

APPENDIX L

*Correspondence with State Historic Preservation
Officer*

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

GRAY DAVIS, Governor



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August 22, 2003

In reply refer to:
BIA030519A

Amy Dutschke
Acting Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

RE: Proposed Fee-to-Trust Conveyance of 40 acres of Land and Associated Development for the Enterprise Rancheria of Maidu Indians, Yuba County, California

Dear Ms. Dutschke:

Thank you for requesting my comments for the undertaking referenced above. This undertaking is proposes a fee-to-trust conveyance of approximately 40 acres of land and the associated development of a casino and hotel for the Enterprise Rancheria of Maidu Indians. This request is made in accordance with 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act.

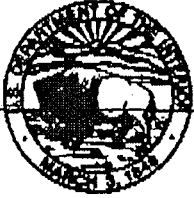
The Area of Potential Effects (APE) for this undertaking is an approximately 40-acre parcel. Your efforts to identify historic properties included a records search and pedestrian archaeological survey of the project APE. No cultural resources were identified.

Based on my review of the documentation you have submitted, I agree that the undertaking's APE has been adequately delineated; that historic property identification efforts are satisfactory; and, that efforts to involve interested parties, including Native Americans, are likewise satisfactory. I agree that no historic properties will be affected by this undertaking in accordance with 36 CFR § 800.4[(a)-(d)(1)]. Your responsibilities under Section 106 will be complete once you have notified all consulting parties of the finding and make the documentation of it available to the public prior to the approval of the undertaking.

If you have any questions or comments, please contact Jennifer Darcangelo, Staff Archaeologist, at (916) 654-4614 or jdarc@ohp.parks.ca.gov.

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

FEB 07 2007

Ms. Glenda Nelson, Chairperson
Enterprise Rancheria
1940 Feather River Blvd. # B
Oroville, CA 95965

Dear Ms. Nelson:

The enclosed letter, dated January 31, 2007, from the State Historic Preservation Officer (SHPO) concurs with our determination of **No Historic Properties Affected** concerning the fee-to-trust conveyance of 40 acres of land, as modified to include the expansion of an existing wastewater treatment facility, in support of the Tribe's casino and hotel development. Therefore, the Section 106 historic preservation compliance consultation process, as specified in the Advisory Council on Historic Preservation's regulations in 36 CFR Part 800 (revised December 12, 2000), has now been completed.

You should be aware, however, that in the event of an inadvertent discovery, the BIA may have additional responsibilities relevant to this undertaking, pursuant to 36 CFR Part 800.13. If you require further clarification or need additional information, please contact Dan Hall, Regional Archeologist, at (916) 978-6041, or John Rydzik, Chief, Division of Environmental, Cultural Resources Management, and Safety, at (916) 978-6042.

Sincerely,


Regional Director

Enclosure

cc: Superintendent, Central California Agency


STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

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

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January 31, 2007

 PACIFIC REGIONAL OFFICE
 Reply Reference: BIA030519A

Amy L. Dutschke
Acting Regional Director
United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

Re: Proposed Fee-To-Trust Conveyance of Approximately 50 Acres of Land for the Enterprise Rancheria, Yuba County, California.

Dear Ms. Dutschke:

Thank you for continuing consultation with me regarding the above noted undertaking pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act, the Bureau of Indian Affairs (BIA), Pacific Regional Office, is seeking my comments on its determination of effects that the proposed project will have on historic properties. This undertaking is also pursuant to regulations under 25 CFR Part 151 (Indian Land Acquisitions) which requires the BIA to complete its obligations under Section 106 of the National Historic Preservation Act. Earlier in this consultation, I concurred with your finding of No Historic Properties Affected for a 40 acre Area of Potential Effects (APE). You are now informing me that the project APE is being expanded to include an additional 50 acre parcel and a 1.5 mile pipeline corridor to connect with an existing wastewater treatment facility. These areas had not been assessed for historic properties at the time of the initial consultation.

In addition to your letter of January 22, 2007, you have submitted the following document in support of this undertaking:

- *Archaeological Inventory Survey Enterprise Rancheria's Proposed Wastewater Treatment Plant Expansion and Interconnecting Pipeline Project, c. 50 acre Land Area and c. 1.5 miles of Pipeline Corridor, Yuba County, California* (P. M. Jensen, Jensen and Associates: May 10, 2004).

After reviewing your letter and supporting documentation and our office file on the initial consultation for this undertaking, I have the following comments:

- 1) I concur that the Area of Potential Effects (APE) has been properly determined and documented pursuant to 36 CFR Parts 800.4 (a)(1) and 800.16 (d) and that the Efforts to Identify Historic Properties within the APE have been appropriate pursuant to 36 CFR Part 800.4.

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2) I further concur that the finding of No Historic Properties Affected is appropriate pursuant to 36 CFR Part 800.4(d)(1) and that the documentation supporting this finding has been provided pursuant to 36 CFR Part 800.11(d).

3) Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the BIA may have additional future responsibilities for this undertaking under 36 CFR Part 800.

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,

Susan K Shattoe for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer