

APPENDIX C
SECTION 106 CONSULTATION

APPENDIX C-1
SHPO RESPONSE LETTERS



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

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

October 18, 2022

VIA Email

In reply, refer to: NPS_2021_1110_001

Mr. Josh Hoines, Superintendent
National Park Service
Whiskeytown National Recreation Area
P.O. Box 188
Whiskeytown, CA 96095-0188

Subject: Digital 299 Fiber Optic Broadband Project, Humboldt, Trinity, and Shasta Counties, Whiskeytown National Recreation Area

Dear Mr. Hoines:

The State Historic Preservation Officer (SHPO) has received the October 14, 2022, letter regarding an undertaking at Whiskeytown National Recreation Area. The National Park Service (NPS) is consulting with the SHPO to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. §306108), as amended, and its implementing regulations at 36 CFR Part 800.

Vero Fiber Networks, a certificated telecommunications service provider, proposes a fiber optic project to provide rural broadband connectivity and redundancy in Humboldt, Trinity, and Shasta Counties. Cable would primarily be installed underground by directional boring in existing paved and unpaved road rights-of-way (ROWs). Three 1.25-inch conduits would be buried and include buried vaults to allow access to the underground conduit. The project traverses approximately 300 miles within Humboldt, Trinity, and Shasta counties from Eureka, through Hoopa, Willow Creek, Weaverville, Redding, and terminating in Cottonwood. The alignment follows existing roads, including the California Department of Transportation (Caltrans) State Route (SR) 299 ROW, US Forest Service ROWs, and county ROWs. It crosses private and Hoopa Valley Tribe land as well as land under the jurisdiction of the Whiskeytown National Recreation Area (WNRA), Bureau of Land Management (BLM) Redding Field Office, and Shasta-Trinity and Six Rivers National Forests.

Because no agency was designated Federal Section 106 Lead for the project, the SHPO agreed to consult separately with participating federal agencies regarding those agencies' jurisdictional lands. This consultation request is limited to National Park Service jurisdictional lands located within WNRA.

Along with previous consultation letters, NPS submitted a report entitled *Cultural Resources Inventory Report: Digital 299 Broadband Project, Humboldt, Trinity, and Shasta Counties, California*, (CRIR) completed by Transcon Environmental, Inc. (Transcon) (Loftus et al. 2022). This report documents NPS' cultural resource identification efforts within the proposed Area of Potential Effects (APE) on WNRA's jurisdictional lands.

In response to those letters and report the SHPO offered several comments requesting further information and clarification about the agency's findings and determinations and requested that the agency official with jurisdiction over the undertaking consider the recommendations made in the Transcon CRIR and provide the agency's own determinations and findings in official correspondence on agency letterhead. The SHPO made this request pursuant to the role of the agency official as defined in 36 CFR § 800.2(a) and in the interest of the administrative record concerning this consultation.

NPS replied on signed official agency letterhead on October 14, 2022, providing a table documenting the project design features that informed its assessment of effects and led to a finding of no adverse effects to historic properties. Following review of the additional information, pursuant to 36 CFR § 800.5(b), **I do not object** to the finding.

Please be advised that in the event of a project redesign or post-review discovery, NPS might have additional responsibilities pursuant to 36 CFR 800. If there are any questions, please contact Mark Beason, State Historian, at (916) 445-7047 or mark.beason@parks.ca.gov or Brendon Greenaway, Associate State Archaeologist at Brendon.Greenaway@parks.ca.gov

Sincerely,



Julianne Polanco
State Historic Preservation Officer



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

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

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October 13, 2022

VIA Email

In reply, refer to: BLM_2022_0323_001

Jennifer Mata, Field Manager
Redding Field Office
Bureau of Land Management
6640 Lockheed Drive
Redding, CA 96002

Subject: Digital 299 Fiber Optic Broadband Project, Humboldt, Trinity, and Shasta Counties, Bureau of Land Management

Dear Ms. Mata:

The State Historic Preservation Officer (SHPO) has received the October 5, 2022, letter continuing consultation regarding an undertaking in Humboldt, Trinity, and Shasta Counties. The Bureau of Land Management (BLM) is consulting with the SHPO to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. §306108), as amended, and its implementing regulations at 36 CFR Part 800.

As previously described, Vero Fiber Networks, a certificated telecommunications service provider, proposes a fiber optic project to provide rural broadband connectivity and redundancy in Humboldt, Trinity, and Shasta Counties.

Cable would primarily be installed underground by directional boring in existing paved and unpaved road rights-of-way (ROWs). Three 1.25-inch conduits would be buried and include buried vaults to allow access to the underground conduit. The project traverses approximately 300 miles within Humboldt, Trinity, and Shasta counties from Eureka, through Hoopa, Willow Creek, Weaverville, Redding, and terminating in Cottonwood. The alignment follows existing roads, including the California Department of Transportation (Caltrans) State Route (SR) 299 ROW, US Forest Service ROWs, and county ROWs. It crosses private and Hoopa Valley Tribe land as well as land under the jurisdiction of the Whiskeytown National Recreation Area (WNRA), Bureau of Land Management (BLM) Redding Field Office, and Shasta-Trinity and Six Rivers National Forests.

Because no agency was designated Federal Section 106 Lead for the project, the SHPO agreed to consult separately with participating federal agencies regarding those

Ms. Jennifer Mata
October 13, 2022
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BLM_2022_0323_001

agencies' jurisdictional lands. This consultation request is limited to BLM jurisdictional lands managed by the Redding Field Office.

