

REDWOOD VALLEY RESERVATION

Environmental Assessment:

Land Acquisition for Tribal Housing

U.S. Department of Housing
and Urban Development ICDBG

Project # B-04-SR-06-2978

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INTRODUCTION

This Environmental Assessment (EA) has been developed to comply with the National Environmental Policy Act (NEPA) (40 CFR 1500-1508) and the Department of Housing and Urban Development's (HUD) environmental requirements for Indian Community Development Block Grants (24 CFR Part 58). This EA documents the environmental review for the acquisition of land for housing development for the present and future needs of the Redwood Valley Little River Band of Pomo Indians (Redwood Valley Reservation) Tribal Community. The parcels of land under review have the area and nearby infrastructure for at least 10 houses, which would increase the number of houses in the community by one-third.

TRIBAL BACKGROUND

Natives have been living in California for a very long time. Archeological work at Borax Lake, just east of Clear Lake in Lake County, shows that ancestral Pomo people were living there 10,000-12,000 years ago. The place we now call northern California provided ideal conditions for numerous small bands and villages spread throughout the Sacramento Valley, in the Clear Lake area, and along the Russian River and Pacific Coast. The warm summers and mild winters were well suited to year around food production: pelagic fish--especially salmon and steelhead trout, and grasses, tubers, shrubs, fruit and nut trees. Dry conditions at the end of the long summer growing season meant that there were a variety of storable, highly nutritious foods available before winter returned. All of these provided a good supply of food for humans and animals. These animals, in turn were another dependable food source for the native peoples. Living conditions were so good for people that by 500 years ago California had a greater number of people per square mile than any other part of North America except Mexico and some areas of Central America.

As Europeans immigrated to the "New World" things became very difficult for the Native peoples. As settlers gave way to the droves that came seeking riches in the gold fields or forests of California, the small land holdings were not nearly large enough for all the people to live year-around. Immigrants kept coming, cutting trees, plowing the soil and killing or chasing off game animals. As more moved to the coast and claimed the land along the trails, it became impossible to travel to the Pacific Ocean and harvest seafood. The natural resources-- on which Native peoples had depended for thousands of years--were disappearing or becoming inaccessible. The people had no choice but to adapt themselves to ways of their new neighbors. For many, this meant living at least part of the year on the newly-subdivided farms and ranches. Although many Natives eventually adapted, the structure of the Tribes was lost. Many continued to live disenfranchised lives in poverty as the non-Indian populations grew and thrived, experiencing the "American dream".

The Redwood Valley Reservation, located in Mendocino County, was originally established by Congressional Acts of June 21, 1906 and April 30, 1908. Land was purchased by the United States Government on July 19, 1909, and the 40 acre Redwood Valley Rancheria was created on West Road in Redwood Valley. In 1934, Congress passed the Indian Reorganization Act, which sought to restore Indian management of their assets and to establish tribal self-governments. In the 1950s Congress passed the Rancheria Act, which effectively terminated the previous agreements and displaced the tribes. The Rancheria was formally terminated on August 1, 1961. Termination revoked the Rancheria's Federal status and excluded members from further Federal assistance as Indians, and distributed land assignments to eligible members thereby placing the land in fee simple status.

As recessions in the local and national economies occurred, unemployment and poverty increased dramatically in the Mendocino County Indian community. Much of their land was either sold to meet basic subsistence needs, lost as collateral for loan encumbrances which could not be met, or lost for non-payment of property taxes. Most Rancheria community members migrated outward to the surrounding towns and cities in search of employment, leaving behind only a few scattered Indian families on the old Rancheria.

In the mid-1970s the Redwood Valley Indian community became associated with 16 other Indian groups that shared the similar traits of termination. With the assistance of the California Indian Legal Services, these communities filed suit against the United States government for illegally withdrawing recognition pursuant to the California Rancheria Act. The seventeen Indian rancherias in the lawsuit known as *Tillie Hardwick vs. United States (C-79-1710SW)* prevailed and on December 22, 1983 the United States District Court for the Northern District of California ordered the full reinstatement of the plaintiffs as Federally-recognized Tribes.

While the decision in *Tillie Hardwick vs. United States* gave back to the Redwood Valley Reservation the powers, rights and authority divested by the California Rancheria Act, 21 years of terminated status had taken its toll on the Tribe. The most damaging result of the termination process suffered by the Redwood Valley Reservation is the alienation of the Tribe's land base. Of the original acreage made available to the Tribe in 1909, no lands were in trust status for the benefit of the Tribe. With no community land base remaining and a membership roll of 130 as of 1983, land for housing was the single most critical need of the Tribe. As a result, the Tribe purchased 170 acres with funds obtained from the United States Department of Housing and Urban Development (HUD) for housing that was subsequently accepted into trust by the United States government on April 12, 1985. Since the acquisition of the new land in 1985, through its membership with the Northern Circle Indian Housing Authority, the Tribe has constructed 31 single-family units.

The Redwood Valley Reservation (RVR) in 2005 consists of 10.4 acres of the old Rancheria under Indian ownership and 170 acres purchased by the Tribe in 1985. The RVR is rural and has a moderate to crowded on-reservation population. Most of the dwellings of the Reservation are located at the 10-acre base of the mountainous, 170 acre parcel. There are presently 31 single family units, 4 of which were recently constructed, a Tribal Community Center that houses the Tribe's programs, and an education center/childcare center. The land that is usable for development is now used for housing, community buildings, and a large wastewater drain field.

HUD PROJECT: B-04-SR-06-2978

This project, land acquisition to support new housing, will lay the foundation for the eventual construction of 4 or more homes for eligible RVR households. The parcels are AP # 004-055-29 and 004-055-43, and are located at 2320 and 2260 East Highway 20, ¼ mile northwest of the town of Nice, Lake County, California. The legal description is: within the southern portion of Section 21, Township 15N, Range 9W with coordinates: 39° 07' N, 122° 52' W. The 4 housing units can begin to be established on the property while the Tribe works with the Bureau of Indian Affairs under 25 CFR, Part 151 Land Acquisitions to take the land into trust, which can take several years. Once the land is in trust the Tribe would then be able to pursue a larger number of housing units on this property. The IHS letter indicates that at a minimum the property would accommodate 10 homes; previous plans proposed up to 40 lots (Foothill, unknown). The Tribe could also request a zoning change from commercial to residential from the County of Lake to

increase the land available for housing. There are newly constructed and existing houses adjacent to the commercial parcel, and water and sewer available to both parcels.

ALTERNATIVES

The Tribe has contemplated several alternatives to resolve the need for providing future housing for the tribal community. The reality of land acquisition in northern California is a result of the rural, mountainous terrain and the desirable location: flat, buildable land is either reserved for agriculture or very expensive. To provide for the present needs and future growth of the RVR, the Tribe has considered the following alternatives:

- No project – No additional land would be purchased, and there is no area within the RVR to build additional houses. The no action alternative would be to use the housing programs available to provide rental assistance for its members, who would continue to be scattered around several counties. HUD land acquisition and building construction programs would not be available, and the sense of tribal community, which has been growing since 1983, could not continue to progress.
- Provide housing (rental or purchase) for individual members – Programs that provide assistance could be used, but would result in scattering of the community. This is especially hard on the very young and very old. The younger families would benefit most with this alternative, but might never achieve the goal of home ownership. Because of the expense of housing, only 2 individual houses could be purchased with a typical HUD block grant, instead of up to 4 prefabricated houses that could be located on Tribal land.
- Purchase land in Redwood Valley – There is land near or adjacent to the Redwood Valley Reservation that could be purchased. With the cost of real estate in Mendocino County, a parcel with 1-2 dwellings on ½ to 1 acre would use up an entire \$500-600,000 block grant, with no potential for additional development. Hillside land is available in 20-40 acre parcels, but can usually accommodate 1-4 dwellings. Flat land in Redwood Valley is available in significant acreage; however this is zoned for agriculture or open space. With the boom in vineyard plantings in the last 10 years, purchase prices have risen to \$45-100,000 per acre. Such land would have to be taken out of the Williamson Act program, requiring extra expense and approval of the Board of Supervisors. The conversion of agricultural land to housing is unpopular in Redwood Valley; there have been few subdivisions larger than 5 houses in the last 20 years. There is also a moratorium on new water hookups with the Redwood Valley County Water District. This alternative would be prohibitively expensive, remove agricultural land from production, and most likely be unpopular with the community.
- Purchase land in Lake County for future housing – The parcels identified by this application, on an 18 acre site, presently have sites for 4 houses, and the potential for higher density development (up to 20 families). There are water and sewer services nearby, so the potential for denser housing development is good. This site allows the creation of a tribal community located near the services of the town of Nice, and would be very good for elderly families. The location on Hwy 20, while still distant from the RVR, is a reasonable commute to the Redwood Valley area. There also is the potential for community buildings for cultural and social events, which could be attended by members and relatives in both counties. This alternative was selected by the Tribe as the best for the housing needs of its members.

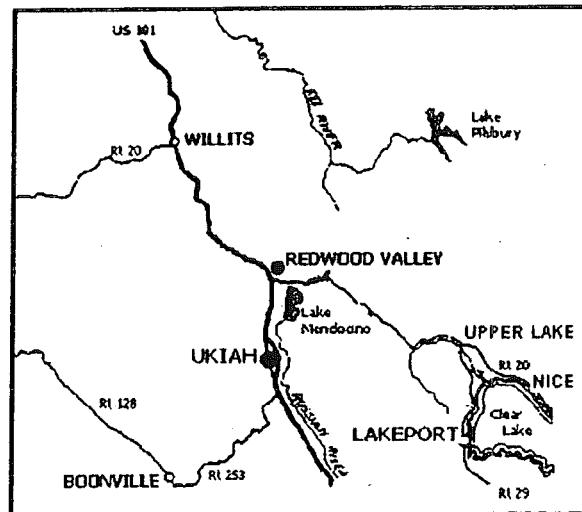
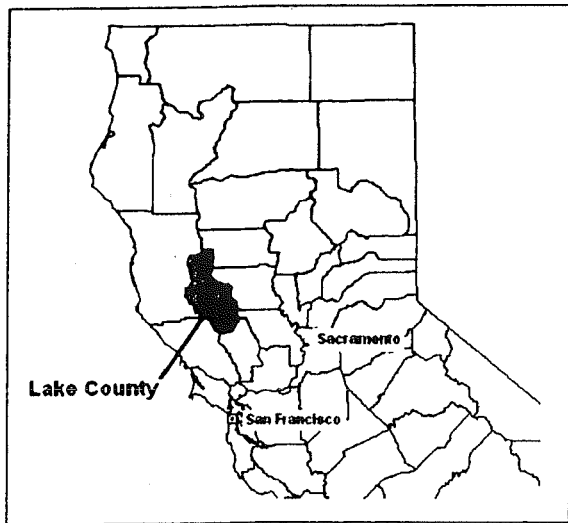
DESCRIPTION of the AFFECTED ENVIRONMENT

LAKE COUNTY

Lake County is located in northwest California, about 100 miles north of San Francisco and 75 miles northwest of Sacramento. Lake County was formed in 1861, originally from parts of Napa County. Within the county are two incorporated cities, the county seat of Lakeport and Clearlake, the largest city. There are seventeen unincorporated communities, including Nice, which is on the northern tip of Clear Lake (see following maps and Nice Area Topo, Appendix).

Lake County is home to Clear Lake, the largest natural freshwater lake within California and possibly the oldest lake in North America. Other major bodies of water include: Blue Lakes, Lake Pillsbury, and Indian Valley Reservoir. The region is rich with historical and cultural resources, as well as recreational opportunities. Agriculture, especially pears and wine grapes, and tourism are major sources of income.

The project site is 29 miles by road from the Redwood Valley Reservation Tribal Offices, and about 35 miles from Ukiah. While this requires a commute to live in Lake County and work in Ukiah or visit the RVR, it is common for workers to commute from Willits to Ukiah (20 miles) or from Ukiah to Santa Rosa (60 miles) daily.



TOPOGRAPHY

The geography of Lake County is dominated by two major features: Clear Lake and the surrounding mountain ranges and valleys. The county has a total area of 1,329 sq. mi. with over 5% of the area being water. Located 70 miles north of San Francisco in the east-central portion of California's Coast Ranges, Clear Lake is the largest natural freshwater lake in California with 68 square miles of surface area. Lakes have existed at the site of Clear Lake for at least 2 ½ million years. As a shallow, warm-water lake, it is highly productive and supports abundant aquatic vegetation and a rich native and nonnative fishery resource. Water enters the lake from eleven creeks of varying sizes, with 50% of the water coming from Scotts Creek and Middle Creek into the north end of Clear Lake. At an elevation of 1,326 feet, water leaves the Clear Lake basin towards the east via Cache Creek, which flows into the Sacramento Valley, about 50 miles away. Much of the water is removed for agriculture or municipal use before reaching the Sacramento River.

The basin is surrounded by mountain ranges: the Mayacamas to the west and south (about 3,000 ft msl), the Boggs Mountain area (3,500 ft) to the south, the Blue Ridge–Cortina Ridge area (2,500 ft) to the east, and the Mendocino National Forest, with peaks rising to 7,000 ft., to the north. Drainages flow mostly into Clear Lake, except for the northern end of the county, which contains the headwaters of the South Fork of the Eel River. This flows northwesterly out of the county to the Pacific Ocean below Eureka. One major valley, Big Valley, supports a large agricultural area; the 2nd largest pear production area in the state. Other smaller valleys and benchlands are planted to pears and wine grapes.

CLIMATE

The climate of the Clear Lake Basin is typical of Mediterranean climates. Moderate to heavy precipitation ranges from 50 inches per year in the nearby mountains to as low as 20 inches per year in the basin itself. About 80% of the rainfall falls between November and March. Nice, at the base of the mountains north of the lake, averages 28 inches rainfall, with occasional high intensity storms in the winter. During the winter, snowfall averages 1 inch per year at elevations above 3,000 feet, with snow reaching lake level every 3-5 years. Mean annual lake evaporation is 48 inches. Mean annual air temperature for the basin is 60°F, with summer temperatures exceeding 100° F and winter temperatures dropping below freezing. Length of the frost-free season can vary, with temperatures along the lake buffered by the water body, yet most orchard and vineyard areas within the basin need frost protection during the spring.

SOILS

The Soil Survey of Lake County (USDA, 1989) contains information from field surveys, aerial photographs, and classification, which is valuable for general planning and assessments. These report the steepness of terrain, the size of streams and general pattern of drainage, the kinds of native plants or crops, depth of various soil profiles, and the kinds of rock present. For specific nutritional information, actual laboratory analysis of individual fields is necessary. Together this information provides management strategies for sustainable land and resource use.

Lake County soil maps are grouped into 17 general map units, then further divided into soil series – areas with similar profiles, slope, stoniness, salinity, wetness, degree of erosion, or other characteristics. The project site is located on Sheet 11, Lake County, California (USGS Quads Bartlett Mountain 549A & Lucerne 549D). The APE includes 2 soil units, neither that are in Capability I, prime farmland. The following are excerpts from the soil survey (USDA 1989):

181—Neice-Sobrante-Hambright complex, 15 to 30 percent slopes. This map unit is on hills. The vegetation is mainly oaks, brush, and annual grasses. Elevation is 1,500 to 2,500 feet. The average annual precipitation is 30 to 40 inches, the average annual air temperature is 56 to 59 degrees F, and the average frost-free period is 160 to 195 days.

This unit is about 40 percent Neice gravelly loam, 15 percent Sobrante loam, and 15 percent Hambright very gravelly loam. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Millsholm soils. Also included are small areas of soils that are similar to the Neice soil but have less than 35 percent rock fragments in the subsoil or are less than 60 inches deep to bedrock and small areas of Hambright, Neice, and Sobrante soils that have slopes of more than 30 percent included areas make up about 30 percent of the total acreage. The percentage varies from one area to another.

The Neice soil is very deep and well drained. It formed in material weathered from metavolcanic basalt. Typically, the surface layer is yellowish red gravelly loam 11 inches thick. The upper 9 inches of the subsoil is yellowish red gravelly clay loam, and the lower 50 inches is dark red very gravelly clay. In some areas the surface layer is clay loam.

Permeability of the Neice soil is moderately slow. Available water capacity is 5 to 6 inches. Effective rooting depth is 60 inches or more. Surface runoff is rapid, and the hazard of erosion is moderate.

The Sobrante soil is moderately deep and well drained. It formed in material weathered from metavolcanic basalt. Typically, the surface layer is reddish brown loam 10 inches thick. The upper 11 inches of the subsoil is reddish brown loam, and the lower 17 inches is reddish brown clay loam. Basalt is at a depth of 38 inches. In some areas the surface layer is clay loam.

Permeability of the Sobrante soil is moderate. Available water capacity is 2.5 to 7.0 inches. Effective rooting depth is 20 to 40 inches. Surface runoff is rapid and the hazard of erosion is severe.

The Hambright soil is shallow and well drained. It formed in material weathered from metavolcanic basalt. Typically, the surface layer is reddish brown very gravelly loam 4 inches thick. The subsoil is reddish brown very gravelly loam 12 inches thick. Basalt is at a depth of 16 inches. In some areas the surface layer is clay loam.

Permeability of the Hambright soil is moderate. Available water capacity is 0.5 inch to 2.0 inches. Effective rooting depth is 10 to 20 inches. Surface runoff is rapid, and the hazard of erosion is severe.

This unit is used mainly for livestock grazing, firewood production, wildlife habitat, and watershed. It is also used for homesite development.

The production of forage is limited by a tendency of the soils to produce woody species and the restricted available water capacity of the Hambright soil. If trees and brush are managed to create open areas, this unit can produce a good stand of desirable grasses and forbs. Vegetation in drainageways should be left for erosion control, wildlife habitat, and esthetic purpose. Volumes of 9 cords of wood per acre have been measured on the Sobrante and Hambright soils. Among the common understory plants are blue oak, manzanita and buckbrush on the Neice soil; soft chess, wild oat, and ripgut brome on the Sobrante soil; and soft chess, filaree, and manzanita on the Hambright soil.

If this unit is used for homesite development, the limitations are steepness of slope and the hazard of erosion. Other limitations are the moderately slow permeability of the Neice soil and depth to bedrock in the Hambright and Sobrante soils. Extensive cutting and filling generally are required. Cuts needed to provide building sites on the Hambright and Sobrante soils can expose bedrock. The risk of erosion is increased if the soil is left exposed during construction. Preserving existing vegetation or revegetating disturbed areas around construction sites helps to control erosion. Slope limits installation of septic tank absorption fields. Absorption lines should be installed on the contour. Shallow depth to bedrock in the Hambright soil is a major limitation for septic tank absorption fields. The limitations of depth to bedrock in the Sobrante soil and moderately slow permeability of the Neice soil can be minimized by increasing the size of the absorption field or by using a specially designed sewage disposal system.

This map unit is in capability subclass VII_s (15), nonirrigated.

244—Wappo Variant clay loam, 2 to 8 percent slopes. This very deep, moderately well drained soil is on terraces. It formed in alluvium derived from mixed rock sources. The vegetation is mainly annual grasses and scattered brush and oaks. Elevation is 1,400 to 1,650 feet. The average annual precipitation is 25 to 35 inches, the average annual air temperature is 56 to 59 degrees F, and the average frost-free period is 160 to 200 days.

Typically, the surface layer is yellowish red clay loam 4 inches thick. The upper 11 inches of the subsoil is yellowish red clay, and the lower 69 inches is yellowish red gravelly and very gravelly clay loam. In some areas the surface layer is loam.

Included in this unit are small areas of Forbesville and Neice soils. Also included are small areas of soils that are similar to this Wappo Variant soil but have yellower colors in the subsoil. Included areas make up about 30 percent of the total acreage. The percentage varies from one area to another.

Permeability of the Wappo Variant soil is very slow. Available water capacity is 4.5 to 5.5 inches. Effective rooting depth is 60 inches or more. The clay layer in the subsoil can restrict root penetration. Surface runoff is medium, and the hazard of erosion is moderate. The shrink-swell potential is high in the subsoil.

This unit is used mainly for livestock grazing and hay and pasture. It is also used for homesite development.

The production of forage is limited by the susceptibility of the soil to compaction by livestock when moist. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock. This unit responds well to fertilizer, rangeland seeding, and proper grazing use. The characteristic plant community on this unit is mainly soft chess and wild oat.

If this unit is used for hay and pasture, the main limitations are very slow permeability and the hazard of erosion. Because of the very slow permeability, irrigation water needs to be applied slowly to minimize runoff. Use of proper stocking rates, pasture rotation, and restricted grazing during wet periods helps to

keep the pasture in good condition and to protect the soil from erosion. Erosion is reduced if tillage and seeding are on the contour or across the slope.

If this unit is used for homesite development, the main limitations are very slow permeability, high shrink-swell potential in the subsoil, and low load bearing capacity. Increasing the size of the absorption field or using a specially designed sewage disposal system can help to compensate for the very slow permeability. The shrink-swell potential and low load bearing capacity of the soil in this unit should be considered when designing and constructing foundations, concrete structures, and paved areas. The effects of shrinking and swelling can be reduced by maintaining a constant soil moisture content around the foundation area and by backfilling with material that has low shrink-swell potential. If the soil in this unit is used as a base for roads or streets, it can be mixed with sand or gravel to increase its strength and stability.

This map unit is in capability unit IIIe-3 (14), irrigated and nonirrigated.

Soil Stability & Erosion

Construction and agricultural activities often increase erosion by changing the slope characteristics or removing vegetation. The project site is mostly moderate slopes of 3-4% with a steep 8% rise to a knoll on the northern end of the parcel. The elevation change is from 1350 ft msl near Hwy 20 to 1425 on the knoll, with a south and west facing exposure. Due to slowly permeable soils and slope, there is potential for erosion following construction from loose soil from grading and trenching. The area is characterized by occasional high rainfall events occurring as early as October; stormwater runoff from the construction sites will need to be a major consideration in the design, construction and re-vegetation. An onsite evaluation of soils, drainage, and site layout should incorporate these considerations into the planning stage. Cut and fill areas should be designed to minimize destabilization of slopes. Drainage channels should be designed to minimize erosion, and should be re-vegetated as soon as possible. Filter strips of native plants should be used on all drainages to eliminate delivery of nutrients and soil to nearby Clear Lake. Mitigation measures, as outlined on pg. 28-29, will insure that the impact of construction activities and landscaping will be minimal. The project area is above the 100-year flood plain according to FIRM Panel 060090 0365A (FEMA, 1978).

Many construction activities are subject to the requirements of EPA Region 9 NPDES permit requirements for discharge of storm water. Before any construction, a general permit for this project will be needed by the Tribe; this includes a Storm Water Pollution Prevention Plan, Notice of Intent, Construction General permit, OR an Erosivity Waiver (as applicable). As indicated by the EPA before commencing construction the Tribe should file a "Notice of Intent" with EPA to comply with the permit (EPA 2005). (See References: US EPA Guidance: "Clean Water Act Requirements for Construction Projects in Indian Country"). The County of Lake has a Storm Water Management Plan (Lake County, 2003-08) that should be consulted during the design phase of road and housing development.

Structural and Foundation Suitability:

The effects of the climate on these soils can affect management of the soils. Annual rainfall in the area ranges from 25-35 inches/year, occurring during the 6-month winter and spring. This rainfall provides moderate to high leaching of base minerals (sodium, calcium), resulting in low sodium and low to moderate calcium levels, and acid soils. Because of the abundance of magnesium in these soils, a poor Ca:Mg ratio is common, with resultant water permeability problems. The higher the clay content, the more the Ca:Mg ratio affects drainage. This leads to higher runoff potential and increased erosion. Soil management in the area often involves correction of soil nutrient imbalances (calcium amendments), organic matter management (amendments, mulching and cover crop management), sub-soiling, and careful scheduling of groundwork. Construction requires consideration of the clay content because some clay expands and contracts easily, which can damage buildings and foundations. Often septic leach fields

require careful siting or alternative designs due to the poor percolation ability of high magnesium clays. Groundwater interceptors, ditches, setbacks from gullies and bases of steep slopes and avoiding expansive clays are all modifications used to offset effects of the clay soils and high rainfall climate.

Some of the project area soils exhibit shrink-swell soil characteristics that could be problematic for structure foundations. A soil geologic and engineering report will be necessary to determine where and under what conditions roads, buildings, houses and utilities can be built.

Seismic & Geologic Conditions:

The coastal mountain ranges formed as a result of the Pacific plate colliding with the North American plate. As layers were scraped off the seabed, two distinctive units, the Franciscan Formation and the Great Valley sequences, became interspersed in the inland areas. Volcanic activity resulted in formation of the Clear Lake Volcanics, at the south east end of the lake. Mt. Konocti is considered a dormant volcano; eruption in the southern half of Lake County remains a possibility. At one point in recent geologic history (thousands of years ago), a large seismic event triggered a landslide, which closed off the westerly flow of Clear Lake to the Russian River. As the lake continued to fill, a new outlet formed at the south east end. This current outlet, Cache Creek, flows in an easterly direction to the Sacramento River.

A good current account of past and potential seismic activity in the Nice area is in the Northshore Redevelopment Plan EIR (Lake County, 2001, pg. 3-32):

The Clear Lake basin and the entire county in general have had a history of fault activity. Active faults in the vicinity include the Mayacama and the Konocti Bay faults. Active faults in the vicinity of Lake County that could affect the Project Area include the San Andreas, Healdsburg, Hunting Creek and Bartlett Springs faults (Stickney, Dale, Geologist, California Division of Mines and Geology, pers. comm., November 2000). Another fault which is potentially active (has not experienced activity in the last two million years) is the Big Valley fault. The Big Valley fault is reportedly located along the western shoreline of Clear Lake, although its exact location has been disputed.

Despite the fact that no major earthquakes have occurred on faults within Lake County during the past 200 years, the county is still classified as "Seismic Zone 4." This classification indicates that the county is a highly active earthquake area with potential for significant events. The classification is also used for building code purposes.

In the past, earthquakes that affected Lake County occurred mainly on other major faults in California such as the Healdsburg and San Andreas faults. The 1906 San Francisco earthquake, which had a magnitude of 8.3, was the earthquake with the greatest known effect on Lake County. Even though there are many faults in the vicinity of the Project Area, major faults such as the San Andreas are considered more likely to result in future damage in the county. Despite their greater distance from the county, these faults are considered likelier to have a greater frequency and intensity of seismic events. The maximum earthquake magnitudes observed to date are 8.5 for the San Andreas fault and 6.75 (Richter scale) for the Healdsburg fault.

Seismic activity's direct effects include the shifting and rupturing of ground along a fault and ground shaking. Ground shaking can cause indirect effects including landslides, subsidence and differential settlement, liquefaction and lurching and cracking. Seismic disturbance of Clear Lake can also result in "seiche," which is an abnormal wave that can cause flooding. Other activities that are unrelated to earthquakes such as landslides, high tides and winds can also create seiches. Although there are no current records of seiches for Clear Lake, the potential for them to occur still exists. However, the probability is small due to the Lake's configuration.

Construction of public facilities under the HUD ICDBG program is required to use Uniform Building Code practices; this includes seismic design and construction. Other applicable

specifications are included in the California Alquist-Priolo Earthquake Fault Zoning Act, and the Seismic Hazards Mapping Act, as well as county and city regulations that address geologic hazards as they relate to grading and construction activities.

WATER RESOURCES & HYDROLOGY

Water in Lake County is used for agricultural and domestic consumption and for fire protection. It is also important to the tourist industry and the abundant wildlife resources of the area. Agricultural use is for irrigation and frost protection for orchard crops and grapes; for irrigation of field and pasture; and for use by livestock. Water sources include underground aquifers and surface water. The main source of replenishment is runoff from precipitation (rainfall and some snowfall). There are more than 99 registered drinking water distribution systems in the county, of which 15 have 200 or more service connections. In the hill and mountain areas springs, streams, shallow wells in pockets of alluvium, and small earthen dams are used.

Surface Water

The Clear Lake basin drains eastward to the Sacramento Valley and River. Clear Lake receives water from a 530 square mile watershed that receives input from precipitation, groundwater, and irrigation return flows; and discharges to Cache Creek via the Clear Lake Dam spillway.

The Clear Lake Basin is bounded by mountains ranging from 2,000 to 4,600 feet above mean sea level and drains an area of approximately 337,000 acres. Clear Lake itself is the largest natural freshwater lake located entirely within California's boundaries. It is a shallow, 18 mile-long eutrophic water body with a surface area of about 43,000 acres, comprising three basins: the Upper, Lower, and Oaks Arms. Scotts Creek and Middle Creek together contribute about 50% of Clear Lake inflow, discharging to the northern Upper Arm of the lake. Only minor drainages run through the town of Nice and the APE for the project. Clear Lake is also fed by groundwater that enters the lake through "vents" or lakebed springs (Lake County, 2005).

Groundwater Hydrology

The principal ground water aquifers used by the population centers and agricultural areas in Lake County are in the Big Valley, Collayomi, Scotts Valley, and Upper Lake ground water basins. The combined storage capacity of these basins is about 111,000 acre-feet, and the usable capacity is about 35,000 acre-feet. Several smaller ground water basins throughout the county are also used. Water quality generally is good to excellent, but a few areas have water that is high in content of carbonates (hardness), boron, iron, or manganese, or all of these.

Drinking Water

Most of the Lake County's municipal uses draw from Clear Lake. Since the construction of a dam at the outlet on Cache Creek in 1920, a substantial amount of Clear Lake water is exported to the Yolo County Flood Control and Water Conservation District for agricultural use. Groundwater is the principal source of supply for agriculture and rural residences, although some pump directly from the lake.

The Nice Mutual Water Company (PWS # CA1710008) is the provider for the Nice area, with water obtained directly from Clear Lake. The system services 2,200 people with 1,030 hookups. The Nice water district purchases Clear Lake water from the Yolo County Flood Control and Water Conservation District, which owns the rights to the lake's water. Drinking water is treated at a water treatment facility located along Lakeshore Boulevard. There has been a moratorium on new water hookups since 2003 (LCRB, 2003). The district was near its maximum capacity,

and required an upgrade. According to the water company (personal communication, 6-29-05) the upgrade is expected to be completed by November of 2005, and they have reached agreement with the Yolo County District to purchase additional water. The system is expected to supply the needs for growth and additional hookups for the next 20 years.

Property owners or developers must pay for any new service. There is a lack of water system facilities in the vacant urbanized areas in these communities, a factor that has reportedly deterred development of those properties. The costs could include not only water lines to property lines, but also the cost of water mains and, depending on the elevation and topography of properties, the cost of a pumping station. The proposed property has sewer lines along the southern boundary, and water lines running on three sides, which supply adjoining communities.

Wastewater

The nearest wastewater collection system is operated by the Lake County Sanitation District (LACOSAN). The Northwest Regional Wastewater System serves the north and western shore towns of Lakeport, Upper Lake, Nice, Lucerne, Kono Tayee, and Paradise Valley. The system receives wastewater from 4,169 connections, with flows ranging from 1.6 to 4.1 million gallons per day. The Nice area has 1,384 connections with a population of 3,460. The addition of the RVR project would add up to 4 connections in the next 3 years.

LACOSAN offers advanced, innovative answers to the most pressing issues of managing wastewater and keeping nutrients out of a nutrient-rich lake. Wastewater management involves recycling treated effluent for creation of wildlife habitat, irrigation of agricultural lands, and generation of geothermal power. At the heart of the wastewater reuse system is a 50-mile pipeline that collects effluent from ten communities along the northern lakeshore for injection in the Geysers geothermal steam field. This provides a continuous supply of steam field recharge water to help mitigate Geysers productivity declines; and is an effluent disposal method that is environmentally-superior to conventional surface water discharge or land irrigation methods. The first phase connected the Southeast Regional and Middletown treatment plants and the Geysers in 1997. In 1999 the Clearlake Oaks treatment plant was connected; and the remainder of the Phase 2 pipeline to the Northwest Regional treatment plant was completed in 2003. Injection of effluent at the Geysers for geothermal steam production and power generation is the first of its kind in the world. Presently the system delivers 2.8 billion gallons to the fields, with a total rise in elevation of 1900 ft. Because the system was designed for expansion, and present rates of delivery of wastewater are less, 'make-up' water is pumped from the lake to provide optimum flows. The additional flow from more housing communities is desired by LACOSAN.

Floodplain Encroachment

The entire APE is above the 100-year floodplain. (See Appendix for FEMA map 060090 0365A). The lake has been changed over the last 100 years: lake level was raised, inlets and outlets channeled, sections drained and levies installed, and stormwater re-routed. A combination of federal, state, local, and private agencies have performed various reclamation, irrigation and flood control projects. The Lake County Flood Control District now manages most of this realm. A political subdivision of the State of California, the District was established under the Lake County Flood Control and Water Conservation Act, of the State Water Code in 1951. Under the County Board of Supervisors, the District is administered as a division of the Department of Public Works. The Flood Control District administers the National Flood Insurance Program for Lake County; plans and implements flood control projects including preliminary engineering and contract administration, provides watershed management planning, control and impounding of

the flood and storm waters of the district, and protects the watercourses, watersheds, harbors, public highways, life and property in the district from flood or storm waters.

PLANT COMMUNITIES

The major vegetation types in Lake County are chaparral, conifer and hardwood forest, oak-grassland, annual grassland, and freshwater marsh. These vegetation types occur in the following plant communities: montane-hardwood, mixed chaparral, valley foothill hardwood conifer, valley foothill hardwood, valley foothill riparian woodland, riverine, lacustrine and fresh emergent wetland. About 5 percent of the acreage in the county, mostly in and around the valley areas, is cultivated for crops and pasture. About 1 percent of the county is Urban land (Lake County, 2001). The APE for the project contains 4 of these plant communities: mixed chaparral, oak-grassland, annual grassland, and riparian woodland.

Chaparral grows at all elevations and covers about 40 percent of the county. This vegetation type occurs on south and west facing slopes at the warm, low elevations to above 3,500 feet. Wildfires and soil erosion are common hazards in these areas, which have a seasonal, low available water capacity. Soils that formed in material weathered from serpentine rock also support chaparral. Chamise, manzanita, ceanothus, scrub oak, toyon and scattered McNab cypress are common plants.

Oak grass woodlands make up about 18 percent of the county. Blue oak is the dominant tree in oak-grassland areas, although interior live oak and digger pine also are often found. The canopy is highly variable, ranging from 10-50 percent; it is commonly heavier on north-facing slopes. In many areas the trees have been thinned or cleared for livestock. Soft chess, wild oat, and scattered forbs are in the understory. Oak-grass vegetation grows mostly at the warm, low to intermediate elevations, but it also grows at elevations of as much as 4,500 feet on south- and west-facing slopes.

Annual grass vegetation in the county is typified by soft chess, wild oat, filaree, ripgut brome, and annual clover. In some areas are bunchgrasses, especially purple needlegrass. The species composition is highly variable and depends on the kind of soil and the land use history. Scattered oaks and brush are interspersed within many areas of annual grasses. Exotic weeds are a problem in many cultivated areas and in some areas of overgrazed annual grasses. Starthistle, tarweed, fiddleneck, and puncturevine are some of the common weeds in the county.

Riparian and wetland vegetation communities support the greatest diversity of mammals, reptiles, birds and amphibians, including numerous species of nesting and overwintering birds. The wetland vegetation type occurs along the fringes of Clear Lake and in lower areas in the valleys. Tules, rushes, carex, and cattails are common. Vegetation along creeks and stream channels is also important to some wildlife species. Cottonwood, willow, and elderberry are a few of the dominant plants in the riparian areas (Lake County, 2001). A riparian area crosses the parcels from northeast to southwest, and flows into a small freshwater marsh approximately ¼ mile from the southern border of the parcel. This riparian corridor, and the intermittent creek has a channel about 20 feet wide, and has been zoned "Wetland" by the County of Lake (See Appendix, Zoning Map). From the site visit (Young, 2005) it was noted that this area is a riparian area and not a wetland. Although there are plant species that occur in wet areas, these are species that occur in much of the lower areas of Northern California. The small creek flows under State Highway 20, along a commercially developed parcel with a large grocery store and parking lot, and into the wetland to the south. The creek bed is dry during the summer.

The Lake County General Plan identifies the shoreline area of Clear Lake as important marsh and riparian habitat that supports a diverse and abundant variety of fish and wildlife. Between 1952 and 1977, 72 percent of the wetland habitat was lost to urban and agricultural development. Most of the wetlands along the Clear Lake shoreline are dominated by tule (*Scirpus acutus* var. *occidentalis*), which was historically the most common nonaquatic wetland plant in the area (Lake County, 2001). This species is not present on the site; it is present ¼ mile to the south.

Lake County (2005) generally defines the Clear Lake wetlands as from the low-water perimeter of Clear Lake to 300 feet landward of the high water mark. The project site is well above this border, and there are commercial developments between the site and the wetlands. The area zoned "Wetland" within the project area is actually a riparian area, and the Tribe may consider having this re-zoned to allow for future housing. This could be accomplished by using the appeal process with the County, or through the Tribe's zoning ordinance once the property is converted to Trust status.

Much of the sediments being deposited in Clear Lake were once naturally filtered out by vegetation, marshes and creek-bank structures. Changing the course of streams and altering vegetation along their banks has resulted in long-term environmental impacts. Mining gravel from streambeds changes the groundwater recharge properties of the streams. For this reason, the riparian corridor should not be developed, and a 100 foot buffer zone along this zone should be established where the vegetation is not disturbed.

WILDLIFE AND FISH SPECIES

The Northshore of Clear Lake includes plant communities that support diverse populations of wildlife. Being in the transition area between Clear Lake and the nearby mountains of the Mendocino National Forest, there are many possibilities for resident and visitor populations. Seasonal variations in animal populations occur, however the following are common animals of the region:

Small Mammals

Douglas tree squirrel	<i>Tamiasciurus douglasii</i>
Fisher	<i>Martes pennanti</i>
Black-tailed hare	<i>Lepus californicus</i>
Long-tailed weasel	<i>Mustela frenata</i>
Marten	<i>Martes americana</i>
Raccoon	<i>Procyon lotor</i>
Ringtail cat	<i>Bassariscus astutus</i>
Spotted skunk	<i>Spilogale putorius</i>
Striped skunk	<i>Mephitis mephitis</i>
Western gray squirrel	<i>Sciurus griseus</i>

Large Mammals

Black bear	<i>Ursus americanus</i>
Bobcat	<i>Felis rufus</i>
California blacktailed deer	<i>Odocoileus hemionus</i>
Coyote	<i>Canis latrans</i>
Mountain lion	<i>Felis concolor</i>
Wolverine	<i>Gulo luscus</i>

A large diversity of bird species may occur in the APE due to the several habitats that interface. The north shore of Clear Lake is 2000 feet south, just across Hwy 20, while Rodman Slough, the upper arm of Clear Lake, is 2 miles to the west. Tule Lake, a seasonal lake/wetland, is located 5 miles to the northwest. The APE lies at the foot of 2400-foot Hogback Ridge (1¼ mile north), which adjoins a ridge extending from the southern end of the Mendocino National Forest. Thus both forest and aquatic animals may inhabit or visit the APE. Common birds that reside in or visit the area include:

Birds – Residents & Visitors

Acorn woodpecker	<i>Melanerpes formicivorus</i>
Bald eagle	<i>Haliaeetus leucocephalus</i>
Barn owl	<i>Tyto alba</i>
Black phoebes	<i>Sayornis nigricans</i>
Brewer's blackbirds	<i>Euphagus cyanocephalus</i>
Brown towhee	<i>Pipilo fuscus</i>
Bullock's oriole	<i>Icterus galbula</i>
California quail	<i>Lophortyx californicus</i>
California thrasher	<i>Toxostoma redivivum</i>
Flicker	<i>Colaptes auratus</i>
Golden eagle	<i>Aquila chrysaetos</i>
Goshawk	<i>Accipiter gentilis</i>
House finch	<i>Carpodacus mexicanus</i>
Hummingbird	<i>Selasphorus sp</i>
Killdeer	<i>Charadrius vociferus</i>
Lesser goldfinch	<i>Carduelis psaltria</i>
Mourning dove	<i>Zenaidura macroura</i>
Peregrine falcon	<i>Falco peregrinus anatum</i>
Pileated woodpecker	<i>Dryocopus pileatus</i>
Plain titmouse	<i>Parus inornatus</i>
Raven	<i>Corvus corax</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Scrub jay	<i>Aphelocoma coerulescens</i>
Starling	<i>Sturnus vulgaris</i>
Turkey vulture	<i>Cathartes aura</i>
Violet-green swallow	<i>Tachycineta thalassina</i>
Western bluebird	<i>Sialia mexicana</i>
Wrentit	<i>Chamaea fasciata</i>

Waterfowl - Residents & Visitors

American coot	<i>Fulica americana</i>
American widgeon	<i>Anas americana</i>
Black-crowned night heron	<i>Nycticorax nycticorax</i>
Common merganser	<i>Mergus merganser</i>
Double crested cormorant	<i>Phalacrocorax auritus</i>
Eared grebe	<i>Podiceps nigricollis</i>
Mallard duck	<i>Anas platyrhynchos</i>
Pied-billed grebe	<i>Podilymbus podiceps</i>
American white pelican	<i>Pelicanus erythrorhynchos</i>

Common reptiles and amphibians in the Clear Lake and Nice areas include:

Pacific chorus frog	<i>Pseudacris [Hyla] regilla</i>
Pacific slender salamander	<i>Batrachoseps pacificus</i>
Garter snake	<i>Thamnophis sirtalis</i>
Western fence lizard	<i>Sceloporus occidentalis</i>
Northwestern pond turtle	<i>Clemmys marmorata</i>

Fish species: There are 15 native species and 19 introduced species that have been reported in Clear Lake (Lake County, 2005). Of the native species, 5 are considered extirpated. Fish that may inhabit the lake and could be affected by erosion or changes in the riparian habitat are:

Fish Species Reported in Clear Lake (from Lake County, 2005)

Native Species		Introduced Species	
California roach	<i>(Hesperoleucus symmetricus)</i>	**Black crappie	<i>(Pomoxis nigromaculatus)</i>
**Clear Lake hitch	<i>(Lavinia exilicauda chi)</i>	**Bluegill	<i>(Lepomis macrochirus)</i>
*Clear Lake splittail	<i>(Pogonichthys ciscoides)</i>	**Brown bullhead	<i>(Ameiurus nebulosus)</i>
*Hardhead	<i>(Mylopharodon conocephalus)</i>	Brown trout	<i>(Salmo trutta)</i>
*Pacific lamprey	<i>(Lampetra tridentata)</i>	**Carp	<i>(Cyprinus carpio)</i>
Prickly sculpin	<i>(Cottus asper)</i>	**Channel catfish	<i>(Ictalurus punctatus)</i>
Rainbow trout	<i>(Oncorhynchus mykiss)</i>	Flathead minnow	<i>(Pimephales promelas)</i>
**Sacramento blackfish	<i>(Orthodon microlepidotus)</i>	Golden shiner	<i>(Notemigonus crysoleucas)</i>
**Sacramento perch	<i>(Archoplites interruptus)</i>	**Goldfish	<i>(Carassius auratus)</i>
Sacramento pikeminnow	<i>(Ptychocheilus grandis)</i>	Green sunfish	<i>(Lepomis cyanellus)</i>
Sacramento sucker	<i>(Catostomus occidentalis)</i>	Inland silverside	<i>(Menidia beryllina)</i>
*Steelhead	<i>(Oncorhynchus mykiss)</i>	**Largemouth bass	<i>(Micropterus salmoides)</i>
*Thicktail chub	<i>(Gila crassicauda)</i>	Mosquitofish	<i>(Gambusia affinis)</i>
Threespine stickleback	<i>(Gasterosteus aculeatus)</i>	Pumpkinseed	<i>(Lepomis gibbosus)</i>
Tule perch	<i>(Hysterocarpus traskii)</i>	Redear sunfish	<i>(Lepomis microlophus)</i>
		Smallmouth bass	<i>(Micropterus dolomieu)</i>
		Threadfin shad	<i>(Dorosoma petenense)</i>
		**White catfish	<i>(Ameiurus catus)</i>
		**White crappie	<i>(Pomoxis annularis)</i>
* Extirpated			
** Supports recreational or commercial fishery, including native American uses			
Source: California Department of Fish and Game 2000, Moyle 2002.			

Effects of Human Occupation on Living Resources

Human intervention can affect natural habitats in several ways. Negative impacts include removal of native plants, diversion and use of water, hunting and other taking of animals, grazing, importation of non-native species, modification of waterways, pollution, breaking natural fire cycles, and physical changes in the landscape. Potential positive impacts can be: protection from wildfire, local increases in water, habitat modification, protection and re-introduction of species, and re-seeding of native plants. Recent disastrous effects of wildfires on wildlife have resulted in nation-wide priority attention to management of fire-type vegetation. Prescribed burns are considered part of the future management strategy in most of the west's wildland areas, to re-introduce fire to the natural environment.

RARE OR ENDANGERED SPECIES

Construction projects should consider the effects on rare, threatened, or endangered species during the planning stages. These are generally referred to as "listed or proposed species" or "species of concern". When projects could "jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat", consultation with the Fish & Wildlife Service is required. If a project is a "Major Construction Activity" that could "significantly affect the quality of the human environment" then a biological assessment to analyze the effects of the action (both direct and indirect) on listed or proposed threatened and endangered species would be necessary.

Under Fish and Game Code Sections 1600-1616, the project may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or

lake. If the project involves changes to the riparian corridor in the western portion of the site, the Department may determine that the activity could substantially adversely affect an existing fish and wildlife resource, requiring a Lake or Streambed Alteration Agreement (CDF&G, 2005). This area should be protected by a buffer zone and appropriate zoning and land use ordinances.

Animals

Lists are available from the nearest office of the US Department of the Interior, Fish & Wildlife Service according to USGS Quad Maps. The most current list (6/20/2005) for the Bartlett Mountain 549A and Lucerne 549D Quads, the area of the proposed project, is in the Appendix. The following is an account of species of concern that could be impacted by the project:

Special-Status Species, Bartlett Mountain 549A & Lucerne 549D Quads (US F & W, Calif. Dept. Fish & Game, 2005)

COMMON NAME	SCIENTIFIC NAME	CATEGORY Federal / State	CRITICAL HABITAT	POTENTIAL TO OCCUR WITHIN AREA
Fish				
delta smelt	<i>Hypomesus transpacificus</i>	T/--	N	LOW
Amphibians				
California red-legged frog	<i>Rana aurora draytonii</i>	T/SC	N	HIGH
Birds				
bald eagle	<i>Haliaeetus leucocephalus</i>	T/E	Y	HIGH
northern spotted owl	<i>Strix occidentalis caurina</i>	T/--	N	LOW
Candidate Species				
Fish				
green sturgeon	<i>Acipenser medirostris</i>	C/T	N	LOW
Mammals				
fisher	<i>Martes pennanti</i>	C/SC	N	MODERATE
Species of Concern				
Invertebrates				
brownish dubiraphian riffle beetle	<i>Dubiraphia brunnescens</i>	SC/--	N	HIGH
Fish				
Sacramento splittail	<i>Pogonichthys macrolepidotus</i>	SC/--	N	LOW
longfin smelt	<i>Spirinchus thaleichthys</i>	SC/--	N	LOW
Amphibians				
Foothill yellow-legged frog	<i>Rana boylei</i>	SC/SC	N	HIGH
Reptiles				
northwestern pond turtle	<i>Clemmys marmorata marmorata</i>	SC/SC	N	HIGH
Birds				
tricolored blackbird	<i>Agelaius tricolor</i>	SC/SC	N	HIGH
Bell's sage sparrow	<i>Amphispiza belli belli</i>	SC/SC	N	LOW
oak titmouse	<i>Baeolophus inornatus</i>	SC/--	N	UNKNOWN
Vaux's swift	<i>Chaetura vauxi</i>	SC/--	N	UNKNOWN
white-tailed (black shouldered) kite	<i>Elanus leucurus</i>	--/SC	N	MODERATE
little willow flycatcher	<i>Empidonax traillii brewsteri</i>	SC/E	N	UNKNOWN
American peregrine falcon	<i>Falco peregrinus anatum</i>	--/E	N	MODERATE
loggerhead shrike	<i>Lanius ludovicianus</i>	SC/SC	N	MODERATE
Lewis' woodpecker	<i>Melanerpes lewis</i>	SC		UNKNOWN
long-billed curlew	<i>Numenius americanus</i>	--/SC	N	LOW
rufous hummingbird	<i>Selasphorus rufus</i>	SC	N	UNKNOWN
California thrasher	<i>Toxostoma redivivum</i>	SC	N	HIGH
Western least bittern	<i>Ixobrychus exilis hesperis</i>	SC/SC	N	MODERATE
Mammals				
Pacific western big-eared bat	<i>Corynorhinus townsendii townsendii</i>	SC/SC	N	MODERATE
Greater western mastiff bat	<i>Eumopos perotis californicus</i>	SC	N	LOW

long-eared myotis bat	<i>Myotis evotis</i>	SC/--	N	LOW
fringed myotis bat	<i>Myotis thysanodes</i>	SC/--	N	LOW
long-legged myotis bat	<i>Myotis volans</i>	SC/--	N	LOW
Yuma myotis bat	<i>Myotis yumanensis</i>	SC/--	N	MODERATE
Plants				
bent-flowered fiddleneck	<i>Amsinckia lunaris</i>	SC/--	N	UNKNOWN
glandular dwarf-flax (=western flax)	<i>Hesperolinon adenophyllum</i>	SC/--	N	LOW

Plants

There are no plants listed as endangered or threatened within the APE. The following species of concern may be found in the Upper Lake area according to the California Natural Diversity Database (Lake County, 2005): bent-flowered fiddleneck (*Amsinckia lunaris*), bristly sedge (*Carex comosa*), Bogg's Lake hedge-hyssop (*Gratiola heterosepala*), Baker's navarretia (*Navarretia leucocephala* ssp. *Bakeri*) and the Mayacamas popcorn flower (*Plagiobothrys lithocaryus*). Construction projects that break ground on large areas of undisturbed habitats should consider the possibility that these plant species will be impacted. Avoiding disturbing natural drainages will minimize impacts on many native species.

For the proposed land acquisition project, an initial survey to identify plant vegetation types and potential sensitive habitats was performed on July 1 (Young, 2005). Due to the late season rain, there were many more spring blooming plant species than usual. None of the listed plants were present at that time. There will be at least two opportunities to perform a more extensive plant survey: prior to construction of houses using HUD block grant funds, and prior to the land being accepted into trust by the BIA. Before construction of roads or houses any areas with plant species of concern can be identified and appropriate mitigation measures recommended.

Effects of the Housing Community of Species of Concern

Changes to the natural landscape usually affect animal and plant habitats; however growth in the Clear Lake area is inevitable. With proper planning and construction, these impacts can be minimized. The north shore of Clear Lake consists of the lake, a thin ¼-½ mile developed corridor, and then hundreds of square miles of undeveloped land to and within the Mendocino National Forest. Wildlife within the lake can be affected by diverting water, increasing soil and nutrient delivery, or draining wetlands. Housing construction on this site does not need to do any of these. The water source will be municipal water, and construction and design of drainage will follow state and federal requirements. The riparian corridor is important for access for the wildlife from the hills to the lake and wetlands below the project site. If this remains open by leaving a 100 foot buffer zone, there would be little effect from this project. By fencing yards for containment of domestic animals, this corridor could provide access for wildlife through the housing development and result in minimal impacts on native populations.

ARCHAEOLOGICAL and HISTORICAL CONSIDERATIONS

Existence of Cultural Resources

The Clear Lake Basin is one of the richest areas in California with regard to archaeological artifacts (Lake County, 2001). In prehistoric times, the Clear Lake area was occupied by Eastern and Southeastern Pomo Indians near the lake, and Wintun Indians in the hills east of the lake. The Eastern Pomo Tribe made their homes back from the shoreline of the lake, along streams feeding Clear Lake, in what today is Upper Lake and Scotts Valley. The Southeastern Pomo Tribe lived on the islands; their villages were found on what today are known as Anderson Island, Rattlesnake or Sulphur Bank Island and Lower Lake Island. Archaeological surveys have identified Indian burial sites on some of the islands.

Prior to European settlement, a population of up to 2,200 Eastern Pomo Indians along with a small Wappo village occupied the region around Lakeport and Kelseyville, on the south and west sides of the lake. Evidence of occupation is found in the vicinity of the Nice/Lucerne Cutoff and the banks of Rodman Slough, 1-3 miles from the RVR site. With the location of the parcel of land in the Clear Lake-wetland-mountain interface, it is highly likely that there were at least seasonal camps within the APE.

Several cultural resource reviews have been made in the northern Clear Lake and Upper Lake Area. The Northshore Redevelopment Environmental Impact Report (Lake County, 2001) reported that:

According to the Northwest Information Center, at the time of Euroamerican contact, the Native Americans that lived in the area spoke *sikom* and *dano-xa*, one of the Eastern and Southeastern Pomo languages (McLendon & Lowy 1978:306). In the Upper Lake area, 6 Native American cultural resources have been recorded. In the Nice area, 3 Native American Cultural resources have been recorded. In the Lucerne area, 7 Native American cultural resources have been recorded, and in the Glenhaven/Clearlake Oaks area, 23 Native American cultural resources have been recorded. In addition, Barrett (1908) has identified 6 ethnographic village sites between the four subareas. Native American archaeological sites in this portion of Lake County tend to be situated along ridgetops, midslope terraces, alluvial flats, lakeshore margins, near ecotones, and near sources of water, including springs and seasonal drainages. The Project Area encompasses all these environmental features, with Native American cultural resources associated with each feature. Given the environmental setting and the archaeologically sensitive nature of the four subareas, the Northwest Information Center has concluded that there is a high potential for additional Native American sites in the Project Area.

Review of historical literature, state and federal inventories, and historic maps on file in the Information Center indicate that there are at least 8 historic archaeological sites and 61 historic structures in the four subareas. In the Upper Lake area, there are 22 entries in the National Register of Historic Places (NRHP) and 2 on the California Inventory of Historic Resources (CRHR). In the Nice area, there are 16 listed with the NRHP and 3 with the CRHR. In the Lucerne area, there are 4 listed with the NRHP and 3 with the CRHR. In the Glenhaven/Clearlake Oaks area, there are 10 entries in the NRHP and 1 with the CRHR. With this in mind, the Northwest Information Center has concluded that there is a high possibility of identifying historic cultural resources in the Project Area (Pg 3-24).

The Northwest Information Center conducted a records search of the RVR site for this project (NWIC, 2005). The following is a summary of their report, which is in the Appendix:

Per your request received by our office on 29 June 05, a records search was conducted for the above referenced project by reviewing pertinent Northwest Information Center (NWIC) data maps, historic-period maps, and literature for Lake County on file at this office. Review of this information indicates that the proposed project area contains no recorded Native American or historic-period archaeological resources. There is, however, one recorded historic building within the project area, the J.H. Bonds residence at 3104 East State Highway 20.

This office has seven archaeological studies covering approximately 20% of the project area. I was able to identify two historic properties listed in state and federal inventories that are within the proposed project area: 1) John Bull Burial Ground, listed in Office of Historic Preservation Directory of Properties (Register status 6 = determined ineligible for National Register listing; no state or local determination was made) and 2) J.H. Bonds Residence, 3104 State Route 20, National Register status 6Y2 = determined ineligible for National Register by consensus, no potential for National Register, no evaluation for local listing).

At the time of Euroamerican contact the Native Americans that lived in the area were speakers of Eastern Pomo, one of the seven Pomoan languages (McLendon & Oswalt 1978:286-287). The general vicinity north of Nice appears to be a boundary area between two groups of Eastern Pomo. The *Shigom*, who had a large central village called *Shigom*, which was located near what is now Lucerne, and *Bududa*, a village

thought to have resulted from the break-up of *Shigom*. The *Danoxa* had three villages: *Danoxa*, *Behepal*, and *Badon-napoti*, known historically as Bloody Island (Kniffen 1939:Map 1, 367). The village of *Bududa*, which may be in or near Nice, has not been physically identified/recorded.

Based on an evaluation of the environmental setting and features associated with known sites, Native American cultural resources in this part of Lake County have been found in upland areas around the lake on broad midslope terraces near seasonal/intermittent/perennial water sources, and in lower elevations along the margin of the lake, on the first or second terraces above Clear Lake, usually near a tributary water source. Unsurveyed portions of the HUD Indian CDBG project area contain just such environment features. Given the similarity of these environmental factors, there is a high likelihood that unrecorded Native American cultural resources exist in the proposed project area

Review of historical literature and maps indicated the early presence of a road tracing the lake shore and three to four residential structures within the project area. With this in mind, there is a high possibility of identifying historic-period cultural resources.

After land acquisition an archaeological survey is recommended to identify any unknown areas that may not have been detected by the records search and initial site inspection. The BIA will require this before taking the land into trust, and this will insure that the cultural resources of the Robinson Rancheria and Upper Lake Rancheria are protected during subsequent development. NWIC definitely recommends a cultural resource field study before ground disturbance activities are undertaken.

Historical Resources

Most of the present-day communities on the north shore of Clear Lake did not exist until relatively recently. Most of the historical development consisted of scattered ranches and hot springs, the latter of which were developed as resorts. During the latter part of the 19th century, several area resorts were popular designations for tourists from San Francisco. Several events led to the demise of the hot spring resorts, including the 1906 San Francisco earthquake, which allegedly altered the characteristics of many of the area's mineral springs. There are some buildings in Nice that are over 100 years old, and many that are over 50 years old.

On May 23, 2005 the preparer of this environmental assessment sent a letter to the Office of Historic Preservation, California State Department of Parks and Recreation in Sacramento (See Appendix). The SHPO received the letter and declined to comment within 30 days. On the date of the certification of this EA, the Tribe is certifying that there will be no adverse affects on cultural or historical properties from this project. (CFR, 2004)

(4) *Failure of the SHPO/THPO to respond.* If the SHPO/THPO fails to respond within 30 days of receipt of a request for review of a finding or determination, the agency official may either proceed to the next step in the process based on the finding or determination or consult with the Council in lieu of the SHPO/THPO.

At the site inspections on July 1 (Young, 2005), there was no evidence of archaeological resources within the APE. There is a 40-50 year old bolted-steel water tank at the top of the hill/northern boundary of the parcels. This tank is owned by a small local water company, which has an easement for operation and maintenance of the tank. This tank is still in use, and serves the small housing developments adjacent to the project area. The two historical properties are not located within the project APE. The J.H. Bonds residence at 3104 East State Highway 20 is located 1.5 miles east of the site, and the John Bull Burial Ground is on Springe St., which is 0.9 miles to the east. Neither of these would be impacted by eventual development on this site.

AGRICULTURE

The project area is presently zoned Planned Development Commercial and Single Family Residential. Except for grazing of livestock 50-75 years ago, the area has not been used for agriculture. According to the Soil Survey of Lake County (USDA 1989), the project area does not contain prime farmland subject to the USDA Farmland Protection Policy, 7 CFR 658.

SOCIOECONOMIC CONDITIONS

Demographics of Lake County

As of the 2000 census there are 58,309 people, 23,974 households, and 15,367 families residing in the county. The population density of this rural county is low, 46 per sq. mi. There are 32,528 housing units, with the main concentrations located around the lake. The racial makeup of the county is 86.3% White, 2.1% African American, 3.0 % Native American, 0.8% Asian, 0.2% Pacific Islander, 4.11% from other races, and 3.50% from two or more races. 11.39% of the population is Hispanic of any race (Wikipedia, 2005).

The median income for a household in the county is \$29,627, and the median income for a family is \$35,818. The per capita income for the county is \$16,825. 17.60% of the population and 12.90% of families are below the poverty line. The average household size is 2.4 and the average family size is 2.9.

Demographics of the Nice Area

According to the census of 2000, there are 3,135 people, 1,311 households, and 897 families residing in the Nice area. Due to the presence of two nearby Tribes, the Upper Lake Rancheria and Robinson Rancheria, the Native American population is 8.4%, higher than the overall Lake County numbers (Lake County GIS, 2005).

As a rural area relying mainly on tourism and retirees (25.8 % of residents are over 60 years of age), the Nice area has lower average median incomes than the overall county for household income (\$24,340 vs. \$29,627), and family income (\$23,358 vs. \$35,818) and per capita income \$13,173 vs. \$16,825). Poverty levels are also higher than in the county population; 25.5% of the population and 23.8% of families are below the poverty line. The average household size is 2.2 and the average family size is 2.8, both slightly lower (less crowded) than in overall Lake County (Wikipedia, 2005).

Poverty and unemployment on Indian reservations are often much higher than national, state, and county averages. According to the 2000 Census, the individuals below poverty level in the United States were 12.4% of the population; for Indians the figure is 25.7%. Unless Tribes have natural or recreational resources to create income for the Tribe, the social-economic status of their members is low with few opportunities for growth.

COMMUNITY INFRASTRUCTURE

Police

There are two law enforcement agencies in the northern county: the Lake County Sheriff's Department and the Lakeport Police Department. The Sheriff's Department is responsible for law enforcement in the unincorporated areas of the county, employing 40 uniformed patrol deputies and sergeants, who patrol 1,284 square miles of rural terrain. The Department serves the Nice area from the Lakeport station, about 16 miles southwest of the town. Response time varies from 15-45 minutes, depending on the emergency and location of the nearest patrolling officer. In addition, the California Highway patrol serves north shore Highways 20 and 29 from the

station in Kelseyville, 25 miles southeast. Again, response time depends on the location of the patrolling unit.

Office of Emergency Services

The Office of Emergency Services works extensively with several County departments, local public agencies and utilities on a normal basis in setting up training programs, developing and coordinating response procedures, and dealing with recovery and mitigation programs and funding. In addition, OES coordinates operations of many additional departments and agencies during emergencies. These response efforts include dealing with the public and the media, thereby allowing other departments to continue their response operations more effectively within their area of expertise; serving as liaison to the Board of Supervisors, state and federal agencies, local agencies and a variety of public utilities; acquiring staffing for Emergency Operation Center activation (EOC); and developing communication and cooperation between response agencies (Lake County, 2003).

Fire

Fire protection services are provided throughout Lake County by eleven fire districts and the California Department of Forestry and Fire (CDF). There are a total of 21 stations, with 10 stations fully staffed and 11 staffed by volunteers (substations).

Nice is located within the Lucerne Park and Recreation Protection District with the fully-staffed Nice Community station #85 located ¼ mile away. Response time for the fire department to the RVR land would be from 5-10 minutes, depending on weather and road conditions. Also nearby (6.5 miles) is the United States Forest Service Upper Lake Ranger District Station, where 2 fire engines and a 20-man crew are stationed. Although their main jurisdiction is the nearby Mendocino National Forest, they respond to local fires including the wildlands north of Nice under an MOU with local fire protection districts. Fires in the wildlands may also require response from the California Department of Fire & Forestry (CDF), which has a statewide agreement with the BIA to provide fire protection for wildfires on Tribal land. The CDF has a fire attack station in Ukiah, approximately 20 air miles west of Nice. Air response time would be approximately 30 minutes. The county is divided into State Responsibility Areas (SRA), where the primary responsibility for protection during fire season is the CDF, and Local Responsibility Areas (LRA), where the primary responsibility is the local fire districts. On Tribal trust land, MOAs with the Bureau of Indian Affairs and local or state agencies provide funding for fire protection.

Hospitals

The closest hospital is Sutter Lakeside Hospital Community Wellness Center, in Lakeport, 10 miles west and south. The Tribe is a member of Consolidated Tribal Health, and is fortunate to have the Lake County Tribal Health facility 15 miles away in Lakeport. The clinic serves primarily Native Americans, providing Dental Services, Community Health Outreach Services, Alcohol and Drug Counseling and Education, Mental Health Counseling and Assistance Accessing Social Services.

Schools

Lake County has a total of seven school districts, which includes 34 public schools. In addition, Yuba Community College has a campus located in Clearlake, and Mendocino Community College has a campus in Lakeport.

Nice is within the Upper Lake Union School District, which consists of an elementary school (430 students), a middle school (220 students) and Upper Lake High School (403 students). These are all located within 5 miles of Nice.

For upper-level education, the nearest colleges are: the community colleges, Mendocino College in Lakeport (10 miles) and Yuba College in Clearlake (24 miles) and the 4-year colleges: Sacramento State University in (115 miles), University of California, Davis (15 miles) and Sonoma State University, 88 miles. The long distance to the nearest California universities makes achievement of degrees above the associate level very difficult while living on the Reservation. Mendocino College does provide higher degrees in some majors through cooperation with out-of-county universities.

Public Transportation

The Lake Transit provides local and county-wide bus transit service. Currently 7 fixed routes are provided around Clear Lake and outlying communities. Greyhound and Amtrack bus provide service on Highways 29 and 20 to and from Ukiah, with several stops enroute, including Nice. There are no railroads in Lake County; Amtrack provides rail service on the Coast Starlight route (Los Angeles-Portland-Seattle), but the nearest connection point with rail service is in Davis, 65 miles distance from the Reservation.

The closest airport is Lampson County Airport, a small airport for private aircraft, 15 miles away south of Lakeport. The nearest air travel is provided by commercial charter service at the Ukiah Airport, 30 miles away. For major carriers, one must travel to Sacramento, 112 miles east, or to Oakland, 130 miles to the south.

LAND USE & ZONING

According to the Northshore Redevelopment EIR (Lake County, 2001) and the Lake County General Plan (Lake County, 1987) medium and high-density residential developments within the community areas that are compatible with the neighborhood character shall be encouraged on larger lots where public sewer and water services are available. Major new residential development should be located in close proximity to opportunities for employment, recreation and retirement. High density residential areas (greater than 15 dwelling units per gross acre), in which apartments and townhouses are appropriate, should be encouraged to locate along minor collectors and transit lines, in close proximity to shopping, recreation, and entertainment.

The parcels are presently (2005) zoned as follows:

A/P Number	Zoning	Regulations	Special Districts
004-055-29	PDC-DR-W	PDC – Planned development commercial district – design review combining district	Wetlands district – environmentally sensitive wetlands valuable for plant and animal habitat and natural appearance and character
004-055-43	R1-SC	R1 – Single Family Residential: for individual residential dwelling units at relatively low densities where the traditional neighborhood character of single-family units prevail	Scenic combining district – views of scenic areas from the County’s scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation-based economy

The location of this property fulfills all of the above recommendations. Water and sewer services are available to the property. It is located along the Highway 20 corridor, and will be served with existing collector roads. A large market and the town of Nice are located nearby, and there are

some employment opportunities in the town, the tourist facilities, and the nearby Robinson Rancheria Casino. The property is ideal for medium to high-density development.

The wetlands/riparian district area of the property can limit the buildable area of the property; however this can be used to the advantage of the site and the environment. Stormwater runoff from paved areas can be routed through vegetation strips to this area, which will provide a natural biological buffer before water enters the lake. The area could potentially be enhanced and would provide open space for the community and an aesthetic improvement to the Highway 20 corridor. These considerations should be incorporated into the design of the community and addressed in future environmental assessments performed prior to development. The extent of the wetland area on the County zoning maps is larger than in reality; this should be re-evaluated to reflect the actual riparian corridor and a 100 foot buffer zone on either side (See Zoning Map, Appendix.)

POWER

Pacific Gas and Electric Company provides electricity to customers in Lake County. The power supplied is from the company's inter-grid system, which serves the entire state. No problem is foreseen with the provision of electricity to service existing customers or future development. Gas used in the County is propane gas supplied by numerous private propane companies. Most of the companies offer both bulk and metered gas supplies. There is presently no natural gas supply to Lake County.

WASTE

Solid Waste

Solid waste and recycling pickup is provided to the area by Timberline Disposal Service, in Lakeport. Materials are taken to the transfer station in Lakeport, where they are taken to the East Lake Landfill in Clear Lake, about 25 miles to the east. Plans are underway for composting of green waste, recycling of construction & demolition debris, and a mobile home dismantling facility in the same area.

Hazardous Waste

Hazardous waste issues include impacts to soil and groundwater due to leaking underground storage tanks (USTs), dumping and releases to the land, and highway spills. The hazardous materials studies for this project have been conducted pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, and its implementing regulations (40 CFR 260-271); and the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (CERCLA), as amended, and its implementing regulations (40 CFR 300 and 43 CFR 11). Both acts require coordination with the Environmental Protection Agency (EPA) or an EPA-approved state agency. In addition, the Lake County Environmental Health Department regulates land pollution within the project area, and the Regional Water Quality Control Board (RWQCB) regulates groundwater pollution in the project area. The Central Valley RWQCB, in conjunction with county agencies, regulates the Clear Lake area from an office in Rancho Cordova, near Sacramento. The Tribal EPA office is responsible for compliance on the RVR.

Phase I Environmental Site Assessment

The ESA included a records review and site reconnaissance. Environmental Data Resources, Inc. conducted the search of available environmental records (See EDR Summary, 2005, Appendix) on June 29, 2005. The search combines current government records with four historical sources, and is designed to meet the needs of environmental professionals who are evaluating a property.

This helps to fulfill the requirements of both the ASTM E 1527 Phase I Environmental Site Assessment Standard and the upcoming "All Appropriate Inquiry" (AAI) rule put forth by the US EPA. The records search includes ASTM & proprietary databases, geologic information, and historical information. There were no regulated industrial facilities, hazardous materials generators or large quantity storage, national priority list (Superfund) sites, Department of Defense sites, or oil & gas pipelines, within a 1 mile radius of the project site. Other regulated facilities or sources of pollution that can occur in such rural areas include: leaking underground storage tanks, junk yards, agricultural pesticide storage, large spills on highways, lumber mills/wood treatment plants, and sewage treatment plants.

The data base search did turn up records of a leaking underground storage tank (LUST). These are generally gas stations, farm fuel tanks or truck/auto shops. There is 1 such facility within 1/8 mile of the project. In addition, there are other regulated facilities within 3 miles, including a closed landfill, and facilities that store small quantities of hazardous materials. The LUST was identified during the site assessment (Young, 2005) as a transmission repair shop, and there is an accumulation of old automobiles nearby. Two old domestic dumpsites are on the property, with no evidence of toxic materials. All potential contaminant sites are identified and discussed in the Contaminant Survey Checklist in the Appendix.

The following is a summary of the records search for regulated facilities located within 3 miles of the Nice RVR project site at 2320 E Hwy 20 (EDR 2005):

COUNTY OF LAKE		Regulated Facilities within 3 Miles of Project	
Facility	Location	Air Distance from Project	Type of listing
Bonita I Trumble	7400 Pyle Rd	839 ft SSW	LUST (gasoline, tank not active)
Earl W Proett	1645 E Hwy 20	540 ft SE	Historical Underground Storage tank
Fred W Vogt	1400 E Hwy 20	1/8 mi WNW	Active Underground Storage tank
George's Jackpot Food Mart	3444 Hwy 20	1.7 mi E	Active Underground Storage tank
Marina Market	3657 Hwy 20	1.7 mi E	Active Underground Storage tank
Nice Dump Site	7450 High St	1.0 mi N	Inactive landfill
Cal Trans Property	3060 Lake Shore Dr	2.0 mi E	Hazardous materials storage
Pacific Bell (SBC)	State Hwy & Benton	1.4 mi E	Hazardous materials storage

Summary:

The purpose of the records search and site inspection is to detect potential sources of contamination of air, water or soil. There are none on the project parcels. The automobile yard and leaking underground tank north and upgradient of the project site would be a concern if water sources were onsite (wells); there is city water available to the parcels. Thus there are no serious concerns from the records search or site inspections. Since there were no existing buildings on the site, asbestos and lead paint surveys were unnecessary. The ESA records search addressed underground storage tanks, pits, ponds & lagoons, septic tanks/cesspools, wells, PCBs from utility poles, radon gas, wetlands, and adjacent land uses. There were no pesticide spills or storage violations found during the records search. The site inspections confirmed the ESA database search, finding no hazardous waste, dumps, mine spoils, serpentine outcrops, or other environmental risks on the project site.

Due to the proximity to the state highway, the Tribal environmental office should eventually prepare emergency response plans for spills on the nearby highway or lake and fire in the wildlands to the north. Coordination with local agencies and emergency management committees will ensure that when the land is taken into trust there are MOAs with local responders.

SOUND, NOISE and TRAFFIC

The Department of Housing and Urban Development's Noise Assessment Guidelines require that for housing or community building projects, the certifying officer must consider all military/civilian airports within 15 miles of the project, all "significant" roads within 1000 feet and all railroads within 3000 feet. There are no commercial airports in Lake County on the State of California list for Designated Primary and Commercial Service Airports Covered by 24 CFR 51, Subpart D (HUD 2002). No railroads operate in Lake County.

The Nice area noise environment is defined primarily by road traffic on Highway 20. Other noise sources include boating activity on Clear Lake, some aircraft overflights and other general urban activities. The proximity of the RVR site along the highway does call for consideration of existing and future noise and its effect on a housing community.

The Northshore Redevelopment Plan EIR (Lake County, 2001) contains an acoustical analysis, which discusses the expected existing noise environment on the north shore of Clear Lake, and identifies potential noise impacts due to development within the area relative to applicable noise criteria and the existing ambient noise environment. Community noise is commonly described in terms of the "ambient" noise level, which is defined as the all-encompassing noise level associated with a given environment. The Day-Night Average Level (Ldn) is based upon the average noise level over a 24-hour day, with a +10 decibel weighting applied to noise occurring during nighttime hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures.

The table below shows the estimated Average Daily Trips (ADT), traffic noise levels in terms of the Day/Night Average Levels at a standard distance of 100 feet from the centerline of Highway 20, as well as distances to traffic noise contours. Both existing (2001) and future (no time period stated) figures were calculated in the study. The study assumes a future 75% increase in traffic ADT. The extent by which existing land uses in the area are affected by traffic noise depends on their proximity to the roadways and individual sensitivity to noise.

Table 3.9-1 - Predicted Future Traffic Noise Levels From: Lake County, 2001

Roadway	Segment/Time	Future ADT	Ldn @ 75-feet	Distance to Contours (feet)		
				55 dB Ldn	60 dB Ldn	65 dB Ldn
Nice Subarea (the RVR project site is ¼ mile west of Hammond Drive)						
Highway 20	West of Hammond Ave. (2001)	9,400	64.3 dB	311	311	67
	West of Hammond Ave (Future)	16,462	66.7 dB	452	210	97

Notes: Distances to traffic noise contours are measured in feet from the centerlines of the roadway

HUD requirements for sound and noise are in 24 CFR Part 51. Noise levels up to 65 dB Ldn are considered to be acceptable. When levels exceed this, additional sound attenuation measures are required. The Lake County General Plan establishes a "Normally Acceptable" exterior noise level standard of 55 dB Ldn for single family residences, and 60 dB Ldn for multi-family

residences. Motels and lodging, schools, libraries, churches, hospitals, offices, commercial buildings and nursing homes are discouraged where noise levels exceed an Ldn of 70 dB.

Based upon the information contained in Table 3.9-1, some existing and future residential uses could be exposed to traffic noise levels in excess HUD requirements (65 dB) and Lake County (55 dB) noise level criteria. In planning a housing development, the future estimates are more prudent, even though technically HUD requirements could be met by constructing houses 67 feet from the center of Highway 20. For good planning, the homesites should consider future traffic noise levels, and houses would have to be located at least 97 feet from the center of the road. Since there is a 100-foot strip along the southern boundary, parallel to Hwy 20, that was intended for commercial development, this could be used to buffer traffic noise to the housing community.

Noise Reduction/Mitigation

Proper site planning can reduce noise impacts. Taking advantage of the natural shape and contours of the site can reduce and possibly eliminate noise impact. Planned unit developments are particularly conducive to site planning techniques. The following planning considerations should be considered to reduce noise impacts (Lake County, 2001):

- Increase the distance between noise source and receiver through setbacks
- Place non-noise sensitive land uses such as parking lots, maintenance facilities, and utility areas between noise source and houses
- Use non-noise sensitive structures such as garages to shield noise-sensitive areas such as living spaces
- Orient buildings to shield outdoor spaces from a noise source.

AIR QUALITY

The Lake County Air Quality Management District (LCAQMD) has the responsibility of regulating the air emissions from stationary sources within the Lake County Air Basin. These sources include industrial developments such as The Geysers, commercial businesses such as mining operations and gasoline stations, open burning and a variety of other programs. The main purpose of the District is to enforce local, state, and federal air quality laws, rules, and regulations in order to meet the Ambient Air Quality Standards and protect the public from air toxics.

The California Air Resources Board (CARB) has the responsibility for mobile emission sources and for overseeing the Districts. The Redwood Valley Reservation does not have an air monitoring program at this time (2005). The air quality in Lake County generally continues to be the best in the state of California, having "attainment" status for all air pollutants for which the county has been classified.

Burn Program

The county allows outside burning with a burning permit for residential, agricultural and lot clearing, under the regulations and with proper notification. There is no burning allowed on commercial property.

Numerous government agencies are developing annual and long-range (controlled) prescribed burn plans to reduce fuel loading in state and national forests/parks. This planned increased burning will impact air quality within the District. The District is involved in the burn program by coordinating burning, possibly on a daily basis, to prevent any violations of state and federal ambient air quality standards. Agencies that would coordinate with the LCAQMD for burn

permits include the US Forest Service, Bureau of Land Management, California Department of Forestry and Fire Protection, Mendocino County, and local Tribes.

Daily burn forecasts are made by CARB. The District provides this information to the public for northern Lake County by a recorded phone message at 707 263-3121. The recording is updated as conditions change. The District may also change a burn day to no-burn if needed to protect the air quality.

Air Pollution Control Program

Permits are required for sources that emit detectable amounts of air pollutants. Lumber mills, asphalt plants, rock crushers, geothermal wells and gas stations are examples of facilities requiring permits.

Complaints and Enforcement

Complaints are received directly by the District or relayed via CARB or the Environmental Protection Agency (EPA). The District verifies that the dust, odor, etc., is present and which source may be responsible. The owner or operator of the source is contacted, an inspection and corrective action is discussed. Serious problems may dictate that a Notice of Violation be issued. Appropriate action is taken. Enforcement action may be required whenever a violation is observed. This could be the result of a public complaint or from routine inspections. The RVR Tribal EPA office would monitor burning and complaints on the present lands of the RVR; there is a burning ordinance in place at this time.

Air Quality Status of the Lake County Air Basin
From: US EPA 2004, CARB 2003

	State Area Designations (2003)	National Area Designations (11/2004)
Ozone		
1 hour	A	A or U
8 hour	--	A or U
PM 2.5	A	--
PM 10	A	A or U
Carbon Monoxide	A/U	A or U
Nitrogen Dioxide	A/U	A or U
Sulfur Dioxide	A/U	A or U
Sulfates	A/U	--
Lead	A	U
Hydrogen Sulfide	A	--
Visibility Reducing Particles	A	--

A = Attainment U = Unclassified N = Non-attainment

The Northshore Redevelopment Plan EIR (Lake County, 2001) considered the effects of increased traffic on air quality in the region. To reduce the number of vehicle trips and miles traveled, residential development should be in close proximity to places of shopping, play, and work. The RVR project's proximity to the town of Nice and a shopping center across the street meets these recommendations. The eventual paving of the roads on the property would also improve air quality. The EIR concluded that growth in the future would not reduce air quality below attainment levels (pg. 3-13):

Existing concentrations meet the ambient standards. Project-related traffic would increase concentrations by at most 0.1 PPM. The incremental addition due to redevelopment activities would not cause a violation of the ambient air quality standards. This impact is therefore considered less than significant.

VIEWSHED

The project will be conducted along the north side of the Highway 20 corridor. The site and any houses will be visible from the highway, however they will not block the 2600 ft Hogback Ridge, or the higher mountains to the north. The most scenic viewshed is in the opposite direction, towards the lake and the 4000 ft dormant volcano, Mt. Konocti, 10 miles to the south. Some of the upper portions of the project site are presently not attractive; several attempts at grading homesites, commercial lots, and roads have removed the vegetation and left the site with exposed soil and a barren look. An attractive, planned community would be an improvement.

MARINE SANCTUARIES, COASTAL ZONE, and COASTAL BARRIER RESOURCES

The project site is 45 miles from the Pacific Ocean, is not in an area designated as a coastal barrier, marine sanctuary or estuary, and is 43 miles east of the California Coastal Zone. This project will have no impact on coastal areas.

WETLANDS

Wetlands Preservation: Under Executive Order 11990 the term wetland refers to "those areas that are inundated by surface or groundwater with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth or reproduction." The proposed project contains a riparian area, a wetland as defined under Executive Order 11990. The project must be conducted as to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands (See Mitigation Measures). The riparian corridor can be conserved and enhanced to aid in stormwater runoff management, wildlife access, and the viewshed.

SUMMARY OF FINDINGS AND CONCLUSIONS

Based on the information contained in this environmental assessment, the proposed project will not significantly affect the quality of the environment. Therefore, an Environmental Impact Study is not warranted under the National Environmental Policy Act, as amended, and the HUD procedures outlined in 24 CFR Part 58. The potential benefits to the community out-weigh any temporary impacts that construction activities will have on the environment. As a conclusion of several environmental assessments in the immediate area, a site inspection, and review of current lists and databases, the project site does not contain critical habitat for listed species, and is not a major construction activity, thus no biological assessment or formal consultation is necessary under Section 7 (a) or (b) of the Endangered Species Act.

MITIGATION MEASURES

The following mitigation measures are proposed to lessen the impacts of the project during the construction phase and long-range use of the project area.

SOILS – All improvements that involve grading should be engineered to consider that creeks and Clear Lake could be impacted by sediment and nutrient delivery.

WATER RESOURCES & HYDROLOGY – The riparian corridor (wetland) area should be delineated and conserved with 100 foot buffer zones on both sides where no ground disturbing activities are to be conducted. Re-zoning can be accomplished by appealing to the County of Lake (presently) or updating the Tribal Zoning Plan (after land is in Trust). Storm water should be routed through silt fences or straw bale dams until native vegetation is established below trenched or graded areas.

ARCHAEOLOGICAL AND HISTORICAL – Although so specific sites of historical importance are known to exist on or near the project site, there is a long history of Native American habitation in Lake County. There are two Tribes in the area who have ancestral territories in the project area; they should be consulted before development so they can arrange to have monitors present if they so desire. An archaeological survey is recommended as part of the Fee-to-Trust process, and necessary before ground disturbing construction of roads or homesites.

SOUND & NOISE – Placement of houses should consider the future noise projections for Highway 20, and provide for setbacks and/or sound attenuation measures. Construction on the sites within 100 feet of residential units or nearby businesses must occur within reasonable hours so as not to disrupt tenants or neighbors. In moving equipment on to the site, all permits and precautions necessary for wide vehicles must be used.

AIR QUALITY – If any road maintenance or lot clearing is performed while the community is being planned, it will produce dust and particulate matter. These activities should follow the guidelines of the Lake County Air Quality Management Board: Graded surfaces should be watered periodically to control dust. Dust suppression materials should be used during the dry season until the roads are paved. All grading operations of a project shall be suspended when wind exceeds 20 mph. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard. No construction debris may be burned. Vegetation may be burned for lot clearing only by permit. Disposal of debris should conform to County specifications.

FIRE PROTECTION – The Tribe should be in contact with the Lucerne Park and Recreation Protection District during the planning stages, and initiate an MOU with the district and BIA after the land is placed into trust to insure continuity in fire protection.

FINDINGS

The Tribal Council of the Redwood Valley Reservation is certifying to HUD that Elizabeth Hansen, in her official capacity as Tribal Chairperson, consents to accept the jurisdiction of the courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making and action; and that these responsibilities have been satisfied. The legal effect of this certification is that upon its approval the Tribal Council may use the Block Grant funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969, as amended, and the project may proceed. HUD will accept an objection of this undertaking certification if it is on one of the following criteria:

- (a) That the certification was not in fact executed by the certifying officer;
- (b) That the Redwood Valley Reservation Tribal Council has omitted one or more steps in preparing the environmental assessment; has failed to make a finding of environmental significance; has failed to give the Advisory Council on Historic Preservation an opportunity to comment on the undertaking's effect on historic properties; or
- (c) Other basis established by HUD regulations.

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the Redwood Valley Reservation. Such written comments should be received at the offices of the Redwood Valley Reservation within 15 days of publication of public notice of Finding of No Significant Impact and Request for Release of Funds (see Appendix). All such comments so received will be considered, and the Tribal Council

will not request the release of Federal funds or initiate any construction on the project prior to the closing of the public comment period.

Objections may also be prepared and submitted in accordance with the required procedure found in 24 CFR Part 58 Subpart J, and may be addressed to:

Department of Housing and Urban Development
Office of Community Planning and Development
One North Central Ave., Suite 600
Phoenix, AZ 85004-2361

Objections to this undertaking on any basis other than those stated above will not be considered by HUD. No objections received after the closing of the public comment period will be considered by HUD.

APPENDIX

Environmental Assessment Checklist ----- 32

Statutory Checklist ----- 34

References ----- 36

Nice Topographic-APE Map

Nice Soils APE Map

FEMA Flood Insurance Rate Map

Property Zoning Map

Parcel Map

U.S. Fish and Wildlife Species List Request 5-23-05

U.S. Fish and Wildlife Species List – Bartlett Mountain and Lucerne Quads 6-20-05

Environmental Data Resources Report

Phase I Site Inspection

Cultural Resource Consultation Letter, Robinson Rancheria 6-29-05

Consultation Letter, State Historical Preservation Office 5-23-05

Northwest Information Center Records Request 6-29-05

Northwest Information Center Report 7-1-05

Photographs

Resume' of Preparer

Affidavit of Publication – FONSI/RROF

The following agencies have been notified regarding this project and/or provided a copy of this environmental assessment:

BIA – CCA
Environmental Quality Services
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

Calif. Dept. Fish & Game
Region Headquarters
7329 Silverado Trail
Napa, CA 94558

County of Lake
Planning Department
255 North Forbes
Lakeport, CA 95453

Nice Mutual Water Company
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San Francisco, CA 94105

Robinson Rancheria
Environmental Center
P.O. Box 1580
Nice, CA 95464

Sacramento Fish & Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

ENVIRONMENTAL ASSESSMENT CHECKLIST

[Environmental Review Guide HUD CPD 782, 24 CFR 58.4; Ref. 40 CFR 1508.8 & 1508.27]

Evaluation of the significance of the effects of the proposal on the character, features and resources of the project area. The following impact codes apply: (1) – No impact anticipated; (2) Potentially beneficial; (3) Potentially adverse, requires documentation; (4) Requires mitigation; (5) Requires project modification. Additional materials may be attached.

Impact Category	Code	Source Documentation
-----------------	------	----------------------

Land Development

Conformance with Comprehensive Plans & Zoning	1	Tribal project documents. Lake County General Plan – (Lake County, 2003)
Compatibility and Urban Impact	2	Lake County General Plan – (Lake County, 2003)
Slope	1	USDA. (1939). Soil Survey of Lake County, Sheet # 11
Erosion	4	Refer to mitigation measures in text.
Soil Suitability	1	USDA. (1989). Soil Survey of Lake County, Sheet # 11
Hazards and Nuisances, including Site Safety	1	Phase I ESA, site inspection (Young, 2005)
Noise – Contribution to Community Noise Levels	1	Project will result in minimal increase in traffic and ambient noise levels (Refer to text: Traffic, pg. 25)
Air Quality – Effects on ambient air quality & contribution to community pollution levels	1	Project conforms with State Implementation Plan. (CARB, 2003 and Lake County, 2001)
Environmental Design – Visual Quality – Coherence, diversity, compatible use and scale	1	Refer to text: Traffic, pg. 28 Site inspection (Young, 2005)
Energy Consumption	1	Power is available in area; project will not increase use beyond projected growth (Refer to text: pg. 23)

Socioeconomic

Demographic Character Changes	2	Project will provide housing for a low-income group – HUD ICDBG regulations
Displacement	1	Project will not displace any residents Site inspection (Young, 2005)
Employment and Income Patterns	1	Project will not result in gain or loss of jobs

ENVIRONMENTAL ASSESSMENT CHECKLIST

Impact Category	Code	Source Documentation
Water Resources		
Surface Water	1	Site inspection (Young, 2005); refer to text pg. 10
Unique Natural Features and Agricultural Lands	1	Site inspection (Young, 2005); refer to text
Vegetation and Wildlife	1	Site inspection (Young, 2005); refer to text pg 12
Community Facilities and Services		
Educational Facilities	1	Project as designed will have no effect on educational facilities
Commercial Facilities	2	Project as designed may eventually provide new commercial facilities
Health Care	1	Project as designed will have no effect on health care facilities
Social Services	2	Project will provide housing for a low-income group per HUD ICDBG regulations
Solid Waste	1	Service provided by Timberline Disposal Service
Waste Water	1	Adequate wastewater hookups are near the site; refer to text pg. 11
Storm Water	4	Refer to mitigation measures in text, pg.
Water Supply	1	Adequate water source is adjacent to site; refer to text, pg. 10
Public Safety: Police	1	Refer to text pg. 20
Fire Protection	1	Refer to text pg. 21
Emergency Medical	1	No effect on emergency medical care
Quality of Life: Open Space	1	Project fits within Northshore Redevelopment plan - Lake County. (2001)
Recreation	1	Project will not affect recreational facilities: site inspection (Young, 2005)
Cultural Facilities	2	Project will allow growth for the RVR, including space for cultural activities
Transportation: Traffic	1	Project will slightly increase traffic within projected numbers (Refer to text: Traffic, pg. 28)

(1) – No impact anticipated; (2) Potentially beneficial; (3) Potentially adverse, requires documentation; (4) Requires mitigation; (5) Requires project modification

STATUTORY CHECKLIST – 24 CFR Part 58
Applicable Statutes, Executive Orders, Regulations

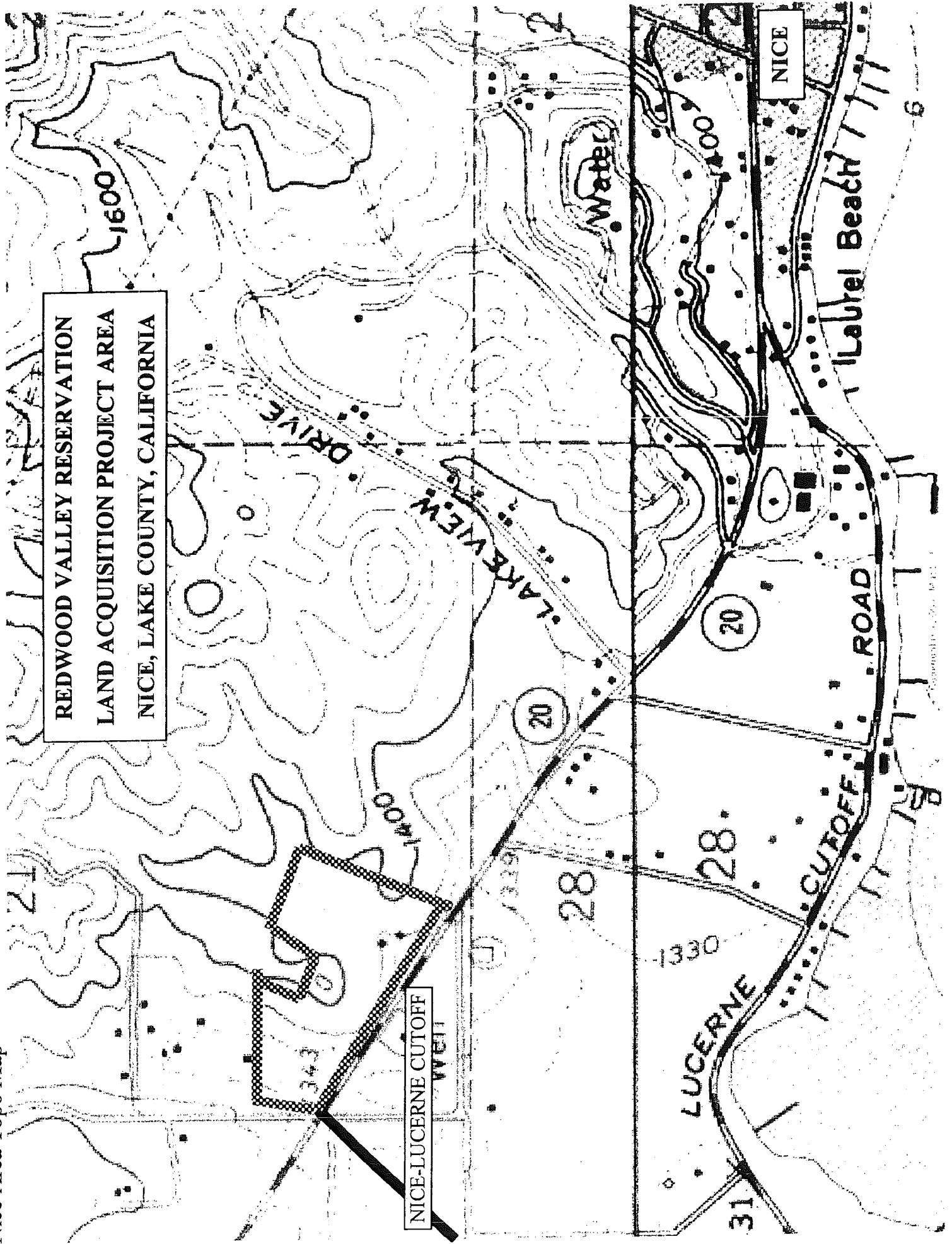
Statutes, Executive Orders, Regulations [24 CFR 58.5]	Complies	Source Documentation
Historic Preservation [36 CFR 800]	X	Records search (NWIC, 2005); Field observations (Young, 2005); Consultation with SHPO 5/23/05; Robinson Rancheria 6/29/05 (Appendix)
Floodplain Management [24 CFR 55, Executive Order 11988]	X	Federal Emergency Management Agency, Lake County unincorporated areas, Ca, Community Panel #060090 0365A
Wetlands Protection [Executive Order 11990]	X	Field observations (Young, 2005) Topographic map, Appendix
Coastal Zone Management Act [Sections 307 (c), (d)]	X	Not within coastal zone: Map, Appendix
Sole Source Aquifers [40 CFR 149]	X	Site not within a listed Sole Source Aquifer (US EPA, 2004)
Endangered Species Act [50 CFR 402]	X	US Fish & Wildlife Service list, 5/27/05 (Appendix) Field Observations: Site inspection (Young, 2005)
Wild and Scenic Rivers Act [Sections 7 (b), (c)]	X	No Wild & Scenic Rivers in project APE: Topo Map, Appendix
Air Quality [Clean Air Act, Sections 176 (c), (d) and 40 CFR 6, 51, 93]	X	Increased traffic will not result in increased emissions beyond attainment levels (Lake County, 2001 and CARB, 2005)
Farmland Protection Policy Act [7 CFR 658]	X	Project will not remove farmland from production. USDA. (1989). Soil Survey of Lake Co., Sheet # 11
Environmental Justice [Executive Order 12898]	X	Project will improve conditions for low-income Tribal members by providing housing

HUD Environmental Standards	Complies	Source Documentation
Noise Abatement and Control [24 CFR 51 B]	X	Project can be designed within unacceptable noise levels; refer to text, pg. 25
Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33]	X	No known or observed hazards: Field observations (Young, 2005) Phase I ESA & records search (EDR, 2005)
Siting of HUD-Assisted Projects Near Hazardous Operations [24 CFR 51 C]	X	No known or observed hazards: Field observations (Young, 2005) Phase I ESA & records search (EDR, 2005)
Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]	X	List - Designated Primary and Commercial Service Airports (HUD, 2002).

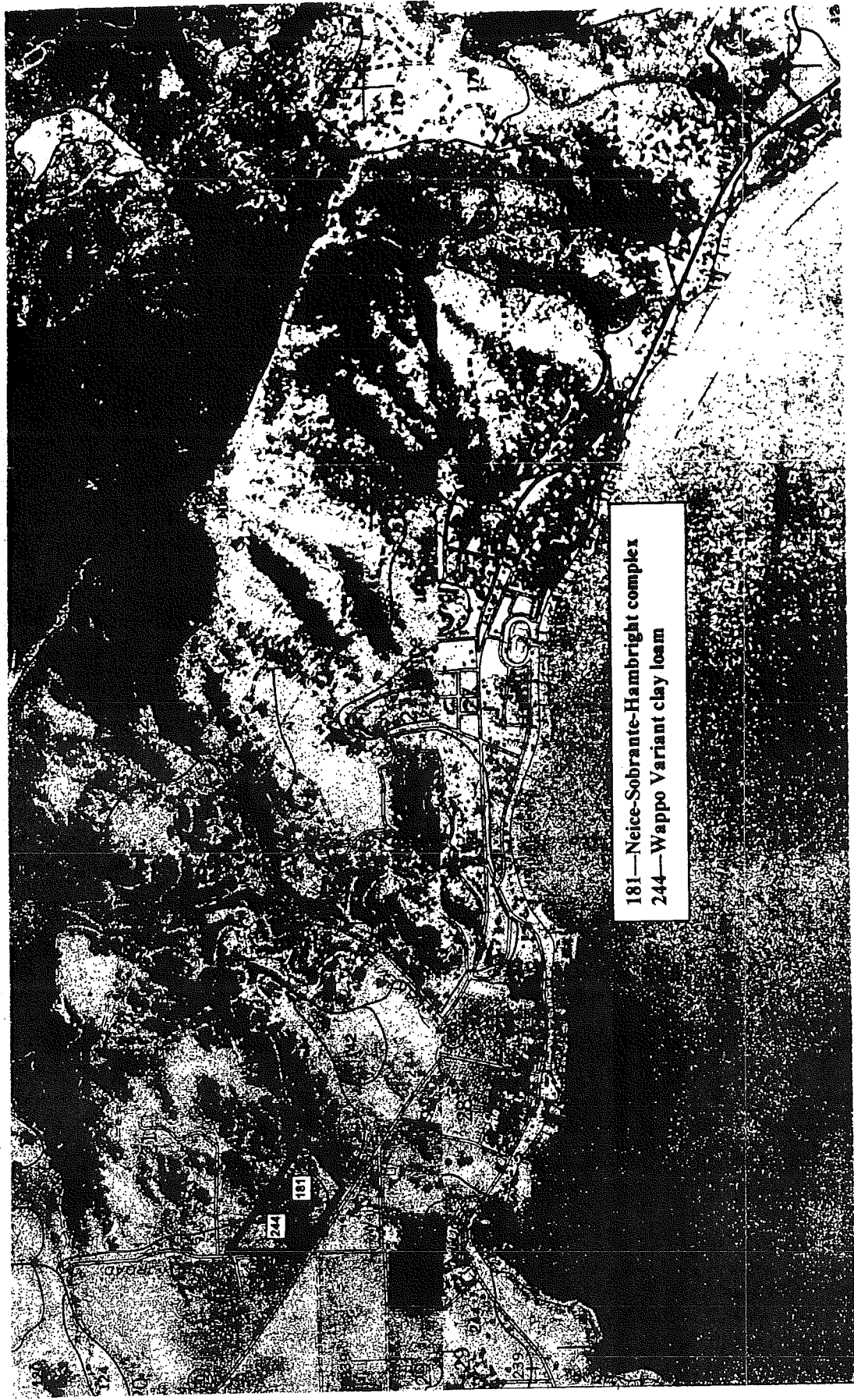
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Nice Area Topo Map



Soils of the Redwood Valley Reservation – Land Acquisition Parcels
Nice, Lake County, California – USGS Quads: Bartlett Mountain 569A & Lucerne 549D
Sheet 11 Soil Survey of Lake County (USDA, 1989)



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

LAKE COUNTY,
CALIFORNIA
(UNINCORPORATED AREAS)

COMMUNITY-PANEL NUMBER
060090 0305 A

PAGE 305 OF 875
SEE MAP INDEX FOR PAGES NOT PRINTED

EFFECTIVE
OCTOBER 17, 1978



U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

Official copy of a portion of the above referenced flood map
retrieved using F-INT On-Line. This map does not reflect the

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

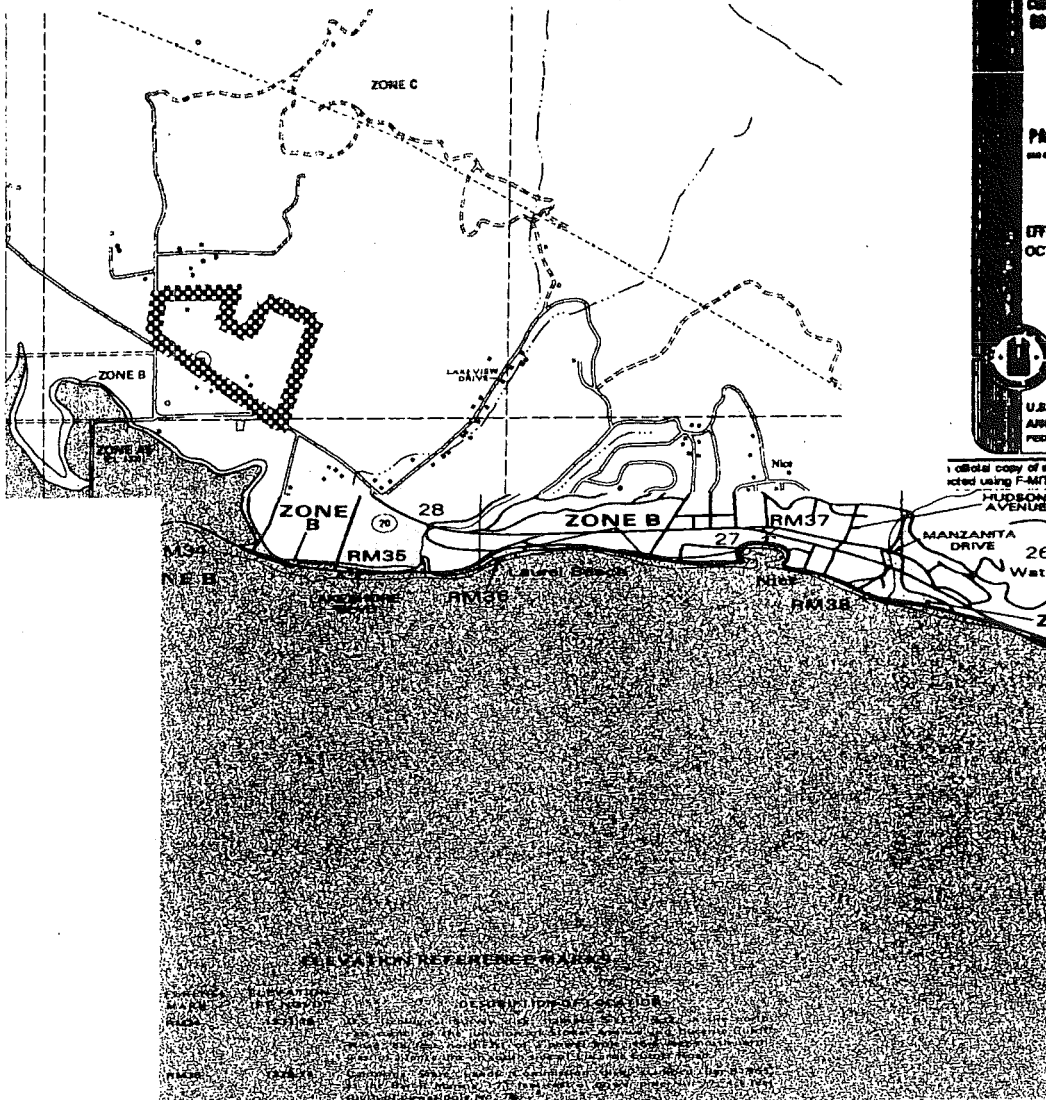
LAKE COUNTY,
CALIFORNIA
(UNINCORPORATED AREAS)

SEE MAP INDEX FOR PANELS NOT PRINTED

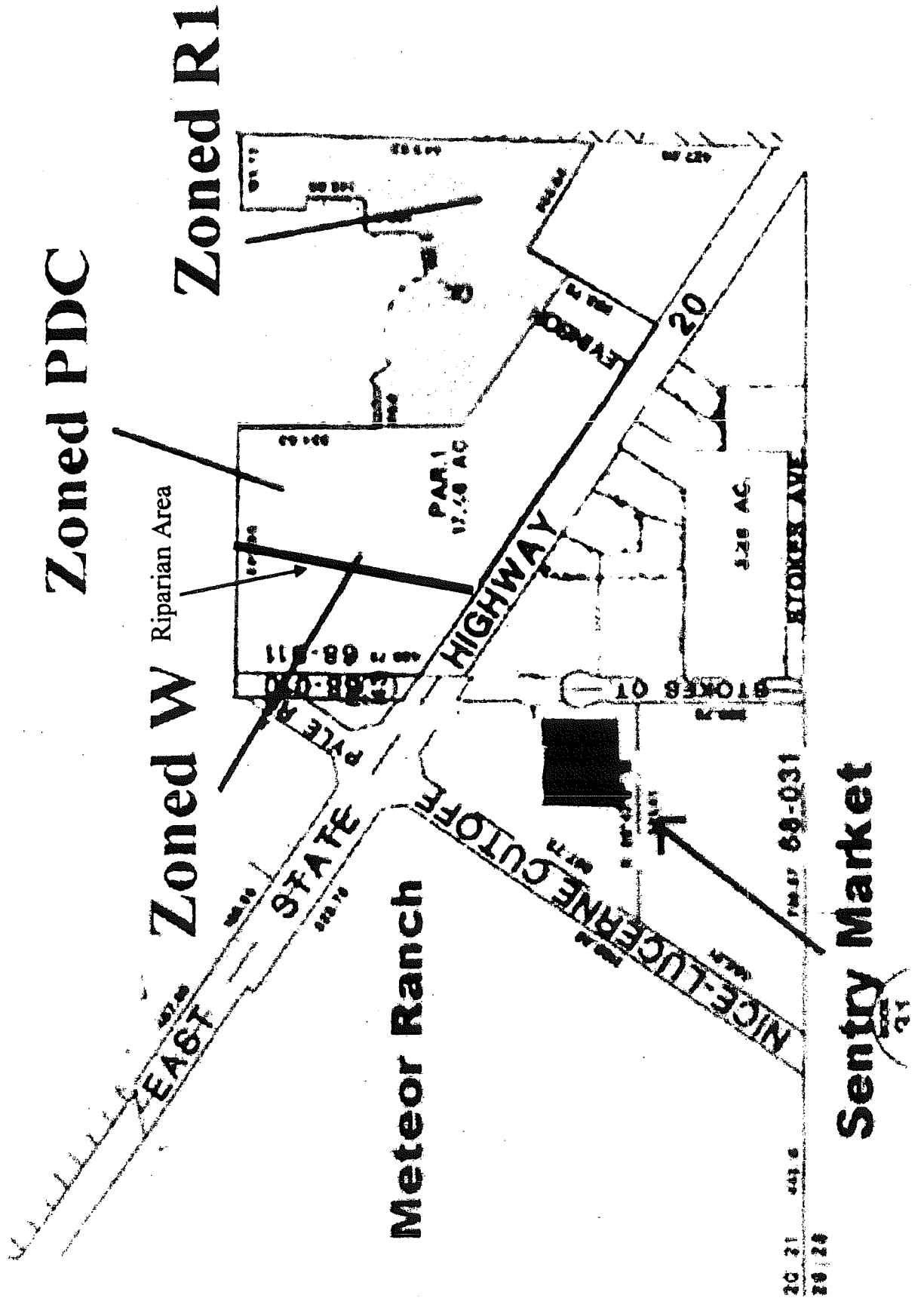
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060090 0525 B
MAP REVISED:
MARCH 2, 1998



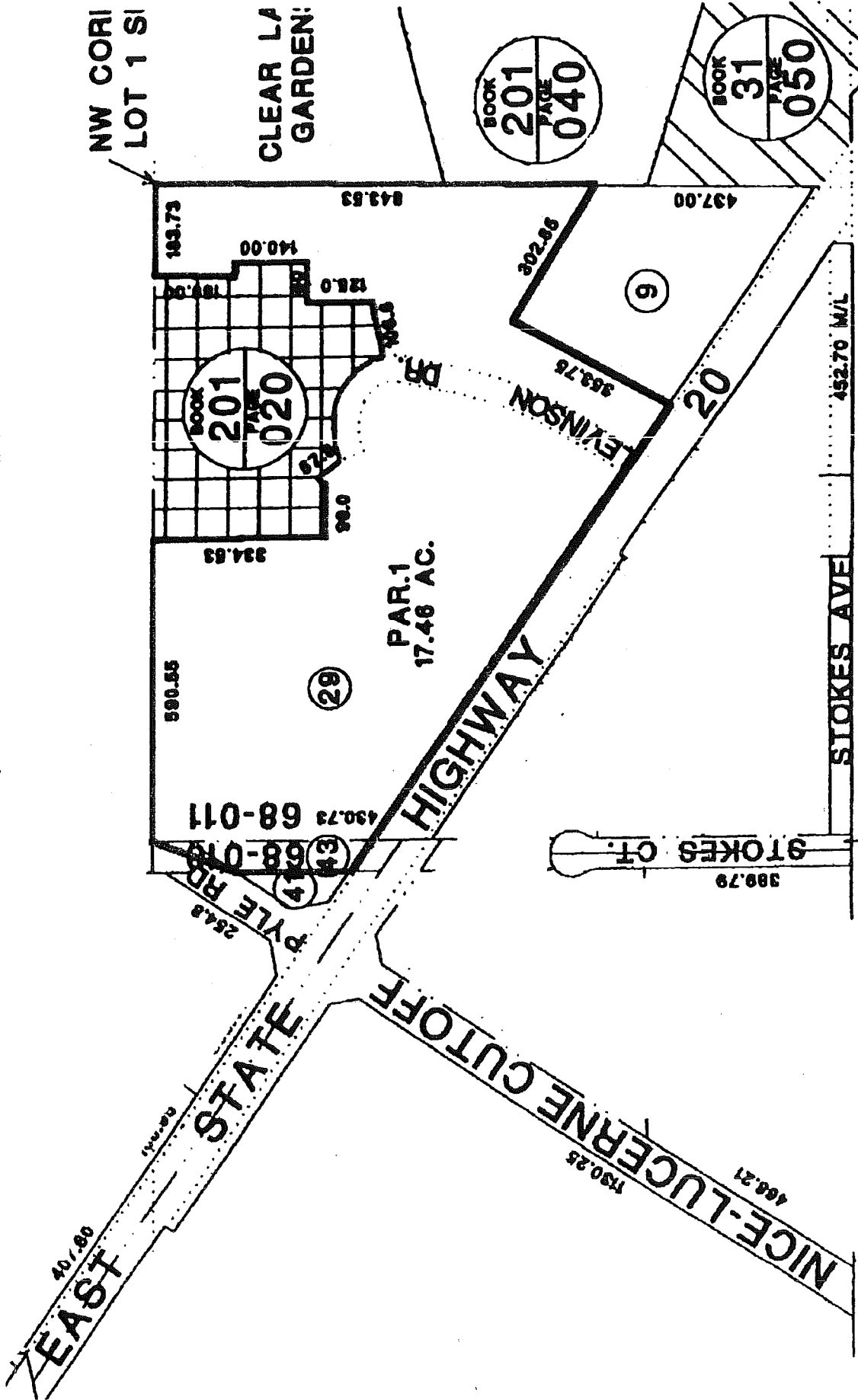
Federal Emergency Management Agency



REDWOOD VALLEY RESERVATION
NICE - LAKE COUNTY PROPERTY ZONING MAP



REDWOOD VALLEY RESERVATION
LAND ACQUISITION PARCEL MAP



Redwood Valley Little River Band of Pomo Indians

3250 ROAD I / REDWOOD VALLEY, CALIFORNIA 95470 (707) 485-0361

FAX (707) 485-5726

Endangered Species Program
Sacramento Fish and Wildlife Office
2800 Cottage Way - Room W-2605
Sacramento, California 95825

May 23, 2005

Project Area: USGS Bartlett Mtn 548A & Lucerne 549D Quads

Subject: Request for Information

Dear Field Supervisor:

As part of an environmental assessment for the Tribe, we are requesting information on listed species that may be impacted by this project. The land will be acquired for the purpose of housing construction for the Redwood Valley Reservation and is the result of a grant award from the U.S. Dept. of Housing and Urban Development. This project represents a component of the Tribe's long-range development plan to address the housing needs of the community.

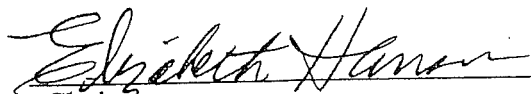
The site is located 6 miles northeast of Lakeport, in Lake County, California. The site faces Highway 20 near its intersection with the Lucerne Cutoff Road, just northwest of the town of Nice at 2260 and 2320 E. Hwy.20, Nice Ca., A.P.N. 004-055-43 and A.P.N. 004-055-29; coordinates 39° 07' N, 122° 51' W.

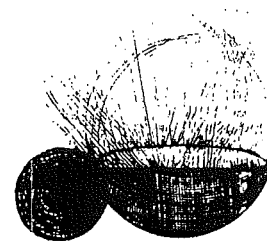
The Tribal Council of the Redwood Valley Reservation is anxious to finish the environmental assessment and proceed with the project. We have obtained a current species lists from your website, and will be addressing potential impacts in the EA. I would appreciate it if you could check your data base and any other reports or data you may have to determine whether any listed species or critical habitat are likely to be adversely affected by this project. Any suggestions you have will be considered by the Tribal EPA Office and incorporated into the project.

I have included with this letter project maps showing the location of the proposed land acquisition.

Please contact me at 707 485 0361 if you have any questions.

Regards,


Chairperson
Redwood Valley Reservation



**Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in the Counties
and/or U.S.G.S. 7 1/2 Minute Quads you requested**

Document Number: 050630083841
Database Last Updated: June 20, 2005
Quad Lists

BARTLETT MTN. (549A)

Listed Species

Fish
Hypomesus transpacificus - delta smelt (T)

Amphibians

Rana aurora draytonii - California red-legged frog (T)

Birds

Haliaeetus leucocephalus - bald eagle (T)
Strix occidentalis caurina - northern spotted owl (T)

Proposed Species

Fish
Acipenser medirostris - green sturgeon (P)

Candidate Species

Mammals
Martes pennanti - fisher (C)

Species of Concern

Invertebrates
Dubiraphia brunnescens - brownish dubiraphian riffle beetle (SC)

Fish
Pogonichthys macrolepidotus - Sacramento splittail (SC)
Spirinchus thaleichthys - longfm smelt (SC)

Amphibians
Rana boylei - foothill yellow-legged frog (SC)

LUCERNE (549D)

Listed Species

Fish
Hypomesus transpaccus - delta smelt (T)

Amphibians

Rana aurora draytonii - California red-legged frog (T)

Birds

Haliaeetus leucocephalus - bald eagle (T)
Strix occidentalis caurina - northern spotted owl (T)

Proposed Species

Fish
Acipenser medirostris - green sturgeon (P)

Candidate Species

Mammals
Manes pennanti - fisher (C)

Species of Concern

Invertebrates
Dubiraphia brunnescens - brownish dubiraphian riffle beetle (SC)

Fish
Pogonichthys macrolepidotus - Sacramento splittail (SC)
Spirinchus thaleichthys - longfm smelt (SC)

Amphibians
Rana boylei - foothill yellow-legged frog (SC)

Reptiles

Clemmys marmorata marmorata - northwestern pond turtle (SC)

Birds

Agelaius tricolor - tricolored blackbird (SC)
Amphispiza belli belli - Bell's sage sparrow (SC)
Baeolophus inornatus - oak titmouse (SLC)
Chaetura vauxi - Vaux's swift (SC)
Elanus leucurus - white-tailed ("black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Selasphorus rufus - rufous hummingbird (SC)
Toxostoma redivivum - California thrasher (SC)

Mammals

Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)

Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)

Plants

Ceanothus confusus - Rincon Ridge ceanothus (SC)
Hesperolinon adenophyllum - glandular dwarf-flax ("western flax) (SC)
Hesperolinon bicarpellatum - two-carpeled dwarf-flax ("western flax) (SC)
Lupinus antoninus - Anthony Peak lupine (SC)

BARTLETT MTN. (549A)

- (C) *Candidate* - Candidate to become a proposed species.
- (CA) Listed by the State of California but not by the Fish & Wildlife Service.
- (D) *Delisted* - Species will be monitored for 5 years.
- (SC) *Species of Concern/(SLC) Species of Local Concern* - Other species of concern to the Sacramento Fish & Wildlife Office.
- (V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.
- (X) *Critical Habitat* designated for this species

Reptiles

Clemmys marmorata marmorata - northwestern pond turtle (SC)

Birds

Agelaius tricolor - tricolored blackbird (SC)
Amphispiza belli belli - Bell's sage sparrow (SC)
Baeolophus inornatus - oak titmouse (SLC)
Chaetura vauxi - Vaux's swift (SC)
Elanus leucurus - white-tailed ("black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
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Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes Lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Selasphorus rufus - rufous hummingbird (SC)
Toxostoma redivivum - California thrasher (SC)

Mammals

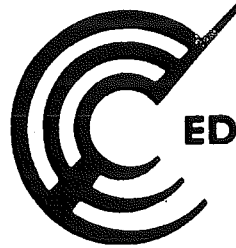
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)

Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)

Plants

Eriogonum caninum - Tiburon buckwheat (SLC)
Hesperolinon adenophyllum - glandular dwarf-flax ("western flax) (SC)
Layia septentrionalis - Colusa layia ("Colusa tidytips) (SLC)

LUCERNE (549D)



**EDR™ Environmental
Data Resources Inc**

The EDR Radius Map with GeoCheck®

**RWV Property
2320 E Hwy 20
NICE, CA 95464**

Inquiry Number: 1456434.2s

June 29, 2005

The Standard in Environmental Risk Management Information

**440 Wheelers Farms Road
Milford, Connecticut 06460**

Nationwide Customer Service

**Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrmet.com**

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Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc. (EDR). The report meets the government records search requirements of ASTM Standard Practice for Environmental Site Assessments, E 1527-00. Search distances are per ASTM standard or custom distances requested by the user.

TARGET PROPERTY INFORMATION

ADDRESS

2320 E HWY 20
NICE, CA 95464

COORDINATES

Latitude (North):	39.129800 - 39° 7' 47.3"
Longitude (West):	122.869400 - 122° 52' 9.8"
Universal Transverse Mercator:	Zone 10
UTM X (Meters):	511288.5
UTM Y (Meters):	4330980.5
Elevation:	1348 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property:	39122-B7 BARTLETT MOUNTAIN, CA
Source:	USGS 7.5 min quad index

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable") government records either on the target property or within the ASTM E 1527-00 search radius around the target property for the following databases:

FEDERAL ASTM STANDARD

NPL.....	National Priority List
Proposed NPL.....	Proposed National Priority List Sites
CERCLIS.....	Comprehensive Environmental Response, Compensation, and Liability Information System
CERC-NFRAP.....	CERCLIS No Further Remedial Action Planned
CORRACTS.....	Corrective Action Report
RCRA-TSDF.....	Resource Conservation and Recovery Act Information
RCRA-LQG.....	Resource Conservation and Recovery Act Information
RCRA-SQG.....	Resource Conservation and Recovery Act Information
ERNS.....	Emergency Response Notification System

STATE ASTM STANDARD

AWP.....	Annual Workplan Sites
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EXECUTIVE SUMMARY

Cal-Sites	CalSites Database
CHMIRS	California Hazardous Material Incident Report System
Cortese	"Cortese" Hazardous Waste & Substances Sites List
Notify 65	Proposition 65 Records
Toxic Pits	Toxic Pits Cleanup Act Sites
SWF/LF	Solid Waste Information System
WMUDS/SWAT	Waste Management Unit Database
CA BOND EXP. PLAN	Bond Expenditure Plan
UST	Active UST Facilities
VCP	Voluntary Cleanup Program Properties
INDIAN LUST	Leaking Underground Storage Tanks on Indian Land
INDIAN UST	Underground Storage Tanks on Indian Land

FEDERAL ASTM SUPPLEMENTAL

CONSENT	Superfund (CERCLA) Consent Decrees
ROD	Records Of Decision
Delisted NPL	National Priority List Deletions
FINDS	Facility Index System/Facility Identification Initiative Program Summary Report
HMIRS	Hazardous Materials Information Reporting System
MLTS	Material Licensing Tracking System
MINES	Mines Master Index File
NPL Liens	Federal Superfund Liens
PADS	PCB Activity Database System
US ENG CONTROLS	Engineering Controls Sites List
ODI	Open Dump Inventory
DOD	Department of Defense Sites
INDIAN RESERV.	Indian Reservations
UMTRA	Uranium Mill Tailings Sites
FUDS	Formerly Used Defense Sites
RAATS	RCRA Administrative Action Tracking System
TRIS	Toxic Chemical Release Inventory System
TSCA	Toxic Substances Control Act
SSTS	Section 7 Tracking Systems
FTTS INSP	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

STATE OR LOCAL ASTM SUPPLEMENTAL

AST	Aboveground Petroleum Storage Tank Facilities
CLEANERS	Cleaner Facilities
CA WDS	Waste Discharge System
DEED	Deed Restriction Listing
REF	Unconfirmed Properties Referred to Another Agency
WIP	Well Investigation Program Case List
EML	Emissions Inventory Data
NFA	No Further Action Determination
NFE	Properties Needing Further Evaluation
SCH	School Property Evaluation Program
SLIC	Statewide SLIC Cases
HAZNET	Facility and Manifest Data

EDR PROPRIETARY HISTORICAL DATABASES

Coal Gas	Former Manufactured Gas (Coal Gas) Sites
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EXECUTIVE SUMMARY

BROWNFIELDS DATABASES

US BROWNFIELDS A Listing of Brownfields Sites
US INST CONTROL Sites with Institutional Controls
VCP Voluntary Cleanup Program Properties

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property. Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in *bold italics* are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

STATE ASTM STANDARD

LUST: The Leaking Underground Storage Tank Incident Reports contain an inventory of reported leaking underground storage tank incidents. The data come from the State Water Resources Control Board Leaking Underground Storage Tank Information System.

A review of the LUST list, as provided by EDR, and dated 05/12/2005 has revealed that there is 1 LUST site within approximately 0.5 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
BONITA I TRUMBLE	7400 PYLE ROAD	1/8 - 1/4 SSW	3	6

CA FID: The Facility Inventory Database contains active and inactive underground storage tank locations. The source is the State Water Resource Control Board.

A review of the CA FID UST list, as provided by EDR, has revealed that there are 2 CA FID UST sites within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
EARL W PROETT	1645 E HIGHWAY 20	0 - 1/8 SE	A2	6
FRED W VOGT	1400 E HIGHWAY 20	1/8 - 1/4 WNW	4	8

HIST UST: Historical UST Registered Database.

A review of the HIST UST list, as provided by EDR, and dated 10/15/1990 has revealed that there is 1 HIST UST site within approximately 0.25 miles of the target property.

EXECUTIVE SUMMARY

Equal/Higher Elevation

EARL W. PROETT

Address

1645 E HWY 20

Dist / Dir

0 - 1/8 SE

Map ID

A1

Page

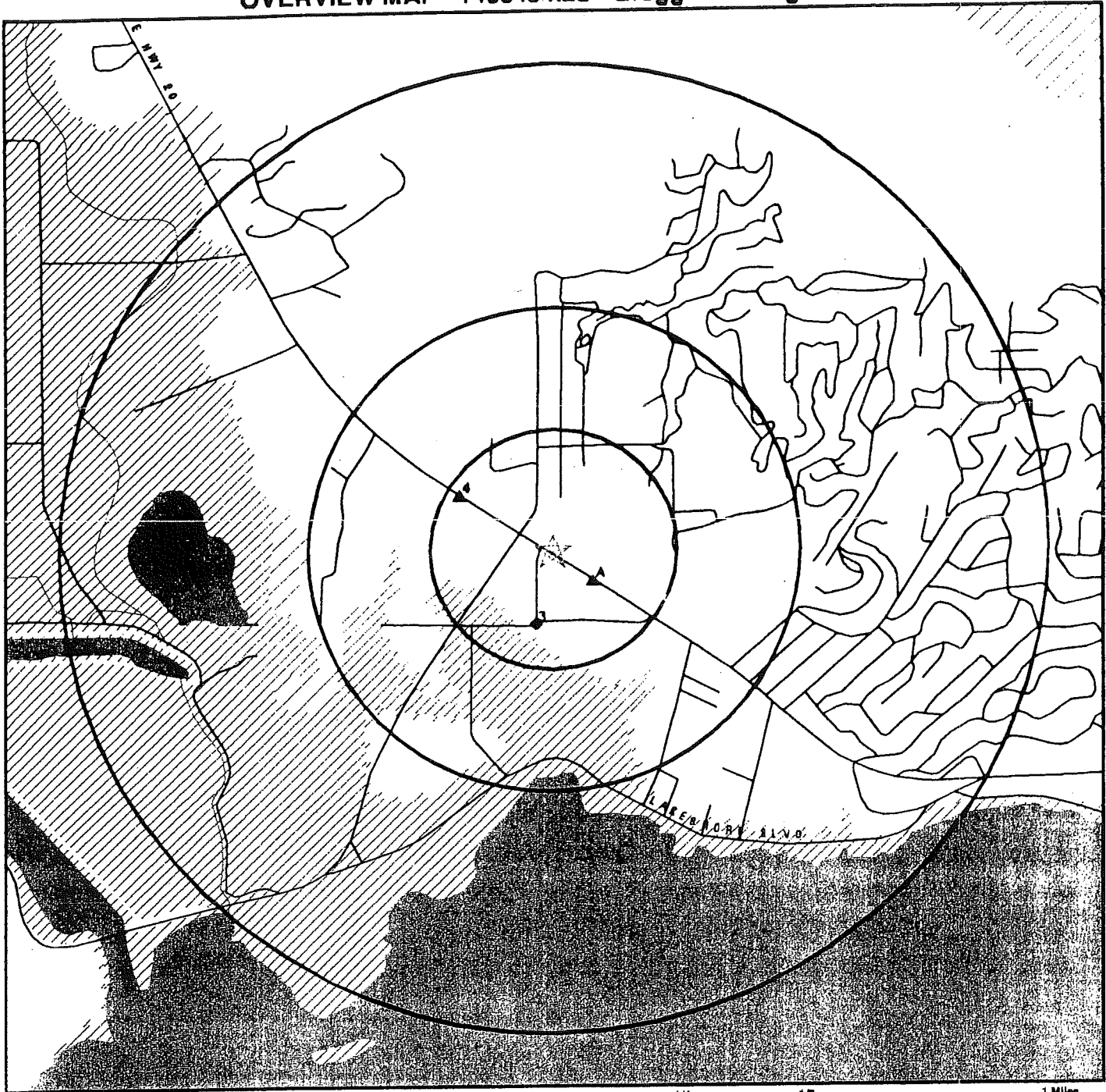
6

EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped:

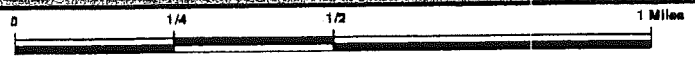
<u>Site Name</u>	<u>Database(s)</u>
POPPIE RESIDENCE	LUST, Cortese
LAST CHANCE TEXACO	LUST, Cortese
HIGHWAY QUIK MARKET	LUST, Cortese
NICE DUMP SITE	SWF/LF
GEORGE'S JACKPOT FOOD MART	UST
MARINA MARKET	UST
WOODY'S CHEVRON	UST
MCCARTHY ORCHARDS	HIST UST
R & R GARAGE	HIST UST
LEE'S UNION	HIST UST
UPPER LAKE STATION	HIST UST
SLEEPER RANCH	HIST UST
PACIFIC BELL	RCRA-SQG, FINDS, HIST UST
UPPER LAKE (DIST. 3) ROAD YARD	HIST UST
CALTRANS PROPERTY	HAZNET
USDA FOREST SERVICE MENDOCINO NATIONAL FOREST	RCRA-SQG, FINDS
PACIFIC BELL	RCRA-SQG, FINDS
PIVNISKA TRUCKING	RCRA-SQG, FINDS
MOITZO BROS., INC.	SLIC
LAST MILE AUTO DISMANTLERS	REF

OVERVIEW MAP - 1456434.2s - Gregg A. Young M.A.



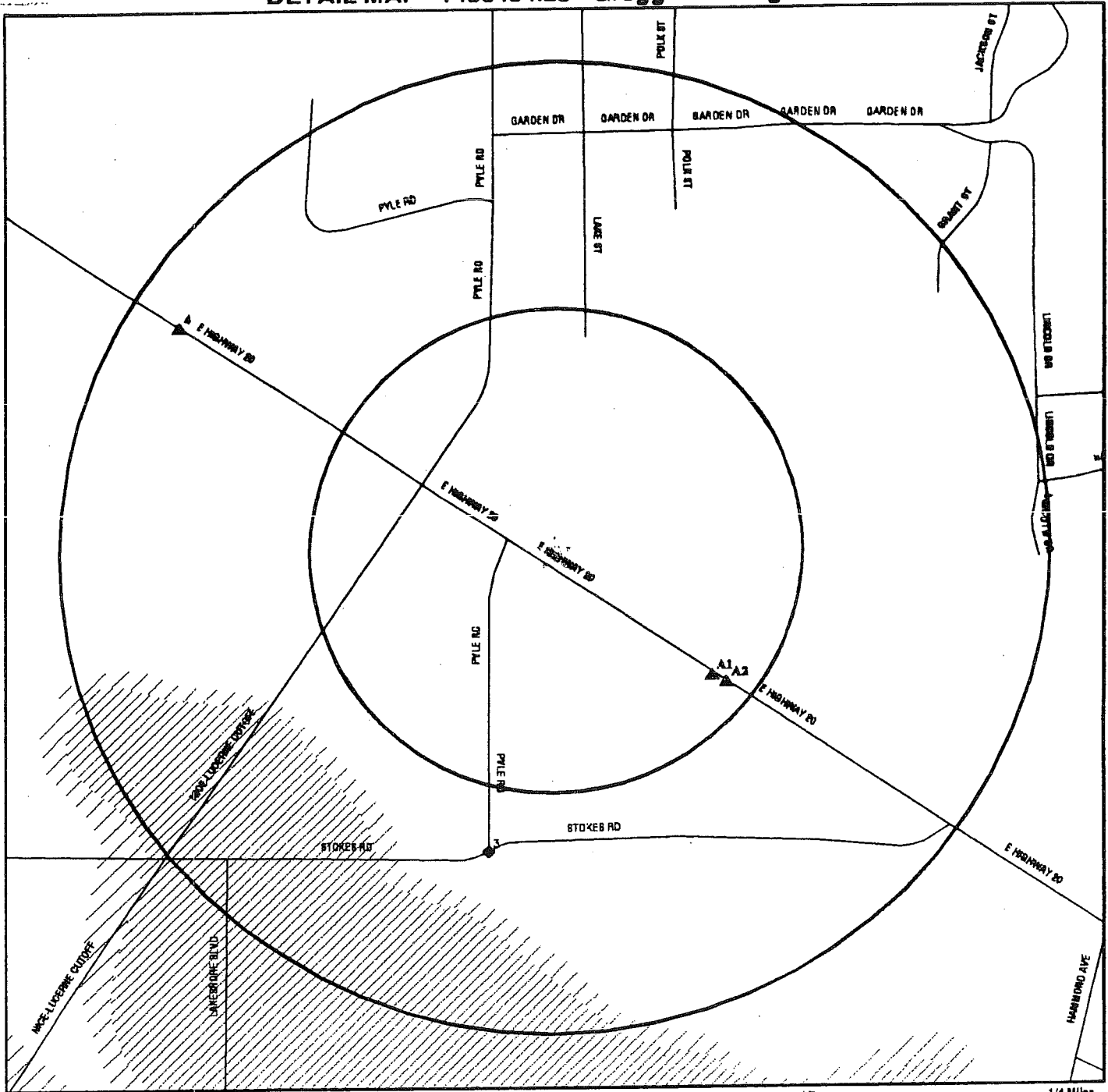
- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- Sites at elevations lower than the target property
- ▲ Coal Gasification Sites
- ▨ National Priority List Sites
- ▨ Landfill Sites
- ▨ Dept. Defense Sites

- ▨ Indian Reservations BIA
- ▨ Oil & Gas pipelines
- ▨ 100-year flood zone
- ▨ 500-year flood zone
- ▨ Areas of Concern



TARGET PROPERTY:	RWV Property	CUSTOMER:	Gregg A. Young M.A.
ADDRESS:	2320 E Hwy 20	CONTACT:	Gregg Young
CITY/STATE/ZIP:	NICE CA 95464	INQUIRY #:	1456434.2s
LAT/LONG:	39.1298 / 122.8694	DATE:	June 29, 2005 3:44 pm

DETAIL MAP - 1456434.2s - Gregg A. Young M.A.



- * Target Property
- ▲ Sites at elevations higher than or equal to the target property
- Sites at elevations lower than the target property
- ▲ Coal Gasification Sites
- ⚡ Sensitive Receptors
- ▨ National Priority List Sites
- ▩ Landfill Sites
- ⊞ Dept. Defense Sites

- ▨ Indian Reservations BIA
- N Oil & Gas pipelines
- ▨ 100-year flood zone
- ▨ 500-year flood zone

- ▨ Areas of Concern

TARGET PROPERTY: RWV Property
ADDRESS: 2320 E Hwy 20
CITY/STATE/ZIP: NICE CA 95464
LAT/LONG: 39.1298 / 122.8694

CUSTOMER: Gregg A. Young M.A.
CONTACT: Gregg Young
INQUIRY #: 1456434.2s
DATE: June 29, 2005 3:44 pm

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<u>FEDERAL ASTM STANDARD</u>								
	NPL	1.000	0	0	0	0	NR	0
	Proposed NPL	1.000	0	0	0	0	NR	0
	CERCLIS	0.500	0	0	0	NR	NR	0
	CERC-NFRAP	0.250	0	0	NR	NR	NR	0
	CORRACTS	1.000	0	0	0	0	NR	0
	RCRA TSD	0.500	0	0	0	NR	NR	0
	RCRA Lg. Quan. Gen.	0.250	0	0	NR	NR	NR	0
	RCRA Sm. Quan. Gen.	0.250	0	0	NR	NR	NR	0
	ERNS	TP	NR	NR	NR	NR	NR	0
<u>STATE ASTM STANDARD</u>								
	AWP	1.000	0	0	0	0	NR	0
	Cal-Sites	1.000	0	0	0	0	NR	0
	CHMIRS	TP	NR	NR	NR	NR	NR	0
	Cortese	0.500	0	0	0	NR	NR	0
	Notify 65	1.000	0	0	0	0	NR	0
	Toxic Pits	1.000	0	0	0	0	NR	0
	State Landfill	0.500	0	0	0	NR	NR	0
	WMUDS/SWAT	0.500	0	0	0	NR	NR	0
	LUST	0.500	0	1	0	NR	NR	1
	CA Bond Exp. Plan	1.000	0	0	0	0	NR	0
	UST	0.250	0	0	NR	NR	NR	0
	VCP	0.500	0	0	0	NR	NR	0
	INDIAN LUST	0.500	0	0	0	NR	NR	0
	INDIAN UST	0.250	0	0	NR	NR	NR	0
	CA FID UST	0.250	1	1	NR	NR	NR	2
	HIST UST	0.250	1	0	NR	NR	NR	1
<u>FEDERAL ASTM SUPPLEMENTAL</u>								
	CONSENT	1.000	0	0	0	0	NR	0
	ROD	1.000	0	0	0	0	NR	0
	Delisted NPL	1.000	0	0	0	0	NR	0
	FINDS	TP	NR	NR	NR	NR	NR	0
	HMIRS	TP	NR	NR	NR	NR	NR	0
	MLTS	TP	NR	NR	NR	NR	NR	0
	MINES	0.250	0	0	NR	NR	NR	0
	NPL Liens	TP	NR	NR	NR	NR	NR	0
	PADS	TP	NR	NR	NR	NR	NR	0
	US ENG CONTROLS	0.500	0	0	0	NR	NR	0
	ODI	0.500	0	0	0	NR	NR	0
	DOD	1.000	0	0	0	0	NR	0
	INDIAN RESERV	1.000	0	0	0	0	NR	0
	UMTRA	0.500	0	0	0	NR	NR	0
	FUDS	1.000	0	0	0	0	NR	0
	RAATS	TP	NR	NR	NR	NR	NR	0

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
TRIS		TP	NR	NR	NR	NR	NR	0
TSCA		TP	NR	NR	NR	NR	NR	0
SSTS		TP	NR	NR	NR	NR	NR	0
FTTS		TP	NR	NR	NR	NR	NR	0
<u>STATE OR LOCAL ASTM SUPPLEMENTAL</u>								
AST		TP	NR	NR	NR	NR	NR	0
CLEANERS		0.250	0	0	NR	NR	NR	0
CA WDS		TP	NR	NR	NR	NR	NR	0
DEED		0.500	0	0	0	NR	NR	0
REF		0.250	0	0	NR	NR	NR	0
WIP		0.250	0	0	NR	NR	NR	0
EMI		TP	NR	NR	NR	NR	NR	0
NFA		0.250	0	0	NR	NR	NR	0
NFE		0.250	0	0	NR	NR	NR	0
SCH		0.250	0	0	NR	NR	NR	0
SLIC		0.500	0	0	0	NR	NR	0
HAZNET		TP	NR	NR	NR	NR	NR	0
<u>EDR PROPRIETARY HISTORICAL DATABASES</u>								
Coal Gas		1.000	0	0	0	0	NR	0
<u>BROWNFIELDS DATABASES</u>								
US BROWNFIELDS		0.500	0	0	0	NR	NR	0
US INST CONTROL		0.500	0	0	0	NR	NR	0
VCP		0.500	0	0	0	NR	NR	0

NOTES:

AQUIFLOW - see EDR Physical Setting Source Addendum

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

MAP FINDINGS

Map ID
 Direction
 Distance
 Distance (ft.)
 Elevation Site

Database(s) EDR ID Number
 EPA ID Number

BONITA I TRUMBLE (Continued)

S105692774

Pollution Char:	Not reported	Remed Plan:	Not reported
Remed Action:	5/20/2002 0:00		
Monitoring:	Not reported		
Close Date:	Not reported		
Release Date:	08/11/2002		
Cleanup Fund Id :	Not reported		
Discover Date :	05/11/2002		
Enforcement Dt :	Not reported		
Enf Type:	SEL		
Enter Date :	Not reported		
Funding:	Not reported		
Staff Initials:	Not reported		
How Discovered:	Tank Closure		
How Stopped:	CT,		
Interim :	Not reported		
Leak Cause:	Corrosion		
Leak Source:	Tank		
MTBE Date :	Not reported		
Max MTBE GW :	Not reported		
MTBE Tested:	Site NOT Tested for MTBE.Includes Unknown and Not Analyzed.		
Priority:	Not reported		
Local Case # :	0		
Beneficial:	Not reported		
Staff :	DMV		
GW Qualifier :	Not reported		
Max MTBE Soil :	Not reported		
Soil Qualifier :	Not reported		
Hydr Basin #:	Not reported		
Operator :	Not reported		
Oversight Prgm:	LUST		
Review Date :	Not reported		
Stop Date :	05/11/2002		
Work Suspended:	Not reported		
Responsible Party:	MS BONNIE TRUMBLE		
RP Address:	PO BOX 86		
Global Id:	T0603305408		
Org Name:	Not reported		
Contact Person:	Not reported		
MTBE Conc:	0		
Mtbe Fuel:	1		
Water System Name:	Not reported		
Well Name:	Not reported		
Distance To Lust:	0		
Waste Discharge Global ID:	Not reported		
Waste Disch Assigned Name:	Not reported		
Summary :	Not reported		

LUST Region 5:

Substance:	GASOLINE		
Case Type:	Other ground water affected		
Program:	LUST		
Staff Initials:	DMV	Case Number:	170107
Status:	Preliminary site assessment workplan submitted		
MTBE Code:	N/A		
Lead Agency:	Regional		

MAP FINDINGS

Map ID
 Direction
 Distance
 Distance (ft.)
 Elevation

Site

Database(s) EDR ID Number
 EPA ID Number

4
 WNW
 1/8-1/4
 1181 ft.

FRED W VOGT
 1400 E HIGHWAY 20
 UPPER LAKE, CA 95485

CA FID UST 8101582569
 N/A

Relative:
 Higher

Actual:
 1367 ft.

FID:

Facility ID:	17000451	Regulate ID:	00020335
Reg By:	Active Underground Storage Tank Location	SIC Code:	Not reported
Cortese Code:	Not reported	Facility Tel:	Not reported
Status:	Active		
Mail To:	Not reported		
	P O BOX		
	UPPER LAKE, CA 95485	Contact Tel:	Not reported
Contact:	Not reported	NPDES No:	Not reported
DUNs No:	Not reported	Modified:	00/00/00
Creation:	10/22/93		
EPA ID:	Not reported		
Comments:	Not reported		

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Databases(s)
NICE	U003970780	GEORGE'S JACKPOT FOOD MART	3444 HWY 20	95484	UST
NICE	U003940457	MARINA MARKET	3657 HWY 20	95484	UST
NICE	S102360559	NICE DUMP SITE	7450 HIGH ST	95484	SWF/LF
NICE	S106087705	CALTRANS PROPERTY	3060 LAKE SHORE DR	95484	HAZNET
NICE	1000190708	USDA FOREST SERVICE MENDOCINO NATIONAL FOREST	SEC 2 T16N R10W NORTHEAST OF	95484	RCRA-SQG, FINDS
NICE	1000251011	PACIFIC BELL	STATE HIGHWAY & BENTON	95484	RCRA-SQG, FINDS
UPPER LAKE	S106486820	MOITZO BROS., INC.	10375 ELK MT. RD.	95485	SLIC
UPPER LAKE	S105027171	POPIE RESIDENCE	220 HWY 20 E	95485	LUST, Cortese
UPPER LAKE	S105027170	LAST CHANCE TEXACO	1285 HWY 20	95485	LUST, Cortese
UPPER LAKE	S105027169	HIGHWAY QUIJK MARKET	107 HWY 20 E	95485	LUST, Cortese
UPPER LAKE	U001611041	MCCARTHY ORCHARDS	9040 HWY 29	95485	HIST UST
UPPER LAKE	S101480525	LAST MILE AUTO DISMANTLERS	1205 WEST HIGHWAY 29	95485	REF
UPPER LAKE	U003970782	WOODY'S CHEVRON	220 EAST HWY 20	95485	UST
UPPER LAKE	U001611044	R & R GARAGE	160 E. HWY 20	95485	HIST UST
UPPER LAKE	1000316269	PIVNISKA TRUCKING	85 WEST HWY 20	95485	RCRA-SQG, FINDS
UPPER LAKE	U001611039	LEE'S UNION	MAIN ST	95485	HIST UST
UPPER LAKE	U001611054	UPPER LAKE STATION	MIDDLE CREEK ROAD	95485	HIST UST
UPPER LAKE	U001611048	SLEEPER RANCH	10985 MIDDLE CREEK RD	95485	HIST UST
UPPER LAKE	1000251024	PACIFIC BELL	SCHOOL STREET	95485	HIST UST
UPPER LAKE	U001611052	UPPER LAKE (DIST. 3) ROAD YARD	1ST. ST.	95485	RCRA-SQG, FINDS, HIST UST

Level I Survey
Contaminant Survey Checklist
of Proposed Real Estate Acquisitions

INSTRUCTIONS: Check for each category. Explain briefly where something other than "No", "None", or "Not Applicable" is checked. Discuss whether a Level II or III Survey will be recommended. Describe the distance if nearby is checked and whether there is a known potential pathway for contamination on site. Attach a legal description of the real estate property covered by this Survey.

A. Background Information

Preparer Name: Gregg Young, M.A.

Site Name: RVR NICE LAND ACQUISITION County LAKE State CA

Date of Survey: 7-1-05

B. Site Inspection Screen: On-site and nearby	ONSITE	NEARBY	NONE
1. Dumps, especially with drums, containers (Read labels if possible; do not open or handle! If no labels, note identifying characteristics)	X		
2. Other debris: household, farm, industrial waste	X		
3. Fills: possible cover for dumps			X
4. Unusual chemical odors			X
5. Storage tanks: petroleum products, pesticides, etc			X
6. Buildings: Chemical storage, equipment repair, solvents			X
7. Structures - evidence of asbestos sprayed fire proofing, acoustical plaster.			X
8. Vegetation different from surrounding for no apparent reason, e.g. bare ground			X
9. "Sterile" or modified water bodies			X
10. Oil seeps, stained ground, discolored stream banks			X
11. Oil slicks on water, unusual colors in water			X
12. Spray operation base: air strip, equipment parking area			X
13. Machinery repair areas		X	
14. Pipelines; major electrical equipment			X
15. Oiled or formerly oiled roads			X

	ONSITE	NEARBY	NONE
16. Electric transmission lines: pole or pad mounted transformers which show evidence of leakage	_____	_____	<u> X </u>
17. Other (describe in Part E) SERPENTINE ROCK OUTCROPS	_____	_____	<u> X </u>
C. Record Searches (Coordinate with Realty, title search, others as-appropriate.)			
See Appendix: EDR (2005) for government records search - ASTM Standard Practice			
1. Past uses which might indicate potential problems of site (CIRCLE any that are applicable.)			
Manufacturing, service stations, dry cleaning, air strip, pipelines, rail lines, facilities with large electrical transformers or pumping equipment, petroleum production, landfills, scrap metal, auto, or battery recycling, military, labs, wood preserving, other, describe: (attach notes)			
	_____	None	<u> X </u>
2. Nearby land uses, especially upstream or upgradient, or that might have had waste to dump at site (see list under Past Uses)	_____	None	<u> X </u>
Identify:			
3. Known contaminant sites in vicinity: NPL, state sites, candidate sites (check with EPA; State EPA counterpart)	Yes	<u> X </u>	No _____
4. Interviews on past use: owners, neighbors, county agents and any appropriate Federal authorities: Problems?	Yes	_____	No <u> X </u>
5. Agricultural drainage history: surface, subsurface drains.	Yes	_____	No <u> X </u>
D. In acquiring land from another Federal agency, that agency has notified the Department of the past or current presence of a hazardous substance under section 120(h) of CERCLA (Superfund).			
	Not Applicable	<u> X </u>	Yes _____ No _____
E. Has non-Federal entity identified any hazardous materials problems on or near the site surveyed?	Yes	<u> X </u>	No _____
F. A Level II study is recommended	Yes	_____	No <u> X </u>
A Level III study is recommended	Yes	_____	No <u> X </u>

G. Certification

I hereby certify that to the best of my knowledge no contaminants are present on this real estate, and there are no obvious signs of any effects of contamination.

Signed _____ Print Name Gregg A. Young, M.A.
Date _____ Title Environmental Scientist

On the basis of the information collected to complete this form it is possible to reasonably conclude that there is a potential for contaminants, or the effects of contaminants, to be present on this real estate.

Signed NA Print Name NA
Date _____ Title _____

H. Approving Official

I concur with the above recommendation.

Signed _____ Print Name Elizabeth Hansen
Date _____ Title Redwood Valley Reservation Tribal Chairperson

Supplemental Information

Narrative description of the site or potential contamination, justification for certification, photographs or maps illustrating potential contamination or location thereof, etc.

B.1 & 2 - There are 2 areas of historic dumping of metal, household debris (see accompanying map and photos):

DS 1 - pots, pans, other domestic waste, including 1 punctured and rusted 50 gal barrel 30+ years old. Waste has been burned over several times. No sign of stained soil or other containers

DS 2 - metal chairs, bed frame, decomposed lawn furniture pads, 20+ years old. No sign of containers or stained soil.

B.13 - 2 shops located 500 feet N of NW corner of property. Old automobile dump site located east of shops and 500 feet N of property. Present are 20-25 cars at least 40 years old; no recent additions. Shops identified as a metal building contractor & a transmission repair shop (see below)

16

C.3 - 1 shop: All Weather Steel Structures, is at 7400 Pyle Rd, Nice, Ca; identified in EDR 2005 records search as: Bonita Trumble, a listed Leaking Underground Storage Tank (LUST). Second shop, also listed as 7400 Pyle Rd, is Northshore Transmissions. Both of the businesses are operating & listed in phone book. Buildings are from 20-30 years old. According to EDR 2005 the UST held gasoline, remedial action was taken in 2002 during tank closure. Metal tank had corroded, groundwater was affected, assessment not complete (including no test for MTBE), no public water supplies within affected area. If the groundwater below/south of this site were to be utilized for drinking water source additional testing and assessment is suggested. Since Nice Mutual Water District hookups are available on 3 sides of the property and there are no plans for well drilling and water storage and use, this site is best managed by the Regional Water Board LUST Program.

