

APPENDIX LL

NIGC & SHPO Correspondence

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

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January 28, 2008

In Reply Refer To: NIGC060131A

Brad Mehaffy, REM, CIPS
NEPA Compliance Officer
National Indian Gaming Commission
1441 I Street, NW, Suite 9100
Washington DC 20005

Re: Preferred Alternative: Wilfred Site, Graton Rancheria Casino and Hotel Project,
Sonoma County, California.

Dear Mr. Mehaffy:

Thank you for continuing consultation with me, regarding the above noted project, pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act. Earlier in this consultation, I sent you (SHPO letter of September 19, 2006) and your authorized representative, Analytical Environmental Services (SHPO letter of February 24, 2006) responses listing in detail the inadequacies of your earlier consultation letters and supporting documentation submitted for this undertaking. In my latest letter to you (December 14, 2007), I requested that you submit a new copy of the supporting document provided with your letter of November 13, 2007, as the copy accompanying your letter had over 100 pages bound out of numerical order and sections of duplicate text. At that time I also requested that you state a finding of effect pursuant to 36 CFR Part 800. You have now responded in your letter of January 2, 2008, which included a revised copy of the following document:

- *Cultural Resources Study – Preferred Alternative Graton Rancheria Casino and Hotel Project* (Analytical Environmental Services: November 2007).

Based on my appraisal of your letter and supporting documentation, and my review of the previous consultations for this undertaking, I have the following comments:

1) I concur that the Area of Potential Effects has been determined pursuant with 36 CFR Part 800.4(a)(1) and that efforts to identify historic properties have been completed pursuant to 36 CFR Part 800.4(b).

2) I further concur that the following architectural cultural resources are not eligible for the NRHP:

- 223 Wilfred Ave. Residence/Outbuildings (APN 045-053-014)

- 4773 Labath Ave. Residence/Outbuildings (APN 045-073-003)
- 4781 Labath Ave. Residence/Outbuildings (APN-045-073-004)
- 186 Wilfred Ave. Residence/Outbuildings (APN 045-074-001)
- 4630 Labath Ave. Residence/Outbuildings (APN 045-074-002)
- 4646 Labath Ave. Residence/Outbuildings (APN 045-074-003)
- Dowell Ave. Barn (APN 045-074-016)
- 5151 Stony Point Rd. House/Dairy (APN 045-011-035)
- Wilfred Ave. at Stony Point Rd. Barn (APN -45-021-038)

3) I acknowledge that, for the purposes of this undertaking, the NIGC will treat historic archeological site RPC-5 as eligible for the NRHP. This historic property, although located within the project APE, is not situated within the zone of direct impact and will be preserved in an open space area and avoided during project development.

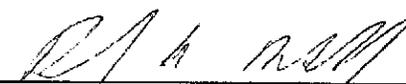
4) Regarding the finding of effect identified by NIGC, that of no historic properties affected: when management conditions are necessary to ensure that NRHP eligible historic properties or historic properties that the federal agency is treating as eligible for the NRHP, are avoided during project implementation, then this is a finding of no adverse effect with conditions pursuant to 36 CFR Part 800.5(b). If you concur with this analysis of your undertaking, and accept this as your finding of effect, please indicate by executing the signature block at the bottom of this page and returning a signed copy of this letter.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the NIGC 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 wsole@parks.ca.gov and Amanda Blosser, State Historian, at phone 916-653-9010 and email ablosser@parks.ca.gov.

Sincerely,

Suzanne K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

I Agree:	
	<i>2/5/08</i>
Brad Mehaffy, REM, CIPS NEPA Compliance Officer National Indian Gaming Commission	Date