

FINAL INTEGRATED GENERAL REEVALUATION REPORT AND ENVIRONMENTAL IMPACT STATEMENT

SAN FRANCISCO BAY TO STOCKTON, CALIFORNIA NAVIGATION STUDY

APPENDIX H: Cultural Resources Consultation



JANUARY 2020

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DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SAN FRANCISCO
CORPS OF ENGINEERS
450 Golden Gate Avenue
SAN FRANCISCO, CALIFORNIA 94102

January 28, 2020

Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816

Subject: Draft Programmatic Agreement for the San Francisco Bay to Stockton,
California, Navigation Improvement Project (COE_2019_0204_002)

Dear Ms. Polanco:

The U.S. Army Corps of Engineers (USACE) San Francisco District is writing to provide your office a copy of a revised draft Programmatic Agreement (PA) for the USACE's undertaking San Francisco Bay to Stockton Navigation Improvement Project. A response from your office dated January 8, 2020 provided comments on the draft PA to fulfill the study's Section 106 obligations for the undertaking. Previous correspondence is filed by your office under *COE_2019_0204_002*.

The implemented PA will ensure that ongoing consultation and final identification and evaluation of historic properties will be completed during Preconstruction Engineering and Design (PED) and before construction is authorized. Our last letter sent to your office on November 26, 2019 provided a copy of the draft PA for the first round of review. Since then, USACE cultural resources staff held meetings with SHPO staff reviewers on proceeding forward for executing the draft PA.

The Wilton Rancheria and the United Auburn Indian Community (UAIC) have agreed to be concurring parties to the draft PA. Both Tribes' resources staff reviewers provided comments on the draft PA that USACE has incorporated during the first draft PA submittal. Tribal consultation is still ongoing, and a scheduled site visit with Wilton Rancheria was determined by the Wilton Rancheria director to be unnecessary. The UAIC has requested a site visit for the study area. USACE's tribal liaison is currently arranging this request for the UAIC. A revised copy of the draft PA incorporating SHPO staff reviewers' comments will be sent to both Tribes by January 29, 2020 for review. Further opportunities for Tribal consultation, Tribal inclusion during sonar and submerged surveys, and site visits during PED will be available even after execution for this draft PA.

On December 20, 2019 the Advisory Council on Historic Preservation (ACHP) responded to our request to be an Invited Signatory for the draft PA. The ACHP believes their participation as an Invited Signatory to execute this Agreement is not needed. If the ACHP receives a request for participation from the SHPO, Tribal Historic

Preservation Officer, affected Indian tribe, a consulting party, or other party, the ACHP will reconsider this decision.

Based on the study's summary for developing this draft PA, we are providing a revised draft of our Programmatic Agreement (Enclosure 1) that has incorporated comments from the SHPO's first round of review on January 8, 2020. Please note that a physical copy has been mailed to your office, along with a digital copy provided through email. If you have any questions, please contact Ruzel Benedicto Ednalino at 415-503-6661 or e-mail at Ruzel.b.ednalino@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Tessa Beach", with a stylized, flowing script.

Tessa Eve Beach, Ph.D
Chief, Environmental Sections

Enclosure

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

Lisa Ann L. Mangat, 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

January 8, 2020

In reply refer to: COE_2019_0204_002

VIA ELECTRONIC MAIL

Ms. Tessa Eve Beach, Ph.D
Chief, Environmental Sections
Army Corps of Engineers, San Francisco District
450 Golden Gate Ave, 4th Floor, Suite 0134
San Francisco, CA 94102

RE: Draft Programmatic Agreement for the San Francisco Bay to Stockton, California,
Navigation Improvement Project.

Dear Ms. Beach:

The U.S. Army Corps of Engineers (COE) San Francisco District is continuing consultation with California State Historic Preservation Officer (SHPO) regarding entering into a Programmatic Agreement (PA) for complying with Section 106 of the National Historic Preservation Act (Section 106) that will ensure that ongoing consultation and final identification and evaluation of historic properties will be completed during Preconstruction Engineering and Design and before construction is authorized. The Advisory Council on Historic Preservation (ACHP) is also being invited to participate in the consultation.

Along with your letter, you submitted the following documents for comment by the SHPO:

- *Draft Programmatic Agreement between the U.S. Army Corps of Engineers and the California State Historic Preservation Officer, Regarding the San Francisco to Stockton, California, Navigation Improvement Project*

The COE states this second draft provided to for SHPO review incorporates comments received after they invited tribes, historical societies, and the general public to review and comment on the draft PA online. Responses were received from the Wilton Rancheria and United Auburn Indian Community, who are concurring parties to the PA. The COE states their comments have been incorporated into the draft PA.

The COE has requested SHPO review of the draft PA received on December 2, 2019. After in-depth review, the SHPO has the following comments:

1. Stipulation IV.D (Professional Qualifications) states that the California State Lands Commission (Commission) will approve submerged survey methods, provide guidance on the research design for historic shipwreck resources, and may review the principal investigators qualifications to meet the Secretary of Interior's Standards (SOIS) for Historic Vessel Preservation projects as a qualified *marine surveyor*.
 - a. Provide information regarding how the COE developed Stipulation IV.D and why it is under Stimulation IV (Professional Qualification) and not Stipulation V (Identification and Evaluation).
 - b. Elaborate on how the Commission will assist the COE's identification and evaluation efforts by providing survey methods and guidance on research design when they have no cultural staff to provide such guidance.
 - c. Provide information regarding appropriateness of requiring a SOIS qualified *marine surveyor* instead of a qualified *historical archaeologist* since, being a shipwreck, the vessel is no longer afloat and lies within the archaeological record. Stipulations regarding identification and evaluation should follow Part II.D (Surveying and Identifying Shipwrecks) and Part II.E (Documenting and Evaluating Shipwrecks) of the Abandoned Shipwreck Act Guidelines (55 FR 50116).
2. Public Resource Code (PRC) 6313(f) states "The commission shall forward applications for permits for archaeological investigation or excavation and recovery of historic vessels, aircraft, or other submerged historic resources in state waters, including information required by subdivision (e), to the State Office of Historic Preservation...for technical review of the project design and recommendation concerning the preservation and protection of the site or resource." Provide information regarding whether this code will be followed, and if so, how.
3. Stipulation V (Identification and Evaluation) states that if a signatory party objects to the COE identification and evaluation efforts, the COE shall follow Stipulation XIII (Dispute Resolution). Disputes over eligibility are resolved by the Keeper of the National Register. Please edit Stipulation XIII to state COE will notify all parties and invite them to assist in the resolution of the dispute.
4. Stipulation VII (Public Involvement) discusses how the COE will solicit the participation of any interested public parties. Soliciting the views of potential interested parties normally occurs earlier in the Section 106 process [36 CFR 800.2(c)(5)] to ensure effects are appropriately assessed and efforts to resolve adverse effects are commensurate to the values of the resource. Provide information as to the COE's efforts to date to involve the public and why this stipulation is included.

5. Under Stipulation X (Post-Review Discovery) the COE writes, "...if there is a post-review discovery or unanticipated effect, USACE will ensure that the following stipulations are met pursuant to 36 C.F.R. 800.13(a)." It appears 36 CFR 800.13(b) *Discoveries without prior planning* would be a more accurate citation.

If you require further information, please contact Anmarie Medin at (916) 445-7023 or Anmarie.Medin@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Polanco', with a long horizontal line extending to the right.

Julianne Polanco
State Historic Preservation Officer



Preserving America's Heritage

December 20, 2019

Lieutenant Colonel John Cunningham
Commander and District Engineer
San Francisco District
U.S. Army Corps of Engineers
450 Golden Gate Avenue
San Francisco, CA 94102

Ref: *Proposed San Francisco Bay to Stockton, Navigation Improvement Study
Alameda and Contra Costa counties, California*

Dear Lieutenant Colonel Cunningham:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the California State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Daniel at 202 517-0223 or via e-mail at cdaniel@achp.gov.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Julianne Polanco SHPO
Division of Historical Resources
State Historic Preservation Officer
California Office of historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Polanco:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

The San Francisco Bay to Stockton Project was originally authorized by Congress in the Rivers and Harbors Act of 1965. The original authorization allowed for 45-foot depths, but the channels were only constructed to 35 feet. The study was originally scoped for a 78-mile-long navigation project to include the John F. Baldwin and Stockton channels, but has since been re-scoped to a total of 13.3 miles in the Pinole Shoal and Suisun Bay Channels to Avon (Figures 1 and 2).

The Tentatively Selected Plan (TSP) has been identified as the 38-foot depth with widening of the sideslopes alternative. Proposed TSP project features include:

- Deepen the existing maintained channel depth of the Pinole Shoal Channel and Bulls Head Reach Portion of the Suisun Bay Channel from -35 feet to -38 feet Mean Lower Low Water (MLLW), with approximately 13.2 miles of new regulatory depths.
- Dredge a 2,600 foot sediment trap at Bulls Head Reach with a depth of -42 feet MLLW, plus 2 feet of overdepth.
- Level the rock outcropping located to the west of Pinole Shoal from a peak of 39.7 feet MLLW to 43 feet MLLW.

For the purposes of this study, the Area of Potential Effects (APE) for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, the underwater rock outcrop. Due to the location of the APE, the project was determined to have a potential for containing intact cultural resources.

The TSP plan would dredge a total of approximately 1.7 million cubic yards (cy) of material. Of that total amount, approximately 1,443,900 cy material would be placed in the Cullinan Ranch Site and roughly 159,000 cy of material would be used in Montezuma Wetlands Restoration Site (MWRS). Additional dredge material will be placed within existing O&M in-bay placement sites SF-10 and SF-16, which have a combined capacity of 700,000 cubic yards per year.

The MWRS is a privately owned, ongoing restoration project that accepts both wetland cover and wetland non-cover (foundation) quality material from new work and O&M projects. This site is currently accepting sediment and has an operating off-loader in place. The project site comprises approximately 2,400 acres at the eastern edge of Suisun Marsh, approximately 17 miles southeast of Fairfield, California. The Cullinan Ranch Tidal Restoration Project is a permitted wetland restoration site that comprises more than 1,500 acres and is located in western Solano County near the city of Vallejo. It is located between State Highway 37 and Dutchman Slough. It is a permitted beneficial reuse site and available to receive wetland cover sediment.

Cultural resource investigations to date include a literature search, records review for known archaeological sites, and a database query for historic shipwrecks within a 1/4-mile of the proposed project area. One previous Corps sponsored submerged cultural resource investigation was previously conducted within portions of the APE. The results of this investigation is documented in the report titled *Report on a Nautical Archaeological Survey of 4 Areas in the John F. Baldwin Ship Channel* (Sullivan and Allen 1996). The survey identified a cluster of eight submerged targets that are collectively identified as the Baldwin Channel Wreck, which may possibly be the *Sagamore*. The *Sagamore* is a schooner that foundered and sank in 1864. Because portions of the Baldwin Channel Wreck were located in two counties the anomalies which comprise this target are designated as P-07-002760 and P-21-000598.

For the purposes of this study, the APE for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, and the underwater rock outcrop. Based on the location of the recorded target, historical data on shipwreck location, and the potential for submerged terrestrial sites adjacent to the Suisun Bay Channel, the Corps recognizes that there is a potential for intact cultural resources within the APE, and the TSP will be subject to supplementary submerged cultural resources surveys and evaluations during Preconstruction Engineering and Design (PED) phase of this project.

A number of previously conducted cultural resource investigations have been completed within the proposed dredge placement sites at MWRS and at the Cullinan Ranch Tidal Restoration Project. The results of these investigations are reported in *Archaeological Survey Report, Montezuma Wetlands Project, Solano County, California* (Self 1993); *Supplementary Archaeological Survey of the Montezuma Wetlands Project* (Self 2001); *Cultural Resource Report for the Napa Marsh Unit (Cullinan Ranch) Tidal Restoration Project, San Pablo Bay National Wildlife Refuge, Solano County California* (Valentine 1997). Preliminary analysis of the data for these areas indicates that one historic property the Mare Island Naval Shipyard National Register District (48-001582) extends into Cullinan Ranch Tidal Restoration Area. However, no contributing elements of the district are located within Cullinan Ranch property.

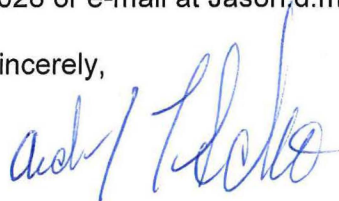
Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR § 800.8), the Corps is employing a phased process to identify and evaluate historic properties and assess effects. Once the project has been approved by the Assistant Secretary of the Army (ASA(CW)) and the appropriate funding obligated, ongoing consultation and consideration of effects will occur during PED as the APE may be subject to change based on final designs or modifications of project features. Cultural resources assessments will be conducted in areas that have not been previously surveyed with a high potential for containing historic properties. During PED and prior to construction, these surveys and a final determination of effects for any historic properties within the APE will be coordinated with your office. Discovery of historic properties may also lead to the development of avoidance, minimization, and/or mitigation plans in consultation with your office.

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Based on the results of previously conducted cultural resource surveys of the MWRS and Cullinan Ranch placement areas and their current use for beneficial dredge material placement, the Corps believes that this undertaking has no potential to adversely affect historic properties within these placement areas. Due to the timing of the San Francisco to Stockton Navigation Improvement project planning, the Corps is currently unable to identify and evaluate cultural resources and determine effects within submerged portions of the TSP on historic properties prior to completion of the EIS/EIR. Therefore; pursuant to 54 U.S.C. 306108 and § 800.4(b)(2), the Corps is deferring final identification and evaluation of historic properties until after project approval, additional funding becomes available, and prior to construction by executing a Programmatic Agreement with the California State Historic Preservation Office (SHPO) and the Advisory Council of Historic Preservation (ACHP), if inclined to participate.

Pursuant to Section 106 of the NHPA (54 U.S.C. 306108) and respective implementing regulations (36 CFR 800), the Corps kindly requests your office to participate in the development of a programmatic agreement for the San Francisco to Stockton Navigation Improvement project. Please provide any comments within 30 calendar days of receipt of this letter. If there are any questions, please contact Jason D. Moser, PhD at 904-232-3028 or e-mail at Jason.d.moser@usace.army.mil

Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

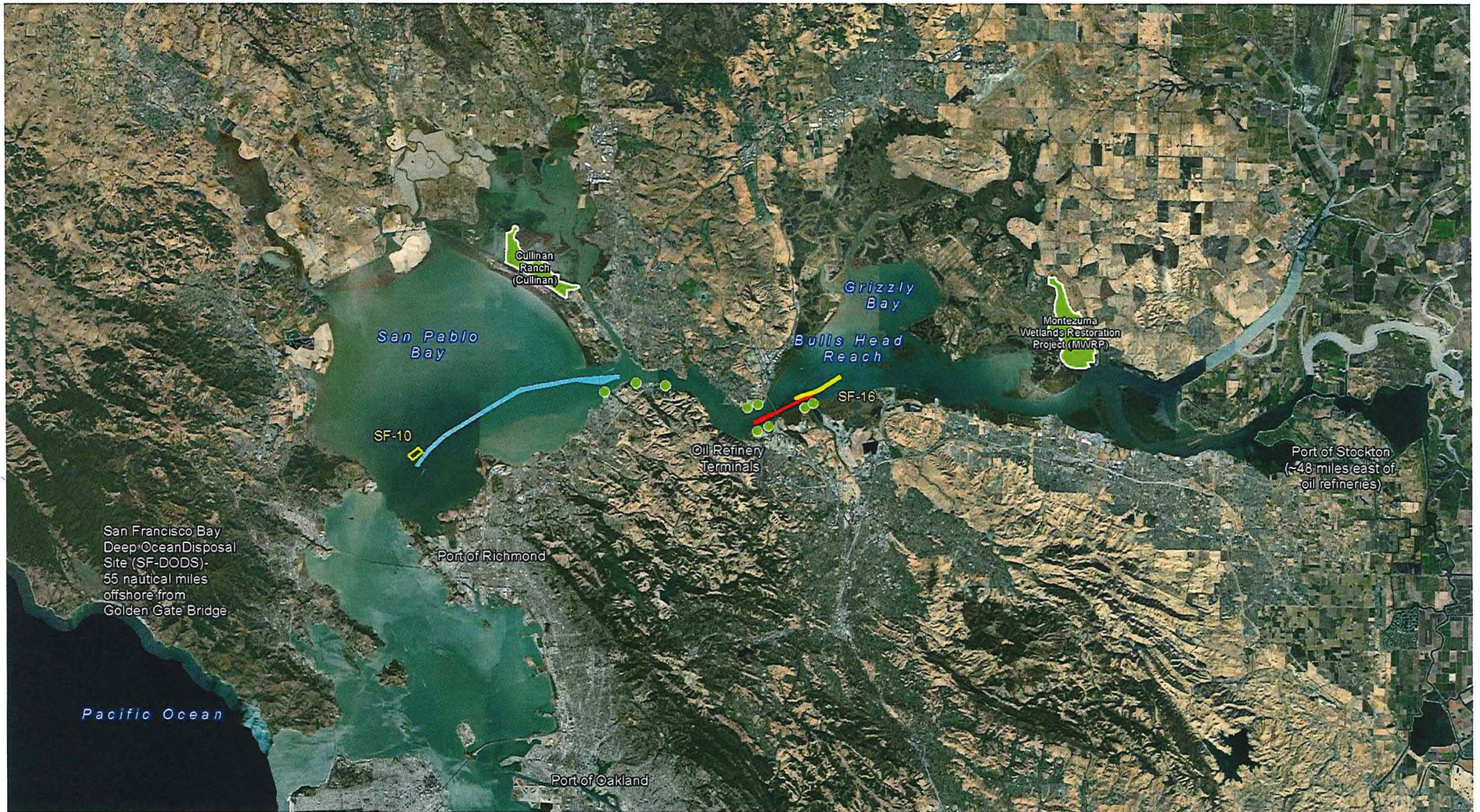


Figure 1. General location of the TSP features.

Figure 2 Removed from letter to protect potential cultural resource locations.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Irenne Zwierlein, Chairperson
Amah Mutsun Tribal Band of Mission San Juan Bautista
789 Canada Road
Woodside, CA 94062

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Zwierlein:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

The San Francisco Bay to Stockton Project was originally authorized by Congress in the Rivers and Harbors Act of 1965. The original authorization allowed for 45-foot depths, but the channels were only constructed to 35 feet. The study was originally scoped for a 78-mile-long navigation project to include the John F. Baldwin and Stockton channels, but has since been re-scoped to a total of 13.3 miles in the Pinole Shoal and Suisun Bay Channels to Avon (Figures 1 and 2).

The Tentatively Selected Plan (TSP) has been identified as the 38-foot depth with widening of the sideslopes alternative. Proposed TSP project features include:

- Deepen the existing maintained channel depth of the Pinole Shoal Channel and Bulls Head Reach Portion of the Suisun Bay Channel from -35 feet to -38 feet Mean Lower Low Water (MLLW), with approximately 13.2 miles of new regulatory depths.
- Dredge a 2,600 foot sediment trap at Bulls Head Reach with a depth of -42 feet MLLW, plus 2 feet of overdepth.
- Level the rock outcropping located to the west of Pinole Shoal from a peak of 39.7 feet MLLW to 43 feet MLLW.

For the purposes of this study, the Area of Potential Effects (APE) for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, the underwater rock outcrop. Due to the location of the APE, the project was determined to have a potential for containing intact cultural resources.

The TSP plan would dredge a total of approximately 1.7 million cubic yards (cy) of material. Of that total amount, approximately 1,443,900 cy material would be placed in the Cullinan Ranch Site and roughly 159,000 cy of material would be used in Montezuma Wetlands Restoration Site (MWRS). Additional dredge material will be placed within existing O&M in-bay placement sites SF-10 and SF-16, which have a combined capacity of 700,000 cubic yards per year.

The MWRS is a privately owned, ongoing restoration project that accepts both wetland cover and wetland non-cover (foundation) quality material from new work and O&M projects. This site is currently accepting sediment and has an operating off-loader in place. The project site comprises approximately 2,400 acres at the eastern edge of Suisun Marsh, approximately 17 miles southeast of Fairfield, California. The Cullinan Ranch Tidal Restoration Project is a permitted wetland restoration site that comprises more than 1,500 acres and is located in western Solano County near the city of Vallejo. It is located between State Highway 37 and Dutchman Slough. It is a permitted beneficial reuse site and available to receive wetland cover sediment.

Cultural resource investigations to date include a literature search, records review for known archaeological sites, and a database query for historic shipwrecks within a 1/4-mile of the proposed project area. One previous Corps sponsored submerged cultural resource investigation was previously conducted within portions of the APE. The results of this investigation is documented in the report titled *Report on a Nautical Archaeological Survey of 4 Areas in the John F. Baldwin Ship Channel* (Sullivan and Allen 1996). The survey identified a cluster of eight submerged targets that are collectively identified as the Baldwin Channel Wreck, which may possibly be the *Sagamore*. The *Sagamore* is a schooner that foundered and sank in 1864. Because portions of the Baldwin Channel Wreck were located in two counties the anomalies which comprise this target are designated as P-07-002760 and P-21-000598.

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A number of previously conducted cultural resource investigations have been completed within the proposed dredge placement sites at MWRS and at the Cullinan Ranch Tidal Restoration Project. The results of these investigations are reported in *Archaeological Survey Report, Montezuma Wetlands Project, Solano County, California* (Self 1993); *Supplementary Archaeological Survey of the Montezuma Wetlands Project* (Self 2001); *Cultural Resource Report for the Napa Marsh Unit (Cullinan Ranch) Tidal Restoration Project, San Pablo Bay National Wildlife Refuge, Solano County California* (Valentine 1997). Preliminary analysis of the data for these areas indicates that one historic property the Mare Island Naval Shipyard National Register District (48-001582) extends into Cullinan Ranch Tidal Restoration Area. However, no contributing elements of the district are located within Cullinan Ranch property.

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Based on the results of previously conducted cultural resource surveys of the MWRS and Cullinan Ranch placement areas and their current use for beneficial dredge material placement, the Corps believes that this undertaking has no potential to adversely affect historic properties within these placement areas. Due to the timing of the San Francisco to Stockton Navigation Improvement project planning, the Corps is currently unable to identify and evaluate cultural resources and determine effects within submerged portions of the TSP on historic properties prior to completion of the EIS/EIR. Therefore; pursuant to 54 U.S.C. 306108 and § 800.4(b)(2), the Corps is deferring final identification and evaluation of historic properties until after project approval, additional funding becomes available, and prior to construction by executing a Programmatic Agreement for this project.

Pursuant to Section 106 of the NHPA (54 U.S.C. 306108) and respective implementing regulations (36 CFR 800), the Corps kindly requests the comments of the Amah Mutsun Tribal Band of Mission San Juan Bautista on the San Francisco Bay to Stockton Navigation Improvement project. If interested in participating in future consultation, please provide any comments within 30 calendar days of receipt of this letter. If there are any questions, please contact Jason D. Moser, Ph.D. at 904-232-3028 or e-mail at Jason.d.moser@usace.army.mil

Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

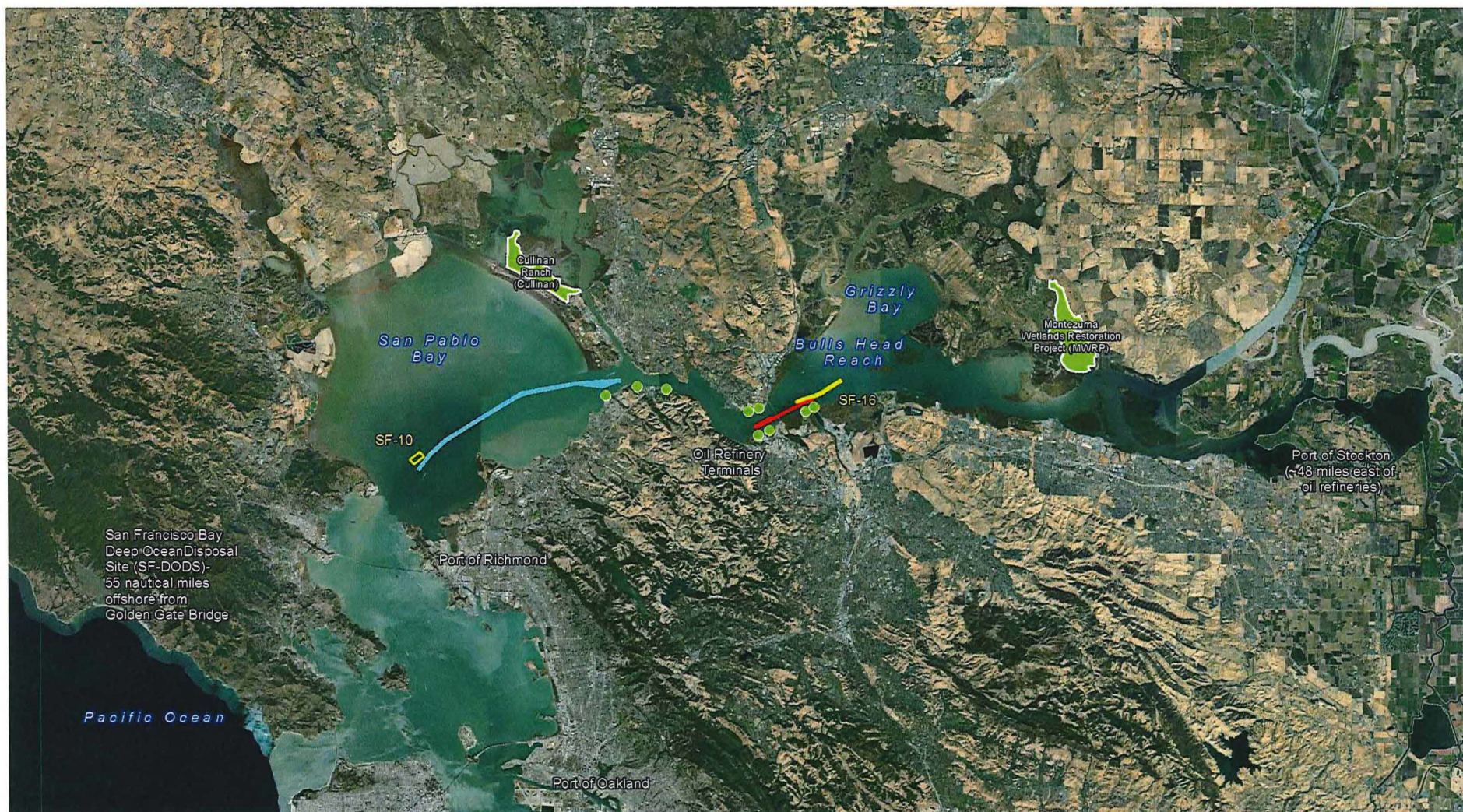


Figure 1. General location of the TSP features.



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701 SAN MARCO BOULEVARD
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REPLY TO
ATTENTION OF

JAN 31 2019

Planning and Policy Division
Environmental Branch

Patricia Hermosillo, Chairperson
Cloverdale Rancheria of Pomo Indians
555 S. Cloverdale Blvd., Suite A
Cloverdale, CA 95425

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Hermosillo:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

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For the purposes of this study, the APE for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, and the underwater rock outcrop. Based on the location of the recorded target, historical data on shipwreck location, and the potential for submerged terrestrial sites adjacent to the Suisun Bay Channel, the Corps recognizes that there is a potential for intact cultural resources within the APE, and the TSP will be subject to supplementary submerged cultural resources surveys and evaluations during Preconstruction Engineering and Design (PED) phase of this project.

A number of previously conducted cultural resource investigations have been completed within the proposed dredge placement sites at MWRS and at the Cullinan Ranch Tidal Restoration Project. The results of these investigations are reported in *Archaeological Survey Report, Montezuma Wetlands Project, Solano County, California* (Self 1993); *Supplementary Archaeological Survey of the Montezuma Wetlands Project* (Self 2001); *Cultural Resource Report for the Napa Marsh Unit (Cullinan Ranch) Tidal Restoration Project, San Pablo Bay National Wildlife Refuge, Solano County California* (Valentine 1997). Preliminary analysis of the data for these areas indicates that one historic property the Mare Island Naval Shipyard National Register District (48-001582) extends into Cullinan Ranch Tidal Restoration Area. However, no contributing elements of the district are located within Cullinan Ranch property.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR § 800.8), the Corps is employing a phased process to identify and evaluate historic properties and assess effects. Once the project has been approved by the Assistant Secretary of the Army (ASA(CW)) and the appropriate funding obligated, ongoing consultation and consideration of effects will occur during PED as the APE may be subject to change based on final designs or modifications of project features. Cultural resources assessments will be conducted in areas that have not been previously surveyed with a high potential for containing historic properties. During PED and prior to construction, these surveys and a final determination of effects for any historic properties within the APE will be coordinated with your office. Discovery of historic properties may also lead to the development of avoidance, minimization, and/or mitigation plans in consultation with your office.

Based on the results of previously conducted cultural resource surveys of the MWRS and Cullinan Ranch placement areas and their current use for beneficial dredge material placement, the Corps believes that this undertaking has no potential to adversely affect historic properties within these placement areas. Due to the timing of the San Francisco to Stockton Navigation Improvement project planning, the Corps is currently unable to identify and evaluate cultural resources and determine effects within submerged portions of the TSP on historic properties prior to completion of the EIS/EIR. Therefore; pursuant to 54 U.S.C. 306108 and § 800.4(b)(2), the Corps is deferring final identification and evaluation of historic properties until after project approval, additional funding becomes available, and prior to construction by executing a Programmatic Agreement for this project.

Pursuant to Section 106 of the NHPA (54 U.S.C. 306108) and respective implementing regulations (36 CFR 800), the Corps kindly requests the comments of the Cloverdale Rancheria of Pomo Indians on the San Francisco Bay to Stockton Navigation Improvement project. If interested in participating in future consultation, please provide any comments within 30 calendar days of receipt of this letter. If there are any questions, please contact Jason D. Moser, Ph.D. at 904-232-3028 or e-mail at Jason.d.moser@usace.army.mil

Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

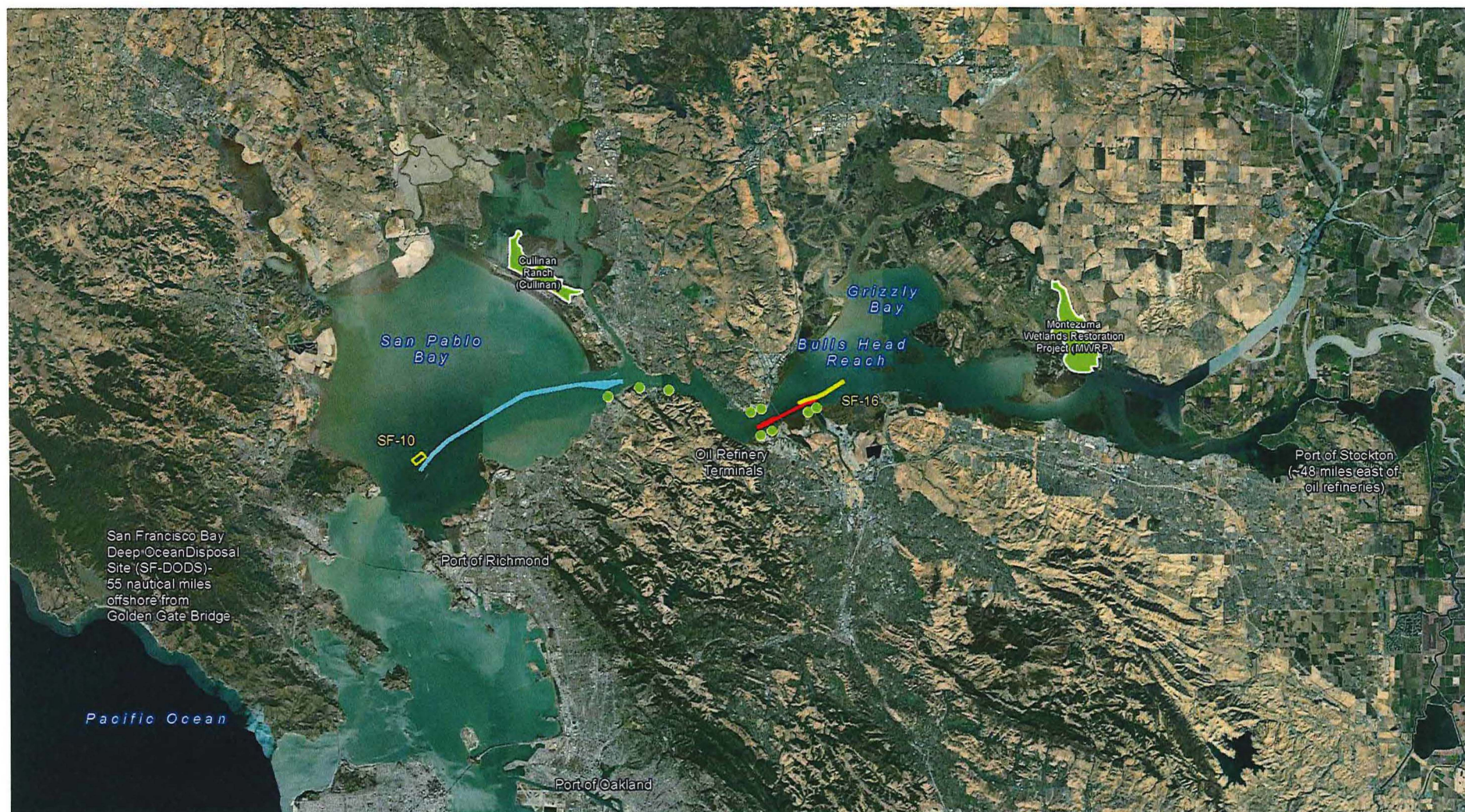


Figure 1. General location of the TSP features.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Tony Cerda, Chairperson
Coastanoan Rumsen Carmel Tribe
244 E. 1st Street
Pomona, CA 91766

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Cerda:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

The San Francisco Bay to Stockton Project was originally authorized by Congress in the Rivers and Harbors Act of 1965. The original authorization allowed for 45-foot depths, but the channels were only constructed to 35 feet. The study was originally scoped for a 78-mile-long navigation project to include the John F. Baldwin and Stockton channels, but has since been re-scoped to a total of 13.3 miles in the Pinole Shoal and Suisun Bay Channels to Avon (Figures 1 and 2).

The Tentatively Selected Plan (TSP) has been identified as the 38-foot depth with widening of the sideslopes alternative. Proposed TSP project features include:

- Deepen the existing maintained channel depth of the Pinole Shoal Channel and Bulls Head Reach Portion of the Suisun Bay Channel from -35 feet to -38 feet Mean Lower Low Water (MLLW), with approximately 13.2 miles of new regulatory depths.
- Dredge a 2,600 foot sediment trap at Bulls Head Reach with a depth of -42 feet MLLW, plus 2 feet of overdepth.
- Level the rock outcropping located to the west of Pinole Shoal from a peak of 39.7 feet MLLW to 43 feet MLLW.

For the purposes of this study, the Area of Potential Effects (APE) for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, the underwater rock outcrop. Due to the location of the APE, the project was determined to have a potential for containing intact cultural resources.

The TSP plan would dredge a total of approximately 1.7 million cubic yards (cy) of material. Of that total amount, approximately 1,443,900 cy material would be placed in the Cullinan Ranch Site and roughly 159,000 cy of material would be used in Montezuma Wetlands Restoration Site (MWRS). Additional dredge material will be placed within existing O&M in-bay placement sites SF-10 and SF-16, which have a combined capacity of 700,000 cubic yards per year.

The MWRS is a privately owned, ongoing restoration project that accepts both wetland cover and wetland non-cover (foundation) quality material from new work and O&M projects. This site is currently accepting sediment and has an operating off-loader in place. The project site comprises approximately 2,400 acres at the eastern edge of Suisun Marsh, approximately 17 miles southeast of Fairfield, California. The Cullinan Ranch Tidal Restoration Project is a permitted wetland restoration site that comprises more than 1,500 acres and is located in western Solano County near the city of Vallejo. It is located between State Highway 37 and Dutchman Slough. It is a permitted beneficial reuse site and available to receive wetland cover sediment.

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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

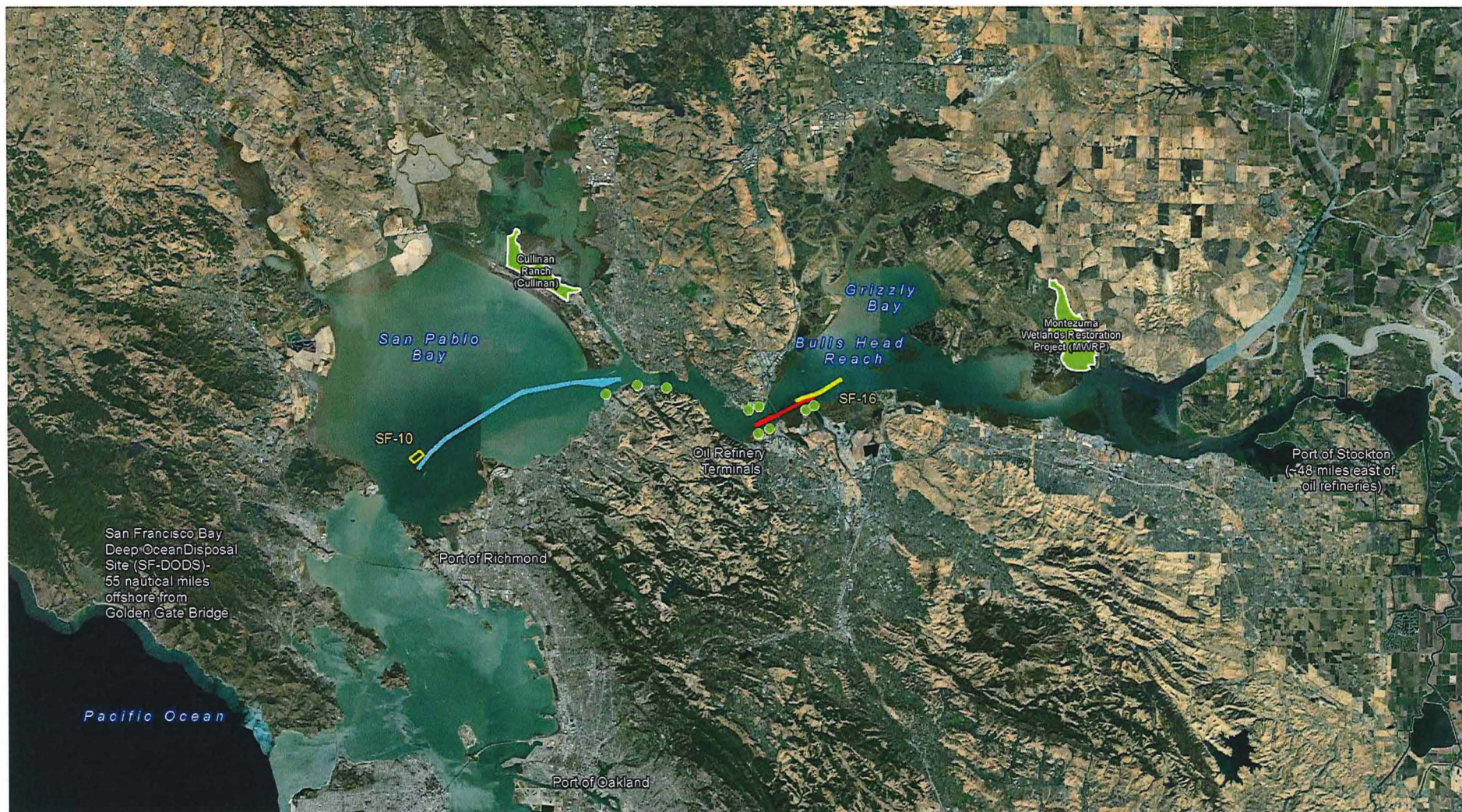


Figure 1. General location of the TSP features.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

Planning and Policy Division
Environmental Branch

JAN 31 2019

Charlie Wright, Chairperson
Cortina Rancheria – Kletsel Dehe Band of Wintun Indians
P.O. Box 1630
Williams CA, CA 94928

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Wright:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