Along with the present letter dated October 5, 2022, BLM submitted previous consultation letters dated March 7, 2022, July 5, 2022, and August 2, 2022 and a report entitled *Cultural Resources Inventory Report: Digital 299 Broadband Project, Humboldt, Trinity, and Shasta Counties, California*, (CRIR) completed by Transcon Environmental, Inc. (Transcon) (Loftus et al. 2022). This report supports BLM's cultural resource identification efforts within the proposed Area of Potential Effects (APE) on its jurisdictional lands.

In response to that letter and report, the SHPO offered several comments in letters dated May 27, 2022, July 27, 2022, and September 30, 2022, requesting further information and clarification about the agency's findings and determinations, and requested that the agency official with jurisdiction over the undertaking consider the recommendations made in the Transcon CRIR and provide the agency's own determinations and findings in official correspondence on agency letterhead. The SHPO made this request pursuant to the role of the agency official as defined in 36 CFR § 800.2(a) and in the interest of the administrative record concerning this consultation.

BLM replied with letters on signed official agency letterhead on August 2, 2022, and October 5, 2022, that provided a table documenting the project design features that informed its assessment of effects and led to a finding of no adverse effects to historic properties. Following review of the additional information, pursuant to 36 CFR § 800.5(b), **I do not object to the finding.**

Please be advised that in the event of a project redesign or post-review discovery, BLM might have additional responsibilities pursuant to 36 CFR 800.

If there are any questions, please contact Mark Beason, State Historian, at (916) 445-7047 or mark.beason@parks.ca.gov or Brendon Greenaway, Associate State Archaeologist at Brendon.Greenaway@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer



**DEPARTMENT OF PARKS AND RECREATION
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Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

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October 13, 2022

VIA Email

In reply, refer to: COE_2022_0310_002

L. Kasey Sirkin, Lead Biologist
Eureka Field Office
U.S. Army Corps of Engineers
601 Startare Drive, #13
Eureka, California 95501

Subject: Digital 299 Fiber Optic Broadband Project, Humboldt, Trinity, and Shasta Counties, U.S. Army Corps of Engineers

Dear Ms. Sirkin:

The State Historic Preservation Officer (SHPO) has received the August 5, 2022, letter continuing consultation regarding an undertaking in Humboldt, Trinity, and Shasta Counties. The U.S. Army Corps of Engineers (USACE) is consulting with the SHPO to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. §306108), as amended, and its implementing regulations at 36 CFR Part 800.

As previously described, Vero Fiber Networks, a certificated telecommunications service provider, proposes a fiber optic project to provide rural broadband connectivity and redundancy in Humboldt, Trinity, and Shasta Counties.

Cable would primarily be installed underground by directional boring in existing paved and unpaved road rights-of-way (ROWs). Three 1.25-inch conduits would be buried and include buried vaults to allow access to the underground conduit. The project traverses approximately 300 miles within Humboldt, Trinity, and Shasta counties from Eureka, through Hoopa, Willow Creek, Weaverville, Redding, and terminating in Cottonwood. The alignment follows existing roads, including the California Department of Transportation (Caltrans) State Route (SR) 299 ROW, US Forest Service ROWs, and county ROWs. It crosses private and Hoopa Valley Tribe land as well as land under the jurisdiction of the Whiskeytown National Recreation Area (WNRA), Bureau of Land Management (BLM) Redding Field Office, and Shasta-Trinity and Six Rivers National Forests.

Because no agency was designated Federal Section 106 Lead for the project, the SHPO agreed to consult separately with participating federal agencies regarding those

agencies' jurisdictional lands. This consultation request is limited to USACE jurisdictional waters.

Along with the present letter dated October 11, 2022, USACE provided consultation letters dated March 10, 2022, July 5, 2022, and August 5, 2022, and the report entitled *Cultural Resources Inventory Report: Digital 299 Broadband Project, Humboldt, Trinity, and Shasta Counties, California*, (CRIR) completed by Transcon Environmental, Inc. (Transcon) (Loftus et al. 2022). This report supports USACE's cultural resource identification efforts within the proposed Area of Potential Effects (APE) on its jurisdictional lands.

In response to those letters and report, the SHPO offered several comments in letters dated May 27, 2022, July 27, 2022, and September 30, 2022, requesting further information and clarification about the agency's findings and determinations and requesting that the agency official with jurisdiction over the undertaking consider the recommendations made in the Transcon CRIR and provide the agency's own determinations and findings in official correspondence on agency letterhead. The SHPO made this request pursuant to the role of the agency official as defined in 36 CFR § 800.2(a) and in the interest of the administrative record concerning this consultation.

USACE replied with letters on signed official agency letterhead on August 5, 2022, and October 11, 2022, that provided tables documenting the project design features that informed its assessment of effects and led to a finding of no adverse effects to historic properties. Following review of the additional information, pursuant to 36 CFR § 800.5(b), **I do not object to the finding.**

Please be advised that in the event of a project redesign or post-review discovery, USACE might have additional responsibilities pursuant to 36 CFR 800.

If there are any questions, please contact Mark Beason, State Historian, at (916) 445-7047 or mark.beason@parks.ca.gov or Brendon Greenaway, Associate State Archaeologist at Brendon.Greenaway@parks.ca.gov Sincerely,



Julianne Polanco
State Historic Preservation Officer



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

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

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October 13, 2022

VIA Email

In reply, refer to: USFS_2022_0308_003

Mr. Luke Decker, Acting Deputy Forest Supervisor
Shasta-Trinity National Forest
3644 Avtech Parkway
Redding, CA 96002

Subject: Digital 299 Fiber Optic Broadband Project, Humboldt, Trinity, and Shasta Counties, U.S. Forest Service, Shasta-Trinity National Forest

Dear Mr. Decker:

The State Historic Preservation Officer (SHPO) has received the October 7, 2022, letter continuing consultation regarding an undertaking in Humboldt, Trinity, and Shasta Counties. The U.S. Forest Service (USFS), Shasta-Trinity National Forest (STNF) is consulting with the SHPO to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. §306108), as amended, and its implementing regulations at 36 CFR Part 800.

As previously described, Vero Fiber Networks, a certificated telecommunications service provider, proposes a fiber optic project to provide rural broadband connectivity and redundancy in Humboldt, Trinity, and Shasta Counties.

Cable would primarily be installed underground by directional boring in existing paved and unpaved road rights-of-way (ROWs). Three 1.25-inch conduits would be buried and include buried vaults to allow access to the underground conduit. The project traverses approximately 300 miles within Humboldt, Trinity, and Shasta counties from Eureka, through Hoopa, Willow Creek, Weaverville, Redding, and terminating in Cottonwood. The alignment follows existing roads, including the California Department of Transportation (Caltrans) State Route (SR) 299 ROW, US Forest Service ROWs, and county ROWs. It crosses private and Hoopa Valley Tribe land as well as land under the jurisdiction of the Whiskeytown National Recreation Area (WNRA), Bureau of Land Management (BLM) Redding Field Office, and Six Rivers and Shasta-Trinity National Forests.

Because no agency was designated Federal Section 106 Lead for the project, the SHPO agreed to consult separately with participating federal agencies regarding those

Mr. Luke Decker
October 13, 2022
Page 2 of 2

USFS_2022_0308_003

agencies' jurisdictional lands. This consultation request is limited to U.S. Forest Service jurisdictional lands located within the Shasta-Trinity National Forest.

Along with the present letter dated October 7, 2022, USFS STNF provided consultation letters dated March 8, 2022, July 21, 2022, and August 5, 2022, and a report entitled *Cultural Resources Inventory Report: Digital 299 Broadband Project, Humboldt, Trinity, and Shasta Counties, California*, (CRIR) completed by Transcon Environmental, Inc. (Transcon) (Loftus et al. 2022). This report supports USFS STNF's cultural resource identification efforts within the proposed Area of Potential Effects (APE) on its jurisdictional lands.

In response to those letters and report, the SHPO offered several comments in letters dated May 27, 2022, July 27, 2022, and September 30, 2022, requesting further information and clarification about the agency's findings and determinations, and requested that the agency official with jurisdiction over the undertaking consider the recommendations made in the Transcon CRIR and provide the agency's own determinations and findings in official correspondence on agency letterhead. The SHPO made this request pursuant to the role of the agency official as defined in 36 CFR § 800.2(a) and in the interest of the administrative record concerning this consultation.

USFS STNF replied with letters on signed official agency letterhead on July 29, 2022, and October 7, 2022, that provided a table documenting the project design features that informed its assessment of effects and led to a finding of no adverse effects to historic properties. Following review of the additional information, pursuant to 36 CFR § 800.5(b), **I do not object to the finding.**

Please be advised that in the event of a project redesign or post-review discovery, USFS STNF might have additional responsibilities pursuant to 36 CFR 800. If there are any questions, please contact Mark Beason, State Historian, at (916) 445-7047 or mark.beason@parks.ca.gov or Brendon Greenaway, Associate State Archaeologist at Brendon.Greenaway@parks.ca.gov

Sincerely,



Julianne Polanco
State Historic Preservation Officer



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

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

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October 5, 2022

VIA Email

In reply, refer to: USFS_2022_0308_002

Ms. Kari Otto, Acting Forest Supervisor
Pacific Southwest Region
Six Rivers National Forest
1330 Bayshore Way
Eureka, CA 95501

Subject: Digital 299 Fiber Optic Broadband Project, Humboldt, Trinity, and Shasta Counties, U.S. Forest Service, Six Rivers National Forest

Dear Ms. Otto:

The State Historic Preservation Officer (SHPO) has received the October 5, 2022, letter continuing consultation regarding an undertaking in Humboldt, Trinity, and Shasta Counties. The U.S. Forest Service (USFS), Six Rivers National Forest (SRNF) is consulting with the SHPO to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. §306108), as amended, and its implementing regulations at 36 CFR Part 800.

As previously described, Vero Fiber Networks, a certificated telecommunications service provider, proposes a fiber optic project to provide rural broadband connectivity and redundancy in Humboldt, Trinity, and Shasta Counties.

Cable would primarily be installed underground by directional boring in existing paved and unpaved road rights-of-way (ROWs). Three 1.25-inch conduits would be buried and include buried vaults to allow access to the underground conduit. The project traverses approximately 300 miles within Humboldt, Trinity, and Shasta counties from Eureka, through Hoopa, Willow Creek, Weaverville, Redding, and terminating in Cottonwood. The alignment follows existing roads, including the California Department of Transportation (Caltrans) State Route (SR) 299 ROW, US Forest Service ROWs, and county ROWs. It crosses private and Hoopa Valley Tribe land as well as land under the jurisdiction of the Whiskeytown National Recreation Area (WNRA), Bureau of Land Management (BLM) Redding Field Office, and Shasta-Trinity and Six Rivers National Forests.

Because no agency was designated Federal Section 106 Lead for the project, the

SHPO agreed to consult separately with participating federal agencies regarding those agencies' jurisdictional lands. This consultation request is limited to U.S. Forest Service jurisdictional lands located within the Six Rivers National Forest.

Along with the present letter dated October 5, 2022, USFS SRNF provided consultation letters dated March 8, 2022, July 11, 2022, and July 29, 2022, and the report entitled *Cultural Resources Inventory Report: Digital 299 Broadband Project, Humboldt, Trinity, and Shasta Counties, California*, (CRIR) completed by Transcon Environmental, Inc. (Transcon) (Loftus et al. 2022).

In response to those letters and report, the SHPO offered several comments in letters dated May 27, 2022, July 27, 2022, and September 29, 2022, requesting further information and clarification about the agency's findings and determinations, and requested that the agency official with jurisdiction over the undertaking consider the recommendations made in the Transcon CRIR and provide the agency's own determinations and findings in official correspondence on agency letterhead. The SHPO made this request pursuant to the role of the agency official as defined in 36 CFR § 800.2(a) and in the interest of the administrative record concerning this consultation.

USFS SRNF replied with letters on signed official agency letterhead on July 29, 2022, and October 5, 2022, that provided a table documenting the project design features that informed its assessment of effects and led to a finding of no adverse effects to historic properties. Following review of the additional information, pursuant to 36 CFR § 800.5(b), **I do not object to the finding.**

Please be advised that in the event of a project redesign or post-review discovery, USFS SRNF might have additional responsibilities pursuant to 36 CFR 800.

If there are any questions, please contact Mark Beason, State Historian, at (916) 445-7047 or mark.beason@parks.ca.gov or Brendon Greenaway, Associate State Archaeologist at Brendon.Greenaway@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

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

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

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calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

December 16, 2021

In reply refer to: BUR_2021_1124_003

VIA ELECTRONIC MAIL

Ms. Anastasia T. Leigh, Regional Environmental Officer
U.S. Bureau of Reclamation, Interior Region 10 • California-Great Basin
2800 Cottage Way, CGB-153, Sacramento, CA 95825-1898

Subject: Section 106 Consultation: License Agreement -Digital 299 Broadband Fiber Optic
Project, Trinity County, California (20-NCAO-156)

Dear Ms. Leigh:

The State Historic Preservation Officer (SHPO) received your letter on November 24, 2021, initiating consultation on the above referenced undertaking to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108, as amended) and its implementing regulations that are found at 36 CFR Part 800 (as amended). The U.S. Bureau of Reclamation (Reclamation) proposes to authorize the installation of below-ground fiber-optic cables along two discontinuous segments of Reclamation land in Trinity County. Reclamation has a finding of *no historic properties affected* for this undertaking and requests concurrence. Documentation is:

- Enclosure 1: MAPS: Figure 1: Project Location [overlaid USGS Quad Map]; Figures 2-1 and 2-2: Area of Potential Effects (APE): [overlaid aerial photo maps];
- Enclosure 2: Report: Cultural Resource Inventory Report (Vol II, Appendix L=Bureau of Reclamation Segment of the overall alignment, October 2021 [By: Transcon Environmental, Santa Rosa, CA] {For: BLM Redding Field Office, USFS Whiskeytown; NPS, CPUC; CalTrans District 1 & 2; Reclamation});

The overall Digital 299 Broadband Fiber Optic Project will extend about 332 miles generally following State Route 299. Of those 332 miles, circa 2.6 miles are on Reclamation managed lands. The remaining miles cross an assortment of Federal lands including those under the jurisdiction of the Bureau of Land Management, the United States Forest Service, the U.S. Army Corps of Engineers, and the National Park Service. No lead Federal agency was designated pursuant to 36 CFR 800.2(a)(2) to address a collective undertaking; therefore, Reclamation is consulting only for its undertaking authorizing the project for the 2.6 miles on Reclamation managed lands.

Installation of the conduit for the fiber-optic cables will entail either horizontal directional drilling or plowing and trenching depending on the geological context. In addition, installation of barrel/access vaults will be necessary along the alignment to splice cables and provide access to the buried conduit. The exact number and location of the vaults within the project corridor is not currently known, but they are generally spaced 2,500 feet from one another. Their dimensions are 4 feet wide by 4 feet long by 4 feet deep. For the horizontal drilling, the bore drill will require entry/exit bore pits with dimensions up to 10 feet by 10 feet, to a maximum depth of 4.5 feet.

The bore diameter to house the conduit measures 4 inches and will be buried between 36 and 42 inches deep, with a maximum depth of 10 feet achievable when necessary. Plowing entails

cutting a narrow slit with a 2- to 3-inch-wide blade and inserting the conduit below ground. Areas of fractured rock or otherwise unsuitable ground for plowing or drilling will be trenched. Trenches will be 6 feet wide and have a maximum depth of 24 inches.

Reclamation's area of potential effects (APE) consists of two discontinuous areas of approximately 2.3 acres and includes staging on existing roadways or parking areas. The vertical APE extending to a maximum depth of 10 feet for the deepest bore but is 36 to 42 inches for the majority of the conduit placement.

