

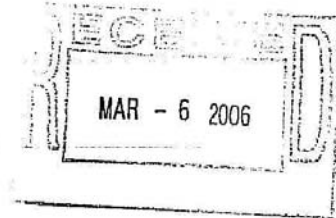
LETTER 16: STATE OF CALIFORNIA – GOVERNOR’S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT (MARCH 17, 2006)

Response to Comment 16-1

The comment is a notification accompanying a comment letter received after the official comment period for the proposed project had ended, and does not address the adequacy of the DEIR.

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov

Letter 17



March 1, 2006

David Mohlenbrok
Planner
City of Rocklin
Community Development Department
3970 Rocklin Rd.
Rocklin, CA 95677

Recirculated Draft Environmental Impact Report (DEIR) Clover Valley (SCH # 93222077)

Dear Mr. Mohlenbrok:

The Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California. Thank you for the opportunity to comment on the above document.

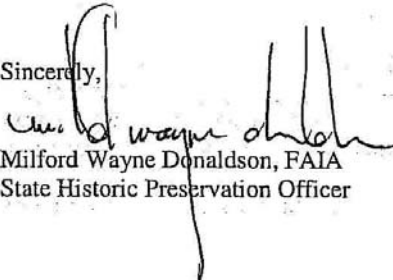
17-1

The OHP is the state's recognized authority on historical resources and on their long-term preservation. Therefore, to fulfill our role intended for us by the legislature we comment on projects under the California Environmental Quality Act (CEQA). In order to comment on the cultural resources potentially effected by the above project, it is necessary to have the complete record that is referenced in the Cultural Resources section of the DEIR at our disposal. My office contacted you on February 15, 2006 in regard to the above project and requested the following information: the Peak & Associates Cultural Resources Report dated 2002, the draft Historic Properties Management Plan (HPMP) and the Army Corps of Engineers report.

My staff received a phone message indicating that the documents could not be made available. That is unacceptable. Under CEQA, (Pub. Res. Code sec. 21092 (b)), the lead agency is required to make all documents cited in the EIR available for public review. Please submit as soon as possible the above requested documents in either electronic or hard copy format in order for my office to fulfill its commenting responsibilities under CEQA.

If you have any further questions, please contact Michelle C. Messinger, Historian II, CEQA Coordinator Local Government Unit at (916) 653-5099 or at mmessinger@parks.ca.gov.

Sincerely,


Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

**LETTER 17: STATE OF CALIFORNIA – OFFICE OF HISTORIC PRESERVATION,
DEPARTMENT OF PARKS AND RECREATION**

Response to Comment 17-1

The City responded to this comment directly on March 8, 2006. The response letter is included below and serves as the response to this comment letter.



City of Rocklin

3970 Rocklin Road
Rocklin, CA 95677-2720
916-625-5000
TDD 916-632-4187
www.ci.rocklin.ca.us

March 8, 2006

Milford Wayne Donaldson
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

FILE COPY

**Re: Your March 1, 2006 Letter Requesting Certain Documents
Referenced in the Recirculated Draft Environmental Impact
Report (RDEIR) for Clover Valley (SCH #93222077)**

Dear Mr. Donaldson:

The City of Rocklin appreciates the important role the State Office of Historic Preservation (SHPO) plays in the protection of cultural resources and provides the following response to the referenced request.

Your March 1, 2006 letter was unclear as to the documents requested. You asked for, "the Peak & Associates Cultural Resources Report dated 2002." The report with that name appearing in the RDEIR is dated 2006. Assuming you wish to review the 2006 document, it is enclosed with this letter in Appendix G of Volume 2.

Your letter also requests a copy of, "the Army Corps of Engineers report." If you are referring to the *Determination of Eligibility and Effect on Cultural Resources Within The Clover Valley Lakes Project 2002* (DOE) submitted to the U.S. Army Corps of Engineers (Corps), the document is already in your possession (this point was made when the City responded to Michelle Messinger's request, which is different from the "the documents could not be made available" response that you have indicated in your correspondence). I have enclosed for your reference a letter dated October 3, 2002 from Dr. Knox Mellon (SHPO) to the Corps wherein the SHPO acknowledges receipt of the DOE and makes its determination that cultural resources located at Clover Valley comprise an Archeological District eligible for inclusion on the National Register of Historic Places. Nonetheless, the City has included a copy of that report in this correspondence.

Your office also requested a copy of the draft Historic Properties Management Plan (HPMP). Under normal circumstances all documents cited by an EIR are to be made available to the public. (Pub. Res. Code sec. 21092(b)).

Administrative Services 625-5000 FAX 625-5095 – City Hall 625-5560 FAX 625-5561
Community Development 625-5160 FAX 625-5195 – Engineering 625-5140 FAX 625-5195
Building 625-5120 FAX 625-5195 – Community Services and Facilities 625-5200 FAX 625-5296
Public Works 625-5500 FAX 625-5501 – Police 625-5400 FAX 625-5495 – Fire 625-5300 FAX 625-5303

Nevertheless, because of concerns for the preservation and security of the cultural resources at Clover Valley, circulation of the draft HPMP has been limited to a "need to know basis." This emphasis on confidentiality finds expression in section 304 of the National Historic Preservation Act (NHPA):

The head of a Federal agency or other public official . . . shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may . . . risk harm to the historic resources . . . " (16 U.S.C. 470w-3(a) as amended through 2000)

While a formal determination in favor of confidentiality has not yet been requested, the City of Rocklin is confident that if a member of the public asked for the disclosure of information contained in the HPMP, such a request would properly be denied pursuant to the above-cited statute. For the sake of the security and integrity of the sites, then, the City of Rocklin is operating well within the intent of Federal law when it declines to make the draft HPMP available to the *public* in accordance with the California Public Resources Code.

The State Office of Historic Preservation, however, cannot reasonably be equated with the public. Indeed, as the RDEIR notes, the SHPO is an integral part of developing and approving the mitigation measures included in the HPMP. (RDEIR 4.7 -33) However, it is not pursuant to CEQA, but pursuant to NHPA section 106 that the SHPO fulfills its role to consult on specific mitigation measures that are fully developed under the HPMP. The SHPO's role under CEQA, then, is limited to providing comment on the RDEIR based on information available to the public. The City's duty under CEQA is to make available information referenced by the RDEIR and appropriate for disclosure to the public. The City hereby fulfills its role by making the *Peak & Associates Cultural Resources Report dated 2006* and the 2002 DOE available to your office. The HPMP is not available to the public, but will be made available to your office, not through CEQA review, but under section 106 of the NHPA.

As you know, section 106 of the NHPA requires a federal agency with licensing authority to consult with the SHPO before permitting an undertaking that may affect a district eligible for inclusion in the National Register of Historic Places. Typically, Corps consultation with SHPO takes place after the CEQA process is complete. It is during the 106 consulting process that the HPMP will be made available to the SHPO at which time your office will play an important role in consulting upon mitigation measures related to cultural resources at Clover Valley.

I hope this answers your questions with regard to the requested RDEIR support material. Please feel free to contact me with any further questions.

Sincerely,


David Mohlenbrok

Enclosures

Cc: David Garst
Gerry Kamilos
Rick Massie
Melinda Peak
B. Demar Hooper

DM/gb
G:\corresp\2006\responsetoSHP03

OCT-29-2002 TUE 04:56 PM TAYLOR HOOPER & WILEY
OCT-10-2002 THU 09:21 AM

FAX NO. 9169290283
FAX NO.

P. 02/03
P. 02

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY, DAVID, GOVERNOR

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION

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SACRAMENTO, CA 94269-0698
(916) 683-6224 FAX (916) 663-5824
CALINFO@op.parks.ca.gov
www.oHP.parks.ca.gov



October 3, 2002

In reply refer to:
COE020724C
199001279

Michael S. Jewell
Chief, Central California/Nevada Section
US Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

RE Proposed Clover Valley Lakes Project, Placer County, California

Dear Mr. Jewell:

In accordance with 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act, and all applicable regulations, you have requested my comments on the undertaking cited above. The proposed project is a residential community planned to expand over 662 acres of Clover Valley. Your letter states that the Area of Potential Effect (APE) is the entire permit area of 662 acres. You have requested my concurrence with a determination of eligibility and effect for the Clover Valley Lakes Project so the project proponent can meet the requirements of the Clean Water Act.

You have provided a copy of *A Determination of Eligibility and Effect on Cultural Resources within the Clover Valley Lakes Project Area* that documents inventory and evaluation of 34 cultural resources within the APE. You have determined that 33 prehistoric archaeological sites qualify for inclusion in the National Register of Historic Places (NRHP) as an archaeological district under criterion d, for its potential to yield information important in prehistory. You have conducted survey and test investigations that demonstrate that further investigation could address questions regarding cultural chronology, settlement systems, acculturation, subsistence, and exchange.

You have determined that PA-98-107, a historic site consisting of concrete foundations from a residence of the 1920's, is not eligible for the NRHP under any criteria. The remains are too minimal to provide information important in history and the site is not known to have associations with persons or events important to the understanding of the broad patterns of history.

You have applied the criteria of effect and have determined that construction of the proposed project would result in an adverse effect to the historic properties identified within the APE. While the project proponent has redesigned roads and lot placement, you have determined that site avoidance, fencing, capping, and data recovery will still be necessary in some areas.

I concur that the 33 prehistoric sites documented within the Clover Valley Lakes project area are eligible for the NRHP as an archaeological district under criterion d. I concur that the historic site, PA-98-107, falls to meet any criteria and is not eligible for the NRHP. I acknowledge your efforts to consult with interested parties, including Native Americans, and to include them in the development of a treatment

OCT-29-2002 TUE 04:57 PM TAYLOR HOOPER & WILEY
OCT-13-2002 THU 09:22 AM

FAX NO. 9169290283
FAX NO.

P. 03/03
P. 03

Michael S. Jewell
October 3, 2002
Page 2 of 2.

plan. Finally, I concur with your determination that historic properties will be adversely affected by the proposed residential project.

I look forward to continuing consultation to resolve adverse effects to historic properties through the development of a Memorandum of Agreement (MOA) and a plan for treatment of historic properties. If you have any questions or comments, please do not hesitate to call staff archaeologist Jennifer Darcangelo at (916) 654-4614 or email jdarc@ohp.parks.ca.gov.

Sincerely,

Original Signed by

Dr. Knox Mellon
State Historic Preservation Officer

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

Letter 18



March 20, 2006

David Mohlenbrok
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677



Dear Mr. Mohlenbrok:

Re: SCH 1993122077; Clover Valley Large & Small Lot Tentative Subdivision Maps

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

18-1

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UP

LETTER 18: STATE OF CALIFORNIA – PUBLIC UTILITIES COMMISSION

Response to Comment 18-1

The proposed project would not have railroad crossings or other vehicular access to the active railroad corridor, nor do any of the developed lots abut the active rail corridor.