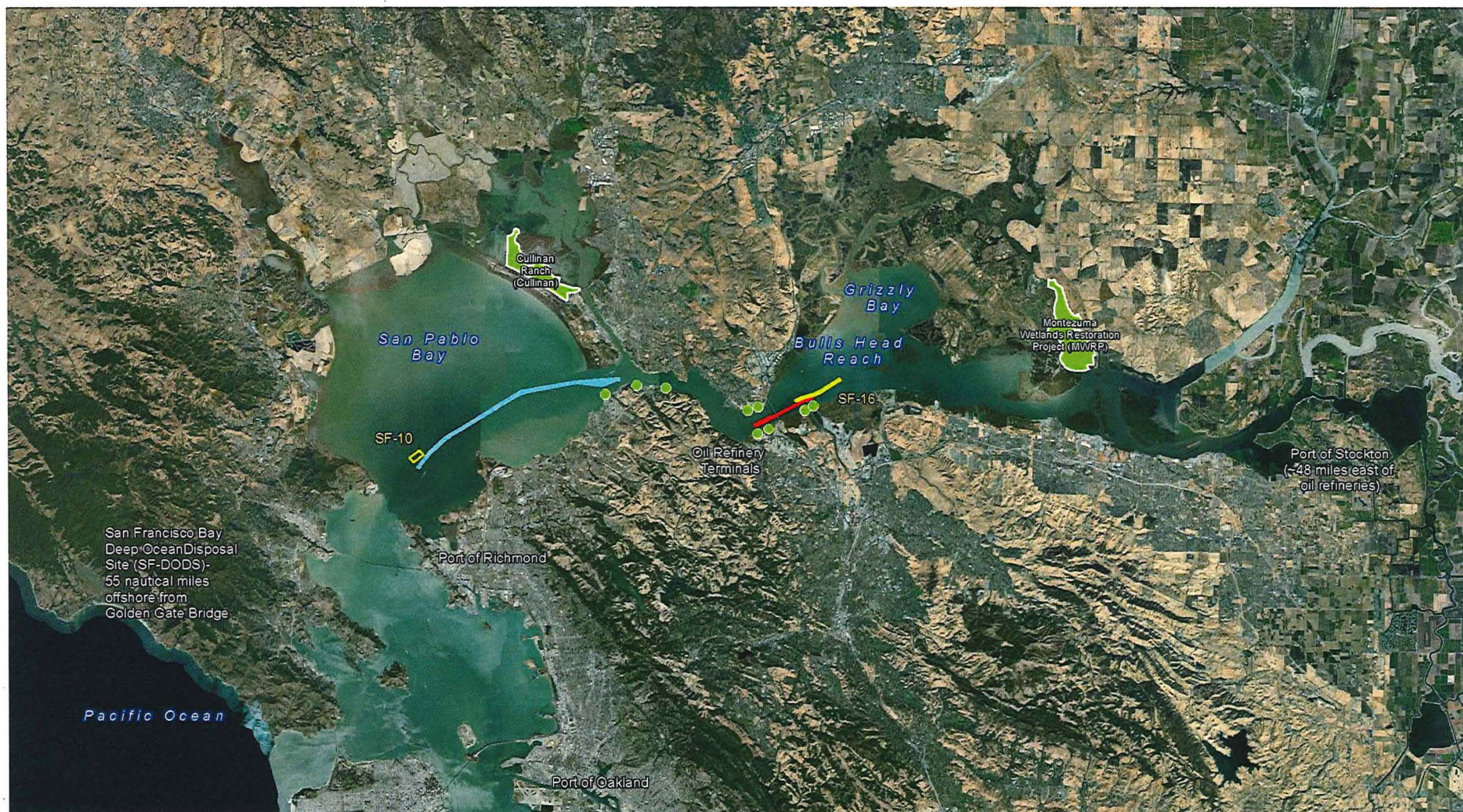


Figure 1. General location of the TSP features.



DEPARTMENT OF THE ARMY
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701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Chris Wright, Chairperson
Dry Creek Rancheria Band of Pomo Indians
P.O. Box 607
Geyserville, CA 95441

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Wright:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

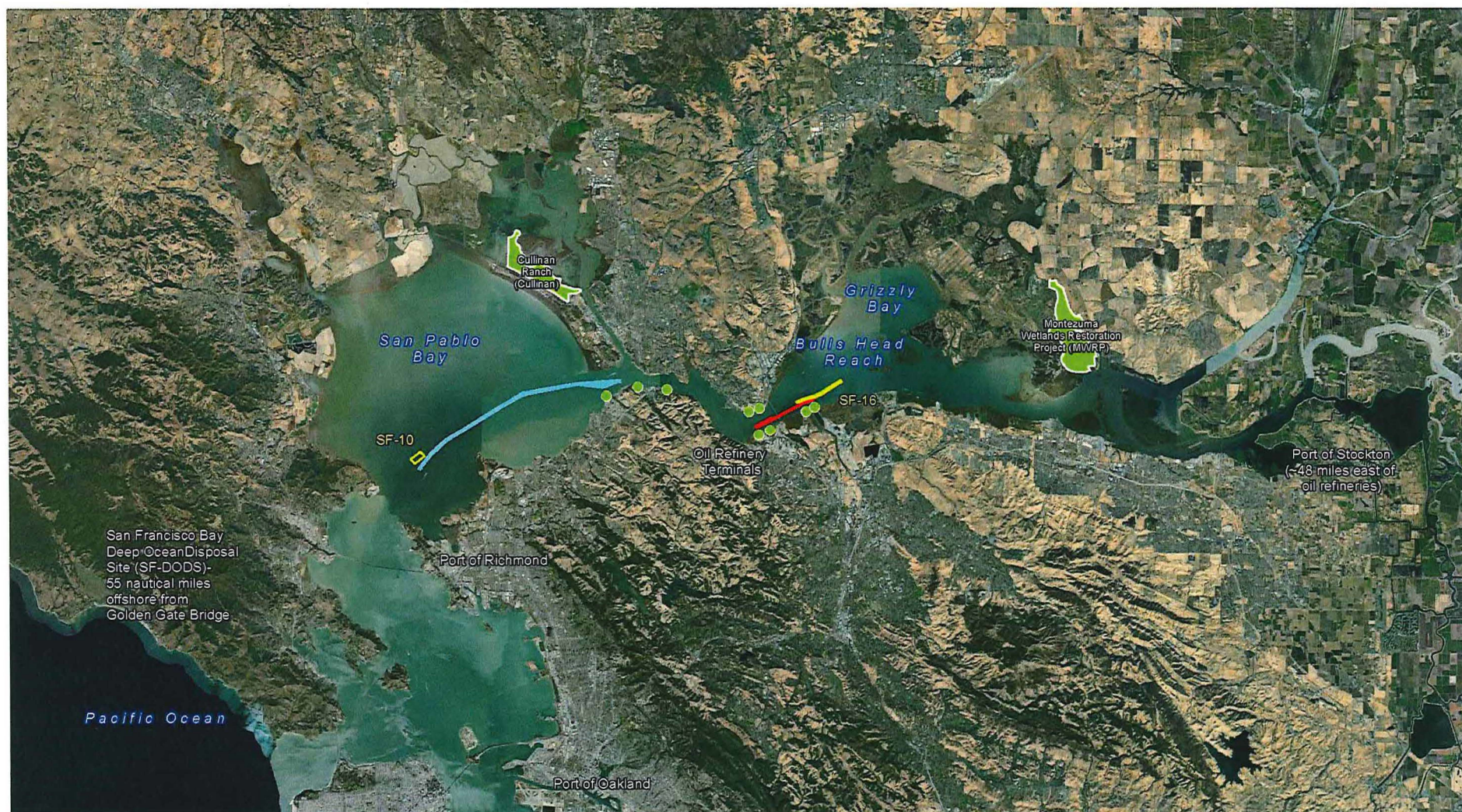


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701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Gene Buvelot
Federated Indians of Graton Rancheria
6400 Redwood Drive, Ste 300
Rohnert Park, CA 94928

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Buvelot:

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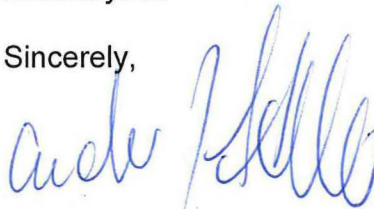
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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

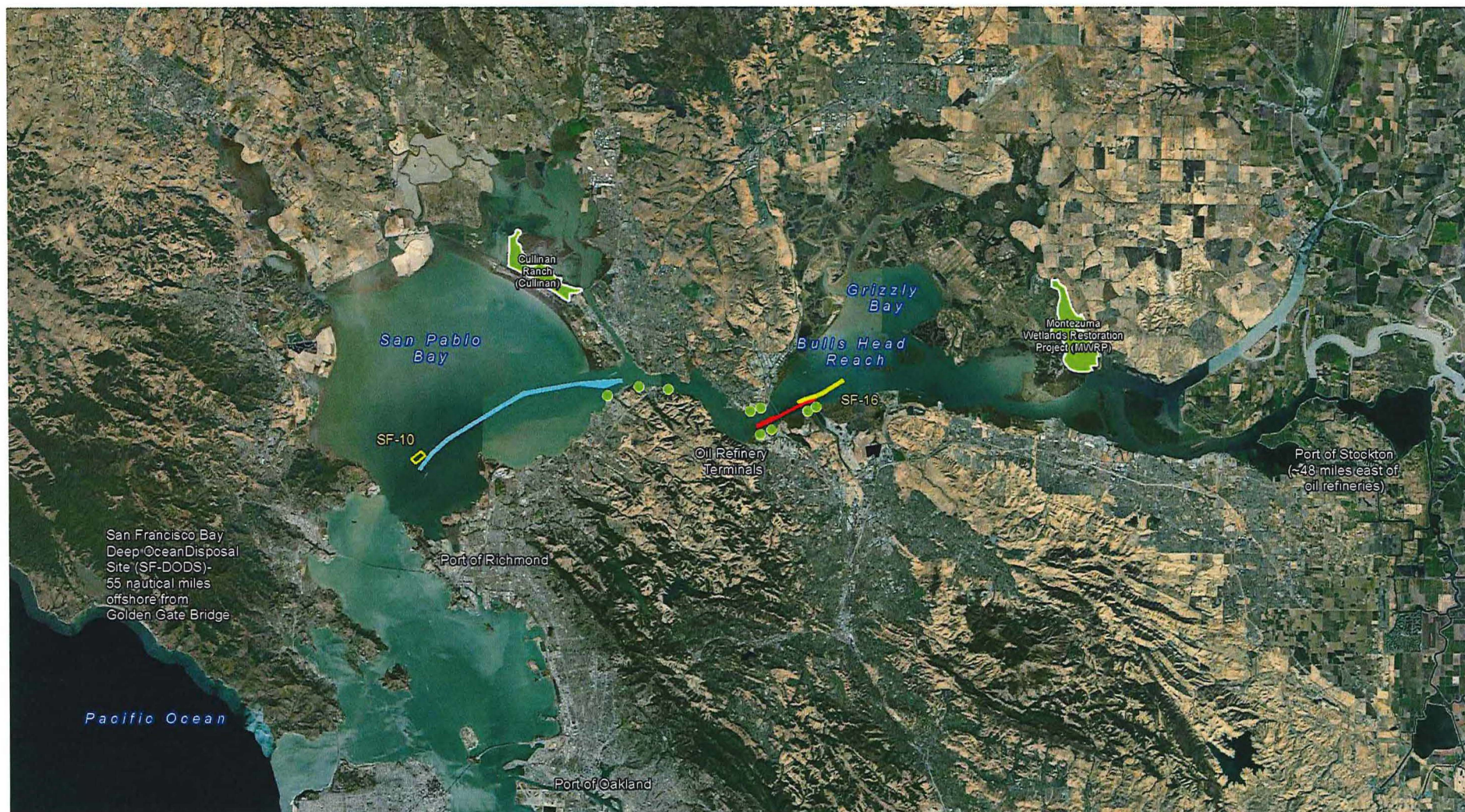


Figure 1. General location of the TSP features.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Ann Marie Sayers, Chairperson
Indian Canyon Mutsun Band of Costanoan
P.O. Box 28
Hollister, CA 95024

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Sayers:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

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The Tentatively Selected Plan (TSP) has been identified as the 38-foot depth with widening of the sideslopes alternative. Proposed TSP project features include:

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- Level the rock outcropping located to the west of Pinole Shoal from a peak of 39.7 feet MLLW to 43 feet MLLW.

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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

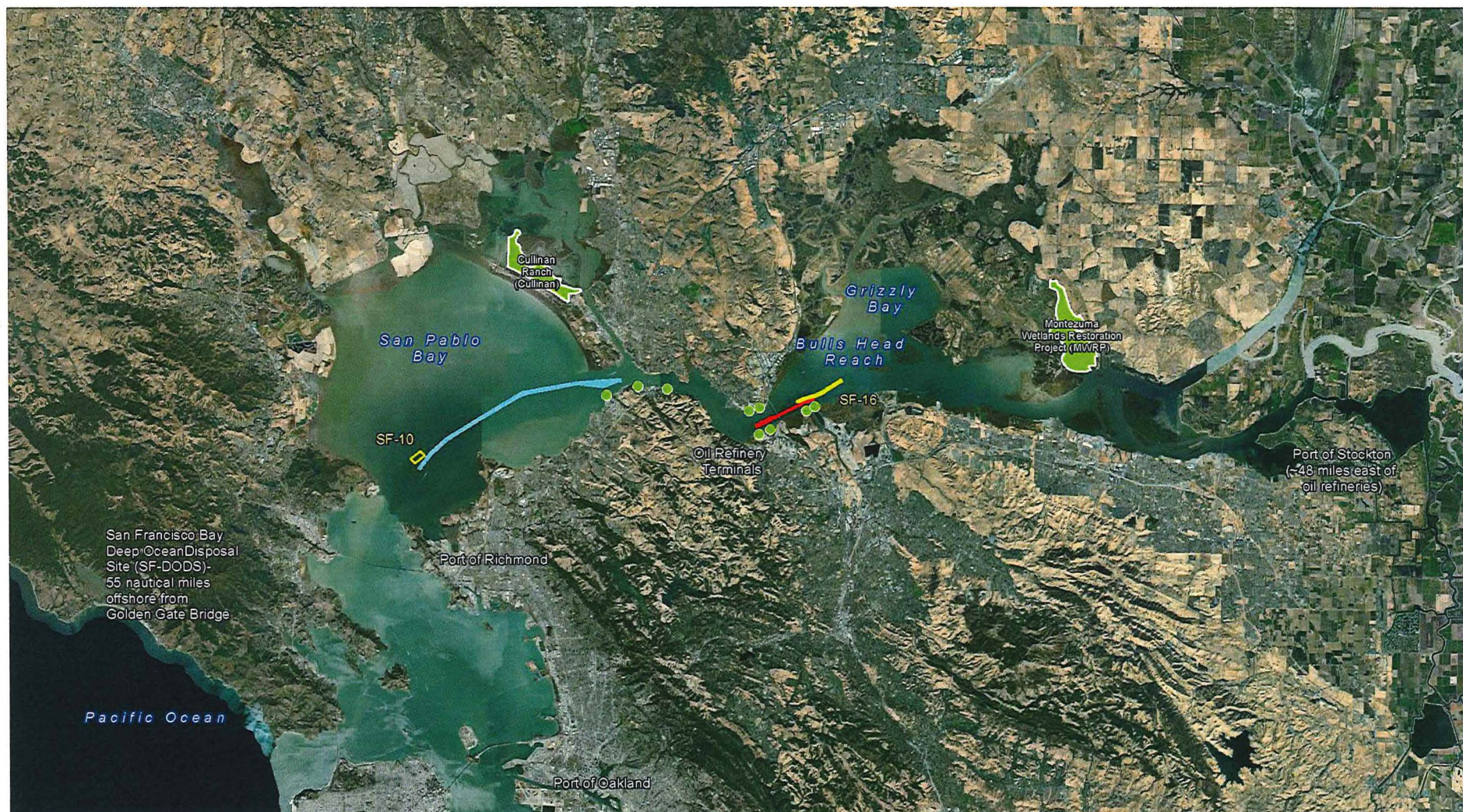


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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

Planning and Policy Division
Environmental Branch

JAN 31 2019

Dino Franklin Jr., Chairperson
Kashia Band of Pomo Indians of the Stewarts Point Ranchero
1420 Guerneville Rd. Ste 1
Santa Rosa, CA 95403

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Franklin:

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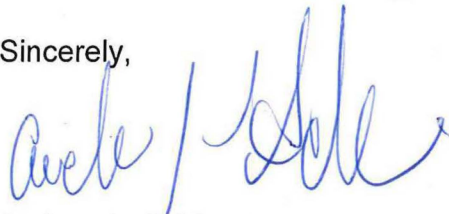
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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch



Figure 1. General location of the TSP features.



DEPARTMENT OF THE ARMY
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701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Marjorie Mejia., Chairperson
Lytton Rancheria
437 Aviation Blvd.
Santa Rosa, CA 95403

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Mejia:

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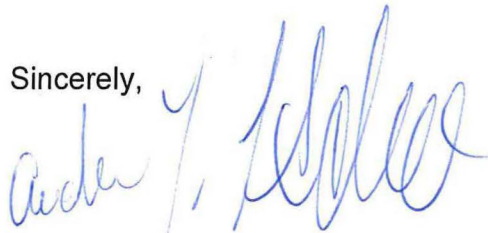
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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

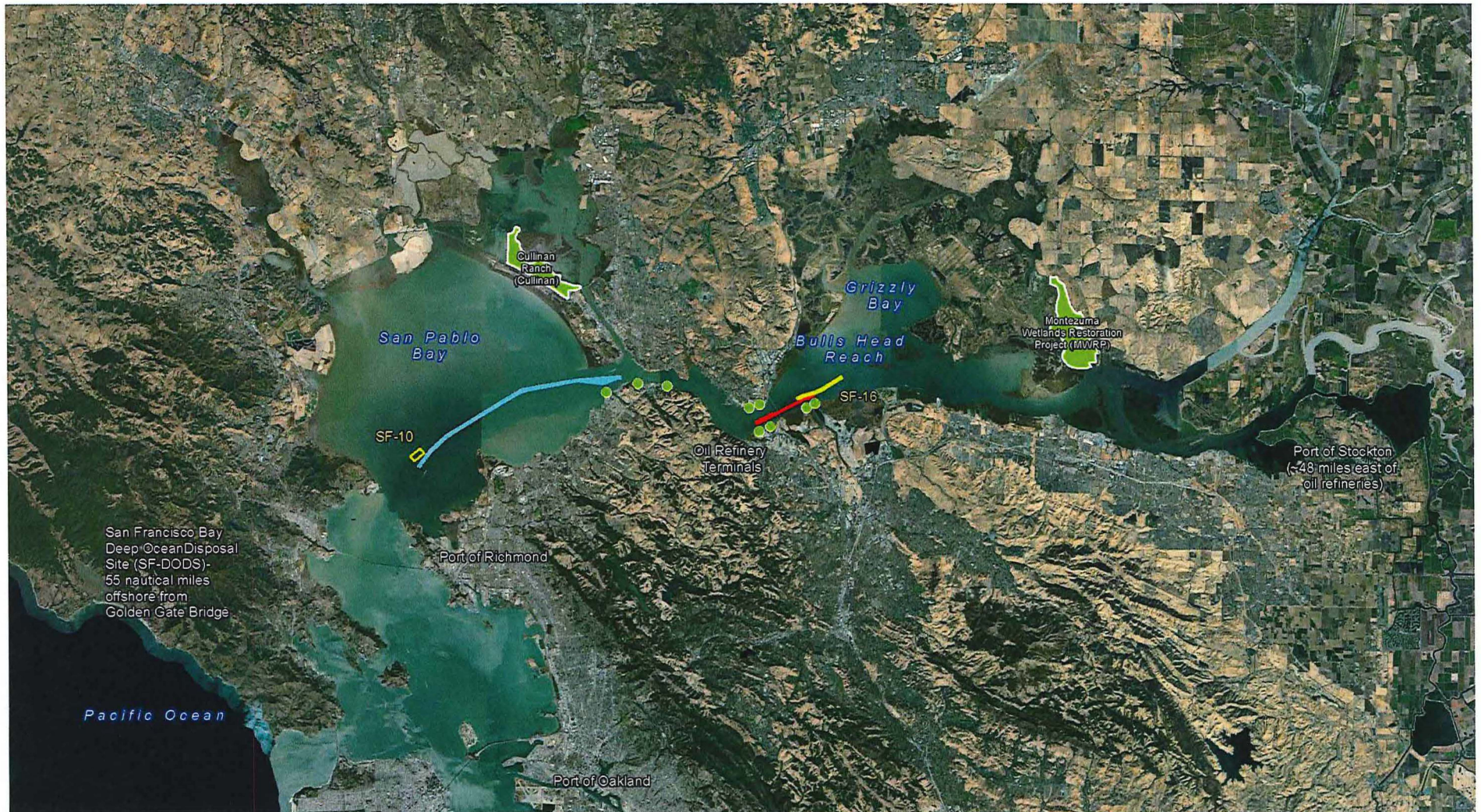


Figure 1. General location of the TSP features.



