

APPENDIX A: SECTION 106 CONSULTATION



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

Central Federal Lands Highway Division

March 24, 2015

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

Nick Tipon
Sacred Sites Protection Committee
Federated Indians of Grafton Rancheria
6400 Redwood Drive, Suite 300
Rohnert Park, CA 94928

Subject: Government-to-Government Consultation on Proposed Improvements to Sir Francis Drake Boulevard in Point Reyes National Seashore

Dear Mr. Tipon:

The Federal Highway Administration (FHWA), Central Federal Lands Highway Division (CFLHD), in cooperation with the National Park Service (NPS) and Marin County, California, is initiating an Environmental Assessment (EA)/Initial Study (IS) to study potential improvements to approximately 12 miles of Sir Francis Drake Boulevard in Point Reyes National Seashore within Marin County. A project study area map has been included for your reference. The improvements are proposed primarily to address the existing roadway's structural deficiencies, as well as operational and safety issues.

Sir Francis Drake Boulevard is an old wagon road dating to the 1800s that has been improved by the addition of chip seals and overlays. The road is within a 60-foot wide county easement through Point Reyes National Seashore from Pierce Point Road to Chimney Rock Road and Lighthouse Road. The road is the only means of visitor access to the Lighthouse and the Kenneth C. Patrick Visitor Centers, as well as several other popular recreational destinations, such as Chimney Rock and Lifeboat Station, Mount Vision, Drakes Beach, and Point Reyes Beaches North and South. The Chimney Rock and Lighthouse areas offer some of the park's best opportunities for watching whales and sea lions, and therefore experience high visitor use. The road is also the only way to access many of the historic beef and dairy ranches still in operation within the park with daily access for milk tanker trucks and school buses.

The existing pavement was not designed for the current traffic loads. Pavement along Sir Francis Drake Boulevard is deteriorating and is badly oxidized, heavily patched, lacks shoulder support, and demonstrates significant cracking and edge damage in some sections. Seasonal flooding of the creek near Schooner Bay can close the road to traffic for several days. Additionally, the road's current deteriorated state requires ongoing maintenance that would be substantially reduced if it were rehabilitated.

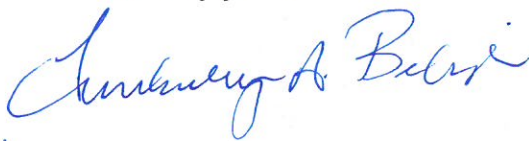
The proposed project includes resurfacing, restoration, and rehabilitation (3R) that will closely follow the existing roadway. The proposed project also includes new asphalt pavement, new striping and signs, replacement of two cattle under-crossings, replacement of cross culverts, and implementation of other safety features to meet current design standards. The road could be widened between 1 and 6 feet in some areas to create a consistent roadway width and improve safety; however, widening would be kept to a minimum to avoid and minimize impacts to adjacent sensitive resources. The proposed improvements would generally occur within the existing 60-foot Marin County roadway easement. In a few locations, proposed improvements may extend slightly beyond the existing easement to improve sight distance and safety, accommodate widening in areas of steep slopes, and reduce the risk of flooding near Schooner Bay.

In June 2014 a request for a Sacred Lands File record search was sent to the Native American Heritage Commission regarding this project. To date nothing has been received. FHWA-CFLHD is continuing to engage the organization for further information.

Your knowledge of the area is of great value and your feedback is important. We would appreciate any information or concerns you may wish to share, in particular, if there are any resources or places of traditional cultural or religious importance to members of your tribe that might be affected by the proposed project. If you have any comments or questions regarding the proposed project, please send them by April 30, 2015 to Mr. Nathan Allen (HFPM-16), Federal Highway Administration, 12300 West Dakota Avenue, Suite 380, Lakewood, CO 80228; by email at Nathan.allen@dot.gov; or by telephone at 720-963-3668.

Thank you for your cooperation and assistance.

