

APPENDIX I

AGENCY CONSULTATION

SECTION 7 CONSULTATION: US FISH AND WILDLIFE SERVICE



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
RM.A.2

October 1, 2012

Carl Benz, Section 7 Program Coordinator
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

RE: Saline Valley Warm Springs Management Plan and Environmental Impact Statement

Dear Mr. Benz:

The National Park Service is seeking comments and a species list regarding a proposed management plan and Environmental Impact Statement (EIS) for the Saline Valley Warm Springs area of Death Valley National Park. The proposed plan will provide a basis for guiding management actions and making decisions in this remote yet popular area, which was added to Death Valley National Park in 1994 with the passage of the California Desert Protection Act. Two project maps are enclosed in order to clarify and define the geographic area of the proposed management plan.

The purpose of the Saline Valley Warm Springs Management Plan/EIS is to:

- Provide a framework for natural and cultural resources management at the Warm Springs area;
- Provide a framework for administration and operations at the Warm Springs area;
- Provide a framework for managing visitor use at the Warm Springs area;
- Provide guidance for Death Valley National Park managers as they work with various stakeholders of the Warm Springs area; and
- Balance management of natural resources, ethnographic resources, and visitor use.

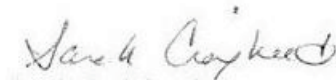
To help identify environmental issues connected with the proposed management plan, please provide us with written comments concerning interests within your agency's responsibility. Specifically, we are interested in federally listed endangered, threatened, candidate, special concern species and habitat designations, and sensitive communities known to occur on or in proximity to the Saline Valley Warm Springs location within Death Valley National Park. Your agency's expertise is greatly appreciated as we conduct this planning process. The park's own natural resource specialists are simultaneously conducting a review of the California Department of Fish and Game's Natural Diversity Database, in order to ensure protection of species of state concern as well as those species which are federally listed and candidates for listing.

APPENDICES

Carl Benz, Section 7 Program Coordinator
U.S. Fish and Wildlife Service
Saline Valley Warm Springs Management Plan and EIS
October 1, 2012
Page Two

We welcome your input on the proposed project and our intended efforts to avoid adverse effects on threatened and endangered species. If, through the course of project development, it is determined that the project may affect any listed species, we intend to fulfill our obligations to consult under Section 7 of the Endangered Species Act. Thank you for your assistance. Should you have any questions, please contact Mike Cipra, Environmental Protection Specialist, at 760.786.3227; or Linda Manning, Wildlife Biologist, at 760.786.3252.

Sincerely,



Sarah Craighead
Superintendent

Enclosures:

1. Park Map with Saline Valley Warm Springs
2. Saline Valley Warm Springs Study Area Map

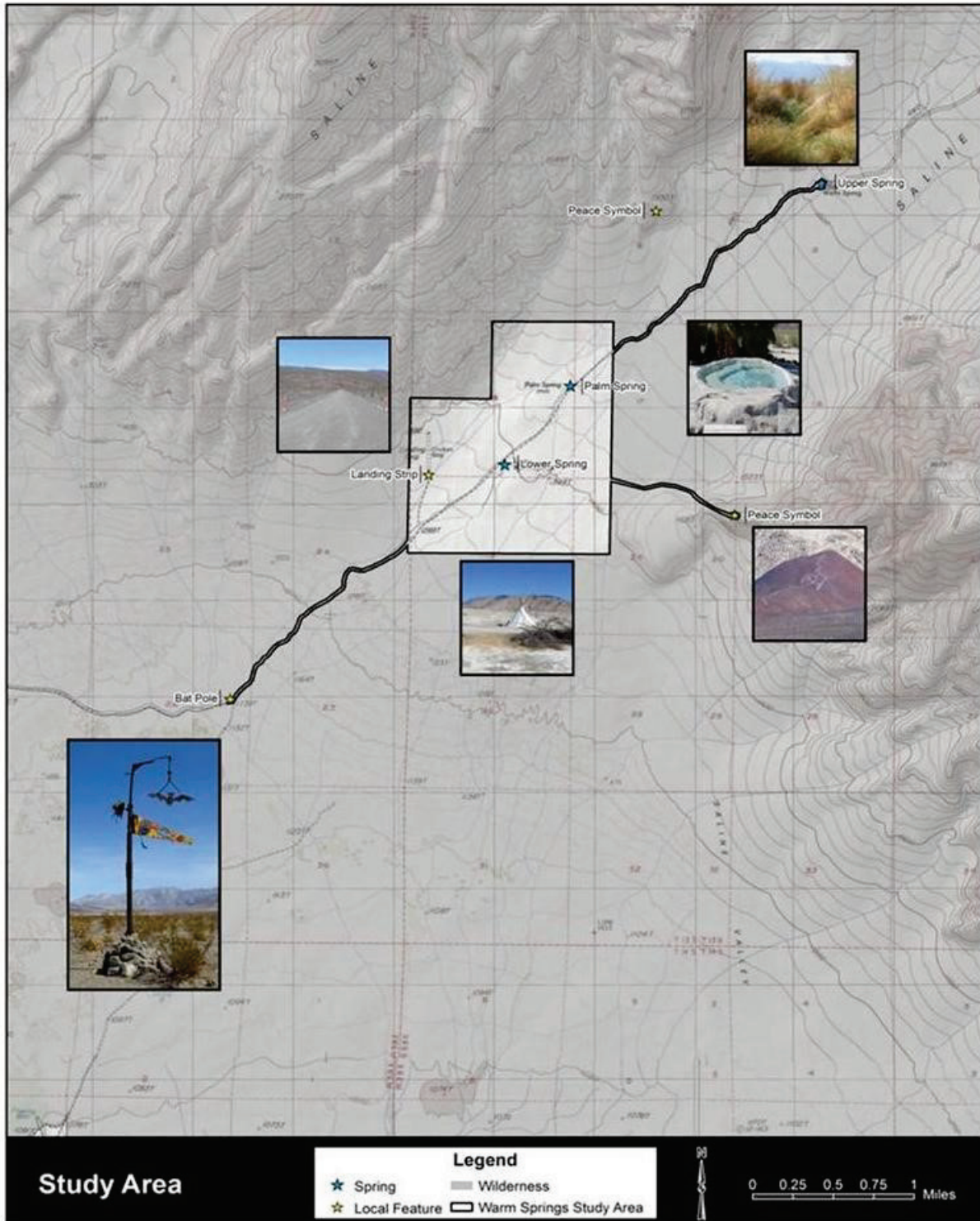
Cc w/o enclosures:

Linda Manning, Wildlife Biologist, Death Valley National Park
Mike Cipra, Environmental Protection Specialist, Death Valley National Park
Kelly Fuhrmann, Chief of Resources Management, Death Valley National Park



Saline Valley Warm Springs Management Plan / Environmental Impact Statement Death Valley National Park

National Park Service
U.S. Department of the Interior





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

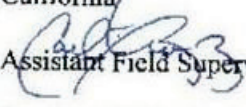


IN REPLY REFER TO:
08EVEN00-2013-SL-0231

May 23, 2013

Memorandum

To: Superintendent, Death Valley National Park, National Park Service, Death Valley, California

From:  Assistant Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California

Subject: Species List for the Saline Valley Warm Springs Management Plan, Death Valley National Park, Death Valley, California (RM.A.2)

This memorandum is in response to your request, dated October 1, 2012, and received in our office on October 4, 2012, for information on federally threatened and endangered species, candidate species, and proposed or designated critical habitat that occurs within Death Valley National Park. The National Park Service (NPS) proposes developing a combined Saline Valley Warm Springs Management Plan and Environmental Impact Statement to guide the NPS in making decisions regarding the future use and protection of the Warm Springs area.

The attached list of species fulfills the requirements of the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act of 1973, as amended (Act). There is no proposed or designated critical habitat located within Death Valley National Park. The NPS, as the lead Federal agency for the project, has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the project is a construction project which may require an environmental impact statement¹, the NPS has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species. If the NPS determines that a listed species is likely to be adversely affected, it should request, in writing through our office, formal consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve conflicts with respect to threatened or endangered species prior to a written request for formal consultation. During this review process, the NPS may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

¹ "Construction project" means any major Federal action which significantly affects the quality of the human environment designed primarily to result in the building of structures such as dams, buildings, roads, pipelines, and channels. This includes Federal actions such as permits, grants, licenses, or other forms of Federal authorizations or approval which may result in construction.

Superintendent

Only federally listed species receive protection under the Act; however, species listed by the State of California or otherwise considered to be sensitive should be considered in the planning process in the event that they become listed or proposed for listing prior to project completion. We recommend that you also review information in the California Department of Fish and Wildlife's Natural Diversity Database. You can contact the California Department of Fish and Wildlife at (916) 324-3812 for information on other sensitive species that may occur in this area.

In your letter, you also requested comments on the proposed management plan and environmental impact statement. At this time, we do not have any comments. When the NPS completes a draft of the Saline Valley Warm Springs Management Plan, we would appreciate the opportunity to review it and provide any comments we may have.

We apologize for the delay in responding to your request. Should you have any questions regarding this memorandum, I can be reached at (805) 644-1766, extension 311.

Attachment

cc: Linda Manning, Wildlife Biologist, Death Valley National Park
Mike Cipra, Environmental Protection Specialist, Death Valley National Park

**LISTED SPECIES WHICH MAY OCCUR IN SALINE VALLEY WARM SPRINGS,
DEATH VALLEY NATIONAL PARK, CALIFORNIA**

Birds

Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Least Bell's vireo	<i>Vireo bellii pusillus</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C

Key:

E - Endangered T - Threatened

C - Candidate species for which the Service has on file sufficient information on the biological vulnerability and threats to support proposals to list as endangered or threatened.



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
P.O. Box 579
Death Valley, California 92328



IN REPLY REFER TO:

August 4, 2016

Memorandum

Documentation of telephone consultation with the US Fish and Wildlife Service regarding the Saline Valley Warm Springs EIS.

Date: July 7, 2016

Time: 08:00 a.m.

Jonathan Penman-Brotzman of Death Valley National Park and Brian Croft of the US Fish and Wildlife Service met via telephone to discuss potential endangered or other special status species, continued participation of the USFWS in cooperating agency meetings, and cooperating agency review of the Draft EIS.

Discussion points of the call:

1. USFWS does not consider Saline Valley to be suitable habitat for threatened or endangered species that they manage.
2. As the lead Federal Agency, the NPS has the authority to make a no adverse effect to endangered species determination (having fulfilled due diligence process).
3. The USFWS would like to participate in the cooperating agency meeting and review of the Draft EIS.

Thank you,
Jonathan Penman-Brotzman

**SECTION 106 CONSULTATION: ADVISORY COUNCIL ON HISTORIC
PRESERVATION**



United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328



IN REPLY REFER TO:
N1632

January 10, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT #70081830000326392026

Mr. Reid Nelson
Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Old Post Office Building
Washington, DC 20004

Subject: Initiation of Section 106 Consultation between the National Park Service and the California State Historic Preservation Officer for the Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Nelson,

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(a), please accept this letter as notification of a proposed project and as initiation of consultation. The U.S. Department of the Interior, National Park Service (NPS) is conducting an environmental review for the proposed Saline Valley Warm Springs Management Plan (Plan) in Death Valley National Park (Park). For this project, the NPS is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and with Section 106 of the NHPA. The NPS has determined that the proposed federal action is an undertaking as defined in 36 CFR Part 800.16(y) and it is the type of activity that has the potential to cause effects on historic properties.

On June 5, 2012, the NPS published a Notice of Intent (NOI) for an Environmental Impact Statement (EIS). The NOI states that through the EIS process, the NPS will evaluate different approaches for managing the Saline Valley Warm Springs area and assess the potential impacts on visitor access, asset management, water resources, biological and cultural resources, human health and safety, aesthetics, visitor experience, wilderness character, and other stewardship considerations. Alternatives to be considered include no-action and reasonable action alternatives, which could include establishing designated camping areas, limiting further development of the springs, restoration or partial restoration of the springs, and either closure or authorization of the nearby airstrip.

For the purposes of NEPA, the Timbisha Shoshone Tribe, Bureau of Land Management and Inyo County are identified as cooperating agencies through a draft Memorandum of Understanding

(MOU). The Park conducted a public scoping process June 5 through August 6, 2012, seeking public and agency input in order to help define issues and shape alternatives for this planning process. The NPS is currently preparing the public Draft EIS.

The Park recognizes that the Saline Valley Warm Springs are historically and culturally significant to Timbisha Shoshone Tribe. The Timbisha Shoshone Homeland Act of 2000 (P.L. 106-423) designated over 1.5 million acres of the Park as a special use area for the Tribe, called the "Timbisha Shoshone Natural and Cultural Preservation Area," which includes the Saline Valley Warm Springs.

The proposed Plan/EIS will provide a basis for guiding management actions and making decisions in this remote yet popular area, which was added to Death Valley National Park in 1994 with the passage of the California Desert Protection Act.

The purpose of the Plan/EIS is to:

- Provide a framework for natural and cultural resources management at the Warm Springs area;
- Provide a framework for administration and operations at the Warm Springs area;
- Provide a framework for managing visitor use at the Warm Springs area;
- Provide guidance for Park managers as they work with various stakeholders of the Warm Springs area; and
- Balance management of natural resources, ethnographic resources, and visitor use.

The NPS plans to coordinate compliance with the requirements of both NEPA and Section 106 of the NHPA pursuant to 36 CFR Part 800.8(c). If effects of an undertaking on historic properties are found to be adverse, the Plan/EIS will identify measures to avoid, minimize, or mitigate such effects in accordance with 36 CFR Part 800.8(c)(1)(v). The Record of Decision (ROD) for the Plan/EIS will identify implementation of such measures as a condition of approval of the action, will evidence the Park's compliance with Section 106, and shall govern the undertaking and all of its parts.

The NPS welcomes your input on the proposed project. Should you have any questions, please contact Blair Davenport, Cultural Resources Manager, at 760.786.3287 (blair_davenport@nps.gov); or Mike Cipra, Environmental Protection Specialist, at 760.786.3227 (mike_cipra@nps.gov).

Sincerely,



Kelly Fuhrmann
Acting Superintendent

Enclosure:

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages

cc (w/ enclosures):

Carol Roland-Nawi, State Historic Preservation Officer, Department of Parks and Recreation,
Post Office Box 942896, Sacramento, CA 94296-0001, Attn: Mark Beason, State Historian II

bcc (w/out enclosures):

B Davenport, CR Manager, DEVA (signed copy via email)
W Raschkow, Archeologist, DEVA (signed copy via email)
M Cipra, Environmental Specialist, DEVA (signed copy via email)
Central Files, DEVA

RM:BDAVENPORT:mbd:01/10/2013:760-786-3287;
Sent via US Certified Mail, January 11, 2013



September 2, 2014

Ms. Kathleen Billings
Superintendent
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328

**Ref: *Saline Valley Warm Spring Management Plan and Environmental Impact Statement
Inyo County, California***

Dear Ms. Billings:

The Advisory Council on Historic Preservation (ACHP) received the National Park Service (NPS) notification pursuant to Section 800.8(c) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800). We appreciate receiving your notification, which establishes that NPS will use the process and documentation required for the preparation of an Environmental Impact Statement (EIS) to comply with Section 106 of the National Historic Preservation Act in lieu of the procedures set forth in 36 CFR §§ 800.3 through 800.6.

In addition to notifying the ACHP, the NPS must also notify the California State Historic Preservation Officer (SHPO) and/or the appropriate Tribal Historic Preservation Officer (THPO) if the undertaking is located on tribal lands. During the preparation of the Draft EIS, the NPS shall meet the standards in §§ 800.8(c)(1)(i) through (v) and describe its efforts in the resulting environmental document:

- identify consulting parties either pursuant to § 800.3(f) or through the NEPA scoping process with results consistent with § 800.3(f);
- identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through 800.5, provided that the scope and timing of these steps may be phased to reflect the agency official's consideration of project alternatives in the NEPA process and the effort is commensurate with the assessment of other environmental factors;
- consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to the affected historic properties, other consulting parties, and the ACHP, where appropriate, during the NEPA scoping, environmental analysis, and the preparation of NEPA documents;
- involve the public in accordance with the agency's published NEPA procedures; and

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

- develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the DEIS.

Section 800.8(c)(2)(i) requires that you submit to the ACHP any draft EIS or EIS you prepare. Inclusion of your adverse effect determination in both the draft EIS/EIS and in your transmittal letter will help ensure a timely response from the ACHP regarding its decision to participate in consultation. Please indicate in your cover letter the schedule for Section 106 consultation and a date by which you require a response from the ACHP.

We encourage the NPS to review and apply the guidance in the publication, *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*, published in March 2013, and available at http://www.achp.gov/docs/NEPA_NHPA_Section106_Handbook_Mar2013.pdf. This handbook, prepared jointly by the Council on Environmental Quality [CEQ] and ACHP, provides a checklist for using the substitution process defined in Section 800.8(c) which may be helpful to you in your NEPA/Section 106 consultation.

Thank you for your notification pursuant to Section 800.8(c). If you have any questions or if we may be of assistance, please contact Katty Harris by telephone at (202) 517-0213 or by e-mail at kharris@achp.gov.

Sincerely,



Caroline D. Hall
Assistant Director
Federal Property Management Section
Office of Federal Agency Programs



United States Department of the Interior

NATIONAL PARK SERVICE
Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
DEVA CRP No. 11-036
PEPC No. 39438
SHPO No. NPS_2013_0114_001

September 20, 2018

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Christopher Wilson
Program Analyst
Advisory Council on Historic Preservation
401 F Street NW
Washington, DC 20001

Subject: SHPO# NPS_2013_0114_001: Conclusion of Consultation with the California State Historic Preservation Office for the Saline Valley Warm Springs Management Plan/EIS, Death Valley National Park, Inyo County, California

Dear Mr. Wilson:

Death Valley National Park (Park) is conducting an Environmental Impact Statement (EIS) to assess the potential impacts to natural and cultural resources for five alternative management plans for the Saline Valley Warm Springs camping and hot springs soaking area. This project qualifies as a federal undertaking under the definitions found in 36 C.F.R. 800.16(y).

The Park initiated consultation with the California State Historic Preservation Office (SHPO) on May 23, 2017. The Park received SHPO concurrence on Step 1 of the Standard 4-Step Process and the identification of the Area of Potential Effect on July 20, 2017. The Park submitted a letter with archeological surveys, the ethnographic site eligibility determination, the historic site eligibility determination, and the assessment of effect form on February 15, 2018. Although the 60 day window for review of Steps 2 and 3 of the Standard 4-Step Process had passed, the Park submitted a letter on July 24, 2018, describing the new Department of the Interior EIS guidance and timelines for completion. The Park requested comments and/or concurrence on the Identification of Historic Properties and a finding of no adverse effect by August 31, 2018, to ensure we could respond to concerns, incorporate your input, and meet our deadlines. To date, the SHPO has not provided concurrence or a request for additional information.

Following these consultation efforts, the Park discussed options to resolve and conclude consultation with the SHPO. It was determined the Park provided more than a reasonable amount of time (over 6.5 months) for the SHPO to either concur with or request additional information regarding the agency's "no adverse effect" determination.

Therefore, in accordance with 36 CFR 800.5(c)(1), the NPS will proceed with the undertaking. The NPS will maintain a record of the finding and will provide information on the finding to the public on request, consistent with the confidentiality provisions of 36 CFR 800.11(c).

Should the SHPO or the ACHP have comments or recommendations on this project in the future, we will do our best to accommodate those concerns.

September 20, 2018
Ms. Julianne Polanco

Page 2

Should you have any questions, please contact Josh Hoines, Chief of Resources, at josh_hoines@nps.gov or at (760) 786-3253; or Amanda Landon, Park Archeologist, at amanda_landon@nps.gov or at (760) 786-3217. All correspondence can be sent to the address on the above letterhead to the attention of Mike Reynolds.

Sincerely,

A handwritten signature in blue ink that reads "Mike Reynolds". The signature is fluid and cursive, with the first name "Mike" and last name "Reynolds" clearly legible.

Mike Reynolds
Superintendent

CC: David Louter, Cultural Resources Program Chief, Pacific West Region, National Park Service

**SECTION 106 CONSULTATION: STATE HISTORIC PRESERVATION
OFFICER**



United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328



IN REPLY REFER TO:
N1632

January 10, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT #70081830000326392033

Carol Roland-Nawi
State Historic Preservation Officer
Department of Parks and Recreation
Post Office Box 942896
Sacramento, CA 94296-0001

Attn: Mark Beason, State Historian II

Subject: Initiation of Section 106 Consultation between the National Park Service and the State Historic Preservation Officer for the Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Ms. Roland-Nawi,

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(a), please accept this letter as notification of a proposed project and as initiation of consultation. The U.S. Department of the Interior, National Park Service (NPS) is conducting an environmental review for the proposed Saline Valley Warm Springs Management Plan (Plan) in Death Valley National Park (Park). For this project, the NPS is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and with Section 106 of the NHPA. The NPS has determined that the proposed federal action is an undertaking as defined in 36 CFR Part 800.16(y) and it is the type of activity that has the potential to cause effects on historic properties.

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- Provide a framework for administration and operations at the Warm Springs area;
- Provide a framework for managing visitor use at the Warm Springs area;
- Provide guidance for Park managers as they work with various stakeholders of the Warm Springs area; and
- Balance management of natural resources, ethnographic resources, and visitor use.

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The NPS welcomes your input on the proposed project. Should you have any questions, please contact Blair Davenport, Cultural Resources Manager, at 760.786.3287 (blair_davenport@nps.gov); or Mike Cipra, Environmental Protection Specialist, at 760.786.3227 (mike_cipra@nps.gov).

Sincerely,



Kelly Fuhrmann
Acting Superintendent

Enclosures:

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages

Cc: (w/enclosures):

Mr. Reid Nelson, Director, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW, Suite 803, Old Post Office Building, Washington, DC 20004

bcc (w/out enclosures):

B Davenport, CR Manager, DEVA (signed copy via email)
W Raschkow, Archeologist, DEVA (signed copy via email)
M Cipra, Environmental Specialist, DEVA (signed copy via email)
Central Files, DEVA

RM:BDAVENPORT:mbd:01/10/2012:760-786-3287;
Sent via US Certified Mail, January 11, 2012



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
H4217

April 25, 2016

MAILED USPS CERTIFIED-RETURN RECEIPT

Ms. Julianne Polanco
Office of Historic Preservation
Department of Parks and Recreation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Attn: Mark Beason, State Historian II
NPS_2013_0114_001

Subject: Request to review draft report *Saline Valley Warm Springs Assessment of Eligibility*, and, Continuation of Section 106 Consultation between the National Park Service and the State Historic Preservation Officer for the Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California.

Dear Ms. Polanco:

On December 3, 2016, at the Nationwide Programmatic Agreement Biennial Meeting held at Santa Monica National Park, Cultural Resources Manager Blair Davenport (Death Valley National Park, park) transmitted a bound copy of the *Saline Valley Warm Springs Assessment of Eligibility* draft report to Mark Beason. Through this letter, the National Park Service (NPS) is formally requesting your review of the draft report.

The park is seeking California State Historic Preservation Office consensus with the National Park Service (NPS) finding that Saline Valley Warm Springs Historic Site is eligible for the National Register of Historic Properties (NRHP) at the local level under Criteria A for its association with *Recreation* as a campground established around a hot spring site, and, with *Social History* as a site that typifies the ideals and principles of a continuum of counterculture movements culminating the Beat and Hippie movements.

Saline Valley Warm Springs Historic Site is a developed campground located at the north end of Saline Valley in Death Valley National Park. The site is comprised of a combination of natural features and built features including rock alignments, soaking pools, camping areas, a road, trails and pathways, and an aircraft landing strip.

The period of significance for the Saline Valley Warm Springs Historic Site begins in 1955 and continues until 1978. The earliest anecdotal evidence for Euro-American use of the site is in the 1930s; however, as miners knew of the springs as early as 1904, it is possible that site began to be used much earlier. Anecdotal

H4217
April 22, 2016
Julianne Polanco
Page 2 of 2

reports indicate that the first tub (the Bathtub) may have been constructed by either the Civilian Conservation Corps (CCC) in the early 1930s or miners/ranchers in the late 1930s. The first documented report of a constructed tub at the springs was in 1947.

Since the late 1940s, visitation to the springs has steadily increased and additional soaking pools and other features have been constructed. The springs were first managed by the U.S. Forest Service, then the U.S. Bureau of Land Management, and are currently under the jurisdiction of the U.S. National Park Service. Gradually, more and more people visited the site from the mid-1950s through mid-1960s which coincided with the rise of the Beat and Hippie movements in the U.S. The first conclusive date for the site being considered a destination is in 1955. While the springs were likely used for camping in earlier years, 1955 provides a start date for the period of significance with solid evidence for recreational use. The end date for the period of significance is defined as being 1978, to include all resources more than 50 years of age and the contributing resources constructed between 1965 and 1978, which although not individually eligible, contribute to the eligibility of the site as a whole.

It's important to note this *Assessment of Eligibility* ("historic" Determination of Eligibility or DOE) considers only the potential significance of the site from a perspective of the Euro-American use and development from the 1930s to the present. The site's extensive Native American history and its significance to culturally affiliated Tribes, in particular the Timbisha Shoshone Tribe, will be covered in a separate "ethnographic DOE" report which is currently being revised in cooperation with Native American informants and the NPS. Upon completion, the "ethnographic DOE" will be submitted to the Tribe and SHPO for formal review. The park is concurrently submitting this "historic DOE" to the Tribe for their review at this time.

This *Assessment of Eligibility* was prepared in support of several efforts currently in progress:

- As a proposed DOE for Saline Valley Warm Springs Historic Site;
- To meet NHPA Section 106 compliance requirements associated with the completion of a management plan and an environmental impact statement (EIS) for Saline Valley Warm Springs, being prepared by the NPS and their contractor EA Engineering, Science, and Technology, Inc.;
- To document cultural landscape resources and other historic resources for the above mentioned plan and EIS.

We greatly appreciate your office's assistance and want to thank you for the review of this finding. If you concur with the finding of eligibility for the Saline Valley Warm Springs Historic Site, please send us a letter stating your concurrence. If you need additional information, or have questions or concerns, please contact Blair Davenport, Cultural Resources Manager, at 760/786-3287, or, blair_davenport@nps.gov.

Sincerely yours,

Mike Reynolds
Superintendent

Enclosure:

Cover and Title pages only, draft report *Saline Valley Warm Springs Assessment of Eligibility*.

APPENDICES

Bcc (w/out attachments):

Jonathan Pennman-Brotzman, Environmental Protection Specialist

Wanda Raschkow, Park Archeologist

Central Files (hard copy)

RM:BDAVENPORT:mbd:04/25/2016:760-786-3287

Saline Valley Warm Springs Assessment of Eligibility

Death Valley National Park
Inyo County, California

GSA Contract No. GS-10F-0228J
Task Order P11PD24428

NEW SOUTH ASSOCIATES, INC.

Saline Valley Warm Springs Assessment of Eligibility

Death Valley National Park
Inyo County, California

GSA Contract No. GS-10F-0228J
Task Order P11PD24428

Report submitted to:

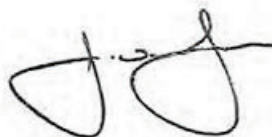
EA Engineering, Science, and Technology, Inc. PBC • 225 Schilling Circle •
Hunt Valley, Maryland 21031

Report prepared for:

National Park Service • Death Valley National Park • P.O. Box 579 •
Death Valley, California 92328

Report prepared by:

New South Associates • 6150 East Ponce de Leon Avenue • Stone Mountain, Georgia 30083



J.W. Joseph, Ph.D., RPA – Principal Investigator

Julie Coco-Author

September 11, 2015 • Revised Draft Report
New South Associates Technical Report 2457



United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
DEVA CRP No. 11-036
PEPC No. 39438
SHPO No. NPS_2013_0114_001

May 23, 2017

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Ms. Julianne Polanco
Office of Historic Preservation
Department of Parks and Recreation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Attn: Mark Beason, State Historian II

Subject: NPS_2013_0114_001: Request for Initiation of Consultation per 36 CFR 800.3 for the Saline Valley
Warm Springs Management Plan, Death Valley National Park, Inyo County, California

Dear Ms. Polanco:

The National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with the California State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC 300101 et seq.) and its implementing regulation 36 CFR 800.3, for the following project. The Park is conducting an Environmental Impact Statement (EIS) to assess the potential impacts to natural and cultural resources for five alternative management plans for the Saline Valley Warm Springs camping and hot springs soaking area (Attachment 1: Figures 1 and 2, Attachment 2: Figures 1-5). The Park originally initiated consultation on this project on January 10, 2013, with the intent to combine National Environmental Policy Act (NEPA) and Section 106 compliance into one document. At the beginning of this year, the Park compliance staff decided to conduct a separate, concurrent Section 106 compliance action.

Description of the Preferred Alternative

The purpose of the project is to complete a management plan for the site as directed in the 2002 General Management Plan, which would bring the site into compliance with health and safety regulations, ensure cooperation and coordination with the Timbisha Shoshone Tribe in accordance with the Timbisha Homeland Act, and provide a plan for resource protection (Attachment 1: page 3).

The Preferred Alternative (Alternative 5) encourages cooperative management between the Park and user groups and protects the natural and cultural resources of the site while allowing for continued recreational visitor use. The Park would consult with the Office of Public Health to develop an approach for water quality monitoring, add signs at the sinks to inform visitors of non-potable water, add filtration systems for discharge water at the dishwashing stations, and make the tubs accessible, to the extent possible (Attachment 1: Figure 6 on page 43).

Further actions to protect public health would include installing fencing around the developed portion of the Warm Springs area to prevent feral burro access to water resources, vegetation, and campsites, and requiring proper storage of hazardous materials. The vehicle support facility would be removed.

The Park would limit visitor impacts by creating a permit system for all overnight guests, limiting the length of stay to 14 consecutive days, prohibiting the manipulation of natural or cultural resources for the purpose of art, and removing all non-historic art from wilderness. Camping would be restricted to designated camping areas with designated overflow walk-in camping areas and associated defined parking areas. Camping would be allowed at the Chicken Strip airstrip, and additional airplane tie-downs could be added. No camping would be allowed within 200 feet of the source springs. User groups could be involved in resource protection through agreements with the Park that could include invasive plant removal, monitoring of the conditions at Upper Spring, campsite management, and archeological resource and wilderness boundary monitoring. The Park would also encourage proper storage of food through on-site and online education.

The alternative would also take steps to improve and restore the natural and cultural environments by controlling nonnative plant species, removing user-created fire rings, requiring visitors to haul out trash and charcoal, encouraging visitors at the campgrounds but requiring campers at the Chicken Strip to pack out their waste, encouraging the use of NPS-provided firepans at the campsites, and treating the Saline Valley Warm Springs as an area of ethnographic and historic significance for the Tribe and recreational users, respectively. Finally, visitor education would increase to include regulatory health, safety, and compliance information.

The preferred alternative aims to involve user groups in the cooperative management of the area to protect Park resources and ensure compliance with applicable NPS, state, and federal regulations, while providing visitors with the types of experiences they currently value. The user groups would be engaged through agreements to identify and carry out many of the actions needed to protect natural and cultural resources, protect human health and safety, and identify roles and responsibilities for protecting resources and maintaining visitor facilities. The user groups would be engaged in the accomplishment of many of the actions needed to protect human health and Park resources through agreements that could identify responsibilities for maintenance of facilities, maintenance of the airstrip, and protection of natural and cultural resources.

A complete description of the alternative with a table listing specific actions is available in the Draft EIS (Attachment 1: pages 22-34, including Table 1). The Park is completing a plan for cooperative management with the Tribe. When that plan is complete and implemented, actions will be taken at the Saline Valley Warm Springs consistent with that plan.

Area of Potential Effect

The direct Area of Potential Effect (APE) includes the road to the campground, the developed area and camping areas, and the Chicken Strip airstrip. The indirect APE extends to the boundaries of the proposed historical district and the proposed ethnographic district (Attachment 2: Figures 1-2). Proposed actions that require Section 106 review are described below.

Maintenance of the Access Road

The road from Saline Valley Road to the developed area (Lower Warm Springs Road) is currently maintained by Park visitors and volunteers by dragging a weighted tractor tire or other object behind a vehicle to smooth out the washboard and repair washouts (Attachment 1: page 81; Attachment 2: Figures 2-4). Under the Preferred Alternative, the Park would maintain the road in accordance with guidelines for four-wheel drive high clearance roads using proper equipment such as a road grader.

May 23, 2017
Ms. Julianne Polanco

Page 3

Maintenance of the Chicken Strip Airstrip

Under the Preferred Alternative, the Park would continue the Memorandum of Understanding (MOU) with the Recreational Aviation Foundation (RAF) for maintenance of the airstrip. Members of RAF would make necessary repairs to the Chicken Strip, including leveling the dirt strip after rain events, replacing the windsock, and painting the rocks that line the strip (Attachment 1: page 71; Attachment 2: Figures 4 and 6).

The Park would also allow pilots to camp with their planes at the plane parking area along the airstrip. Under the preferred alternative, the Park could install additional aircraft tie-downs within the existing disturbed parking area at the strip.

Camping at the Springs

There are currently no designated campsites at Warm Springs. Under the preferred alternative, the Park would designate dispersed camping areas using posted maps, community agreements, and, if necessary, signage. Camping would be limited to existing disturbed areas, with no expansion outside of the existing footprint (Attachment 2: Figures 5, 7, and 8). Overflow camping would also be limited to the existing disturbed footprint, and overflow campers would park their vehicles in designated parking areas to walk out to their camp sites. Camping would not be allowed within 200' of source springs.

Camp Host Quarters

The camp host currently lives in a makeshift fenced "fort" with a vehicle support facility under a wooden awning (Attachment 1: page 138; Attachment 2: Figure 7). The Preferred Alternative involves removing the housing and vehicle support facility. The camp host would provide their own temporary housing.

Fire Rings

There are currently numerous, informal rock fire-rings at Warm Springs. Under the Preferred Alternative, the rock rings would be replaced with Park-furnished fire rings (Attachment 2: Figure 7). Constructing new fire rings or moving the Park fire rings would not be permitted. The Park would remove the above-ground portions of the informal fire rings, including cobbles and other debris used to delineate and protect campfires. The Park would then install standard 2'6" in diameter and 8" tall fire rings with 12" deep anchors in the same location as the informal visitor-constructed fire rings that were removed (Attachment 2: Figure 9). These rings would be installed by driving them into the ground by hand (soft soil) or pushing down using an excavator (hard soil) like the one described in the next section. Access routes off road will be identified to avoid cultural resources and will be based on the location of historical and archeological features identified during the inventories.

Vegetation Management

Under the Preferred Alternative, the Park would remove the non-native palms from the upper springs and would develop a plan to prevent palms and other non-native plants from spreading at the lower springs (Attachment 2: Figures 7 and 8). Smaller palms would be removed by hand. Larger palms would be removed whole using a Caterpillar 320 CLU excavator or similar equipment equipped with a bucket and thumb attachment to pull them out of the ground. The excavator has a footprint of less than 5 PSI ground pressure, a shoe width of 23.6", and a total width of 9.8'. If any palms are beyond the reach of the excavator, they would be removed manually by felling them with a chainsaw, then cutting the boles into small sections to be carried off site. Tentatively, the staging area would be kept on the existing road. The off-road access route for the excavator will be identified based on the location of any archeological sites identified in the survey. Archeological sites would be avoided.

The Park would also remove the diversion piping and wildlife trough from Burro Spring (Attachment 1: upper right figure on page 42, Figure 11 on page 84).

Removal of Non-Historic Art from Wilderness and Backcountry Areas

Under the Preferred Alternative, the Park would identify and manage NRHP-eligible art and remove non-historic art. New art would not be permitted (Attachment 1: Figure 10 on page 80).

May 23, 2017
Ms. Julianne Polanco

Page 4

Future Actions Needing Further Section 106 Consultation

The Preferred Alternative calls for installing a fence around the developed area to prevent burros from accessing the springs, riparian vegetation, and campsites. The size and design of the fenced area will be determined later. The Park will consult on placement of the fence when the design for the project becomes available.

The Preferred Alternative also calls for additional toilets at the lower springs, should they become necessary. If visitation increases to the point that additional toilets need to be installed at the lower springs, the Park will consult on their number and locations.

Identification of Historic Properties

The Park is not ready to consult on the Identification of Historic Properties, yet, but would like to keep the California SHPO informed of our progress. We commissioned eligibility analyses for the Saline Valley Warm Springs Historical District and the Saline Valley Warm Springs ethnographic site (Ko' o Warm Springs Ethnographic District). The report for the historical site was submitted to the California SHPO on December 3, 2015, at the Nationwide Programmatic Agreement Biennial Meeting held at Santa Monica National Park, and a follow-up letter was sent on April 25, 2016. The report will be re-submitted as part of the Identification of Historic Properties for this Section 106 consultation effort. The draft report for the ethnographic site is currently being reviewed by National Park Service staff.

The Park also conducted two archeological surveys within the APE and one monitoring project of known archeological sites within about 2 miles of the project area. These data will help inform the assessment of effect for this project and the Saline Valley archeological site monitoring program.

Tribal Consultation

The Park is conducting formal consultation with the Timbisha Shoshone Tribe concurrently with the California SHPO. In addition to formal consultation, the Park commissioned an assessment of the eligibility of the Saline Valley Warm Springs area as an ethnographic site. The anthropologist doing the assessment conducted interviews and site visits with members of the Timbisha Shoshone Tribe. The Park and the Timbisha Shoshone Tribe are also developing a cooperative management plan for the area.

The Park seeks your concurrence with the following findings:

- Initiation of the Section 106 process including consultation with SHPO per 36 CFR 800.3.
- Determination of the Area of Potential (APE) per 36 CFR 800.4.

If you have any questions or concerns regarding this undertaking or the park's determination of effect, please contact the park Environmental Protection Specialist, Jonathan Penman-Brotzman (760/768-3227), Section 106 Archeologist Amanda J. Landon (760/786-3217), or Superintendent Mike Reynolds (760/786-3240).

Sincerely,



Mike Reynolds
Superintendent

May 23, 2017
Ms. Julianne Polanco

Page 5

Attachments:

1. *Saline Valley Warm Springs Draft Management Plan/Environmental Impact Statement*
2. *Maps and Photos Depicting the Area of Potential Effect*

CC (w/ attachments):
Central Files (hard copy)

RM:ALANDON:mbd:05/23/2017:760-786-3217

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

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.chp.parks.ca.gov



July 20, 2017

In reply, refer to: NPS_2013_0114_001

Mike Reynolds, Superintendent
National Park Service
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328

Subject: Saline Valley Warm Springs Management Plan, Death Valley National Park,
Inyo County, California

Dear Mr. Reynolds:

Thank you for your May 23, 2017, letter re-initiating consultation regarding an undertaking at Death Valley National Park. The National Park Service (NPS) is consulting with the State Historic Preservation Officer (SHPO) in order to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), as amended, and its implementing regulations at 36 CFR Part 800. In addition to the letter, NPS submitted maps, photographs, and a disc containing the Draft Environmental Impact Statement for this action.

NPS also initiated consultation with the Timbisha Shoshone Tribe regarding this undertaking and commissioned an assessment of the eligibility of the Saline Valley Warm Springs area as an ethnographic site. NPS will continue consulting during the identification and evaluation of historic properties and assessment of effects.

The proposed undertaking, as described, involves completing a management plan for the Saline Valley Warm Springs site. The preferred alternative seeks to protect the natural and cultural resources present while allowing for continued recreational visitor use by the following actions:

- Develop water quality monitoring plan;
- Add signage;
- Add filtration systems for discharge of water at dishwashing stations;
- Make tubs accessible to the extent possible;
- Install fencing to prevent access by feral burros;
- Install proper storage of hazardous materials;
- Remove the vehicle support facility and makeshift housing for camp host;

Mr. Mike Reynolds
July 20, 2017
Page 2

NPS_2013_0114_001

- Create a permit system for overnight guests;
- Remove all non-historic art from wilderness;
- Restrict camping to designated areas and outside 200 feet of the source springs;
- Control non-native plant species;
- Remove user-created fire rings;
- Maintain the Access Road by NPS;
- Maintain the Chicken Strip Airstrip with Recreational Aviation Foundation (RAF);
- Install additional toilets at the lower springs if determined necessary by increased visitation.

NPS defined the Area of Potential Effect (APE) as the Access Road, the developed area, camping areas, Chicken Strip Airstrip, boundaries of a proposed historic district, and boundaries of a proposed ethnographic district. NPS intends to continue consultation following identification and evaluation of historic properties within the APE and with the assessment of effects.

After reviewing the information submitted, the SHPO agrees that the proposed action qualifies as a federal undertaking with the potential to affect historic properties as defined in 36 CFR 800 and looks forward to continuing consultation. The APE also appears to be sufficient to take direct and indirect effects into account. Thank you for seeking the SHPO's comments and considering historic properties as part of your planning. If you have any questions or concerns, please contact Mark Beason, State Historian, at (916) 445-7047 or mark.beason@parks.ca.gov.

Sincerely,

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

Julianne Polanco
State Historic Preservation Officer



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
DEVA CRP No. 11-036
PEPC No. 39438
SHPO No. NPS_2013_0114_001

February 15, 2018

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Ms. Julianne Polanco
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Attn: Mark Beason, State Historian II

Subject: SHPO# NPS_2013_0114_001: Request Concurrence on the Identification of Historic Properties per 36 CFR 800.4 and the Finding of *No Adverse Effect* per 36 CFR 800.5 for the Saline Valley Warm Springs Management Plan/EIS, Death Valley National Park, Inyo County, California

Dear Ms. Polanco:

The National Park Service (NPS), Death Valley National Park (Park) re-initiated consultation with the California State Historic Preservation Officer (SHPO) and defined the Area of Potential Effect for the Stovepipe Wells Sewage Lagoon Project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC 300101 et seq.) and its implementing regulations 36 CFR 800.3 and 36 CFR 800.4, on May 23, 2017. The Park received concurrence from the SHPO on the identification of the Area of Potential Effect (APE) on July 20, 2017. The APE maps and description are included in this package, again, for your convenience in the attached Assessment of Effect document (Attachment 6). The Park now seeks concurrence under 36 CFR 800.4 on the identification of historic properties and under 36 CFR 800.5 on a finding of no adverse effect.

Identification of Historic Properties

To meet the Section 106 requirements for the project, the Park conducted two archeological surveys (Attachments 1 and 2), conducted site condition assessments of nearby archeological sites (Attachment 3), and commissioned two eligibility recommendation documents (Attachments 4 and 5). Park Archeologist Leah Bonstead (Attachment 1) conducted an intensive pedestrian survey of the direct APE in 2011 to provide a baseline documentation of the area and inform future park planning efforts. She also enlisted the archeology crew (Attachment 3) to conduct site condition assessments within 2-4 miles of the Saline Valley Warm Springs area to provide a baseline for future site condition assessments and a possible site steward program (Attachment 6: Figures 10-14). After recording the Warm Springs area, Bonstead recommended that the Park conduct ethnographic and historic resource studies to determine the site's eligibility. The Park hired Penny Rucks (Attachment 4), an ethnographer, to conduct interviews and site visits with members of the Timbisha Shoshone Tribe to assess the site's eligibility as a Traditional Cultural Property. The Park also hired New South Associates (via EA Engineering) to assess the campground and soaking tubs as a possible historical site (Attachment 5).

February 15, 2018
Ms. Julianne Polanco

Page 2

In 2015, Park Archeologist Wanda Raschkow conducted an intensive pedestrian survey of the road that leads to the springs (Attachment 2) because the road is currently maintained by Saline Valley visitors and volunteers, and would continue to be maintained by Park staff as part of the site plan.

Assessment of Effect

The Park prepared an Assessment of Effect document that summarizes our efforts to ensure that the project will not result in adverse impacts to the Saline Valley Warm Springs historic site, the *Ko o' Warm Springs* ethnographic site, or archeological sites in the vicinity of the springs (Attachment 6).

Finding of No Adverse Effect

The Park finds that the proposed actions are in line with criteria in the Secretary of Interior for the Treatment of Historic Properties (36 CFR 68). The proposed undertaking will have *No Adverse Effect* to historic properties provided the following stipulations are adhered to:

- (1) Mechanical palm removal at the upper springs is monitored by a qualified archeologist.
- (2) The communal fire ring, which is a contributing feature to the Historic District, is retained. The other rock fire rings can be removed and replaced with standard NPS metal fire rings.
- (3) The Park reduces the distance from springs visitors are allowed to camp from 200 feet to 100 feet. This would significantly reduce the impact of this policy on the historical district *and* bring the policy in line with the park wide camping rules in the Superintendent's Compendium.
- (4) The Park follows the Secretary of the Interior Standards on the treatment of vegetation in historic landscapes. The Park should consult with a qualified Historical Landscape Architect or Landscape Historian and the Timbisha Shoshone Tribe as the non-native contributing vegetation at Palm Springs and the Lower Warm Springs dies to identify appropriate native, non-invasive species to replace the palms with to avoid adverse impacts to the historical district while improving the integrity of the ethnographic site.
- (5) The park consults with a qualified Historical Landscape Architect or Landscape Historian on the future placement of the restrooms and fencing to ensure the Park is following the Secretary of the Interior Standards on the treatment of historic landscapes
- (6) In the unlikely event that previously undocumented archeological features are encountered during the project implementation, all necessary steps will be taken to protect them and work in that location will be immediately suspended until the park Compliance Archeologist or another archeologist meeting the Secretary of Interior Standards has evaluated the find.
- (7) In the unlikely event that human remains are encountered during project implementation, all work will be suspended immediately until measures stipulated in the *DEVA NAGPRA Inadvertent Discovery Plan* are completed and the Native American Graves Protection and Repatriation Act is followed.

For a full description of the Tribal consultation process, see pages 33-34 of the Assessment of Effect (Attachment 6). The Park initiated consultation on October 21, 2013, with five Tribes including the Timbisha Shoshone Tribe, the Big Pine Band of Owens Valley, the Bishop Paiute Tribe, the Fort Independence Community of Paiutes, and the Lone Pine Paiute Shoshone Reservation. The Park received a letter response from the Timbisha Shoshone Tribe, but not the other Tribes. The Park re-initiated consultation with the Timbisha Shoshone Tribe on this project as a separate but parallel Section 106 process concurrently with the California SHPO. The Timbisha Shoshone Tribe is a cooperating agency and signatory of the 2013 Memorandum of Understanding regarding the NEPA process for the Saline Valley Management Plan/EIS (Attachment 7).

February 15, 2018
Ms. Julianne Polanco

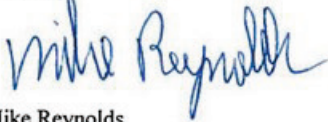
Page 3

The Park seeks your concurrence with the following findings:

- Identification of historic properties per 36 CFR 800.4 and acknowledgement of previous work.
- Determination that the project will have *No Adverse Effect* to historic properties per 36 CFR 800.5.

If you have any questions, please contact the park Environmental Protection Specialist, Jonathan Penman-Brotzman (760/768-3227) or Section 106 Archeologist Amanda J. Landon (760/786-3217).

Sincerely,



Mike Reynolds
Superintendent

Attachments:

1. *Archeological Survey and Documentation, Saline Valley Warm Springs, CRP No. 11-036, Death Valley National Park, Inyo County, California* (2013, Leah Bonstead)
2. *Cultural Resources Inventory of Saline Valley Warm Springs Developed Area* (2014, Jennifer Durk)
3. *Saline Valley Condition Assessments, CRP No. 11-001, WACC Project No. DEVA 2011C, Death Valley National Park, Inyo County, California* (2011, Emily McCuiston)
4. *Saline Valley Warm Springs Assessment of Eligibility, Death Valley National Park, Inyo County, California* (2015, Julia Coco)
5. *National Register of Historic Places Form: Saline Valley Warm Springs/Ko o' Warm Springs* (2017, Penny Rucks)
6. *Assessment of Actions Having an Effect on Cultural Resources: Saline Valley Warm Springs Management Plan Environmental Impact Statement* (2017, Amanda J. Landon)
7. Memorandum of Understanding Among the National Park Service, Death Valley National Park, and the Bureau of Land Management, Timbisha Shoshone Tribe, and Inyo County Regarding the NEPA Process for the Saline Valley Management Plan/EIS (2013)



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
DEVA CRP No. 11-036
PEPC No. 39438
SHPO No. NPS_2013_0114_001

July 24, 2018

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Ms. Julianne Polanco
Office of Historic Preservation
Department of Parks and Recreation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Attn: Mark Beason, State Historian II

Subject: SHPO# NPS_2013_0114_001: Process Timeline and Further Opportunities for Involvement with the Saline Valley Warm Springs Management Plan/EIS, Death Valley National Park, Inyo County, California

Dear Ms. Polanco:

The Department of the Interior released new guidance under Secretarial Order No. 3355, Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807, which requires that Environmental Impact Statements (EIS) be completed within one year of issuance of a Notice of Intent (NOI) to prepare an EIS. Further direction under a memorandum released on April 27, 2018, requires that each EIS project team with an outstanding EIS with a NOI published on or before August 31, 2017, provide a project schedule with a Final EIS and Record of Decision (ROD) issuance date of no later than 365 calendar days from the effective date of the Memorandum.

Death Valley National Park (Park) and the Pacific West Regional Director must sign the ROD by April 27, 2019 to comply with the Order. The Park submitted a DEIS to ROD Schedule (Attached) with a target ROD date of April 26, 2019, to the Department to comply with this requirement.

The Park received SHPO concurrence on Step 1 of the Standard 4-Step Process and the identification of the Area of Potential Effect on July 20, 2018. The Park sent a letter with archeological surveys, the ethnographic site eligibility determination, the historic site eligibility determination, and the assessment of effect form on February 15, 2018. Although the 60 day window for review of Steps 2 and 3 of the Standard 4-Step Process has passed, the Park appreciates any input the California SHPO can provide in this process. The Park respectfully requests comments and/or concurrence on the Identification of Historic Properties and the Assessment of Effect by August 31, 2018, to ensure we can respond to concerns, incorporate your input, and meet our deadlines.

July 24, 2018
Ms. Julianne Polanco

Page 2

If you have any questions or concerns regarding this undertaking please contact the park Chief of Resources, Josh Hoines (760/768-3253) or Section 106 Coordinator Amanda J. Landon (760/786-3217).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Reynolds". The signature is fluid and cursive, with the first name "Mike" and last name "Reynolds" clearly distinguishable.

Mike Reynolds
Superintendent

Attachments:

1. *DEVA DEIS to ROD Schedule*



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
DEVA CRP No. 11-036
PEPC No. 39438
SHPO No. NPS_2013_0114_001

September 20, 2018

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Ms. Julianne Polanco
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296

Attn: Mark Beason, State Historian II

Subject: SHPO# NPS_2013_0114_001: Conclusion of Consultation for the Saline Valley Warm Springs
Management Plan/EIS, Death Valley National Park, Inyo County, California

Dear Ms. Polanco:

Death Valley National Park (Park) is conducting an Environmental Impact Statement (EIS) to assess the potential impacts to natural and cultural resources for five alternative management plans for the Saline Valley Warm Springs camping and hot springs soaking area. This project qualifies as a federal undertaking under the definitions found in 36 C.F.R. 800.16(y).

The Park initiated consultation with the California State Historic Preservation Office (SHPO) on May 23, 2017. The Park received SHPO concurrence on Step 1 of the Standard 4-Step Process and the identification of the Area of Potential Effect on July 20, 2017. The Park submitted a letter with archeological surveys, the ethnographic site eligibility determination, the historic site eligibility determination, and the assessment of effect form on February 15, 2018. Although the 60 day window for review of Steps 2 and 3 of the Standard 4-Step Process had passed, the Park submitted a letter on July 24, 2018, describing the new Department of the Interior EIS guidance and timelines for completion. The Park requested comments and/or concurrence on the Identification of Historic Properties and a finding of no adverse effect by August 31, 2018, to ensure we could respond to concerns, incorporate your input, and meet our deadlines. To date, the SHPO has not provided concurrence or a request for additional information.

Following these consultation efforts, the Park discussed options to resolve and conclude consultation with the SHPO. It was determined the Park provided more than a reasonable amount of time (over 6.5 months) for the SHPO to either concur with or request additional information regarding the agency's "no adverse effect" determination.

Therefore, in accordance with 36 CFR 800.5(c)(1), the NPS will proceed with the undertaking. The NPS will maintain a record of the finding and will provide information on the finding to the public on request, consistent with the confidentiality provisions of 36 CFR 800.11(c).

September 20, 2018
Ms. Julianne Polanco

Page 2

Should you have comments or recommendations on this project in the future, we will do our best to accommodate your concerns.

Should you have any questions, please contact Josh Hoines, Chief of Resources, at josh_hoines@nps.gov or at (760) 786-3253; or Amanda Landon, Park Archeologist, at amanda_landon@nps.gov or at (760) 786-3217. All correspondence can be sent to the address on the above letterhead to the attention of Mike Reynolds.

Sincerely,


Mike Reynolds
Superintendent

CC: David Louter, Cultural Resources Program Chief, Pacific West Region, National Park Service
Christopher Wilson, Program Analyst, Advisory Council on Historic Preservation

SECTION 106 CONSULTATION: TRIBES



United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328



IN REPLY REFER TO:
N1632

October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

George Gholson, Chairperson
Timbisha Shoshone Tribe
621 West Line Street, Suite 109
Bishop, CA 93514

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and
Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and
Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Gholson:

Through this letter, the National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with culturally affiliated tribes in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), for the following project.

The U.S. Department of the Interior, National Park Service (NPS) is conducting an environmental review for the proposed Saline Valley Warm Springs Management Plan (Plan) in Death Valley National Park (Park). For this project, the NPS is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and with Section 106 of the NHPA. The NPS has determined that the proposed federal action is an undertaking as defined in 36 CFR Part 800.16(y) and it is the type of activity that has the potential to cause effects on historic properties.

On June 5, 2012, the NPS published a Notice of Intent (NOI) for an Environmental Impact Statement (EIS). The NOI states that through the EIS process, the NPS will evaluate different approaches for managing the Saline Valley Warm Springs area and assess the potential impacts on visitor access, asset management, water resources, biological and cultural resources, human health and safety, aesthetics, visitor experience, wilderness character, and other stewardship considerations.

The NPS will apply the Advisory Council on Historic Preservation's criteria of adverse effects (36 CFR Part 800.5, Assessment of Adverse Effects), and, will continue to consult with the California State Historic Preservation Offices as the Plan progresses. The Plan will address and analyze potential effects on cultural resources – archeological sites, cultural landscapes, ethnographic resources, and historic and prehistoric structures.

For the purposes of NEPA, the Timbisha Shoshone Tribe, Bureau of Land Management and Inyo County are identified as cooperating agencies through a Memorandum of Understanding (MOU). The Park conducted a public scoping process June 5 through August 06, 2012, seeking public and agency input in order to help define issues and shape alternatives for this planning process. The NPS is currently preparing the public Draft EIS.

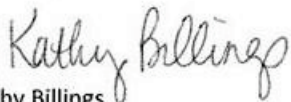
The Park recognizes that the Saline Valley Warm Springs are historically and culturally significant to the Timbisha Shoshone Tribe. The Timbisha Shoshone Homeland Act of 2000 (P.L. 106-423) designated over 1.5 million acres of the Park as a special use area for the Tribe, called the "Timbisha Shoshone Natural and Cultural Preservation Area," which includes the Saline Valley Warm Springs.

During project planning, the Park will consult with culturally affiliated Native American groups. Tribal interests will be an important factor in the planning process. There are numerous references that indicate how the Saline Valley area is of traditional importance to Native Americans. With tribal input, the Plan will consider potential impacts to traditional cultural resources (natural and manmade) such as:

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We look forward to your input on the proposed project and our intended efforts to avoid adverse effects. If, through the course of project development, it is determined that the project may adversely affect historic properties or culturally significant resources, we intend to fulfill our obligations to further consult with the appropriate culturally affiliated tribes. Should you wish to continue to participate in consultation on this project or have any questions please contact Blair Davenport, Cultural Resource Manager, at 760/786-3287 or blair_davenport@nps.gov.

Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328



IN REPLY REFER TO
N1632

October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Virgil Moose, Chairperson
Big Pine Band of Owens Valley
PO Box 700
Big Pine, CA 93513

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Moose:

Through this letter, the National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with culturally affiliated tribes in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), for the following project.

The U.S. Department of the Interior, National Park Service (NPS) is conducting an environmental review for the proposed Saline Valley Warm Springs Management Plan (Plan) in Death Valley National Park (Park). For this project, the NPS is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and with Section 106 of the NHPA. The NPS has determined that the proposed federal action is an undertaking as defined in 36 CFR Part 800.16(y) and it is the type of activity that has the potential to cause effects on historic properties.

On June 5, 2012, the NPS published a Notice of Intent (NOI) for an Environmental Impact Statement (EIS). The NOI states that through the EIS process, the NPS will evaluate different approaches for managing the Saline Valley Warm Springs area and assess the potential impacts on visitor access, asset management, water resources, biological and cultural resources, human health and safety, aesthetics, visitor experience, wilderness character, and other stewardship considerations.

The NPS will apply the Advisory Council on Historic Preservation's criteria of adverse effects (36 CFR Part 800.5, Assessment of Adverse Effects), and, will continue to consult with the California State Historic Preservation Offices as the Plan progresses. The Plan will address and analyze potential effects on cultural resources – archeological sites, cultural landscapes, ethnographic resources, and historic and prehistoric structures.

For the purposes of NEPA, the Timbisha Shoshone Tribe, Bureau of Land Management and Inyo County are identified as cooperating agencies through a Memorandum of Understanding (MOU). The Park conducted a public scoping process June 5 through August 06, 2012, seeking public and agency input in order to help define issues and shape alternatives for this planning process. The NPS is currently preparing the public Draft EIS.

The Park recognizes that the Saline Valley Warm Springs are historically and culturally significant to the Timbisha Shoshone Tribe. The Timbisha Shoshone Homeland Act of 2000 (P.L. 106-423) designated over 1.5 million acres of the Park as a special use area for the Tribe, called the "Timbisha Shoshone Natural and Cultural Preservation Area," which includes the Saline Valley Warm Springs.

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We look forward to your input on the proposed project and our intended efforts to avoid adverse effects. If, through the course of project development, it is determined that the project may adversely affect historic properties or culturally significant resources, we intend to fulfill our obligations to further consult with the appropriate culturally affiliated tribes. Should you wish to continue to participate in consultation on this project or have any questions please contact Blair Davenport, Cultural Resource Manager, at 760/786-3287 or blair_davenport@nps.gov.

Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



United States Department of the Interior
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Death Valley National Park
P.O. Box 579
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N1632

October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Bill Helmer, THPO
Big Pine Band of Owens Valley
PO Box 700
Big Pine, CA 93514

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Helmer:

Through this letter, the National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with culturally affiliated tribes in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), for the following project.

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For the purposes of NEPA, the Timbisha Shoshone Tribe, Bureau of Land Management and Inyo County are identified as cooperating agencies through a Memorandum of Understanding (MOU). The Park conducted a public scoping process June 5 through August 06, 2012, seeking public and agency input in order to help define issues and shape alternatives for this planning process. The NPS is currently preparing the public Draft EIS.

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Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



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P.O. Box 579
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N1632

October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Dale Chad Delgado, Chairperson
Bishop Paiute Tribe
50 Tu Su Lane
Bishop, CA 93514

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and
Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and
Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Delgado:

Through this letter, the National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with culturally affiliated tribes in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), for the following project.

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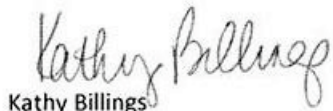
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Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



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MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Raymond Andrews, THPO
Bishop Paiute Tribe
50 Tu Su Lane
Bishop, CA 93514

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Andrews:

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Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328



IN REPLY REFER TO
N1632

October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Israel Naylor, Chairperson
Fort Independence Community of Paiute
PO Box 67
Independence, CA 93526

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and
Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and
Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Naylor:

Through this letter, the National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with culturally affiliated tribes in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), for the following project.

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Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328



IN REPLY REFER TO:
N1632

October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Patricia Henry, Chairperson
Kern River Paiute Council
PO Box 3984
Wofford Heights, CA 93285

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Ms. Henry:

Through this letter, the National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with culturally affiliated tribes in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), for the following project.

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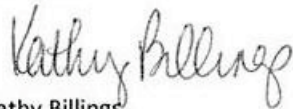
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Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



United States Department of the Interior
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October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Mary Wuester, Chairperson
Lone Pine Paiute Shoshone Reservation
PO Box 747
Lone Pine, CA 93545

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and
Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and
Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Ms. Wuester:

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Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
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United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328



IN REPLY REFER TO:
N1632

October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Kathy Bancroft, Cultural Resources Officer
Lone Pine Paiute Shoshone Reservation
PO Box 747
Lone Pine, CA 93545

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Ms. Bancroft:

Through this letter, the National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with culturally affiliated tribes in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), for the following project.

The U.S. Department of the Interior, National Park Service (NPS) is conducting an environmental review for the proposed Saline Valley Warm Springs Management Plan (Plan) in Death Valley National Park (Park). For this project, the NPS is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and with Section 106 of the NHPA. The NPS has determined that the proposed federal action is an undertaking as defined in 36 CFR Part 800.16(y) and it is the type of activity that has the potential to cause effects on historic properties.

On June 5, 2012, the NPS published a Notice of Intent (NOI) for an Environmental Impact Statement (EIS). The NOI states that through the EIS process, the NPS will evaluate different approaches for managing the Saline Valley Warm Springs area and assess the potential impacts on visitor access, asset management, water resources, biological and cultural resources, human health and safety, aesthetics, visitor experience, wilderness character, and other stewardship considerations.

The NPS will apply the Advisory Council on Historic Preservation's criteria of adverse effects (36 CFR Part 800.5, Assessment of Adverse Effects), and, will continue to consult with the California State Historic Preservation Offices as the Plan progresses. The Plan will address and analyze potential effects on cultural resources – archeological sites, cultural landscapes, ethnographic resources, and historic and prehistoric structures.

For the purposes of NEPA, the Timbisha Shoshone Tribe, Bureau of Land Management and Inyo County are identified as cooperating agencies through a Memorandum of Understanding (MOU). The Park conducted a public scoping process June 5 through August 06, 2012, seeking public and agency input in order to help define issues and shape alternatives for this planning process. The NPS is currently preparing the public Draft EIS.

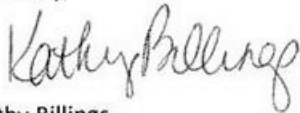
The Park recognizes that the Saline Valley Warm Springs are historically and culturally significant to the Timbisha Shoshone Tribe. The Timbisha Shoshone Homeland Act of 2000 (P.L. 106-423) designated over 1.5 million acres of the Park as a special use area for the Tribe, called the "Timbisha Shoshone Natural and Cultural Preservation Area," which includes the Saline Valley Warm Springs.

During project planning, the Park will consult with culturally affiliated Native American groups. Tribal interests will be an important factor in the planning process. There are numerous references that indicate how the Saline Valley area is of traditional importance to Native Americans. With tribal input, the Plan will consider potential impacts to traditional cultural resources (natural and manmade) such as:

- Plants (traditional use, palms)
- Animals (mammals, birds, reptiles)
- Water sources (springs, hydrological system)
- Geologic features (mountains, canyons)
- Places of traditional and cultural occupation, use, or ceremony (trails, villages, camps)

We look forward to your input on the proposed project and our intended efforts to avoid adverse effects. If, through the course of project development, it is determined that the project may adversely affect historic properties or culturally significant resources, we intend to fulfill our obligations to further consult with the appropriate culturally affiliated tribes. Should you wish to continue to participate in consultation on this project or have any questions please contact Blair Davenport, Cultural Resource Manager, at 760/786-3287 or blair_davenport@nps.gov.

Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



United States Department of the Interior
NATIONAL PARK SERVICE
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328



IN REPLY REFER TO
N1632

October 21, 2013

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Barbara Durham, THPO
Timbisha Shoshone Tribe
621 West Line Street, Suite 109
Bishop, CA 93514

Subject: Initiation of NHPA Section 106 Consultation between the National Park Service and
Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and
Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Ms. Durham:

Through this letter, the National Park Service (NPS), Death Valley National Park (Park) is seeking to initiate consultation with culturally affiliated tribes in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), for the following project.

The U.S. Department of the Interior, National Park Service (NPS) is conducting an environmental review for the proposed Saline Valley Warm Springs Management Plan (Plan) in Death Valley National Park (Park). For this project, the NPS is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and with Section 106 of the NHPA. The NPS has determined that the proposed federal action is an undertaking as defined in 36 CFR Part 800.16(y) and it is the type of activity that has the potential to cause effects on historic properties.

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The NPS will apply the Advisory Council on Historic Preservation's criteria of adverse effects (36 CFR Part 800.5, Assessment of Adverse Effects), and, will continue to consult with the California State Historic Preservation Offices as the Plan progresses. The Plan will address and analyze potential effects on cultural resources – archeological sites, cultural landscapes, ethnographic resources, and historic and prehistoric structures.

For the purposes of NEPA, the Timbisha Shoshone Tribe, Bureau of Land Management and Inyo County are identified as cooperating agencies through a Memorandum of Understanding (MOU). The Park conducted a public scoping process June 5 through August 06, 2012, seeking public and agency input in order to help define issues and shape alternatives for this planning process. The NPS is currently preparing the public Draft EIS.

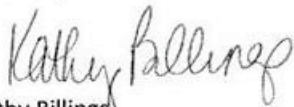
The Park recognizes that the Saline Valley Warm Springs are historically and culturally significant to the Timbisha Shoshone Tribe. The Timbisha Shoshone Homeland Act of 2000 (P.L. 106-423) designated over 1.5 million acres of the Park as a special use area for the Tribe, called the "Timbisha Shoshone Natural and Cultural Preservation Area," which includes the Saline Valley Warm Springs.

During project planning, the Park will consult with culturally affiliated Native American groups. Tribal interests will be an important factor in the planning process. There are numerous references that indicate how the Saline Valley area is of traditional importance to Native Americans. With tribal input, the Plan will consider potential impacts to traditional cultural resources (natural and manmade) such as:

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Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Presentation, Saline Valley Warm Springs Management Plan / EIS, 13 pages
Native American Tribes Contact List, September 19, 2013, 1 page



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
H4217

April 25, 2016

MAILED USPS CERTIFIED-RETURN RECEIPT

George Gholson, Chairman
Timbisha Shoshone Tribe
PO Box 1779
621 W. Line St., Suite 109
Bishop, CA 93515

Subject: Request to review draft report *Saline Valley Warm Springs Assessment of Eligibility*, and, Continuation of Section 106 Consultation between the National Park Service and the Timbisha Shoshone Tribe for the Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California.

Dear Mr. Gholson:

Enclosed for your review is the draft report *Saline Valley Warm Springs Assessment of Eligibility*. The park has also submitted the report to the California State Historic Preservation Office and is seeking their consensus with the National Park Service (NPS) finding that Saline Valley Warm Springs Historic Site is eligible for the National Register of Historic Properties (NRHP) at the local level under Criteria A for its association with *Recreation* as a campground established around a hot spring site, and, with *Social History* as a site that typifies the ideals and principles of a continuum of counterculture movements culminating the Beat and Hippie movements.

Saline Valley Warm Springs Historic Site is a developed campground located at the north end of Saline Valley in Death Valley National Park. The site is comprised of a combination of natural features and built features including rock alignments, soaking pools, camping areas, a road, trails and pathways, and an aircraft landing strip. The period of significance for the Saline Valley Warm Springs Historic Site begins in 1955 and continues until 1978. The earliest anecdotal evidence for Euro-American use of the site is in the 1930s; however, as miners knew of the springs as early as 1904, it is possible that site began to be used much earlier. Anecdotal reports indicate that the first tub (the Bathtub) may have been constructed by either the Civilian Conservation Corps (CCC) in the early 1930s or miners/ranchers in the late 1930s. The first documented report of a constructed tub at the springs was in 1947.

