



Keeping Northwest California wild since 1977

July 5, 2016
Cynthia Gomez
Tribal Advisor
Office of Governor Edmond G. Brown, Jr.
Harbor Boulevard, Suite 100
West Sacramento, CA 95691

Dear Ms. Gomez,

On behalf of the Environmental Protection Information Center (EPIC), I would like to express support for the Coyote Valley Band of Pomo Indians and the Sherwood Valley Band of Pomo Indians who are requesting government to government consultations between the Tribes and the California Department of Transportation (Caltrans) regarding re-execution of the October 1, 2012 Memorandum of Understanding that transfers Federal Highway Administration's National Environmental Policy Act and the National Historic Preservation Act responsibilities to Caltrans.

The initial Environmental Impact Statement (EIS) that analyzed the impacts of the project failed to identify and avoid cultural heritage sites and issued a finding of 'No Adverse Effect' to historic properties. In 2006, when the Final EIS was approved, Caltrans had identified only one archaeological site eligible for registry on the National Register of Historic Places (NRHP) – (CA-MEN-2645/H). However, since 2013, Caltrans has identified at least thirty additional sites eligible for NRHP. Based on this fact alone, it is mandatory that Caltrans issue a Supplemental EIS since "significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts" have been discovered.

Although the California State Office of Historic Preservation (SHPO) has indicated that the entire area of the Willits Bypass Project might have to be designated as an archaeological district, of ancestral sites, Caltrans has not initiated government to government consultation with any of the Tribes that would be affected by the project, and many sites have already been destroyed.

Caltrans' Willits Bypass project is a grossly overbuilt project that has already violated countless laws and destroyed many Native American cultural sites, including an entire ancestral village that has been skewered by wick drains and buried under 30 feet of fill.

Caltrans ignored the National Historic Preservation Act (NHPA) by engaging in significant ground disturbing activities without obtaining signatures on a Programmatic Agreement ("PA") and Post Review and Discovery Monitoring Plan ("PRDMP"), in addition to ignoring the Tribes'

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protest of commencement of ground-disturbing activities.

We have been engaged with the environmental process of many of Caltrans' projects, including the Richardson Grove project and the Highway 199 project along the Smith River, both of which have been halted due to lawsuits filed by our organization. It is our experience that Caltrans needs careful oversight; judges have found Caltrans guilty of preparing arbitrary and capricious documents that fail to accurately disclose project impacts, which shows that Caltrans cannot be trusted to oversee its own projects. For these reasons, and those stated above, it is imperative that your office do everything in its power to ensure that Caltrans follows the law and that government to government consultations are initiated with the affected Tribes immediately.

Thank you for your attention to this very important matter.

Sincerely,

A handwritten signature in black ink that reads "Amber Shelton". The signature is written in a cursive, slightly slanted style.

Amber Shelton, Conservation Advocate
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