

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

P O. BOX 942896
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calshpo@ohp.parks.ca.gov



August 8, 2005

In Reply Refer To: FHWA050715A

Karen McWilliams
Environmental Branch Chief
Department of Transportation
District 03, North Region
2389 Gateway Oaks Drive
Sacramento, CA 95833

Re: State Route 16 Safety Widening Project Between Brooks and Madison in the Capay Valley, Yolo County, California: 00-YOL-16; KP 29.9/51.0 (PM 18.6/31.7) EA 03-0C4700.

Dear Ms. McWilliams:

You are consulting with me about the subject undertaking in accordance with the *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-aid Highway Program in California (PA)*.

As per stipulation VIII of the PA, the California Department of Transportation (Caltrans) has determined the Area of Potential Effects (APE) and has completed identification and evaluation of historic properties within the APE. Caltrans is requesting my concurrence, pursuant to stipulation VIII.C.5 of the PA, on their determinations of the National Register of Historic Places (NRHP) eligibility of the historic properties identified within the undertaking's area of potential effects. In addition to your letter of July 13, 2005 (as revised via email August 3, 2005), you have submitted the following documents for my review:

- *Historic Property Survey Report for the Proposed State Route 16 Safety Widening Project Between Brooks and Madison in the Capay Valley, Yolo County, California 00-YOL-16; KP 29.9/51.0 (PM 18.6/31.7) EA 03-0C4700* (S.M. Allred; District 3, North Region: July 2005).
- *Archaeological Survey Report for the Proposed State Route 16 Safety Widening Project Between Brooks and Madison in the Capay Valley, Yolo County, California 00-YOL-16; KP 29.9/51.0 (PM 18.6/31.7) EA 03-0C4700* (K. McWilliams; District 3, North Region: April 2005).
- *Archaeological Excavations at CA-YOL-199/H, CA-YOL-125/H, and the CA-YOL-207 Sites for the YOL-16 Safety Improvement Project Capay Valley, Yolo County, California Caltrans Project 03-Yol-16 KP 29.9/51.0 (PM 18.6/31.7) Contract No. 03A0626, Task Order 18* (Shapiro, Taggart, Schwitalla, and Jackson; Pacific Legacy, Inc.: June 2005).
- *Historical Resources Evaluation Report for a Proposed Safety Improvement Project on State Route 16, Yolo County KP 29.9-51.0 (PM 18.6-31.7) EA 03-0C4700* (G. F. St. John and K. J. Wooten; District 3, North Region: June 2005).

After reviewing your letter requesting consultation and the documentation submitted in support of this undertaking, I have the following comments:

1) I concur that the following historic property is eligible for the NRHP:

- CA-YOL-205H (Taber's Corner Historic District)

2) I acknowledge that, for the purposes of this project, FHWA (Caltrans) is assuming that the following historic properties are eligible for the NRHP and that Caltrans will establish Environmentally Sensitive Areas (ESAs), pursuant to Stipulation VIII.C.3 of the PA, to protect the portions of these sites outside of the ADI, as per a phone contact (8/8/05) between Sarah Allred of your staff and William Soule of my staff. I concur that the portions of these historic properties within the project ADI are non-contributing elements to the eligibility of the larger properties and that the delineations of the non-contributing portions of those sites are provided in the supporting documentation cited above:

- CA-YOL-125/H (Garrison Site)
- CA-YOL-207 (Jones-Whitfield Site)
- CA-YOL-208H (Aldrich-Duncan Farmstead Site)
- CA-YOL-200H (Cadenasso Farmstead)
- CA-YOL-203H (Dogtown/Cadenasso School)
- CA-YOL-204H (Dogtown)
- CA-YOL 206H (Vaca Valley and Clear Lake Railroad)
- CA-YOL-209H (Wirth Farmstead)
- CA-YOL-210H (Madison Hotel and Flour Mill)

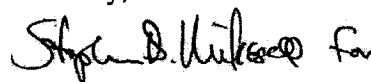
3) I further concur that the portion of CA-YOL-189H (Clearlake-Sacramento Toll Road) located within the project ADI, is not a contributing element to the eligibility of the larger property, and that the delineations of the contributing and non-contributing portions of that site are provided in the supporting documentation cited above. CA-YOL-189H has been previously determined eligible to the NRHP in 2000.

4) I further concur that the following historic properties are not eligible to the NRHP:

- CA-YOL-201H (Cadenasso Dump Site)
- CA-YOL-202H (McKissick Residence/Wood's Blacksmith)

I understand that you will be continuing consultation on this undertaking in the future with the submissions of a finding of effect and an action plan for the implementation of the above ESAs. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule at phone 916-654-4614 or email wsoul@ohp.parks.ca.gov.