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JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

Planning and Policy Division
Environmental Branch

JAN 31 2019

Jose Simon III, Chairperson
Middletown Rancheria
P.O. Box 1035
Middletown, CA 95461

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

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For the purposes of this study, the Area of Potential Effects (APE) for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, the underwater rock outcrop. Due to the location of the APE, the project was determined to have a potential for containing intact cultural resources.

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Pursuant to Section 106 of the NHPA (54 U.S.C. 306108) and respective implementing regulations (36 CFR 800), the Corps kindly requests the comments of the Middletown Rancheria on the San Francisco Bay to Stockton Navigation Improvement project. If interested in participating in future consultation, please provide any comments within 30 calendar days of receipt of this letter. If there are any questions, please contact Jason D. Moser, Ph.D. at 904-232-3028 or e-mail at Jason.d.moser@usace.army.mil

Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

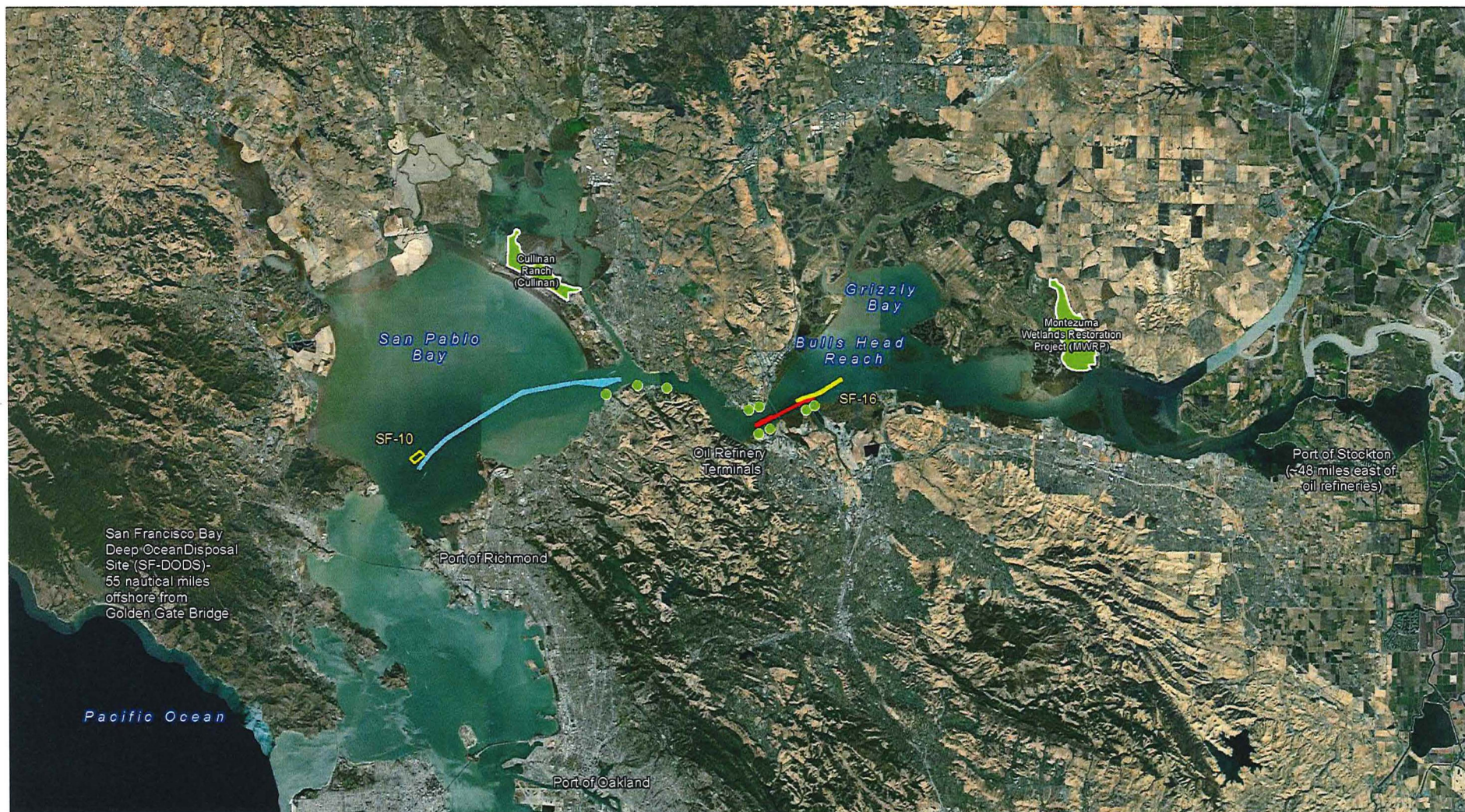


Figure 1. General location of the TSP features.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Scott Gabaldon, Chairperson
Mishewal-Wappo Tribe of Alexander Valley
2275 Silk Road
Windsor, CA 95492

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Gabaldon:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

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For the purposes of this study, the Area of Potential Effects (APE) for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, the underwater rock outcrop. Due to the location of the APE, the project was determined to have a potential for containing intact cultural resources.

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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

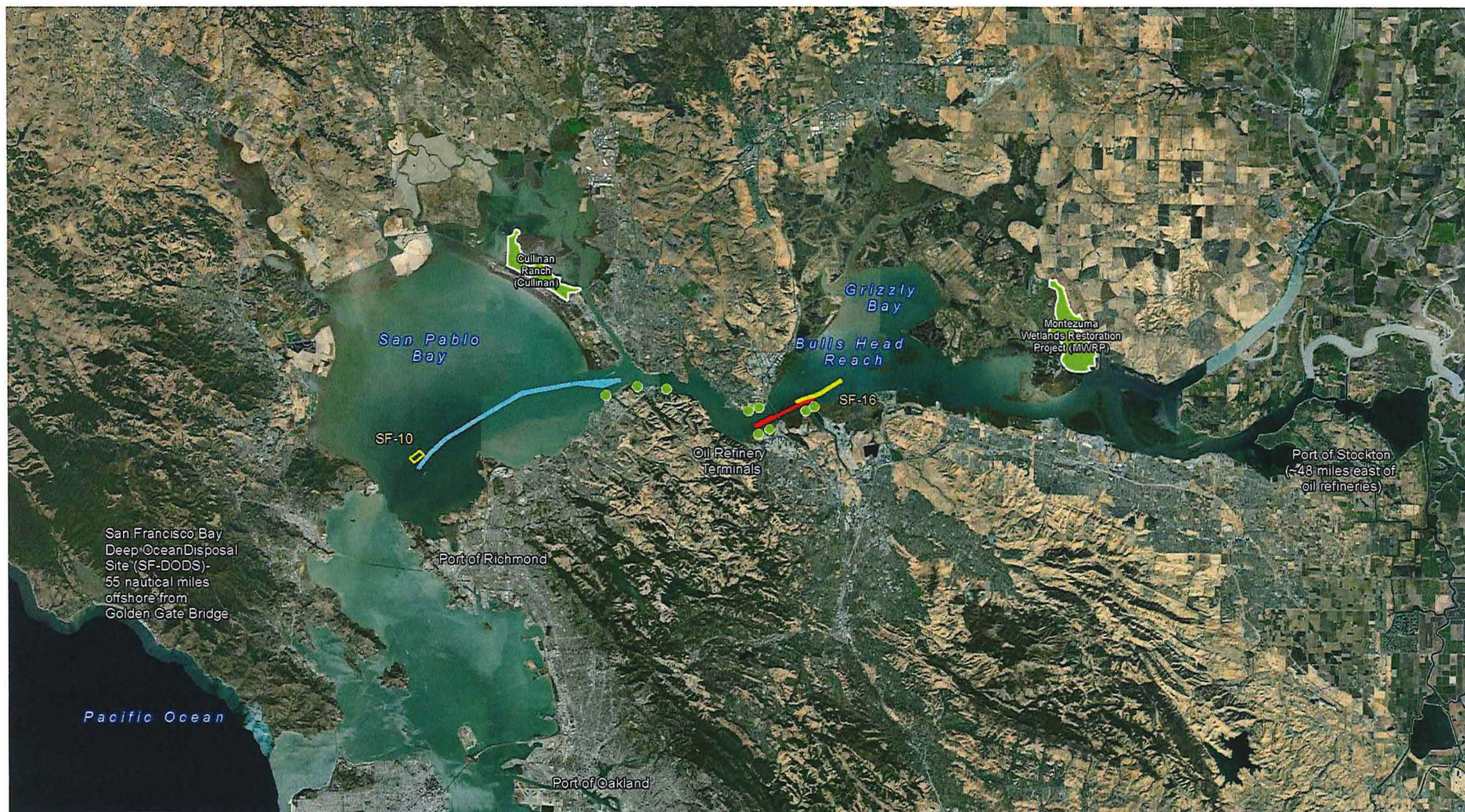


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701 SAN MARCO BOULEVARD
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REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Monica Arellano, Vice Chairwoman
Muwekma Ohlone Indian Tribe of the SF Bay Area
20885 Redwood Road, Suite 232
Castro Valley, CA 94546

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Arellano:

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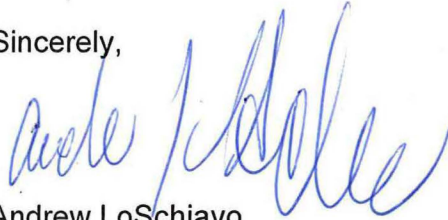
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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

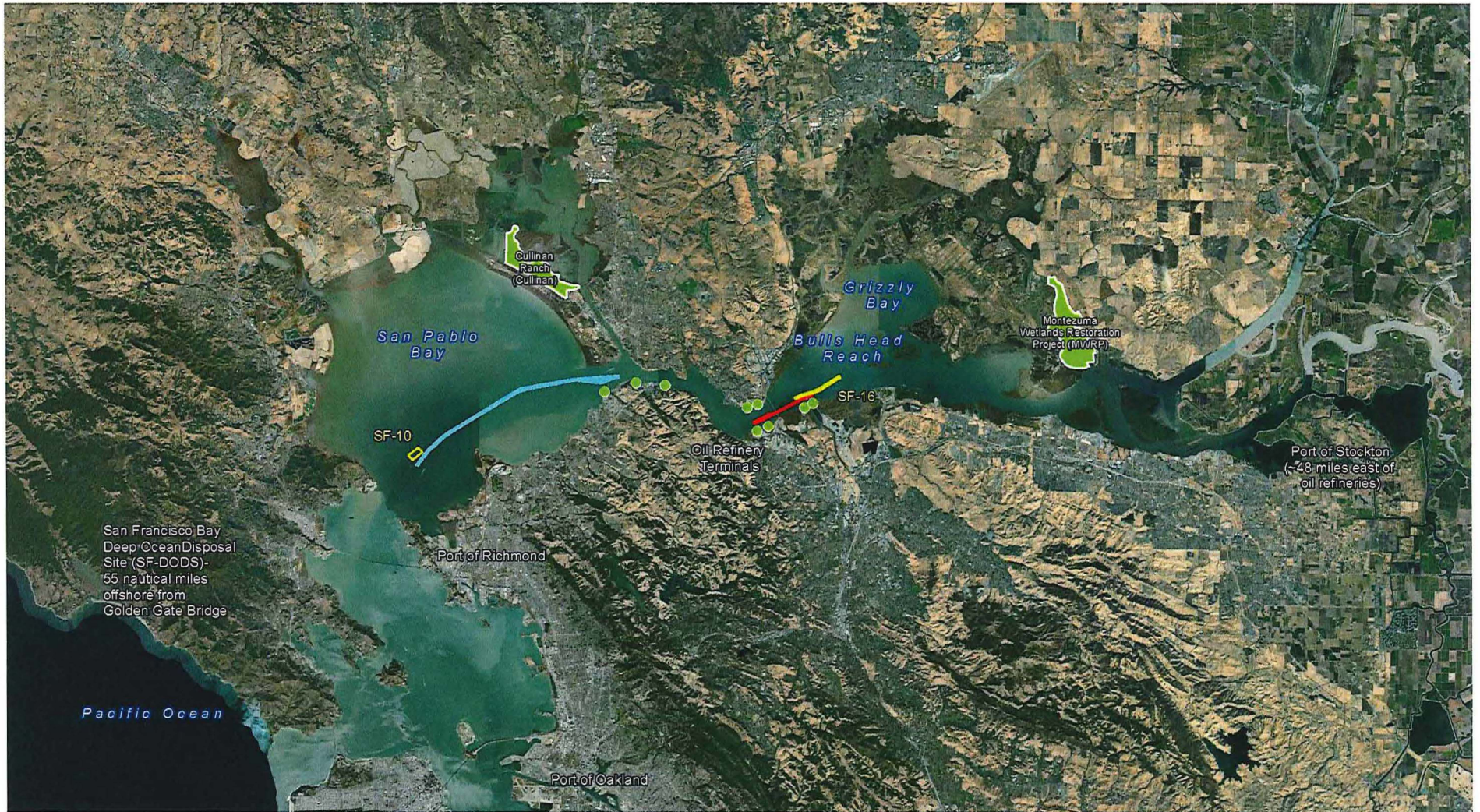


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701 SAN MARCO BOULEVARD
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REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Charlene Nijmeh, Chairperson
Muwekma Ohlone Indian Tribe of the SF Bay Area
20885 Redwood Road, Suite 232
Castro Valley, CA 94546

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Nijmeh:

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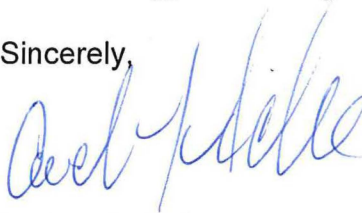
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Sincerely,



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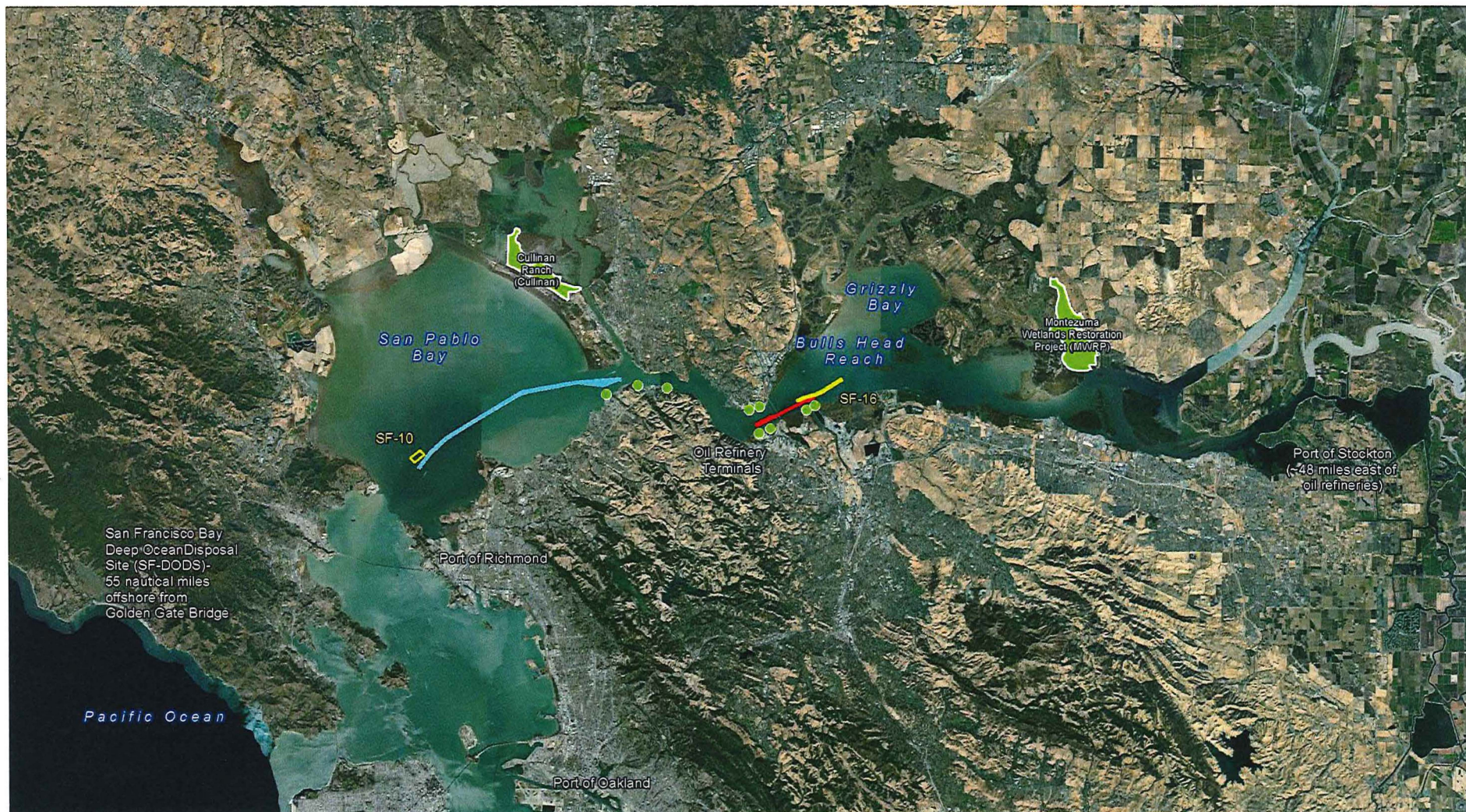


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Muwekma Ohlone Indian Tribe of the SF Bay Area
20885 Redwood Road, Suite 232
Castro Valley, CA 94546

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Arellano:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

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For the purposes of this study, the Area of Potential Effects (APE) for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, the underwater rock outcrop. Due to the location of the APE, the project was determined to have a potential for containing intact cultural resources.

The TSP plan would dredge a total of approximately 1.7 million cubic yards (cy) of material. Of that total amount, approximately 1,443,900 cy material would be placed in the Cullinan Ranch Site and roughly 159,000 cy of material would be used in Montezuma Wetlands Restoration Site (MWRS). Additional dredge material will be placed within existing O&M in-bay placement sites SF-10 and SF-16, which have a combined capacity of 700,000 cubic yards per year.

The MWRS is a privately owned, ongoing restoration project that accepts both wetland cover and wetland non-cover (foundation) quality material from new work and O&M projects. This site is currently accepting sediment and has an operating off-loader in place. The project site comprises approximately 2,400 acres at the eastern edge of Suisun Marsh, approximately 17 miles southeast of Fairfield, California. The Cullinan Ranch Tidal Restoration Project is a permitted wetland restoration site that comprises more than 1,500 acres and is located in western Solano County near the city of Vallejo. It is located between State Highway 37 and Dutchman Slough. It is a permitted beneficial reuse site and available to receive wetland cover sediment.

