

APPENDIX K

***CULTURAL RESOURCES REPORT AND NHPA SECTION 106
CONSULTATION LETTERS***

*Cultural Resources Report Provided Under
Separate Cover*



United States Department of the Interior

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

*Recd
4/20*

JUN 09 2008

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 228 acres for the Ione Band of Miwok Indians, Amador 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 is a 228-acre parcel of land located east of California State Highway 49, partially within, and to the south of the town of Plymouth, in portions of Sections 11, 14, and 15 of Township 7 North Range 10 East. The Tribe intends to develop portions of the parcel as a casino and hotel with associated infrastructure.

The southeastern portion of the parcel was surveyed in 2001 (Windmiller and Osuna, 2001). This study resulted in the identification of 9 historic sites, all contained within the Pioneer Mining District. Between August of 2003 and June of 2004, ECORP conducted a survey of the current project APE (ECORP, 2005). Prior to the initiation of fieldwork, ECORP performed a literature and records search at the North-Central Information Center, located at California State University, Sacramento. Three additional historic sites were identified and evaluated for significance. The ECORP study also included the re-identification and evaluation of the previously recorded historic sites located within the Pioneer Mining District. Table 1, on the following page, lists each of these sites, and includes a brief description and evaluation of National Register of Historic Places (NRHP) eligibility.

Table 1. Sites within the Project APE

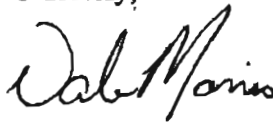
Site #	Description	NRHP Eligible
EC-04-02	Two ditch segments	No
EC-04-04	Four ditch segments	No
EC-04-05	Trash scatter and prospect pit	No
RWCA-01-PM-Hoist House	Pioneer Mine hoist house	No
RWCA-01-PM-Site-01	Pioneer Mine	No
RWCA-01-PM-Site-02	Ditch	No
RWCA-01-PM-Site-03	Fence	No
RWCA-01-PM-Site-04	Power Line	No
RWCA-01-PM-Site-05	Prospects & Mines	No
RWCA-01-PM-Site-06	Prospects & Mines	No
RWCA-01-PM-Site-07	Prospects & Mines	No
RWCA-01-PM-Site-08	Mines	No

The Pioneer Mining District includes numerous features related to hard rock mining activities that occurred during three periods of operation during the 1860's, 1890's, and 1930's, and covers an area of approximately 11.25 acres. ECORP evaluated each of 12 identified sites, and also evaluated the Pioneer Mining District as a whole entity. None of these sites, or the Pioneer Mining District was evaluated as eligible for inclusion to the NRHP. As described in the ECORP report, these resources are not associated with events or persons important in history, they do not embody distinctive characteristics of a type, period, or method of construction, and the archival and field research conducted thus far, has exhausted any remaining research potential.

The BIA agrees with the ECORP findings and evaluations. Therefore, it is our determination 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 Dan Hall, Regional Archeologist, at (916) 978-6041, or John Rydzik, Chief, Division of Environmental, Cultural Resources Management, and Safety at (916) 978-6051.

Sincerely,



Regional Director

Enclosures

cc: Superintendent, Central California Agency (without enclosures)
Chairman, Ione Band of Miwok Indians (without enclosures)
Chief, DECRMS (without enclosures)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JUL 24 2008

Matthew Franklin, Chairman
Ione Band of Miwok Indians
P.O. Box 1190
Ione, CA 95640

Dear Mr. Franklin:

The enclosed letter from the State Historic Preservation Officer (SHPO), dated July 9, 2008, concurs with our determination of **No Historic Properties Affected** regarding the Tribe's proposed 228-acre fee to trust conveyance and associated casino development. Therefore, the Section 106 historic preservation compliance consultation process, as specified in the Advisory Council on Historic Preservation's regulations in 36 CFR Part 800 (revised July 6, 2004), has now been completed.

You should be aware, however, that in the event of an inadvertent discovery, the BIA may have additional responsibilities relevant to this undertaking, pursuant to 36 CFR Part 800.13. If you require further clarification or need additional information, please contact Dan Hall, Regional Archeologist, at (916) 978-6041, 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 "Dan Hall".

Regional Director

Enclosure

cc: Superintendent, Central California Agency
A black rectangular redaction box covering the name of the recipient.

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

P.O. BOX 942896
SACRAMENTO, CA 94288-0001
(916) 633-8824 Fax (916) 883-9824
calshpo@onp.parks.ca.gov



On 7/15/08 ✓

July 9, 2008

In Reply Refer To: BIA080611A

AMS seen
No

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

Re: Section 106 Consultation for the Fee to Trust Conveyance of 228 Acres for the Lone Band of Miwok Indians, Amador 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 (NHPA), the Bureau of Indian Affairs (BIA), Pacific Regional Office, is seeking my comments on its determination of eligibility and effect that the subject undertaking will have on historic properties. The implementation of the proposed project, pursuant to 25 CFR 151 (Land Acquisitions), is contingent in part on the BIA meeting its obligations under Section 106 of the NHPA. The BIA has identified the Area of Potential Effects (APE) for this undertaking to be the entire 228 acre parcel of land subject to the transfer. In addition to your letter of June 9, 2008, you have submitted the following report in support of this undertaking:

- *Cultural Resources Inventory and Evaluation Lone Plymouth, Amador County, California (ECORP Consulting, July 2005).*

After reviewing your letter and the 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 Parts 800.4 (a)(1) and 800.16 (d) and that the Efforts to Identify Historic Properties within the APE have been appropriate pursuant to 36 CFR Part 800.4.

2) I concur that the sites listed below are ineligible for inclusion on the NRHP:

- | | |
|----------------------|--------------------------|
| • EC-04-02 | • EC-04-04 |
| • EC-04-05 | • RWCA-01-PM Hoist House |
| • RWCA-01-PM-Site-01 | • RWCA-01-PM-Site-02 |
| • RWCA-01-PM-Site-03 | • RWCA-01-PM-Site-04 |
| • RWCA-01-PM-Site-05 | • RWCA-01-PM-Site-06 |
| • RWCA-01-PM-Site-07 | • RWCA-01-PM-Site-08 |

3) I further concur that the finding of No Historic Properties Affected is appropriate pursuant to 36 CFR Part 800.4(d)(1) and that the documentation supporting this finding has been provided pursuant to 36 CFR Part 800.11(d).

BIA080611A

Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact Christopher Caputo at phone 916-653-8902 or email ccaputo@parks.ca.gov.

Sincerely,

Susan K Shattler for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer