

Appendix C

Cultural Resources



September 27, 2017

Mr. Scott A. Johnson, AICP
Planning Manager
City of Folsom
Community Development Department
50 Natoma Street
Folsom, California 95630

RE: *Cultural Resources Assessment to Support an Amendment to the Folsom Plan Area Specific Plan for the Russell Ranch Project*

Dear Scott:

The City of Folsom is currently reviewing a request from The New Home Company (Applicant) to amend the Folsom Plan Area Specific Plan (FPASP) and approve Large Lot and Small Lot Tentative Subdivision Maps for the 437.6-acre Russell Ranch project (Attachment A). Included in the City's review is an assessment of impacts to Historical Resources, as defined by the California Environmental Quality Act (CEQA). To assist the City in making appropriate findings pursuant to CEQA, ECORP Consulting, Inc. prepared the following summary. Additional information, including regulatory context, a detailed historic context statement, site records, and other relevant information is provided in the various confidential technical studies prepared to date for the Project, which are already in the possession of the City and are hereby incorporated by reference.

REGULATORY CONTEXT AND OVERVIEW

The cultural resources compliance for the Russell Ranch Project was driven by a combination of compliance needs for the FPASP programmatic Environmental Impact Report/Environmental Impact Statement (EIR/EIS, approved on June 28, 2011), the 2015 final EIR for Russell Ranch (SCH # 2014062018), and Section 106 of the National Historic Preservation Act (NHPA) as it pertains to permits for authorized fill of Waters of the United States (U.S.) from the Sacramento District of the U.S. Army Corps of Engineers (USACE). As a result, the studies carried out to date had to take into consideration CEQA, the National Environmental Policy Act (NEPA), Section 106 NHPA, and the fact that development will occur over an extended period of time through collaboration with adjacent developments in the FPASP. Because this multifaceted dynamic created a complex cultural resources compliance environment, which dictated the nature of the documentation that resulted, a brief explanation of this process is warranted.

There are multiple applicants that are part of the FPASP, composed of private developers and the City of Folsom, each seeking Section 404 Clean Water Act permits from the USACE. The private applicants own specific properties (projects) within the FPASP; The New Home Company is one. The City of Folsom has jurisdiction over the portions of the projects that will be occupied by roadways, water and sewer lines, open space, and other infrastructure, collectively referred to as the Backbone Infrastructure (or, Backbone). The Backbone, which forms a web-like configuration across the ±3500-acre FPASP, is composed of portions of all of the individual properties within the FPASP and is subject to a separate individual Section 404 permit from USACE. The Backbone permit area bisects the Russell Ranch property in several locations, as illustrated in the map in Attachment A and in the Development Permit Application dated August 2017 and hereby incorporated by reference. While the developer views the Backbone and non-Backbone areas within the property as one "project," the compliance with cultural resources requirements was handled separately for each. Similarly, the 2015 annexation of a portion of the permit area known as Carr Trust was documented separately.

Because the individual projects within the FPASP (including, but not limited to Russell Ranch) would affect Waters of the U.S., the applicants must meet the requirements of Section 404 of the Clean Water Act, and therefore, are seeking, or have obtained, permits from USACE. Issuance of a federal permit is a federal undertaking for the purposes of Section 106 of the National Historic Preservation Act (NHPA) and all applicable regulations, including 36 Code of Federal Regulations (CFR) 800). As such, each applicant is also required to comply with Section 106 of the NHPA. Therefore, in accordance with 36 CFR 800.14, and in consideration of the uncertainty of final project development plans (to be finalized during the course of a 20-year build-out), the fact that there are multiple applicants with projects on different schedules, and the regional nature of the cultural resources, the USACE, in consultation with the California Office of Historic Preservation and Advisory Council on Historic Preservation, concluded that a Programmatic Agreement (PA) was the appropriate method for satisfying its responsibilities under Section 106 of the NHPA. Based on initial information generated by numerous cultural resources consultants over the past 30 years, the USACE concluded that Historic Properties, as defined in 36 CFR 800.16(l)(1), are located within the Area of Potential Effects (APE) for the Specific Plan. The USACE further concluded that, based on development plans submitted to the USACE, Historic Properties will be affected by this federal undertaking and that additional consultation will be required to assess and resolve effects. Likewise, the EIR/EIS relied on the execution of the PA to meet the requirements of NEPA and CEQA; Mitigation Measure 3A.5-1a specifically required compliance with a PA. The PA was executed on July 6, 2011, thereby allowing certification of the EIR and issuance of a Record of Decision on the EIS. In 2013, the PA was amended by the signatories and the First Amended Programmatic Agreement (FAPA) is currently in force. The City of Folsom is a concurring party to the FAPA. Accordingly, the Russell Ranch project is subject to the requirements of the FAPA to meet obligations under all applicable state and federal requirements that were in place at the time of its execution.

The FAPA provides the framework for compliance and requires that each individual project, including Russell Ranch, must comply with specific terms that include, but are not limited to, development of a

project-specific APE, a geoarchaeological investigation (Windingstad and Homburg 2011, 2012), an updated records search, good-faith identification efforts including pedestrian surveys, evaluation of significance of resources, a finding of effect, and the resolution of adverse effects to significant cultural resources. Furthermore, the FAPA requires that all work done in compliance with the FAPA be carried out in accordance with the overall research design and Preliminary Historic Properties Synthesis (PHPS) (Westwood et al. 2011), which is a cultural resources management plan that has been prepared for the FPASP. The PHPS was renamed the Historic Property Management Plan (HPMP) in conjunction with the execution of the FAPA in 2013. Therefore, The New Home Company, as an applicant for a permit within the SPA, and now pursuing a Specific Plan Amendment and associated entitlements, must meet these requirements before the respective agencies can issue appropriate approvals under their jurisdiction.

CULTURAL RESOURCES INVENTORY

The steps taken to identify cultural resources are outlined in the FAPA and HPMP. These steps included records searches, literature reviews, consultation with the Native American and historical communities, evaluations of significance using archival research and archaeological investigations, and geoarchaeological studies. All work performed under the FAPA and HPMP was carried out by or under the direction of Principal Investigator Lisa Westwood, RPA who meets the Secretary of the Interior's Standards for Professional Qualifications. The methods and results of these studies are detailed in separate technical reports, which are hereby incorporated by reference. Below is a summary of the key elements of the identification efforts.

Records searches and literature reviews to establish baseline and changing conditions in Russell Ranch were carried out multiple times since 2005. The most recent records search was completed at the North Central Information Center (NCIC) of the California Historical Resources Information System at California State University-Sacramento on 6 June 2014 (NCIC search #SAC-14-81). The purpose of the records search was to determine whether previously documented prehistoric or historic archaeological sites, architectural resources, or traditional cultural properties exist within this area. Because ECORP has been the only cultural resources professional to carry out technical studies in the FPASP since its approval, no additional information was obtained or would have been expected.

The Russell Ranch Project area has been subjected to numerous field surveys, inventories, and archival research under the guidance of the Secretary of the Interior's Standards for the Identification of Historic Properties (National Park Service [NPS] 1983). These include the following:

- Pedestrian survey of Russell Ranch and its Annex in 2012 (Westwood et al. 2012a)
- Pedestrian survey of the Backbone in 2012 (Westwood et al. 2012b)

- Geoarchaeological sensitivity study and focused subsurface sampling in 2011 and 2012 (Windingstad and Homburg 2011, 2012)

Evaluations of eligibility of the resources identified during surveys included a combination of archaeological excavation and archival research and include:

- Evaluation plan for Russell Ranch in 2013 (Knapp and Westwood 2013a)
- Evaluations of eligibility for Russell Ranch and the Annex in 2013 (Knapp et al. 2013)
- Evaluations of eligibility for the applicable portions of the Backbone through the Backbone in 2013 (Mason et al. 2013)

Native American Consultation

To assist in the inventory and evaluations of cultural resources within the Project area and FPASP, ECORP also contacted the California Native American Heritage Commission (NAHC) numerous times between 2005 and 2017 to request an updated search of the Sacred Lands Files for the Project area. Although the searches all failed to yield information on Native American cultural resources located within or adjacent to the Project area, the NAHC provided lists of individuals and organizations in the Native American community that may be able to provide information about unrecorded sites in the Project vicinity. Subsequently, as part of individual projects and later, the development of the PA and FAPA, several series of project notification letters were sent out to the contacts. Since that time, the USACE has been consulting with tribes throughout the SPA compliance process. The United Auburn Indian Community, Shingle Springs Band of Miwok Indians, and Wilton Rancheria were ultimately invited by the USACE to be concurring parties on the FAPA, attended multiple field tours with the applicants, USACE, City, and ECORP, and have been sent copies of all technical reports prepared under the FAPA to date. Government-to-government consultation between the tribes and USACE is ongoing and will continue throughout the lifetime of the FAPA and any subsequent amendments.

In addition, because the Russell Ranch Project is seeking a Specific Plan Amendment to the FPASP, the City is also required to initiate consultation with California Native American tribes under Senate Bill (SB) 18 (Burton, Chapter 905, Statutes of 2004). On August 18, 2017, the City requested an SB 18 contact list from the California NAHC. The NAHC responded with a list on August 31, 2017, and letters to each contact were mailed by the City on September 7, 2017. Consultation will be carried out in accordance with the *Tribal Consultation Guidelines: Supplement to General Plan Guidelines* (November 14, 2005) published by the Governor's Office of Planning and Research. The consultation record for SB 18 tribal consultation will be provided under separate cover.

Total Inventory of Cultural Resources within Russell Ranch

Through the above combination of studies and consultations, the entire Russell Ranch Project area (inclusive of the non-Backbone, Backbone, and annex) has been fully inventoried for Historical

Resources, with concurrence from SHPO. As a result of the inventory and evaluations of eligibility, ECORP documented 21 cultural resources. Subsequently, one modern fire break site (ISO-1) was reclassified from a cultural resource to a modern feature. The 20 cultural resources are summarized below.

The following 18 resources were evaluated as not individually eligible:

- 1 ditch site (ISO-8)
- 1 prospecting pit/depression (ISO-14)
- 12 rock alignments/walls (P-34-1481, P-34-1484, P-34-2164, EC-12-516, ISO-3, ISO-6, ISO-7, ISO-9, EC-12-002, ISO-15, ISO-16, and ISO-18)
- 1 historic cattle watering locale (P-34-1369)
- 1 historic barbed wire fence (EC-12-517)
- 1 historic gate/fence (ISO-4)
- 1 rock pile (EC-12-518)

The following two sites were evaluated as individually eligible:

- 1 ditch (P-34-1745, Keefe-McDerby Mine Ditch)
- 1 historic archaeological site (P-34-2166, the Brooks Hotel Site; also present within the Backbone)

No cultural resources were found in the Annex. Detailed site descriptions, full statements of eligibility for each resource, cultural context, site records, and location maps are contained within the respective confidential technical studies referenced in Attachment B and are hereby incorporated by reference.

SIGNIFICANT HISTORICAL RESOURCES IN RUSSELL RANCH

Definition of Historical Resources under CEQA

CEQA requires an assessment of impacts only to those resources that are considered Historical Resources. An "Historical Resource" is a cultural resource that either: 1) meets at least one of four criteria that define eligibility for listing on either the California Register of Historical Resources (CRHR; Public Resource Code [PRC] § 5024.1, Title 14 California Code of Regulations (CCR), § 4852); or 2) is included in a local register of historical resources (as defined by PRC § 5020.1[k]); or is identified in an historical resource survey meeting the requirements of PRC § 5024.1(g) for presumption of historical significance; or 4) is determined to be historically significant by the CEQA lead agency [CCR Title 14, § 15064.5(a)]. In making this determination of eligibility to the CRHR or

local registries, the CEQA lead agency usually applies the CRHR eligibility criteria [CCR Title 14, § 4852(b)]:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; and/or
2. It is associated with the lives of persons important to local, California, or national history; and/or
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, § 4852(c)].

Resources listed on or eligible for inclusion in the CRHR are considered significant and are further considered to be Historical Resources under CEQA. In addition, cultural resources eligible for listing on the National Register of Historic Places (NRHP) are considered Historic Properties under 36 CFR Part 800 and are automatically eligible for the CRHR, and therefore are also considered Historical Resources under CEQA. The eligibility criteria for the NRHP largely mirror that of the CRHR and are as follows (36 CFR 60.4):

“The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess aspects of integrity of location, design, setting, materials, workmanship, feeling, association, and:

- A. is associated with events that have made a significant contribution to the broad patterns of our history; and/or
- B. is associated with the lives of a person or persons significance in our past; and/or
- C. embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction; and/or
- D. has yielded or may be likely to yield information important in prehistory or history.”

In addition, the resource must be at least 50 years old, except in exceptional circumstances (36 CFR 60.4).

Historical Resources within Russell Ranch

In applying the above considerations to the inventory of cultural resources in the Russell Ranch Project area, there are two Historical Resources present, both from the historic period, which are considered Historical Resources:

- P-34-1745, Keefe-McDerby Mine Ditch
- P-34-2166, the Brooks Hotel Site

IMPACTS TO HISTORICAL RESOURCES

The following discussion of impacts to Historical Resources is limited to those of the human cultural environment, and specifically to Historical Resources, archaeological resources, and human remains. Paleontological resources, which are not cultural resources by definition but are included in the CEQA checklist for cultural resources, are addressed by the CEQA document being prepared by Ascent Environmental, Inc. on behalf of the City.

Consistent with CCR § 15064.5(b), the City's General Plan, and the FPASP, a significant impact would occur if the proposed Project would impact an Historical Resource (as defined by CEQA), and such impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, § 15064.5(b)]. This would occur when the impacts may alter, directly or indirectly, any of the characteristics that qualify the property as a Historical Resource in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Impacts to aspects of integrity that do not contribute to or convey the significance of the resource are not typically subject to mitigation.

Impacts to Historical Resources caused by the Russell Ranch Project are largely related to its purpose and need: to construct residential, commercial, and related project components. Impacts will generally consist of clearing and grubbing of deleterious material, excavation, sub-grade compaction, fill placement, and construction. Common infrastructure, including roads, bike paths, water detention facilities, and underground utilities that will support the development, will also be required. In general, ground disturbance is the trigger for impacts to Historical Resources, although in some rare instances (not present in the current project) impacts to historic viewsheds may also occur.

Using the results of the inventory and evaluations of eligibility, ECORP's Principal Investigator Lisa Westwood met regularly with the Project applicant and engineers to assess the feasibility of modifying the Project design to avoid or reduce adverse effect to Historical Resources. In several instances, the Project applicants made modifications to project design to facilitate complete avoidance through re-routing infrastructure or extending conservation easements over sites, or to enhance public interpretation opportunities using interpretive panels along proposed bike trails. One challenge was the requirement by the City of Folsom to construct numerous Class 1 bike trails through wooded areas and open spaces, which often co-occur with Historical Resources. As a result, discussions regarding potential avoidance strategies included representatives from all of the active permit applications (project-specific APEs) and agencies.

A broader challenge with assessing and resolving adverse effects for the entire FPASP relates to the need to distinguish between direct and indirect effects. In some cases, direct effects can be reduced or avoided—such as through the shifting of Project elements to avoid eligible sites—but the indirect effect caused by public access to sites that were not previously available to them is more difficult to address. Fencing off large areas containing sites conflicts with the open development concept supported by local planning agencies and could alert the public that something important is contained within the fenced-off area.

Discussions between the applicant, USACE, City, and SHPO over the potential for adverse indirect effects were initiated during the development of the original PA in 2009. There was consensus that where feasible, preservation in place was feasible for some resources through the use of conservation easements, monitored through the implementation of a USACE-approved operations and management plan with specific measures related to cultural resources, which were designed or expanded to encompass significant sites in order to reduce or avoid both direct and indirect adverse effect. Due to the intricacy of Project development plans, created by the need to find balance between City and Specific Plan requirements, engineering constraints, biological and wetland resources, development goals and objectives, and the density of cultural resources, placing larger conservation easements over portions of the property was extremely difficult. Therefore, in most cases, direct and indirect adverse effect could be reduced, but not completely eliminated, and some of the effects were resolved in advance through the preparation of the HPMP, extensive archival research, and through detailed lidar and aerial mapping.

As required by the FAPA, a site-by-site impact assessment for all significant cultural resources was carried out through the preparation of Finding of Effect reports for the Russell Ranch (Westwood and Knapp 2013a), Annex (Westwood 2016), and Backbone (Westwood and Knapp 2013a) projects. Subsequently, Historic Property Treatment Plans (HPTPs) were prepared and submitted to the USACE, City, and SHPO for review and concurrence (Westwood and Knapp 2013a, 2013b). The HPTPs specify the appropriate mitigation to resolve adverse effect (significant impact) to the same Historical Resources above.

Subsequently, the HPTPs were implemented, all pre-construction mitigation measures carried out, and all resulting documentation was approved by the USACE, in consultation with the City, SHPO, and other parties to the FAPA. For the Backbone permit area, which bisects the Russell Ranch property, USACE verified compliance on July 9, 2015 and notified SHPO and the consulting parties to the FAPA, and requested comments by July 27, 2015. The USACE received a concurrence from SHPO on August 7, 2015. For the non-Backbone Russell Ranch permit area, the USACE verified compliance with all pre-construction requirement on February 16, 2017 and notified SHPO and the consulting parties to the FAPA, and requested comments by March 20, 2017. The USACE received concurrence from SHPO on March 24, 2017. For the portion of Carr Trust, known as the Russell Ranch Annex, the USACE verified that no Historic Properties are present in the property and notified SHPO and the parties to the FAPA on March 31, 2015.

FINDING OF IMPACT

The Russell Ranch Project was previously found to have a significant impact on Historical Resources, as defined by CEQA. As described further below, however, all pre-construction mitigation measures, as required by the applicable HPTPs, have been completed to the satisfaction of the USACE, in consultation with SHPO, the City, and the other parties to the FAPA. Compliance with the construction-related mitigation measures specified in the EIR/EIS and FAPA will further reduce that level to less-than-significant.

MITIGATION MEASURES

The measures required to mitigate for significant impacts to Historical Resources are twofold. First, as part of the FPASP, the Russell Ranch Project is subject to compliance with four mitigation measures in the EIR/EIS, from which the 2015 EIR tiers. Second, the Project is also subject to compliance with the treatment measures to resolve adverse effect to historic properties, as specified in the respective HPTPs that were prepared under the FAPA, which was required by the EIR/EIS and 2015 EIR. A reconciliation of these requirements and a list of appropriate mitigation measures for the Russell Ranch Project are provided below. The status of compliance is further summarized in Table 1.

Impact 4.4-1: Loss of Historical Resources. Based on the analysis below and with the implementation of mitigation, the impact is *less than significant*.

Based on the inventories and evaluations of eligibility performed to date, two historic resources exist within the Project area. The Brooks Hotel Ranch Complex and the Keefe-McDerby Mine Ditch are both archaeological sites from the historic period and constitute Historical Resources for the purpose of CEQA. The remaining resources, including 12 rock alignments, a rock pile, a barbed wire fence line, a concrete water trough, a prospecting pit, and a ditch, do not meet the criteria described above, and are not considered Historical Resources under CEQA.

The proposed Project, including the installation of subsurface utilities and related infrastructure, which may include trenching, grading, or jacking and boring, would impact the Brooks Hotel Ranch Complex and the Keefe-McDerby Mine Ditch within the Project site. The impact is considered to be potentially significant because the aforementioned Historical Resources would be subjected to a loss of integrity as a result of the Project activities (i.e., the resources may be destroyed and the characteristics that made the resource eligible may be materially impaired). However, the Brooks Hotel site and a segment of the Keefe-McDerby Mine Ditch would also be impacted and mitigated by the South of U.S. 50 Backbone Infrastructure project.

Preservation in place was considered for the two Historical Resources during the Project planning process. Factors weighed in the consideration included the presence of other biological or water resources and any restrictions on the flexibility of locations of engineering, roadway access, and

utilities required to service the proposed Project. The factors were weighed during the preparation of finding of effect documentation, prepared under the FAPA.

Preservation in place of the segment of the Keefe-McDerby Mine Ditch would cause a shift of residential lots into planned open space. The shift would cause an effect to biological resources habitats that are required to be preserved. Because the majority of the ditch falls outside of the Project area, preservation in place of the entire resource is neither feasible nor under the control of the Project applicant. Preservation in place of the Brooks Hotel site is not possible because avoidance would trigger new impacts to Waters of the U.S. and would affect the development of necessary backbone infrastructure. As a result, impacts to the Historical Resources could not be avoided, but the effects could be reduced to a less-than-significant level with appropriate mitigation measures. Without implementation of mitigation measures, impacts to Historical Resources would be *potentially significant*. Although the proposed Project would result in a reduction in units, removal of commercial uses, and an increase in open space as compared to the FPASP-approved land uses, the proposed Project would still include development on the same site, resulting in similar impacts to Historical Resources as the approved FPASP.

Mitigation Measures for Impact 4.4-1

Compliance with the procedures for mitigating significant impacts presented in the FAPA and HPMP for the FPASP and the HPTP would reduce any potential adverse impacts. Implementation of the following mitigation measure would reduce potentially significant impacts related to damaging or destroying historic cultural resources during ground-disturbing activities to a *less-than-significant* level.

There is one mitigation measure from the 2015 EIR that reduce the impact to less than significant:

Mitigation Measure 4.4-1: Comply with the Programmatic Agreement and Carry Out Mitigation.

The FAPA provides a management framework for identifying historic properties and Historical Resources through inventories and evaluations, determining adverse effects, and resolving those adverse effects with appropriate mitigation. Proof of compliance with the applicable procedures in the FAPA and implementation of applicable HPTP (Westwood and Knapp 2013b and 2013c) with regard to mitigation for the Keefe-McDerby Mine Ditch and Brooks Hotel Site is to be provided to the City's Community Development Department prior to authorization of any ground-disturbing activities. Proof of compliance is defined as written approval from the USACE of all applicable mitigation documentation generated from implementation of an approved HPTP and includes the following mitigation actions:

- Historic American Engineering Record (HAER) Documentation of the Keefe-McDerby Mine Ditch (P-34-1475): in consultation with the National Park Service, the USACE shall require the completion of Historic American Engineering Record program documentation.
- Data Recovery Excavations of the Brooks Hotel Site (P-34-2166): Data recovery shall follow the standards and guidelines in the HPTP. The results of excavation, laboratory analysis, artifact analysis, and archival research, shall be documented in a confidential data recovery technical report, which shall be submitted to the City's Community Development Department.
- Geoarchaeological Monitoring: Due to a potential for deeply buried archaeological resources down to a depth of 1.5m (approximately five feet) below soil formations known as the T-2 terrace, where colluvial deposits grade onto the T-2 terrace, and along the distal edge of tributary alluvial fans, all ground-disturbing activity in those areas shall be monitored by a qualified professional archaeologist with a specialization in geoarchaeology. Monitoring is no longer needed once subsurface disturbance extends beyond 1.5m below surface.

Impact 4.4-2: Loss of unique archaeological resources or human remains. Based on the analysis below and with the implementation of mitigation, the impact is *less than significant*.