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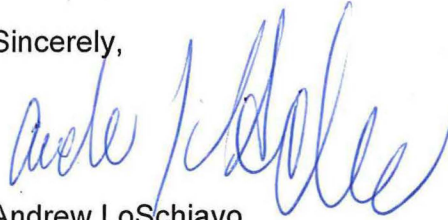
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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

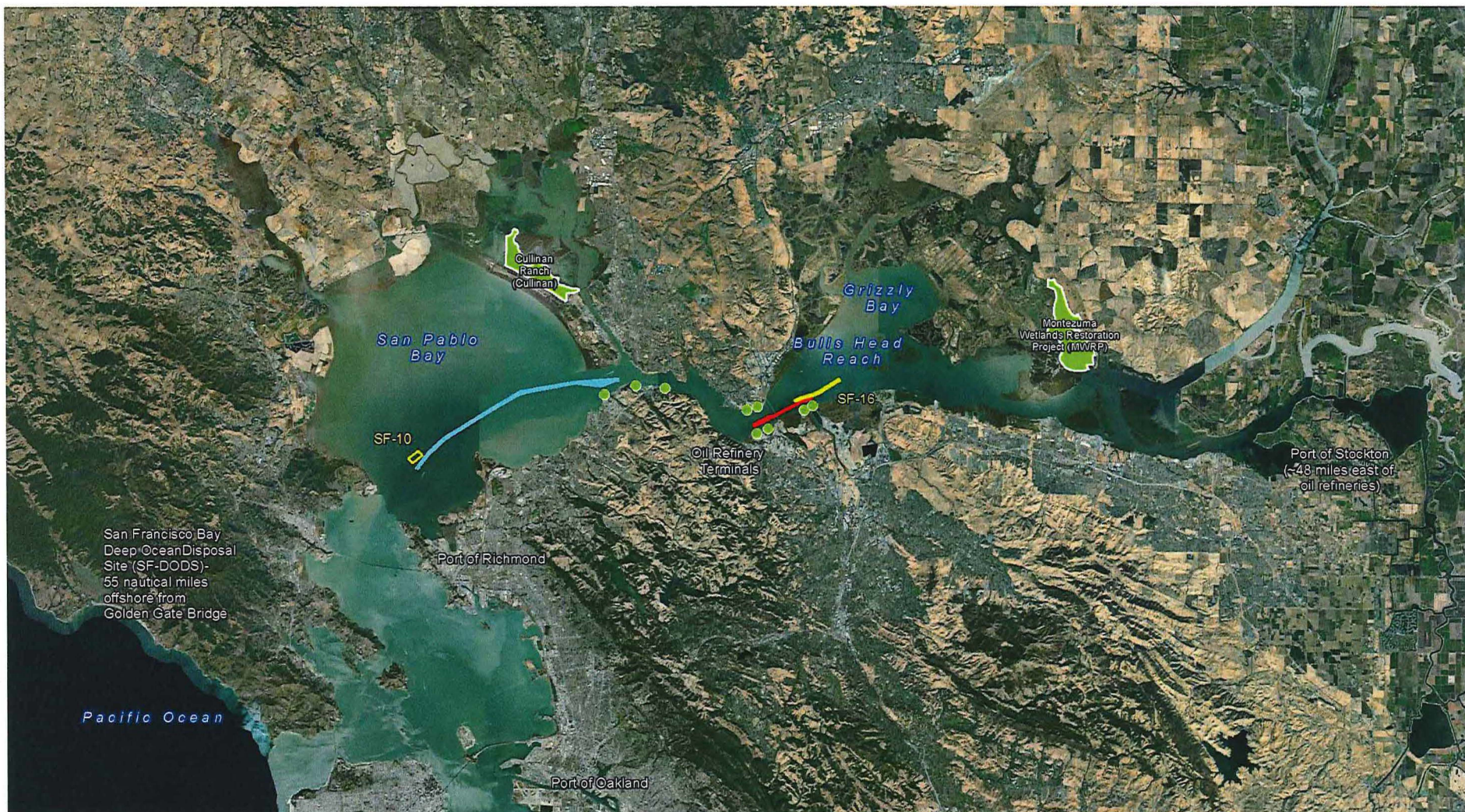


Figure 1. General location of the TSP features.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Katherine Erolinda Perez, Chairperson
North Valley Yokuts Tribe
P.O. Box 717
Linden, CA 95236

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Ms. Perez:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

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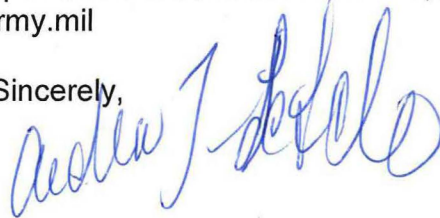
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Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

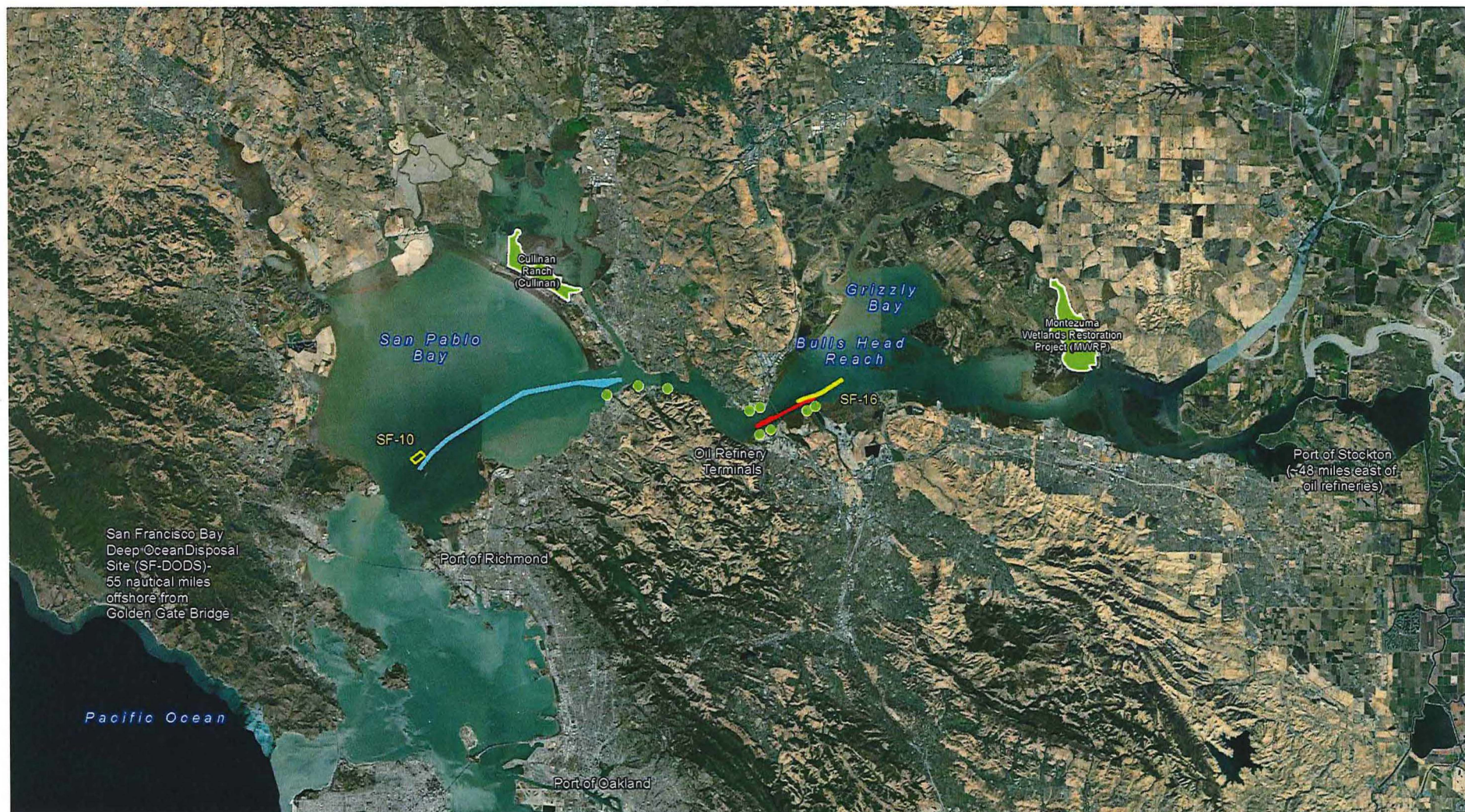


Figure 1. General location of the TSP features.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Andrew Galvan
The Ohlone Indian Tribe
P.O. Box 3388
Fremont, CA 94539

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Galvan:

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Andrew LoSchiavo
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Enclosure

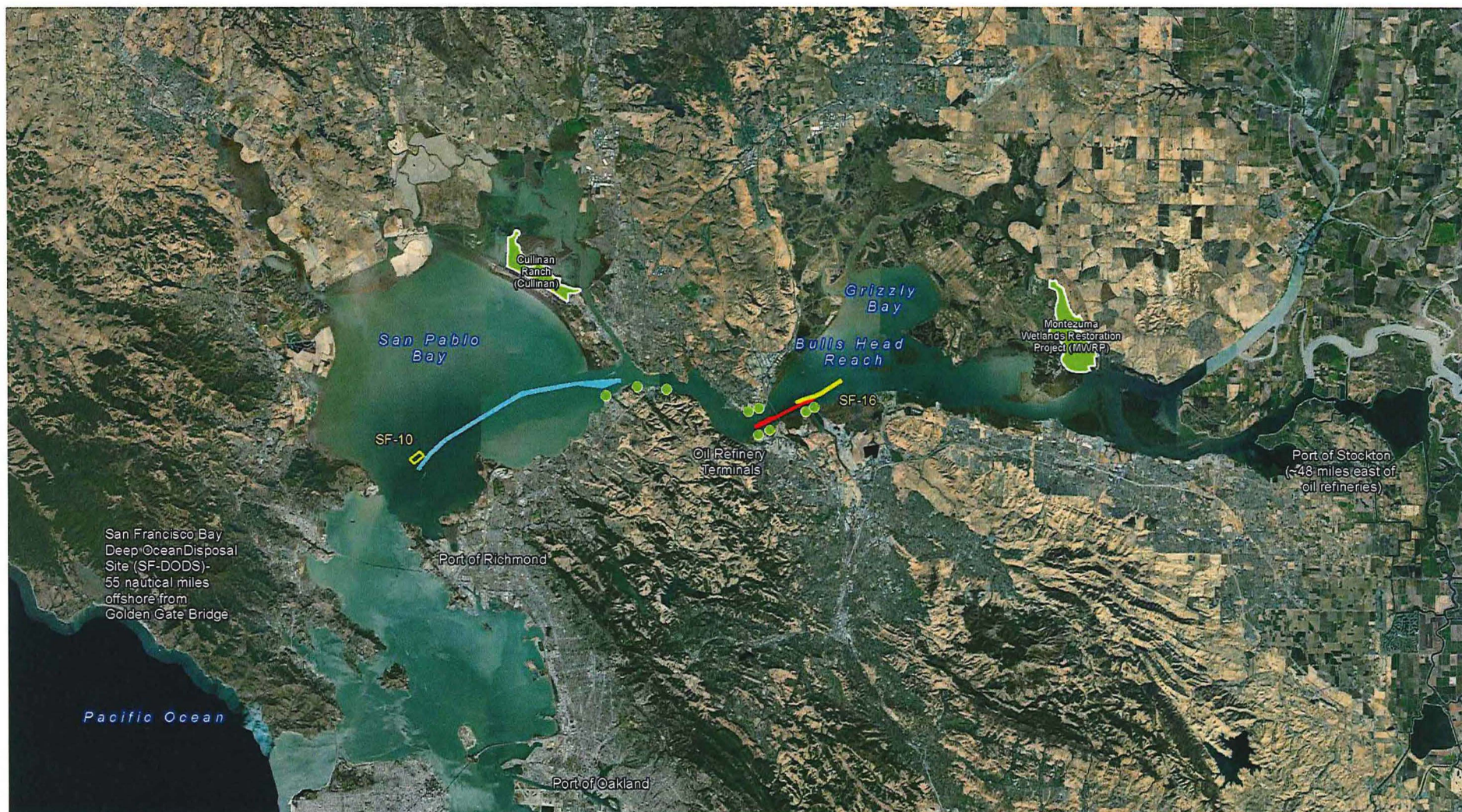


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701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JAN 31 2019

Gene Whitehouse, Chairperson
United Auburn Indian Community of the Auburn Rancheria
10720 Indian Hill Road
Auburn, CA 95603

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Whitehouse:

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Acting Chief, Environmental Branch

Enclosure

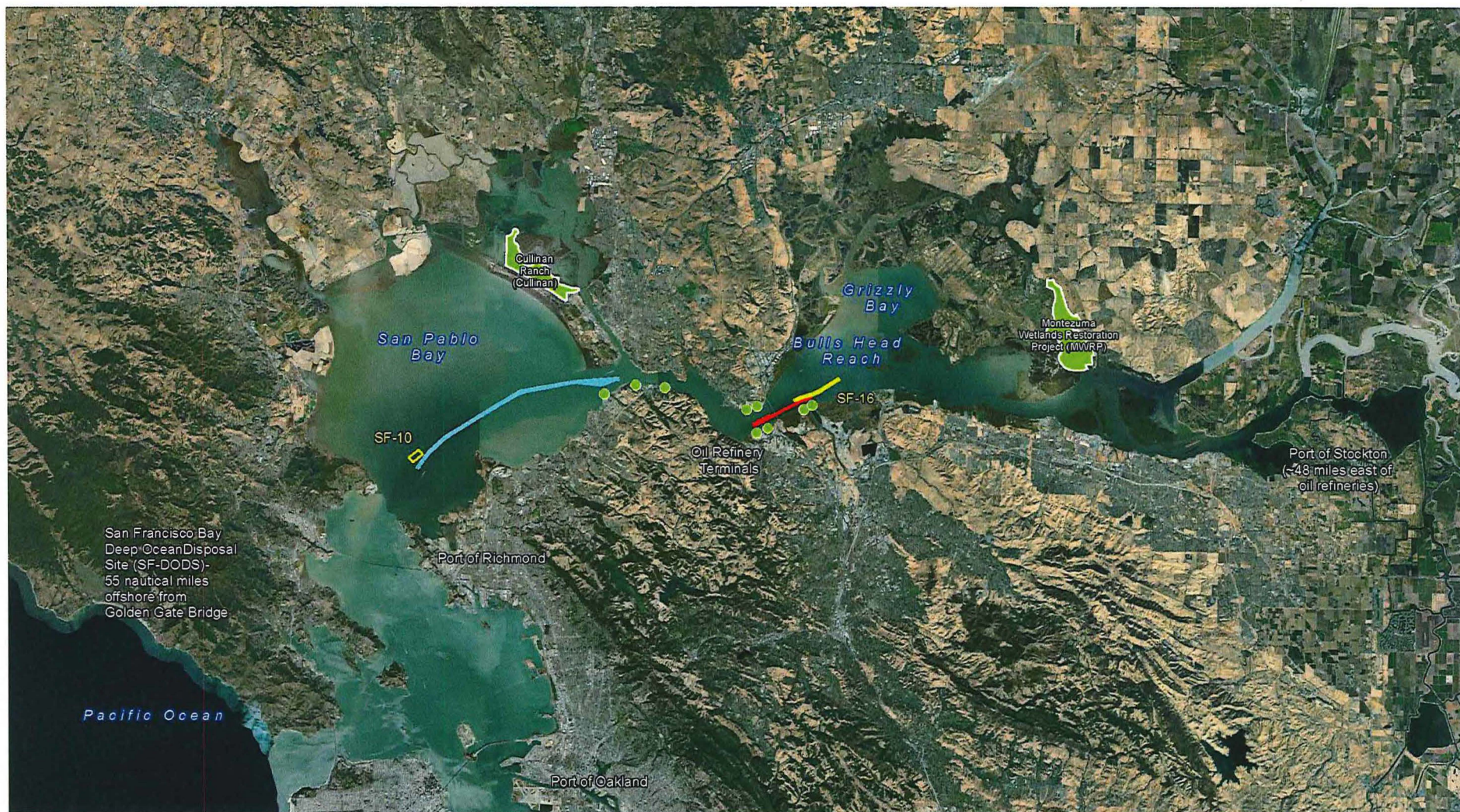


Figure 1. General location of the TSP features.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

Planning and Policy Division
Environmental Branch

JAN 31 2019

Raymond Hitchcock, Chairperson
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Hitchcock:

The U.S. Army Corps of Engineers, San Francisco District (Corps) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project in Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties. The Port of Stockton is the non-Federal Sponsor. The project is designed to reduce transportation costs and increase deep-draft navigation efficiency for the shipment of commodities to and from all facilities within the study area, to maximize beneficial reuse of dredge material while minimizing placement costs, and to reduce the frequent operations and maintenance (O&M) dredging in high shoaling areas.

The San Francisco Bay to Stockton Project was originally authorized by Congress in the Rivers and Harbors Act of 1965. The original authorization allowed for 45-foot depths, but the channels were only constructed to 35 feet. The study was originally scoped for a 78-mile-long navigation project to include the John F. Baldwin and Stockton channels, but has since been re-scoped to a total of 13.3 miles in the Pinole Shoal and Suisun Bay Channels to Avon (Figures 1 and 2).

The Tentatively Selected Plan (TSP) has been identified as the 38-foot depth with widening of the sideslopes alternative. Proposed TSP project features include:

- Deepen the existing maintained channel depth of the Pinole Shoal Channel and Bulls Head Reach Portion of the Suisun Bay Channel from -35 feet to -38 feet Mean Lower Low Water (MLLW), with approximately 13.2 miles of new regulatory depths.
- Dredge a 2,600 foot sediment trap at Bulls Head Reach with a depth of -42 feet MLLW, plus 2 feet of overdepth.
- Level the rock outcropping located to the west of Pinole Shoal from a peak of 39.7 feet MLLW to 43 feet MLLW.

For the purposes of this study, the Area of Potential Effects (APE) for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, the underwater rock outcrop. Due to the location of the APE, the project was determined to have a potential for containing intact cultural resources.

The TSP plan would dredge a total of approximately 1.7 million cubic yards (cy) of material. Of that total amount, approximately 1,443,900 cy material would be placed in the Cullinan Ranch Site and roughly 159,000 cy of material would be used in Montezuma Wetlands Restoration Site (MWRS).

Additional dredge material will be placed within existing O&M in-bay placement sites SF-10 and SF-16, which have a combined capacity of 700,000 cubic yards per year.

The MWRS is a privately owned, ongoing restoration project that accepts both wetland cover and wetland non-cover (foundation) quality material from new work and O&M projects. This site is currently accepting sediment and has an operating off-loader in place. The project site comprises approximately 2,400 acres at the eastern edge of Suisun Marsh, approximately 17 miles southeast of Fairfield, California. The Cullinan Ranch Tidal Restoration Project is a permitted wetland restoration site that comprises more than 1,500 acres and is located in western Solano County near the city of Vallejo. It is located between State Highway 37 and Dutchman Slough. It is a permitted beneficial reuse site and available to receive wetland cover sediment.

Cultural resource investigations to date include a literature search, records review for known archaeological sites, and a database query for historic shipwrecks within a 1/4-mile of the proposed project area. One previous Corps sponsored submerged cultural resource investigation was previously conducted within portions of the APE. The results of this investigation is documented in the report titled *Report on a Nautical Archaeological Survey of 4 Areas in the John F. Baldwin Ship Channel* (Sullivan and Allen 1996). The survey identified a cluster of eight submerged targets that are collectively identified as the Baldwin Channel Wreck, which may possibly be the *Sagamore*. The *Sagamore* is a schooner that foundered and sank in 1864. Because portions of the Baldwin Channel Wreck were located in two counties the anomalies which comprise this target are designated as P-07-002760 and P-21-000598.

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A number of previously conducted cultural resource investigations have been completed within the proposed dredge placement sites at MWRS and at the Cullinan Ranch Tidal Restoration Project. The results of these investigations are reported in *Archaeological Survey Report, Montezuma Wetlands Project, Solano County, California* (Self 1993); *Supplementary Archaeological Survey of the Montezuma Wetlands Project* (Self 2001); *Cultural Resource Report for the Napa Marsh Unit (Cullinan Ranch) Tidal Restoration Project, San Pablo Bay National Wildlife Refuge, Solano County California* (Valentine 1997). Preliminary analysis of the data for these areas indicates that one historic property the Mare Island Naval Shipyard National Register District (48-001582) extends into Cullinan Ranch Tidal Restoration Area. However, no contributing elements of the district are located within Cullinan Ranch property.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR § 800.8), the Corps is employing a phased process to identify and evaluate historic properties and assess effects. Once the project has been approved by the Assistant Secretary of the Army (ASA(CW)) and the appropriate funding obligated, ongoing consultation and consideration of effects will occur during PED as the APE may be subject to change based on final designs or modifications of project features.

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Based on the results of previously conducted cultural resource surveys of the MWRS and Cullinan Ranch placement areas and their current use for beneficial dredge material placement, the Corps believes that this undertaking has no potential to adversely affect historic properties within these placement areas. Due to the timing of the San Francisco to Stockton Navigation Improvement project planning, the Corps is currently unable to identify and evaluate cultural resources and determine effects within submerged portions of the TSP on historic properties prior to completion of the EIS/EIR. Therefore; pursuant to 54 U.S.C. 306108 and § 800.4(b)(2), the Corps is deferring final identification and evaluation of historic properties until after project approval, additional funding becomes available, and prior to construction by executing a Programmatic Agreement for this project.

