



Charles A. Bello
Environmental Planning
FEMA, US DHS, Region VIII
Denver Federal Center, Building 710
P.O. Box 25267
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DEC 13 2018

Re: FEMA Bohn Park Flood Recovery Project Phase II, Lyons, Boulder County (HC#74521)

Dear Mr. Bello:

Thank you for your correspondence dated November 30, 2018 and received by our office on December 3, 2018 regarding the review of the above referenced project under Section 106 of the National Historic Preservation Act (NHPA). This project was funded under the FEMA Public Assistance grant program and was implemented prior to consultation.

We note that the proposed project is to replace facilities at Bohn Park that were damaged by floods in 2013. Unfortunately, the Colorado State Historic Preservation Officer (SHPO) was not included in the initial consultation process, causing the project to be out of compliance with Section 106. This was identified in March 2018, and construction activities were immediately halted. In a conference call between Steve Hardegen (FEMA), John Ketchum (FEMA), Mark Tobias (SHPO), and Jamie Loichinger (ACHP) on May 9, 2018, our office requested that FEMA take steps in order to comply with the NHPA. This included creating an administrative history of the flood projects, notifying of the Advisory Council on Historic Preservation (ACHP) that consultation was not properly concluded prior to implementation, and that all parties develop policy and/or procedure intended to avoid similar instances in the future.

After review of the documentation provided, we thank you for the administrative history included in the Addendum Report, as well as the geoarchaeological assessment of the project Area of Potential Effect (APE). We *concur* with Banks and Knapp's assessment that the Holocene deposits have little potential to yield intact cultural materials, deposits, or features, and that as almost all of the Holocene deposits have already been removed from the APE, it is unlikely that the remaining Phase II activities will encounter or impact intact cultural materials or features (pg. 18). We also *concur* with Mutaw's recommendation that site 5BL.13015.1 *does not support overall eligibility* of the linear resource for listing on the National Register of Historic Places.

However, we *do not concur* with the recommended effect finding. We feel that as the project was implemented prior to consultation, a finding of *adverse effect* would be more appropriate. Although it is not likely that the Holocene deposits which were removed prior to consultation contained intact cultural materials, deposits, or features, they may have. 36 CFR 800.6(1) states that "an adverse effect is found when an undertaking *may* alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association" (emphasis added). As removal of these sediments prior to consultation may have removed cultural materials that could have provided important information about the past, we feel that an adverse effect finding is more appropriate than the recommended effect finding of no historic properties affected.

We suggest that one aspect mitigation may include the implementation of improved policy to ensure that the consultation process is followed correctly in future FEMA Public Assistance undertakings. We suggest that training for the Public Assistance Grant programs as well as the State of Colorado Office of Emergency

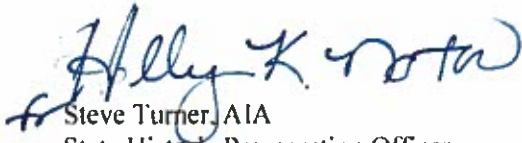


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Management Public Assistance Program, as the grantee, may also be appropriate. Additional aspects of mitigation for public benefit could also include installation of interpretive signs within Bohn Park focusing on the archaeology and/or geology of the region. We request further consultation to determine the most appropriate mitigation measures.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Lindsay Johansson, Section 106 Compliance Manager, at (303) 866-4678 or lindsay.johansson@state.co.us.

Sincerely,


Steve Turner, AIA
State Historic Preservation Officer