Since the late 1940s, visitation to the springs has steadily increased and additional soaking pools and other features have been constructed. The springs were first managed by the U.S. Forest Service, then the U.S. Bureau of Land Management, and are currently under the jurisdiction of the U.S. National Park Service. Gradually, more and more people visited the site from the mid-1950s through mid-1960s which coincided with the rise of the Beat and Hippie movements in the U.S. The first conclusive date for the site being considered a

destination is in 1955. While the springs were likely used for camping in earlier years, 1955 provides a start date for the period of significance with solid evidence for recreational use. The end date for the period of significance is defined as being 1978, to include all resources more than 50 years of age and the contributing resources constructed between 1965 and 1978, which although not individually eligible, contribute to the eligibility of the site as a whole.

It's important to note this *Assessment of Eligibility* ("historic" Determination of Eligibility or DOE) considers only the potential significance of the site from a perspective of the Euro-American use and development from the 1930s to the present. The site's extensive Native American history and its significance to culturally affiliated Tribes, in particular the Timbisha Shoshone Tribe, will be covered in a separate "ethnographic DOE" report which is currently being revised in cooperation with Native American informants and the NPS. Upon completion, the "ethnographic DOE" will be submitted to the Tribe and SHPO for formal review.

This *Assessment of Eligibility* was prepared in support of several efforts currently in progress:

- As a proposed DOE for Saline Valley Warm Springs Historic Site;
- To meet NHPA Section 106 compliance requirements associated with the completion of a management plan and an environmental impact statement (EIS) for Saline Valley Warm Springs, being prepared by the NPS and their contractor EA Engineering, Science, and Technology, Inc.;
- To document cultural landscape resources and other historic resources for the above mentioned plan and EIS.

The park has also submitted the report to the California State Historic Preservation Office and is seeking their consensus with the National Park Service (NPS) finding that Saline Valley Warm Springs Historic Site is eligible for the National Register of Historic Properties (NRHP) at the local level under Criteria A for its association with *Recreation* as a campground established around a hot spring site, and, with *Social History* as a site that typifies the ideals and principles of a continuum of counterculture movements culminating the Beat and Hippie movements.

We greatly appreciate your office's assistance and want to thank you for the review of this finding. If you concur with the finding of eligibility for the Saline Valley Warm Springs Historic Site, please send us a letter stating your concurrence. If you need additional information, or have questions or concerns, please contact Blair Davenport, Cultural Resources Manager, at 760/786-3287, or, blair_davenport@nps.gov.

Sincerely yours,

Mike Reynolds
Superintendent

Enclosure:

Draft report *Saline Valley Warm Springs Assessment of Eligibility*.

Cc (w/out enclosure):

Barbara Durham, Tribal Historic Preservation Officer, P.O. Box 358, Death Valley, CA 92328

Bcc (w/out attachments):

Jonathan Pennman-Brotzman, Environmental Protection Specialist

Wanda Raschkow, Park Archeologist

Central Files (hard copy)

RM:BDAVENPORT:mbd:04/25/2016:760-786-3287



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO
N1632

December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

George Gholson, Chairperson
Timbisha Shoshone Tribe
621 West Line Street, Suite 109
Bishop, CA 93514

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Gholson:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), the National Park Service (NPS), Death Valley National Park (Park) seeks to continue consultation with culturally affiliated tribes for the proposed Saline Valley Warm Springs Management Plan (Plan).

Background Information on the Project

The NPS is conducting an environmental review for the proposed Saline Valley Warm Springs Management Plan. For this project, the NPS is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and with Section 106 of the NHPA. The NPS has determined that the proposed federal action is an undertaking as defined in 36 CFR Part 800.16(y) and it is the type of activity that has the potential to cause effects on historic properties.

During the preparation of the Draft EIS (DEIS), the NPS shall meet the standards in 36 CFR 800.8(c)(1)(i) through (v) and describe the following efforts in the resulting environmental document:

- consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to the affected historic properties, other consulting parties, and the ACHP, where appropriate, during the NEPA scoping, environmental analysis, and the preparation of NEPA documents;
- involve the public in accordance with the agency's published NEPA procedures; and
- develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the DEIS.

December 15, 2014
George Gholson, Chairperson

Page 2

On June 5, 2012, the NPS published a Notice of Intent (NOI) for an Environmental Impact Statement (EIS). In September 2013, the Park initiated consultation with potential culturally affiliated Tribes, the California State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP). For the purposes of NEPA, the Timbisha Shoshone Tribe, Bureau of Land Management and Inyo County are identified as cooperating agencies through a Memorandum of Understanding (MOU). The Park conducted a public scoping process June 5 through August 06, 2012, seeking public and agency input in order to help define issues and shape alternatives for this planning process. The NPS is currently preparing the public DEIS.

Tribal Consultation

Tribal interests are an important factor in the planning process. The NPS will continue to consult with culturally affiliated Native American groups including the Big Pine Band of Owens Valley, the Bishop Paiute Tribe, the Fort Independence Community of Paiute, the Lone Pine Paiute Shoshone Reservation, and the Timbisha Shoshone Tribe. The Park recognizes that the Timbisha have significant interest in the management of the Park: the Timbisha Shoshone Homeland Act of 2000 (P.L. 106-423) designated over 1.5 million acres of the Park as a special use area for the Tribe, including Saline Valley Warm Springs.

Numerous references indicate Saline Valley is of traditional importance to Native Americans. To assist with project planning and seek tribal input on Saline Valley Warm Springs, the Park has contracted with Ms. Penny Rucks, Cultural Anthropologist/Ethnographer with Western Cultural Resource Management in Sparks, NV. Ms. Rucks is experienced in tribal relations and historic preservation in the Great Basin region. Beginning January or February 2015, Ms. Rucks plans to contact tribal members who may have knowledge about Saline Valley Warm Springs, and seek tribal input on the traditional cultural resources (natural and manmade) at the Springs including plants (traditional use, palms); animals (mammals, birds, reptiles); water sources (springs, hydrological system); geologic features (mountains, canyons); and places of traditional and cultural occupation, use, or ceremony (trails, villages, camps).

We look forward to working with Ms. Rucks and tribal members on the proposed project and our intended efforts to avoid adverse effects to historic resources that may be culturally significant to Native Americans. Tribal members who wish to speak with Ms. Rucks about Saline Valley or have questions about the project, should contact Blair Davenport, Cultural Resource Manager, Death Valley National Park, at 760/786-3287, or, blair_davenport@nps.gov.

Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Native American Tribes Contact List, December 11, 2014, 1 page



United States Department of the Interior

NATIONAL PARK SERVICE
Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO
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December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Barbara Durham, THPO
Timbisha Shoshone Tribe
121 W Line Street
Bishop, CA 93514

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Ms. Durham:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), the National Park Service (NPS), Death Valley National Park (Park) seeks to continue consultation with culturally affiliated tribes for the proposed Saline Valley Warm Springs Management Plan (Plan).

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December 15, 2014
Barbara Durham, THPO

Page 2

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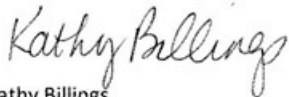
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We look forward to working with Ms. Rucks and tribal members on the proposed project and our intended efforts to avoid adverse effects to historic resources that may be culturally significant to Native Americans. Tribal members who wish to speak with Ms. Rucks about Saline Valley or have questions about the project, should contact Blair Davenport, Cultural Resource Manager, Death Valley National Park, at 760/786-3287, or, blair_davenport@nps.gov.

Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Native American Tribes Contact List, December 11, 2014, 1 page



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
N1632

December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Virgil Moose, Chairperson
Big Pine Band of Owens Valley
PO Box 700
Big Pine, CA 93513

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Moose:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), the National Park Service (NPS), Death Valley National Park (Park) seeks to continue consultation with culturally affiliated tribes for the proposed Saline Valley Warm Springs Management Plan (Plan).

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- develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the DEIS.

December 15, 2014
Virgil Moose, Chairperson

Page 2

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Sincerely,


Kathy Billings
Superintendent

Cc: (w/enclosures)

Native American Tribes Contact List, December 11, 2014, 1 page



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



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N1632

December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Bill Helmer, THPO
Big Pine Band of Owens Valley
PO Box 700
Big Pine, CA 93514

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Helmer:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), the National Park Service (NPS), Death Valley National Park (Park) seeks to continue consultation with culturally affiliated tribes for the proposed Saline Valley Warm Springs Management Plan (Plan).

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December 15, 2014

Bill Helmer, THPO

Page 2

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Sincerely,



Kathy Billings
Superintendent

Cc: (w/enclosures)

Native American Tribes Contact List, December 11, 2014, 1 page



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
N1632

December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Dale Chad Delgado, Chairperson
Bishop Paiute Tribe
50 Tu Su Lane
Bishop, CA 93514

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Mr. Delgado:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470, et seq.) and its implementing regulation 36 CFR 800.3(f)(2), the National Park Service (NPS), Death Valley National Park (Park) seeks to continue consultation with culturally affiliated tribes for the proposed Saline Valley Warm Springs Management Plan (Plan).

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December 15, 2014

Dale Chad Delgado

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Kathy Billings
Superintendent

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Native American Tribes Contact List, December 11, 2014, 1 page



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December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Raymond Andrews, THPO
Bishop Paiute Tribe
50 Tu Su Lane
Bishop, CA 93514

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

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Raymond Andrews, THPO

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Kathy Billings
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NATIONAL PARK SERVICE

Death Valley National Park
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December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Israel Naylor, Chairperson
Fort Independence Community of Paiute
PO Box 67
Independence, CA 93526

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

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Sincerely,


Kathy Billings
Superintendent

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Native American Tribes Contact List, December 11, 2014, 1 page



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



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N1632

December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Mary Wuester, Chairperson
Lone Pine Paiute Shoshone Reservation
PO Box 747
Lone Pine, CA 93545

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Ms. Wuester:

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December 15, 2014
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Kathy Billings
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NATIONAL PARK SERVICE
Death Valley National Park
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N1632

December 15, 2014

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Kathy Bancroft, Cultural Resources Officer
Lone Pine Paiute Shoshone Reservation
PO Box 747
Lone Pine, CA 93545

Subject: Continuation of Consultation between the National Park Service and Culturally Affiliated Tribes for Saline Valley Warm Springs Management Plan and Environmental Impact Statement, Death Valley National Park, Inyo County, California

Dear Ms. Bancroft:

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United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
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IN REPLY REFER TO:
DEVA CRP No. 11-036
PEPC No. 39438
SHPO No. NPS_2013_0114_001

February 15, 2018

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

George Gholson, Chairman
Timbisha Shoshone Tribe
PO Box 1779
621 W. Line St., Suite 109
Bishop, CA 93515

Subject: Determination of *No Adverse Effect* for Proposed Saline Valley Warm Springs Management Plan/EIS,
Death Valley National Park, Inyo County, California

Dear Mr. Gholson:

Death Valley National Park (Park) re-initiated consultation with the Timbisha Shoshone Tribe in a letter sent on May 23, 2017, for the Saline Valley Warm Springs Management Plan/EIS. The Area of Potential Effect maps and description are included in this package, again, for your convenience in the attached Assessment of Effect document (Attachment 6). In compliance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C.470f) as amended, and its implementing regulations found at 36 CFR 800, the Park seeks your comments under 36 CFR 800.4 on the identification of historic properties and under 36 CFR 800.5 for a finding of no adverse effect for the following project.

Identification of Historic Properties

To meet the Section 106 requirements for the project, the Park conducted two archeological surveys (Attachments 1 and 2), conducted site condition assessments of nearby archeological sites (Attachment 3), and commissioned two eligibility recommendation documents (Attachments 4 and 5). Park Archeologist Leah Bonstead (Attachment 1) conducted an intensive pedestrian survey of the direct APE in 2011 to provide a baseline documentation of the area and inform future park planning efforts. She also enlisted the archeology crew (Attachment 3) to conduct site condition assessments within 2-4 miles of the Saline Valley Warm Springs area to provide a baseline for future site condition assessments and a possible site steward program (Attachment 6: Figures 10-14). After recording the Warm Springs area, Bonstead recommended that the Park conduct ethnographic and historic resource studies to determine the site's eligibility. The Park hired Penny Rucks (Attachment 4), an ethnographer, to conduct interviews and site visits with members of the Timbisha Shoshone Tribe to assess the site's eligibility as a Traditional Cultural Property. The Park also hired New South Associates (via EA Engineering) to assess the campground and soaking tubs as a possible historical site (Attachment 5). In 2015, Park Archeologist Wanda Raschkow conducted an intensive pedestrian survey of the road that leads to the springs (Attachment 2) because the road is currently maintained by Saline Valley visitors and volunteers, and would continue to be maintained by Park staff as part of the site plan.

February 15, 2018
Mr. George Gholson

Page 2

Assessment of Effect

The Park prepared an Assessment of Effect document that summarizes our efforts to ensure that the project will not result in adverse impacts to the Saline Valley Warm Springs historic site, the *Ko o' Warm Springs* ethnographic site, or archeological sites in the vicinity of the springs (Attachment 6).

Finding of No Adverse Effect

The Park finds that the proposed actions are in line with criteria in the Secretary of Interior for the Treatment of Historic Properties (36 CFR 68). The proposed undertaking will have *No Adverse Effect* to historic properties provided the following stipulations are adhered to:

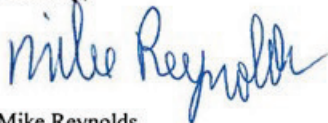
- (1) Mechanical palm removal at the upper springs is monitored by a qualified archeologist.
- (2) The communal fire ring, which is a contributing feature to the Historic District, is retained. The other rock fire rings can be removed and replaced with standard NPS metal fire rings.
- (3) The Park reduces the distance from springs visitors are allowed to camp from 200 feet to 100 feet. This would significantly reduce the impact of this policy on the historical district *and* bring the policy in line with the park wide camping rules in the Superintendent's Compendium.
- (4) The Park follows the Secretary of the Interior Standards on the treatment of vegetation in historic landscapes. The Park should consult with a qualified Historical Landscape Architect or Landscape Historian and the Timbisha Shoshone Tribe as the non-native contributing vegetation at Palm Springs and the Lower Warm Springs dies to identify appropriate native, non-invasive species to replace the palms with to avoid adverse impacts to the historical district while improving the integrity of the ethnographic site.
- (5) The park consults with a qualified Historical Landscape Architect or Landscape Historian on the future placement of the restrooms and fencing to ensure the Park is following the Secretary of the Interior Standards on the treatment of historic landscapes
- (6) In the unlikely event that previously undocumented archeological features are encountered during the project implementation, all necessary steps will be taken to protect them and work in that location will be immediately suspended until the park Compliance Archeologist or another archeologist meeting the Secretary of Interior Standards has evaluated the find.
- (7) In the unlikely event that human remains are encountered during project implementation, all work will be suspended immediately until measures stipulated in the *DEVA NAGPRA Inadvertent Discovery Plan* are completed and the Native American Graves Protection and Repatriation Act is followed.

The Park seeks your comments with the following findings:

- Identification of historic properties per 36 CFR 800.4 and acknowledgement of previous work.
- Determination that the project will have *No Adverse Effect* to historic properties per 36 CFR 800.5.

If you have any questions or concerns regarding this undertaking or the park's determination of effect, please contact the park Environmental Protection Specialist, Jonathan Penman-Brotzman (760/768-3227) or Section 106 Archeologist Amanda J. Landon (760/786-3217).

Sincerely,



Mike Reynolds
Superintendent

February 15, 2018
Mr. George Gholson

Page 3

Attachments:

1. *Archeological Survey and Documentation, Saline Valley Warm Springs, CRP No. 11-036, Death Valley National Park, Inyo County, California* (2013, Leah Bonstead)
2. *Cultural Resources Inventory of Saline Valley Warm Springs Developed Area* (2014, Jennifer Durk)
3. *Saline Valley Condition Assessments, CRP No. 11-001, WACC Project No. DEVA 2011C, Death Valley National Park, Inyo County, California* (2011, Emily McCuistion)
4. *Saline Valley Warm Springs Assessment of Eligibility, Death Valley National Park, Inyo County, California* (2015, Julia Coco)
5. *National Register of Historic Places Form: Saline Valley Warm Springs/Ko o' Warm Springs* (2017, Penny Rucks)
6. *Assessment of Actions Having an Effect on Cultural Resources: Saline Valley Warm Springs Management Plan Environmental Impact Statement* (2017, Amanda J. Landon)

CC (w/ attachments)

Barbara Durham, Timbisha Shoshone THPO



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
DEVA CRP No. 11-036
PEPC No. 39438
SHPO No. NPS_2013_0114_001

February 15, 2018

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

Barbara Durham, THPO
Timbisha Shoshone Tribe
9314 So. Ash St., E10
Tacoma, Washington 98444

Subject: Determination of *No Adverse Effect* for Proposed Saline Valley Warm Springs Management Plan/EIS,
Death Valley National Park, Inyo County, California

Dear Ms. Durham:

Death Valley National Park (Park) re-initiated consultation with the Timbisha Shoshone Tribe in a letter sent on May 23, 2017, for the Saline Valley Warm Springs Management Plan/EIS. The Area of Potential Effect maps and description are included in this package, again, for your convenience in the attached Assessment of Effect document (Attachment 6). In compliance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C.470f) as amended, and its implementing regulations found at 36 CFR 800, the Park seeks your comments under 36 CFR 800.4 on the identification of historic properties and under 36 CFR 800.5 for a finding of no adverse effect for the following project.

Identification of Historic Properties

To meet the Section 106 requirements for the project, the Park conducted two archeological surveys (Attachments 1 and 2), conducted site condition assessments of nearby archeological sites (Attachment 3), and commissioned two eligibility recommendation documents (Attachments 4 and 5). Park Archeologist Leah Bonstead (Attachment 1) conducted an intensive pedestrian survey of the direct APE in 2011 to provide a baseline documentation of the area and inform future park planning efforts. She also enlisted the archeology crew (Attachment 3) to conduct site condition assessments within 2-4 miles of the Saline Valley Warm Springs area to provide a baseline for future site condition assessments and a possible site steward program (Attachment 6: Figures 10-14). After recording the Warm Springs area, Bonstead recommended that the Park conduct ethnographic and historic resource studies to determine the site's eligibility. The Park hired Penny Rucks (Attachment 4), an ethnographer, to conduct interviews and site visits with members of the Timbisha Shoshone Tribe to assess the site's eligibility as a Traditional Cultural Property. The Park also hired New South Associates (via EA Engineering) to assess the campground and soaking tubs as a possible historical site (Attachment 5). In 2015, Park Archeologist Wanda Raschkow conducted an intensive pedestrian survey of the road that leads to the springs (Attachment 2) because the road is currently maintained by Saline Valley visitors and volunteers, and would continue to be maintained by Park staff as part of the site plan.

February 15, 2018
Ms. Barbara Durham

Page 2

Assessment of Effect

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Finding of No Adverse Effect

The Park finds that the proposed actions are in line with criteria in the Secretary of Interior for the Treatment of Historic Properties (36 CFR 68). The proposed undertaking will have *No Adverse Effect* to historic properties provided the following stipulations are adhered to:

- (1) Mechanical palm removal at the upper springs is monitored by a qualified archeologist.
- (2) The communal fire ring, which is a contributing feature to the Historic District, is retained. The other rock fire rings can be removed and replaced with standard NPS metal fire rings.
- (3) The Park reduces the distance from springs visitors are allowed to camp from 200 feet to 100 feet. This would significantly reduce the impact of this policy on the historical district *and* bring the policy in line with the park wide camping rules in the Superintendent's Compendium.
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The Park seeks your comments with the following findings:

- Identification of historic properties per 36 CFR 800.4 and acknowledgement of previous work.
- Determination that the project will have *No Adverse Effect* to historic properties per 36 CFR 800.5.

If you have any questions or concerns regarding this undertaking or the park's determination of effect, please contact the park Environmental Protection Specialist, Jonathan Penman-Brotzman (760/768-3227) or Section 106 Archeologist Amanda J. Landon (760/786-3217).

Sincerely,



Mike Reynolds
Superintendent

February 15, 2018
Ms. Barbara Durham

Page 3

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United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
DEVA CRP No. 11-036
PEPC No. 39438
SHPO No. NPS_2013_0114_001

July 24, 2018

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

George Gholson, Chairman
Timbisha Shoshone Tribe
PO Box 1779
621 W. Line St., Suite 109
Bishop, CA 93515

Subject: Process Timeline and Further Opportunities for Involvement with the Saline Valley Warm Springs Management Plan/EIS, Death Valley National Park, Inyo County, California

Dear Mr. Gholson:

We are writing to inform you of the close of the Saline Valley Warm Springs Management Plan and Draft Environmental Impact Statement (DEIS) public comment period and to invite you to participate in developing the Final EIS.

The Department of the Interior released new guidance under Secretarial Order No. 3355, Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807, which requires that Environmental Impact Statements (EIS) be completed within one year of issuance of a Notice of Intent (NOI) to prepare an EIS. Further direction under a memorandum released on April 27, 2018, requires that each EIS project team with an outstanding EIS with a NOI published on or before August 31, 2017, provide a project schedule with a Final EIS and Record of Decision (ROD) issuance date of no later than 365 calendar days from the effective date of the Memorandum.

Death Valley National Park (Park) and the Pacific West Regional Director must sign the ROD by April 27, 2019 to comply with the Order. The Park submitted a DEIS to ROD Schedule (Attached) with a target ROD date of April 26, 2019, to the Department to comply with this requirement.

There are still opportunities for cooperating and consulting agencies to participate in the development of the Final EIS. The public comment period for the Saline Valley Warm Springs Management Plan/EIS came to a close on July 2, 2018. The Park received 381 public comments, which are currently being analyzed and coded. The Park proposes the following engagement opportunities:

- Share the public comment analysis report, when compiled;
- Schedule a call to discuss the comment analysis report;
- Seek assistance in responding to public comments, where appropriate;
- Provide the opportunity to review and provide comments on the first internal Final EIS;
- Provide notification of the Final EIS publication;

July 24, 2018
Mr. George Gholson

Page 2

- Provide notification of the ROD release.

If you have any questions or concerns regarding this undertaking please contact the park Chief of Resources, Josh Hoines (760/768-3253) or Section 106 Coordinator Amanda J. Landon (760/786-3217).

Sincerely,

A handwritten signature in black ink that reads "Mike Reynolds". The signature is written in a cursive, flowing style.

Mike Reynolds
Superintendent

Attachments:

1. *DEVA SVWS Schedule for PWR_DEVA_DOI*

CC (w/ attachments)

Barbara Durham, Timbisha Shoshone THPO



United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Park
PO Box 579
Death Valley, California 92328



IN REPLY REFER TO:
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July 24, 2018

MAILED USPS CERTIFIED MAIL-RETURN RECEIPT

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Timbisha Shoshone Tribe
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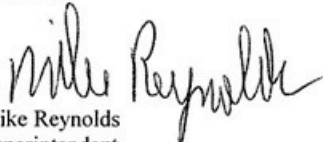
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July 24, 2018
Ms. Barbara Durham

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Sincerely,



Mike Reynolds
Superintendent

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