Pursuant to Section 106 of the NHPA (54 U.S.C. 306108) and respective implementing regulations (36 CFR 800), the Corps kindly requests the comments of the Wilton Rancheria on the San Francisco Bay to Stockton Navigation Improvement project. If interested in participating in future consultation, please provide any comments within 30 calendar days of receipt of this letter. If there are any questions, please contact Jason D. Moser, Ph.D. at 904-232-3028 or e-mail at Jason.d.moser@usace.army.mil

Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

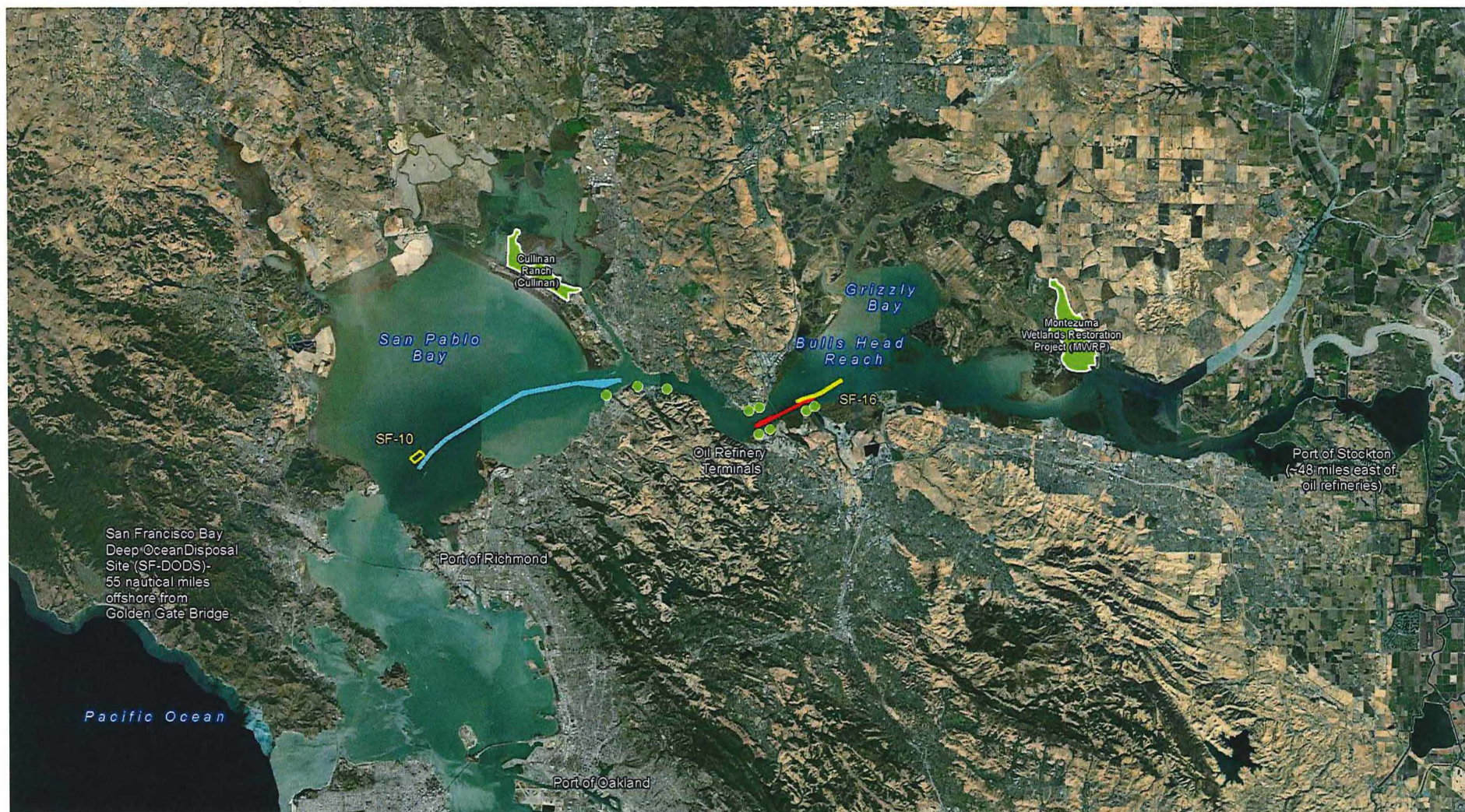


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REPLY TO
ATTENTION OF

JAN 31 2019

Planning and Policy Division
Environmental Branch

Anthony Roberts, Chairperson
Yocha Dehe Wintun Nation
P.O. Box 18
Brooks, CA 95606

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Mr. Roberts:

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For the purposes of this study, the Area of Potential Effects (APE) for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap, the underwater rock outcrop. Due to the location of the APE, the project was determined to have a potential for containing intact cultural resources.

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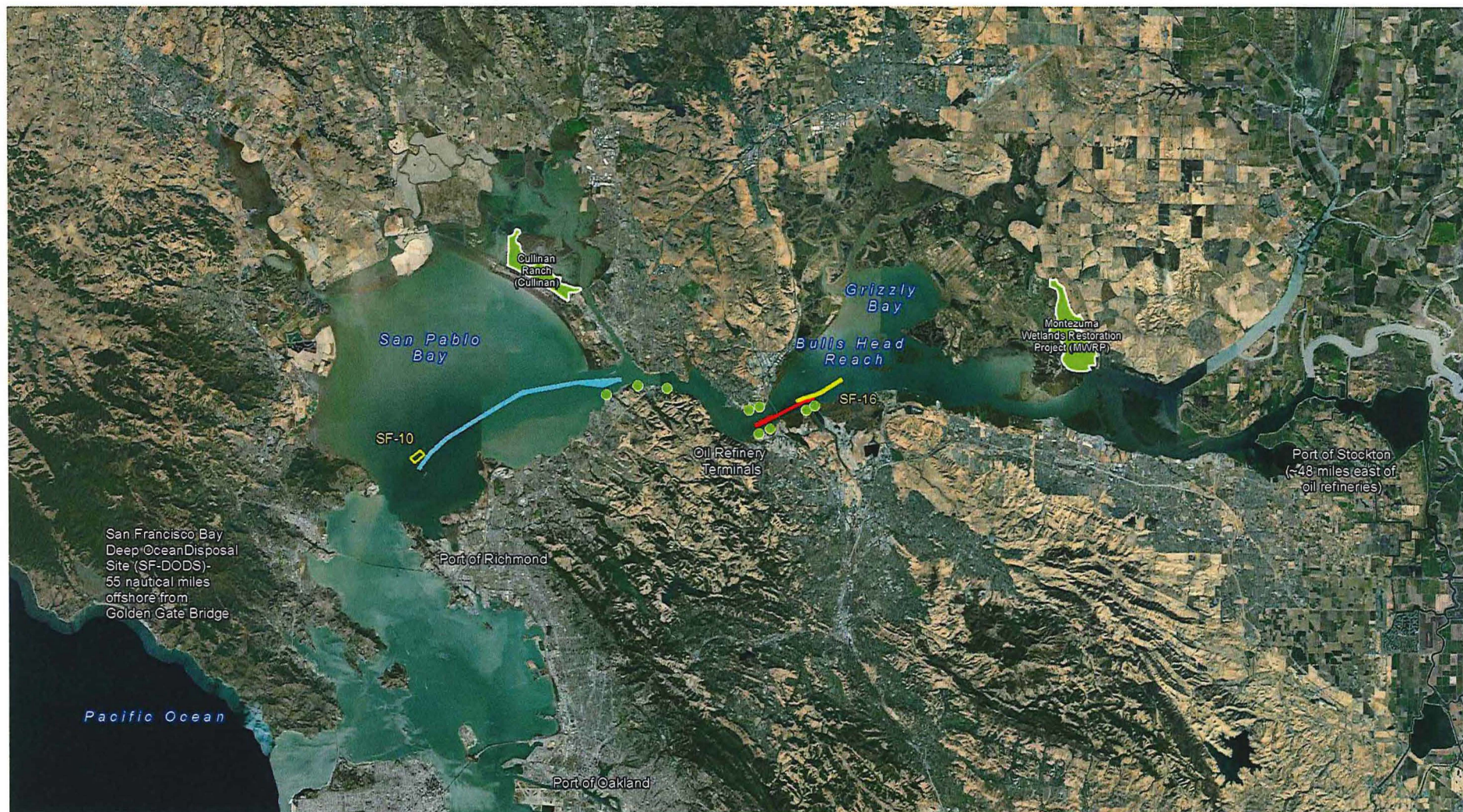


Figure 1. General location of the TSP features.

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701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

FEB 19 2019

Jeff Wingfield
Environmental and Public Affairs Director Port of Stockton
P.O. Box 2089
Stockton, CA 95201

Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project

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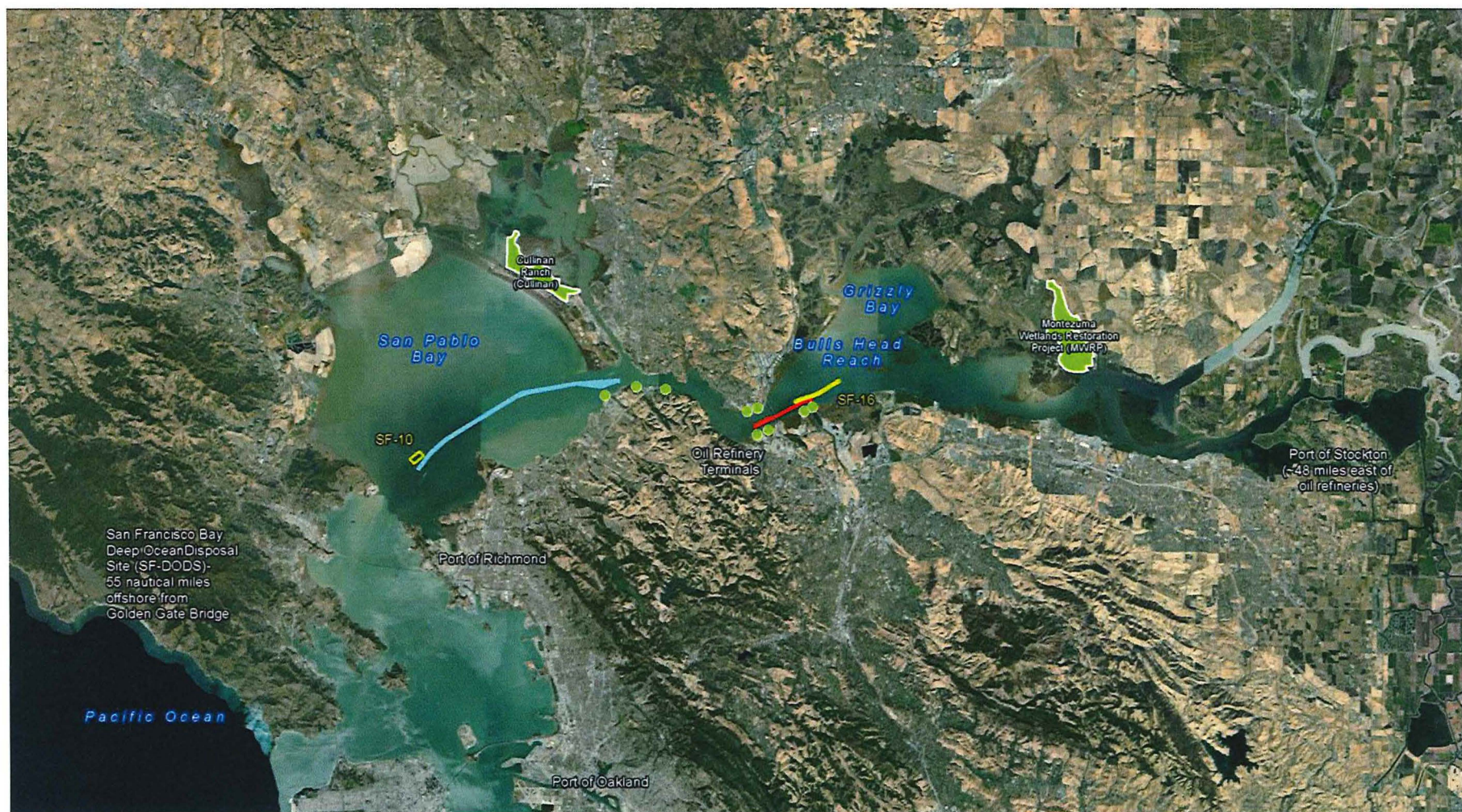


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A number of previously conducted cultural resource investigations have been completed within the proposed dredge placement sites at MWRS and at the Cullinan Ranch Tidal Restoration Project. The results of these investigations are reported in *Archaeological Survey Report, Montezuma Wetlands Project, Solano County, California* (Self 1993); *Supplementary Archaeological Survey of the Montezuma Wetlands Project* (Self 2001); *Cultural Resource Report for the Napa Marsh Unit (Cullinan Ranch) Tidal Restoration Project, San Pablo Bay National Wildlife Refuge, Solano County California* (Valentine 1997). Preliminary analysis of the data for these areas indicates that one historic property the Mare Island Naval Shipyard National Register District (48-001582) extends into Cullinan Ranch Tidal Restoration Area. However, no contributing elements of the district are located within Cullinan Ranch property.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR § 800.8), the Corps is employing a phased process to identify and evaluate historic properties and assess effects. Once the project has been approved by the Assistant Secretary of the Army (ASA(CW)) and the appropriate funding obligated, ongoing consultation and consideration of effects will occur during PED as the APE may be subject to change based on final designs or modifications of project features. Cultural resources assessments will be conducted in areas that have not been previously surveyed with a high potential for containing historic properties. During PED and prior to construction, these surveys and a final determination of effects for any historic properties within the APE will be coordinated with your office. Discovery of historic properties may also lead to the development of avoidance, minimization, and/or mitigation plans in consultation with your office.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR § 800.8), the Corps is employing a phased process to identify and evaluate historic properties and assess effects. Once the project has been approved by the Assistant Secretary of the Army (ASA(CW)) and the appropriate funding obligated, ongoing consultation and consideration of effects will occur during PED as the APE may be subject to change based on final designs or modifications of project features. Cultural resources assessments will be conducted in areas that have not been previously surveyed with a high potential for containing historic properties. During PED and prior to construction, these surveys and a final determination of effects for any historic properties within the APE will be coordinated with your office. Discovery of historic properties may also lead to the development of avoidance, minimization, and/or mitigation plans in consultation with your office.

Based on the results of previously conducted cultural resource surveys of the MWRS and Cullinan Ranch placement areas and their current use for beneficial dredge material placement, the Corps believes that this undertaking has no potential to adversely affect historic properties within these placement areas. Due to the timing of the San Francisco to Stockton Navigation Improvement project planning, the Corps is currently unable to identify and evaluate cultural resources and determine effects within submerged portions of the TSP on historic properties prior to completion of the EIS/EIR. Therefore; pursuant to 54 U.S.C. 306108 and § 800.4(b)(2), the Corps is deferring final identification and evaluation of historic properties until after project approval, additional funding becomes available, and prior to construction by executing a Programmatic Agreement with the California State Historic Preservation Office (SHPO) and the Advisory Council of Historic Preservation (ACHP), if inclined to participate.

Pursuant to Section 106 of the NHPA (54 U.S.C. 306108) and respective implementing regulations (36 CFR 800), the Corps kindly requests your office to comment on the San Francisco to Stockton Navigation Improvement project. Please provide any comments within 30 calendar days of receipt of this letter. If there are any questions, please contact Jason D. Moser, PhD at 904-232-3028 or e-mail at Jason.d.moser@usace.army.mil

Sincerely,



Andrew LoSchiavo
Acting Chief, Environmental Branch

Enclosure

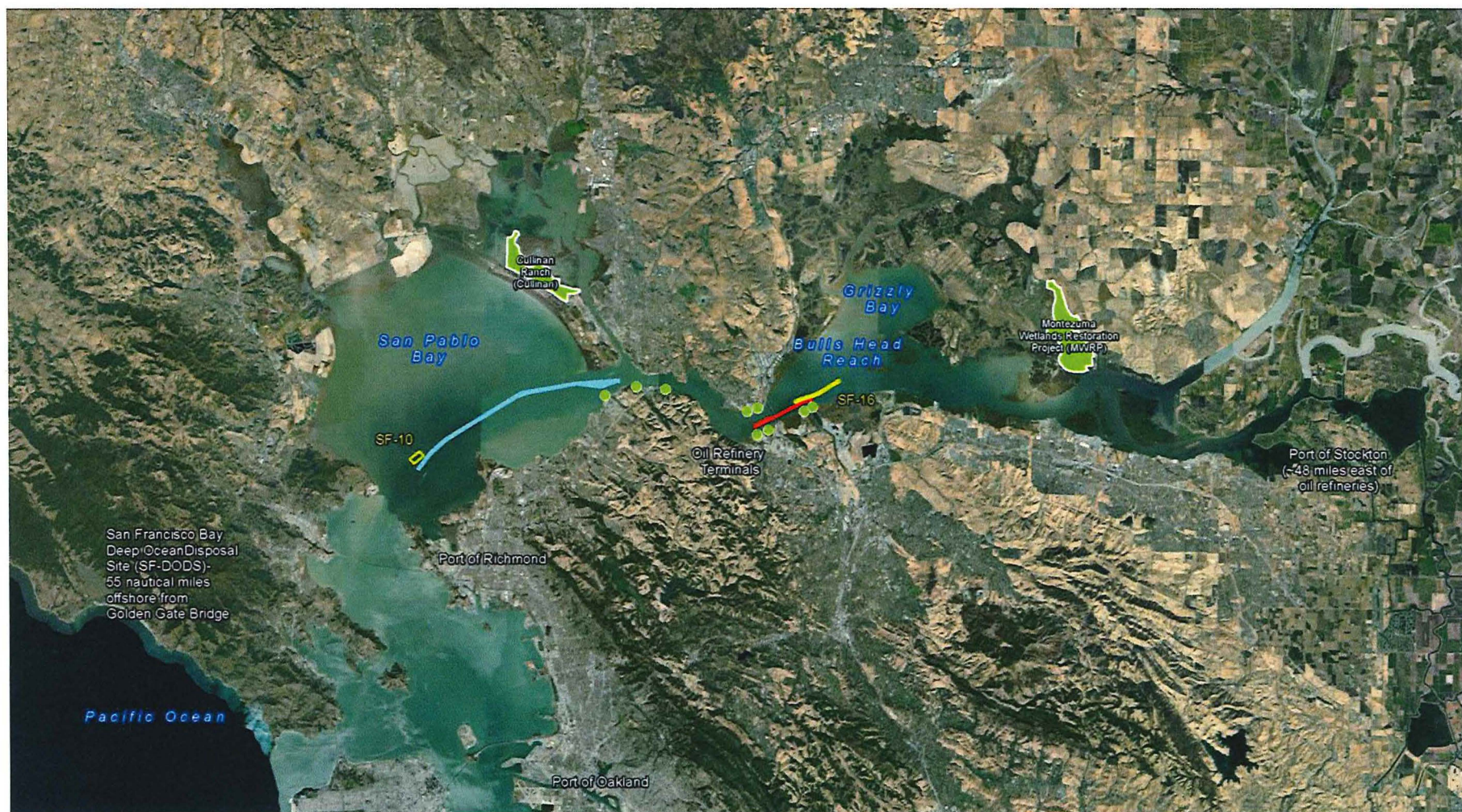


Figure 1. General location of the TSP features.

Cultural Resource Correspondence Responses

From: [Kanyon Sayers-Roods](#)
To: [Moser, Jason D CIV USARMY CESAJ \(US\)](#)
Subject: [Non-DoD Source] Re: The San Francisco Bay to Stockton, California, Navigation Improvement Project
Date: Monday, February 25, 2019 7:47:08 PM

Dear Jason D. Moser
miSmin Tuuhis (Good Day)

I'm writing on behalf of the Indian Canyon Band of Costanoan Ohlone People to request that Department of the Army records that we are responding to your letter dated January 31, 2019. As this site is on a waterway we are expressing our concern about this project and wish to be consulted. If there is to be any earth movement in these areas we recommend that a Native American Monitor and an Archaeologist be present on-site at all times any disruptive surveying or earth movement transpires.

Regards

Kanyon Sayers-Roods
Creative Director, Tribal Monitor
(831) 207-9331

--Kanyon "Coyote Woman" Sayers-Roods

Co-Founder - CEO | Kanyon Konsulting, LLC

Mobile (831) 207-9331 | kanyon@kanyonkonsulting.com <<mailto:kanyon@kanyonkonsulting.com>>

Blockedwww.kanyonkonsulting.com <Blocked<http://www.kanyonkonsulting.com>>

Indian Canyon Mutsun Band of Costanoan Ohlone People

Blockedwww.indiancanyonlife.org/ksr <Blocked<http://www.indiancanyonlife.org/ksr>>

Blocked<http://about.me/kanyon.coyotewoman>

From: [Brenda L. Tomaras](#)
To: [Moser, Jason D CIV USARMY CESAJ \(US\)](#)
Cc: [Brenda L. Tomaras](#)
Subject: [Non-DoD Source] San Francisco Bay to Stockton Navigation Improvement Project
Date: Thursday, February 28, 2019 12:36:33 PM

Mr. Moser,

This shall serve as the Lytton Rancheria's response to the consultation request under Section 106 for the above-referenced project. They Lytton Rancheria has reviewed the information and has no wish for consultation at this point.

Thank you.

Brenda L. Tomaras
Tomaras & Ogas, LLP
10755-F Scripps Poway Parkway #281
San Diego, CA 92131
(858) 554-0550
(858) 777-5765 Facsimile

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From: canutes@verizon.net
To: [Moser, Jason D CIV USARMY CESAJ \(US\)](#)
Subject: [Non-DoD Source] San Francisco Bay to Stockton Navigation Improvement Project
Date: Monday, February 4, 2019 11:01:55 PM

Jason,

We received your letter regarding the San Francisco Bay to Stockton, Navigation Improvement Project.

It is the recommendation of the Tribe (Northern Valley Yokut) to have a qualified archaeological firm and a Native American Monitor on board as soon as the project begins, as there is a potential to impact burials and/or villages sites along the proposed route.

Nototomne Cultural Preservation

Northern Valley Yokut

P. O Box 717

Linden, CA 95236

Cell: 209.649.8972

Email: canutes@verizon.net <<mailto:canutes@verizon.net>>

**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**Lisa Ann L. Mangat, *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

March 5, 2019

In reply refer to: COE_2019_0204_002

Andrew LoSchiavo
Acting Chief, Environmental Branch
Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-0019

Subject: Section 106 Consultation for the proposed San Francisco Bay to Stockton, California, Navigation Improvement Project.

Dear Dr. Bottoms:

The California State Historic Preservation Officer (SHPO) received a letter on February 4, 2019, initiating consultation for the above-named project. The United States Army Corps of Engineers (COE) is consulting pursuant to 36 CFR Part 800 (as amended 8-05-04), the regulations implementing Section 106 of the National Historic Preservation Act (Section 106). The COE is in the initial planning stages of the undertaking and is requesting SHPO's participation in the development of a programmatic agreement (PA) to guide their compliance with Section 106.

The COE is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Francisco Bay to Stockton, California, Navigation Improvement Project (SFBSNIP) in portions of Marin, Contra Costa, Solano, Sacramento, and San Joaquin counties pursuant to the National Environmental Policy Act (NEPA), and it's implementing regulations at 42 U.S.C. §4321 et seq. (1969). The Port of Stockton is the non-Federal sponsor. The Tentatively Selected Plan includes dredging to deepen and widen the channels of Pinole Shoal Channel, Bulls Head Reach portion of Suisun Bay Channel, dredging a sediment trap at Bulls Head Reach and levelling a submerged rock outcropping located to the west of Pinole Shoal. Dredged material will be placed at placement sites including the Cullinan Ranch Site, the Montezuma Wetlands Restoration Site, and the O&M in-bay placement sites SF-10 and SF-16. The Area of Potential Effects (APE) for this undertaking has preliminarily been defined as the project features, including the existing federal navigation channels, the dredge placement areas, the Bulls Head Reach sediment trap creation, and the underwater rock outcrop levelling location, as well as a 0.25-mile buffer around these features.

Initial historic property identification efforts included a literature search, records search and shipwrecks database query for the APE and a ¼-mile buffer area. This resulted in the identification of a cluster of submerged targets that have been identified as the Baldwin Channel Wreck, which may represent the *Sagamore*, a schooner that sank in 1864, designated as P-07-002760 and P-21-000598, as they lie in two separate counties. Additionally, a portion of the Mare Island Naval Shipyard National Register District (P-48-001582) extends into the Cullinan Ranch Tidal Restoration Area, but no contributing elements of the district are located within the Cullinan Ranch placement site. Though no previously identified archaeological resources have been identified, the COE recognizes the potential for intact archaeological resources to be present within the APE and plans to complete additional identification efforts including submerged cultural resources and archaeological land surveys during the Preconstruction Engineering and Design (PED) phase of the project.

Due to the schedule for completion of the EIS/EIR, the COE is not able to complete historic property identification and evaluation efforts for this undertaking prior to the completion of these documents and their corresponding Record of Decision under NEPA. Therefore, the COE is proposing to employ a phased approach to historic property identification and evaluation, and assessment of effects for the undertaking. This would be completed after the project has been approved and additional funding has become available, but before construction begins. The COE is requesting that the SHPO and the Advisory Council on Historic Preservation participate in the development of a PA to guide their compliance with Section 106 through an alternative process allowing for phased identification, evaluation and effects assessment. After reviewing the submitted materials, the following comments are offered:

- I agree to participate in the development of a PA to guide the COE's section 106 compliance for the SFBSNIP.
- Because the SHPO is not familiar with the Jacksonville District staff, please clarify how this district will be facilitating the development of a PA moving forward, and inform the SHPO of the District's staff capacity to manage a PA of this sort. Please indicate if the Jacksonville District has the qualified staff in all necessary disciplines to appropriately manage the implementation of the proposed PA for this undertaking.

If you have any questions, please contact Jessica Tudor of my staff at (916) 445-7016 or jessica.tudor@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer



MIWOK United Auburn Indian Community
MAIDU of the Auburn Rancheria

Gene Whitehouse
Chairman

John L. Williams
Vice Chairman

Calvin Moman
Secretary

Jason Camp
Treasurer

Gabe Cayton
Council Member

February 25, 2019

Jason D. Moser
United States Army Corps of Engineers - Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-0019

Subject: San Francisco Bay to Stockton, California, Navigation Improvement Project

Dear Jason D. Moser,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose service area includes El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects. The UAIC would like to consult on this project.

In order to ascertain whether the project could affect cultural resources that may be of importance to the UAIC, we would like to receive copies of any archaeological reports that are completed for the project. We also request copies of environmental documents for the proposed project so that we have the opportunity to comment on appropriate identification, assessment and mitigation related to cultural resources. Finally, we request and recommend that UAIC tribal representatives observe and participate in all cultural resource surveys. To assist in locating and identifying cultural resources, UAIC's Preservation Department offers a mapping, records and literature search services program. This program has been shown to assist project proponents in complying with applicable environmental protection laws and choosing the appropriate mitigation measures or form of environmental documentation during the planning process. If you are interested in the program, please let us know.

The UAIC's Preservation Committee would like to set up a meeting or site visit, and begin consulting on the proposed project. Based on the Preservation Committee's identification of cultural resources in and around your project area, the UAIC recommends that a tribal monitor be present during any ground disturbing activities. Thank you again for taking these matters into consideration, and for involving the UAIC in the planning process. We look forward to reviewing the additional documents requested. Please contact Melodi McAdams, Cultural Resources Supervisor, at (530) 328-1109 or email at mmcadams@auburnrancheria.com if you have any questions.

Sincerely,

Gene Whitehouse,
Chairman

CC: Matthew Moore, Tribal Historic Preservation Officer

From: [Ed Silva](#)
To: [Moser, Jason D CIV USARMY CESAJ \(US\)](#)
Cc: [Cultural Resource Department Inbox](#)
Subject: [Non-DoD Source] San Francisco Bay to Stockton Navigation Improvement Project
Date: Saturday, February 23, 2019 4:32:30 PM
Attachments: [image002.png](#)
[2019-02-19-1994 Navigation Improvement Project.pdf](#)

Thank you for your letter dated January 31, 2019 regarding the proposed project. Wilton Rancheria ("Tribe") is a federally-recognized Tribe as listed in the Federal Register, Vol. 74, No. 132, p. 33468-33469, as "Wilton Rancheria of Wilton, California". The Tribe's Service Delivery Area ("SDA") as listed in the Federal Register, Vol. 78, No. 176, p. 55731, is Sacramento County. However, the Tribe's ancestral territory spans from Sacramento County to portions of the surrounding Counties. The Tribe is concerned about projects and undertakings that have potential to impact resources that are of cultural and environmental significance to the tribe.

After review of your letter we have determined the project lies within the Tribe's ancestral territory. We appreciate the opportunity to comment on this and any other projects within the Tribe's ancestral territory that may be in your jurisdiction.

The Environmental Resources Department would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's area of potential effect (APE), and area surrounding the APE including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

- * A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
- * Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- * If the probability is low, moderate, or high that cultural resources are located in the APE or area surrounding the APE.
- * Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE or area surrounding the APE; and
- * If a field investigation survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
- * The Tribe shall be present at any field investigation surveys conducted on the Applicants behalf.

2. The results of any archaeological inventory survey that was conducted, including:

- * Any reports that may contain site forms, site significance, and suggested mitigation measures.
- * Any reports or inventories found under the Native American Graves Protection and Repatriation Act.
- * All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10. All Wilton Rancheria correspondences shall be kept under this confidential section and only shared between the Tribe and lead agency.

3. The results of any Sacred Lands File (SLF) check conducted through Native American Heritage Commission. The request form can be found at Blockedhttp://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE or areas surrounding the APE; and

5. Any geotechnical reports regarding all or part of the potential APE or areas surrounding the APE.

* The Tribe shall be notified before any geotechnical testing is planned. Geotechnical testing has potential to impact Tribal Cultural Resources and should be part of this consultation.

The information gathered will provide us with a better understanding of the project and will allow the Tribe to compare your records with our database.

Please contact Ed Silva, Natural Resources Coordinator via email at esilva@wiltonrancheria-nsn.gov <<mailto:esilva@wiltonrancheria-nsn.gov>> if you have any further questions or concerns.



YOCHA DEHE
CULTURAL RESOURCES

February 20, 2019

U.S. Army Corps of Engineers
Jacksonville District - Env'tl. Branch
Attn: Andrew LoSchiavo, Acting Chief
701 San Marco Boulevard
Jacksonville, FL 32207-0019

RE: San Francisco Bay to Stockton Navigation Improvement Project

Dear Mr. LoSchiavo:

Thank you for your project notification letter dated, January 31, 2019, regarding cultural information on or near the proposed San Francisco Bay to Stockton Navigation Improvement Project, California. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, Yocha Dehe Wintun Nation is not aware of any known cultural resources near this project site and a cultural monitor is not needed. However, if any new information or cultural items are found, please contact the Cultural Resources Department. In addition, we recommend cultural sensitivity training for any pre-project personnel. Please contact the individual listed below to schedule the cultural sensitivity training, prior to the start of the project.

Robert Geary, Tribal Monitor Supervisor
Yocha Dehe Wintun Nation
Office: (530) 215-6180
Email: rgeary@yochadehe-nsn.gov

Please refer to identification number YD - 02062019-06 in correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

Burnam Lowell, Sr.
Tribal Historic Preservation Officer

Cultural Resource Correspondence Programmatic Agreement

**PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS,
AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
SAN FRANCISCO BAY TO STOCKTON, CALIFORNIA, NAVIGATION
IMPROVEMENT PROJECT**

WHEREAS, the U. S. Army Corps of Engineers, San Francisco District (USACE), is proceeding with a feasibility study for the San Francisco Bay to Stockton, California, Navigation Improvement Project as authorized by under the Rivers and Harbors Act of 1965, Pub. L. No. 89-298, § 309, 79 Stat. 1073, 1094; and

WHEREAS, the feasibility study is a General Reevaluation Report (GRR) to increase efficiency of existing tanker vessels; USACE proposes to study alternatives and measures that relate to improving navigation access to ports, harbors, refineries, and military terminals and reducing annual operations and maintenance (O&M) costs from San Francisco Bay through San Pablo and Suisun Bay; these improvements include, but are not limited to, the following measures: deepening of the existing Pinole Shoal and Bulls Head Reach Portion of the Suisun Bay navigation channels and side slopes, deepening the Bulls Head Reach Sediment Trap, and removal of a rock outcrop located west of Pinole Shoal; and

WHEREAS, the USACE has determined that the proposed improvements constitutes an Undertaking as defined in the Advisory Council on Historic Preservation Procedures, 36 C.F.R. § 800.16(y), that is subject to Section 106 of the National Historic Preservation Act of 1966, 54 U.S.C. § 306108 (formerly 16 U.S.C. § 470f, referred to hereinafter as "Section 106" or "NHPA"); and

WHEREAS, the USACE has consulted with the California State Historic Preservation Officer (SHPO) and determined the Area of Potential Effects (APE) to be located in San Pablo and Suisun Bays within Marin, Sonoma, Solano, Contra Costa and Sacramento Counties; the current APE for this project is considered to be a 0.25-mile buffer around project features including the existing federal navigation channels, the Bulls Head Reach sediment trap, and the underwater rock outcrop, the vertical APE is -40 feet mean lower low water (MLLW) (Attachment A); and

WHEREAS, the USACE previously conducted a cultural resource survey of a portion of the APE, which is documented in a *Report on a Nautical Archaeological Survey of 4 Areas in the John F. Baldwin Ship Channel* (Sullivan and Allen 2006); and

WHEREAS, at least one potential Historic Property was identified within the APE, consisting of a cluster of eight submerged targets that are collectively identified as the Baldwin Channel Wreck and are designated as P-07-002760 and P-21-000598; and

WHEREAS, historic research indicates that additional Historic Properties may be located within submerged portions of the APE and large areas of the APE have not been inventoried for

Historic Properties; and

WHEREAS, the USACE has determined that the Undertaking may have an effect on Historic Properties that are either included in, eligible for inclusion in, or are unevaluated for the National Register of Historic Places (NRHP); and

WHEREAS, the USACE cannot fully determine the effects of the Undertaking on Historic Properties prior to final approval of the Undertaking, requires a phased process to identify and evaluate Historic Properties, as provided for at 36 C.F.R. § 800.8(c)(1)(ii), and has decided to comply with Section 106 of the NHPA for the Undertaking through the execution and implementation of this Programmatic Agreement (Agreement), pursuant to 36 C.F.R. § 800.14(b)(1)(ii); and

WHEREAS, the USACE has consulted with the SHPO on the development of this Agreement for phasing the Section 106 process for the Undertaking; and

WHEREAS, this Agreement shall establish the process the USACE shall follow for compliance with Section 106, taking into consideration the views of the Signatory and Concurring Parties; and

WHEREAS, in accordance with 36 C.F.R. § 36 C.F.R. § 800.6(a)(1), through correspondence sent on December 10 2019, the USACE notified the Advisory Council on Historic Preservation (ACHP) of the development on this Agreement. Through correspondence dated December 20 2019, the ACHP does not believe their participation as an Invited Signatory to execute this Agreement is needed. If the ACHP receives a request for participation from the SHPO, Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, the ACHP will reconsider this decision; and

WHEREAS, the Port of Stockton is the non-Federal Sponsor for the study, and has been invited to participate in this Agreement as a Concurring Party; and

WHEREAS, the Abandoned Shipwreck Act of 1987 (ASA), 43 U.S.C. 2101-06 (2018), transfers titles of abandoned shipwrecks on submerged lands to the state of California, and the California State Lands Commission (CSLC) is the custodian of those shipwrecks, the USACE has coordinated with the CSLC and their database to identify shipwrecks that are potentially within the project area and will continue to coordinate if further shipwrecks are identified; and

WHEREAS, the Amah Mutsun Tribal Band of Mission San Juan Bautista, Cloverdale Rancheria of Pomo Indians, Coastanoan Rumsen Carmel Tribe, Cortina Rancheria Kletsel Dehe Band of Wintun Indians, Dry Creek Rancheria Band of Pomo Indians, Federated Indian of Graton Rancheria, Indian Canyon Mutsun Band of Costanoan, Kashia Band of Pomo Indians of the Stewarts Point Ranchero, Lytton Rancheria, Middletown Rancheria, Mishewal-Wappo Tribe of Alexander Valley, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, The Ohlone Indian Tribe, United Auburn Indian Community of the Auburn Rancheria, Wilton Rancheria, and Yocha Dehe Wintun Nation have been invited by the USACE, in accordance with 36 C.F.R. § 800.2(c)(2)(ii)(A) and 36 C.F.R. § 800.3(f)(2), to participate in the

Section 106 process for the Undertaking as Concurring Parties and will continue to be included throughout the implementation of the project; and

WHEREAS, the Wilton Rancheria has indicated a desire to participate in consultation on the project and the USACE has invited the Wilton Rancheria to be a Concurring Parties to this Agreement; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(4) and 36 C.F.R. § 800.14(b)(2)(ii), the USACE has notified the public of the Undertaking; held a public meeting on the Undertaking on June 11, 2019, and provided an opportunity for members of the public to comment on the Undertaking and the Section 106 process as outlined in this Agreement on November 15, 2019; and.

WHEREAS, the definitions set forth in 36 C.F.R § 800.16 are incorporated herein by reference and apply throughout this PA; and

WHEREAS, the definitions for Signatory Parties set forth in 36 C.F.R. § 800.6(c)(1), and the definitions for Concurring Parties set forth in 36 C.F.R. § 800.6(c)(3), are incorporated herein by reference and apply throughout this PA; and

NOW, THEREFORE, the USACE and the SHPO agree that the proposed Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on Historic Properties and to satisfy the USACE's Section 106 responsibilities for all individual aspects of the Undertaking.

STIPULATIONS

The USACE shall ensure that the following measures are carried out:

Stipulation I Time Frames and Review Procedures

A. For all documents and deliverables produced in accordance with the stipulations of this PA, including findings and effects determinations, USACE shall provide a draft document to the SHPO, Concurring Parties, and Indian tribes for review. Any written comments provided by the SHPO, Concurring Parties, and Indian tribes, within thirty (30) calendar days from the date of receipt, shall be considered in the revision of the document or deliverable. USACE shall document and report the written comments received for the document or deliverable and how comments were addressed. USACE shall provide a revised final document or deliverable to the SHPO, Concurring Parties, and Indian tribes. The SHPO, Concurring Parties, and Indian tribes shall have thirty (30) calendar days from receipt to respond. Failure of the SHPO, Concurring Parties, and Indian tribes to respond within thirty (30) calendar days of receipt of any submittal shall not preclude USACE from moving to the next step in this PA.

B. Should the SHPO object to the final document or deliverable submitted for review,

USACE and SHPO shall consult for a period not to exceed fifteen (15) calendar days or other agreed upon time period) following the receipt of the SHPO's written objection in an effort to come to agreement on the issues to which the SHPO has objected. Should the SHPO and USACE be unable to agree on the issues to which the SHPO has objected, the SHPO and USACE shall proceed in accordance with **Stipulation XII (Dispute Resolution)** below. The timeframe to consult to resolve a disagreement or objection may be extended by mutual consent of USACE and the SHPO.

Stipulation II

Area of Potential Effects Definition

A. The USACE has determined and documented the Area of Potential Effects (APE) for the Undertaking in consultation with SHPO. The USACE will consult regarding any modifications to the APE with the SHPO, Concurring Parties, and Native American Consulting Parties per **Stipulation III (Tribal Involvement)**. Once the USACE has determined the modified APE, the USACE will provide it to SHPO for review and comment, per 36 C.F.R. § 800.4, in the time frames established in **Stipulation I (Time Frames and Review Procedures)**. Modifications of the APE may be made by mutual agreement of the Signatories without amending this Agreement. For the purposes of this PA, the APE includes the extent of all construction and dredging activity required to construct the project, additional right-of-way/easements for the project's features, all borrow sources, stockpiling and spoils areas, staging areas, and access routes and takes into account potential for direct and indirect effects to Historic Properties that could result from the Undertaking.

B. The APE is located on the Benicia and Mare Island 7.5 Minute USGS topographic quadrangles in Marin, Sonoma, Solano, Contra Costa, and Sacramento Counties. A map of the APE is in Appendix 3.

C. The USACE shall provide timely notice of any modifications with the dredging, right-of-way, and ancillary areas in accordance with **Stipulation I (Time Frames and Review Procedures)**.

Stipulation III

Tribal Involvement

A. USACE will make a reasonable and good-faith effort to identify Native American properties of traditional religious and cultural importance. USACE will consult with federally-recognized Indian tribes as listed on the Federal recognized tribe list, 84 Fed. Reg. 1200 (Feb. 1, 2019) and California Native American Tribes on the contact list maintained by the Native American Heritage Commission (Tribes or Indian Tribes). USACE will ensure that consultation continues throughout the implementation of this PA.

B. In accordance with the guidance provided in National Register Bulletin 38 and Preservation Brief 36, USACE will seek comments from all Indian tribes in making determinations of NRHP eligibility for resources including Traditional Cultural Properties (TCPs) and Cultural Landscapes (as defined in Bulletin 38 and Preservation Brief 36). Review of

documentation shall be consistent with **Stipulation I (Timeframes and Review Procedures)**.

C. In consultation with Tribes, the USACE will develop appropriate methods to resolve adverse effects to Historic Properties and will prepare Historic Property Treatment Plans (HPTP) pursuant to **Stipulation VII (Preparation of Historic Property Treatment Plan)**, or as a requirement during construction activities when issuing Notices to Proceed pursuant to **Stipulation VIII (Notices To Proceed With Dredging)** in areas with potential for Historic Properties of traditional religious and cultural importance. Areas with potential for Historic Properties of traditional religious and cultural importance will be determined in consultation with Indian tribes and Native American interested parties.

D. Pursuant to 36 C.F.R. § 800.6(c)(2)-(3), the USACE shall consider requests by Tribes and interested parties to become Concurring Parties to this Agreement. In accordance with **Stipulation I (Timeframes and Review Procedures)**, Concurring Parties to this Agreement will receive documents produced under this Agreement, as appropriate.

E. USACE shall make a reasonable and good-faith effort to ensure that Indian tribes, acting as either Concurring Parties or those expressing interest in the project, will be invited to participate in the development and implementation of the terms of this PA, including, but not limited to, the identification of the APE, identification of potential Historic Properties, determinations of eligibility, findings of effect, and the resolution of adverse effects for those Historic Properties. Review periods shall be consistent with **Stipulation I (Timeframes and Review Procedures)** except in situations involving unanticipated discoveries and treatment, which shall follow the review schedules of **Stipulation IX (Post-Review Discovery)**. USACE shall ensure that all interested Native American reviewers shall receive copies of all final survey and evaluation reports.

F. Indian tribes may choose not to sign this PA as a Concurring Party. Indian tribes and individuals not acting as Concurring Parties to the PA will be contacted when USACE identifies potential interest in a specific action of the project. USACE will make a good faith effort to identify any Native American organizations and individuals with interest in the proposed treatment of Historic Properties. The identification effort may include contacting the Native American Heritage Commission (NAHC), using online databases, and using personal and professional knowledge. USACE will then contact each identified organization and individual by mail or email inviting them to consult. If interest from the contacted parties is received by USACE, USACE will proceed to consult in accordance with **Stipulation III (Tribal Involvement)**. Further consultation may also be carried out through either letters of notification, emails, public meetings, environmental assessments/environmental impact statements, site visits, and/or another method requested by a Tribe or Native American interested party. Failure of any contacted group to comment within thirty (30) calendar days shall not preclude USACE from proceeding with the project.

Stipulation IV Professional Qualifications

A. Professional Qualifications: All technical work required for historic preservation

activities implemented pursuant to this PA shall be carried out by or under the direct supervision of a person or persons meeting, at a minimum, the Secretary of Interior's Professional Qualifications Standards for archeology or history, as appropriate (48 Fed. Reg. 44,739).

"Technical work" here means all efforts to inventory, evaluate, and perform subsequent treatment such as data recovery excavation or recordation of potential Historic Properties that is required under this PA. This stipulation shall not be construed to limit peer review, guidance, or editing of documents by SHPO and associated project consultants.

B. Historic Preservation Standards: Historic preservation activities carried out pursuant to this PA shall meet the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 Fed. Reg. 44,716-40), as well as standards and guidelines for historic preservation activities established by the SHPO. USACE shall ensure that all reports prepared pursuant to this PA will be provided to the Signatories, Concurring Parties, and Indian tribes and are distributed in accordance with **Stipulation I (Timeframes and Review Procedures)**, and meet published standards of the California Office of Historic Preservation, specifically, Preservation Planning Bulletin Number 4(a), "Archaeological Resources Management Reports (ARMR): Recommended Contents and Format" (December 1989).

C. Archeological Monitor Standards: Archeological monitoring activities required for exploratory, construction, or construction related ground disturbing activities implemented pursuant to this PA shall be carried out by a person meeting, at a minimum, the Secretary of Interior's Professional Qualifications Standards for prehistoric or historic archaeology, as appropriate (48 Fed. Reg. 44,739). "Archeological monitoring" here includes monitoring ground disturbing activities that have been determined by USACE to be occurring in areas potentially sensitive for Historic Properties or buried resources.

Stipulation V Identification and Evaluation

USACE shall complete the identification and evaluation of Historic Properties prior to proceeding with construction. If the Signatory Parties object to the USACE' identification and evaluation efforts and do not agree to proceed with the phase of the project, the USACE shall follow **Stipulation XII (Dispute Resolution)**.

A. Identification of Historic Properties: An inventory of properties within the APE, agreed to under **Stipulation II (Area of Potential Effects Definition)**, consistent with the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Fed. Reg. 44,716-40), will be initiated for the project, or for individual phases of the project, as construction details become available. Surveying and identifying shipwreck and submerged resources shall followed Part II.D of the Abandoned Shipwreck Act Guidelines (55 Fed. Reg. 50,116). Survey recordation shall include features, isolates, and re-recordation of previously recorded resources. Records and literature searches shall be considered complete and current for a period of three years after they are conducted unless, in the professional opinion of the USACE archaeologist, more frequent updates are required. The survey shall ensure that Historic Properties such as historical structures and buildings, historical shipwrecks, historical engineering features, landscapes, viewsheds, and traditional cultural properties (TCPs) with

significance to Native American communities, are recorded in addition to archaeological sites. Recordation of historic structures, buildings, objects, and sites shall be prepared using the California Department of Parks and Recreation (DPR) 523 Site Record forms.

B. Evaluation of Properties: After recordation on DPR 523 Site Record forms, all identified resources shall be evaluated for NHRP eligibility in accordance with **Stipulation IV (Professional Qualifications)**. Evaluation of shipwreck resources shall follow Part II.E (Documenting and Evaluating Shipwrecks) of the Abandoned Shipwreck Act Guidelines (55 Fed. Reg. 50,116). USACE shall submit a completed inventory and evaluation reports to the SHPO and Concurring Parties in accordance with **Stipulation I (Timeframes and Review Procedures)**.

1. If SHPO, any Concurring Parties, and/or Indian tribes disagree regarding eligibility and a dispute cannot be resolved using the dispute resolution process in **Stipulation XII (Dispute Resolution)**, the USACE shall notify all parties involved and seek a formal determination of eligibility through the Keeper of the National Register of Historic Places (Keeper). The Keeper's determination will be final in accordance with 36 C.F.R § 63.4.

Stipulation VI Determinations of Effect

Avoidance of adverse effects to Historic Properties is the preferred treatment approach. The USACE will consider redesign of project elements in order to avoid Historic Properties and project effects that may be adverse. However, in some cases, it may not be possible to redesign the project in order to avoid adverse effects to Historic Properties.

The USACE shall apply the Criteria of Adverse Effect pursuant to 36 C.F.R. § 800.5(a)(1) to all Historic Properties within the APE that will be affected by the project. Determinations of effect shall be made in consultation with the SHPO and the Concurring Parties. If there are no effects to Historic Properties, USACE shall prepare and submit the finding of effect document in accordance with **Stipulation I (Timeframes and Review Procedures)** and then follow the provisions of **Stipulation VIII (Notices To Proceed With Dredging)**. If adverse effects will occur to Historic Properties, and SHPO and Concurring Parties agree to the finding of adverse effect, a Historic Property Treatment Plan (HPTP) will be developed in accordance with **Stipulation VII (Preparation of Historic Property Treatment Plan)**.

Stipulation VII Preparation of Historic Property Treatment Plan

If it is determined that project activities will result in adverse effects, USACE, in consultation with the SHPO, Concurring Parties, and Native American Consulting Parties, shall develop a Historic Properties Treatment Plan (HPTP) to resolve all adverse effects resulting from the project, which would be appended to this PA. The HPTP shall describe how the USACE intends to resolve adverse effects to Historic Properties, as well as any minimization measures that may be necessary to avoid adverse effects to Historic Properties as a result of the Undertaking. If adverse effects are identified, the HPTP shall be in effect before construction commences. The

HPTP may be amended and appended to this PA without amending the PA. USACE would submit the HPTP for review in accordance with **Stipulation I (Timeframes and Review Procedures)**.

A. Scope: The HPTP may address individual or multiple Historic Properties or Historic Property types. An HPTP will stipulate those actions the USACE will take to resolve the adverse effects of the project on Historic Properties within the project phase or specific action specified by the HPTP. For properties eligible under criteria specified in 36 C.F.R. § 60.4 (A) through (D), mitigation other than data recovery may be considered in the treatment plan (e.g., HABS/HAER, oral history, historic markers, exhibits, interpretive brochures or publications, or other means as deemed appropriate by the signatories). Additionally, the HPTP will abide by the Abandoned Shipwreck Act Guidelines, 55 Fed. Reg. 50,116 (December 4, 1990; ASA Guidelines) guiding federal agencies on how to effectively manage abandoned shipwrecks in submerged lands under their ownership or control. Appropriate measures for avoidance or minimization of effect to Historic Properties shall also be included, as needed. The HPTP shall include a Monitoring Plan to be implemented if it is determined that archaeological and/or tribal monitors are appropriate for the undertaking.

B. Review: USACE shall submit the Draft HPTP to the SHPO, Concurring Parties, and Native American Consulting Parties for review and comment pursuant to **Stipulation I (Time Frames and Review Procedures)**.

C. Reporting: Reports and other data pertaining to the treatment of effects to Historic Properties will be distributed to Concurring Parties to this PA, Indian tribes, and other members of the public, consistent with **Stipulation I (Timeframes and Review Procedures)** of this PA, unless parties have indicated through consultation that they do not want to receive a report or data.

D. Amendments/Addendums/Revisions: If a Historic Property that is not covered by the existing HPTP is discovered within the APE subsequent to the initial inventory effort, or if there are previously unexpected effects to a Historic Property, or if USACE and SHPO agree that a modification to the HPTP is necessary, USACE shall prepare an addendum to the HPTP. The USACE shall then submit the addendum to the SHPO, Concurring Parties, and Indian tribes for review and comment, and if necessary, shall follow the provisions of **Stipulation IX (Post-Review Discovery)**. The HPTP may cover multiple discoveries for the same property type.

D. Data Recovery: In consultation with the SHPO, tribes, and Concurring Parties, when data recovery is proposed, USACE shall ensure that specific Research Designs are developed consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and the ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" (ACHP, May 18, 1999) and 36 C.F.R. 800.6(b), and submitted to SHPO and Concurring Parties pursuant to **Stipulation I (Timelines and Procedures)**.

E. Final Report Documenting Implementation of the Historic Properties Treatment Plan: Within one year after the completion of all work for the project, USACE shall submit to the

SHPO, Concurring Parties, and Indian tribes, a Final Report documenting the results of all work prepared under the HPTP, and the information learned from each of the Historic Properties. The submittal of the Final Report shall be in accordance with **Stipulation I (Timeframes and Review Procedures)**.

Stipulation VIII Notices To Proceed With Dredging

Notices to Proceed (NTP) may be issued by the USACE for individual dredging segments, defined by the USACE in its dredging specifications, under any of the following conditions:

- A. The USACE and SHPO have determined through consultation that there are no Historic Properties within the APE for a particular dredging segment; or
- B. The USACE, after consultation with the SHPO, concurring parties, and consulting parties has implemented an adequate Historic Property treatment plan for the dredging segment, and
 - (a) Any required fieldwork for the resolution of adverse effects has been completed; and
 - (b) The USACE has accepted a summary or report of the fieldwork performed and a reporting schedule for that work and SHPO has reviewed pursuant to **Stipulation I (Time Frames and Review Procedures)** and confirmed that the requirements of the HPTP have been met for that phase. These documents will be circulated pursuant to **Stipulation I (Time Frames and Review Procedures)**.

Stipulation IX Post-Review Discovery

A. The USACE is responsible for complying with 36 C.F.R. § 800.13 in the event of inadvertent discoveries of Historic Properties during implementation of the Project. If an HPTP has been prepared, the HPTP will provide specific procedures for complying with post review and inadvertent discoveries of Historic Properties. If an HPTP has not been prepared and there is a discovery of an unknown historic property, the USACE shall follow 36 C.F.R. § 800.13(b). Additionally, the following procedures shall be followed:

- 1. Workforce Training: During implementation of project activities, USACE personnel, archeologists meeting the professional qualifications as described in **Stipulation IV (Professional Qualifications)**, and/or Tribal members will provide training to all construction personnel before they begin work, regarding proper procedures and conduct in the event that archeological materials are encountered during construction.
- 2. Human Remains: Treatment of human remains is governed by **Stipulation XII (Treatment of Human Remains)**.

Stipulation X Curation

If, in consultation with Concurring Parties and Indian Tribes, curation is determined to be appropriate mitigation to resolve adverse effects of this Undertaking, curation shall be conducted in accordance with 36 C.F.R. pt. 79, except those materials identified as Native American human remains and items associated with Native American burials. Archeological items and materials from State or privately owned lands shall be maintained in accordance with 36 C.F.R. pt. 79 until any specified analyses are complete. This agreement incorporates by reference the definitions for “human remains” and “funerary objects” set forth in 43 C.F.R. § 10.2(d) and those definitions shall apply to actions under this Agreement.

Stipulation XI Treatment of Human Remains

In cases when human remains are discovered on non-federally owned property within the designated APE, the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001-13 (2018), would not apply. USACE and the landowner shall ensure that human remains and any items associated with the remains encountered during the project that are located on state or private land are treated in accordance with the requirements in California State Health and Safety Code, Section 7050.5 and Public Resources Code 5097.98. If Native American human remains are encountered within the context of a National Register eligible or potentially eligible archaeological site, a clear means of identifying those remains and associated funerary objects will be described in the HPTP. Any procedures described in the HPTP regarding the handling or treatment of human remains will be coordinated with the landowner to ensure that they are consistent with Public Resources Code 5097.98. In the event that any Native American human remains or associated funerary items are identified, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be invited to advise the landowner in the treatment of any Native American human remains and items associated with Native American burials.

Stipulation XII Dispute Resolution

- A. Should any Signatory or Concurring Party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the USACE shall notify the other parties to the PA and consult with the objecting party to resolve the objection. If the USACE determines that such objection cannot be resolved, the USACE will:
 - 1. Forward all documentation relevant to the dispute, including the USACE’ proposed resolution, to the ACHP. The ACHP shall provide the USACE with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute

from the ACHP, Signatories and Concurring Parties, and provide them with a copy of this written response. The USACE will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and Concurring Parties to the PA, and provide them and the ACHP with a copy of such written response
3. The USACE' responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

Stipulation XIII Annual Reporting

USACE shall provide the parties to this PA an annual summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in USACE's efforts to carry out the terms of this PA. USACE will provide the initial annual summary report on or before December 31, 2020, and provide subsequent reports on or before December 31 each year following until the PA expires or is terminated. Review of the annual summary report shall follow the procedure outlined in **Stipulation I (Time Frames and Review Procedures)**. At the request of any Signatory or Concurring Party to this PA, or if otherwise deemed necessary, the USACE shall ensure that one or more meetings are held to facilitate review, address questions, or resolve comments.

Stipulation XIV Notices

- A. All notices, demands, requests, consents, approvals or communications from all parties to this Agreement to other parties to this Agreement shall be personally delivered, sent by United States physical mail or digitally through e-mail. If physical mail is chosen as a form of notice, a receipt of the materials five (5) calendar days after deposit in the United States mail will be certified with postage prepaid along with a return receipt if requested.
- B. Signatory and Concurring Parties agree to accept facsimiles or copies of signed documents and agree to rely upon such facsimiles or copies as if they bore original signatures.

Stipulation XV Amendments, Noncompliance, and Termination

- A. Amendment: Any Signatory Party to this Agreement may propose that the Agreement be amended, including to extending the duration of the Agreement, whereupon the USACE shall consult with the Signatories for thirty (30) days to consider such amendment. The Agreement may be amended only upon written concurrence of all Signatories.

All attachments to this Agreement, and other instruments prepared pursuant to this agreement including, but not limited to, the project's description, initial cultural resource inventory report and maps of the APE, the HPTP, and monitoring and discovery plans, may be individually revised or updated through consultation consistent with **Stipulation I (Timeframes and Review Procedures)** and agreement in writing of the Signatories without requiring amendment of this Agreement, unless the Signatories through such consultation decide otherwise. In accordance with **Stipulation III (Tribal Involvement)**, the Concurring Parties, interested Native American Tribes, and interested members of the public, will receive a copy of amendments to the project's description, initial cultural resource inventory reports and maps of the APE, the HPTP, and monitoring and discovery plans, as appropriate, and copies of any amendment(s) to the Agreement.

B. Termination: Only the Signatories may terminate this Agreement. If this Agreement is not amended as provided for in **Stipulation XV (Amendments, Noncompliance, and Termination)**, or if any Signatory proposes termination of this Agreement for other reasons, the Signatory proposing termination shall notify the other Signatory in writing, explain the reasons for proposing termination, and consult with the other Signatory to seek alternatives to termination, within thirty (30) calendar days of receipt of the notification.

Should such consultation result in an agreement on an alternative to termination, the Signatories shall proceed in accordance with that agreement.

Should such consultation fail, the Signatory proposing termination may terminate this Agreement by promptly notifying the other Signatory and Concurring Parties in writing.

Beginning with the date of termination, USACE shall ensure that until and unless a new agreement is executed for the actions covered by this Agreement, such undertakings shall be reviewed individually in accordance with 36 C.F.R. § 800.4-800.6.

Stipulation XVI Duration of the PA

A. If the project has not been implemented within five (5) years of the date of execution of the PA, the PA shall automatically expire and have no further force or effect at the end of this five (5) year period unless it is amended or terminated prior to that time. If the PA has not been terminated, the signatories shall consult on a date not less than 90 days prior to the tenth anniversary of this PA to reconsider its terms. Reconsideration may include continuation of the PA as originally executed, amendment, or allowing the PA to expire. If the PA is terminated because the Undertaking no longer meets the definition of an "Undertaking" set forth in 36 C.F.R. § 800.16(y) and pursuant to **Stipulation XVI (Amendments, Noncompliance, and Termination)**.

B. This PA will be in effect through USACE's implementation of the Undertaking, and will terminate and have no further force or effect when the USACE, in consultation with the other signatories, determines that the terms of this PA have been fulfilled in a satisfactory manner

and/or USACE involvement in the project has ended. The USACE will provide the other signatories with written notice of its determination and of termination of this PA.

Stipulation XVII
Effective Date

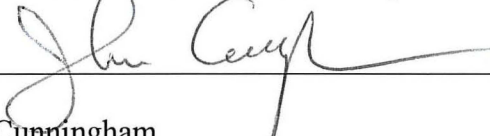
This PA shall take effect on the date that it has been fully executed by USACE, and the SHPO.

EXECUTION of this Agreement by USACE and the SHPO, its transmittal to the ACHP, and subsequent implementation of its terms evidence that USACE has afforded the ACHP an opportunity to comment on the undertaking and its effects on Historic Properties, that USACE has taken into account the effects of the undertaking on Historic Properties, and that USACE has satisfied its responsibilities under Section 106 of the NHPA and applicable implementing regulations for all aspects of the undertaking.

**PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS,
AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
THE SAN FRANCISCO BAY TO STOCKTON, CALIFORNIA, NAVIGATION
IMPROVEMENT PROJECT**

SIGNATORIES TO THIS AGREEMENT:

U.S. ARMY CORPS OF ENGINEERS, SAN FRANCISCO DISTRICT

BY:  DATE: 2/7/2020

John D. Cunningham
Lieutenant Colonel, U.S. Army
District Commander and Engineer

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

BY:  DATE: 2/14/20

for
Julianne Polanco
California State Historic Preservation Officer

CONCURRING PARTIES TO THIS AGREEMENT:
WILTON RANCHERIA

BY: _____ DATE: _____

ATTACHMENT A: SAN FRANCISCO BAY TO STOCKTON AREA OF POTENTIAL EFFECTS MAP



ATTACHMENT B: HISTORIC PROPERTY TREATMENT PLAN

Reserved for future use.

**(Refer to Stipulation VII
Preparation of Historic Property Treatment Plan for more information)**