As noted previously, the Brooks Hotel Ranch Complex and the Keefe-McDerby Mine Ditch are both archaeological sites from the historic period and constitute Historical Resources for the purpose of CEQA. The proposed Project would be responsible for mitigation of impacts to the Brooks Hotel Site and a segment of the Keefe-McDerby Mine Ditch that falls within the Project area. Mitigation Measures 3A.5-1a and 3A.5-1b, above, reduce the impact to less than significant for known archaeological resources.

Although the proposed Project would result in a change in land uses, the proposed Project would still include development on the same site with a similar area of disturbance, resulting in similar impacts to archaeological resources or human remains as the approved FPASP. Known human cemeteries or burials are not located within the Project area and have not been detected through subsurface excavation or through tribal consultation. However, the potential exists for archaeological resources, human cemeteries, or human burials to be discovered during construction earthwork and the potential exists for damage to or destruction of previously unknown resources during ground-disturbing activities. Without implementation of mitigation measures, impacts to archaeological resources or human remains would be *potentially significant*.

Mitigation Measures for Impact 4.4-2

Implementation of the following mitigation measures would reduce potentially significant impacts related to damaging or destroying archaeological resources or human remains during ground disturbing activities to a *less-than-significant* level.

Mitigation Measure 4.4-2(a): Conduct Construction Personnel Education, Conduct On-Site Monitoring if Required, Stop Work if Cultural Resources are Discovered, Assess the Significance of the Find, and Perform Treatment or Avoidance as Required.

To reduce potential impacts to previously undiscovered cultural resources, the Project applicant(s) shall retain a qualified archaeologist to conduct training for construction supervisors. Construction supervisors shall inform the workers about the possibility of encountering buried cultural resources and inform the workers of the proper procedures should cultural resources be encountered. Proof of the contractor awareness training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.

Should any cultural resources, such as structural features, bone or shell, artifacts, or architectural remains be encountered during any construction activities, work shall be suspended within 200 feet of the find and the City of Folsom and USACE shall be notified immediately. The City shall retain a qualified archaeologist who shall conduct a field investigation of the specific site and shall evaluate the significance of the find by evaluating the resource for eligibility for listing on the CRHR and the NRHP. If the resource is eligible for listing on the CRHR or NRHP and would be subject to disturbance or destruction, the actions required by the FAPA and subsequent documentation shall be implemented. The City of Folsom Community Development Department and USACE shall be responsible for approval of recommended mitigation if it is determined to be feasible in light of the approved land uses, and shall implement the approved mitigation and seek written approval on mitigation documentation before resuming construction activities at the archaeological site.

Mitigation Measure 4.4-2(b): Suspend Ground-Disturbing Activities if Human Remains are Encountered and Comply with California Health and Safety Code Procedures.

In the event that human remains are discovered, construction activities within 150 feet of the discovery shall be halted or diverted and the requirements for managing unanticipated discoveries in Mitigation Measure 3A.5-3 shall be implemented. In addition, the provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and Assembly Bill (AB) 2641 shall be implemented. When human remains are discovered, state law requires that the discovery be reported to the County Coroner (§ 7050.5 of the Health and Safety Code) and that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC, which then designates a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning

designation or easement; or recording a deed restriction with the county in which the property is located (AB 2641).

CUMULATIVE IMPACTS AND MITIGATION MEASURES

The following discussion of impacts is based on the implementation of the proposed Project in combination with other proposed and pending projects in the region. Other proposed and pending projects in the region under the cumulative context would include build-out of the City's General Plan, as well as development of the most recent planned land uses within the vicinity of the Project area, including the FPASP.

Impact 4.4-4: Cumulative loss of cultural resources. Based on the analysis below, the Project's incremental contribution to a cumulative impact is *less than significant*.

Prehistoric and historic cultural resources are unique and non-renewable resources. Development activities continue to damage and destroy both prehistoric and historic sites and features, in many cases, before the information inherent in the site could be reviewed, recorded, and interpreted. As noted above, the potential exists for unknown subsurface prehistoric and historic cultural resources to be unearthed during site excavation. The proposed project, along with other development in the City of Folsom, could damage or destroy cultural resources particular to the Project area.

The Project would contribute to a cumulative impact to two Historical Resources, portions of which are located on the Project site – the Brooks Hotel Site and Keefe- McDerby Mine Ditch. However, implementation of Mitigation Measure 4.4-1 reduced the impact to a less-than-significant level by requiring compliance with the procedures for mitigating significant impacts presented in the FAPA.

The potential exists for cultural resources to be discovered during construction earthwork and the potential exists for damage to or destruction of previously unknown cultural resources during ground-disturbing activities. However, potentially significant impacts to unknown cultural resources as related to the cumulative regional loss of cultural resources would be less than significant with implementation of the mitigation measures above. In addition, cumulative impacts to cultural resources would be less than significant if current and future projects in the region comply with CEQA requirements for mitigation of impacts to cultural resources [CCR Title 14, § 15126.4 (b)]. As such, the proposed Project's cumulative impact to cultural resources would be *less than significant*. Although the proposed Project would result in a change to approved land uses, the proposed Project would still include development on the same site, resulting in similar cumulative impacts to cultural resources as the approved FPASP.

Mitigation Measure for Impact 4.4-4

None required.

CONCLUSION

Based on the impact analysis presented above, the Russell Ranch Project will have a significant impact on Historical Resources as defined by CEQA. In addition, the mitigation measures presented herein, which are designed to address the impacts that will result from the land use proposed as part of the Specific Plan Amendment, are consistent with the requirements of the Specific Plan EIR/EIS, the 2015 EIR, and FAPA. The implementation of mitigation measures reduces the impact to *less than significant*.

Table 1 presents a summary of all required mitigation measures for the Russell Ranch Project. Written approval from USACE, when required as proof of compliance, may take the form either of a written notice to proceed with authorized activities under the 404 permit or written approval of the applicable mitigation documentation. Proof of compliance with pre-construction mitigation measures is provided in Attachment C.

Mitigation Measure	Proof of Compliance	Status of Compliance
4.4-1: Comply with the Programmatic Agreement	<p><u>Written approval from the USACE and/or SHPO:</u></p> <ul style="list-style-type: none"> that the Russell Ranch and Backbone HPTPs have been approved; that the documentation generated by the implementation of the applicable portions of each HPTP has been prepared to the satisfaction of the USACE, including: <ul style="list-style-type: none"> proof that the inventory (survey) reports, evaluation of eligibility technical reports, determination or finding of effect reports, and HPTP reports have been accepted and approved by the USACE; a revised HPMP that incorporates the information generated through technical studies and implementation of the HPTPs for the project; that the HAER documentation of the Keefe McDerby Mine Ditch has been approved by the USACE and NPS; that the data recovery of the Brooks Hotel Site has been completed to its satisfaction. 	<p><u>Complete.</u> Copies of correspondence between USACE and SHPO, documenting approval are included in Attachment C.</p>
4.4-2(a): Conduct Construction Personnel Education, Monitoring if Required, and Manage Unanticipated Discoveries	<ul style="list-style-type: none"> Submit to the City a copy of the completed contractor awareness training program, which is defined as a copy of the job trailer poster, unanticipated discovery documentation form, and a completed attendance roster that documents the date of training and names of all construction personnel who received the training. 	<p><u>Complete.</u> Copies of training materials are included in Attachment C. As workers are trained during construction phases, further proof of compliance will be submitted to the City.</p>
4.4.2(b): Suspend Activities if Human Remains are Encountered	<p>Report of findings by a qualified professional archaeologist and record of consultation with the appropriate parties, including the NAHC.</p>	<p><u>Not complete/not applicable.</u> This mitigation measure will only apply in the event of a discovery during construction.</p>

In summary, the entire Russell Ranch Project area – inclusive of the non-backbone property, backbone infrastructure that bisects it, and the annex formerly known as Carr Trust – has been fully surveyed for Historical Resources, and all impacts to known resources have been mitigated and documentation approved by the USACE, SHPO, City, and consulting parties. Further, the changes to the land use as proposed in August 2017 do not result in any new, known impacts to Historical Resources that were not already contemplated and mitigated.

If you have any questions, you may reach me at (916) 782-9100 or by email at lwestwood@ecorpconsulting.com.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Westwood". The signature is written in a cursive style with a loop at the end of the last name.

Lisa Westwood, RPA
Director of Cultural Resources

LIST OF ATTACHMENTS

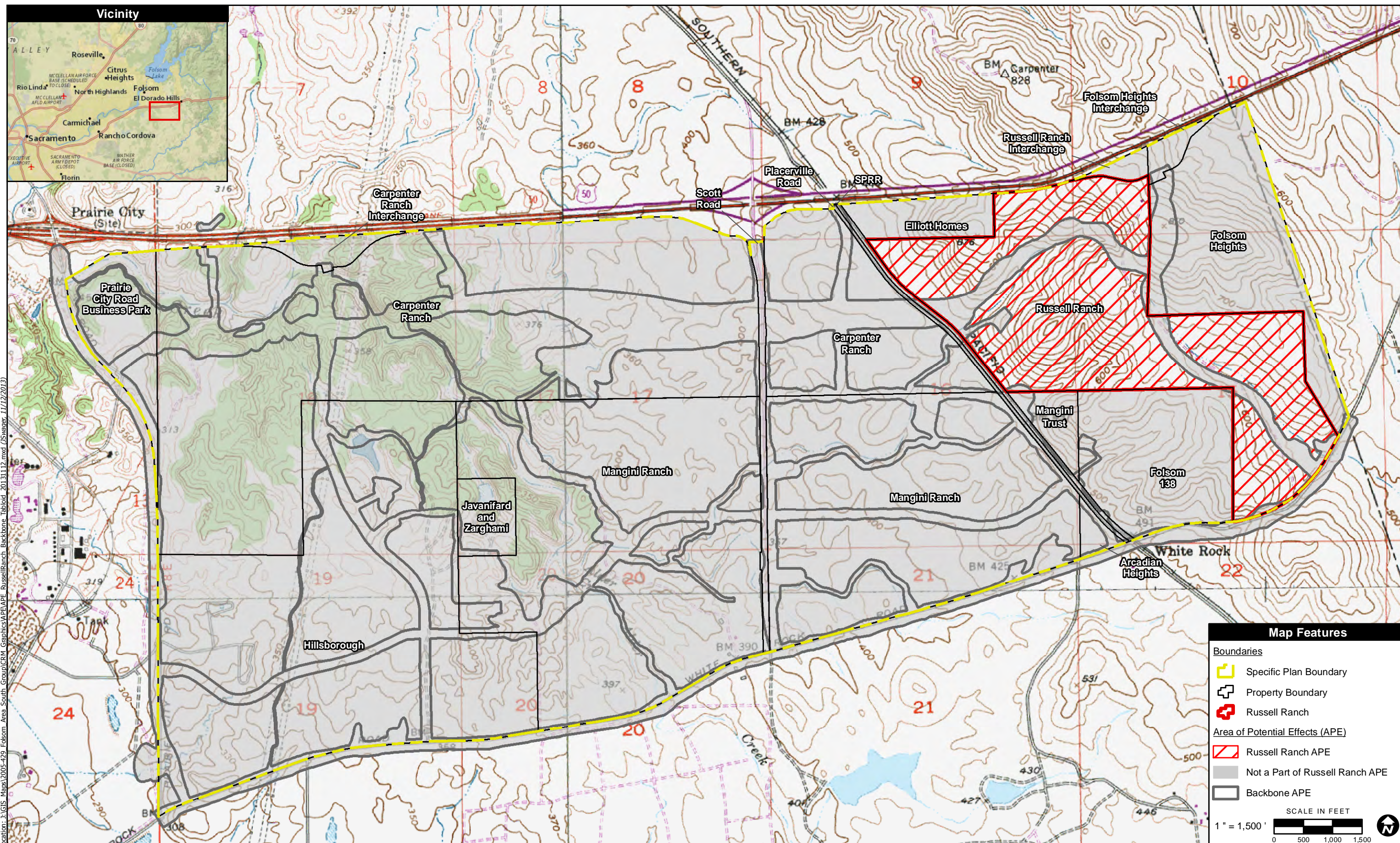
Attachment A – Project Location Map

Attachment B – References Cited

Attachment C – Proof of Compliance

ATTACHMENT A

Project Location Map



Location: J:\GIS_Maps\2005-429_Folsom_Area_South_Group\CRM_Graphics\APE\APE_RussellRanch_Backbone.tbl 20131112.mxd (J.Swager, 11/12/2013)

Map Features

Boundaries

- Specific Plan Boundary
- Property Boundary
- Russell Ranch

Area of Potential Effects (APE)

- Russell Ranch APE
- Not a Part of Russell Ranch APE
- Backbone APE

SCALE IN FEET
1" = 1,500'

0 500 1,000 1,500

Figure 1. Area of Potential Effects for the Russell Ranch Project (SPK-2013-00488)
Within the Folsom South of US Highway 50 Specific Plan Project
 2013-024 Russell Promontory

ATTACHMENT B

References Cited

OVERALL PLAN AREA (APPLIES TO ALL PERMIT AREAS)

ECORP Consulting, Inc.

2011 Programmatic Agreement between the U.S. Army Corps of Engineers and the California Office of Historic Preservation Regarding the Folsom Plan Area Specific Plan, Sacramento County, California.

ECORP Consulting, Inc.

2013 First Amended Programmatic Agreement between the U.S. Army Corps of Engineers and the California Office of Historic Preservation Regarding the Folsom Plan Area Specific Plan, Sacramento County, California.

Westwood, L., Stephen Pappas, and Susan Lindström

2012 Folsom South of U.S. Highway 50 Specific Plan Project: Preliminary Historic Properties Synthesis Report. Prepared for Sacramento District, U.S. Army Corps of Engineers and California Office of Historic Preservation. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429

2013 Folsom South of U.S. Highway 50 Specific Plan Project: Historic Properties Management Plan. [Supersedes the Preliminary Historic Properties Synthesis Report] Prepared for Sacramento District, U.S. Army Corps of Engineers and California Office of Historic Preservation. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429

Windingstad, Jason D. and Jeffrey A. Homburg

2011 Geoarchaeological Assessment of the Folsom Specific Plan Project. Statistical Research, Inc. Technical Report 11-60. Tucson, Arizona.

2012 Geoarchaeological Testing for the Folsom Specific Plan Project. Statistical Research, Inc. Technical Report 12-71. Tucson, Arizona.

BACKBONE INFRASTRUCTURE PERMIT AREA

Westwood, Lisa, Roger D. Mason, and Stephen Pappas

2012 Cultural Resources Work Plan for the Folsom South of Highway 50 Specific Plan, Backbone Infrastructure Project, Sacramento County, California. Prepared for the Folsom Owners' Group and U.S. Army Corps of Engineers, Sacramento District. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429.2

Lisa Westwood, RPA, Katherine Knapp, RPA, Stephen Pappas, David Quivey, and Roger Mason, RPA

2012 Cultural Resources Inventory Report for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California. Prepared for Folsom Owner's Group and U.S. Army Corp of Engineers, Sacramento District. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429.3

Knapp, Katherine and Lisa Westwood

2012 Cultural Resources Evaluation Plan for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429.3

Mason, Roger, Lisa Westwood, Katherine Knapp, Stephen Pappas, and David Quivey

2013 Cultural Resources Testing and Evaluation Report for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429.3

Westwood, Lisa and Katherine Knapp

2013 Determination of Effect Report for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California. Prepared for the Folsom Owners' Group and U.S. Army Corps of Engineers, Sacramento District. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429.3

Westwood, L. and Katherine Knapp

2013 Historic Property Treatment Plan for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project Sacramento County, California. ECORP Project No. 2005-429.3. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429.3

ECORP

2014 Cultural Resources Impact Assessment, Backbone Infrastructure Project Specific Plan Amendment for the Folsom South of the U.S. Highway 50 Specific Plan Project. ECORP Backbone CEQA Support

Mason, Roger, Pappas, Stephen, Westwood, Lisa, and Adams, Jeremy

2015 Data Recovery Report for Archaeological Sites in the Backbone Infrastructure Area of Potential Effects, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2005-429.6

Adams, Jeremy

2015 Addendum to Keefe McDerby Mine Ditch, Near the Overpass of U.S. Highway 50 over Placerville Road, Folsom, Sacramento County, California. HAER No. CA-195. Report on file at ECORP Consulting, Inc., Rocklin, California.

2015 Addendum to Natomas Ditch System, Rhoades' Branch Ditch, Near the Intersection of White Rock Road and Scott Road, Folsom, Sacramento County, California. HAER No. CA-144-B. Report on file at ECORP Consulting, Inc., Rocklin, California

RUSSELL RANCH PERMIT AREA (FORMERLY RUSSELL-PROMONTORY)

Westwood, L., K. Knapp, S. Pappas, D. Quivey, R. Mason

2012 Cultural Resources Inventory Report for the Mangini Ranch, Mangini Trust, Arcadian Heights, and Russell-Promontory APEs within Folsom South, Folsom South of U.S. Highway 50 Specific Plan Project Sacramento County, California. Prepared for Folsom Owner's Group and U.S. Army Corp of Engineers, Sacramento District. ECORP Project No. 2005-429.3

Knapp, K. and Lisa Westwood

2013 Cultural Resources Evaluation Plan for the Russell Ranch Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2013-024

Knapp, K., Lisa Westwood and Stephen Pappas

2013 Cultural Resources Testing and Evaluation Report for the Non-Backbone Russell Ranch Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2013-024.1

Westwood, L. and Katherine Knapp

2013 Finding of Effect Report for the Non-Backbone Russell Ranch Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California. Prepared for the Folsom Owners' Group and U.S. Army Corps of Engineers, Sacramento District. ECORP Consulting, Inc., Rocklin. ECORP Project No. 2013-024.1

Westwood, L., and K. Knapp

2013 Historic Property Treatment Plan for the Non-Backbone Russell Ranch Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project Sacramento County, California, ECORP Project No. 2013-024.1

MANGINI (CARR) TRUST (ANNEX)

Westwood, L., K. Knapp, S. Pappas, D. Quivey, R. Mason

2012 Cultural Resources Inventory Report for the Mangini Ranch, Mangini Trust, Arcadian Heights, and Russell-Promontory APEs within Folsom South, Folsom South of U.S. Highway 50 Specific Plan Project Sacramento County, California. Prepared for Folsom Owner's Group and U.S. Army Corp of Engineers, Sacramento District. ECORP Project No. 2005-429.3

Lisa Westwood

2015 Inventory and Finding of Effect for Historic Properties in the Mangini (Carr) Trust Property, within the Folsom South of Us Highway 50 Specific Plan Area, Sacramento County, California. Section 106 Letter - TNHC portion of Carr Trust Finding of No Historic Properties Affected

2015 Inventory and Finding of Effect for Historic Properties in the Mangini (Carr) Trust Property, within the Folsom South of Us Highway 50 Specific Plan Area, Sacramento County, California. Section 106 Letter - RainTree portion of Carr Trust Finding of No Historic Properties Affected

ATTACHMENT C

Proof of Compliance



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

August 26, 2015

Regulatory Division (SPK-2007-02159, SPK-2006-00984, SPK-2013-00486, SPK-2013-00485, and SPK-2013-00488)

Ms. Christy Avery
Cultural Resources
National Park Service
909 1st Ave, 5th Floor
Seattle, WA 98104

Dear Ms. Avery:

We are continuing consultation regarding the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan) and the Keefe-McDerby Mine Ditch. On July 6, 2011, the U.S. Army Corps of Engineers, Sacramento District and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) and executed a First Amended Programmatic Agreement (FAPA) on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the Specific Plan. The Specific Plan is composed of multiple project proponents and developers and covers approximately 3,510 acres. The Specific Plan area is located south of Highway 50, east of Prairie City Road, north of White Rock Road, and west of the El Dorado County line in portions of Sections 24, 25, 26, 27, 30, 31, 34, 35, and 36 of Township 12 North, Range 7 East, Mount Diablo Meridian, in the City of Folsom, Sacramento County, California.

In accordance with the FAPA, on September 10, 2014, we requested your determination of the appropriate level of HAER documentation for the Keefe-McDerby Mine Ditch. In a letter dated December 15, 2014, Dr. Elaine Jackson-Retondo of the National Park Service (NPS), Pacific West Region, issued a stipulation letter for the Historic American Engineering Record Documentation (HAER) documentation, which provided details and guidance for the written historical and descriptive data and photographs to be included and the organization of documentation that is required. The stipulation letter further required the Corps to provide a draft copy of the HAER documentation, including photocopies of the large format photographs, to the NPS for review. On March 3, 2015, we provided you with the draft HAER documentation for the Keefe-McDerby Mine Ditch for your review and comment. In a letter dated March 30, 2015, you provided comments regarding the draft HAER documentation. The draft HAER documentation was revised accordingly.

Please find enclosed the final HAER documentation for the Keefe-McDerby Mine Ditch, including two archival copies (one for the Library of Congress and one for the State Historic Preservation Office) and one Xerox copy. Please refer to identification numbers SPK-2007-02159, SPK-2006-00984, SPK-2013-00486, SPK-2013-00485, and SPK-2013-00488 in any correspondence concerning the Keefe-McDerby Mine Ditch. If you have any questions, please contact Ms. Erin Hess at our Regulatory Division, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, erin.e.hess@usace.army.mil, or telephone (916) 557-6740.

Sincerely,



Lisa M. Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosures:

- (2) Final Archival HAER for Keefe-McDerby Ditch
- (1) Final Xerox HAER for Keefe-McDerby Ditch

cc (w/o encl):

Ms. Lisa Westwood, ECORP Consulting, Inc., lwestwood@ecorpconsulting.com



United States Department of the Interior

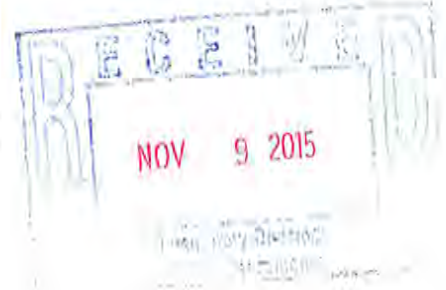


NATIONAL PARK SERVICE
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

H38 (PWRO-CR)

October 20, 2015

Lisa M. Gibson
Department of the Army
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922



Re: Final Historic American Engineering Record documentation for CA-144-B and CA-195

Dear Ms. Gibson,

The National Park Service acknowledges the receipt of and accepts the Historic American Engineering Record (HAER) documentation for the Rhoades' Branch Ditch, CA-144-B, and Keefe McDerby Mine Ditch, CA-195. The completed documentation will be transmitted to the Prints and Photographs Division of the Library of Congress. The records are in the public domain and will be accessible through the library. We will also transmit a copy of each report to the California State Historic Preservation Officer.

Sincerely,

Elaine Jackson-Retondo, Ph.D.
History Program Manager
Pacific West Regional Office



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

November 5, 2015

Regulatory Division (SPK-2007-02159)

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

Dear Ms. Polanco:

This letter concerns the submittal of an Annual Report of activities carried out in accordance with the *First Amended Programmatic Agreement Between the U.S. Army Corps of Engineers and the California Office of Historic Preservation Regarding the Folsom Plan Area Specific Plan, Sacramento County, California* (FAPA). In accordance with the 36 CFR 800.4 (b)(2) and 36 CFR 800.14, the U.S. Army Corps of Engineers and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) on July 6, 2011, and the FAPA on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan).