Historic properties identification efforts included reviewing results of contracted cultural resources reporting which included field survey (2019), archival research and analysis (Transcon Environmental 2021). This investigation identified a prehistoric village site (P-53-000025; CA-TRI-25) as being recorded on Reclamation land within the APE. During survey Transcon was unable to physically relocate P-53-000025. The site was recorded in 1952 and no map was provided with the original site documentation. The site appears to have been misplotted with any peripheral evidence of the site that may have existed possibly removed through road construction. It appears the site does not currently exist within the APE. No other cultural resources were identified in the APE. Overall, the entirety of the proposed APE is situated in an area with extensive gravel detritus from historic mining as well as being along corridor impacted by modern roadway construction and maintenance activities. The APE, therefore, has a negligible potential for the presence of buried historic properties

Reclamation identified the Redding Rancheria and the Winnemem Wintu as having an interest in the area and invited their participation in the Section 106 process (May 12, 2021). No responses have been received from either tribe to date. Should subsequent concerns arise, Reclamation will work to address them and make any required notifications.

Reclamation finds that this undertaking will result in *no historic properties affected* due to the lack of any historic properties in the APE and seeks concurrence. After review of the documentation, the following comments are offered:

- Pursuant to 36 CFR 800.4(a)(1), there are no objections to the APE as defined;
- Pursuant to 36 CFR 800.4(b), Reclamation has documented a reasonable and good faith effort to appropriately identify historic properties within the area of potential effects;
- Reclamation finds that the proposed undertaking will result in no historic properties affected. Pursuant to 36 CFR 800.4(d)(1)(i), **I do not object.**

Please be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Reclamation may have additional future responsibilities for this undertaking under 36 CFR Part 800. Should you require further information, please contact Lead Reviewer Jeanette Schulz at Jeanette.Schulz@parks.ca.gov or (916) 445-7031.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 20-NCAO-156

Project Name: License Agreement – Digital 299 Broadband Fiber Optic Project

NEPA Document: TBD

MP 153 Cultural Resources Reviewer: Mark Carper

NEPA Contact: Megan Simon

Determination: No Historic Properties Affected

Date: December 17, 2021

The Bureau of Reclamation proposes to authorize the installation of below-ground fiber-optic cables along two discontinuous segments of Reclamation land in Trinity County. The authorization to construct the proposed project on Federal land requires compliance with Title 54 U.S.C. § 306108, commonly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800. The authorization to conduct the proposed project on Federal property is an undertaking as defined in 36 CFR § 800.16(y) and involves the type of activity that has the potential to cause effects to historic properties under 36 CFR § 800.3(a).

The broader Digital 299 Broadband Fiber Optic Project will extend approximately 332 miles generally following State Route 299. Of those 332 miles, approximately 2.6 miles are on Reclamation managed lands. The remaining miles cross an assortment of Federal lands including those under the jurisdiction of the Bureau of Land Management, the United States Forest Service, the U.S. Army Corps of Engineers, and the National Park Service. No lead Federal agency was designated pursuant to 36 CFR § 800.2(a)(2) to address a collective undertaking; therefore, Reclamation's undertaking is restricted to the authorization for the 2.6 miles of the project on Reclamation managed lands.

Installation of the conduit for the fiber-optic cables will entail either horizontal directional drilling or plowing and trenching depending on the geological context. In addition, installation of barrel/access vaults will be necessary along the alignment to splice cables and provide access to the buried conduit. The exact number and location of the vaults within the project corridor is not currently known, but they are generally spaced 2,500 feet from one another. Their dimensions are 4 feet wide by 4 feet long by 4 feet deep. For the horizontal drilling, the bore drill will require entry/exit bore pits with dimensions up to 10

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

feet by 10 feet, to a maximum depth of 4.5 feet. The bore will have a 10-inch diameter. Bore length normally used for conduit installation is in 500- to 700-foot range, and in some cases over 2,500-foot ranges can be obtained, depending on the substrate. The bore diameter to house the conduit measures 4 inches and will be buried between 36 and 42 inches deep, with a maximum depth of 10 feet achievable when necessary. Plowing entails cutting a narrow slit with a 2- to 3-inch-wide blade and inserting the conduit below ground. Areas of fractured rock or otherwise unsuitable ground for plowing or drilling will be trenched. Trenches will be 6 feet wide and have a maximum depth of 24 inches.

The area of potential effects (APE) consists of two discontinuous sections located in Sections 16, 17, 19, 20 of T. 33 N., R. 8 W. Mount Diablo Base and Meridian, as depicted on the Lewiston, California U.S. Geological Survey 7.5' quadrangle topographic map. The APE for this undertaking includes all ground disturbing construction. Any required staging will be on existing roadways or parking areas. The APE encapsulates approximately 2.6 acres, with the vertical APE extending to a maximum depth of 10 feet for the deepest bore but is 36 to 42 inches for the majority of the conduit placement.

In an effort to identify historic properties in the APE the project proponent, Vero Fiber Networks, LLC, contracted Transcon Environmental (Transcon) to prepare a cultural resources inventory of their 332-mile project that included a record search and pedestrian inventory. Through Transcon's effort a records search identified a prehistoric village site (P-53-000025) as being recorded on Reclamation land. During their survey Transcon was unable to physically relocate P-53-000025. The site had been recorded in 1952 and no map was provided with the original site documentation. The site appears to have been misplotted with any peripheral evidence of the site that may have existed possibly removed through road construction/ maintenance. Ultimately, the site does not currently exist within the APE. No other cultural resources were identified in the APE.

