) 676-8033 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Folsom Plan Area Specific Plan project, Sacramento County.



5 January 2009

Rose Enos
15310 Bancroft Road
Auburn, California 95603

RE: *Cultural Resources Identification Effort for the Folsom Plan Area Specific Plan Project, Sacramento County, California (ECORP Project No. 2005-429).*

Dear Ms. Enos:

ECORP Consulting, Inc. (ECORP) is currently conducting a cultural resources status report of approximately 3,500 acres of property located south of the City of Folsom and Rancho Cordova in Sacramento County. The report is being prepared in advance of approval of the Folsom Plan Area Specific Plan Project. The Project Area is located in unsectioned portions of T9N, R7E and Sections 15-22 of T9N, R8E, MDBM, as depicted on the enclosed map.

The purpose of the study is to identify cultural resources that could be affected by the proposed project, as required by Section 106 of the National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA). The investigation included a records search conducted with the North Central Information Center at California State University, Sacramento and a search of the Native American Heritage Commission's Sacred Lands File. The results of the records search indicate that there are numerous previously-recorded cultural resources within at least 0.5 mile (800 meters) of the Project Area, with the majority of resources consisting of historic mining sites. The search of the Sacred Lands file did not identify any known Native American cultural resources within the immediate project vicinity.

As part of this study, ECORP would like to identify archaeological, historic resources, or locations that are of cultural importance to the local Native American community. We would appreciate any information you may have regarding Native American cultural resources located in or near the proposed project location that could be affected by the proposed development of the parcel.

ECORP will forward your comments or requests to the Section 106 lead agency for consideration and appropriate action. The lead agency will respond to your comments after a permit application has been submitted, at which time the Section 106 process will be initiated. At this time, however, cultural resources investigations are being conducted for project planning purposes only. ECORP is gathering information on potentially unrecorded cultural resources that might be affected by this project.

We encourage you to participate in this process. The potential impacts that this project may have on cultural resources important to the Native American community cannot be evaluated unless we are aware the resources exist. If possible, for project planning purposes, we would like to receive a response from you about this project within the next two weeks. If we have not heard from you within 30 days of the receipt of this letter, we will assume that you do not wish to comment on this project. If you have any questions, please feel free to call me at (916) 782-9100 or via email at lwestwood@ecorpc consulting.com. Thank you for your assistance and participation in this project.

Sincerely,

Lisa Westwood, RPA
Cultural Resource Manager

Attachment(s)



5 January 2009

Kenneth Council
4209 V Street #5
Sacramento, California 95817

RE: *Cultural Resources Identification Effort for the Folsom Plan Area Specific Plan Project, Sacramento County, California (ECORP Project No. 2005-429).*

Dear Mr. Council:

ECORP Consulting, Inc. (ECORP) is currently conducting a cultural resources status report of approximately 3,500 acres of property located south of the City of Folsom and Rancho Cordova in Sacramento County. The report is being prepared in advance of approval of the Folsom Plan Area Specific Plan Project. The Project Area is located in unsectioned portions of T9N, R7E and Sections 15-22 of T9N, R8E, MDBM, as depicted on the enclosed map.

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As part of this study, ECORP would like to identify archaeological, historic resources, or locations that are of cultural importance to the local Native American community. We would appreciate any information you may have regarding Native American cultural resources located in or near the proposed project location that could be affected by the proposed development of the parcel.

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We encourage you to participate in this process. The potential impacts that this project may have on cultural resources important to the Native American community cannot be evaluated unless we are aware the resources exist. If possible, for project planning purposes, we would like to receive a response from you about this project within the next two weeks. If we have not heard from you within 30 days of the receipt of this letter, we will assume that you do not wish to comment on this project. If you have any questions, please feel free to call me at (916) 782-9100 or via email at lwestwood@ecorpc consulting.com. Thank you for your assistance and participation in this project.

Sincerely,

Lisa Westwood, RPA
Cultural Resource Manager

Attachment(s)



5 January 2009

Shingle Springs Band of Miwok Indians
John Tayaba, Vice Chairperson
P.O. Box 1340
Shingle, California 95682

RE: *Cultural Resources Identification Effort for the Folsom Plan Area Specific Plan Project, Sacramento County, California (ECORP Project No. 2005-429).*

Dear Mr. Tayaba:

ECORP Consulting, Inc. (ECORP) is currently conducting a cultural resources status report of approximately 3,500 acres of property located south of the City of Folsom and Rancho Cordova in Sacramento County. The report is being prepared in advance of approval of the Folsom Plan Area Specific Plan Project. The Project Area is located in unsectioned portions of T9N, R7E and Sections 15-22 of T9N, R8E, MDBM, as depicted on the enclosed map.

