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

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In reply, refer to: FEMA_2024_1106_001

Lisa Holm
Senior Environmental Protection
Specialist / Archaeologist
FEMA – U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

Subject: Carmel River Floodplain Restoration and Environmental Enhancement Project (CRFREE) – Design Change for Odello Barn West, Creamery, and Blacksmith Shop, LH-HMGP-4344-539-094

Dear Ms. Holm:

The California State Historic Preservation Officer (SHPO) has received FEMA's November 5, 2024, letter initiating consultation on a proposed undertaking in Trinity County, in compliance with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), as amended, and its implementing regulation found at 36 CFR Part 800, and the 2019 Programmatic Agreement (PA) among FEMA, SHPO, and California Office of Emergency Services. Along with the letter, FEMA provided the following documents.

- USFWS Letter and SHPO Concurrence Regarding Area of Potential Effects (SHPO File No. FWS_2015_1211_001)
- USFWS Letter and SHPO Concurrence Regarding Finding of No Adverse Effect for Structure Elevation (SHPO File No. FWS_2015_1211_001)
- Design Plans for Berm Construction
- SHPO Concurrence on Eligibility for the Carmel River Floodplain Agricultural Landscape and Historic District (SHPO File No. FWS_2015_1211_001)
- Department of Parks and Recreation Forms 523 for the Carmel River Floodplain Agricultural Landscape and Historic District
- FEMA Letters to Consulting Tribes

FEMA proposes to provide funding to Monterey County floodplain restoration to restore natural floodplain functions and values, including connectivity with the coastal and estuarine waters of the Carmel Lagoon. In previous consultation with the U.S. Fish and Wildlife Service (USFWS), the SHPO reviewed this project and concurred with a Finding of No Adverse Effect (FWS_2015_1211_001). In January 2017, USFWS proposed the

elevation of the Creamery and Blacksmith Shop within the Carmel River Floodplain Agricultural Landscape and Historic District as a protective measure, and the SHPO concurred in March 2017 with a finding of No Adverse Effect for the proposed measure. Subsequently, Monterey County withdrew from the USFWS National Coastal Wetlands Conservation Grant Program, and USFWS no longer has a direct nexus to the Undertaking. Monterey County has applied for funding from FEMA through the Hazard Mitigation Grant Program.

The purpose of FEMA's letter is to consult regarding a change in project design, specifically the protective measure to protect the Creamery and Blacksmith Shop. As project design developed, California State Parks raised concerns related to elevation of the structures because of a lack of structural integrity of the buildings and long-term interpretive plans for the structures. The Odello Barn West collapsed in 2003 and therefore could not be raised, and elevating the Creamery and Blacksmith Shop may damage the structures. In response, the design plans were updated to include the construction of two earthen berms that would expand the existing berm to surround the Odello Historic Barn Complex rather than elevating the structures.

Construction of the berms would occur prior to the levee plugs being removed (approximately three to five years following construction). The berms would have an approximate 40-foot-wide disturbance area, with a final berm width of approximately 30 feet. The berms would be approximately 2 feet above the existing grade and extend approximately 1,300 feet. The soil used to create the berms would be obtained on-site from the adjacent floodplain excavation area.

The USFWS consulted with the SHPO about the project's Area of Potential Effects (APE), defining it as comprising 200 acres. This includes 140 acres where potential ground disturbing activities would occur and an additional 60 acres where restoration activities might have the potential to introduce visual elements that may diminish the integrity of the significant features of historic properties. The SHPO responded on January 5, 2016, that there were no comments on the APE. For FEMA's consultation, the CRFREE APE remains the same as was determined in 2015. The vertical APE for construction of berms is limited to 6 inches required to prepare the existing ground surface to ensure effectiveness of the berms as a flood control feature.

On August 3, 2016, the SHPO concurred with the USFWS that the Carmel River Floodplain Agricultural Landscape and Historic District is a district eligible for listing in the National Register of Historic Places (NRHP). The district consists of 12 buildings, structures, and/or landscape features within and adjacent to the project on the west side of State Route 1. The Odello Barn West, Creamery, and Blacksmith Shop, the subjects of this consultation, are contributing elements to this District.

