

APPENDIX F: SECTION 106 CONSULTATION



U.S. Department
of Transportation
**Federal Highway
Administration**

Central Federal Lands Highway Division

January 25, 2018

12300 West Dakota Avenue
Suite 380A
Lakewood, CO 80228-2583
Office: 720-963-3668
Fax: 720-963-3596
Nathan.Allen@dot.gov

In Reply Refer To:
HFPM-16

Ms. Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: Request for Concurrence on the Area of Potential Effects, Determinations of Eligibility, and Finding of No Adverse Effect for the Sir Francis Drake Boulevard Improvement Project CA FLAP CR109(1) (SHPO# FHWA_2015_703_001)

Dear Ms. Polanco:

The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD) is re-initiating consultation with the State Historic Preservation Officer (SHPO) regarding the undertaking referenced above. We are consulting with you in accordance with 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act. Through prior consultation in 2015, we provided a Cultural Resources Report identifying portions of three overlapping historic districts within the Area of Potential Effect (APE) of the undertaking: the Point Reyes Dairy District, the Point Reyes Ranches Historic District, and the Shafter/Howard Tenant Ranches Historic District, that were determined eligible for the National Register of Historic Places (NRHP). Your office concurred on September 17, 2015 with our delineation of the APE, the steps taken to identify historic properties, eligibility of historic properties, and finding of *no adverse effect*.

At this time, we request the following of your office:

1. Concurrence on the amended APE;
2. Concurrence on our finding that a *no adverse effect* is still valid for the undertaking;
3. Acknowledgment that FHWA-CFLHD intends on using your concurrence with our Section 106 finding of *no adverse effect* to make Section 4(f) *de minimis* impact findings.

The FHWA-CFLHD representative is Nate Allen, Project Manager. Attached to this letter is Addendum 1 to the Cultural Resources Report completed in support of the project (Ruby and Murphy 2017), which has been reviewed by the National Park Service, Point Reyes National Seashore Cultural Resources Specialist, Paul Engel, who concurs with the report findings and recommendations.

Description of the Undertaking

FHWA-CFLHD, in cooperation with Marin County, California and the National Park Service (NPS), propose improvements to approximately 12 miles of Sir Francis Drake Boulevard (SFDB) within Point Reyes National Seashore.

Since consultation in 2015, FHWA-CFLHD has modified the Action Alternative to further improve conditions along SFDB and to provide detail to the mitigation approach to compensate for impacts. Changes to the Action Alternative include: (1) installing a bridge instead of culverts at Schooner Creek; (2) installing biotechnical bank stabilization along a segment of East Schooner Creek; (3) re-establishing a wetland at Drakes Beach and reconfiguring the parking lot; and (4) constructing two ponds to provide aquatic breeding habitat for the California red-legged frog. More details are provided in the attached report addendum.

Amended Area of Potential Effects

The archaeological Area of Potential Effects (APE) was expanded to include three areas beyond the original APE: Drakes Beach and two proposed ponds (referred to as Ponds 2 and 9). The historic APE did not expand because no other built environment resources, besides Drakes Beach parking area, were identified.

The archaeological APE was expanded by approximately 26.4 acres, which includes the expanded project area and buffer areas as described further in the attached report addendum. Based on a records search, field inventory, assessment of the potential for buried archaeological deposits, and an Extended Phase I subsurface survey, the maximum vertical archaeological APE is established at nine feet below surface at the Drakes Beach wetland mitigation site and six feet below surface at the two pond locales. No subsurface disturbance is anticipated along the pond access roads.

Identification of Historic Properties

As documented in the attached report addendum, consultation with Point Reyes National Seashore, archival research, assessment of the potential for buried archaeological resources, intensive pedestrian survey of the amended APE, and documentation of findings and recommendations have been completed. FHWA-CFLHD has notified the Federated Indians of Graton Rancheria of the proposed project modifications and will provide a copy of the cultural report concurrent with the SHPO review period.

Archaeological Resources

In all, five previously recorded sites and one purported site are located within the records search area. Of these, only the purported site, DNG-10, falls within the amended APE. According to records maintained by Point Reyes National Seashore, unrecorded archaeological site DNG-10 may lie beneath a portion of Drakes Beach parking lot. The Drakes Navigators Guild (DNG) partnered with Santa Rosa Junior College to carry out archaeological surveys in Point Reyes from 1952 to 1961 (Aker 1970), and presumably recorded DNG-10 at that time. No additional information concerning its type, age, or constituents is available. No evidence of this site was encountered during the Extended Phase I subsurface survey.