Pursuant to 36 CFR § 800.3(f)(2), Reclamation identified Redding Rancheria as a federally recognized Indian tribe who may attach religious and cultural significance to historic properties in the APE. We contacted the tribe by letter dated May 12, 2021, notifying them of our undertaking and inviting their participation in the Section 106 process pursuant to 36 CFR § 800.4(a)(4). In addition, Reclamation contacted the Winnemem Wintu Tribe by letter of the same date pursuant to 36 CFR § 800.4(a)(3). The letters provided project information and requested their assistance in identifying historic properties which may be

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affected by the proposed undertaking. To date no responses have been received stating concerns for the proposed project.

Through the above efforts, no historic properties were identified in the APE. Reclamation found no historic properties affected for the undertaking pursuant to 36 CFR § 800.4(d)(1). Reclamation initiated consultation with SHPO by letter dated November 24, 2021 notifying SHPO of our finding. SHPO responded by letter dated December 17, 2021 expressing no objection to our determination. As defined, the proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places

This documentation is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

APPENDIX C-2
CALTRANS CSO CONCURRENCE

From: [Buitenhuys, Connor B@DOT](mailto:Buitenhuys_Connor_B@DOT)
To: [Tommy Alexander](mailto:Tommy.Alexander); [Everett Bassett](mailto:Everett.Bassett)
Cc: [Demar, David@DOT](mailto:Demar_David@DOT); timothy.keefe@dot.ca.gov; [Vallaire, Katherine@DOT](mailto:Vallaire_Katherine@DOT)
Subject: FW: PRC 5024 Consultation for the Digital 299 Broadband Project; Encroachment Permit Districts 1 and 2
Date: Monday, August 15, 2022 7:28:45 AM
Attachments: [image001.png](#)

Good Morning Tommy and Everett,

Good news. Caltrans headquarters Cultural Studies Office did not object to the revised documents. Please keep the email below for your reference. This was the last outstanding item.

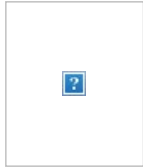
Please keep Caltrans cultural Professionally Qualified Staff (PQS) apprised prior to and during construction per the Post Review Discovery Plan.

Thank you and your team for their hard work.

Cheers,

Connor Buitenhuys

Associate Environmental Planner (Archaeology)
District 3 – Cultural Resources (South)
703 B Street
Marysville, CA 95901
Office: (530) 741-5550
Mobile: (530) 720-4345



From: Hupp, Jill L@DOT <jill.hupp@dot.ca.gov>
Sent: Friday, August 12, 2022 3:19 PM
To: Buitenhuys, Connor B@DOT <Connor.Buitenhuys@dot.ca.gov>
Subject: RE: PRC 5024 Consultation for the Digital 299 Broadband Project; Encroachment Permit Districts 1 and 2

Hi Conner,

Thank you for addressing CSO's previous questions/issues and providing the additional / revised documentation. In accordance with the PRC 5024 MOU, CSO has no objection to the Finding of No Adverse Effect.

Please keep a copy of this email for the project files. I will include a summary in my quarterly reporting to SHPO, as required under the 5024 MOU.

Jill Hupp
PRC 5024 Coordination Branch
Cultural Studies Office
California Department of Transportation
1120 N Street, MS-27
Sacramento, CA 95814
916-956-7468 (mobile)

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<https://www.surveymonkey.com/r/CTEnvironmentalAnalysisSurvey>

From: Buitenhuys, Connor B@DOT <Connor.Buitenhuys@dot.ca.gov>
Sent: Thursday, August 4, 2022 1:20 PM
To: Hupp, Jill L@DOT <jill.hupp@dot.ca.gov>
Cc: James, Brian@DOT <Brian.James@dot.ca.gov>; Demar, David@DOT <David.Demar@dot.ca.gov>; Keefe, Timothy M@DOT

<timothy.keefe@dot.ca.gov>

Subject: RE: PRC 5024 Consultation for the Digital 299 Broadband Project; Encroachment Permit Districts 1 and 2

Good Afternoon Jill,

Vero Fiber Optics, LLC., proposes to install broadband assets along routes including 101, 255, 299, 273 and Interstate 5 at various post miles in Humboldt, Trinity, and Shasta Counties. The work would primarily occur between Eureka and Redding, California. Of the 332 miles of proposed work, 72 would occur within Caltrans right-of-way. The remaining lands are administered by Private, Federal, State, and Tribal entities. Among the Federal Agencies, no NEPA or Section 106 lead has been identified or elected to retain that responsibility. Caltrans is not the CEQA lead and in order to facilitate the request of the project proponent (Vero) is processing their application under an Encroachment Permit.

Caltrans District 2 (the District) is continuing consultation with the Caltrans Cultural Studies Office (CSO) pursuant to Public Resources Code Section 5024 and the Governor's Executive Order W-26-92 and pursuant to the 2014 Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92, Amended 2019 (PRC 5024 MOU).

On Jun 8, 2022 CSO responded with comments to the May 19, 2022 Finding of Effect regarding the proposed project. These comments included the following:

1. Preparation of a Post Review Discovery Plan to identify and assess effects to known and unidentified potential state-owned historical resources.
 - a. A post-review discovery plan has been prepared to address project activities to potentially unknown resources and previously identified historical resources.
2. Confirm or conduct specific tribal consultation pertaining to the project's potential effects within Caltrans state-owned ROW in a manner that is specific and distinct from Section 106.
 - a. Vero has resolved this to clarify that specific consultation has conducted with the tribes pertaining to these sites and resources within Caltrans' right-of-way.
3. Resolve how sites being bored under would not be adversely effected despite incomplete plans.
 - a. This was a category error and the wording was intended to state "final construction plans". These "final plans" are intended to be shared with archaeologist to ensure the ESAs are depicted accurately for avoidance; not to address incomplete scope or potential scope change. Nevertheless, to avoid confusion this was edited in the text.
4. Be specific that sites will not be adversely affected as opposed to not being effected.
 - a. This change has been made in the FOE to state sites will not be adversely effected.
5. Resolve the number of sites being assumed eligible, considered eligible, and previously determined eligible.
 - a. A global change was made to resolve this error. The transmittal letter, HRRCR, and FOE are all in concordance.

I have submitted the studies in a separate email via "filr" which should contain the enclosed transmittal letter, the Archaeological Survey Report, Historical Resources Compliance Report, Finding of No Adverse Effect, and Post-Review Discovery Plan.

Thank you Jill. Please let me know if you have any questions or do not receive the link to download them.

Cheers,

Connor Buitenhuys

Associate Environmental Planner (Archaeology)

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From: Hupp, Jill L@DOT <jill.hupp@dot.ca.gov>

Sent: Wednesday, June 8, 2022 12:21 PM

To: Buitenhuys, Connor B@DOT <Connor.Buitenhuys@dot.ca.gov>

Cc: James, Brian@DOT <Brian.James@dot.ca.gov>

Subject: RE: PRC 5024 Consultation for the Digital 299 Broadband Project; Encroachment Permit Districts 1 and 2

Hi Connor,

Per our meeting this morning, here are the comments I promised on the SR 299 FNAE. I am copying Brian as an FYI but as I understand the District's consultation for the project is under the PRC 5024 MOU.

1. As a general comment, while there is no need to retroactively request CSO's approval to use a phased approach for this project under MOU Stipulation XI, for future projects were a FNAE is the likely finding and identification etc can't be completed for whatever reason, CSO recommends using a phased approach per Stip XI and include in the documentation a plan for completion of the identification effort, etc. The FOE for this project discusses known sites and did some survey work but there may also be unknown resources.
2. As we discussed, a plan for discovery will be prepared for the project, in accordance with MOU Stipulation XIV.A. Given the sensitivity of the area and the potential for project redesign, a plan for discovery, addressing how significance would be defined, etc. would be advisable. The FOE states that no plan was prepared because it was determined that discovery of unknown resources is unlikely, but it's not clear how this conclusion was made; however, given that there are many known sites in the PAL and the project final details are not fully known, a plan should be prepared. The document refers to a larger Discovery Plan for the undertaking as a whole (which we have not seen), and perhaps contains information that can be applied to the specific resources in our project area. The plan would also be applicable in the event that, despite all our best efforts, known sites are affected in an unanticipated manner.
3. Since our documentation relied on the Section 106 (and AB 52) outreach effort for the Tribal consultation, the SHPO's May 27, 2022 comments to the federal agencies regarding the Tribal consultation for Section 106 would also be applicable to us. Please provide additional information or confirm that Tribes were given the opportunity to review and comment on the resources specific to our project and the FNAE for this project.
4. The SHPO asked the federal agencies in their letter(s) of May 27 "how will project actions such as borings avoid adversely affecting the property? Information in depths of archaeological deposits relative to depths of ground disturbance." This comment could apply to sites in our PAL that are not being protected in their entirety with ESAs. The FOE isn't expressly clear on how adverse effects will be avoided, largely because the final design of the project is not known. As a condition to avoid adverse effects, a qualified professional will review the final plans- however there should be more specific information, as the SHPO notes, in order for CSO to- prior to that final design- be able to agree with the FNAE assessment. What is the potential for effects to these resources that are not being fully protected by ESAs?
5. In several places, the FOE states "no effects will occur to this property" referring to sites being protected with ESAs. I think hat they mean is there won't be any project activities occurring at those sites. There's an effect, but it's not adverse because we're establishing ESAs.
6. Of minor note, the letter to CSO refers to 21 sites being considered eligible and fully protected with ESAs per Stipulation VIII.C.3; 2 previously eligible/listed sites, and 9 sites being assumed eligible with CSO's prior approval per Stipulation VIII.C.4. The HRCR refers to 20 sites using Stipulation VIII.C.3, and the FOE refers 8 sites being assume eligible per Stipulation VIII.C.4, and 25 sites that were wither previously listed/determined eligible or that are unevaluated but will be protected by ESAs per Stipulation VIII.C.3. Just want to clarify and ensure consistency among the documents.

I think that's all we covered. Thanks for the meeting today. Please let me know if I can clarify anything or if there are any other questions.

