

National Aeronautics and Space Administration
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Subject: Continuing Section 106 consultation –Response to April 6, 2018 letter from SHPO regarding Navigational Aids, Airfield Lighting, and Signage Replacement at the NASA Ames Research Center, Santa Clara County, CA (NASA_2017_0605_001)

Dear Ms. Polanco,

Thank you for your letter dated April 6, 2018 regarding the proposed Navigational Aids, Airfield Lighting, and Signage Replacement (NAVAIDS) Project (project or undertaking) at NASA Ames Research Center (NASA). This letter serves to provide responses and additional information as requested, and to continue consultation in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800.

As outlined in your letter, you concur on most aspects of the project, including the sufficiency of the APE size, the effort taken to identify built environment and archaeological resources, and the finding of No Adverse Effect for properties related to the Naval Air Station Sunnyvale Historic District and to archaeological sites CA-SCL-17 and CA-SCL-20. Additionally, you stated concurrence with our finding of an Adverse Effect on site CA-SCL-19. A Memorandum of Agreement (MOA) was established as an appropriate way to address these adverse effects. As requested, an electronic copy of the draft MOA has been included with this email submittal for your review (Attachment A). The Archaeological Data Recovery Plan (ADRP) prepared by William Self Associates/PaleoWest (WSA) has been included as an attachment item to the draft MOA (Attachment A.1).

As requested in your April 6, 2018 letter, NASA has taken efforts to involve local tribal representatives as consulting parties on the ADRP. These interested parties are representatives from non-federally recognized tribes identified by the Native American Heritage Commission (NAHC) for the Archaeological Resources Study (AECOM 2017). The five identified interested parties include:

- Ann Marie Sayers, Indian Canyon Mutsun Band of Costanoan, Hollister, CA
- Rosemary Cambra, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, Milpitas, CA
- Irene Zwierlein, Amah Mutsun Tribal Band of Mission San Juan Bautista, Woodside, CA
- Andrew Galvan, The Ohlone Indian Tribe, Fremont, CA
- Valentin Lopez, Amah Mutsun Tribal Band, Galt, CA

As such, NASA has initiated the consultation with the aforementioned representatives as consulting parties, offering them to consult on the ADRP for site CA-SCL-19. Communication with these parties was established as follows:

- On April 10, 2018, WSA staff submitted a request by email to the NAHC for a Native American contacts list for the undertaking area.
- On April 30, 2018, WSA staff sent a follow-up email to the NAHC to inquire if the initial request had been received and if additional information was required.
- On May 16, 2018, as no response had been received from the NAHC and consistent with SHPO recommendations, NASA sent, by certified mail, a letter describing the undertaking and inviting the addressee to consult on the ADRP to five Native American individuals or groups previously identified by the NAHC as interested parties. The letter included a map of the undertaking area, and requested that groups or individuals wishing to consult respond to NASA in writing within 30 days of receipt.
- On May 23, 2018 on behalf of NASA, WSA attempted to contact by telephone each of the five groups or individuals to whom invitations to consult had been sent to inquire about their interest in participating in consultation regarding the ADRP. As a result of the May 23, 2018 telephone follow-ups, three of five individuals contacted expressed interest in participating in consultation with NASA regarding the ADRP for CA-SCL-19. One individual informed WSA that the undertaking was outside of their traditional tribal area, and declined to participate in consultation. One individual could not be reached.
- On May 25, 2018, WSA contacted by email the individual not previously reached by phone. This individual responded by e-mail on May 28, 2018 that they are interested in participating in consultation.
- On May 30, 2018, electronic draft copies of the ADRP, redacted as necessary to protect confidential information, were provided by email to the four individuals who accepted the invitation to consultation.
- On June 6, 2018, a letter response was received by NASA from one individual requesting participation in consultation.

A summary of correspondence with consulting parties is presented in Attachment B.

NASA will continue consultation with Native American individuals and groups who have elected to participate as consulting parties regarding the applicability of the ADRP to resolve the undertaking's adverse effects on archaeological site CA-SCL-19. Consistent with the Section 106 Regulations and the Secretary of the Interior's Standards and Guidelines for Federal Agency Preservation Programs pursuant to the NHPA, consultation will continue until agreement is reached with these consulting parties or until it becomes clear to NASA that agreement cannot be reached.

Respectfully, we would like to request an expedited review of the attached Draft MOA and ADRP. The Undertaking has a sensitive schedule and efforts must be underway in order to meet the updated safety standards and requirements of the Federal Aviation Authority (FAA). If there are any additional questions or concerns, please contact me via the information provided below.

Thank you for your thoughtful attention to this project and we look forward to continuing our consultation with you and your staff.

Sincerely,



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Attachments:

- A. Draft MOA with attached ADRP
- B. Consulting parties correspondence table