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

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DEPARTMENT OF PARKS AND RECREATION**

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September 13, 2005

In Reply Refer To: FHWA050715A

Karen McWilliams
Environmental Branch Chief
Department of Transportation
District 03, North Region
2389 Gateway Oaks Drive
Sacramento, CA 95833

Re: State Route 16 Safety Widening Project Between Brooks and Madison in the Capay Valley, Yolo County, California: 00-YOL-16; KP 29.9/51.0 (PM 18.6/31.7) EA 03-0C4700.

Dear Ms. McWilliams:

You are continuing consultation with me regarding the subject undertaking in accordance with the *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-aid Highway Program in California (PA)* as executed January 13, 2004.

I have reviewed your letter of August 19, 2005 (received via email SHPO 8/19/05) and re-visited your letter of July 13, 2005 and the supporting documentation submitted by Caltrans earlier in this consultation. You are requesting that I concur with your analysis regarding the National Register of Historic Places (NRHP) eligibility of the historic property CA-YOL-125/H. Your letter states that: "The portion of site CA-Yol-125/H *within* the ADI is eligible for the National Register of Historic Places, and all remaining portions of the site *outside* of the ADI limits are assumed eligible for the purposes of this undertaking," and requests my concurrence with that finding.

Based on your letters and the documentation submitted in support of this undertaking, I recommend that Caltrans find *all* of archeological site CA-YOL-125/H eligible to the NRHP under Criterion D. If you concur with this evaluation, please sign in the signature block provided below.

I look forward to continuing this consultation in the future after the submission of a finding of effect and an action plan for the implementation of project ESAs. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule at phone 916-654-4614 or email wsoule@parks.ca.gov.

I CONCUR:

Karen McWilliams

Karen McWilliams
Environmental Branch Chief
District 3, North Region
Environmental Management, S2 Bra

Sincerely,

Milford Wayne Donaldson

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

cc:

Gene K. Fong
Division Administrator
U.S. Department of Transportation
Federal Highway Administration, California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

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DEPARTMENT OF PARKS AND RECREATION**

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January 10, 2006

In Reply Refer To: FHWA050715A

Gene K. Fong
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Dear Mr. Fong:

Re: State Route 16 Safety Widening Project Between Brooks and Madison in the Capay Valley, Yolo County, California: 00-YOL-16; KP 29.9/51.0 (PM 18.6/31.7) EA 03-0C4700.

You are consulting with me about the subject undertaking in accordance with the January 2004 *Programmatic Agreement (PA) Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California*. In addition to your letter of December 12, 2005, you have submitted the following document in support of this undertaking:

- *Finding of Effects for a Proposed Safety Improvement Project on State Route 16, Yolo County 03-YOL-16 KP 29.9/51.0 (PM 18.6/31.7) EA 03-0C4700* (G. St. John, K. Wooten, & E. Dwyer: October 2005).

After reviewing your letter of December 12, 2005, and the documentation submitted in support of this undertaking, I concur that the finding of Adverse Effect by the Federal Highway Administration (FHWA) is appropriate pursuant to Stipulation X.C.1 of the PA. I understand that you will be continuing this consultation with the submittal of a draft Memorandum of Agreement and a Treatment Plan that outlines proposed mitigation measures.

Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule at phone 916-654-4614 or email wsoule@parks.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Milford Wayne Donaldson" followed by a small circular mark.

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

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www.ohp.parks.ca.gov



January 15, 2008

In Reply Refer To: FHWA050715A

Gregory P. King
Chief, Cultural and Community Studies Office
Division of Environmental Analysis MS27
Department of Transportation
1120 N Street, P.O. Box 942874
Sacramento, California 94274-0001

Re: Notification of Project Change Regarding the Effect Finding for Tabers' Corner Historic District, State Route 16 Safety Widening Project Between Brooks and Madison in the Capay Valley, Yolo County, California: 00-YOL-16; KP 29.9/51.0 (PM 18.6/31.7) EA 03-0C4700.

Dear Mr. King:

Thank you for continuing consultation with me regarding the above noted undertaking pursuant to the 2004 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-aid Highway Program in California (PA)* and the 2006 *Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer, Regarding the Safety Improvement Project on State Route 16, Yolo County, California (MOA)*.

At this time you are informing me that the Department of Transportation (Caltrans) has modified the State Route 16 Safety Widening Project due to environmental constraints and public input. Because of these design modifications, the project Area of Potential Effects (APE), as stated in the MOA, has also changed. These modifications have resulted in a new alternative (Alternative A) in which the project alignment will more closely follow the existing SR16 roadway, and avoid the demolition of structures that contribute to the Tabers' Corner Historic District. Although some minor features (removal of trees) of the Tabers' Corner Historic District will still be affected, Caltrans has determined that these effects are minor and will not diminish the integrity of the historic property as a whole. Consequently, Caltrans is proposing that the Tabers' Corner Historic District will not be adversely affected by the subject undertaking.

After reviewing your letter of December 17, 2007, and the MOA for this undertaking, I concur that the proposed modification of the adverse effect finding to reflect the current Caltrans position that Tabers' Corner Historic District (CA-YOL-205H) will not be

adversely affected by this undertaking is appropriate. This action can be taken, pursuant to Stipulation VII.D of the MOA, by either of the following methods: rewriting the entirety of the MOA to reflect the new project parameters and effects finding and titling this as the *First Amended MOA*, or by preparing a separate amendment (i.e., attachment) to the MOA that specifically addresses the proposed changes in the APE and effects finding. This latter document should be titled as *Amendment No. 1* to the MOA. Any resultant changes to the ESA Action Plan should also be addressed. Both methods will necessitate the inclusion, and execution, of a signatory page with the original MOA parties; FHWA, Caltrans, and the California SHPO.

Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule, Associate State Archeologist, at phone 916-654-4614 or email wsoule@parks.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Susan K Stratton for".

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814
August 11, 2006

IN REPLY REFER TO
HDA-CA

File # Section 106 and Section 4(f) de minimis
Document # S49470

Mr. Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Dear Mr. Donaldson:

As you may know, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amendment to the Section 4(f) requirements allows the U.S. Department of Transportation (DOT) to determine that certain uses of Section 4(f) land will have no adverse effect on a protected resource. When this is the case, and the responsible official(s) with jurisdiction over the resource agrees in writing, compliance with Section 4(f) is much simplified via a *de minimis* impact finding. *De minimis* impacts related to historic sites are defined in Section 6009(a) of SAFETEA-LU as the determination of either "no adverse effect" or "no historic properties affected" in compliance with Section 106 of the National Historic Preservation Act (NHPA). The decision by the Federal Highway Administration (FHWA) to make a *de minimis* impact finding is therefore based on the SHPO's written concurrence in the Section 106 determination. However, the SHPO is not required to make, agree with, or comment on this *de minimis* determination. FHWA's guidance on the application of the Section 4(f) *de minimis* impact criteria issued December 13, 2005 is attached for your reference. It is also available at www.fhwa.dot.gov/hep/guidedeminimis.htm.

In accordance with the Section 106 regulations and the January 1, 2004 Section 106 Programmatic Agreement (PA), when FHWA proposes a finding of "no adverse effect," FHWA may assume the SHPO's concurrence in the finding if the SHPO has not commented in 30 days. Also under the terms of the PA, the California Department of Transportation (Caltrans) provides notification to the SHPO regarding findings of "no historic properties affected" or "no adverse effect with standard conditions." The SHPO does not concur in such findings, nor is a written response from the SHPO required when Caltrans provides such notification.

This letter is intended to inform you that when the SHPO concurs with "no adverse effect" finding, FHWA intends to make a *de minimis* impact finding if the subject property is a 4(f) property. In the event that the SHPO does not respond to FHWA's finding of "no adverse effect" within 30 days; or when Caltrans notifies the SHPO of a "no historic properties affected" or "no adverse effect with standard conditions" finding,



FHWA would likewise make a *de minimis* impact finding if the subject property is a 4(f) property. Caltrans will identify the subject property as a 4(f) property in the notification letter to the SHPO.

Please sign below as an indication of your concurrence with this prescribed procedure in light of SAFETEA-LU requirements and in accordance with the Section 106 regulations and the January 1, 2004 Section 106 PA.


For further discussion, you may contact Lisa Cathcart-Randall, Senior Transportation Specialist, at (916) 498-5048 or email at lisa.cathcart-randall@fhwa.dot.gov.

Sincerely,

/s/Lisa Cathcart-Randall

For
Gene K. Fong
Division Administrator

20 AUG 2006
Date


Mr. Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Enclosure

“Questions and Answers on the Application of the Section 4(f) De Minimis Impact Criteria”

cc: (email)
Jay Norvell, Caltrans
Jill Hupp, Caltrans
Brett Gainer, FHWA-CADIV
Maiser Khaled, FHWA-CADIV
Lisa Cathcart-Randall, FHWA-CADIV

lcathcart-randall/lmg