

## **NHPA/SHPO Consultation Regarding Onshore and Offshore Structures at Drakes Estero**

A Determination of Eligibility (DOE) was prepared for the onshore and offshore facilities associated with the Johnson's Oyster Company/Drakes Bay Oyster Company (DBOC) (Caywood and Hagen 2011). The DOE found that while the oyster-growing operation in Drakes Estero is significantly associated with the rebirth and development of the California oyster industry, which began in the 1930s, the property is ineligible for listing in the National Register because it lacks historic integrity. With regard to integrity of materials, workmanship, and design, however, virtually all of the resources in the plant have been modified through structural additions and/or the application of modern materials. Today, the plant bears little resemblance to the facility of the early 1960s. In a letter dated July 8, 2011, the NPS submitted the DOE to the SHPO, requesting concurrence with the finding that the property is ineligible for listing on the National Register. In an August 4, 2011 letter, the SHPO concurred with the NPS determination that none of the facilities associated with DBOC's operation are eligible for listing on the National Register (SHPO 2011).

On January 9, 2012, the NPS initiated consultation under NHPA Section 106 with SHPO and the Federated Indians of Graton Rancheria (FIGR). The NPS requested that the SHPO and FIGR review all of the alternatives presented in the EIS. The FIGR issued a letter on August 13, 2013 concurring with the NPS determination of "no adverse effect" on cultural resources for all of the alternatives considered in the EIS. On October 29, 2012, the SHPO issued a letter to the NPS with a finding of no adverse effect for all of the alternatives considered in the Draft EIS. The SHPO and FIGR concluded there would be no adverse effect to historic resources regardless of the actions at the site. As such, the removal of all structures from the upland portion of the site is consistent with SHPO and FIGR consultations.



**United States Department of the Interior**

**NATIONAL PARK SERVICE**  
Point Reyes National Seashore  
Point Reyes, California 94956

IN REPLY REFER TO:  
H4217

**JUL 08 2011**

Milford Wayne Donaldson, FAIA, LEED AP  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Re: Request for Concurrence, Determination of Eligibility of Johnson's Oyster Company (aka Drake's Bay Oyster Co.), Pt. Reyes National Seashore

Dear Mr. Donaldson,

The National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) to evaluate a potential issuance of a Special Use Permit for commercial oyster operations within Drakes Estero at Point Reyes National Seashore. Pursuant to Section 124 of Public Law 111-88, the Secretary of the Interior has the discretionary authority to issue a special use permit for a period of 10 years to Drakes Bay Oyster Company (DBOC). The existing Reservation of Use and Occupancy and associated special use permit held by DBOC will expire on November 30, 2012. The NPS is planning to release the Draft Environmental Impact Statement for public review in the fall of 2011.

Pursuant to the requirements of the National Historic Preservation Act, the NPS completed a determination of eligibility (DOE) for the Oyster Company site on the shore of Drake's Estero and growing beds in the Estero itself. The DOE found that while the oyster-growing facility is significantly associated with the rebirth and development of the California oyster industry in the 1930's, the property is ineligible for listing in the National Register because it lacks historic integrity. We forwarded the DOE to your office on April 5, 2011. Based on comments received from Mr. Mark Beason in a telephone call, edits were made to the DOE. The updated DOE is enclosed.

We request your concurrence with this finding of ineligibility. If you have any questions regarding this project, please contact Chief of Cultural Resources Gordon White at (415) 464-5127.

Sincerely,



ACTING SUPT.

Cicely Muldoon  
Superintendent

enclosure:  
National Register of Historic Places Registration Form – Johnson Oyster Company

STATE OF CALIFORNIA – THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

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

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



August 4, 2011

Reply in Reference To: NPS110411A

Cicely Muldoon  
Superintendent  
National Park Service  
Point Reyes National Seashore  
Point Reyes, California 94956

Re: Request for Concurrence, Determination of Eligibility of Johnson's Oyster Company (aka Drake's Bay Oyster Co.), Point Reyes National Seashore

Dear Ms. Muldoon:

Thank you for your letter dated July 8, 2011, requesting my comment and concurrence for the Determination of Eligibility for Johnson's Oyster Company (aka Drake's Bay Oyster Co.) within the boundaries of Point Reyes National Seashore. Along with your letter, you submitted National Register of Historic Places (NRHP) Registration Form (undated) that provides the context and evaluation for this property.

Through this evaluation, NPS concludes that while Johnson's Oyster Company appears to be significant under NRHP Criterion A, it lacks historic integrity. Therefore, the property is not eligible for listing on the NRHP. After reviewing this determination of eligibility, I concur that the property is not eligible for listing on the NRHP.

Thank you for seeking my comments and considering historic properties as part of your planning. If you have any questions or concerns, please contact Mark Beason, Project Review Unit historian, at (916) 445-7047 or [mbeason@parks.ca.gov](mailto:mbeason@parks.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Susan K. Stratton for".

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer



## United States Department of the Interior

NATIONAL PARK SERVICE

Point Reyes National Seashore  
Point Reyes, California 94956

IN REPLY REFER TO:

H4217

**AUG 10 2011**

Dr. Greg Sarris  
Tribal Chairman  
Federated Indians of Graton Rancheria  
6400 Redwood Drive, Suite 300  
Rohnert Park, CA 94928

Re: Notification of intent to use National Environmental Policy Act (NEPA) process to meet §106 Obligations at Point Reyes National Seashore (PRNS)

Dear Chairman Sarris,

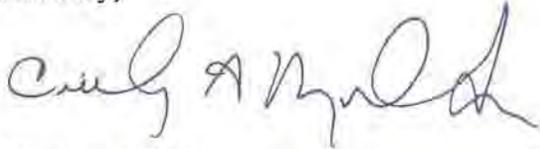
The National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) to evaluate a potential issuance of a Special Use Permit for commercial oyster operations within Drakes Estero at PRNS. Pursuant to Section 124 of Public Law 111-88, the Secretary of the Interior has the discretionary authority to issue a special use permit for a period of 10 years to Drakes Bay Oyster Company (DBOC). The existing Reservation of Use and Occupancy and associated special use permit held by DBOC will expire on November 30, 2012. The NPS is planning to release the Draft EIS for public review in the fall of 2011.

The NPS intends to utilize the process and documentation required for preparation of the EIS to comply with §106 of the National Historic Preservation Act (NHPA). In accordance with section 800.8(c) of Advisory Council on Historic Preservation (ACHP) regulations for §106 of the NHPA (36 CFR Part 800), NPS is hereby notifying you in advance of our intention to use the EIS to meet our §106 obligations. We look forward to engaging in a formal §106 consultation with the Tribe resulting in a thoughtful review of the draft EIS during the public comment period this fall.

Over the last few months we have communicated several times with Tribal representative Nick Tipon, keeping him apprised of the status of the EIS. Nick has assisted contractors with archaeological site surveys on the Estero, and on July 14 we briefed Nick in a meeting at the Seashore on the status of alternatives and proposed avoidance measures related to FIGR cultural resources.

We continue to enjoy an excellent working relationship with Nick, and appreciate the thoughtful assistance we receive from him on cultural resource issues. Thank you again for your continued interest in and commitment to preserving the Tribe's ancestral homelands in the Seashore. If you have any questions regarding this project, please contact Gordon White, Chief of Cultural Resources, at (415) 464-5127.

Sincerely,

A handwritten signature in black ink, appearing to read "Cicely A. Muldoon". The signature is fluid and cursive, with the first name being the most prominent.

Cicely A. Muldoon  
Superintendent



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

August 29, 2011

Cicely Muldoon  
Superintendent  
Point Reyes National Seashore  
Point Reyes, CA 94956

RE: EIS for a Special Use Permit at Drakes Estero

Dear Superintendent Muldoon:

RECEIVED
Point Reyes National Seashore
AUG 30 '11
<input type="checkbox"/> SUPT
<input checked="" type="checkbox"/> MGMT ASST
<input type="checkbox"/> VRP
<input checked="" type="checkbox"/> SPEC PARK USES
<input type="checkbox"/> RANGE
<input checked="" type="checkbox"/> NAT RES
<input checked="" type="checkbox"/> CULT RES
<input type="checkbox"/> SCIENCE
<input type="checkbox"/> INTERP
<input type="checkbox"/> FACILITIES
<input type="checkbox"/> CONTRACTING
<input type="checkbox"/> BUDGET
<input checked="" type="checkbox"/> INFO TECH
<input checked="" type="checkbox"/> CENT FILES

The Federated Indians of Graton Rancheria (FIGR), a federally recognized Tribe and sovereign government, has received the information you have provided regarding the writing of an EIS for a Special Use Permit at Drakes Estero. We understand the project review must comply with the National Historic Preservation Act, Section 106 and 36 CFR Part 800.

We concur with your request to use the EIS process to meet the Section 106 "government to government" consultation requirements with our Tribe for this project. We have appreciated the information and discussions we have had on this topic in the past.

We look forward to continuing our mutually respectful relationship with Point Reyes National Seashore in our effort to protect the cultural resources at this location. We will carefully review the Draft EIS when it is available and provide comments where necessary.

Respectfully,

Nick Tipon  
Sacred Sites Protection Committee  
707 478-1737

STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-4082  
 (916) 657-5390 - Fax

RECEIVED

2011 OCT 18 PM 3: 09



October 13, 2011

POINT REYES NS

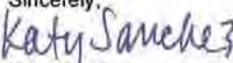
Brannon Ketcham  
 National Park Service  
 1 Bear Valley Rd.  
 Point Reyes Station, CA 94956

RE: SCH# 2010104004 Drakes Bay Oyster Company Special Use Permit; Marin County.

Dear Mr. Ketcham:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,  
  
 Katy Sanchez  
 Program Analyst  
 (916) 653-4040

cc: State Clearinghouse



## United States Department of the Interior

NATIONAL PARK SERVICE  
Point Reyes National Seashore  
Point Reyes, California 94956

IN REPLY REFER TO:

L7617

**JAN 09 2012**

Mr. Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

RE: Draft Environmental Impact Statement for the Drakes Bay Oyster Company Special Use Permit  
106 Consultation

Dear Mr. Donaldson,

Pursuant to the National Environmental Policy Act (NEPA), the National Park Service (NPS) has prepared a Draft Environmental Impact Statement (EIS) for the Drakes Bay Oyster Company (DBOC) Special Use Permit (SUP). On April 1, 2011, the NPS sent a request to your office regarding the Notification of Intent to use the NEPA process to meet Section 106 Obligations at Point Reyes National Seashore. The Draft EIS was released for public comment September 23, 2011 and public comment closed on December 9, 2011. In addition, the NPS provided this document to the State Clearinghouse for concurrent review. The review period for SCH #2010104004 was September 29 – November 29, 2011.

Existing authorizations for DBOC to operate in Drakes Estero expire on November 30, 2012. The Draft EIS explores a range of alternatives, including a no-action alternative which includes expiration of existing authorizations and subsequent conversion of Drakes Estero to full wilderness. Under the three action alternatives, the Secretary of Interior would exercise discretion granted to him under Section 124 of Public Law 111-88, to issue a new 10-year SUP to DBOC for commercial oyster operations in Drakes Estero through November 30, 2022. The action alternatives consider differing levels of onshore facilities and infrastructure and offshore operations.

The Draft EIS does not present a preferred alternative. Full and objective input from the public is encouraged on all of the alternatives analyzed in the Draft EIS. All public comments received on the Draft EIS will be evaluated and considered in the development of the preferred alternative. The NPS is now in the process of compiling and reviewing all comments.

Pursuant to the National Historic Preservation Act, a Determination of Eligibility (DOE) was prepared for the Johnson's Oyster Company (aka Drakes Bay Oyster Company). The DOE found that although the property was significantly associated with the history of oyster production in California, the site lacked integrity and was therefore not eligible for listing on the National Register. In a letter dated August 4, 2011 your office concurred with this finding of ineligibility. As a result, consideration of historic structures and landscapes were not included as impact topics in the DEIS.

In addition, the known archaeological site CA-MRN-296 adjacent to the developed area has been identified and re-documented. This previously recorded site is a partially disturbed Coast Miwok shell midden known to contain human remains. NPS has included the site in its draft National Register nomination for the Point Reyes Indigenous Archaeological District. As a result of recent archaeological work the site boundary has been better defined, and new State site forms have been completed. The archaeological work was done in collaboration with Sonoma State University and the Federated Indians of Graton Rancheria. In all project alternatives the archaeological site would be excluded from the SUP. As a result of the exclusion and provisions that require archaeological monitoring for ground disturbing activities under all DEIS alternatives, archaeological resources were not included as an impact topic in the DEIS.

We would like to meet with you next month to discuss the next steps regarding Section 106 consultation under the National Historic Preservation Act, and how we can provide your office with information necessary to evaluate these alternatives in a manner that will allow for timely review of this project by your agency.

Please contact Gordon White, the Chief of Cultural Resources at (415) 464-5127 to coordinate a meeting. We appreciate your participation in this process.

Sincerely,



Cicely A. Muldoon  
Superintendent



## United States Department of the Interior

NATIONAL PARK SERVICE  
Point Reyes National Seashore  
Point Reyes, California 94956

IN REPLY REFER TO:

L7617

JAN 09 2012

Dr. Greg Sarris  
Tribal Chairman  
Federated Indians of Graton Rancheria  
6400 Redwood Drive, Suite 300  
Rohnert Park, CA 94928

RE: Draft Environmental Impact Statement for the Drakes Bay Oyster Company Special Use Permit

Dear Dr. Sarris,

Pursuant to the National Environmental Policy Act (NEPA), the National Park Service (NPS) has prepared a Draft Environmental Impact Statement (EIS) for the Drakes Bay Oyster Company (DBOC) Special Use Permit (SUP). On August 10, 2011, the NPS sent a request to your office regarding the Notification of Intent to use the NEPA process to meet Section 106 Obligations at Point Reyes National Seashore. On August 29, 2011, Nick Tipon provided a response, concurring with the request to use the Draft EIS to meet the Section 106 "government to government" consultation requirements with the Federated Indians of Graton Rancheria.

The Draft EIS explores a range of alternatives, including a no-action alternative which includes expiration of existing authorizations and subsequent conversion of Drakes Estero to full wilderness. Under the three action alternatives, the Secretary of Interior would exercise discretion granted to him under Section 124 of Public Law 111-88, to issue a new 10-year SUP to DBOC for commercial oyster operations in Drakes Estero through November 30, 2022. The action alternatives consider differing levels of onshore facilities and infrastructure and offshore operations. The Draft EIS was released for public comment September 23, 2011 and public comment closed on December 9, 2011.

The Draft EIS does not present a preferred alternative. Full and objective input from the public is encouraged on all of the alternatives analyzed in the Draft EIS. All public comments received on the Draft EIS will be evaluated and considered in the development of the preferred alternative. The NPS is now in the process of compiling and reviewing all comments.

As part of our planning process the NPS, in collaboration with Sonoma State University and the Federated Indians of Graton Rancheria identified and re-documented the known archaeological site CA-MRN-296 adjacent to the developed area. This previously recorded site is a partially disturbed Coast Miwok shell midden known to contain human remains. NPS has included the site in its draft National Register nomination for the Point Reyes Indigenous Archaeological District. As a result of recent archaeological work the site boundary has been better defined, and new State site forms have been completed. In all project alternatives the archaeological site is excluded from the SUP. In addition to the site exclusion from the SUP, the Draft EIS includes the requirement for archaeological monitoring of all ground disturbing activities as a requirement common to all DEIS alternatives. As a result, and consistent with our discussions with the Tribe prior to release of the DEIS, archaeological resources were not included as an impact topic in the DEIS.

Existing authorizations for DBOC to operate in Drakes Estero expire on November 30, 2012. We would like to meet with you next month to discuss the next steps regarding Section 106 consultation under the National Historic Preservation Act, and how we can provide your office with information necessary to evaluate these alternatives in a manner that will allow for timely review of this project.

Please contact Gordon White, the Chief of Cultural Resources at (415) 464-5127 to coordinate a meeting. We appreciate your participation in this process.

Sincerely,



Cicely A. Muldoon  
Superintendent



Sacred Sites Protection Committee  
6400 Redwood Drive, Suite 300  
Rohnert Park, CA 94928  
707-566-2288

August 13, 2012

Cicely Muldoon  
Superintendent  
Point Reyes National Seashore  
Point Reyes, CA 94956

RE: Section 106 Consultation for the Drakes Bay Oyster Company Use Permit

Dear Cicely:

The Federated Indians of Graton Rancheria (FIGR), a federally recognized Tribe and sovereign government, has received the materials regarding Section 106 Consultation for the Drakes Bay Oyster Company Use Permit. Section 106 of the National Historic Preservation Act of 1966 (NHPA) require federal projects to meet the requirements of 36 CFR 800 for consultation with federally recognized Tribes. We appreciate your notice and continued consultation for this project.

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 a project. The Sacred Site 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 have reviewed the materials you provided regarding this project. We concur with your finding that each of the four alternatives presented in the DEIS will have "no adverse effect" on cultural resources under the standards set forth in 36 CFR 800.8(c)(1).

Respectfully,

  
Nick Tipon  
Sacred Sites Protection Committee



*Preserving America's Heritage*

October 18, 2012

Ms. Cicely A. Muldoon  
 Superintendent  
 Point Reyes National Seashore  
 Point Reyes, California 94956

***REF: Proposed Drakes Bay Oyster Company Special Use Permit/ Environmental Impact Statement***

Dear Ms. Muldoon:

On July 30, 2012, the Advisory Council on Historic Preservation (ACHP) received your letter inviting us to review the Draft Environmental Impact Statement (EIS) for the Drakes Bay Oyster Company Special Use Permit, which was made available for a 60-day public review and comment period beginning on September 26, 2011. The NPS had previously notified the ACHP of its intent to use the NEPA process for Section 106 purposes in accordance with Section 800.8(c) of the Section 106 implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). In accordance with Section 800.8(c)(2) of the regulations, a federal agency shall submit the Draft EIS to the consulting parties, including the ACHP, "prior to or when making the document available for public comment." Then the consulting parties, including the ACHP, have the opportunity to review the document and voice any objections within the public comment period, which for this Draft EIS closed on November 25, 2011. We have no record of having been provided this document when it was made available to the public, so it was not possible for us to review it or provide any objections within the public comment period.

Despite this procedural problem, we reviewed the documentation provided to us. The NPS has found that the proposed undertaking would not adversely affect historic properties. Provided that this finding has been made in consultation with the California State Historic Preservation Officer (SHPO), Indian tribes, and other consulting parties, and these parties have not objected to this finding, the ACHP need not be further involved in the Section 106 review of this undertaking. If the NPS has received objections from one or more of the consulting parties, we recommend that the NPS address them in accordance with Section 800.5(c) of the regulations. You may request the comments of the ACHP regarding a disputed no adverse effect finding, if needed.

If you would like to discuss the comments provided here for the consideration of the NPS, please contact Katry Harris at (202) 606-8520 or [kharris@achp.gov](mailto:kharris@achp.gov).

Sincerely,

Caroline D. Hall  
 Assistant Director  
 Office of Federal Agency Programs  
 Federal Property Management Section

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
 Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

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

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



October 29, 2012

Reply in Reference To: NPS120112A

Cicely Muldoon  
Superintendent  
National Park Service  
Point Reyes National Seashore  
Point Reyes, California 94956

Re: Drake's Bay Oyster Co. Special Use Permit, Environmental Impact Statement, Point Reyes National Seashore

Dear Ms. Muldoon:

Thank you for your letter dated July 26, 2012, continuing consultation regarding the Special Use Permit for Drakes Bay Oyster Co. within the boundaries of Point Reyes National Seashore. Along with your letter, you submitted a draft document entitled "Revised Version of Issues and Impact Topics: Cultural Resources" (no date) and the Draft Environmental Impact Statement dated September 2011. In a letter dated January 9, 2012, you notified my office that the National Park Service (NPS) intends to "use the NEPA process to meet Section 106 obligations at Point Reyes National Seashore." In your current letter, you state that NPS is "using the process and documentation of the Environmental Impact Statement (EIS)...to comply with Section 106 of the National Historic Preservation Act", referencing 36 CFR 800.8(c)(1). NPS is conducting simultaneous consultation with the Federated Indians of Graton Rancheria, the park's single culturally affiliated tribe.

NPS is considering four alternatives regarding the special use permit. Under Alternative A, the no action alternative, NPS would not issue the permit and all buildings and structures for the existing oyster company would be removed, both onshore and in the estero. Alternative B would issue a new permit based upon onshore and offshore operations as they existed in 2010 for a period of 10 years. Alternative C would issue a new permit based upon onshore and offshore operations as they existed in 2008 for a period of 10 years. Alternative D would issue a new permit allowing for expanded onshore development and offshore operations for a period of 10 years.

NPS has identified the Area of Potential Effects (APE) as a 1,700-acre area covering the majority of Drakes Estero, the areas of the Drakes Bay Oyster Company's onshore and offshore Special Use Permit, their Reservation of Use and Occupancy, the kayak launch parking area, and the access road leading from Sir Francis Drake Boulevard. The APE occurs within the Shafter / Howard Tenant Ranches Historic District, but no district contributors are located within the APE. The APE intersects a portion of the proposed Pointe Reyes Peninsula Indigenous Archaeological District, and one contributing site, CA-MRN-296 is located within the APE. The recently-designated Drakes Bay Historic and Archaeological District is outside the permit area and would not be affected by any of the alternatives. The Drakes Bay Oyster Company's

Page 2 of 2

onshore and offshore facilities were evaluated by NPS and found to be significant but lacking historic integrity. My office concurred with this determination in a letter dated August 4, 2011.

NPS proposes a Finding of No Adverse Effects for all alternatives being considered in the undertaking of considering issuing a new Special Use Permit to Drakes Bay Oyster Company. No contributors to the Shafter / Howard Tenant Ranches Historic District exist within the APE. The oyster company's facilities are not historic properties. No known resources are located in the estero where the oyster racks are located. CA-MRN-296 will be excluded from the Special Use Permit area, and any ground disturbing activities in the vicinity of the site will be monitored by a qualified archaeologist to ensure the site is avoided.

After reviewing the information submitted, I concur with a Finding of No Adverse Effects for this undertaking. Please be advised that under certain circumstances, such as an unanticipated discovery or a change in project description, you may have future responsibilities for this undertaking under 36 CFR Part 800.

Thank you for seeking my comments and considering historic properties as part of your planning. If you have any questions or concerns, please contact Mark Beason, Project Review Unit historian, at (916) 445-7047 or [mbeason@parks.ca.gov](mailto:mbeason@parks.ca.gov).

Sincerely,



Carol Roland-Nawi, Ph.D.  
State Historic Preservation Officer