Jill Hupp
PRC 5024 Coordination Branch
Cultural Studies Office
California Department of Transportation
1120 N Street, MS-27
Sacramento, CA 95814
916-956-7468 (mobile)

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From: Buitenhuys, Connor B@DOT <Connor.Buitenhuys@dot.ca.gov>
Sent: Thursday, May 19, 2022 11:15 AM
To: Hupp, Jill L@DOT <jill.hupp@dot.ca.gov>
Cc: Vallaire, Katherine@DOT <Katherine.Vallaire@dot.ca.gov>; Keefe, Timothy M@DOT <timothy.keefe@dot.ca.gov>; Pro, Emiliano@DOT <emiliano.pro@dot.ca.gov>
Subject: PRC 5024 Consultation for the Digital 299 Broadband Project; Encroachment Permit Districts 1 and 2

Good Morning Jill,

Vero Fiber Optics, LLC., proposes to install broadband assets along routes including 101, 255, 299, 273 and Interstate 5 at various post miles in Humboldt, Trinity, and Shasta Counties. The work would primarily occur between Eureka and Redding, California. Of the 332 miles of proposed work, 72 would occur within Caltrans right-of-way. The remaining lands are administered by Private, Federal, State, and Tribal entities. Among the Federal Agencies, no NEPA or Section 106 lead has been identified or elected to retain that responsibility. Caltrans is not the CEQA lead and in order to facilitate the request of the project proponent (Vero) is processing their application under an Encroachment Permit.

Caltrans District 2 (the District) is initiating consultation with the Caltrans Cultural Studies Office (CSO) pursuant to Public Resources Code Section 5024 and the Governor's Executive Order W-26-92 and pursuant to the 2014 Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92, Amended 2019 (PRC 5024 MOU).

A total of 32 state-owned historical resources were identified as a result of studies within the Project Area Limits (PAL). A majority of these sites will be avoided and protected in construction. Non-standard conditions are proposed where sites will be bored under for avoidance, or where the boundary of a resource could not be avoided (such as Shasta Townsite). Caltrans District 2 proposes that a Finding of No Adverse Effect (without Standard Conditions) is appropriate for the Project and requests CSO review these studies for comments pursuant to Stipulation X.B.2.a of the PRC 5024 MOU.

I have submitted the studies in a separate email via "fil" which should contain the enclosed transmittal letter, the Archaeological Survey Report, Historical Resources Compliance Report, and Finding of No Adverse Effect.

Thank you Jill. Please let me know if you have any questions or do not receive the link to download them. They are quite large so it may take ten or fifteen minutes to download all the studies.

Cheers,

Connor Buitenhuys
Associate Environmental Planner (Archaeology)
District 3 – Cultural Resources (South)
703 B Street
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APPENDIX C-3

TRIBAL CONSULTATION SUMMARY TABLE

DIGITAL 299 TRIBAL CONSULTATION SUMMARY

Tribe	Federally Recognized	AB 52 consultation letter or other consultation	Section 106 consultation letter or other consultation (by agency)
Bear River Band of Rohnerville Rancheria	Yes	5/8/2019; 10/29/2021; 12/20/2021 (w/ CRIR)	None
Big Lagoon Rancheria	Yes	5/8/2019	None
Blue Lake Rancheria	Yes	5/8/2019; 12/20/2021 (w/ CRIR); email update 1/17/2022	None
Cher-Ae Heights Indian Community of the Trinidad Rancheria	Yes	5/8/2019	None
Hoopa Valley Tribe	Yes	5/8/2019; 10/29/2021; 12/20/2021 (w/ CRIR); 10/19/2019 Hlel-Din field visit; email update 1/17/2022	SRNF (7/24/2019; 9/6/2019); resent 12/20/2021 (w/ CRIR); 10/19/2019 Hlel-Din field visit
Karuk Tribe	Yes	5/8/2019	STNF (9/20/2019; 12/21/2021)
Nor-Rel-Muk Wintu Nation	No	5/8/2019; 10/29/2021; 12/20/2021 (w/ CRIR); project field visit 02/11/2020; email update 1/17/2022	STNF (10/7/2019); BLM/NPS (10/7/2019); resent 12/20/2021 (w/ CRIR)
Paskenta Band of Nomlaki Indians	Yes	5/8/2019	BLM (10/7/2019; 12/21/2021)
Quartz Valley Indian Community	Yes	5/8/2019	NPS (10/7/2019; 12/21/2021)
Redding Rancheria	Yes	5/8/2019; 10/29/2021	STNF (10/7/2019); BLM/NPS (10/7/2019); resent 12/21/2021
Resighini Rancheria	Yes	5/8/2019	STNF (9/20/2019; 12/21/2021)
Round Valley Indian Tribes/Covelo Community	Yes	10/29/2021	BLM/NPS (11/4/2021)
Shasta Indian Nation	No	5/8/2019; 10/29/2021	None
Shasta Nation	No	5/8/2019; 10/29/2021	BLM/NPS (10/7/2019; 12/21/2021)
Tsurai Ancestral Society	No	5/8/2019; 12/20/2021 (w/ CRIR)	None
Tsungwe Council	No	5/8/2019; 10/29/2021; 12/20/2021 (w/ CRIR); email update 1/17/2022; 10/19/2019 Hlel-Din field visit	SRNF (7/24/2019; 9/6/2019); resent 12/20/2021 (w/ CRIR); 10/19/2019 Hlel-Din field visit
Winnemem Wintu Tribe	No	5/8/2019	BLM/NPS (10/1/2019; 12/21/2021)
Wintu Educational & Cultural Council	No	5/8/2019	STNF (10/7/2019); BLM/NPS (10/7/2019); resent 12/21/2021
Wintu Tribe of Northern California	No	5/8/2019; 10/29/2021	BLM/NPS (10/7/2019; 12/20/2021)
Wiyot Tribe	Yes	5/8/2019; 12/20/2021 (w/ CRIR)	None
Yurok Tribe	Yes	5/8/2019	STNF (9/20/2019; 12/21/2021)