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Sincerely,

Lisa Westwood, RPA
Cultural Resource Manager

Attachment(s)



05 January 2009

Shingle Springs Band of Miwok Indians
Nicholas Fonseca, Chairperson
P.O. Box 1340
Shingle, California 95682

RE: *Cultural Resources Identification Effort for the Folsom Plan Area Specific Plan Project, Sacramento County, California (ECORP Project No. 2005-429).*

Dear Mr. Fonseca:

ECORP Consulting, Inc. (ECORP) is currently conducting a cultural resources status report of approximately 3,500 acres of property located south of the City of Folsom and Rancho Cordova in Sacramento County. The report is being prepared in advance of approval of the Folsom Plan Area Specific Plan Project. The Project Area is located in unsectioned portions of T9N, R7E and Sections 15-22 of T9N, R8E, MDBM, as depicted on the enclosed map.

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Sincerely,

Lisa Westwood, RPA
Cultural Resource Manager

Attachment(s)



5 January 2009

United Auburn Indian Community of the Auburn
Tribal Preservation Committee
10720 Indian Hill Road
Auburn, California 95603

RE: *Cultural Resources Identification Effort for the Folsom Plan Area Specific Plan Project, Sacramento County, California (ECORP Project No. 2005-429).*

Dear Tribal Preservation Committee:

ECORP Consulting, Inc. (ECORP) is currently conducting a cultural resources status report of approximately 3,500 acres of property located south of the City of Folsom and Rancho Cordova in Sacramento County. The report is being prepared in advance of approval of the Folsom Plan Area Specific Plan Project. The Project Area is located in unsectioned portions of T9N, R7E and Sections 15-22 of T9N, R8E, MDBM, as depicted on the enclosed map.

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Sincerely,

Lisa Westwood, RPA
Cultural Resource Manager

Attachment(s)

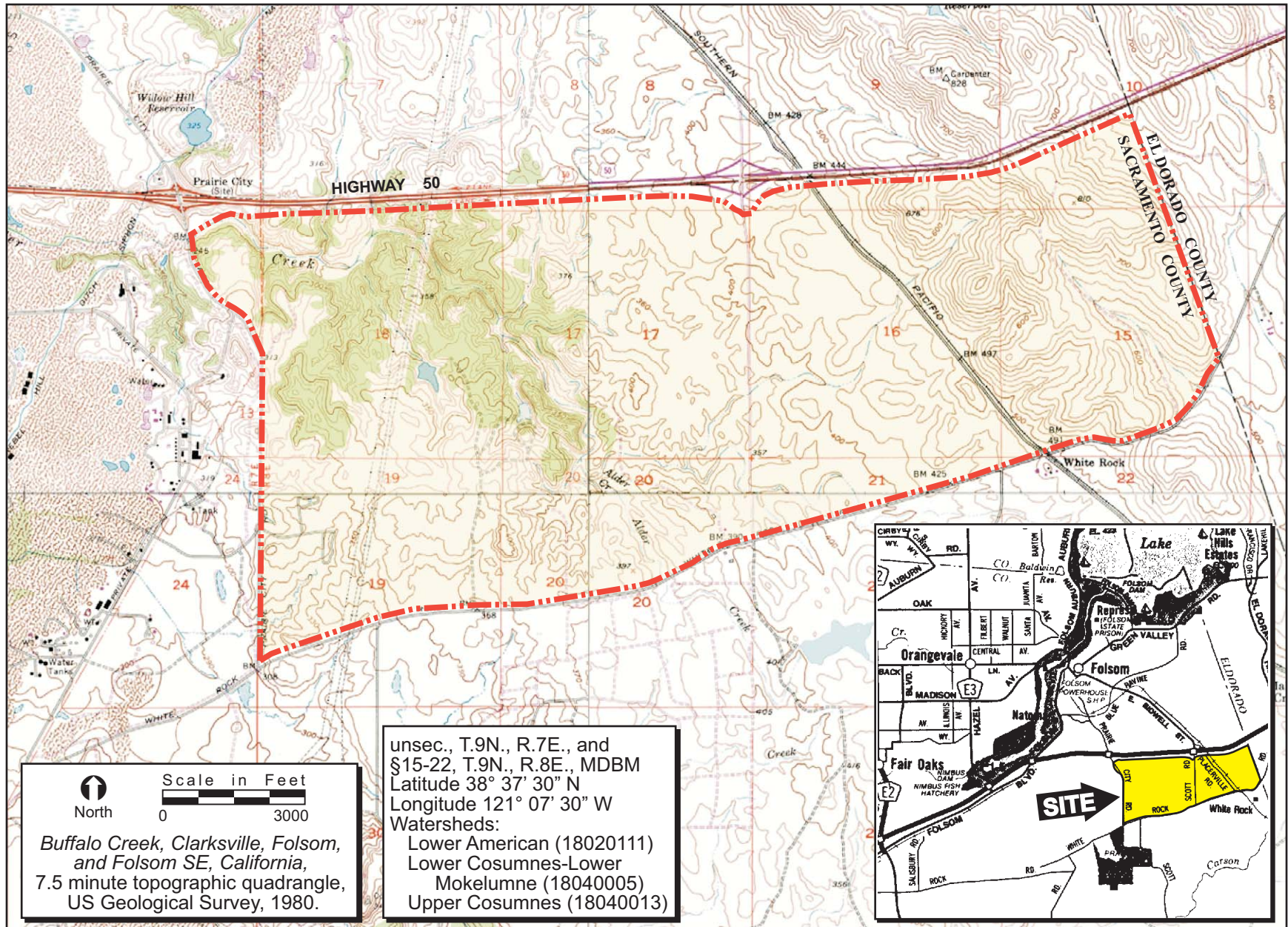


FIGURE 1. Project Site and Vicinity

**Native American Contacts
Folsom Plan Area Specific Plan Project 2005-429, Sacramento County**

Name	Affiliation	Date Contacted			Response Received?	Comments
		1. Letter	2. Phone	3. Phone		
Native American Heritage Commission 915 Capital Mall, Room 364 Sacramento, CA 95814	N/A	12/5/2008	N/A	N/A	Yes	12/23/08 Rec'd response letter from NAHC, no sacred lands in Project Area
Rose Enos 15310 Bancroft Road Auburn, CA 95603 (530) 878-2378	Maidu Washoe	1/5/2009	1/19/09	N/A	Yes	1/19/09-She stated she received the letter and that she wants to be notified if burial sites are discovered.
Kenneth Council 4209 V Street #5 Sacramento, CA 95817 mrken@sonic.net (916) 457-7144 Home (916) 213-3934 Cell	Miwok Maidu	1/5/2009	1/19/09	1/20/09	No	1/19/09-left message at home phone. Cell phone non-functioning. 1/20/09-left message at home phone. Cell phone non-functioning
Shingle Springs Band of Miwok Indians John Tayaba, Vice Chairperson P.O. Box 1340 Shingle, CA 95682 (530) 676-8010 (530) 676-8033 Fax	Miwok Maidu	1/5/2009	1/19/09	1/20/09	No	1/19/09-Non-functioning phone 1/20/09-left message @now-working phone
Shingle Springs Band of Miwok Indians Nicholas Fonseca, Chairperson P.O. Box 1340 Shingle, CA 95682 nfonseca@ssband.org (530) 676-8010 (530) 676-8033 Fax	Miwok Maidu	1/5/2009	1/19/09	1/20/09	No	1/19/09-Non-functioning phone 1/20/09-left message @now-working phone
United Auburn Indian Community of the Auburn Tribal Preservation Committee 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 (530) 883-2380 fax	Maidu Miwok	1/5/2009	1/19/09	1/20/09	Yes	1/19/09-Left message. 1/20/09-left message @phone #: 530-883-2320 1/20/09-rec'd return call; UAIC is not commenting on projects outside of Placer County and has no comment on this project.

APPENDIX E2

North Central Information Center Records Search Results

Individual cultural resources reports may contain confidential information,
including locations of sensitive resources.

Please contact the City of Folsom to review these reports

APPENDIX E3

State Historic Preservation Officer Correspondence



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
1325 J STREET
SACRAMENTO, CALIFORNIA 95814

REPLY TO

August 13, 2009

Regulatory Division (SPK-2007-02159)

Mr. Milford Wayne Donaldson
State Historic Preservation Officer
California State Department of Parks and Recreation
Post Office Box 942896
Sacramento, California 94296-0001

Dear Mr. Donaldson:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and all applicable regulations, we are requesting your review and comment regarding the effect that issuing a permit (Undertaking) would have on cultural resources within the APE for the proposed Folsom South of U.S. Highway 50 Specific Plan Project (Project). The Project proponents are seeking authorization from the Corps to fill waters of the United States under Section 404 of the Clean Water Act. The Project area is located within Sections 16 through 20, Township 9 North, Range 8 East, in Sacramento County, California and is bounded by Highway 50 to the north, Prairie City Road to the west, the El Dorado County line to the east and White Rock Road to the south, and can be seen on the Folsom, California, Buffalo Creek, California and Clarksville, California 7.5 minute USGS Topographic Quadrangles. The project site is within the City of Folsom's Sphere of Influence. The proposed off-site infrastructure improvements are located within Township 9 North, Range 7 East, and Sections 15 to 22 of Township 9 North, Range 8 East (Enclosure 1).

Project Description

The proposed Project consists of the phased construction of a residential and commercial development on approximately 3,510 acres as well as the construction of associated on-site and off-site infrastructure. Specifically, the Project would involve the placement of fill material into approximately 40.75 acres of Waters of the United States for the construction of: 1,487.2 acres of residential development; 511.1 acres of commercial development, including a 110.8-acre regional shopping mall; a police station; a fire station; a municipal services center; five elementary schools; a joint high school/middle school; a water treatment plant; associated on-site infrastructure; an off-site water supply line; highway interchanges and crossover roads; an off-site sewer line extension; and a minimum of 1,053 acres of open space, including the Preserve. A detailed description of the proposed Project is included (Enclosure 2).

The purpose of the Project is to construct a large scale, mixed-use development in eastern Sacramento County.

Area of Potential Effects (APE)

The APE includes the entire 3,510 acre proposed development area as well as the proposed water supply alignment. The vertical APE has not been finalized, but would accommodate storm drainage piping and sewer utilities, which will be placed up to approximately 30 feet deep. The APE is shown on the maps included in Enclosure 1.

Cultural Resources Inventory

The efforts to identify cultural resources within the APE consisted of various literature reviews and record searches at the North Central Information Center and Folsom Historical Society, historic map research, consultation with Native Americans, intensive pedestrian surveys of the majority of the permit area, and archaeological test excavations and evaluations at some sites. Numerous relevant cultural resource studies have been completed within the APE, resulting in a partial inventory and evaluation of resources in the APE. Documentation of the identification and evaluation efforts are included in several dozen reports, referenced in Enclosure 3. We seek your comment on our proposal to prepare a Programmatic Agreement to address the remaining inventory and evaluation required for the Project area. Property-specific Memoranda of Agreement would be prepared to resolve adverse effects, as needed.

Native American Consultation

Native American consultation was initiated by contact with the Native American Heritage Commission in 2008 and 2009, who provided a letter regarding the presence/absence of sacred sites within the APE, and a list of contacts in the Native American community. Documentation of these efforts is on file with the consultant and is included in Enclosure 4.

Description of Findings

Based on our initial information search, we have concluded that Historic Properties will be affected by this Undertaking and that additional consultation will be required to assess and resolve effects. We base this finding on the completion of inventories and partial evaluations to date that document the presence of at least 253 previously recorded cultural resources within the APE (Enclosure 3):

- The Alder Creek Corridor Mining District (Lindstrom 1989, Tordoff 1994, ECORP 2008), previously determined eligible for the NRHP by FHWA, 1995
- Rhoades Diggings Mining District (Windmiller 2006, ECORP 2008)
- A total of six historic districts, 206 historic sites, and 23 historic isolates
- A total of 12 prehistoric sites and three isolates
- One multi-component site
- Two sites were originally recorded as cultural resources but have been reclassified as non-cultural

We will provide copies of the reports in future correspondence.

After reviewing recommendations for eligibility of some of the resources that were advanced by the various report authors (Enclosure 3), the Corps believes that this project may have a significant adverse effect on Historic Properties. In accordance with 36 CFR 800.14(b)(1)(i) and (b)(1)(ii), and in consideration of the uncertainty of project development plans that will be finalized during the course of build out, the Corps believes that a Programmatic Agreement is the appropriate method for satisfying our responsibilities under Section 106 of the NHPA for phasing the remaining inventory, evaluation, and findings of effect. We will consult with your office on the development of the agreement document.