Sincerely yours,



Nate Allen, P.E.
Project Manager

Enclosure: Study Area Map



Federated Indians of Graton Rancheria
Sacred Sites Protection Committee
6400 Redwood Drive Suite 300
Rohnert Park, CA 94928
1 (707) 566-2288

April 10, 2013

Nate Allen
US Dept. of Transportation
12300 West Dakota Ave. Suite 380A
Lakewood, CO 80228

RE: Proposed Improvements for Sir Francis Drake Blvd.
Point Reyes National Seashore

Dear Mr. Allen:

The Federated Indians of Graton Rancheria, a federally recognized Tribe and sovereign government, has received the information you provided regarding the proposed improvements for Sir Francis Drake Blvd. We provide comments under Section 106 of the National Historic Preservation Act of 1966 (NHPA) requiring federal projects to meet the requirements of 36 CFR 800 for consultation with federally recognized Tribes.

FIGR provides comments regarding sacred lands and other cultural sites to protect and/or avoid our cultural resources that might be adversely impacted by the scope of work of the project. The Sacred Sites Protection Committee (SSPC) is authorized by the Tribal Council to work with agencies to develop the specific plans and procedures to avoid any potential adverse impacts.

We request a copy of the archaeological survey conducted for this project and the planning documents for this project. Once we have reviewed the information in these materials we will provide comments during government to government consultation. Please send them to me at the address above.

Respectfully,

Nick Tipon
Sacred Sites Protection Committee
707 321-4792



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

Central Federal Lands Highway Division

July 1, 2015

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

In Reply Refer To:
HFPM-16

Dr. Carol Roland-Nawi
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].

Dear Dr. Roland-Nawi:

The Federal Highway Administration-Central Federal Lands Highway Division (FHWA-CFLHD) is 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. We are requesting your concurrence on:

- (1) The Area of Potential Effect (APE) established for the Sir Francis Drake Boulevard Improvement Project funded by the Federal Lands Access Program (CA FLAP CR109[1]) (Attachment 1);
- (2) Determination of National Register eligibility of three culverts along Sir Francis Drake Boulevard, a contributor to the Point Reyes Ranches and Shafter/Howard Tenant Ranches Historic District; and
- (3) Finding of no adverse effect for the undertaking.

The FHWA-CFLHD representative is Nate Allen, Project Manager. FHWA-CFLHD in coordination with the National Park Service, Point Reyes National Seashore has agreed to serve as the Federal lead agency for the purposes of Section 106 compliance on this undertaking. Attached is the cultural resources inventory conducted in support of the project (Leach-Palm et al. 2015), which has been reviewed by National Park Service, Point Reyes National Seashore Cultural Resources Specialist Paul Engel, and Marin County, who concur with the report findings and recommendations.

Description of the Undertaking

The FHWA-CFLHD, in cooperation with Marin County and the Point Reyes National Seashore, is proposing to rehabilitate, restore, and resurface 12.1 miles of Sir Francis Drake Boulevard in the Point Reyes National Seashore, Marin County, California. The project is along Sir Francis Drake Boulevard from Marin County milepost 42.93 to 30.79 (Project Miles 0 to

12.1). The project area extends between the intersection of Chimney Rock and Lighthouse Roads in the southwest and the intersection of Sir Francis Drake with Pierce Point Road in the northeast, about two miles west of Inverness. The project area is situated on only Point Reyes National Seashore lands, no private lands are included (see Attachment 2, Figures 1 and 2).

The majority of the proposed road resurfacing, restoring, and rehabilitating will closely follow the existing road with widening as appropriate to improve safety and minimize impacts (for details see Attachment 2, Project Description and Location, page 1). Generally, roadway improvements will be accomplished through the recycling of base course where possible, and new paved surfaces. Unpaved driveways and access roads will receive paved aprons. Guardrails and signs will be upgraded to meet design standards and existing parking areas will be used for staging and may be resurfaced. Other project elements include:

- Grading, striping, and safety-related features to meet current design practice where possible;
- Flattening some vertical alignments and cutting sides slopes to improve sight distance;
- Constructing roadway banking for driving safety;
- Replacement of two cattle undercrossings, two 84-inch culverts, and a 60-inch elliptical arch culvert;
- Replacement of 15- and 18-inch culverts with 24-inch culverts;
- One half mile of raising and realignment to reduce roadway flooding;
- Cut or rockery walls in select areas to support the wider roadway; and
- Replacement of fence posts as necessary.

