

Preserving America's Heritage

September 18, 2013

Kendall Schinke
Environmental Branch Chief, S1
Interim District Native American Coordinator
California Department of Transportation
2379 Gateway Oaks Drive, Ste 150
Sacramento, CA 95833

Ref: *Willits Bypass Project*
Mendocino County, California

Dear Ms. Schinke:

The California Department of Transportation (Caltrans) has notified the Advisory Council on Historic Preservation (ACHP) of three discoveries of historic properties that occurred during construction of the Willits Bypass project. The notification of these discoveries was made pursuant to Section 800.13(b)(3) of the National Historic Preservation Act regulations, "Protection of Historic Properties" (36 CFR Part 800). As of September 14, 2013, the ACHP was notified of a fourth potential post-review discovery of a National Register (NR) eligible historic property and has been made aware of a major breach of the protection of a historic property that Caltrans committed to protect as part of its determination of No Adverse Effect. The ACHP has been aware of this project since we were contacted by the Sherwood Valley Rancheria on May 17, 2013 regarding concerns about the implementation of protective measures. The undertaking is being carried out in a way in which historic properties that were supposed to be avoided are now substantially affected and the undertaking activities are affecting NR eligible historic properties within the APE. Therefore, in accordance with Section 800.5 (d) (1), Caltrans should re-open the consultation and develop a MOA.

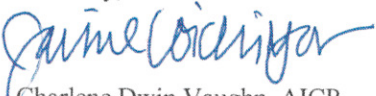
In re-opening the consultation, Caltrans should consider the appropriate step in the four step Section 106 process to begin the consultation to ensure that the process results in an outcome that would sufficiently address all of the historic property concerns with this project to avoid further delays. Further, we believe that the re-opened consultation will facilitate the resolution of the concerns that the Sherwood Valley Rancheria have raised about the adequacy of the tribal consultation for this project. The ACHP would like to participate in consultation so that we may advise Caltrans, the State Historic Preservation Officer and other Section 106 consulting parties on appropriate steps to resolve the adverse effects of the undertaking on historic properties and to resolve concerns.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Thank you for your consideration of this matter. If you have any questions or concerns about this matter, please contact Najah Duvall-Gabriel at (202) 606-8585 or via email at ngabriel@achp.gov.

Sincerely,

for 
Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing and Assistance Section
Office of Federal Agency Programs