During the pedestrian survey, a single isolated historic-era feature was identified. It consists of a 1940s-era livestock water trough associated with the Home Ranch located along the proposed access road leading to Pond 2. No other cultural resources were identified. The trough is likely not eligible for listing to either the National Register or the California Register of Historic Places, but it was not further evaluated because project design will avoid the trough.

The amended APE contains a very low potential to contain buried sites, including the Schooner Creek crossing where a bridge is planned to be installed. The exception to this is at the Drakes Beach parking lot where restoration of a wetland is proposed. The parking lot lies on former wetlands covered with recent Holocene-age deposits (600–100 BP) and therefore has a high potential for buried sites older than 600 years. For this reason, an Extended Phase I subsurface survey was performed to assess archaeological potential. No buried soils or materials consistent with human habitation were identified. Because the core and auger depths were well below the expected depth associated with the impacts, project activities are unlikely to impact potentially buried resources. No further subsurface identification efforts are recommended.

Built Environment Properties

There are no built environment resources within the amended APE that require evaluation for the NRHP.

Project Effects

Given the negative findings of the archival research, pedestrian survey, and Extended Phase I subsurface survey, it is concluded that the project is unlikely to impact cultural resources. For these reasons, FHWA-CFLHD recommends that the expansion of activities within the amended APE will continue to result in *no adverse effect* to historic properties.

Intent to Make a *De Minimis* Finding

As part of the environmental process for this undertaking, FHWA-CFLHD must also comply with Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966. The intent of the Section 4(f) Statute, 49 U.S.C. Section 303, and the policy of the FHWA is to strive to avoid transportation use of historic sites and publicly owned recreational areas, parks, wildlife and waterfowl refuges. However, the legislation states that a transportation project may be approved if it results in a *de minimis* impact. As defined in FHWA's implementing regulations (23 CFR 774), "for historic sites, *de minimis* impact means that the FHWA has determined, in accordance with 36 CFR part 800, that no historic property is affected by the project or that the project will have "no adverse effect" on the historic property in question." This project has been determined to have *no adverse effect* on historic properties. Based on the findings outlined above, FHWA-CFLHD is notifying SHPO that it intends on using the SHPO's concurrence in our *no adverse effect* finding to make a *de minimis* impact findings for the Point Reyes Dairy District, the Point Reyes Ranches Historic District, and the Shafter/Howard Tenant Ranches Historic District.

If you have any questions, please feel free to contact me at Nathan.Allen@dot.gov or 720-963-3668.

Thank you for your cooperation and assistance.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Nate Allen".

Nate Allen, P.E.
Project Manager

Attachment: Addendum 1: Cultural Resources Report for the Sir Francis Drake Boulevard
Improvement Project, Point Reyes National Seashore, Marin County, California



U.S. Department
of Transportation
**Federal Highway
Administration**

Central Federal Lands Highway Division

January 25, 2018

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In Reply Refer To:
HFPM-16

Ms. Buffy McQuillen
Tribal Historic Preservation Officer
Federated Indians of Graton Rancheria
6400 Redwood Drive, Suite 300
Rohnert Park, CA 94928

Subject: Addendum 1 to Cultural Resources Report for the Sir Francis Drake Boulevard Improvement Project (CA FLAP CR109(1))

Dear Ms. McQuillen:

In September 2017, the Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD) notified the Federated Indians of Graton Rancheria of modifications to the Sir Francis Drake Boulevard Improvement project. Attached to this letter is Addendum 1 to the Cultural Resources Report completed in support of the project (Ruby and Murphy 2017). This report details the changes to the proposed undertaking, amended Area of Potential Effects, cultural resources investigations, and recommended findings of effect. Below is a summary of the report addendum.

Description of the Undertaking

FHWA-CFLHD, in cooperation with Marin County, California and the National Park Service (NPS), propose improvements to approximately 12 miles of Sir Francis Drake Boulevard (SFDB) within Point Reyes National Seashore.

Since consultation in 2015, FHWA-CFLHD has modified the Action Alternative to further improve conditions along SFDB and to provide detail to the mitigation approach to compensate for impacts. Changes to the Action Alternative include: (1) installing a bridge instead of culverts at Schooner Creek; (2) installing biotechnical bank stabilization along a segment of East Schooner Creek; (3) re-establishing a wetland at Drakes Beach and reconfiguring the parking lot; and (4) constructing two ponds to provide aquatic breeding habitat for the California red-legged frog. More details are provided in the attached report addendum.

Amended Area of Potential Effects

The archaeological Area of Potential Effects (APE) was expanded to include three areas beyond the original APE: Drakes Beach and two proposed ponds (referred to as Ponds 2 and 9). The historic APE did not expand because no other built environment resources, besides Drakes Beach parking area, were identified.

The archaeological APE was expanded by approximately 26.4 acres, which includes the expanded project area and buffer areas as described further in the attached report addendum. Based on a records search, field inventory, assessment of the potential for buried archaeological deposits, and an Extended Phase I subsurface survey, the maximum vertical archaeological APE is established at nine feet below surface at the Drakes Beach wetland mitigation site and six feet below surface at the two pond locales. No subsurface disturbance is anticipated along the pond access roads.

Identification of Historic Properties

As documented in the attached report addendum, consultation with Point Reyes National Seashore, archival research, assessment of the potential for buried archaeological resources, intensive pedestrian survey of the amended APE, and documentation of findings and recommendations have been completed.

Archaeological Resources

In all, five previously recorded sites and one purported site are located within the records search area. Of these, only the purported site, DNG-10, falls within the amended APE. According to records maintained by Point Reyes National Seashore, unrecorded archaeological site DNG-10 may lie beneath a portion of Drakes Beach parking lot. The Drakes Navigators Guild (DNG) partnered with Santa Rosa Junior College to carry out archaeological surveys in Point Reyes from 1952 to 1961 (Aker 1970), and presumably recorded DNG-10 at that time. No additional information concerning its type, age, or constituents is available. No evidence of this site was encountered during the Extended Phase I subsurface survey.

During the pedestrian survey, a single isolated historic-era feature was identified. It consists of a 1940s-era livestock water trough associated with the Home Ranch located along the proposed access road leading to Pond 2. No other cultural resources were identified. The trough is likely not eligible for listing to either the National Register or the California Register of Historic Places, but it was not further evaluated because project design will avoid the trough.

The amended APE contains a very low potential to contain buried sites, including the Schooner Creek crossing where a bridge is planned to be installed. The exception to this is at the Drakes Beach parking lot where restoration of a wetland is proposed. The parking lot lies on former wetlands covered with recent Holocene-age deposits (600–100 BP) and therefore has a high potential for buried sites older than 600 years. For this reason, an Extended Phase I subsurface survey was performed to assess archaeological potential. No buried soils or materials consistent with human habitation were identified. Because the core and auger depths were well below the expected depth associated with the impacts, project activities are unlikely to impact potentially buried resources. No further subsurface identification efforts are recommended.

Built Environment Properties

There are no built environment resources within the amended APE that require evaluation for the NRHP.

Project Effects

Given the negative findings of the archival research, pedestrian survey, and Extended Phase I subsurface survey, it is concluded that the project is unlikely to impact cultural resources. For these reasons, FHWA-CFLHD recommends that the expansion of activities within the amended APE will continue to result in *no adverse effect* to historic properties.

If you have any questions or concerns, please feel free to contact me at Nathan.Allen@dot.gov or 720-963-3668.

Thank you for your cooperation and assistance.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Nate Allen".

Nate Allen, P.E.
Project Manager

Attachment: Addendum 1: Cultural Resources Report for the Sir Francis Drake Boulevard Improvement Project, Point Reyes National Seashore, Marin County, California



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

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer

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February 23, 2018

VIA EMAIL

In reply refer to: FHWA_2015_0703_001

Mr. Nathan Allen, P.E.
Project Manager
Federal Highway Administration
Central Federal Lands Highway Division
12300 West Dakota Avenue, Suite 380A
Lakewood, CO 80228-2583

Subject: Sir Francis Drake Boulevard Improvement Project CA FLAP CR109(1), Marin County, California (FHWA-CFLHD Reference # HFPM-16)

Dear Mr. Allen, P.E.:

The Office of Historic Preservation (OHP) received on January 29, 2018 your letter reinitiating consultation on the above referenced undertaking to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulation at 36 CFR Part 800. The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD) is seeking the State Historic Preservation Officer's (SHPO) comments on their finding of effect. Enclosed with your letter is the *Addendum 1: Cultural Resources Report for the Sir Francis Drake Boulevard Improvement Project, Point Reyes National Seashore, Marin County, California* (Ruby and Murphy 2017).

FHWA-CFLHD, in cooperation with Marin County, California and the National Park Service (NPS), propose improvements to approximately 12 miles of Sir Francis Drake Boulevard (SFDB) within Point Reyes National Seashore.

In previous consultation, the SHPO concurred with FHWA-CFLHD's finding of no adverse effect. FHWA-CFLHD has since modified the Action Alternative to further improve conditions along SFDB and to provide detail to the mitigation approach to compensate for impacts. Changes to the Action Alternative include: installing a bridge instead of culverts at Schooner Creek; installing biotechnical bank stabilization along a segment of East Schooner Creek; re-establishing a wetland at Drakes Beach and reconfiguring the parking lot; and 4, constructing two ponds to provide aquatic breeding habitat for the California

red-legged frog. Additional information regarding the revised area of potential effect (APE) can be found on pages 1 through 7 of Ruby and Murphy 2017.

The original APE was expanded to approximately 26.4 acres to include three areas: Drakes Beach and two proposed ponds. The vertical APE was also expanded to a maximum vertical disturbance of nine feet below surface at the Drakes Beach wetland mitigation location, and six feet below surface at the two pond locales.

Efforts to identify historic properties that may be affected by the undertaking included an archival and record search, consultation with Point Reyes National Seashore staff, a buried site sensitivity assessment, an archaeological pedestrian survey, and Native American consultation. Efforts identified one site within the amended APE, DNG-10. According to records maintained by Point Reyes National Seashore, DNG-10 is an unrecorded archaeological resource that may be located beneath a portion of the Drakes Beach parking lot.

The Drakes Navigators Guild (DNG) partnered with Santa Rosa Junior College to carry out archaeological surveys in Point Reyes from 1952 to 1961 (Aker 1970), and presumably recorded DNG-10 at that time. However, no additional information concerning site type, age or constituents could be identified during identification efforts performed for this undertaking. Results of an Extended Phase I (XPI) conducted by Far Western Anthropological Research Group, Inc. also failed to identify DNG-10 within the vertical APE for this undertaking.

Results of the buried site sensitivity assessment concluded that the majority of the amended APE has a very low potential to contain subsurface prehistoric archaeological deposits. However, the Drakes Beach parking lot where the restoration of a wetland is proposed was identified as having a high potential for containing subsurface prehistoric archaeological deposits. Results of the XPI in these sensitive areas failed to identify subsurface prehistoric archaeological deposits.

FHWA-CFLHD also initiated consultation with the Federated Indians of Graton Rancheria, and to-date no responses have been received.

Based on FHWA-CFLHD's level of effort, they have arrived at a finding of no adverse effect for this undertaking and request my review and comment on their finding of effect. After reviewing your letter and supporting documentation, I have the following comments:

- Pursuant to 36 CFR §800.4(a)(1), I find FHWA-CFLHD's documentation and delineation of the APE to be sufficient;
- Pursuant to 36 CFR 800.4(b), FHWA-CFLHD's historic property identification efforts carried out for this undertaking appear to be adequate.

Mr. Nathan Allen, P.E.
February 23, 2018
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•Pursuant to 36 CFR 800.5(b), I concur that a finding of no adverse effect is appropriate for this undertaking.

FHWA-CFLHD is also notifying the SHPO of their intent to make a de minimis finding for the purposes of Section 4(f) for the Point Reyes Dairy District, the Point Reyes Ranches Historic District, and the Shafter/Howard Tenant Ranches Historic District.

If you have any questions please contact Natalie Lindquist of my staff at (916) 445-7014 or at Natalie.Lindquist@parks.ca.gov or Alicia Perez of my staff at (916) 445-7020 or at alicia.perez@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a horizontal line that tapers to the right.

Julianne Polanco
State Historic Preservation Officer