We request your concurrence with our definition of an Undertaking, documentation and determination of the APE, and consultation on the intent to develop a Programmatic Agreement. Please refer to identification number SPK - 2007-02159 in any correspondence concerning this Project. If you have any questions, please contact Mr. Richard M. Perry, Archeologist, at our Sacramento office, U.S. Army Corps of Engineers, 1325 J Street, Sacramento, California 95814, richard.m.perry@usace.army.mil, or telephone (916) 557-5218. If you have project specific questions, please contact Ms. Lisa M. Gibson, Project Manager at lisa.m.gibson2@usace.army.mil, or by telephone at (916) 557-5288. For more information on the Corps of Engineers' Regulatory Program, please visit our website at: www.spk.usace.army.mil/regulatory.html.

Sincerely,

Original Signed

Kathleen A. Dadey, PhD
Chief, California Delta Branch

Enclosures:

- 1: APE Maps
2. Proposed Project
- 3: Bibliography and Summary of Previous Efforts
- 4: Updated Native American Consultation Documentation

Copy furnished w/o enclosures:

Mr. Ardie Zahedani, RCH Group, 1640 Lead Hill Blvd., Suite 220, Roseville, California 95661

Ms. Lisa Westwood, RPA, ECORP Consulting, Inc., 2525 Warren Drive, Rocklin, California 95677

Ms. Gail Furness de Pardo, City of Folsom, Permitting, Inspections and Planning Department, 50 Natoma Street, Folsom, California 95630-2614

✓ Ms. Francine Dunn, EDAW, 2022 J Street, Sacramento, California 95811

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

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
caishpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



October 19, 2009

In Reply Refer To: COE090818A

Kathleen A. Dadey, Ph.D
Chief, California Delta Branch
Department of the Army
U.S. Army Engineer District
Sacramento Corps of Engineers
1325 J Street
Sacramento, California 95814-2922



Re: Section 404 of the Clean Water Act Authorization for the Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California (Regulatory Division SPK-2007-02159).

Dear Dr. Dadey:

Thank you for submitting to our office, your letter and supporting documentation regarding the undertaking noted above. The U.S. Army Engineer District, Sacramento Corps of Engineers, is seeking my concurrence on the effects that the subject project will have on historic properties, pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). The proposed undertaking, the Folsom South of U.S. Highway 50 Specific Plan Project, will affect waters under the jurisdiction of the United States and requires authorization by the COE pursuant to Section 404 of the Clean Water Act. The COE has identified this action as an undertaking pursuant to review under Section 106 regulations.

Folsom South of U.S. Highway 50 Specific Plan Project will involve the development of approximately 3,510 acres for both residential and commercial uses. Of this total acreage, approximately 1,487.2 will be for residential development and 511.1 will be for commercial development. The project will also include a police station, fire station, five elementary schools, a joint middle school/high school, a water treatment plant, transportation and utility infrastructure, and approximately 1,053 acres of open space.

In addition to your letter of August 13, 2009, and attachments (maps) you have submitted the following documents as evidence of your efforts to identify and evaluate historic properties in the project APE.

- *Cultural Resources Studies for the Folsom Plan Area Specific Plan, ECORP Project No. 2005-429* (ECORP Consulting, Inc.: January 23, 2009).

● *Cultural Resources Identification Efforts of Off-site Infrastructure in support of the Folsom Plan Area Specific Plan Project, Sacramento County, California (ECORP Consulting, Inc.: November 10, 2008).*

At this time you are requesting my comments on the appropriateness of your determination of an Area of Potential Effects (APE) for this undertaking pursuant to 36 CFR Parts 800.4(a)(1) and 800.16(d). Additionally, as your identification and evaluation efforts to date are incomplete, you are also proposing that, due to the size and complexity of this undertaking, the COE treat this undertaking by the use of phased historic property identification and evaluation and the execution of a programmatic agreement.

After reviewing your letter and supporting documentation, I concur that the determination of the APE for this undertaking is appropriate pursuant to 36 CFR Parts 800.4(a)(1) and 800.16(d). I further concur that the COE's proposal to address their Section 106 compliance for this undertaking through the employment of a programmatic agreement and a phased approach to historic property identification and evaluation is appropriate pursuant to 36 CFR Parts 800.4(b)(2) and 800.14(b). I understand that your next step in this consultation will be the submittal of a draft programmatic agreement that will govern future Section 106 compliance for this undertaking. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule, Associate State Archeologist at phone 916-654-4614 or email wsoule@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer