



Preserving America's Heritage

****Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format**

Send to: e106@achp.gov

I. Basic information:

Submitted to the ACHP by the Federal Emergency Management Agency (FEMA) 01/26/2019.

- 1. Name of federal agency:** Federal Emergency Management Agency, U.S. Department of Homeland Security, Region VIII, Denver, Colorado.
- 2. Name of undertaking/project:** FEMA, Bohn Park Flood Recovery Project - Phase II, Lyons, Colorado.
- 3. Location of undertaking:** Town of Lyons, Boulder County, Colorado (partially developed 25.7 -acre parcel, at the confluence of North and South St. Vrain creeks, Boulder County, Colorado. Elevation across the low terrace tread ranges from approximately 5335 feet (ft) to 5350 ft above mean sea level (see attached documentation).
- 4. Name and title of federal agency official and contact person for this undertaking:**
Charles A. Bello, FEMA Environmental/Historic Preservation Section, Region VIII, Denver, Colorado
charles.bello@fema.dhs.gov, 720-245-1400.
- 5. Purpose of notification:** To notify ACHP of FEMA's finding of an adverse effect for the proposed Hazard Mitigation Project. FEMA agrees with the SHPO that because earthmoving associated with the project was implemented prior to consultation, a finding of adverse effect is appropriate. Although it is not likely that the Holocene deposits which were removed prior to consultation contained intact cultural materials, deposits, or features. 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 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 originally recommended finding of no historic properties affected (see attached documentation).

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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II. Information on the Undertaking

6. Describe the undertaking and nature of federal involvement:

The Federal Emergency Management Agency (FEMA) is preparing a (draft) Environmental Assessment (EA) to evaluate the Bohn Park Project in the Town of Lyons, Colorado. We provide this notification to advise other Federal and State agencies, Native American tribes, non-governmental organizations, and the public of our intention, as well as to obtain suggestions and information on the scope of issues to consider during the planning process. These actions are part of our effort to comply with the general provisions of the National Environmental Policy Act (NEPA); NEPA regulations; other Federal laws and regulations, Executive Orders; and policies for compliance with those laws and regulations including 44 Code of Federal Regulations [CFR] Part 9 and FEMA Directive 108-1.

On September 14, 2013, FEMA announced that the President authorized Federal disaster aid to be available to the following Colorado counties: Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Crowley, Denver, El Paso, Fremont, Gilpin, Jefferson, Lake, Larimer, Lincoln, Logan, Morgan, Sedgwick, Washington, and Weld, and ordered Federal aid to supplement recovery efforts in the area affected by severe storms, flooding, landslides, and mudslides during the period of September 11, 2013 to September 30, 2013. The President's action makes Federal funding available to the affected members of the before listed counties.

Project Background: The 2013 Colorado flood event, affecting St. Vrain Creek, severely impacted the Town of Lyons, Colorado and, more specifically, Bohn Park. The Park covers approximately 50 acres at the south end of town, and is historically the most popular recreational facility in the town. Following the flood, the Town of Lyons applied for relief through the Federal Emergency Management Agency, which provided funds for several projects including the Bohn Park Recovery project. This Undertaking involves the replacement of flood-damaged park facilities and is divided into two phases. Phase I entailed the replacement of facilities at the north end of the park, and was completed in the Spring 2018. Phase II comprises the replacement of facilities to the south, and is work to be completed. The Undertaking's Area of Potential Effect encompasses ca. 25.7 acres.

Project Setting: Lyons is located at the confluence of North and South St. Vrain creeks. Bohn Park is located on the southwest side of Lyons, at the confluence of North and South St. Vrain Creek. The Park is situated on the relatively flat, gently sloping and low first terrace and floodplain south of the confluence, and is bounded on the north and west sides by South St. Vrain Creek. The project area lies within the Colorado Piedmont section of the Great Plains physiographic province. Elevation across the low terrace tread ranges from approximately 5335 to 5350 feet above mean sea level, while the modern channel of St. Vrain Creek at the confluence of the north and south forks is approximately 5320 feet above mean sea level.

Completion of the Phase I Bohn Park Project in 2018 has resulted in stabilization of the St. Vrain Creek channel and restoration of the river corridor, including trail, river access, and picnic facilities. Reestablishment of riparian vegetation along the creek banks is underway. Work on Phase II of the Project began in February 2018. Grading to remove sediment and debris deposited in the Phase II Project area during the flood was completed during January 2014, and the debris was disposed of in appropriate landfill locations or staged in the Bohn Park Phase II area along with material from other flood-recovery projects. Grading to prepare the planned baseball and multipurpose field sites for development was initiated in February 2018. Stockpiles of boulders, excavated debris, and other materials were established along the western boundary of the area during that period. Machinery, construction materials, and yard supplies are also being stored in this location. However, Phase II construction work was suspended following a March 22, 2018 on-site inspection by FEMA and CO-Department of Homeland Security

Emergency Management. Bare ground is present within much of the Phase II Project area except where weeds and other volunteer vegetation has become established.

Prior to the 2013 flood, the park consisted of two baseball fields, a batting cage, playground, multi-use soccer field, concession stand, whitewater features, picnic areas, shelters, restrooms, a dirt bike skills area, dog park, outdoor festival space, community garden, multi-use sport court, walking path, bridge across the creek, picnic area, and parking areas. Today, the north end of the park (Phase I) contains a newly constructed parking area, sport courts, restrooms, and playground. New baseball fields, concession stand, and restrooms are proposed at the south end of the park (Phase II) where a dirt bike track and soccer field are already located. A slightly elevated walking path borders the east side of the park and winds around toward the south. The path has been artificially raised. In contrast, the top soil has been disturbed in the middle section of Phase II, which is covered with invasive plant species. The purpose of the Bohn Park Phase II Project is to repair and restore recreational amenities and other Town of Lyons facilities within the 16-acre project area that were damaged or destroyed during the September 2013 flood. The proposed Project is necessary to return the Park to full use and to reduce the risk of future significant flood damage to these facilities and supporting infrastructure.

Undertaking: The Bohn Park Project phasing of work was based on prioritization of all ongoing Town flood recovery projects and available cash flow during the process. The preferred alternate Bohn Park Plan was identified in the Final Planning Report for the Town of Lyons Parks Flood Recovery Planning Process. Phase I focused on the river corridor and involved riverine and riparian restoration, construction of trails, river access for instream recreational activities and fishing, picnic shelters and restrooms, and parking lots. Phase I construction was completed in spring/summer 2018. Phase II of the Project will result in reconstruction of some of the recreational amenities that were present at Bohn Park prior to the flood in areas outside the floodplain to make them more resilient in the event of future flooding. Two softball fields, a special event and multi-use field, an open field/natural area, picnic shelters, and associated trails and amenities, will be reconstructed in the upland area of Bohn Park. A skate park, picnic shelter, and a pump house in the Phase I area will also be constructed. The Phase II Project is the subject of an Environmental Assessment (not yet published).

Compliance Reviews: FEMA reviewed the proposed scope-of-work for the combined phases of the project. The Applicant will use force account and contract labor to make repairs to town parks as follows: Site 1, Applicant will repair or replace shelters, restrooms, and playground structures, remove debris, place topsoil, and re-sod play surfaces and recreational fields, replace irrigation piping, fill the post-flood creek channel and two erosion channels with fill and topsoil and re-seed the area. The replacement of playgrounds surface area will be upgraded to fall-attenuating surfaces in accordance with current codes and standards. Site 2, Applicant will repair shelters, restrooms, concession stands, and playgrounds to pre-disaster condition, remove debris, place topsoil, and re-sod baseball fields, RV site, and picnic areas, and replace irrigation piping. The replacement of playgrounds surface area will be upgraded to fall-attenuating surfaces in accordance with current codes and standards. Site 3, Applicant will repair a kayak course with poles, masts, and gates, excavate the McConnell recreation ponds to pre-flood dimensions, use the excavated material to repair an elevated trail embankment, place a layer of rip rap on the trail embankment, revegetate the embankment, and replace a wooden bridge. Site 4, Applicant will replace sections of concrete and crusher fine trail, repair two concrete bridge abutments, and replace a trash can to return the site to pre-disaster condition. Site 5, Applicant will replace a rock slab retaining wall, rip rap armoring, sandstone steps and seating area, picnic tables, post and dowel fence, a sodded area, irrigation piping, sculptures, garbage cans, and signage to return the site to pre-disaster condition. Site 6, Applicant will replace sections of concrete and crusher fine trail, replace post and dowel fence, trash barrels, and signs to return the site to pre-disaster condition. Site 7, Applicant will replace two concrete bridge abutments, replace parking lot road base, replace post and dowel fence, and replace crusher fines and sod with irrigation piping on a high-use picnic area to return the site to pre-disaster condition.

7. Describe the Area of Potential Effects (APE):

see below.

8. Describe steps taken to identify historic properties:

National Historic Preservation Act (Section 106 compliance): A search of the files of the Office of Archaeology and Historic Preservation, History Colorado conducted on October 11, 2018 revealed that two surveys have been conducted in the Project Area legal section with nine resources recorded, but none are located in the Project Area itself. A diverse assortment of property types is represented by the nine previously recorded sites in the Project Area legal section covering the themes of prehistoric archaeology, early settlement, agriculture, irrigation, and transportation. To comply with Section 106, National Historic Preservation Act, the Town worked with the Bohn Park project design team's ecological services consultant, Ecosystem Services, LLC, to prepare an Addendum to the Pre-Construction Notification (PCN) addressing the project's compliance with all federal regulations. Separately, a Cultural Resources Survey was commissioned (2015) by the Boulder County Housing Authority in anticipation of a proposed housing project (which did not go forward). This study (Bohn Park Project Cultural Resources Inventory – Robert Mutaw) was not submitted to the Colorado State Historic Preservation Office (SHPO) prior to the onset of construction, thus foreclosing the SHPO's opportunity to comment on the effects of the undertaking on historic properties. Subsequently, the Town contracted with Metcalf Archaeological Consultants, Inc. (Metcalf) to assist in completing a revised consultation under Section 106 for the Bohn Park Recovery project.

An intensive cultural resources inventory of the Project Area resulted in the documentation of one segment of the previously unrecorded Reese Stiles Ditch (5BL.13015.1). No other cultural resources were found within the Project Area. This segment of the Reese Stiles Ditch was originally built through agricultural fields that are no longer present. A portion of this segment was piped in 2005 during the construction of a soccer field, and the other portion may have been enlarged. This segment has been determined to lack sufficient integrity to support the eligibility of the overall resource of which it is a part, and for which there is no official determination, but it was recommended to be eligible for its association with the development of early irrigation and agriculture in this area.

A recent re-survey: Bohn Park Phase II Flood Recovery Construction Project, Addendum to the Bohn Park Project Cultural Resources Inventory (Robert Mutaw) was completed by Metcalf Archaeological Consultants (Eagle, Colorado). This report (Metcalf Report 2018.CO.073) is attached to this email and has been approved by FEMA, the City of Lyons, and SHPO. However, the authors found that 5BL13015.1 – Reese Stiles Ditch Segment (the only cultural resource encountered within the area of proposed impact), does not qualify for inclusion in the NRHP. Further, Metcalf's geo-archaeological assessment indicates little likelihood for intact Holocene deposits and buried cultural material/deposits still being present across the property.

In addition to the mitigation stipulations outlined below, prior to any further work being completed, a Secretary of the Interior-qualified FEMA archaeologist will conduct a pre-construction briefing and training session with Applicant staff and contractors. Training will include an overview of cultural resources identification, and appropriate response if such sites are inadvertently encountered. FEMA will also condition the grant that any activities with the potential to affect archeological, historic, or cultural resources will be monitored by sub-recipient staff throughout the project period. Should unidentified archaeological resources be discovered in the course of the undertaking, work will be interrupted until FEMA has been notified and the resources evaluated in terms of the National Register eligibility criteria (36CFR 60.4) in consultation with our office pursuant to 36 CFR 800.13. If cultural resource issues are found during the project, the Applicant will comply with all federal requirements. Also, should the

consulted-upon scope of the work change, the County will contact FEMA for continued Section 106 consultation.

9. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

See attached cultural resource surveys.

10. Describe the undertaking's effects on historic properties:

Although it is not likely that the Holocene deposits removed prior to consultation contained intact cultural materials, deposits, or features (see attached Cultural Resource Survey Report), 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 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 originally recommended effect finding of no historic properties affected.

11. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

Based on discussions between FEMA and SHPO, a draft agreement was considered that one aspect mitigation may include the implementation of an improved policy to ensure that the consultation process is followed correctly in future FEMA Public Assistance undertakings. It is suggested that training for the FEMA Public Assistance Grant programs as well as the State of Colorado Office of Emergency Management Public Assistance Program, as the grantee, may also be appropriate. Additional aspects of mitigation for public benefit could also include installation of interpretive signage within Bohn Park focusing on the archaeology and/or geology of the region (see attached SHPO response letter).

12. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

In accordance with the National Historic Preservation Act (NHPA), the American Indian Religious Freedom Act (AIRFA), the Native American Graves Protection and Repatriation Act (NAGPRA), and the National Environmental Policy Act (NEPA), the Federal Emergency Management Agency (FEMA) wishes to obtain meaningful tribal input and involvement in FEMA's decision making process regarding proposed undertakings as they relate to religious concerns, traditional places, cultural and environmental resources, or any other issues. FEMA consulted with a variety of regional tribes who have an ancestral interest. This consultation ensured that tribal concerns regarding continued archaeological analysis and reporting are taken into account.

Tribal Contacts: consultation package sent out 11/16/2018 to the following: Ute Mountain Ute Tribe; Crow Tribe; Eastern Shoshone Tribe; Northern Arapahoe Tribe; Cheyenne Tribe; Paiute Tribe of Utah; Southern Ute Tribe; Ute Tribe of Utah (Uintah & Ouray Reservation); Oglala Sioux Tribe; Rosebud Sioux Tribe.

No replies have been received to date.

Additional Contacts: consultation package sent out 11/16/2018 to the following: Colorado Council of Professional Archaeologists; Colorado Archaeological Society (including Indian Peaks and Northern Colorado chapters); Colorado State Historical Society; University of Colorado Museum of Natural History; City Government/Libraries of Boulder, Lyons, Longmont, and Loveland, Colorado; Lyons Redstone Museum; Boulder History Museum; Longmont Museum; Loveland Museum; Dougherty Museum.

No replies have been received to date.

III. Optional Information

13. Please indicate the status of any consultation that has occurred to date. Are there any consulting parties involved other than the SHPO/THPO? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

See previous entry

14. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

Not currently, but this might develop as a result of continued consultation.

15. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number:

NA

The following are attached to this form (check all that apply):

- X Section 106 consultation correspondence
 - X Maps, photographs, drawings, and/or plans
 - X Additional historic property information
 - X Other: Draft MOA
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