The Odello Historic Barn Complex area was surveyed in 2015 with negative results for archaeological deposits aside from scattered historic-era sheet refuse. For this current consultation, FEMA determined the previous efforts were sufficient to understand the effects of the updated design related to the Odello Barn West, Creamery, and Blacksmith Shop and no additional field investigations were warranted.

There are no known Native American archaeological or cultural resources in the area where the berm extension is proposed and, given the location on a floodplain consisting of silty sandy soil with minimal ground disturbance, there is a low likelihood of encountering buried archaeological deposits. The fill material to construct the berm would be sourced within the APE from the floodplain excavation area that is associated with floodplain grading activities described in the 2016 USFWS consultation.

Tribal consultation has been ongoing since 2015. Requests in 2015 and 2017 for a search of the Native American Heritage Commission's (NAHC) Sacred Lands File produced **negative** results.

Pursuant to their responsibilities as a federal lead agency, in 2015 the USFWS initiated consultation on the floodplain restoration and causeway project components through direct mail with the Native American Tribes on the NAHC's list, including Ohlone / Costanoan-Esselen Nation; the Amah Mutsun Tribal Band; the Amah Mutsun Tribal Band of Mission San Juan Bautista; the Indian Canyon Mutsun Band of Costanoan; the Costanoan Rumsen Carmel Tribe; the Trina Marine Ruano Family (Ohlone/Miwok), and Jakki Kehl. USFWS received no responses.

Between 2015 and 2020, the Subapplicant consulted further with the Ohlone / Costanoan-Esselen Nation and the Esselen Tribe of Monterey County in accordance with Assembly Bill 52 and its implementing California Public Resources Code (PRC) on the floodplain and causeway project components. The County developed a set of mitigation measures in collaboration with both Tribes to avoid and minimize impacts to tribal cultural resources that were included in the Final EIR/EA. These measures consisted of tribal monitoring, cultural sensitivity awareness training for workers, and discovery protocols.

Because of the proposed design change to construct the berm extension, FEMA mailed and emailed letters to the two Tribes who previously consulted with Monterey County on this project: the Ohlone / Costanoan Esselen Nation and the Esselen Tribe of Monterey County. FEMA agreed to make Tribal monitoring and cultural sensitivity awareness training for workers as mitigation measures a condition of project approval.

The proposed berms would be less than 2 feet above the surrounding ground surface. The low profile of the proposed berm extension would be consistent with the existing immediately surrounding topography and would not alter the landscape such that the

integrity of setting, feeling, materials, or workmanship are diminished. Construction would be temporary, and any mechanical work for the berm extension would not introduce any auditory or atmospheric effects that would alter these historic properties. In addition, construction of the berms rather than the elevation of the structures would avoid any modification or potential damage to the structures. Based upon this analysis, FEMA has determined that, while extension of the berm would introduce a new element within the boundaries of this historic property, this feature would not alter any of the characteristics that qualify the Odello Barn West, Creamery, or Blacksmith Shop for the NRHP. Further, this berm extension is so minimal that it would not have any effects upon the larger Carmel River Floodplain Agricultural Landscape and Historic District. FEMA has therefore made a finding of No Adverse Effect to Historic Properties with Conditions for this Undertaking per Stipulation II.C.5.a of the Agreement.

After reviewing the information submitted by FEMA, the SHPO offers the following comments.

- The proposed project qualifies as a federal undertaking with the potential to affect historic properties.
- The APE appears to be sufficient to take direct and indirect effects into account.
- Identification and evaluation efforts are sufficient. The previous documentation of the USFWS consultation was very helpful.
- The SHPO has no objection to the proposed Finding of No Adverse Effect with the conditions identified by FEMA above.
- Please be advised that under certain circumstances such as an unanticipated discovery or a change in project description, you may have future responsibilities for this undertaking under 36 CFR Part 800 and/or the 2019 FEMA PA.

If there are any questions, please contact Mark Beason, State Historian, at (916) 503-8599 or mark.beason@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer