

Appendix L

NHPA Section 106 and Tribal Consultation Correspondence





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

FEB 27 2009

Mr. Milford Wayne Donaldson, F.A.I.A.
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Dear Mr. Donaldson:

The Bureau of Indian Affairs (BIA), Pacific Regional Office, wishes to initiate Section 106 consultation with the State Historic Preservation Office (SHPO) concerning the fee-to-trust conveyance of approximately 79 acres of land for the Cloverdale Rancheria of Pomo Indians (Tribe), Sonoma County, California. The implementation of this proposed action, pursuant to 25 CFR 151 (Land Acquisitions), is contingent in part on the BIA meeting its obligations under Section 106 of the National Historic Preservation Act (NHPA) as amended.

The Area of Potential Effects (APE) for this undertaking includes six parcels of land totaling approximately 79 acres (see enclosed Figure 1-3, Draft EIS). The APE is located in an unsectioned portion of the Rincon de Musalacon Mexican landgrant within Township 11 North, Range 10 West, MDBM. The project area is bounded on the west by Asti Road and adjacent Highway 101, and it is bounded on the east by the Russian River. In addition to taking the land into trust, the Tribe is proposing to develop the property. The proposed action (Alternative A) would include a casino, hotel, convention center, entertainment center, Tribal government building, ancillary support buildings, and both surface and garage parking totaling 3,400± spaces. Site plans illustrating the Proposed Action and Alternatives B-D have been enclosed. It is estimated that the square footage for the facilities in Alternative A would total approximately 595,600ft².

The APE was surveyed by Environmental Science Associates (ESA) in 2008 (report enclosed). This study resulted in the identification of six historic structures that meet the 50-year minimum age threshold for consideration of National Register eligibility. The structures include three single-family residences, two shed outbuildings, and one cattle chute/corral. No prehistoric or historic archaeological sites were encountered during the pedestrian survey, although the records search indicated that two prehistoric sites have been recorded within ½-mile of the APE.

ESA completed significance evaluations for all six structures located within the APE. As detailed in the report, none of the resources were found to be associated with events or persons important in history, nor do they embody distinctive characteristics of a type, period, or method of construction. The recordation and research conducted to-date has exhausted the research potential of these structures. As such, ESA recommended that none of the six resources are eligible for listing in the National Register. The BIA agrees with ESA's findings and evaluations, and therefore has determined that **No Historic Properties will be Affected** by this proposed federal action. Your concurrence in this determination shall suffice as evidence that the BIA has met its Section 106 compliance obligations in this matter, pursuant to 36 CFR 800.4(d)(1).

If you should require further clarification or additional information concerning this federal action, please contact Jennifer Thomas, Assistant Regional Archeologist, at (916) 978-6165, or John Rydzik, Chief, Division of Environmental, Cultural Resources Management, and Safety at (916) 978-6051.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M.", with a horizontal line extending to the right.

Regional Director

Enclosures

cc: Superintendent, Central California Agency (without enclosures)
Chairperson, Cloverdale Rancheria (without enclosures)
Regional Environmental Protection Specialist (without enclosures)

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

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March 16, 2009

In Reply Refer To: BIA090304A

Dale Morris
Regional Director
United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

Re: Proposed Fee-To-Trust Conveyance of 79 Acres of Land for the Cloverdale Rancheria of Pomo Indians, Sonoma County, California.

Dear Mr. Morris:

Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act, the Bureau of Indian Affairs (BIA), Pacific Regional Office, is seeking my comments on its determination of effects that the proposed undertaking will have on historic properties. The undertaking consists of the conveyance of a parcel of 79 acres, located just southeast of the City of Cloverdale between Highway 101 and the Russian River, into trust status for the Cloverdale Rancheria of Pomo Indians (Tribe). The BIA has determined that the 79 acre parcel to be conveyed is the project Area of Potential Effects (APE).

In addition to your letter requesting consultation, you have submitted the following report as evidence of your efforts to identify historic properties in the APE:

Cloverdale Rancheria Fee To Trust Project, Sonoma County, California Cultural Resources Survey Report (Heidi Koenig and Kathy Anderson, Environmental Science Associates: November 2008).

Based on their identification efforts, the BIA has determined that there are no archaeological sites and six historic-era buildings or structures that exceed 50 years of age within the APE. After reviewing your letter of February 27, 2009, and supporting documentation, I have the following comments:

1) I concur that the Area of Potential Effects (APE) has been properly determined and documented pursuant to 36 CFR Part 800.4 (a) (1) and that the Efforts to Identify Historic Properties within the APE represent a reasonable and good faith effort by the BIA pursuant to 36 CFR Part 800.4.

2) I concur that the following built-environment buildings and structures are not eligible for the National Register of Historic Places: Lile Lane Shed #1, Lile Lane Shed #2, Lile Lane Cattle Chute/Corral, 209 Lile Lane (1948 single-family, single-story residence), 347 Lile Lane (1920 heavily modified, two-story vernacular style residence), and 505 Lile Lane (1956 single-story, single-family residence).