Area of Potential Effects (APE)

The APE for archaeology and built environment is the same. It was defined to encompass the horizontal and vertical extent of all project construction activities and encompasses 112 acres along 12.1 miles of Sir Francis Drake Boulevard (Attachment 1, APE maps). The horizontal APE generally consists of a 60-foot- (18.3-meter-) wide corridor centered on the middle of the existing roadway. The corridor width varies to accommodate pull out, parking and staging areas, and minor realignment.

The vertical APE ranges among nine inches (0.25 meters) to replace asphalt, two feet for the 13 foot- (3.9 meters-) wide box culverts, and four feet (1.2 meters) to replace signs. Depth of the slope cut backs for improving sight distance is undetermined.

Widening and realignment to the existing road will introduce only minor new roadway features (small walls, signage, new paving) to the existing built environment, and such elements will not result in visual impacts. Thus, based upon the current project description, there is no need to extend the APE to include entire ranch clusters (complexes) situated along Sir Francis Drake Boulevard.

Identification of Historic Properties

As documented in the attached report (Attachment 2), consultation with Point Reyes National Seashore, archival research, assessment of the potential for buried archaeological resources, intensive pedestrian survey of the APE, and documentation of findings and recommendations have been completed. FHWA-CFLHD consulted with the Federated Indians of

Graton Rancheria who requested a copy of the cultural report and will comment on the project after review of the report.

Archaeological Resources

Consultation and identification efforts identified one previously recorded prehistoric site (CA-MRN-229) within the APE which no longer exists, apparently destroyed by road production. Regarding buried archaeological deposits, 0.6% of the project corridor has a high or very high potential for buried deposits. The project impacts in the small area of high potential (PM 8.9 to 9.0, Figure 5 in the attached report) are surface widening and paving entailing less than one foot (0.3 meters) of vertical disturbance, which will not affect potentially buried resources. Thus, no archaeological resources will be affected by the project and no further management is considered necessary.

Built Environment Properties

The project area passes through portions of three overlapping historic districts, the Point Reyes Dairy District, the Point Reyes Ranches Historic District, and the Shafter/Howard Tenant Ranches Historic District, that were determined eligible for listing in the National Register of Historic Places (National Register) between 1995 and 2008. None of the contributors to these districts are individually eligible. In its review of the cultural resources report prepared for this project, the National Park Service indicated it has implemented a phased approach to identifying historic properties associated with the history and development of dairy ranching on the Point Reyes peninsula. This approach has resulted in three separate district evaluations with variation in terms of applicable significance criterion, contributing resources, and period of significance among other things. With this in mind, FHWA-CFLHD has described and considered impacts to these resources as three separate historic districts in order to reflect the existing documentation and to be comprehensive in our analysis. See Table 4 in the attached report for delineation of each historic district, eligibility status, boundaries, and relationship to the current undertaking. See Figures 4 & 5 in the attached report for maps of the districts. Contributors of these historic districts within the APE are Sir Francis Drake Boulevard, which is a contributor to two of the historic districts; intersections with contributing roads: Muddy Hollow Road, Chimney Rock Road, the access to the former Coast Guard Life Saving Station, and access roads to E Ranch, M Ranch and Rogers Ranch; cattle undercrossings (small bridges); interior ranch roads that intersect Sir Francis Drake Boulevard; fences; corrals; windbreaks (lines of trees); and buildings at the historic ranches situated along Sir Francis Drake Boulevard.

For the current undertaking, three previously unevaluated structures within the districts were documented and evaluated for National Register eligibility. The attached report concludes that these three culverts (one at M Ranch, one south of Estero Road, and one at Schooner Creek) do not meet the criteria for listing in the National Register individually, as potential historic district contributors, or as character-defining features of Sir Francis Drake Boulevard, which is a contributor to the historic districts.

Project Effects

The project will have no adverse effect on historic properties. Overall, the project will not have an adverse effect on the three overlapping historic districts in the APE, the Point Reyes Dairy District, Point Reyes Ranches Historic District, and the Shafter/Howard Tenant Ranches

National Register Historic District. The National Register eligibility of the three overlapping historic districts in the APE will not change.

Proposed refurbishing and realignment of portions of Sir Francis Drake Boulevard will affect only small portions of the contributing roadway and two contributors of the overlapping Point Reyes Ranches and the Shafter/Howard Tenant Ranches historic districts that cover roughly 18,000 acres. The proposed changes include widening up to six feet for less than a half mile, with between four and six acres total of new paving added in the whole project, including paved ditches, curbs, pullouts, and aprons. The realignment will include some vertical changes to flatten the roadway, up to a total of one mile. The roadway will be shifted by 12 feet for a half mile section, and there will be other minor adjustments like roadway banking, cut slopes, and the addition of some rock walls at the road's edge that will be up to six feet tall. Other contributors intersect Sir Francis Drake Boulevard within the APE. These include contributing roads, ranch access roads, and interior access roads that will be altered through the repaving of aprons or slight truncation due to road shoulder improvements. The intersecting roads will be maintained as characteristic circulation features. The F Ranch cattle undercrossings, which are contributors to the Shafter/Howard Tenant Ranches historic district, will be removed and replaced with concrete culverts that will retain the vehicle and cattle circulation patterns in the district. The F Ranch cattle undercrossing are not individually eligible for listing in the National Register. The new structures will retain the general scale of the existing undercrossings and will not introduce new visual elements into the historic landscape that could impact the larger historic district. The proposed improvements will not alter the boulevard's ability to convey its significance linking the historic ranches on Point Reyes, its key characteristic that makes it a contributing element of the historic districts.

Other historic district contributors at the historic ranches in the APE may be affected. These resources are fences, corrals, windbreaks, and three contributing buildings at historic ranches. The project will avoid affecting these elements through project design and implementation of protective measures. Fences and corrals will be retained to maintain the alignment of human and ranch cattle circulation patterns and their characteristic that contributes to the historic districts. Effects will be avoided by limiting construction to the existing road bench, a 30-foot-wide corridor aligned on the current centerline. Corrals and buildings within the APE are more than 15 feet from the centerline, and therefore will not be affected by construction. Areas around corrals, windbreaks, and buildings will not be used for staging. Protective measures to be employed near historic buildings in the APE include use of orange construction fencing or concrete barriers to keep equipment away from resources. Inadvertent damage to contributors will be repaired to match existing. If it becomes necessary, distinctive fencing materials, such as wood rail fencing, shall be replaced in kind. Work at the windbreaks in or adjacent to the APE shall avoid disturbing the trees and their roots.

For a summary of the effects to the historic districts' contributors see Table 11 in the attached report.

We request your concurrence with the following:

- The appropriateness of the APE for the proposed undertaking;
- The adequacy of the historic property identification efforts;
- The determination that the culvert near M Ranch, the culvert south of Estero Road and the culvert at Schooner Creek do not meet the criteria for listing in the National Register of Historic Places;

- Determination that the proposed project will have no adverse effect on historic properties.

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, i.e. the identified historic districts. Based on the findings outlined above, FHWA-CFLHD is notifying the SHPO that it intends on using the SHPO's concurrence in our no adverse effect finding to make a *de minimis* impact finding 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 on the archaeological study, please contact Laura Leach-Palm, Far Western archaeologist, at 530-756-3941, or laura@farwestern.com. If you have any questions on the built environment, please contact Christopher McMorris, JRP Historical Consulting, at 530-757-2521, or cmcmorris@jrphistorical.com. If you have project questions, please feel free to contact me at Nathan.Allen@dot.gov or at 720-963-3668.

Thank you for your cooperation and assistance.

Sincerely,



Nate Allen, PE
Project Manager

Enclosure: APE maps; Cultural Resources Inventory Report