

APPENDIX C

PUBLIC NOTICE COMMENTS & OTHER AGENCY DOCUMENTS

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

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February 7, 2017

In reply refer to: COE_2016_0803_001

Marc A. Fugler
Regulatory Division
Army Corps of Engineers, Sacramento
1325 J Street
Sacramento, CA 95814-2922

Subject: Section 106 consultation for the Tesoro Viejo Development Project, Madera County (COE File Number SPK-2006-00425)

Dear Mr. Fugler:

The Office of Historic Preservation received on January 19, 2017, the letter continuing consultation to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulation at 36 CFR Part 800. This consultation was submitted in response to comments from my office on October 19, 2016. The Army Corps of Engineers (COE) is seeking my comments on their finding of effect related to the issuance of a Clean Water Act Section 404 permit to Robert McCaffrey (applicant) to construct a 1,600-acre mixed-use development (undertaking). The proposed project would involve modification of the Madera Canal, a federal facility managed by the Bureau of Reclamation. Reclamation has designated the COE federal lead for purposes of complying with Section 106.

The proposed undertaking would remove three existing road crossings of the Madera Canal and add four new crossings within the project area, following modern design and safety standards. In addition, Lateral 6.2 (a contributing element to the Canal) would be piped for an approximately 1.14 mile long segment. The October 19, 2016 letter requested additional analysis regarding the COE's finding of adverse effect for the Madera Canal and Lateral 6.2 as a result of this work. Analysis considering the integrity of the canal and lateral and whether the undertaking would be consistent with the Secretary of the Interior's Standards was requested, and provided in the COE's most recent consultation package.

As a result of the analysis, the COE has concluded that the historic properties will retain sufficient integrity to convey their significance, and that the piping of a segment of Lateral 6.2 will not diminish the overall integrity of the Madera Canal, to which it is a contributor. The COE has also concluded that the undertaking meets the applicable Secretary's Standards for Rehabilitation.

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As a result of this analysis, the COE has revised its finding to no adverse effect to historic properties. After reviewing your letter and supporting documentation, I have the following comments:

- I concur with the finding of no adverse effect, per 36 CFR § 800.5(b).

I look forward to consulting in the future with you. If you require further information, please contact Anmarie Medin of my staff at (916) 445-7023 or Anmarie.Medin@parks.ca.gov.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line extending to the right.

Julianne Polanco
State Historic Preservation Officer