3) I further concur that a finding of No Historic Properties Affected for this undertaking is appropriate as per 36 CFR Part 800.4(d)(1).

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the BIA may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule, Associate State Archeologist, at phone 916-654-4614 or email wsoule@parks.ca.gov.

Sincerely,

Susan K Shattor for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer



1425 N. McDowell Boulevard
Suite 105
Petaluma, CA 94954
707.795.0900 phone
707.795.0902 fax

www.esassoc.com

FAX TRANSMITTAL FORM

To: Native American Heritage Commission

Account-Job No.: D207737

Date: April 17, 2008

Fax No.: (916) 657-5390
Phone No.: (916) 653-4082

Total Number of Pages: 2
(including cover page)

From: Heidi Koenig

Re: Cloverdale Rancheria fee-to-trust

Fax No.: (707) 795-0902
Phone No.: (707) 795-0920
E-mail: hkoenig@esassoc.com

COMMENTS

Please review the sacred lands files for any Native American cultural resources that may be within or adjacent to the project area depicted on the accompanying Cloverdale 7.5 topographic quadrangle. The proposed project is in Cloverdale, Sonoma County and consists of the placement of 4 parcels of land totaling 32.1± acres into federal trust for the Cloverdale Rancheria of Pomo Indians. Five varying development alternatives and a No Action Alternative have been proposed. Four alternatives include the construction of a casino and associated facilities. One alternative consists of a commercial retail center. We also request a list of Native American individuals/organizations that may have knowledge of cultural resources in the project area. ESA intends to conduct a survey of the project area for cultural resources. Please call if you have any questions.

Thank you for your assistance.

Heidi Koenig
Cultural Resources Group

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE
COMMISSION**915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390

April 17, 2008

Heidi Koenig
Cultural Resource Group
ESA Petaluma
1425 N. McDowell Boulevard, Suite 105
Petaluma, CA 94954Sent by Fax: 707-795-0902
Number of Pages: 2

Re: Proposed Account Job No. D207737, Cloverdale Rancheria Fee-To-Trust; Sonoma County

Dear Ms. Koenig:

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4040.

Sincerely,

A handwritten signature in cursive script that reads "Katy Sanchez".
Katy Sanchez
Program Analyst

Native American Contacts
Sonoma County
April 22, 2008

Cloverdale Rancheria of Pomo Indians
Patricia Hermosillo, Chairperson
555 South Cloverdale Blvd., Suite A Pomo
Cloverdale , CA 95425
clvrdler61@aol.com
(707) 894-5775
909-894-5727

Kathleen Smith
1778 Sunnyvale Avenue Pomo
Walnut Creek , CA 94596 Coast Miwok
(925) 938-6323

Dawn S. Getchell
P.O. Box 53 Coast Miwok
Jenner , CA 95450 Pomo
(707) 865-2248

Cloverdale Rancheria of Pomo Indians
Mario Hermosillo Jr., Tribal Environmental Planner
555 South Cloverdale Blvd., Suite A Pomo
Cloverdale , CA 95425
mhermosillo@cloverdalerancheria.com
(707) 894-5775
707-894-5727

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Account-Job No.: D207737, Cloverdale Rancheria fee-to-trust; Sonoma County.



1425 N. McDowell Boulevard
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707.795.0900 phone
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April 28, 2008

Kathleen Smith
1778 Sunnyvale Avenue
Walnut Creek, California 94596

Re: Cultural resource study near Cloverdale, Sonoma County – Cloverdale Rancheria Fee-to-Trust Project
(ESA Project #D207737)

Dear Ms. Smith:

Environmental Science Associates (ESA) is conducting cultural resources study for an environmental assessment for the Cloverdale Rancheria Fee-to-Trust Project. The project area is located near Cloverdale, Sonoma County. The Cloverdale Rancheria of Pomo Indians has purchased several parcels (approximately 80 acres) on land adjacent to the Cloverdale Rancheria. The project is located on the Cloverdale USGS 7.5' Quad (see attached map).

In an effort to address any potential impact to archaeological or ethnographic resources, we are seeking comments from Native American representatives; your name was supplied to us by the Native American Heritage Commission as a contact for this area. We are in contact with the chairperson and other tribe members of the Cloverdale Rancheria. We would appreciate your comments identifying any concerns or issues pertinent to this project.

Thank you for your cooperation on this matter. If you have any questions, please contact me at 707.795-0920.

Sincerely,

A handwritten signature in black ink, appearing to read "Heidi Koenig". The signature is fluid and cursive, with a large, sweeping initial "H" and "K".

Heidi Koenig
Cultural Resources Group



1425 N. McDowell Boulevard
Suite 105
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707.795.0900 phone
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April 28, 2008

Dawn S. Getchell
P.O. Box 53
Jenner, California 95450

Re: Cultural resource study near Cloverdale, Sonoma County – Cloverdale Rancheria Fee-to-Trust Project
(ESA Project #D207737)

Dear Ms. Smith:

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Heidi Koenig
Cultural Resources Group