In accordance with Stipulation 7 of the FAPA, we are providing you with an Annual Report regarding activities carried out pursuant to the FAPA. The Annual Report is to present a summary of actions, all findings and determinations, accomplishments, public objections, and inadvertent effects for individual projects within the Specific Plan area. The Annual Report is required to be submitted within 45 days of the anniversary date of the FAPA, which is on or before November 17, 2015. A copy of the FAPA was provided with the 2014 Annual Report. A reconciliation of the terms of the FAPA, by stipulation, is provided in Enclosure 1. A summary table of the circulation of all technical studies prepared under the PA or FAPA is provided in Enclosure 2.

By copy of this letter, we are also providing a copy of the Annual Report to the concurring and consulting parties to the FAPA, including the Tribes, historical society, and applicant for their review to determine the effectiveness of the FAPA as an alternative to the standard Section 106 consultation procedures. Please refer to identification number SPK-2007-02159 in any correspondence concerning this project. If you have any questions, please contact Ms. Erin Hess at our Regulatory Division, U.S. Army Corps of Engineers, Sacramento District, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, by email at Erin.E.Hess@usace.army.mil, or telephone at 916-557-6740.

Sincerely,

Lisa M. Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosures

cc:

Mr. David Miller, City of Folsom, 50 Natoma Street, Folsom, CA 95630

Mr. Anthony Ikeda Kolar, Folsom Historical Society, 823 Sutter Street, Folsom, CA 95630

Mr. Daniel Fonseca, Shingle Springs Band of Miwok Indians, Post Office Box 1340, Shingle Springs, CA 95682

Mr. Jason Camp, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, CA 95603

Mr. Steven Hutchason, Wilton Rancheria, 9728 Kent Street, Elk Grove, CA 95624

Mr. Jim Ray, MacKay & Soms Engineers, 1552 Eureka Road, Suite 100, Roseville, CA 95661

cc: (w/o encls)

Ms. Lisa Westwood, ECORP Consulting, lwestwood@ecorpconsulting.com

FIRST AMENDED
PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS
AND
THE CALIFORNIA OFFICE OF HISTORIC PRESERVATION
REGARDING THE
FOLSOM PLAN AREA SPECIFIC PLAN,
SACRAMENTO COUNTY, CALIFORNIA

WHEREAS, this First Amended Programmatic Agreement (FAPA) fully supersedes all provisions of the “Programmatic Agreement Between the U.S. Army Corps of Engineers (Corps) and the California State Historic Preservation Officer (SHPO) regarding the Folsom Plan Area Specific Plan, Sacramento County, California.” executed on July 13, 2011; and

WHEREAS, the Sacramento District of the Corps, under the authority of Section 404 of the Clean Water Act (33 U.S.C. § 1344) may issue permits (“Section 404 Permits”) (the Undertakings), for projects within the proposed Folsom Plan Area Specific Plan (“Specific Plan Area”) in Sacramento County, California; and

WHEREAS, multiple project proponents and local agencies (“Applicants or Permittees”) have submitted or will submit applications to the Corps for a Section 404 Permit for their respective individual projects (Project[s]) within the Specific Plan Area and serve as Concurring parties to this FAPA; and

WHEREAS, it is the intent of the Corps, the SHPO and the Applicants to provide for the uniform treatment of, and to address the cumulative effects to, Historic Properties through the implementation of this amendment; and

WHEREAS, the Folsom Historical Society, Shingle Springs Band of Miwok Indians, The Wilton Rancheria, and the United Auburn Indian Community have been contacted and afforded the opportunity to participate in the Section 106 process and this FAPA; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) was afforded an opportunity to comment or participate in the development of the PA and declined in a letter dated December 2, 2010; and

WHEREAS, in accordance with Stipulation 16 of the original PA, the PA is hereby amended by the Signatories without further consultation with the ACHP; and

WHEREAS, the individual Applicants will proceed with Project-specific development independently of one another with a potential build-out of 20 years within the Specific Plan Area; and

WHEREAS, the Corps has determined that the Projects within the Specific Plan Area may have an effect on Historic Properties that are either included in, or are eligible for inclusion in the National Register of Historic Places (NRHP) and has consulted with the SHPO, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) and its implementing regulations codified in 36 CFR Part 800 (August 2004); and

WHEREAS, the Historic Properties include, but are not limited to, several historic districts that span multiple Projects within the Specific Plan Area and are considered regional in scope; and

WHEREAS, the remaining identification, evaluation, determination of effect, and resolution of adverse effects will be carried out separately by each Applicant under the authority of the Corps, which will continue as lead federal agency for each consultation phase, and additional Historic Properties may be identified during the process; and

WHEREAS, this agreement addresses all phases and segments of the Specific Plan Area project, including off-site infrastructure; and

WHEREAS, the signatories of this FAPA commit to a cooperative relationship and timely review of documentation generated under this FAPA; and

WHEREAS, the definitions set forth in 36 CFR 800.16 are incorporated herein by reference and apply throughout this FAPA; and

WHEREAS, the definitions for signatory parties set forth in 36 CFR 800.6(c)(1), and the definitions for concurring parties set forth in 36 CFR 800.6(c)(3) are incorporated herein by reference and apply throughout this FAPA; and

WHEREAS, pursuant to Section 404 of the Clean Water Act, the Corps is responsible for the implementation of the stipulations included herein, and as signatories to this FAPA the Corps and SHPO have the authority to enforce, amend, and terminate this FAPA; and

WHEREAS, this FAPA fulfills Mitigation Measure 3A.5-1 of the Environmental Impact Statement prepared for the entire Specific Plan Area for which a Record of Decision was issued on 11 August 2011, for compliance with the National Environmental Policy Act and will be included as a condition of any Section 404 Permits issued by the Corps in the Specific Plan Area; and

WHEREAS, this FAPA and its subsequent Historic Property Treatment Plan and property-specific Treatment Plans, provide for the means by which resolution of adverse effect to Historic Properties will occur;

NOW, THEREFORE, the Corps and the SHPO agree that the proposed Undertakings shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertakings on Historic Properties and to satisfy the Corps' Section 106 responsibilities for all individual aspects of the Undertakings.

STIPULATIONS

The Corps shall ensure that the following measures are carried out.

Stipulation 1 Professional Qualifications Standards

The Corps shall ensure that historic, architectural, and archaeological work conducted pursuant to this FAPA is carried out by, or under the direct supervision of a person or persons meeting qualifications set forth in the Secretary of the Interior's Professional Qualification Standards in accordance with 36 CFR Part 61.

Stipulation 2 Specific Plan Area of Potential Effects and Pre-Project Resolution of Adverse Effects (Cultural Context)

- A. The Corps has determined and documented the Specific Plan Area of Potential Effects (APE) for the Undertakings in consultation with SHPO. SHPO concurred in a letter dated October 19, 2009. The APE is located on the Folsom, Buffalo Creek, Clarksville, and Folsom S.E. 7.5 Minute U.S.G.S. topographic quadrangle maps in T. 9 N., R. 8 E. The APE is bounded by Highway 50 to the north, Prairie City Road to the west, the Sacramento and El Dorado County line to the east, and White Rock Road to the south. In addition, the off-site water transfer alignments, off-site roads, two new interchanges, two interchange improvements, and construction of one new overcrossing along Highway 50 between the current Prairie City Road Interchange and the El Dorado and Sacramento County line are included in the APE (Appendix A). The Specific Plan Area, for which a general Section 404 Permit application (USACE ID# 2007-02159) has been filed, is comprised of several development projects for which specific Section 404 Permit applications have been submitted, or will be submitted, to the Corps. The development projects (Projects) are currently designated in Appendix B to this FAPA. As applicants are added or removed from the Specific Plan, the table in Appendix B will be modified, without having to amend the FAPA, and signatories to this PA shall be notified in writing accordingly, and new additions shall be offered an opportunity to be Concurring parties on this PA.

- B. The Specific Plan's APE includes all areas where effects could occur from construction of the Projects listed in Appendix B. Future project design changes may require redefining the APE and the development projects within it. Each Section 404 Permit application shall have its own Project-specific APE designated by the Corps and approved by SHPO. If some of the Projects are merged or segregated, a Project will be defined as the area to which a specific Section 404 Permit application applies. The Corps shall consult with SHPO in a timely manner to amend the boundaries of the APE. Amendment of the APE, by agreement of the signatories, shall not require amendment of this FAPA. Project-specific APEs shall not extend beyond the Section 404 permit area as designated by the Corps.
- C. Because each Project will require an individual Section 404 permit application and the Projects will be independent of one another, the Corps has determined that the resolution of adverse effects to Historic Properties that span more than one individual 404 permit application must be completed before the Corps makes a decision on any affected Section 404 permit applications. Therefore, the Corps will ensure that adverse effects are resolved prior to the issuance of separate Section 404 permits for each Applicant.
- D. Using the previous research conducted on historic districts to date, and where said previous research is deemed adequate by the Corps, the evaluation of significance, a portion of the resolution of adverse effect (the archival research and documentation), and the development of a Work Plan for the remaining identification and evaluation shall be carried out in advance of any Section 404 permit approval. The work will be conducted at a level (determined adequate by the Corps and SHPO) that will allow the remaining resolution of adverse effects to be carried out on a Project-specific basis by individual applicants independently of one another.
- E. The Preliminary Historic Properties Synthesis (HPS) resulting from this work shall include the following components:
 - 1. National Register evaluation of significance for the Rhodes' Diggings Mining District;
 - 2. restatement of the previous Determination of Eligibility of the Alder Creek Corridor Mining District, and a review of other districts previously documented within the Specific Plan Area APE;
 - 3. historic context statement for the Specific Plan Area, based on research conducted to date, supplemented with additional research, if necessary;
 - 4. delineation of the boundaries of historic districts, sites, and features based on research conducted to-date, supplemented with additional research, if necessary;
 - 5. results of previously conducted archival research for the historic mining districts;
 - 6. research design and work plan to guide development of property-specific HPTPs; and
 - 7. Professional standards and guidelines for all work carried out under the FAPA.

This Preliminary HPS will not include any analysis relative to the larger "paper districts" known as the Folsom Mining District and American River Placer Mining District.

- F. This Preliminary HPS shall also serve as a mitigation document for the Specific Plan Area (see Stipulation 6).
- G. At its discretion, or when required by Stipulation 5, the Corps shall consult with SHPO and/or the ACHP pursuant to 36 CFR Part 800 for any individual action covered by this FAPA.

Stipulation 3
Review of Preliminary Historic Properties Synthesis

- A. The Corps shall ensure that the draft Preliminary HPS is submitted to the SHPO for review and comment. SHPO shall have 30 calendar days after receipt of the draft Preliminary HPS to comment to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and incorporated into the final HPS.
- B. The Corps, in recognizing the unique legal and political relationship between the United States and with Indian tribal governments, shall also afford the Native Americans an opportunity to review the draft Preliminary HPS in accordance with Stipulation 9. The Corps shall also make a reasonable and good-faith effort to afford other

concurring parties (such as applicants or historical societies) an opportunity to review the draft Preliminary HPS. Concurring parties shall have 30 calendar days after receipt of the draft Preliminary HPS to comment to the Corps. The Corps shall consider comments received during this time period and incorporate such comments into the draft Preliminary HPS to the extent practicable; however, the Corps is not required to revise the Preliminary HPS in response to any comments received.

- C. The Corps shall make every effort to resolve disputes that may arise from conflicting comments by SHPO, or concurring parties via telephone conversations or other informal means of communication. In the event that disputes are not easily remedied, the Corps shall resolve them in accordance with Stipulation 14. Failure by SHPO or any of the concurring parties to comment within the 30 calendar day time period shall not preclude the Corps from allowing the Preliminary HPS to be finalized.
- D. If the Preliminary HPS is revised in response to comments, the Corps shall provide the revised Preliminary HPS to SHPO and the concurring parties for review. SHPO and the concurring parties shall provide any comments on the revised Preliminary HPS to the Corps within 30 calendar days. If no comments are provided within 30 calendar days, the Corps may proceed.
- E. Once the signatories determine that the Preliminary HPS is adequate, the Corps shall authorize the Applicant(s) to proceed with the Work Plan contained within the Preliminary HPS before issuing any Section 404 Permits. Within 30 days of approving the final Preliminary HPS, the Corps shall provide a copy of the final document to SHPO and the concurring parties.

Stipulation 4 Revision of the Preliminary HPS

In conjunction with the execution of this FAPA, the Corps shall ensure that the Preliminary HPS (previously prepared under the original PA) and in accordance with Stipulations 2 and 3 is revised and renamed "Historic Property Management Plan (HPMP)" (Appendix C). The revision shall include the addition of a section on the framework and guidelines for addressing: 1) the remaining identification and evaluations of historic properties under this FAPA; 2) subsequent and related consultation and review processes; and 3) preparation of the determinations of effect and HPTPs. These additions were as previously agreed upon as part of the originally executed PA. The HPMP will also accommodate future attachments that include property-specific HPTPs and resulting technical studies. Revisions to the Preliminary HPS (HPMP) shall not require a modification or amendment to this FAPA.

Stipulation 5 Development and Review of Project-Specific Historic Property Treatment Plans

- A. The Corps shall apply the Criteria of Adverse Effect pursuant to 36 CFR 800.5(a) (1) to all Historic Properties within the APE that will be affected by the Project. Findings of effect (FoE) shall be made in consultation with the SHPO, affected Native American Tribes and other interested parties, subject to Stipulation 6D. Separate FoEs shall be produced for each development project listed in Attachment B.
- B. The Corps shall submit the FoE to the SHPO, affected Native American Tribes, and other interested parties for review and comment, subject to Stipulation 6D. SHPO shall have 30 calendar days after receipt of the FoE to provide comments to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and incorporated into the final FoE. If SHPO fails to respond within 30 days, the Corps may proceed.
- C. As directed by the HPMP, the Corps shall develop a property-specific HPTP for each individual APE, which provides the site-by-site actions required to resolve adverse effects to individual Historic Properties. The HPTPs shall be appended to the HPMP.
- D. The Corps shall submit each HPTP to the SHPO, affected Native American Tribes, and other interested parties, subject to Stipulation 6D, for review and comment. SHPO shall have 30 calendar days after receipt of the HPTP to provide comments to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and incorporated into the final HPTP. If SHPO fails to respond within 30 days, the Corps may proceed.

- E. If the HPTPs are revised as a result of comments, the Corps shall afford the SHPO and appropriate concurring parties 30 calendar days to review and comment on the revised documents. If no comments are received within 30 calendar days, The Corps may finalize the HPTP.
- F. Once the Signatories determine that an HPTP is adequate, the Corps shall issue authorization to proceed with the implementation of the HPTP. Project-specific Memoranda of Agreement are not required.
- G. If a specific development project includes a portion of an eligible historic district, the SHPO will not approve the HPTP for that development project until all HPTPs of other development projects containing a portion of said district have been approved unless Stipulation 2 has been satisfied.
- H. The Corps shall ensure that any comments received during this time period are taken into account and, where feasible, incorporated into the final documents. The Corps shall make every effort to resolve disputes that may arise from conflicting comments by the signatories or concurring parties via telephone conversations or other informal means of communication. In the event that disputes are not easily remedied, the Corps shall resolve them in accordance with Stipulation 14.
- I. Final drafts of the HPTPs will be provided to SHPO, the ACHP, affected Native American tribes, and other interested parties, subject to Stipulation 6D.

Stipulation 6
Technical Reports and Historic Properties Management Plan

- A. The results of the implementation of the HPTPs shall be documented in a comprehensive confidential technical report(s) that follow the guidelines of the Secretary of the Interior and the California Office of Historic Preservation.
- B. As Project-specific surveys, evaluation, and data recovery studies are carried out for individual Projects, results that pertain to the historical period will be incorporated into the cultural context in the HPMP with technical reports attached as appendices in sequence. Studies that focus solely on resources from the prehistoric period will be reported separately, via project-specific technical reports. Information generated during the early planning process and as presented in the HPMP will be modified as more data are generated during mitigation. The HPMP will be a dynamic document which may require revisions throughout the course of the build-out of the Specific Plan. Revisions to the HPMP will not require amending the FAPA.
- C. The Corps shall ensure that the revised HPMP is submitted to the SHPO and appropriate concurring parties for review and comment, subject to Stipulation 6D. Reviewers shall have 30 calendar days after receipt of the draft reports to provide comment to the Corps. Review by Native American tribes or individuals shall be in accordance with Stipulation 9. The SHPO will have five additional days to consider the comments of other parties to the consultation and review. The Corps shall ensure that any comments received during this time period are taken into account and, where feasible, incorporated into the final reports.
- D. Dissemination of technical documentation shall not conflict with Section 304 of the National Historic Preservation Act, with respect to confidentiality of data.

Stipulation 7
Annual Reporting

USACE shall prepare and circulate among the signatory and concurring parties to this Agreement an Annual Report documenting the activities carried out pursuant to this Agreement. USACE shall submit the Annual Report to the Agreement signatory and concurring parties within forty-five (45) days of the anniversary of this Agreement's execution. The Annual Report is to present a summary of actions taken under the Agreement, all findings and determinations, accomplishments, public objections, and inadvertent effects. The Agreement signatory and concurring parties will review the Annual Report to determine the effectiveness of the Agreement as an alternative to the standard Section 106 consultation procedures under 36 CFR Part 800. Annual reporting will be in effect until the PA has been terminated.

Stipulation 8
Permissions to Proceed With Construction

- A. The Applicants shall be allowed to proceed with construction following compliance with all other pertinent requirements of the permit conditions and under any of the following terms.
 - 1. the Corps and SHPO have determined that there are no cultural resources within the APE for a particular construction segment; and
 - 2. the Corps and SHPO have determined that there are no Historic Properties within the APE for a particular construction segment; or
 - 3. the Corps, after consultation with the SHPO and interested persons, has implemented an adequate HPTP for the construction segment, and
 - (a) the fieldwork phase of the HPTP has been completed; and
 - (b) the Corps has accepted a summary of the fieldwork performed and a reporting schedule for that work.
- B. If any development project includes a portion of a National Register-eligible district that will be adversely affected, then construction will not proceed until Stipulation 2 has been satisfied.

Stipulation 9
Project-Specific Public and Native American Involvement

- A. In consultation with potentially interested Native American tribes, the Corps will identify Historic Properties of traditional religious and cultural importance.
- B. The Corps shall seek comments from all potentially interested Native American tribes in light of the guidance provided in National Register Bulletin 38 in making determinations of eligibility for any Traditional Cultural Properties as these are defined in Bulletin 38. Those Native American tribes or individuals need not be concurring parties to this FAPA. All reviewers shall have not less than 30 calendar days after receipt to provide comments to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and, where feasible, incorporated into the final survey and evaluation reports.
- C. Pursuant to 36 CFR 800.6(c)(2)-(3), the Corps shall consider requests by others to become concurring parties to this FAPA.
- D. The interested public, in addition to Native American tribes, will be invited to provide input on the identification, evaluation, and proposed treatment of Historic Properties. Depending on the specific nature of the Undertaking, this will be done through letters of notification, public meetings, and site visits.
- E. The Corps The Corps, in recognizing the unique legal and political relationship between the United States and with Indian tribal governments, shall afford the Native Americans an opportunity to participate in the development and implementation of the terms of this FAPA, including inventory reports, evaluation plans and reports, and during the resolution of adverse effect for those resources within each APE that are either exclusively or partially affiliated with prehistoric or ethnographic resources. Reviewers shall respond in a timely manner and no later than 30 calendar days from the receipt of the document. Failure by any reviewer to comment within this time period shall not preclude the Corps from proceeding or allowing draft reports to be finalized. The Corps shall ensure that all Native American reviewers shall expeditiously receive copies of all final survey and evaluation reports.

Stipulation 10
Modifications and Additions to Off-Site Infrastructure

Upon the addition or modification of the Specific Plan Area or related “off-site” infrastructure elements, the Corps and SHPO shall consult on the need to modify the APE for the Specific Plan Area. If the elements are found to be part of the APE and not under a separate Undertaking, then they shall be subject to the provisions of this FAPA. If off-site infrastructure elements are found not to be part of the APE, then the additions will be subject to 36 CFR Part 800.

Stipulation 11
Discovery of Unanticipated Historic Properties

If potentially National Register-eligible resources are discovered or inadvertently affected during construction, ground disturbing activities will cease until the provisions of 36 CFR 800.13(a) are met. The Corps will submit written notification describing the circumstances of the discovery to the SHPO within two working days (e.g., letter or email notification). The Corps will provide the SHPO, the ACHP, affected Native American Tribes, and interested parties an opportunity to review and comment on proposed treatment. The SHPO has two working days to respond by facsimile machine, telephone, and/or email following initial contact by the Corps.

Stipulation 12
Curation

The Corps will ensure that all cultural materials and associated records resulting from identification, evaluation, and treatment efforts conducted under this FAPA shall be properly maintained until analyses specified in the HPTP are complete. Should the Applicants agree to curate the cultural materials and associated records after all analysis is completed, they shall be curated in conformance with 36 CFR 79.

Stipulation 13
Treatment of Human Remains and Associated Objects

The Corps will ensure that Native American human remains, grave goods, items of cultural patrimony, and sacred objects encountered during the Undertaking are treated in accordance with the requirements of Section 7050.5 of the California State Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641.

Stipulation 14
Dispute Resolution

- A. Should the SHPO object within 30 calendar days to plans provided for review pursuant to this FAPA or to actions proposed or carried out pursuant to this FAPA, the Corps and SHPO shall consult for 30 calendar days to resolve the objection. If the objection is resolved within this time frame, the parties shall proceed in accordance with the terms of that resolution. If the Corps determines that the objection cannot be resolved, the Corps shall forward all documentation relevant to the dispute to the ACHP in accordance with procedures specified in 36 CFR 800.7. Within 30 calendar days following receipt of any ACHP comments, the Corps shall make a final decision regarding resolution of the objection and in writing notify the SHPO and the ACHP of that decision. The objection shall thereupon be resolved. In reaching a final decision regarding the objection, the Corps shall take into account any comments received from the SHPO and the ACHP pursuant to this stipulation.
- B. The Corps’ responsibility to carry out all actions required by this FAPA that are not the subject of the dispute shall remain unchanged.

Stipulation 15
Amendments, Noncompliance, and Termination

- A. If any signatory believes that the terms of this FAPA cannot be carried out or are not being met, or that an amendment to its terms should be made, that signatory will immediately consult with the other Signatory to consider and develop amendments to this FAPA pursuant to 36 CFR 800.6(c)(7). The amendment process culminates in the issuance of an amended PA, which replaces the previous FAPA on its effective date. Amendments to the FAPA will only become effective upon approval of all the Signatories.
- B. If this FAPA is not amended as provided for in this stipulation, any Signatory may terminate it. The party proposing termination of the FAPA will provide the other Signatory and concurring parties with an explanation in writing of the reasons for proposing termination in accordance with 800.6(c)(8). Within seven calendar days following receipt of such notification, the parties shall consult for up to 45 days to seek alternatives to termination. Should such consultation result in agreement on an alternative to termination, the parties shall proceed in accordance with the terms of that agreement. Concurring parties may not terminate or amend this FAPA.
- C. In the event of termination of this FAPA, the Corps shall comply with the provisions of 36 CFR Part 800 for all Undertakings covered by this FAPA.

Stipulation 16
Duration of the FAPA

- A. If any Project has not been authorized under Section 404 of the Clean Water Act within ten (10) years following execution of this FAPA by the signatory parties, this FAPA shall automatically terminate and have no further force or effect. In such event, the Corps shall notify the other FAPA parties in writing and, if it chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with 36 CFR Part 800. If the FAPA should be terminated because the Undertaking no longer meets the definition of an "Undertaking" set forth in 36 CFR 800.16(y), Stipulation 15c shall apply.
- B. This FAPA will be in effect through the Corps' implementation of the Undertakings, and will terminate and have no further force or effect when the Corps, in consultation with SHPO, determines that the terms of this FAPA have been fulfilled in a satisfactory manner and/or Corps involvement in the project has ended. The Corps will provide the other SHPO and concurring parties with written notice of its determination and of termination of this FAPA.
- C. The Corps shall be responsible for monitoring the work being performed under this FAPA, including ensuring that all mitigation documentation is incorporated into the HPMP, as amended. The Corps is responsible for initiating consultations with SHPO in advance of expiration of this FAPA, in accordance with Stipulation 15, above.
- D. If the FAPA has not been, or is not expected to be, fully implemented within ten (10) years of the anniversary date of the execution of this FAPA, and if the FAPA has not been terminated, then the signatories shall initiate consultation no less than 365 days prior to the expiration of this FAPA to reconsider its terms. Reconsideration may include a continuation (extension) of the FAPA as originally executed, amendment, or termination.

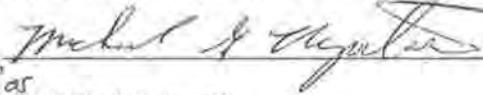
Stipulation 17
Effective Date

This FAPA shall take effect on the date that it has been fully executed by the Corps and the SHPO.

EXECUTION of this FAPA by the Corps and the SHPO, its transmittal to the ACHP, and subsequent implementation of its terms, evidence that the Corps has afforded the ACHP an opportunity to comment on the Undertaking and its effects on Historic Properties, that the Corps has taken into account the effects of the Undertaking on Historic Properties, and that the Corps has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and applicable implementing regulations for all aspects of the Undertaking.

SIGNATORIES:

U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT

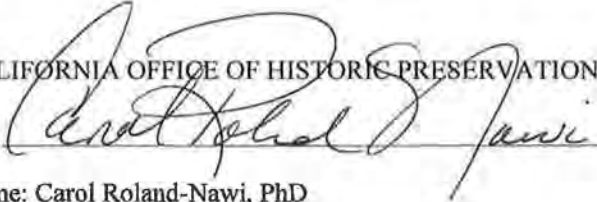
By: 

Date: 2 Oct 2013

Name: Michael S. Jewell

Title: Chief, Regulatory Division

CALIFORNIA OFFICE OF HISTORIC PRESERVATION

By: 

Date: 3 Oct 2013

Name: Carol Roland-Nawi, PhD

Title: State Historic Preservation Officer

CONCURRING PARTIES:

FOLSOM SOUTH AREA GROUP

By: 

Date: 9/30/13

Name: Jim Ray

Title: Authorized Representative

CITY OF FOLSOM

By: 

Date: 10/1/13

Name: DAVID E. MILLER

Title: DIR. PUBLIC WORKS & COMM. DEV.

FOLSOM HISTORICAL SOCIETY

By: _____

Date: _____

Name: Patrick Maxfield

Title: President

SHINGLE SPRINGS BAND OF MIWOK INDIANS

By: _____

Date: _____

Name: _____

Title: _____

UNITED AUBURN INDIAN COMMUNITY

By: 

Date: 10/6/13

Name: Gene Whitehouse

Title: CHAIRMAN

WILTON RANCHERIA

By: _____

Date: _____

Name: _____

Title: _____

Appendix A
Area of Potential Effects

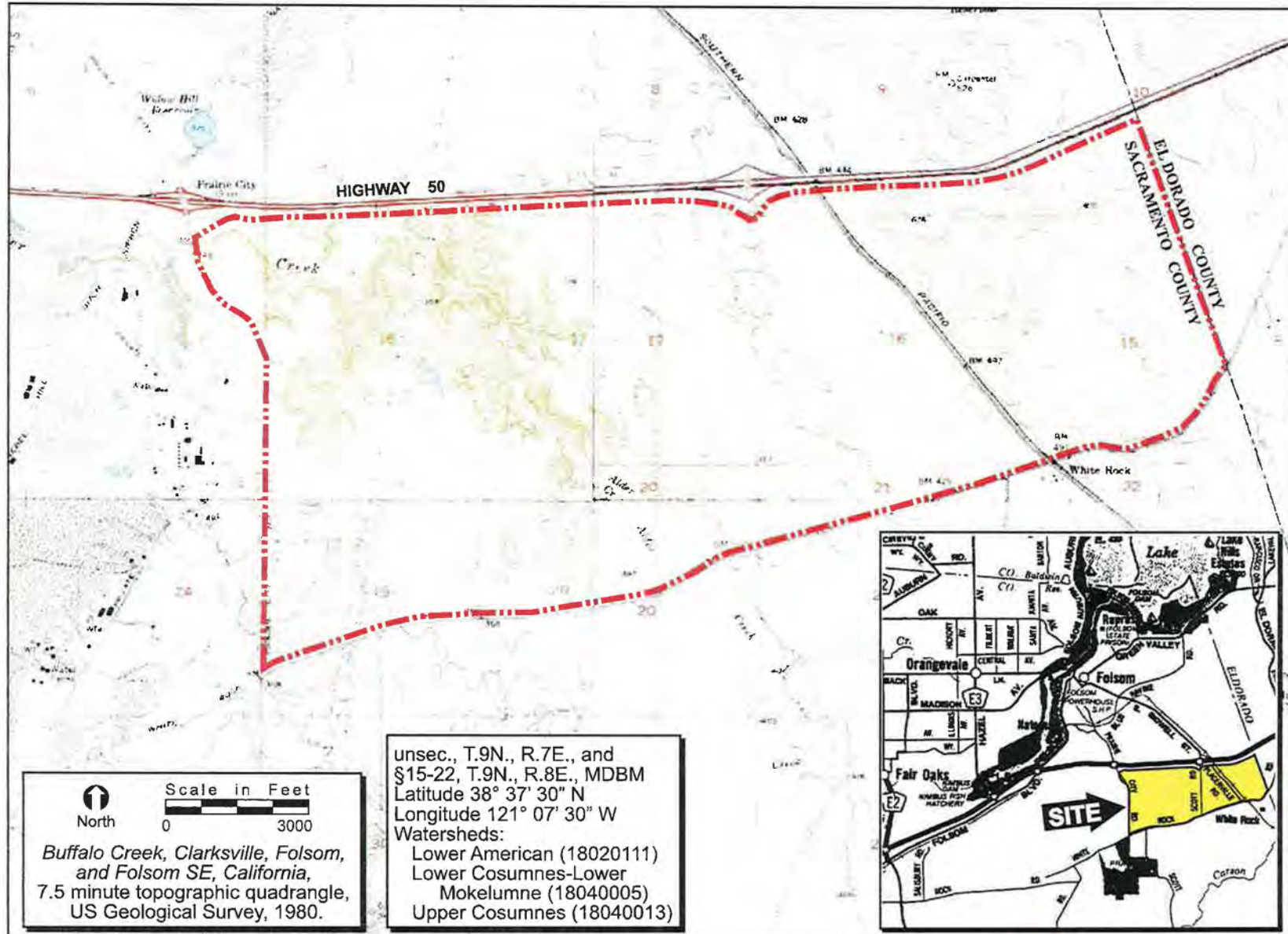


FIGURE 1. Project Site and Vicinity

Appendix B

Development Projects (effective September 2013)
Folsom Heights
Mangini Ranch
Mangini Trust
Arcadian Heights
Russell Promontory
Folsom 138
Carpenter Ranch
Hillsborough (Folsom 560)
Prairie City Road Business Park
Javanifard and Zhargami
Sacramento Country Day School
Backbone Infrastructure

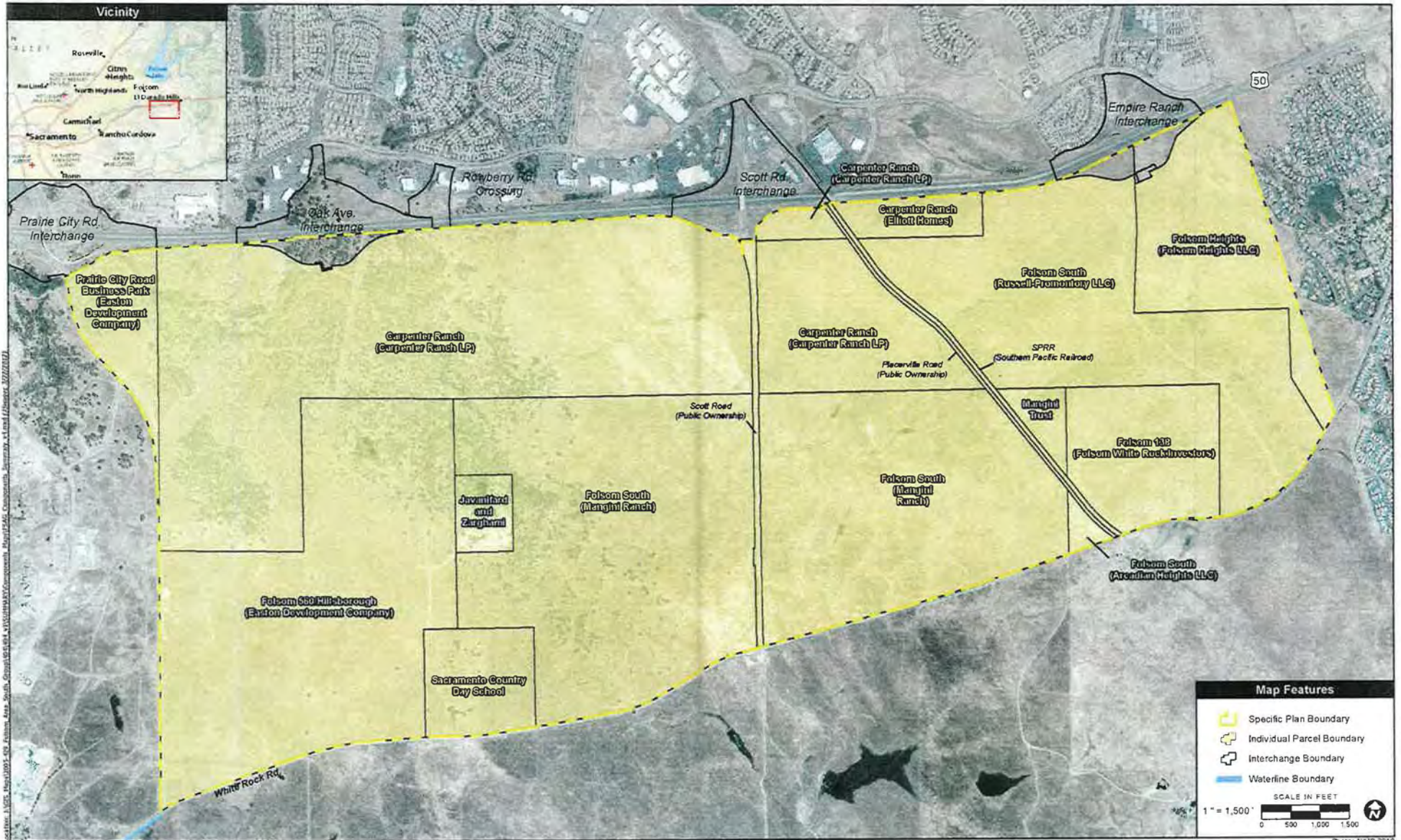


Figure 2. Folsom Plan Area Components

2005-429 Folsom Plan Area Specific Plan

Appendix C

**Preliminary Historic Properties Synthesis /
Historic Property Management Plan**

Enclosed on CD

Second Annual Report - Reconciliation of Stipulations
for Activities Carried Out Under the FAPA Since October 30, 2014

Effective November 5, 2015

Stipulation 1: Professional Qualifications Standards

There has been no change to this status since the First Annual Report was issued on October 30, 2014.

Stipulation 2: Area of Potential Effects and Pre-Project Resolution of Adverse Effects

There has been no change to this status since the First Annual Report was issued on October 30, 2014.

Stipulation 3: Review of PHPS

There has been no change to this status since the First Annual Report was issued on October 30, 2014.

Stipulation 4: Revision of PHPS

There has been no change to this status since the First Annual Report was issued on October 30, 2014.

Stipulation 5: Project-Specific HPTPs

Since the First Annual Report was issued on October 30, 2014, one additional HPTP was developed and circulated to the parties to the FAPA. The HPTP for the Prairie City Road Business Park was circulated on November 26, 2014 for 30 days. Comments from the SHPO led to a revision, which then circulated among the parties to the FAPA for 30 days beginning on August 26, 2015. SHPO issued concurrence on September 23, 2015. No other comments had been received.

Stipulation 6: Technical Reports and HPMP

Since the First Annual Report was issued on October 30, 2014, the following technical reports have been prepared and circulated to the parties to the FAPA according to the attached table:

- Prairie City Road Business Park: Evaluation Report, Finding of Effect, and HPTP
- Hillsborough/SCDS: Finding of Effect
- Folsom Heights: Inventory, Evaluation Plan, Evaluation Report, and Finding of Effect
- Carr Trust: Inventory (courtesy copy, as no Department of the Army (DA) permit is required)
- Backbone: Data Recovery Report
- Folsom 138: Data Recovery Report

The HPMP was revised to reflect the technical studies noted above. The Corps received the revised HPMP on June 2, 2015. The revised HPMP was circulated to the SHPO and consulting parties to the FAPA on November 4, 2015.

Stipulation 7: Annual Reporting

This Annual Report represents the Second Annual Report under the FAPA and is being circulated to the parties to the FAPA. Any comments received will be taken into consideration in accordance with Stipulation 15 of the FAPA.

Stipulation 8: Permissions to Proceed

Since the time of the submission of the First Annual Report on October 30, 2014, the Corps received the following requests for a compliance verification with pre-construction requirements:

- Backbone Infrastructure Permit Area (May 6, 2015): the Corps verified compliance on July 9, 2015 and notified SHPO and the consulting parties to the FAPA, and requested comments by July 27, 2015. The Corps received a response by email from SHPO on August 7, 2015 that there were no comments on the document. The United Auburn Indian Community (UAIC) sent a boilerplate letter on August 24, 2015 to request information on the project and copies of the archaeological reports; however, because the UAIC has already received copies of reports and project information, the Corps did not respond. No other comments were received.
- Water Tank Phase of Russell Ranch Permit Area (September 1, 2015): the Corps verified compliance on September 30, 2015, but did not notify SHPO or the consulting parties to the FAPA because no DA permit is required. Compliance verification was only for the purpose of the National Environmental Policy Act (for the Specific Plan Environmental Impact Statement).
- Folsom 138 Permit Area (March 25, 2015): the Corps verified compliance and notified SHPO and the consulting parties to the FAPA on September 3, 2015. The SHPO notified the Corps by email on September 21, 2015 that it had no comments on the report. On September 28, 2015, SHPO had questions regarding the interpretive panels, which were addressed the same day, and SHPO notified the Corps that it had no further comments. No other comments were received.

The Corps determined that the above project activities may proceed. Compliance with construction-related requirements, such as contractor awareness training, will be verified after implementation and notification of compliance will be submitted to the SHPO.

Stipulation 9: Native American Consultation

Since the last Annual Report, and in accordance with the PA and FAPA, the Corps sent copies of the technical studies named under Stipulation 6 to the tribes for 30-day review and comment periods.

Stipulation 10: Modifications and Additions to Off-Site Infrastructure

There has been no change to this status since the First Annual Report was issued on October 30, 2014. As of the date of this Annual Report, no requests to modify the APE to reflect off-site infrastructure have been received by the Corps.

Stipulation 11: Discovery of Unanticipated Historic Properties

There has been no change to this status since the First Annual Report was issued on October 30, 2014. As of the date of this Annual Report, no authorized fill has occurred under the permits issued to date, and no reports of unanticipated discovery have been received by our office.

Stipulation 12: Curation

There has been no change to this status since the First Annual Report was issued on October 30, 2014. However, two sets of artifact collections from the data recovery for the Backbone Infrastructure Permit Area and Folsom 138 Permit Area are being prepared for curation at the David A. Fredrickson Archaeological Collections Facility located at Sonoma State University.

Stipulation 13: Treatment of Human Remains and Associated Objects

There has been no change to this status since the First Annual Report was issued on October 30, 2014. No human remains are known to exist within the APE, and none have been reported to our office. Should there be an unanticipated discovery of human remains or associated objects, they will be handled in accordance with Stipulations 11 and 13.

Stipulation 14: Dispute Resolution

There has been no change to this status since the First Annual Report was issued on October 30, 2014. As of the date of this report, we have not received any objections to the terms of the FAPA from the SHPO. Any future disputes shall be handled in accordance with this Stipulation.

Stipulation 15: Amendments, Noncompliance, and Termination

There has been no change to this status since the First Annual Report was issued on October 30, 2014. As of the date of this report, we have not received any notification from SHPO that the terms of the FAPA cannot be or are not being carried out. If the SHPO believes that the terms of the FAPA cannot be met, then the Corps shall implement the procedures specified in this Stipulation.

Stipulation 16: Duration of the FAPA



There has been no change to this status since the First Annual Report was issued on October 30, 2014. This FAPA will expire on October 3, 2023, or sooner, if the Corps determines, in consultation with SHPO, that all terms of this FAPA have been met or that the Corps has no further involvement in the APE. We will initiate consultation with the SHPO and concurring parties on an amendment to this FAPA, if required, no later than October 3, 2022.

Stipulation 17: Effective Date

The FAPA became effective on October 3, 2013.

Effective: 11/4/2015

	SPK #	Inventory			Evaluation Plan			Evaluation			Finding of Effect			Treatment Plan		
		Circulation Start Date	Circulation End Date	SHPO Concurrence Date	Circulation Start Date	Circulation End Date	SHPO Concurrence Date	Circulation Start Date	Circulation End Date	SHPO Concurrence Date	Circulation Start Date	Circulation End Date	SHPO Concurrence Date	Circulation Start Date	Circulation End Date	SHPO Concurrence Date
Backbone Infrastructure	2007-02159	7-Dec-12	7-Jan-13	no response ²	10-Dec-12	10-Jan-13	no response ²	16-Jul-13	16-Aug-13	no response ²	16-Jul-13	16-Aug-13	no response ²	6-Sep-13	6-Oct-13	7-Oct-13
Carpenter Ranch	2006-00984	7-Dec-12	7-Jan-13	no response ²	10-Dec-12	10-Jan-13	no response ²	16-Jul-13	16-Aug-13	no response ²	16-Jul-13	16-Aug-13	no response ²	6-Sep-13	6-Oct-13	7-Oct-13
Russell Ranch ¹	2013-00488	7-Dec-12	7-Jan-13	no response ²	7/25/2013, 9/4/13	8/25/2013, 6/4/13	28-Aug-13	9-Oct-13	9-Nov-13	8-Nov-13	18-Nov-13	18-Jan-14	20-Dec-13	30-Jan-14	1-Mar-14	26-Feb-14
Mangini Ranch ¹	2013-00486	7-Dec-12	7-Jan-13	no response ²	10-Dec-12	10-Jan-13	no response ²	16-Jul-13	16-Aug-13	no response ²	4-Sep-13	16-Aug-13	no response ²	6-Sep-13	6-Oct-13	7-Oct-13
Folsom 138	2008-00326	18-Dec-13	18-Jan-14	8-Jan-14	none required	none required	none required	18-Dec-13	18-Jan-14	8-Jan-14	3-Mar-14	3-Apr-14	21-Apr-14	7/21/2014 and 9/29/2014	8/21/2014 and 10/29/2014	30-Sep-14
Arcadian Heights ¹	2013-00485	7-Dec-12	7-Jan-13	no response ²	none required	none required	none required	7/16/2013, 9/4/13	8/16/2013, 10/4/13	1-Oct-13	28-Feb-14	28-Mar-14	21-May-14	23-May-14	23-Jun-14	30-Jun-14
Prairie City Road Business Park	2006-00538	7-Aug-14	7-Nov-14	29-Oct-14	none required	none required	none required	7-Aug-14	7-Nov-14	29-Oct-14	7-Aug-14	7-Nov-14	29-Oct-14	11/26/2014; 8/26/2015	12/31/2014; 9/24/2015	23-Sep-15
Hillsborough	2006-00561	15-Aug-14	15-Sep-14	19-Sep-14	none required	none required	none required	15-Aug-14	15-Sep-14	19-Sep-14	21-Nov-14	22-Dec-14	24-Dec-14	pending		
SCDS	2003-00732	23-Apr-14	23-May-14	no response ²	3-Mar-14	3-Apr-14	4/21/2014 and 6/30/2014	1-Jul-14	1-Aug-14	1-Aug-14						
Folsom Heights	2008-00331	14-Jan-15	14-Feb-15	13-Feb-15	14-Jan-15	14-Feb-15	13-Feb-15	3/2/2015, 8/20/15	4/2/2015, 9/21/15	23-Sep-15	23-Sep-15	23-Oct-15	pending			
Javanifard & Zarghami	2007-01072															
Carr Trust ¹	Old FS 2006-00035	7-Dec-12	7-Jan-13	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

1: formerly part of Folsom South
 2: Corps proceeded after prescribed comment period
 currently past end of comment period with no response
 pending response or circulation



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

November 4, 2015

Regulatory Division (SPK-2007-02159)

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

Dear Ms. Polanco:

This letter concerns the submittal of the revised Historic Properties Management Plan in accordance with the *First Amended Programmatic Agreement Between the U.S. Army Corps of Engineers and the California Office of Historic Preservation Regarding the Folsom Plan Area Specific Plan, Sacramento County, California* (FAPA). In accordance with the 36 CFR 800.4 (b)(2) and 36 CFR 800.14, the U.S. Army Corps of Engineers and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) on July 6, 2011, and the FAPA on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan).

In accordance with Stipulations 6.B and 6.C of the FAPA, we are providing you with a copy of the June 2015 *Folsom South of U.S. Highway 50 Specific Plan Project Historic Properties Management Plan, Sacramento County, California* (revised HPMP), prepared by ECORP Consulting, Inc. The revised HPMP is being provided without one attachment: *Volume II: Confidential Technical Reports and Site Records*. The reports and records have been previously provided during consultation for the respective individual projects within the Folsom Plan Area Specific Plan. We request your review and comment on the revised HPMP within thirty (30) days. In accordance with Stipulations 6.C and 9 of the FAPA, by copy of this letter, we are also providing a copy of the revised HPMP to the concurring and consulting parties to the FAPA, including the Tribes and historical society. We also request these parties' review and comments on the revised HPMP within thirty (30) days.

Please refer to identification number SPK-2007-02159 in any correspondence concerning this project. If you have any questions, please contact Ms. Erin Hess at our Regulatory Division, U.S. Army Corps of Engineers, Sacramento District, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, by email at Erin.E.Hess@usace.army.mil, or telephone at 916-557-6740.

Sincerely,

Lisa M. Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosure

cc:

Mr. David Miller, City of Folsom, 50 Natoma Street, Folsom, CA 95630

Mr. Anthony Ikeda Kolar, Folsom Historical Society, 823 Sutter Street, Folsom, CA 95630

Mr. Daniel Fonseca, Shingle Springs Band of Miwok Indians, Post Office Box 1340, Shingle Springs, CA 95682

Mr. Jason Camp, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, CA 95603

Mr. Steven Hutchason, Wilton Rancheria, 9728 Kent Street, Elk Grove, CA 95624

Mr. Jim Ray, MacKay & Soms Engineers, 1552 Eureka Road, Suite 100, Roseville, CA 95661

cc: (w/o encl)

Ms. Lisa Westwood, ECORP Consulting, lwestwood@ecorpconsulting.com



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

March 30, 2015

Regulatory Division (SPK-2007-02159)

Carol Roland-Nawi, PhD
State Historic Preservation Officer
California Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Dear Dr. Roland-Nawi:

This letter concerns the submittal of the Data Recovery Report for the Backbone Infrastructure Project (Project). Your reference number is COE090818A. In accordance with the 36 CFR 800.4 (b)(2) and 36 CFR 800.14, the U.S. Army Corps of Engineers and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) on July 6, 2011, and a First Amended Programmatic Agreement (FAPA) on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan). Sections H and I of Stipulation 3 of the PA and Stipulation 5 of the FAPA require that each individual project, including the Project, must comply with specific terms that include, but are not limited to, evaluation of significance, determination of effect, and the resolution of adverse effects to Historic Properties.

In a letter dated October 7, 2013, you concurred the proposed August 30, 2013, *Historic Property Treatment Plan for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California* (HPTP), prepared by ECORP Consulting, will adequately address adverse effects to historic properties within the Project APE. In accordance with Section 4.2 of the HPTP, ECORP Consulting has prepared the enclosed February 2015 *Data Recovery Report for Archaeological Sites in the Backbone Infrastructure Area of Potential Effects, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California* (Enclosure 1). The results of the data recovery will be incorporated into the cultural context for the Historic Properties Management Plan (HPMP) and the data recovery report will be attached to the HPMP as an appendix in accordance with Stipulation 6.B of the FAPA.

We request your review and comment on the enclosed data recovery report. We are also providing a copy of the report by way of this letter to the concurring parties to the PA and FAPA, including the tribes, historical society, and applicants, for review and comment. Please provide any comments on the report by May 1, 2015.

Please refer to identification number SPK-2007-02159 in any correspondence concerning this Project. If you have any questions, please contact Ms. Erin Hess, at our Regulatory Division, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, erin.e.hess@usace.army.mil, or telephone (916) 557-6740. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



Lisa Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosure

cc:

Mr. David Miller, City of Folsom, 50 Natoma Street, Folsom, CA 95630
Ms. Mary Mast, Folsom Historical Society, 823 Sutter Street, Folsom, CA 95630-2440
Mr. Daniel Fonseca, Shingle Springs Band of Miwok Indians, Post Office Box 1340,
Single Springs, CA 95682
Mr. Jason Camp, Tribal Historic Preservation Officer, United Auburn Indian Community,
10720 Indian Hill Road, Auburn, CA 95603
Mr. Steven Hutchason, Wilton Rancheria, 9728 Kent Street, Elk Grove, CA 95624
Mr. Jim Ray, MacKay & Somps Engineers, 1552 Eureka Road, Suite 100, Roseville, CA
95661

cc: (w/o encl)

Ms. Lisa Westwood, ECORP Consulting, lwestwood@ecorpconsulting.com



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

August 26, 2015

Regulatory Division (SPK-2007-02159, SPK-2006-00984, SPK-2013-00486, SPK-2013-00485, and SPK-2013-00488)

Ms. Christy Avery
Cultural Resources
National Park Service
909 1st Ave, 5th Floor
Seattle, WA 98104

Dear Ms. Avery:

We are continuing consultation regarding the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan) and the Keefe-McDerby Mine Ditch. On July 6, 2011, the U.S. Army Corps of Engineers, Sacramento District and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) and executed a First Amended Programmatic Agreement (FAPA) on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the Specific Plan. The Specific Plan is composed of multiple project proponents and developers and covers approximately 3,510 acres. The Specific Plan area is located south of Highway 50, east of Prairie City Road, north of White Rock Road, and west of the El Dorado County line in portions of Sections 24, 25, 26, 27, 30, 31, 34, 35, and 36 of Township 12 North, Range 7 East, Mount Diablo Meridian, in the City of Folsom, Sacramento County, California.

In accordance with the FAPA, on September 10, 2014, we requested your determination of the appropriate level of HAER documentation for the Keefe-McDerby Mine Ditch. In a letter dated December 15, 2014, Dr. Elaine Jackson-Retondo of the National Park Service (NPS), Pacific West Region, issued a stipulation letter for the Historic American Engineering Record Documentation (HAER) documentation, which provided details and guidance for the written historical and descriptive data and photographs to be included and the organization of documentation that is required. The stipulation letter further required the Corps to provide a draft copy of the HAER documentation, including photocopies of the large format photographs, to the NPS for review. On March 3, 2015, we provided you with the draft HAER documentation for the Keefe-McDerby Mine Ditch for your review and comment. In a letter dated March 30, 2015, you provided comments regarding the draft HAER documentation. The draft HAER documentation was revised accordingly.

Please find enclosed the final HAER documentation for the Keefe-McDerby Mine Ditch, including two archival copies (one for the Library of Congress and one for the State Historic Preservation Office) and one Xerox copy. Please refer to identification numbers SPK-2007-02159, SPK-2006-00984, SPK-2013-00486, SPK-2013-00485, and SPK-2013-00488 in any correspondence concerning the Keefe-McDerby Mine Ditch. If you have any questions, please contact Ms. Erin Hess at our Regulatory Division, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, erin.e.hess@usace.army.mil, or telephone (916) 557-6740.

Sincerely,



Lisa M. Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosures:

- (2) Final Archival HAER for Keefe-McDerby Ditch
- (1) Final Xerox HAER for Keefe-McDerby Ditch

cc (w/o encl):

Ms. Lisa Westwood, ECORP Consulting, Inc., lwestwood@ecorpconsulting.com



United States Department of the Interior

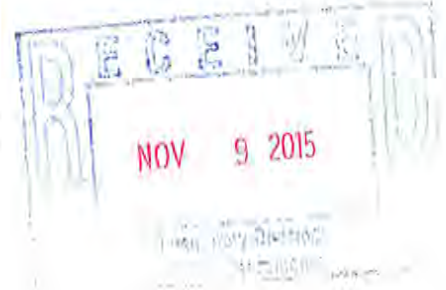


NATIONAL PARK SERVICE
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

H38 (PWRO-CR)

October 20, 2015

Lisa M. Gibson
Department of the Army
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922



Re: Final Historic American Engineering Record documentation for CA-144-B and CA-195

Dear Ms. Gibson,

The National Park Service acknowledges the receipt of and accepts the Historic American Engineering Record (HAER) documentation for the Rhoades' Branch Ditch, CA-144-B, and Keefe McDerby Mine Ditch, CA-195. The completed documentation will be transmitted to the Prints and Photographs Division of the Library of Congress. The records are in the public domain and will be accessible through the library. We will also transmit a copy of each report to the California State Historic Preservation Officer.

Sincerely,

Elaine Jackson-Retondo

Elaine Jackson-Retondo, Ph.D.
History Program Manager
Pacific West Regional Office



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

November 5, 2015

Regulatory Division (SPK-2007-02159)

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

Dear Ms. Polanco:

This letter concerns the submittal of an Annual Report of activities carried out in accordance with the *First Amended Programmatic Agreement Between the U.S. Army Corps of Engineers and the California Office of Historic Preservation Regarding the Folsom Plan Area Specific Plan, Sacramento County, California* (FAPA). In accordance with the 36 CFR 800.4 (b)(2) and 36 CFR 800.14, the U.S. Army Corps of Engineers and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) on July 6, 2011, and the FAPA on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan).

In accordance with Stipulation 7 of the FAPA, we are providing you with an Annual Report regarding activities carried out pursuant to the FAPA. The Annual Report is to present a summary of actions, all findings and determinations, accomplishments, public objections, and inadvertent effects for individual projects within the Specific Plan area. The Annual Report is required to be submitted within 45 days of the anniversary date of the FAPA, which is on or before November 17, 2015. A copy of the FAPA was provided with the 2014 Annual Report. A reconciliation of the terms of the FAPA, by stipulation, is provided in Enclosure 1. A summary table of the circulation of all technical studies prepared under the PA or FAPA is provided in Enclosure 2.

By copy of this letter, we are also providing a copy of the Annual Report to the concurring and consulting parties to the FAPA, including the Tribes, historical society, and applicant for their review to determine the effectiveness of the FAPA as an alternative to the standard Section 106 consultation procedures. Please refer to identification number SPK-2007-02159 in any correspondence concerning this project. If you have any questions, please contact Ms. Erin Hess at our Regulatory Division, U.S. Army Corps of Engineers, Sacramento District, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, by email at Erin.E.Hess@usace.army.mil, or telephone at 916-557-6740.

Sincerely,

Lisa M. Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosures

cc:

Mr. David Miller, City of Folsom, 50 Natoma Street, Folsom, CA 95630

Mr. Anthony Ikeda Kolar, Folsom Historical Society, 823 Sutter Street, Folsom, CA 95630

Mr. Daniel Fonseca, Shingle Springs Band of Miwok Indians, Post Office Box 1340, Shingle Springs, CA 95682

Mr. Jason Camp, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, CA 95603

Mr. Steven Hutchason, Wilton Rancheria, 9728 Kent Street, Elk Grove, CA 95624

Mr. Jim Ray, MacKay & Soms Engineers, 1552 Eureka Road, Suite 100, Roseville, CA 95661

cc: (w/o encls)

Ms. Lisa Westwood, ECORP Consulting, lwestwood@ecorpconsulting.com

FIRST AMENDED
PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS
AND
THE CALIFORNIA OFFICE OF HISTORIC PRESERVATION
REGARDING THE
FOLSOM PLAN AREA SPECIFIC PLAN,
SACRAMENTO COUNTY, CALIFORNIA

WHEREAS, this First Amended Programmatic Agreement (FAPA) fully supersedes all provisions of the “Programmatic Agreement Between the U.S. Army Corps of Engineers (Corps) and the California State Historic Preservation Officer (SHPO) regarding the Folsom Plan Area Specific Plan, Sacramento County, California.” executed on July 13, 2011; and

WHEREAS, the Sacramento District of the Corps, under the authority of Section 404 of the Clean Water Act (33 U.S.C. § 1344) may issue permits (“Section 404 Permits”) (the Undertakings), for projects within the proposed Folsom Plan Area Specific Plan (“Specific Plan Area”) in Sacramento County, California; and

WHEREAS, multiple project proponents and local agencies (“Applicants or Permittees”) have submitted or will submit applications to the Corps for a Section 404 Permit for their respective individual projects (Project[s]) within the Specific Plan Area and serve as Concurring parties to this FAPA; and

WHEREAS, it is the intent of the Corps, the SHPO and the Applicants to provide for the uniform treatment of, and to address the cumulative effects to, Historic Properties through the implementation of this amendment; and

WHEREAS, the Folsom Historical Society, Shingle Springs Band of Miwok Indians, The Wilton Rancheria, and the United Auburn Indian Community have been contacted and afforded the opportunity to participate in the Section 106 process and this FAPA; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) was afforded an opportunity to comment or participate in the development of the PA and declined in a letter dated December 2, 2010; and

WHEREAS, in accordance with Stipulation 16 of the original PA, the PA is hereby amended by the Signatories without further consultation with the ACHP; and

WHEREAS, the individual Applicants will proceed with Project-specific development independently of one another with a potential build-out of 20 years within the Specific Plan Area; and

WHEREAS, the Corps has determined that the Projects within the Specific Plan Area may have an effect on Historic Properties that are either included in, or are eligible for inclusion in the National Register of Historic Places (NRHP) and has consulted with the SHPO, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) and its implementing regulations codified in 36 CFR Part 800 (August 2004); and

WHEREAS, the Historic Properties include, but are not limited to, several historic districts that span multiple Projects within the Specific Plan Area and are considered regional in scope; and

WHEREAS, the remaining identification, evaluation, determination of effect, and resolution of adverse effects will be carried out separately by each Applicant under the authority of the Corps, which will continue as lead federal agency for each consultation phase, and additional Historic Properties may be identified during the process; and

WHEREAS, this agreement addresses all phases and segments of the Specific Plan Area project, including off-site infrastructure; and

WHEREAS, the signatories of this FAPA commit to a cooperative relationship and timely review of documentation generated under this FAPA; and

WHEREAS, the definitions set forth in 36 CFR 800.16 are incorporated herein by reference and apply throughout this FAPA; and

WHEREAS, the definitions for signatory parties set forth in 36 CFR 800.6(c)(1), and the definitions for concurring parties set forth in 36 CFR 800.6(c)(3) are incorporated herein by reference and apply throughout this FAPA; and

WHEREAS, pursuant to Section 404 of the Clean Water Act, the Corps is responsible for the implementation of the stipulations included herein, and as signatories to this FAPA the Corps and SHPO have the authority to enforce, amend, and terminate this FAPA; and

WHEREAS, this FAPA fulfills Mitigation Measure 3A.5-1 of the Environmental Impact Statement prepared for the entire Specific Plan Area for which a Record of Decision was issued on 11 August 2011, for compliance with the National Environmental Policy Act and will be included as a condition of any Section 404 Permits issued by the Corps in the Specific Plan Area; and

WHEREAS, this FAPA and its subsequent Historic Property Treatment Plan and property-specific Treatment Plans, provide for the means by which resolution of adverse effect to Historic Properties will occur;

NOW, THEREFORE, the Corps and the SHPO agree that the proposed Undertakings shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertakings on Historic Properties and to satisfy the Corps' Section 106 responsibilities for all individual aspects of the Undertakings.

STIPULATIONS

The Corps shall ensure that the following measures are carried out.

Stipulation 1 Professional Qualifications Standards

The Corps shall ensure that historic, architectural, and archaeological work conducted pursuant to this FAPA is carried out by, or under the direct supervision of a person or persons meeting qualifications set forth in the Secretary of the Interior's Professional Qualification Standards in accordance with 36 CFR Part 61.

Stipulation 2 Specific Plan Area of Potential Effects and Pre-Project Resolution of Adverse Effects (Cultural Context)

- A. The Corps has determined and documented the Specific Plan Area of Potential Effects (APE) for the Undertakings in consultation with SHPO. SHPO concurred in a letter dated October 19, 2009. The APE is located on the Folsom, Buffalo Creek, Clarksville, and Folsom S.E. 7.5 Minute U.S.G.S. topographic quadrangle maps in T. 9 N., R. 8 E. The APE is bounded by Highway 50 to the north, Prairie City Road to the west, the Sacramento and El Dorado County line to the east, and White Rock Road to the south. In addition, the off-site water transfer alignments, off-site roads, two new interchanges, two interchange improvements, and construction of one new overcrossing along Highway 50 between the current Prairie City Road Interchange and the El Dorado and Sacramento County line are included in the APE (Appendix A). The Specific Plan Area, for which a general Section 404 Permit application (USACE ID# 2007-02159) has been filed, is comprised of several development projects for which specific Section 404 Permit applications have been submitted, or will be submitted, to the Corps. The development projects (Projects) are currently designated in Appendix B to this FAPA. As applicants are added or removed from the Specific Plan, the table in Appendix B will be modified, without having to amend the FAPA, and signatories to this PA shall be notified in writing accordingly, and new additions shall be offered an opportunity to be Concurring parties on this PA.

- B. The Specific Plan's APE includes all areas where effects could occur from construction of the Projects listed in Appendix B. Future project design changes may require redefining the APE and the development projects within it. Each Section 404 Permit application shall have its own Project-specific APE designated by the Corps and approved by SHPO. If some of the Projects are merged or segregated, a Project will be defined as the area to which a specific Section 404 Permit application applies. The Corps shall consult with SHPO in a timely manner to amend the boundaries of the APE. Amendment of the APE, by agreement of the signatories, shall not require amendment of this FAPA. Project-specific APEs shall not extend beyond the Section 404 permit area as designated by the Corps.
- C. Because each Project will require an individual Section 404 permit application and the Projects will be independent of one another, the Corps has determined that the resolution of adverse effects to Historic Properties that span more than one individual 404 permit application must be completed before the Corps makes a decision on any affected Section 404 permit applications. Therefore, the Corps will ensure that adverse effects are resolved prior to the issuance of separate Section 404 permits for each Applicant.
- D. Using the previous research conducted on historic districts to date, and where said previous research is deemed adequate by the Corps, the evaluation of significance, a portion of the resolution of adverse effect (the archival research and documentation), and the development of a Work Plan for the remaining identification and evaluation shall be carried out in advance of any Section 404 permit approval. The work will be conducted at a level (determined adequate by the Corps and SHPO) that will allow the remaining resolution of adverse effects to be carried out on a Project-specific basis by individual applicants independently of one another.
- E. The Preliminary Historic Properties Synthesis (HPS) resulting from this work shall include the following components:
 1. National Register evaluation of significance for the Rhodes' Diggings Mining District;
 2. restatement of the previous Determination of Eligibility of the Alder Creek Corridor Mining District, and a review of other districts previously documented within the Specific Plan Area APE;
 3. historic context statement for the Specific Plan Area, based on research conducted to date, supplemented with additional research, if necessary;
 4. delineation of the boundaries of historic districts, sites, and features based on research conducted to-date, supplemented with additional research, if necessary;
 5. results of previously conducted archival research for the historic mining districts;
 6. research design and work plan to guide development of property-specific HPTPs; and
 7. Professional standards and guidelines for all work carried out under the FAPA.

This Preliminary HPS will not include any analysis relative to the larger "paper districts" known as the Folsom Mining District and American River Placer Mining District.

- F. This Preliminary HPS shall also serve as a mitigation document for the Specific Plan Area (see Stipulation 6).
- G. At its discretion, or when required by Stipulation 5, the Corps shall consult with SHPO and/or the ACHP pursuant to 36 CFR Part 800 for any individual action covered by this FAPA.

Stipulation 3
Review of Preliminary Historic Properties Synthesis

- A. The Corps shall ensure that the draft Preliminary HPS is submitted to the SHPO for review and comment. SHPO shall have 30 calendar days after receipt of the draft Preliminary HPS to comment to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and incorporated into the final HPS.
- B. The Corps, in recognizing the unique legal and political relationship between the United States and with Indian tribal governments, shall also afford the Native Americans an opportunity to review the draft Preliminary HPS in accordance with Stipulation 9. The Corps shall also make a reasonable and good-faith effort to afford other

concurring parties (such as applicants or historical societies) an opportunity to review the draft Preliminary HPS. Concurring parties shall have 30 calendar days after receipt of the draft Preliminary HPS to comment to the Corps. The Corps shall consider comments received during this time period and incorporate such comments into the draft Preliminary HPS to the extent practicable; however, the Corps is not required to revise the Preliminary HPS in response to any comments received.

- C. The Corps shall make every effort to resolve disputes that may arise from conflicting comments by SHPO, or concurring parties via telephone conversations or other informal means of communication. In the event that disputes are not easily remedied, the Corps shall resolve them in accordance with Stipulation 14. Failure by SHPO or any of the concurring parties to comment within the 30 calendar day time period shall not preclude the Corps from allowing the Preliminary HPS to be finalized.
- D. If the Preliminary HPS is revised in response to comments, the Corps shall provide the revised Preliminary HPS to SHPO and the concurring parties for review. SHPO and the concurring parties shall provide any comments on the revised Preliminary HPS to the Corps within 30 calendar days. If no comments are provided within 30 calendar days, the Corps may proceed.
- E. Once the signatories determine that the Preliminary HPS is adequate, the Corps shall authorize the Applicant(s) to proceed with the Work Plan contained within the Preliminary HPS before issuing any Section 404 Permits. Within 30 days of approving the final Preliminary HPS, the Corps shall provide a copy of the final document to SHPO and the concurring parties.

Stipulation 4 Revision of the Preliminary HPS

In conjunction with the execution of this FAPA, the Corps shall ensure that the Preliminary HPS (previously prepared under the original PA) and in accordance with Stipulations 2 and 3 is revised and renamed "Historic Property Management Plan (HPMP)" (Appendix C). The revision shall include the addition of a section on the framework and guidelines for addressing: 1) the remaining identification and evaluations of historic properties under this FAPA; 2) subsequent and related consultation and review processes; and 3) preparation of the determinations of effect and HPTPs. These additions were as previously agreed upon as part of the originally executed PA. The HPMP will also accommodate future attachments that include property-specific HPTPs and resulting technical studies. Revisions to the Preliminary HPS (HPMP) shall not require a modification or amendment to this FAPA.

Stipulation 5 Development and Review of Project-Specific Historic Property Treatment Plans

- A. The Corps shall apply the Criteria of Adverse Effect pursuant to 36 CFR 800.5(a) (1) to all Historic Properties within the APE that will be affected by the Project. Findings of effect (FoE) shall be made in consultation with the SHPO, affected Native American Tribes and other interested parties, subject to Stipulation 6D. Separate FoEs shall be produced for each development project listed in Attachment B.
- B. The Corps shall submit the FoE to the SHPO, affected Native American Tribes, and other interested parties for review and comment, subject to Stipulation 6D. SHPO shall have 30 calendar days after receipt of the FoE to provide comments to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and incorporated into the final FoE. If SHPO fails to respond within 30 days, the Corps may proceed.
- C. As directed by the HPMP, the Corps shall develop a property-specific HPTP for each individual APE, which provides the site-by-site actions required to resolve adverse effects to individual Historic Properties. The HPTPs shall be appended to the HPMP.
- D. The Corps shall submit each HPTP to the SHPO, affected Native American Tribes, and other interested parties, subject to Stipulation 6D, for review and comment. SHPO shall have 30 calendar days after receipt of the HPTP to provide comments to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and incorporated into the final HPTP. If SHPO fails to respond within 30 days, the Corps may proceed.

- E. If the HPTPs are revised as a result of comments, the Corps shall afford the SHPO and appropriate concurring parties 30 calendar days to review and comment on the revised documents. If no comments are received within 30 calendar days, The Corps may finalize the HPTP.
- F. Once the Signatories determine that an HPTP is adequate, the Corps shall issue authorization to proceed with the implementation of the HPTP. Project-specific Memoranda of Agreement are not required.
- G. If a specific development project includes a portion of an eligible historic district, the SHPO will not approve the HPTP for that development project until all HPTPs of other development projects containing a portion of said district have been approved unless Stipulation 2 has been satisfied.
- H. The Corps shall ensure that any comments received during this time period are taken into account and, where feasible, incorporated into the final documents. The Corps shall make every effort to resolve disputes that may arise from conflicting comments by the signatories or concurring parties via telephone conversations or other informal means of communication. In the event that disputes are not easily remedied, the Corps shall resolve them in accordance with Stipulation 14.
- I. Final drafts of the HPTPs will be provided to SHPO, the ACHP, affected Native American tribes, and other interested parties, subject to Stipulation 6D.

Stipulation 6
Technical Reports and Historic Properties Management Plan

- A. The results of the implementation of the HPTPs shall be documented in a comprehensive confidential technical report(s) that follow the guidelines of the Secretary of the Interior and the California Office of Historic Preservation.
- B. As Project-specific surveys, evaluation, and data recovery studies are carried out for individual Projects, results that pertain to the historical period will be incorporated into the cultural context in the HPMP with technical reports attached as appendices in sequence. Studies that focus solely on resources from the prehistoric period will be reported separately, via project-specific technical reports. Information generated during the early planning process and as presented in the HPMP will be modified as more data are generated during mitigation. The HPMP will be a dynamic document which may require revisions throughout the course of the build-out of the Specific Plan. Revisions to the HPMP will not require amending the FAPA.
- C. The Corps shall ensure that the revised HPMP is submitted to the SHPO and appropriate concurring parties for review and comment, subject to Stipulation 6D. Reviewers shall have 30 calendar days after receipt of the draft reports to provide comment to the Corps. Review by Native American tribes or individuals shall be in accordance with Stipulation 9. The SHPO will have five additional days to consider the comments of other parties to the consultation and review. The Corps shall ensure that any comments received during this time period are taken into account and, where feasible, incorporated into the final reports.
- D. Dissemination of technical documentation shall not conflict with Section 304 of the National Historic Preservation Act, with respect to confidentiality of data.

Stipulation 7
Annual Reporting

USACE shall prepare and circulate among the signatory and concurring parties to this Agreement an Annual Report documenting the activities carried out pursuant to this Agreement. USACE shall submit the Annual Report to the Agreement signatory and concurring parties within forty-five (45) days of the anniversary of this Agreement's execution. The Annual Report is to present a summary of actions taken under the Agreement, all findings and determinations, accomplishments, public objections, and inadvertent effects. The Agreement signatory and concurring parties will review the Annual Report to determine the effectiveness of the Agreement as an alternative to the standard Section 106 consultation procedures under 36 CFR Part 800. Annual reporting will be in effect until the PA has been terminated.

Stipulation 8
Permissions to Proceed With Construction

- A. The Applicants shall be allowed to proceed with construction following compliance with all other pertinent requirements of the permit conditions and under any of the following terms.
 - 1. the Corps and SHPO have determined that there are no cultural resources within the APE for a particular construction segment; and
 - 2. the Corps and SHPO have determined that there are no Historic Properties within the APE for a particular construction segment; or
 - 3. the Corps, after consultation with the SHPO and interested persons, has implemented an adequate HPTP for the construction segment, and
 - (a) the fieldwork phase of the HPTP has been completed; and
 - (b) the Corps has accepted a summary of the fieldwork performed and a reporting schedule for that work.
- B. If any development project includes a portion of a National Register-eligible district that will be adversely affected, then construction will not proceed until Stipulation 2 has been satisfied.

Stipulation 9
Project-Specific Public and Native American Involvement

- A. In consultation with potentially interested Native American tribes, the Corps will identify Historic Properties of traditional religious and cultural importance.
- B. The Corps shall seek comments from all potentially interested Native American tribes in light of the guidance provided in National Register Bulletin 38 in making determinations of eligibility for any Traditional Cultural Properties as these are defined in Bulletin 38. Those Native American tribes or individuals need not be concurring parties to this FAPA. All reviewers shall have not less than 30 calendar days after receipt to provide comments to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and, where feasible, incorporated into the final survey and evaluation reports.
- C. Pursuant to 36 CFR 800.6(c)(2)-(3), the Corps shall consider requests by others to become concurring parties to this FAPA.
- D. The interested public, in addition to Native American tribes, will be invited to provide input on the identification, evaluation, and proposed treatment of Historic Properties. Depending on the specific nature of the Undertaking, this will be done through letters of notification, public meetings, and site visits.
- E. The Corps, in recognizing the unique legal and political relationship between the United States and with Indian tribal governments, shall afford the Native Americans an opportunity to participate in the development and implementation of the terms of this FAPA, including inventory reports, evaluation plans and reports, and during the resolution of adverse effect for those resources within each APE that are either exclusively or partially affiliated with prehistoric or ethnographic resources. Reviewers shall respond in a timely manner and no later than 30 calendar days from the receipt of the document. Failure by any reviewer to comment within this time period shall not preclude the Corps from proceeding or allowing draft reports to be finalized. The Corps shall ensure that all Native American reviewers shall expeditiously receive copies of all final survey and evaluation reports.

Stipulation 10
Modifications and Additions to Off-Site Infrastructure

Upon the addition or modification of the Specific Plan Area or related “off-site” infrastructure elements, the Corps and SHPO shall consult on the need to modify the APE for the Specific Plan Area. If the elements are found to be part of the APE and not under a separate Undertaking, then they shall be subject to the provisions of this FAPA. If off-site infrastructure elements are found not to be part of the APE, then the additions will be subject to 36 CFR Part 800.

Stipulation 11
Discovery of Unanticipated Historic Properties

If potentially National Register-eligible resources are discovered or inadvertently affected during construction, ground disturbing activities will cease until the provisions of 36 CFR 800.13(a) are met. The Corps will submit written notification describing the circumstances of the discovery to the SHPO within two working days (e.g., letter or email notification). The Corps will provide the SHPO, the ACHP, affected Native American Tribes, and interested parties an opportunity to review and comment on proposed treatment. The SHPO has two working days to respond by facsimile machine, telephone, and/or email following initial contact by the Corps.

Stipulation 12
Curation

The Corps will ensure that all cultural materials and associated records resulting from identification, evaluation, and treatment efforts conducted under this FAPA shall be properly maintained until analyses specified in the HPTP are complete. Should the Applicants agree to curate the cultural materials and associated records after all analysis is completed, they shall be curated in conformance with 36 CFR 79.

Stipulation 13
Treatment of Human Remains and Associated Objects

The Corps will ensure that Native American human remains, grave goods, items of cultural patrimony, and sacred objects encountered during the Undertaking are treated in accordance with the requirements of Section 7050.5 of the California State Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641.

Stipulation 14
Dispute Resolution

- A. Should the SHPO object within 30 calendar days to plans provided for review pursuant to this FAPA or to actions proposed or carried out pursuant to this FAPA, the Corps and SHPO shall consult for 30 calendar days to resolve the objection. If the objection is resolved within this time frame, the parties shall proceed in accordance with the terms of that resolution. If the Corps determines that the objection cannot be resolved, the Corps shall forward all documentation relevant to the dispute to the ACHP in accordance with procedures specified in 36 CFR 800.7. Within 30 calendar days following receipt of any ACHP comments, the Corps shall make a final decision regarding resolution of the objection and in writing notify the SHPO and the ACHP of that decision. The objection shall thereupon be resolved. In reaching a final decision regarding the objection, the Corps shall take into account any comments received from the SHPO and the ACHP pursuant to this stipulation.
- B. The Corps’ responsibility to carry out all actions required by this FAPA that are not the subject of the dispute shall remain unchanged.

Stipulation 15
Amendments, Noncompliance, and Termination

- A. If any signatory believes that the terms of this FAPA cannot be carried out or are not being met, or that an amendment to its terms should be made, that signatory will immediately consult with the other Signatory to consider and develop amendments to this FAPA pursuant to 36 CFR 800.6(c)(7). The amendment process culminates in the issuance of an amended PA, which replaces the previous FAPA on its effective date. Amendments to the FAPA will only become effective upon approval of all the Signatories.
- B. If this FAPA is not amended as provided for in this stipulation, any Signatory may terminate it. The party proposing termination of the FAPA will provide the other Signatory and concurring parties with an explanation in writing of the reasons for proposing termination in accordance with 800.6(c)(8). Within seven calendar days following receipt of such notification, the parties shall consult for up to 45 days to seek alternatives to termination. Should such consultation result in agreement on an alternative to termination, the parties shall proceed in accordance with the terms of that agreement. Concurring parties may not terminate or amend this FAPA.
- C. In the event of termination of this FAPA, the Corps shall comply with the provisions of 36 CFR Part 800 for all Undertakings covered by this FAPA.

Stipulation 16
Duration of the FAPA

- A. If any Project has not been authorized under Section 404 of the Clean Water Act within ten (10) years following execution of this FAPA by the signatory parties, this FAPA shall automatically terminate and have no further force or effect. In such event, the Corps shall notify the other FAPA parties in writing and, if it chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with 36 CFR Part 800. If the FAPA should be terminated because the Undertaking no longer meets the definition of an "Undertaking" set forth in 36 CFR 800.16(y), Stipulation 15c shall apply.
- B. This FAPA will be in effect through the Corps' implementation of the Undertakings, and will terminate and have no further force or effect when the Corps, in consultation with SHPO, determines that the terms of this FAPA have been fulfilled in a satisfactory manner and/or Corps involvement in the project has ended. The Corps will provide the other SHPO and concurring parties with written notice of its determination and of termination of this FAPA.
- C. The Corps shall be responsible for monitoring the work being performed under this FAPA, including ensuring that all mitigation documentation is incorporated into the HPMP, as amended. The Corps is responsible for initiating consultations with SHPO in advance of expiration of this FAPA, in accordance with Stipulation 15, above.
- D. If the FAPA has not been, or is not expected to be, fully implemented within ten (10) years of the anniversary date of the execution of this FAPA, and if the FAPA has not been terminated, then the signatories shall initiate consultation no less than 365 days prior to the expiration of this FAPA to reconsider its terms. Reconsideration may include a continuation (extension) of the FAPA as originally executed, amendment, or termination.

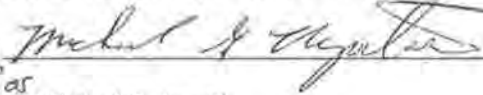
Stipulation 17
Effective Date

This FAPA shall take effect on the date that it has been fully executed by the Corps and the SHPO.

EXECUTION of this FAPA by the Corps and the SHPO, its transmittal to the ACHP, and subsequent implementation of its terms, evidence that the Corps has afforded the ACHP an opportunity to comment on the Undertaking and its effects on Historic Properties, that the Corps has taken into account the effects of the Undertaking on Historic Properties, and that the Corps has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and applicable implementing regulations for all aspects of the Undertaking.

SIGNATORIES:

U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT

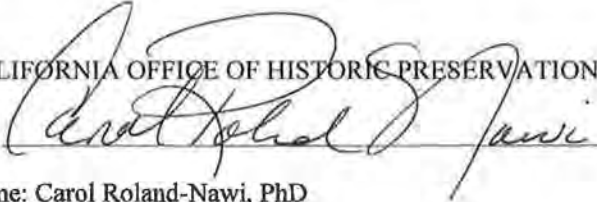
By: 

Date: 2 Oct 2013

Name: Michael S. Jewell

Title: Chief, Regulatory Division

CALIFORNIA OFFICE OF HISTORIC PRESERVATION

By: 

Date: 3 Oct 2013

Name: Carol Roland-Nawi, PhD

Title: State Historic Preservation Officer

CONCURRING PARTIES:

FOLSOM SOUTH AREA GROUP

By: 

Date: 9/30/13

Name: Jim Ray

Title: Authorized Representative

CITY OF FOLSOM

By: 

Date: 10/1/13

Name: DAVID E. MILLER

Title: DIR. PUBLIC WORKS & COMM. DEV.

FOLSOM HISTORICAL SOCIETY

By: _____

Date: _____

Name: Patrick Maxfield

Title: President

SHINGLE SPRINGS BAND OF MIWOK INDIANS

By: _____

Date: _____

Name: _____

Title: _____

UNITED AUBURN INDIAN COMMUNITY

By: 

Date: 10/6/13

Name: Gene Whitehouse

Title: CHAIRMAN

WILTON RANCHERIA

By: _____

Date: _____

Name: _____

Title: _____

Appendix A
Area of Potential Effects

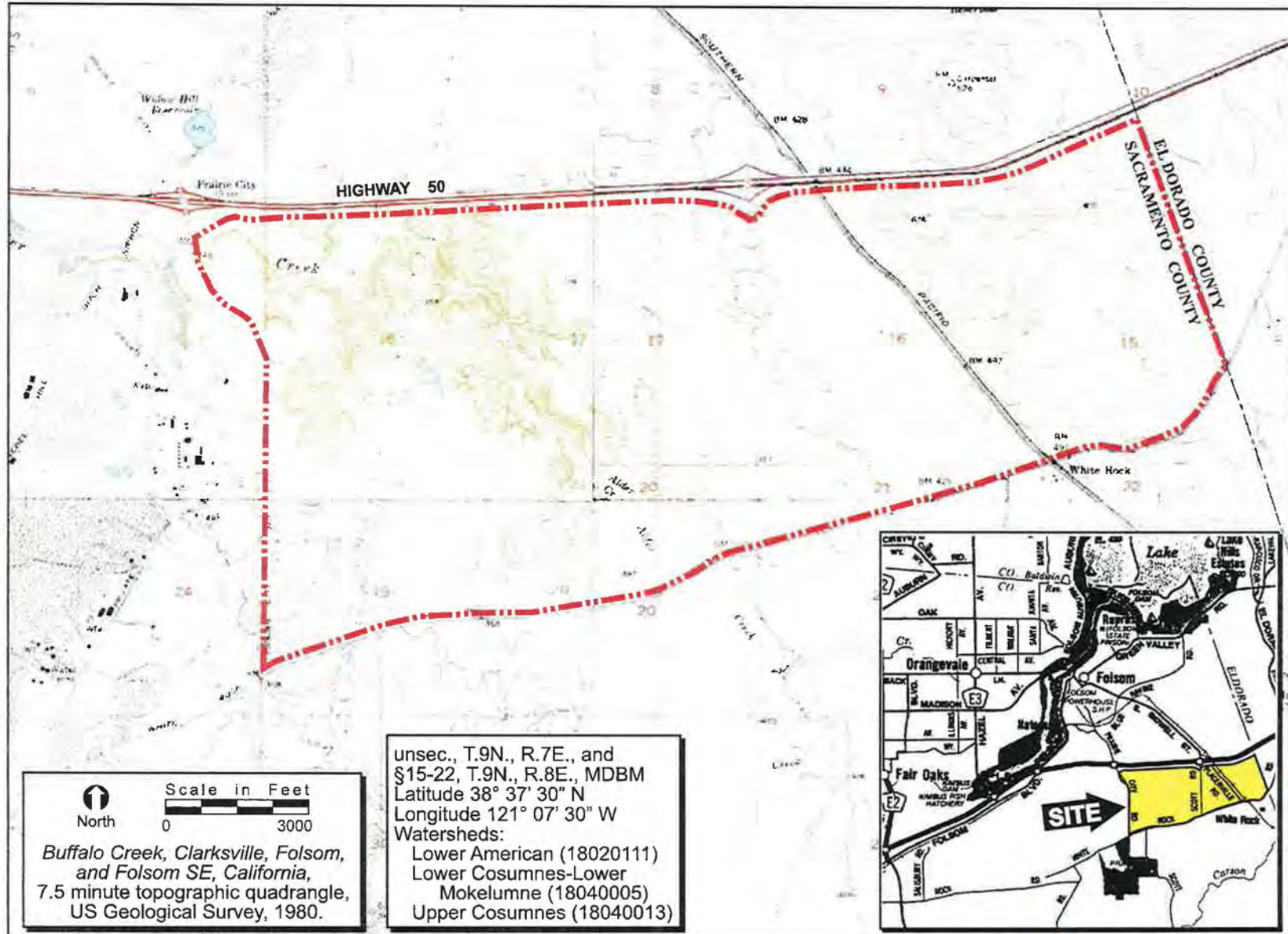


FIGURE 1. Project Site and Vicinity

Appendix B

Development Projects (effective September 2013)
Folsom Heights
Mangini Ranch
Mangini Trust
Arcadian Heights
Russell Promontory
Folsom 138
Carpenter Ranch
Hillsborough (Folsom 560)
Prairie City Road Business Park
Javanifard and Zhargami
Sacramento Country Day School
Backbone Infrastructure

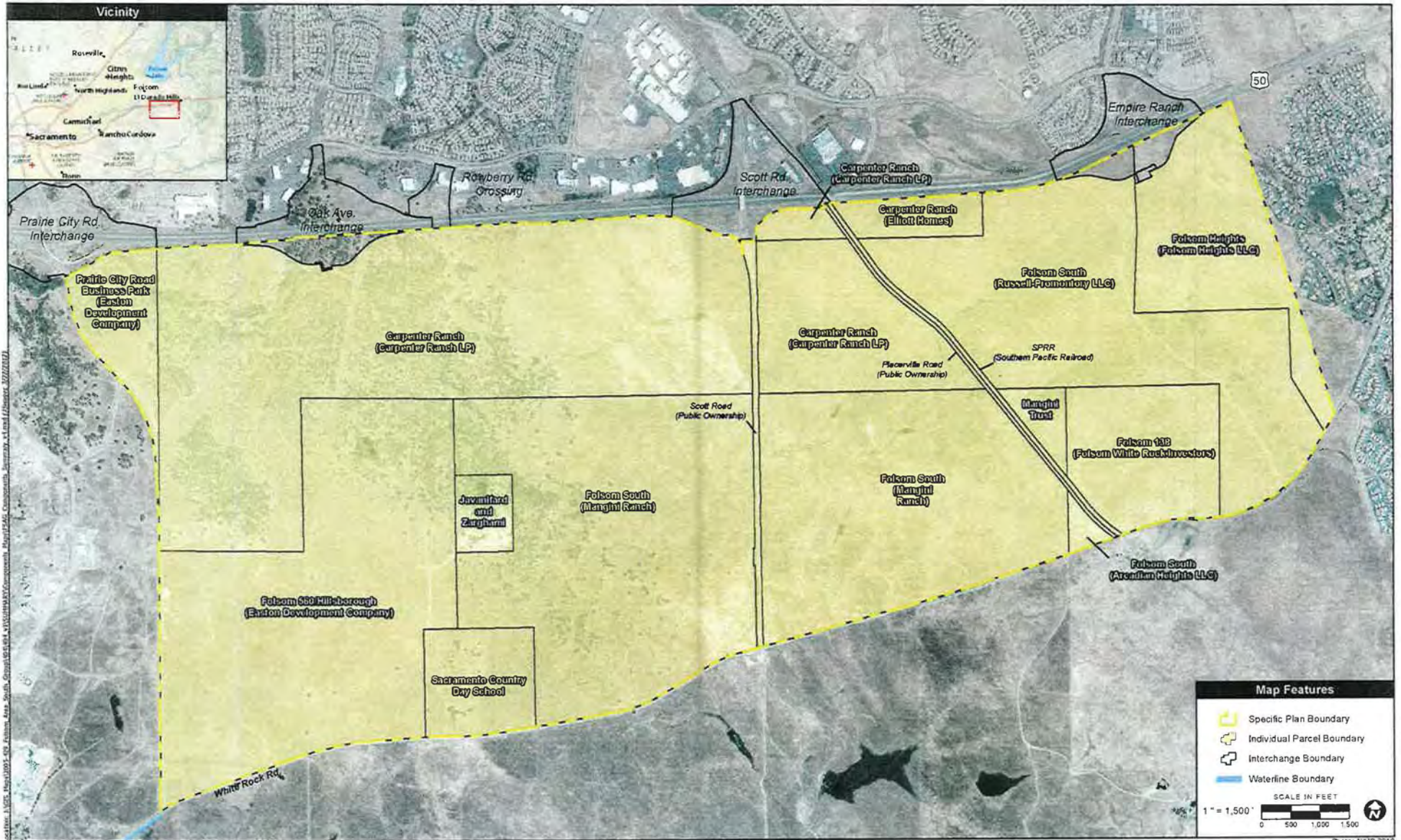


Figure 2. Folsom Plan Area Components

2005-429 Folsom Plan Area Specific Plan

Appendix C

**Preliminary Historic Properties Synthesis /
Historic Property Management Plan**

Enclosed on CD

Second Annual Report - Reconciliation of Stipulations
for Activities Carried Out Under the FAPA Since October 30, 2014

Effective November 5, 2015

Stipulation 1: Professional Qualifications Standards

There has been no change to this status since the First Annual Report was issued on October 30, 2014.

Stipulation 2: Area of Potential Effects and Pre-Project Resolution of Adverse Effects

There has been no change to this status since the First Annual Report was issued on October 30, 2014.

Stipulation 3: Review of PHPS

There has been no change to this status since the First Annual Report was issued on October 30, 2014.

Stipulation 4: Revision of PHPS

There has been no change to this status since the First Annual Report was issued on October 30, 2014.

Stipulation 5: Project-Specific HPTPs

Since the First Annual Report was issued on October 30, 2014, one additional HPTP was developed and circulated to the parties to the FAPA. The HPTP for the Prairie City Road Business Park was circulated on November 26, 2014 for 30 days. Comments from the SHPO led to a revision, which then circulated among the parties to the FAPA for 30 days beginning on August 26, 2015. SHPO issued concurrence on September 23, 2015. No other comments had been received.

Stipulation 6: Technical Reports and HPMP

Since the First Annual Report was issued on October 30, 2014, the following technical reports have been prepared and circulated to the parties to the FAPA according to the attached table:

- Prairie City Road Business Park: Evaluation Report, Finding of Effect, and HPTP
- Hillsborough/SCDS: Finding of Effect
- Folsom Heights: Inventory, Evaluation Plan, Evaluation Report, and Finding of Effect
- Carr Trust: Inventory (courtesy copy, as no Department of the Army (DA) permit is required)
- Backbone: Data Recovery Report
- Folsom 138: Data Recovery Report

The HPMP was revised to reflect the technical studies noted above. The Corps received the revised HPMP on June 2, 2015. The revised HPMP was circulated to the SHPO and consulting parties to the FAPA on November 4, 2015.

Stipulation 7: Annual Reporting

This Annual Report represents the Second Annual Report under the FAPA and is being circulated to the parties to the FAPA. Any comments received will be taken into consideration in accordance with Stipulation 15 of the FAPA.

Stipulation 8: Permissions to Proceed

Since the time of the submission of the First Annual Report on October 30, 2014, the Corps received the following requests for a compliance verification with pre-construction requirements:

- Backbone Infrastructure Permit Area (May 6, 2015): the Corps verified compliance on July 9, 2015 and notified SHPO and the consulting parties to the FAPA, and requested comments by July 27, 2015. The Corps received a response by email from SHPO on August 7, 2015 that there were no comments on the document. The United Auburn Indian Community (UAIC) sent a boilerplate letter on August 24, 2015 to request information on the project and copies of the archaeological reports; however, because the UAIC has already received copies of reports and project information, the Corps did not respond. No other comments were received.
- Water Tank Phase of Russell Ranch Permit Area (September 1, 2015): the Corps verified compliance on September 30, 2015, but did not notify SHPO or the consulting parties to the FAPA because no DA permit is required. Compliance verification was only for the purpose of the National Environmental Policy Act (for the Specific Plan Environmental Impact Statement).
- Folsom 138 Permit Area (March 25, 2015): the Corps verified compliance and notified SHPO and the consulting parties to the FAPA on September 3, 2015. The SHPO notified the Corps by email on September 21, 2015 that it had no comments on the report. On September 28, 2015, SHPO had questions regarding the interpretive panels, which were addressed the same day, and SHPO notified the Corps that it had no further comments. No other comments were received.

The Corps determined that the above project activities may proceed. Compliance with construction-related requirements, such as contractor awareness training, will be verified after implementation and notification of compliance will be submitted to the SHPO.

Stipulation 9: Native American Consultation

Since the last Annual Report, and in accordance with the PA and FAPA, the Corps sent copies of the technical studies named under Stipulation 6 to the tribes for 30-day review and comment periods.

Stipulation 10: Modifications and Additions to Off-Site Infrastructure

There has been no change to this status since the First Annual Report was issued on October 30, 2014. As of the date of this Annual Report, no requests to modify the APE to reflect off-site infrastructure have been received by the Corps.

Stipulation 11: Discovery of Unanticipated Historic Properties

There has been no change to this status since the First Annual Report was issued on October 30, 2014. As of the date of this Annual Report, no authorized fill has occurred under the permits issued to date, and no reports of unanticipated discovery have been received by our office.

Stipulation 12: Curation

There has been no change to this status since the First Annual Report was issued on October 30, 2014. However, two sets of artifact collections from the data recovery for the Backbone Infrastructure Permit Area and Folsom 138 Permit Area are being prepared for curation at the David A. Fredrickson Archaeological Collections Facility located at Sonoma State University.

Stipulation 13: Treatment of Human Remains and Associated Objects

There has been no change to this status since the First Annual Report was issued on October 30, 2014. No human remains are known to exist within the APE, and none have been reported to our office. Should there be an unanticipated discovery of human remains or associated objects, they will be handled in accordance with Stipulations 11 and 13.

Stipulation 14: Dispute Resolution

There has been no change to this status since the First Annual Report was issued on October 30, 2014. As of the date of this report, we have not received any objections to the terms of the FAPA from the SHPO. Any future disputes shall be handled in accordance with this Stipulation.

Stipulation 15: Amendments, Noncompliance, and Termination

There has been no change to this status since the First Annual Report was issued on October 30, 2014. As of the date of this report, we have not received any notification from SHPO that the terms of the FAPA cannot be or are not being carried out. If the SHPO believes that the terms of the FAPA cannot be met, then the Corps shall implement the procedures specified in this Stipulation.

Stipulation 16: Duration of the FAPA



There has been no change to this status since the First Annual Report was issued on October 30, 2014. This FAPA will expire on October 3, 2023, or sooner, if the Corps determines, in consultation with SHPO, that all terms of this FAPA have been met or that the Corps has no further involvement in the APE. We will initiate consultation with the SHPO and concurring parties on an amendment to this FAPA, if required, no later than October 3, 2022.

Stipulation 17: Effective Date

The FAPA became effective on October 3, 2013.

Effective: 11/4/2015

	SPK #	Inventory			Evaluation Plan			Evaluation			Finding of Effect			Treatment Plan		
		Circulation Start Date	Circulation End Date	SHPO Concurrence Date	Circulation Start Date	Circulation End Date	SHPO Concurrence Date	Circulation Start Date	Circulation End Date	SHPO Concurrence Date	Circulation Start Date	Circulation End Date	SHPO Concurrence Date	Circulation Start Date	Circulation End Date	SHPO Concurrence Date
Backbone Infrastructure	2007-02159	7-Dec-12	7-Jan-13	no response ²	10-Dec-12	10-Jan-13	no response ²	16-Jul-13	16-Aug-13	no response ²	16-Jul-13	16-Aug-13	no response ²	6-Sep-13	6-Oct-13	7-Oct-13
Carpenter Ranch	2006-00984	7-Dec-12	7-Jan-13	no response ²	10-Dec-12	10-Jan-13	no response ²	16-Jul-13	16-Aug-13	no response ²	16-Jul-13	16-Aug-13	no response ²	6-Sep-13	6-Oct-13	7-Oct-13
Russell Ranch ¹	2013-00488	7-Dec-12	7-Jan-13	no response ²	7/25/2013, 9/4/13	8/25/2013, 6/4/13	28-Aug-13	9-Oct-13	9-Nov-13	8-Nov-13	18-Nov-13	18-Jan-14	20-Dec-13	30-Jan-14	1-Mar-14	26-Feb-14
Mangini Ranch ¹	2013-00486	7-Dec-12	7-Jan-13	no response ²	10-Dec-12	10-Jan-13	no response ²	16-Jul-13	16-Aug-13	no response ²	4-Sep-13	16-Aug-13	no response ²	6-Sep-13	6-Oct-13	7-Oct-13
Folsom 138	2008-00326	18-Dec-13	18-Jan-14	8-Jan-14	none required	none required	none required	18-Dec-13	18-Jan-14	8-Jan-14	3-Mar-14	3-Apr-14	21-Apr-14	7/21/2014 and 9/29/2014	8/21/2014 and 10/29/2014	30-Sep-14
Arcadian Heights ¹	2013-00485	7-Dec-12	7-Jan-13	no response ²	none required	none required	none required	7/16/2013, 9/4/13	8/16/2013, 10/4/13	1-Oct-13	28-Feb-14	28-Mar-14	21-May-14	23-May-14	23-Jun-14	30-Jun-14
Prairie City Road Business Park	2006-00538	7-Aug-14	7-Nov-14	29-Oct-14	none required	none required	none required	7-Aug-14	7-Nov-14	29-Oct-14	7-Aug-14	7-Nov-14	29-Oct-14	11/26/2014; 8/26/2015	12/31/2014; 9/24/2015	23-Sep-15
Hillsborough	2006-00561	15-Aug-14	15-Sep-14	19-Sep-14	none required	none required	none required	15-Aug-14	15-Sep-14	19-Sep-14	21-Nov-14	22-Dec-14	24-Dec-14	pending		
SCDS	2003-00732	23-Apr-14	23-May-14	no response ²	3-Mar-14	3-Apr-14	4/21/2014 and 6/30/2014	1-Jul-14	1-Aug-14	1-Aug-14						
Folsom Heights	2008-00331	14-Jan-15	14-Feb-15	13-Feb-15	14-Jan-15	14-Feb-15	13-Feb-15	3/2/2015, 8/20/15	4/2/2015, 9/21/15	23-Sep-15	23-Sep-15	23-Oct-15	pending			
Javanifard & Zarghami	2007-01072															
Carr Trust ¹	Old FS 2006-00035	7-Dec-12	7-Jan-13	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

1: formerly part of Folsom South
 2: Corps proceeded after prescribed comment period
 currently past end of comment period with no response
 pending response or circulation



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

November 4, 2015

Regulatory Division (SPK-2007-02159)

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

Dear Ms. Polanco:

This letter concerns the submittal of the revised Historic Properties Management Plan in accordance with the *First Amended Programmatic Agreement Between the U.S. Army Corps of Engineers and the California Office of Historic Preservation Regarding the Folsom Plan Area Specific Plan, Sacramento County, California* (FAPA). In accordance with the 36 CFR 800.4 (b)(2) and 36 CFR 800.14, the U.S. Army Corps of Engineers and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) on July 6, 2011, and the FAPA on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan).

In accordance with Stipulations 6.B and 6.C of the FAPA, we are providing you with a copy of the June 2015 *Folsom South of U.S. Highway 50 Specific Plan Project Historic Properties Management Plan, Sacramento County, California* (revised HPMP), prepared by ECORP Consulting, Inc. The revised HPMP is being provided without one attachment: *Volume II: Confidential Technical Reports and Site Records*. The reports and records have been previously provided during consultation for the respective individual projects within the Folsom Plan Area Specific Plan. We request your review and comment on the revised HPMP within thirty (30) days. In accordance with Stipulations 6.C and 9 of the FAPA, by copy of this letter, we are also providing a copy of the revised HPMP to the concurring and consulting parties to the FAPA, including the Tribes and historical society. We also request these parties' review and comments on the revised HPMP within thirty (30) days.

Please refer to identification number SPK-2007-02159 in any correspondence concerning this project. If you have any questions, please contact Ms. Erin Hess at our Regulatory Division, U.S. Army Corps of Engineers, Sacramento District, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, by email at Erin.E.Hess@usace.army.mil, or telephone at 916-557-6740.

Sincerely,

Lisa M. Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosure

cc:

Mr. David Miller, City of Folsom, 50 Natoma Street, Folsom, CA 95630

Mr. Anthony Ikeda Kolar, Folsom Historical Society, 823 Sutter Street, Folsom, CA 95630

Mr. Daniel Fonseca, Shingle Springs Band of Miwok Indians, Post Office Box 1340, Shingle Springs, CA 95682

Mr. Jason Camp, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, CA 95603

Mr. Steven Hutchason, Wilton Rancheria, 9728 Kent Street, Elk Grove, CA 95624

Mr. Jim Ray, MacKay & Soms Engineers, 1552 Eureka Road, Suite 100, Roseville, CA 95661

cc: (w/o encl)

Ms. Lisa Westwood, ECORP Consulting, lwestwood@ecorpconsulting.com



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

March 30, 2015

Regulatory Division (SPK-2007-02159)

Carol Roland-Nawi, PhD
State Historic Preservation Officer
California Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Dear Dr. Roland-Nawi:

This letter concerns the submittal of the Data Recovery Report for the Backbone Infrastructure Project (Project). Your reference number is COE090818A. In accordance with the 36 CFR 800.4 (b)(2) and 36 CFR 800.14, the U.S. Army Corps of Engineers and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) on July 6, 2011, and a First Amended Programmatic Agreement (FAPA) on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan). Sections H and I of Stipulation 3 of the PA and Stipulation 5 of the FAPA require that each individual project, including the Project, must comply with specific terms that include, but are not limited to, evaluation of significance, determination of effect, and the resolution of adverse effects to Historic Properties.

In a letter dated October 7, 2013, you concurred the proposed August 30, 2013, *Historic Property Treatment Plan for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California* (HPTP), prepared by ECORP Consulting, will adequately address adverse effects to historic properties within the Project APE. In accordance with Section 4.2 of the HPTP, ECORP Consulting has prepared the enclosed February 2015 *Data Recovery Report for Archaeological Sites in the Backbone Infrastructure Area of Potential Effects, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California* (Enclosure 1). The results of the data recovery will be incorporated into the cultural context for the Historic Properties Management Plan (HPMP) and the data recovery report will be attached to the HPMP as an appendix in accordance with Stipulation 6.B of the FAPA.

We request your review and comment on the enclosed data recovery report. We are also providing a copy of the report by way of this letter to the concurring parties to the PA and FAPA, including the tribes, historical society, and applicants, for review and comment. Please provide any comments on the report by May 1, 2015.

Please refer to identification number SPK-2007-02159 in any correspondence concerning this Project. If you have any questions, please contact Ms. Erin Hess, at our Regulatory Division, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, erin.e.hess@usace.army.mil, or telephone (916) 557-6740. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



Lisa Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosure

cc:

Mr. David Miller, City of Folsom, 50 Natoma Street, Folsom, CA 95630
Ms. Mary Mast, Folsom Historical Society, 823 Sutter Street, Folsom, CA 95630-2440
Mr. Daniel Fonseca, Shingle Springs Band of Miwok Indians, Post Office Box 1340,
Single Springs, CA 95682
Mr. Jason Camp, Tribal Historic Preservation Officer, United Auburn Indian Community,
10720 Indian Hill Road, Auburn, CA 95603
Mr. Steven Hutchason, Wilton Rancheria, 9728 Kent Street, Elk Grove, CA 95624
Mr. Jim Ray, MacKay & Somps Engineers, 1552 Eureka Road, Suite 100, Roseville, CA
95661

cc: (w/o encl)

Ms. Lisa Westwood, ECORP Consulting, lwestwood@ecorpconsulting.com

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

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



October 7, 2013

In Reply Refer To: COE090818A

Richard Perry
Archaeologist
Department of the Army Corps of Engineers
U.S. Army Engineer District, Sacramento
1325 J Street
Sacramento, CA 95814-2922

Re: Section 106 Consultation for Backbone Infrastructure Permit Area of the Folsom South of U.S. Highway 50 Specific Plan Project (USACE SPK-2007-02159)

Dear Mr. Perry:

Thank you for your letter of September 12, 2013 continuing consultation for the above referenced project to comply with the Programmatic Agreement (PA) between the US Army Corps of Engineers (COE) and the California State Historic Preservation Officer (SHPO) prepared in compliance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulation at 36 CFR Part 800. Pursuant to 36 CFR Part 800 (as amended 8-05-04), and Stipulations 3 and 4 of the PA, Army Corps of Engineers (COE) is seeking my comments on their proposed resolution to adverse effects for the undertaking.

The proposed undertaking would issue a Clean Water Act Section 404 permit to the Folsom Owners Group (applicant) to develop a portion (Specific Plan Area) of a larger proposed residential and commercial development located south of U.S. Highway 50, east of Prairie City Road, north of White Rock Road, and west of the El Dorado County line in the city of Folsom, California.

The applicant is proposing to develop within their project-specific APE, referred to as the Backbone Infrastructure Permit Area (Backbone) over the course of a 20-year build-out. The Backbone project-specific APE is the permit area (approximately 1,100 acres) and is a result of the configuration of the proposed roadways, utilities, and open space areas that will eventually connect each of the permit areas to one another. The APE consists of the vertical and horizontal limits of the project including the area within which adverse effects to Historic Properties could occur as a result of the project. The vertical APE is described as the maximum depth below the surface to which excavations for project foundations and facilities will extend, as well as the height of proposed facilities and buildings and extends from 15 feet below ground surface to 30 feet above the ground surface. The horizontal APE consists of all areas where ground-disturbing activities associated with the project are proposed.

- *Historic Property Treatment Plan for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California ECORP Project No. 2005-429.3 (ECORP, 2013).*

The criteria of adverse effect were applied to the 17 individually eligible sites and the 63 contributing elements to historic districts. Alternatives to avoid these adverse effects were

considered, and were either adopted or rejected based on their feasibility in the larger scope of the project. Of the 17 individually eligible sites, you determined that 10 will be adversely and directly affected by the project and that all of the 63 contributing elements will be adversely affected, either directly or indirectly. Therefore, the COE developed a Historic Property Treatment Plan in accordance with Stipulation 5 of the existing PA in order to resolve the adverse effects caused by the undertaking.

Resolution of Adverse effects for the Rhoades' Branch Ditch and the Keefe-McDerby Mine Ditch will be resolved in the form of Historic American Engineering Record (HAER) documentation in conjunction with the National Park Service (NPS). Resolution of adverse effects to the mills, foundations, campsites, and residential features will be addressed through data recovery excavation and detailed documentation. Resolution of adverse effect to White Rock Road and Lincoln Highway will occur through focused archival research and field documentation along with an expanded cultural context statement that will be included in the Historic Property Synthesis Report. Resolution of adverse effect to the RDMD and ACCMD historic districts will be addressed through landscape level documentation including aerial photography, LIDAR mapping, archival research, cultural contexts, and public interpretation using interpretive panels along adjacent trails and at trailheads. Potential adverse effects to inadvertent discoveries will be managed through measures to include geoarchaeological monitoring, contractor awareness training and the development of unanticipated discovery protocol between the contractors and the archaeological monitors. After reviewing your letter and supporting documentation, I have the following comments:

1. According to Stipulation 5 of the existing Programmatic Agreement between the COE and myself, I agree that the Historic Property Treatment Plan will adequately address the adverse effects that this undertaking will have on historic properties within the Backbone Infrastructure Permit Area APE.

Thank you for seeking my comments and for considering historic properties in planning your project. Please be advised that the COE has additional future responsibilities for this undertaking, as outlined in the aforementioned Programmatic Agreement. If you require further information, please contact Jessica Tudor of my staff at phone 916-445-7016 or email jessica.tudor@parks.ca.gov.

Sincerely,



Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

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

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



February 26, 2014

In Reply Refer To: COE090818A

Lisa M. Gibson
Senior Project Manager
Department of the Army Corps of Engineers
U.S. Army Engineer District, Sacramento
1325 J Street
Sacramento, CA 95814-2922

Re: Section 106 Consultation for the Historic Property Treatment Plan for the Russell-Ranch Permit Area of the Folsom South of U.S. Highway 50 Specific Plan Project (USACE SPK-2013-00488)

Dear Ms. Gibson:

Thank you for your letter dated January 30, 2014 continuing consultation for the above referenced project to comply with the Programmatic Agreement between the US Army Corps of Engineers (COE) and the California State Historic Preservation Officer (SHPO) prepared in compliance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulation at 36 CFR Part 800. The Army Corps of Engineers (COE) is seeking my comments on its Testing and Evaluation Report prepared under the Programmatic Agreement for the above referenced project pursuant to 800.14 (b).

The proposed undertaking would issue a Clean Water Act Section 404 permit to Russell-Promontory, LLC (applicant) to develop a portion (Specific Plan Area) of a larger proposed residential and commercial development located south of U.S. Highway 50, east of Prairie City Road, north of White Rock Road, and west of the El Dorado County line in the city of Folsom, California.

In addition to your letter, you have submitted the following document:

- *Historic Property Treatment Plan for the Non-Backbone Russell Ranch Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California (ECORP, 2013).*

You previously submitted a determination of effects report for the Russell-Promontory (now Russell Ranch) APE finding that two individually eligible properties (P-34-2166 - The Brooks Hotel Site/Ranch Complex; and P-34-1745 - The Keefe-McDerby Mine Ditch) would be adversely affected by the proposed undertaking. The Brooks Hotel Site/Ranch Complex will be adversely affected by the Backbone Infrastructure Project (COE090818A) and therefore the resolution of adverse effects for this property will be addressed separately, by the Historic Properties Treatment Plan (HPTP) that was

prepared for the Backbone Infrastructure Project. The Keefe-McDerby Mine Ditch will be adversely affected by the proposed Russell Ranch Project, and resolution of adverse effects for this resource were included in the current document. The HPTP for the Russell Ranch proposes that resolution of adverse effects to the Keefe-McDerby Mine Ditch shall take the form of Historic American Engineering Record (HAER) documentation. Furthermore, the HPTP included a map of the areas of archaeological sensitivity for the project area, and indicates that qualified professional archaeologists will monitor all ground disturbing activities in the areas of high archaeological sensitivity during construction. Documentation and storage standards will follow the standards and guidelines provided by the PA and HPMP for the larger project. The unanticipated discovery protocol outlined in these documents will be followed as well.

After reviewing your letter and supporting documentation, I have the following comments:

- I concur with your proposal to resolve adverse effects to the Keefe-McDerby Mine Ditch through the preparation of HAER documentation and with the terms of the archaeological monitoring and inadvertent discovery plans.

Thank you for seeking my comments and for considering historic properties in planning your project. Please be advised that the COE has additional future responsibilities for this undertaking, as outlined in the aforementioned Programmatic Agreement. If you require further information, please contact Jessica Tudor of my staff at phone (916) 445-7016 or email jessica.tudor@parks.ca.gov concerning archaeological issues, and Tristan Tozer of my staff at (916) 445-7027 or Tristan.tozer@parks.ca.gov for built environment concerns.

Sincerely,



Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

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

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



March 24, 2017

In Reply Refer To: COE090818A

Lisa M. Gibson
Senior Project Manager
Department of the Army Corps of Engineers
U.S. Army Engineer District, Sacramento
1325 J Street
Sacramento, CA 95814-2922

Re: Section 106 Consultation for Permission to Proceed with Construction for the Russell-Ranch Permit Area of the Folsom South of U.S. Highway 50 Specific Plan Project (USACE SPK-2013-00488)

Dear Ms. Gibson:

The California Office of Historic Preservation (OHP) received your letter on February 21, 2017 continuing consultation for the above referenced project to comply with the First Amended Programmatic Agreement (FAPA) between the US Army Corps of Engineers (COE) and the California State Historic Preservation Officer (SHPO) prepared in compliance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulation at 36 CFR Part 800. The Army Corps of Engineers (COE) is review and comment on the completion of compliance with the Historic Properties Treatment Plan (HPTP) for this undertaking and the Applicant's permission to proceed pursuant to Stipulation 8.A. 3 of the FAPA.

The proposed undertaking would issue a Clean Water Act Section 404 permit to Russell-Promontory, LLC (Applicant) to develop a portion (Specific Plan Area) of a larger proposed residential and commercial development located south of U.S. Highway 50, east of Prairie City Road, north of White Rock Road, and west of the El Dorado County line in the city of Folsom, California. In addition to their letter, the COE has submitted the following document:

- *Request for Compliance Verification for the Non-Backbone Russell Ranch Project (SPK 2013-00488) within the Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County (ECORP 2017)*

The COE previously consulted on the identification of historic properties, determination of effects, and the development of a Historic Properties Treatment Plan (HPTP) for the Russel Ranch APE. In compliance with the HPTP, the Historic American Engineering Record (HAER) documentation was submitted to the National Park Service (NPS) in August, 2015 and the draft data recovery report was circulated among the signatories of the FAPA for review and comment. No comments were received and the report has been finalized and dispersed to the required parties. Additionally, the curation of the representative artifacts has been completed. The geoarchaeological monitoring will be completed during ground disturbance for the undertaking and contractor awareness training will be performed when construction begins. Documentation of this training will satisfy this mitigation measure after construction has begun. Finally, the Historic Properties Management Plan was updated in 2015 and circulated among the signatories. As such, the Applicant has requested that the USACE accept the implementation of the pre-construction mitigation measures for the construction segment defined as non-Backbone Russell Ranch as complete and to receive permission to proceed with construction. The COE's letter indicates that they have reviewed this documentation and agreed that the required work has been completed in compliance with the HPTP.

Therefore, the COE has requested SHPO review and comment on the HPTP compliance reconciliation provided. After reviewing your letter and supporting documentation, I have the following comments:

- I do not object to the COE's determination that the required pre-construction mitigation measures for the construction segment defined as non-Backbone Russell Ranch have been completed and the intention of the Applicant to proceed to construction pursuant to Stipulation 8.A.3 of the FAPA.

If you require further information, please contact Jessica Tudor of my staff at phone (916) 445-7016 or email jessica.tudor@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal flourish extending to the right.

Julianne Polanco
State Historic Preservation Officer

ARCHAEOLOGY / PALEONTOLOGY

Discovery Response Procedures



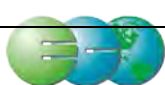
Disturbance of archaeological or paleontological sites, artifacts, fossils, or features is a violation of State law.

If you encounter anything that could be part of an archaeological site, appears to be fossilized bone, or is anything that looks non-natural, the following procedures must be followed immediately.

IT IS STRICTLY FORBIDDEN TO PROVIDE ANY INFORMATION (VERBAL, WRITTEN, OR OTHERWISE) ABOUT ARCHAEOLOGICAL OR PALEONTOLOGICAL DISCOVERIES TO THE MEDIA OR ANY OTHER OUTSIDE SOURCE. DO NOT TAKE OR POST PHOTOS/COMMENTS ON SOCIAL MEDIA SITES.

- ✓ **Step 1.** Immediately stop all work within 100 feet of the discovery and first call the project archaeologist, Lisa Westwood, at 916-316-1456. If determined to be a cultural or paleontological resource, she will proceed with further management measures. If the discovery includes bone, or material that could potentially be bone, then the project archaeologist will call the County Coroner immediately. Be prepared for the arrival of the Coroner, should potential bone be found. If the project archaeologist cannot be reached, call Erin Hess at the US Army Corps of Engineers at 916-557-6740.
- ✓ **Step 2.** Take reasonable measures to protect the discovery from disturbance or looting.
- ✓ **Step 3.** Briefly document compliance with these requirements by completing the unanticipated discovery form, and provide it to the project archaeologist upon arrival.

These procedures comply with permit conditions and Mitigation Measures for this project. Implementation of additional mitigation measures may be required.



CONFIDENTIAL

UNANTICIPATED DISCOVERY DOCUMENTATION FORM

IT IS STRICTLY FORBIDDEN TO PROVIDE ANY INFORMATION (VERBAL, WRITTEN, OR OTHERWISE) ON ARCHAEOLOGICAL OR PALEONTOLOGICAL DISCOVERIES TO THE MEDIA OR ANY OTHER OUTSIDE SOURCE.

Folsom Specific Plan Projects, Sacramento County

Date of Unanticipated Discovery: _____ Time: _____

Name of Construction Supervisor or Foreman: _____

Cell Number: _____

Step 1. STOP ALL WORK WITHIN 100 FEET OF DISCOVERY. For all unanticipated discoveries, **first call the project archaeologist, Lisa Westwood, at 916-316-1456.** If the discovery includes potentially human bone, she will call the County Coroner. During the call, reference the project name and specific construction segment or activity and inform her that workers discovered something that could be an archaeological or paleontological artifact or feature. Provide her with this completed form upon her arrival.

Date and Time Called Project Archaeologist: _____ Caller: _____

Step 2. Take reasonable measures to protect the discovery from disturbance or looting. Briefly describe the measures taken.

Step 3. Briefly document the basic information of the discovery.

What was the nature of the construction activity that was taking place when the discovery was made?

Describe the location of the find, or draw a sketch map on the reverse, showing identifying landmarks or features, and construction locations, nearby. Include depth of the find:

Briefly list the artifacts or features that were discovered:



Above: bones in a midden deposit



Above: flaked stone ("debitage") pieces



Above: artifacts protruding from trench wall



Above: hand stone artifacts



Above: dark soil layer (midden) in cut bank



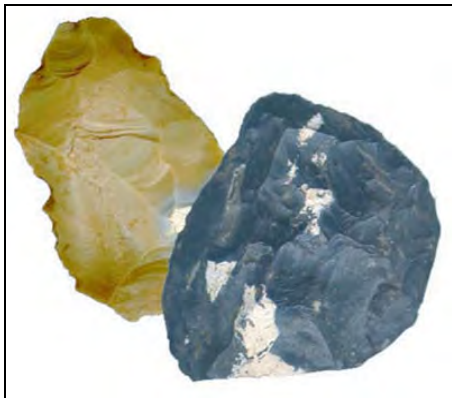
Above: mano and metate



Above: obsidian artifacts



Above: Millingstone (grinding stone fragment)



Above: flaked stone tools (chert; can be any color)



Above: bone fragments



Above: hammerstone



Above: square nails, bottle glass

ATTENDANCE RECORD

Contractor Sensitivity Training for Archaeological Resources
Folsom Specific Plan Projects

Date of Training: _____ Trainer: _____

Name (Print Clearly)	Company	Title/Role	Signature

ATTENDANCE RECORD

Contractor Sensitivity Training for Archaeological Resources
Folsom Specific Plan Projects

Name (Print Clearly)	Company	Title/Role	Signature

ATTENDANCE RECORD

Contractor Sensitivity Training for Archaeological Resources
Folsom Specific Plan Projects

Name (Print Clearly)	Company	Title/Role	Signature

ATTENDANCE RECORD

**Contractor Sensitivity Training for Archaeological Resources
Folsom Specific Plan Projects**

Date of Video Training	Name (Print Clearly)	Company	Signature

When this form has been completed, please mail it to Lisa Westwood at ECORP Consulting, Inc., 2525 Warren Drive, Rocklin, CA 95677 or fax to 916-782-9134 or photograph and text it to 916-316-1456 so that it can be submitted as proof of compliance. Use multiple forms as needed.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

February 16, 2017

Regulatory Division (SPK-2013-00488)

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

Dear Ms. Polanco:

This letter concerns compliance verification for the Russell Ranch Project (Project). Your reference number is COE090818A. In accordance with the 36 CFR 800.4 (b)(2) and 36 CFR 800.14, the U.S. Army Corps of Engineers and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) on July 6, 2011, and a First Amended Programmatic Agreement (FAPA) on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan). Sections H and I of Stipulation 3 of the PA and Stipulation 5 of the FAPA require that each individual project, including the Russell-Promontory Project (Project), must comply with specific terms that include, but are not limited to, evaluation of significance, determination of effect, and the resolution of adverse effects to Historic Properties.

In a letter dated February 26, 2014, you concurred the proposed November 21, 2013, *Historic Property Treatment Plan for the Non-Backbone Russell Ranch Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California* (HPTP), prepared by ECORP Consulting, will adequately address adverse effects to historic properties, namely the Keefe-McDerby Mine Ditch (P-34-1745), within the Project APE. As previously discussed, the Brooks Hotel Site (P-34-2166) extends into the Russell Ranch APE and would also be impacted by the Backbone Infrastructure Project (SPK-2007-02159; COE090818A), therefore, resolution of adverse effects to the Brooks Hotel Site was addressed by the Historic Properties Treatment Plan prepared for the Backbone Infrastructure Project (Backbone HPTP).

ECORP Consulting has prepared the enclosed January 26, 2017, *Request for Compliance Verification for the Non-Backbone Russell Ranch Project (SPK 2013-00488) within the Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County* letter report (Enclosure 1), to summarize and reconcile the work completed in compliance with the HPTP. In accordance with the HPTP, the final Historic American Engineering Record (HAER) documentation for the Keefe-McDerby Mine Ditch was provided to the National Park Service on August 26, 2015. Previous compliance regarding the fieldwork phase of the data recovery at the Brooks Hotel Site and circulation of the draft data recovery report was provided to your office in a letter dated July 9, 2015. Your office did not have any comments per an email received on August 7, 2015. Subsequently, the final data recovery report was circulated to the appropriate parties, including the North Central Information Center of the California Historical Resources Information System, and representative artifacts were curated at the David A. Fredrickson Archaeological Collections Facility in accordance with the Backbone HPTP. Documentation regarding these transmittals is provided in Enclosure 1.

The applicant has requested to be allowed to proceed with construction within the Project APE in accordance with Stipulation 8.A.3 of the FAPA. We have determined the work summarized in Enclosure 1 has been completed in compliance with the HPTP. We request your review and comment on the enclosed HPTP compliance reconciliation letter report. We are also providing a copy of Enclosure 1 by way of this letter to the concurring parties to the PA and FAPA, including the tribes, historical society, and applicants, for review and comment. Please provide any comments on the report by March 20, 2017.

Please refer to identification number SPK-2013-00488 in any correspondence concerning this Project. If you have any questions, please contact Ms. Erin Hess, at our Regulatory Division, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, erin.e.hess@usace.army.mil, or telephone (916) 557-6740. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



Lisa M. Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosure

cc:

Mr. David Miller, City of Folsom, 50 Natoma Street, Folsom, CA 95630
Mr. Anthony Ikeda Kolar, Folsom Historical Society, 823 Sutter Street, Folsom, CA 95630
Mr. Daniel Fonseca, Shingle Springs Band of Miwok Indians, Post Office Box 1340, Shingle Springs, CA 95682
Mr. Matthew Moore, Tribal Historic Preservation Officer, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, CA 95603
Mr. Antonio Ruiz, Jr., Wilton Rancheria, 9728 Kent Street, Elk Grove, CA 95624
Mr. Jim Ray, MacKay & Soms Engineers, 1552 Eureka Road, Suite 100, Roseville, CA 95661

cc: (w/o encl)

Ms. Bonnie Chiu, The New Home Company, bchiu@nwhm.com
Ms. Lisa Westwood, ECORP Consulting, lwestwood@ecorpconsulting.com

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

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



October 7, 2013

In Reply Refer To: COE090818A

Richard Perry
Archaeologist
Department of the Army Corps of Engineers
U.S. Army Engineer District, Sacramento
1325 J Street
Sacramento, CA 95814-2922

Re: Section 106 Consultation for Backbone Infrastructure Permit Area of the Folsom South of U.S. Highway 50 Specific Plan Project (USACE SPK-2007-02159)

Dear Mr. Perry:

Thank you for your letter of September 12, 2013 continuing consultation for the above referenced project to comply with the Programmatic Agreement (PA) between the US Army Corps of Engineers (COE) and the California State Historic Preservation Officer (SHPO) prepared in compliance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulation at 36 CFR Part 800. Pursuant to 36 CFR Part 800 (as amended 8-05-04), and Stipulations 3 and 4 of the PA, Army Corps of Engineers (COE) is seeking my comments on their proposed resolution to adverse effects for the undertaking.

The proposed undertaking would issue a Clean Water Act Section 404 permit to the Folsom Owners Group (applicant) to develop a portion (Specific Plan Area) of a larger proposed residential and commercial development located south of U.S. Highway 50, east of Prairie City Road, north of White Rock Road, and west of the El Dorado County line in the city of Folsom, California.

The applicant is proposing to develop within their project-specific APE, referred to as the Backbone Infrastructure Permit Area (Backbone) over the course of a 20-year build-out. The Backbone project-specific APE is the permit area (approximately 1,100 acres) and is a result of the configuration of the proposed roadways, utilities, and open space areas that will eventually connect each of the permit areas to one another. The APE consists of the vertical and horizontal limits of the project including the area within which adverse effects to Historic Properties could occur as a result of the project. The vertical APE is described as the maximum depth below the surface to which excavations for project foundations and facilities will extend, as well as the height of proposed facilities and buildings and extends from 15 feet below ground surface to 30 feet above the ground surface. The horizontal APE consists of all areas where ground-disturbing activities associated with the project are proposed.

- *Historic Property Treatment Plan for the Backbone Infrastructure Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California ECORP Project No. 2005-429.3 (ECORP, 2013).*

The criteria of adverse effect were applied to the 17 individually eligible sites and the 63 contributing elements to historic districts. Alternatives to avoid these adverse effects were

considered, and were either adopted or rejected based on their feasibility in the larger scope of the project. Of the 17 individually eligible sites, you determined that 10 will be adversely and directly affected by the project and that all of the 63 contributing elements will be adversely affected, either directly or indirectly. Therefore, the COE developed a Historic Property Treatment Plan in accordance with Stipulation 5 of the existing PA in order to resolve the adverse effects caused by the undertaking.

Resolution of Adverse effects for the Rhoades' Branch Ditch and the Keefe-McDerby Mine Ditch will be resolved in the form of Historic American Engineering Record (HAER) documentation in conjunction with the National Park Service (NPS). Resolution of adverse effects to the mills, foundations, campsites, and residential features will be addressed through data recovery excavation and detailed documentation. Resolution of adverse effect to White Rock Road and Lincoln Highway will occur through focused archival research and field documentation along with an expanded cultural context statement that will be included in the Historic Property Synthesis Report. Resolution of adverse effect to the RDMD and ACCMD historic districts will be addressed through landscape level documentation including aerial photography, LIDAR mapping, archival research, cultural contexts, and public interpretation using interpretive panels along adjacent trails and at trailheads. Potential adverse effects to inadvertent discoveries will be managed through measures to include geoarchaeological monitoring, contractor awareness training and the development of unanticipated discovery protocol between the contractors and the archaeological monitors. After reviewing your letter and supporting documentation, I have the following comments:

1. According to Stipulation 5 of the existing Programmatic Agreement between the COE and myself, I agree that the Historic Property Treatment Plan will adequately address the adverse effects that this undertaking will have on historic properties within the Backbone Infrastructure Permit Area APE.

Thank you for seeking my comments and for considering historic properties in planning your project. Please be advised that the COE has additional future responsibilities for this undertaking, as outlined in the aforementioned Programmatic Agreement. If you require further information, please contact Jessica Tudor of my staff at phone 916-445-7016 or email jessica.tudor@parks.ca.gov.

Sincerely,



Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

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February 26, 2014

In Reply Refer To: COE090818A

Lisa M. Gibson
Senior Project Manager
Department of the Army Corps of Engineers
U.S. Army Engineer District, Sacramento
1325 J Street
Sacramento, CA 95814-2922

Re: Section 106 Consultation for the Historic Property Treatment Plan for the Russell-Ranch Permit Area of the Folsom South of U.S. Highway 50 Specific Plan Project (USACE SPK-2013-00488)

Dear Ms. Gibson:

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The proposed undertaking would issue a Clean Water Act Section 404 permit to Russell-Promontory, LLC (applicant) to develop a portion (Specific Plan Area) of a larger proposed residential and commercial development located south of U.S. Highway 50, east of Prairie City Road, north of White Rock Road, and west of the El Dorado County line in the city of Folsom, California.

In addition to your letter, you have submitted the following document:

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You previously submitted a determination of effects report for the Russell-Promontory (now Russell Ranch) APE finding that two individually eligible properties (P-34-2166 - The Brooks Hotel Site/Ranch Complex; and P-34-1745 - The Keefe-McDerby Mine Ditch) would be adversely affected by the proposed undertaking. The Brooks Hotel Site/Ranch Complex will be adversely affected by the Backbone Infrastructure Project (COE090818A) and therefore the resolution of adverse effects for this property will be addressed separately, by the Historic Properties Treatment Plan (HPTP) that was

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Thank you for seeking my comments and for considering historic properties in planning your project. Please be advised that the COE has additional future responsibilities for this undertaking, as outlined in the aforementioned Programmatic Agreement. If you require further information, please contact Jessica Tudor of my staff at phone (916) 445-7016 or email jessica.tudor@parks.ca.gov concerning archaeological issues, and Tristan Tozer of my staff at (916) 445-7027 or Tristan.tozer@parks.ca.gov for built environment concerns.

Sincerely,



Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

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March 24, 2017

In Reply Refer To: COE090818A

Lisa M. Gibson
Senior Project Manager
Department of the Army Corps of Engineers
U.S. Army Engineer District, Sacramento
1325 J Street
Sacramento, CA 95814-2922

Re: Section 106 Consultation for Permission to Proceed with Construction for the Russell-Ranch Permit Area of the Folsom South of U.S. Highway 50 Specific Plan Project (USACE SPK-2013-00488)

Dear Ms. Gibson:

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Therefore, the COE has requested SHPO review and comment on the HPTP compliance reconciliation provided. After reviewing your letter and supporting documentation, I have the following comments:

- I do not object to the COE's determination that the required pre-construction mitigation measures for the construction segment defined as non-Backbone Russell Ranch have been completed and the intention of the Applicant to proceed to construction pursuant to Stipulation 8.A.3 of the FAPA.

If you require further information, please contact Jessica Tudor of my staff at phone (916) 445-7016 or email jessica.tudor@parks.ca.gov.

Sincerely,

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Julianne Polanco
State Historic Preservation Officer

ARCHAEOLOGY / PALEONTOLOGY

Discovery Response Procedures



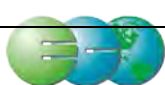
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Folsom Specific Plan Projects, Sacramento County

Date of Unanticipated Discovery: _____ Time: _____

Name of Construction Supervisor or Foreman: _____

Cell Number: _____

Step 1. STOP ALL WORK WITHIN 100 FEET OF DISCOVERY. For all unanticipated discoveries, **first call the project archaeologist, Lisa Westwood, at 916-316-1456.** If the discovery includes potentially human bone, she will call the County Coroner. During the call, reference the project name and specific construction segment or activity and inform her that workers discovered something that could be an archaeological or paleontological artifact or feature. Provide her with this completed form upon her arrival.

Date and Time Called Project Archaeologist: _____ Caller: _____

Step 2. Take reasonable measures to protect the discovery from disturbance or looting. Briefly describe the measures taken.

Step 3. Briefly document the basic information of the discovery.

What was the nature of the construction activity that was taking place when the discovery was made?

Describe the location of the find, or draw a sketch map on the reverse, showing identifying landmarks or features, and construction locations, nearby. Include depth of the find:

Briefly list the artifacts or features that were discovered:



Above: bones in a midden deposit



Above: flaked stone ("debitage") pieces



Above: artifacts protruding from trench wall



Above: hand stone artifacts



Above: dark soil layer (midden) in cut bank



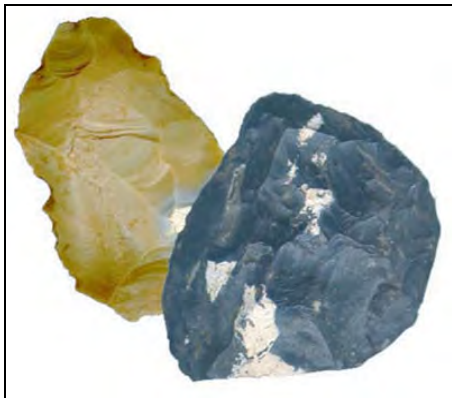
Above: mano and metate



Above: obsidian artifacts



Above: Millingstone (grinding stone fragment)



Above: flaked stone tools (chert; can be any color)



Above: bone fragments



Above: hammerstone



Above: square nails, bottle glass

ATTENDANCE RECORD

Contractor Sensitivity Training for Archaeological Resources
Folsom Specific Plan Projects

Date of Training: _____ Trainer: _____

Name (Print Clearly)	Company	Title/Role	Signature

ATTENDANCE RECORD

Contractor Sensitivity Training for Archaeological Resources
Folsom Specific Plan Projects

Name (Print Clearly)	Company	Title/Role	Signature

ATTENDANCE RECORD

Contractor Sensitivity Training for Archaeological Resources
Folsom Specific Plan Projects

Name (Print Clearly)	Company	Title/Role	Signature

ATTENDANCE RECORD

**Contractor Sensitivity Training for Archaeological Resources
Folsom Specific Plan Projects**

Date of Video Training	Name (Print Clearly)	Company	Signature

When this form has been completed, please mail it to Lisa Westwood at ECORP Consulting, Inc., 2525 Warren Drive, Rocklin, CA 95677 or fax to 916-782-9134 or photograph and text it to 916-316-1456 so that it can be submitted as proof of compliance. Use multiple forms as needed.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

February 16, 2017

Regulatory Division (SPK-2013-00488)

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

Dear Ms. Polanco:

This letter concerns compliance verification for the Russell Ranch Project (Project). Your reference number is COE090818A. In accordance with the 36 CFR 800.4 (b)(2) and 36 CFR 800.14, the U.S. Army Corps of Engineers and the California State Historic Preservation Officer executed a Programmatic Agreement (PA) on July 6, 2011, and a First Amended Programmatic Agreement (FAPA) on October 3, 2013, to meet the requirements of Section 106 of the National Historic Preservation Act for the proposed Folsom South of U.S. Highway 50 Specific Plan (Specific Plan). Sections H and I of Stipulation 3 of the PA and Stipulation 5 of the FAPA require that each individual project, including the Russell-Promontory Project (Project), must comply with specific terms that include, but are not limited to, evaluation of significance, determination of effect, and the resolution of adverse effects to Historic Properties.

In a letter dated February 26, 2014, you concurred the proposed November 21, 2013, *Historic Property Treatment Plan for the Non-Backbone Russell Ranch Permit Area, Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California* (HPTP), prepared by ECORP Consulting, will adequately address adverse effects to historic properties, namely the Keefe-McDerby Mine Ditch (P-34-1745), within the Project APE. As previously discussed, the Brooks Hotel Site (P-34-2166) extends into the Russell Ranch APE and would also be impacted by the Backbone Infrastructure Project (SPK-2007-02159; COE090818A), therefore, resolution of adverse effects to the Brooks Hotel Site was addressed by the Historic Properties Treatment Plan prepared for the Backbone Infrastructure Project (Backbone HPTP).

ECORP Consulting has prepared the enclosed January 26, 2017, *Request for Compliance Verification for the Non-Backbone Russell Ranch Project (SPK 2013-00488) within the Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County* letter report (Enclosure 1), to summarize and reconcile the work completed in compliance with the HPTP. In accordance with the HPTP, the final Historic American Engineering Record (HAER) documentation for the Keefe-McDerby Mine Ditch was provided to the National Park Service on August 26, 2015. Previous compliance regarding the fieldwork phase of the data recovery at the Brooks Hotel Site and circulation of the draft data recovery report was provided to your office in a letter dated July 9, 2015. Your office did not have any comments per an email received on August 7, 2015. Subsequently, the final data recovery report was circulated to the appropriate parties, including the North Central Information Center of the California Historical Resources Information System, and representative artifacts were curated at the David A. Fredrickson Archaeological Collections Facility in accordance with the Backbone HPTP. Documentation regarding these transmittals is provided in Enclosure 1.

The applicant has requested to be allowed to proceed with construction within the Project APE in accordance with Stipulation 8.A.3 of the FAPA. We have determined the work summarized in Enclosure 1 has been completed in compliance with the HPTP. We request your review and comment on the enclosed HPTP compliance reconciliation letter report. We are also providing a copy of Enclosure 1 by way of this letter to the concurring parties to the PA and FAPA, including the tribes, historical society, and applicants, for review and comment. Please provide any comments on the report by March 20, 2017.

Please refer to identification number SPK-2013-00488 in any correspondence concerning this Project. If you have any questions, please contact Ms. Erin Hess, at our Regulatory Division, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California, 95814-2922, erin.e.hess@usace.army.mil, or telephone (916) 557-6740. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



Lisa M. Gibson
Regulatory Permit Specialist
Regulatory Division

Enclosure

cc:

Mr. David Miller, City of Folsom, 50 Natoma Street, Folsom, CA 95630
Mr. Anthony Ikeda Kolar, Folsom Historical Society, 823 Sutter Street, Folsom, CA 95630
Mr. Daniel Fonseca, Shingle Springs Band of Miwok Indians, Post Office Box 1340, Shingle Springs, CA 95682
Mr. Matthew Moore, Tribal Historic Preservation Officer, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, CA 95603
Mr. Antonio Ruiz, Jr., Wilton Rancheria, 9728 Kent Street, Elk Grove, CA 95624
Mr. Jim Ray, MacKay & Soms Engineers, 1552 Eureka Road, Suite 100, Roseville, CA 95661

cc: (w/o encl)

Ms. Bonnie Chiu, The New Home Company, bchiu@nwhm.com
Ms. Lisa Westwood, ECORP Consulting, lwestwood@ecorpconsulting.com