Potential Limits on Federal Liability

1. Another Federal agency has certified that contaminants are not Present on the site and/or agreed to assume full liability for any contamination which does exist. (Attach copies of documents for review by the Office of the Solicitor.)

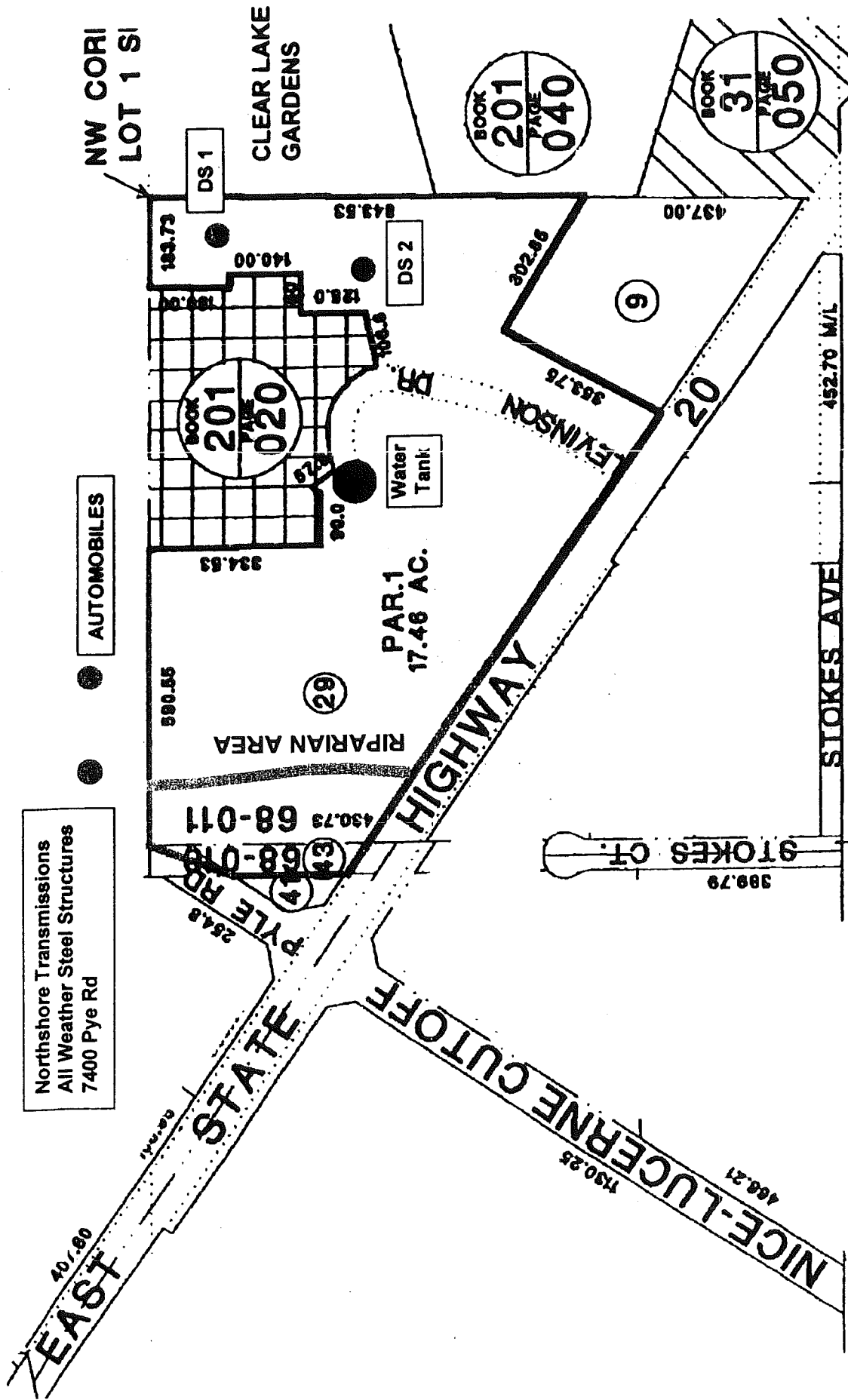
Identify: NA

2. An individual or non-federal entity has certified that contaminants are not present on the site and/or agreed to assume full liability for any contamination which does exist. (Attach copies of documents for review by the Office of the Solicitor.)

Identify: NA

Attachments: RVR Land Acquisition Parcel Map

REDWOOD VALLEY RESERVATION
 LAND ACQUISITION PARCEL MAP - Nice, Lake County, California



Gregg A. Young, M.A. Agronomy • Environmental Science • Natural Resources
P.O. Box 246 Talmage, CA 95481 707 463 1899 phone & fax youngg@adelphia.net

Clara Wilson, Tribal Chairperson
Robinson Rancheria Environmental Center
P.O. Box 1580
Nice, CA 95464

June 29, 2005

Subject: Request for Consultation on Land Acquisition: HUD Indian Community Development
Block Grant

Dear Ms. Wilson;

As part of an environmental assessment for the Tribe's HUD ICDBG, I am requesting consultation on pre-historic properties that may be impacted by the project. The land will be acquired for the purpose of housing construction for the Redwood Valley Reservation and is the result of a grant award from the U.S. Dept. of Housing and Urban Development. This project represents a component of the Tribe's long-range development plan to address the housing needs of the community.

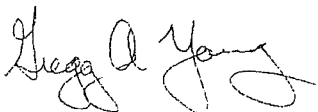
The site is located 6 miles northeast of Lakeport, in Lake County, California. The site faces Highway 20 near its intersection with the Lucerne Cutoff Road, just northwest of the town of Nice at 2260 and 2320 E. Hwy.20, Nice CA., A.P.N. 004-055-43 and A.P.N. 004-055-29; coordinates 39° 07' N, 122° 51' W.

The Tribal Council of the Redwood Valley Reservation requests notification if the Robinson Rancheria knows of any sacred sites or other areas of cultural significance on the property. The Tribe is anxious to finish the environmental assessment and proceed with the project. I would appreciate it if you could check your data base and any other reports or data you may have to determine whether any archaeological or historical resources are likely to be affected by this project.

I have included with this letter a project map and site plan showing the location of the proposed land acquisition.

Please contact me or the Tribal Administrator, Lois Lockart at 707 485 0361 if you have any questions.

Regards,



Gregg Young, M.A.

Redwood Valley Little River Band of Pomo Indians

3250 ROAD I / REDWOOD VALLEY, CALIFORNIA 95470 (707) 485-0361

FAX (707) 485-5726

Milford Wayne Donaldson
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Attn: PROJECT REVIEW UNIT
Mike McGuirt

May 23, 2005

Subject: Request for Consultation on Land Acquisition: HUD Indian Community Development
Block Grant # B-04-SR-06-2978

Dear Dr. Donaldson;

As part of an environmental assessment for the Tribe's HUD ICDBG, I am requesting consultation on historic properties that may be impacted by the project. The land will be acquired for the purpose of housing construction for the Redwood Valley Reservation and is the result of a grant award from the U.S. Dept. of Housing and Urban Development. This project represents a component of the Tribe's long-range development plan to address the housing needs of the community.

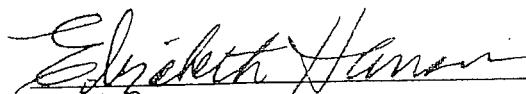
The site is located 6 miles northeast of Lakeport, in Lake County, California. The site faces Highway 20 near its intersection with the Lucerne Cutoff Road, just northwest of the town of Nice at 2260 and 2320 E. Hwy.20, Nice CA., A.P.N. 004-055-43 and A.P.N. 004-055-29; coordinates 39° 07' N, 122° 51' W.

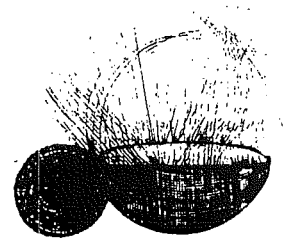
The Tribal Council of the Redwood Valley Reservation has concluded that there will be no significant effects on Tribal cultural resources from this project, and is anxious to finish the environmental assessment and proceed with the project. The Tribal EPA Office will be in communication with Robinson Rancheria, the nearest Tribe, to assess any impacts on cultural resources within their ancestral range. I would appreciate it if you could check your data base and any other reports or data you may have to determine whether any archaeological or historical resources are likely to be affected by this project.

I have included with this letter a project map and site plan showing the location of the proposed building site.

Please contact me or Lois Lockart, Tribal Administrator, at 707 485 0361 if you have any questions.

Regards,


Chairperson
Redwood Valley Reservation



Gregg A. Young, M.A. Agronomy • Environmental Science • Natural Resources
P.O. Box 246 Talmage, CA 95481 707 463 1899 phone & fax youngg@adelphia.net

Ms. Leigh Jordan, Coordinator
Northwest Information Center
Sonoma State University
1303 Maurice Avenue
Rohnert Park, CA 94928

June 29, 2005

Subject: Request for Consultation on Land Acquisition: HUD Indian Community Development Block Grant

Dear Ms. Jordan;

As part of an environmental assessment for the Tribe's HUD ICDBG, I am requesting consultation on pre-historic properties that may be impacted by the project. The land will be acquired for the purpose of housing construction for the Redwood Valley Reservation and is the result of a grant award from the U.S. Dept. of Housing and Urban Development. This project represents a component of the Tribe's long-range development plan to address the housing needs of the community.

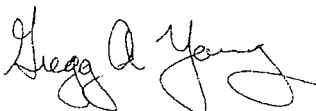
The site is located 6 miles northeast of Lakeport, in Lake County, California. The site faces Highway 20 near its intersection with the Lucerne Cutoff Road, just northwest of the town of Nice at 2260 and 2320 E. Hwy.20, Nice CA., A.P.N. 004-055-43 and A.P.N. 004-055-29; coordinates 39° 07' N, 122° 51' W.

The Tribal Council of the Redwood Valley Reservation has concluded that there will be no significant effects on Tribal cultural resources from this project, and is anxious to finish the environmental assessment and proceed with the project. The Tribal EPA Office will be in communication with Robinson Rancheria, the nearest Tribe, to assess any impacts on cultural resources within their ancestral range. I would appreciate it if you could check your data base and any other reports or data you may have to determine whether any archaeological or historical resources are likely to be affected by this project.

I have included with this letter a project map and site plan showing the location of the proposed land acquisition. I am authorizing \$180/hour for up to 4 hours for the records search, please contact me for payment information.

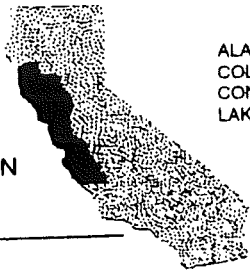
Please contact me or the Tribal Administrator, Lois Lockart at 707 485 0361 if you have any questions.

Regards,



Gregg Young, M.A.

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
LAKE

MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
1303 Maurice Avenue
Rohnert Park, California 94928-3609
Tel: 707.664.0880 • Fax: 707.664.0890
E-mail: nwic@sonoma.edu

1 July 2005

NWIC File No.: 04-1208

Gregg Young, M.A.
P.O. Box 246
Talmage, CA 95481

Re: Rapid Response Record search results for the proposed Land Acquisition: HUD
Indian Community Development Block Grant.

Dear Mr. Young:

Per your request received by our office on 29 June 05, a records search was conducted for the above referenced project by reviewing pertinent Northwest Information Center (NWIC) data maps, historic-period maps, and literature for Lake County on file at this office. Review of this information indicates that the proposed project area contains no recorded Native American or historic-period archaeological resources. There is, however, one recorded historic building within the project area, P-17-002258, the J.H. Bonds residence at 3104 East State Highway 20.

This office has seven archaeological studies covering approximately 20% of the project area (Ridgway 1977, S-669; Flaherty 1988, S-10242; Flaherty 1996, S-18178; Noble & Moran 1998, S-21670; Slaughter & Budinger 2001, S-23750; Kosture 1994, S-28591; and Williams 2005, S-29999). I was able to identify two historic properties listed in state and federal inventories that are within the proposed project area: 1) John Bull Burial Ground, listed in Office of Historic Preservation Directory of Properties (HRI #5464-0005-0000, National Register status 6 = determined ineligible for National Register listing, which, by implication means that no state or local determination was made) and the California Inventory of Historic Resources and neither of the records provide an adequate location; 2) J.H. Bonds Residence, 3104 State Route 20, listed in the OHP Directory of Properties (DOE-17-99-0014-0000, National Register status 6Y2 = determined ineligible for National Register by consensus, no potential for National Register, no evaluation for local listing) that is recorded as a Primary Number (noted above). There are, however, several addresses for listings from the town of Nice that I could not locate. As a result, I am attaching copies of the two pages showing the listings in Nice from the Office of Historic Preservation's Directory of Properties.

At the time of Euroamerican contact the Native Americans that lived in the area were speakers of Eastern Pomo, one of the seven Pomoan languages (McLendon & Oswalt 1978:286-287). The general vicinity north of Nice appears to be a boundary area between two groups of Eastern Pomo. The *Shigom*, who had a large central village called *Shigom*, which was located near what is now Lucerne, and *Bududa*, a village

thought to have resulted from the break-up of *Shigom*. The *Danoxa* had three villages: *Danoxa*, *Behopal*, and *Badon-napoti*, known historically as Bloody Island (Kniffen 1939:Map 1, 367). The village of *Bududa*, which may be in or near Nice, has not been physically identified/recorded.

Based on an evaluation of the environmental setting and features associated with known sites, Native American cultural resources in this part of Lake County have been found in upland areas around the lake on broad midslope terraces near seasonal/intermittent/perennial watersources, and in lower elevations along the margin of the lake, on the first or second terraces above Clear Lake, usually near a tributary water source. Unsurveyed portions of the HUD Indian CDBG project area contain just such environment features. Given the similarity of these environmental factors, there is a high likelihood that unrecorded Native American cultural resources exist in the proposed project area.

Review of historical literature and maps indicated the early presence of a road tracing the lake shore (1868, 1888, 1894 General Land Office Plat; 1916 15' Lakeport Army Corps quad; and 1951 15' Lakeport USGS quad) and three to four residential structures within the project area (1951 15' Lakeport USGS quad). With this in mind, there is a high possibility of identifying historic-period cultural resources.

RECOMMENDATIONS:

- 1) There are two recorded sites in the proposed project area, P-17-002258 and HRI #5464-0005-0000. It is recommended that prior to any ground disturbance or demolition that the building recorded as P-17-002258 be evaluated at the local level, and that HRI #5464-0005-0000, John Bull burial Ground, be located and protection measures developed.
- 2) There is a high possibility of identifying Native American sites and a high possibility of identifying historic-period archaeological resources in unsurveyed portions of the project area. We recommend a qualified archaeologist conduct further archival and field study to identify cultural resources. Field study may include, but is not limited to, pedestrian survey, auguring, monitoring construction activities as well as other common methods used to identify the presence of archaeological resources.
- 3) Review for possible historic structures has included only those sources listed in the attached bibliography and should not be considered comprehensive. The Office of Historic Preservation has determined that buildings, structures, and objects 45 years or older may be of historical value. If the area of potential effect contains such properties we recommend that the agency responsible for section 106 compliance consult with the Office of Historic Preservation regarding potential impacts to these properties: Project Review and Compliance Unit, Office of Historic Preservation, P.O. Box 942896, Sacramento, CA 94296-0001 (916/ 653-6624).

- 4) If cultural resources are encountered during the project, avoid altering the materials and their context until a cultural resource consultant has evaluated the situation. Project personnel should not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.
- 5) It is recommended that any identified cultural resources be recorded on DPR 523 (A-J) historic resource recordation forms.

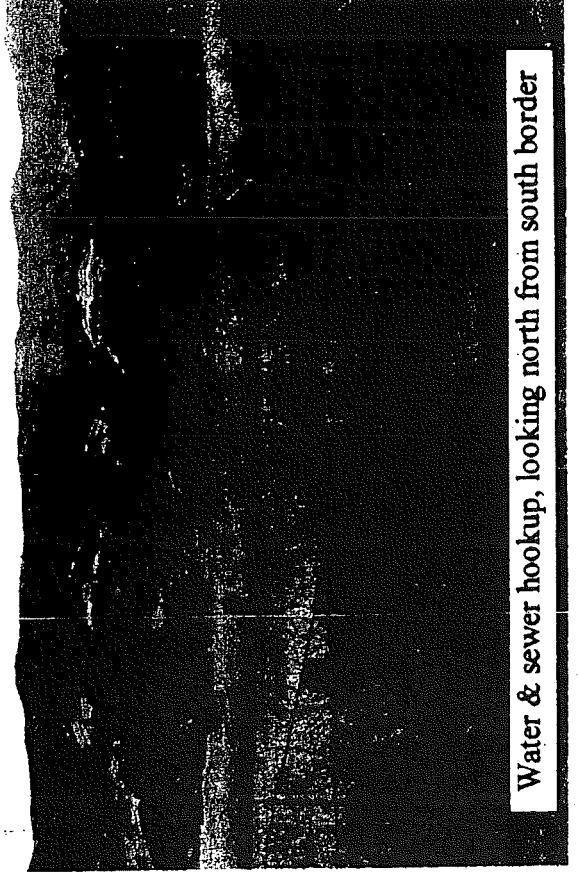
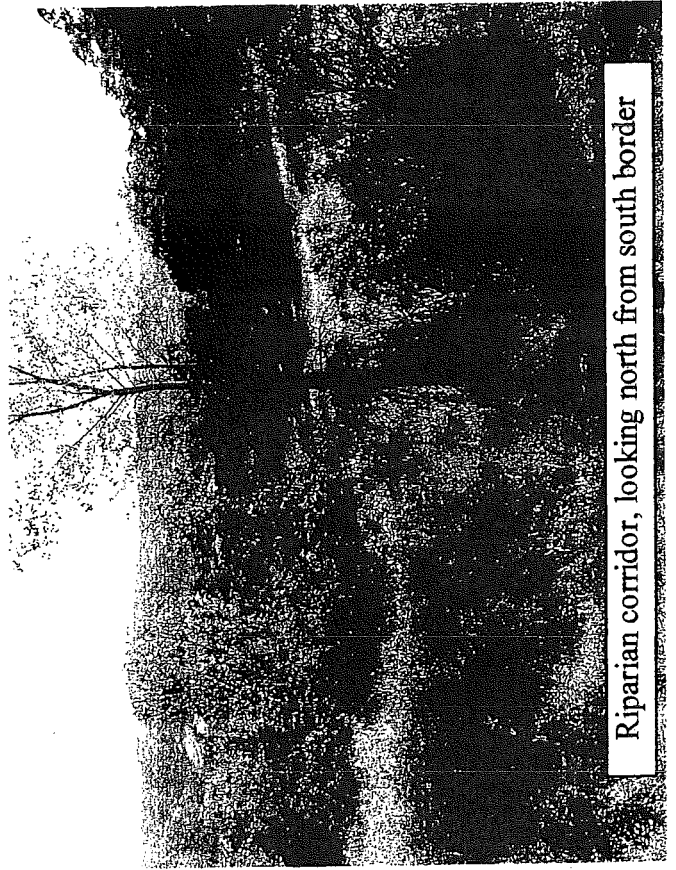
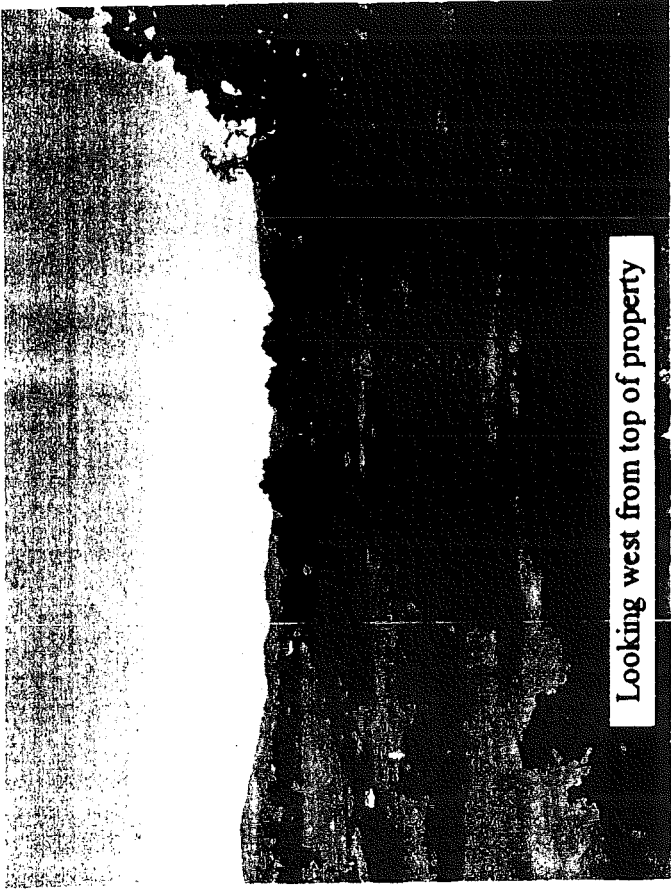
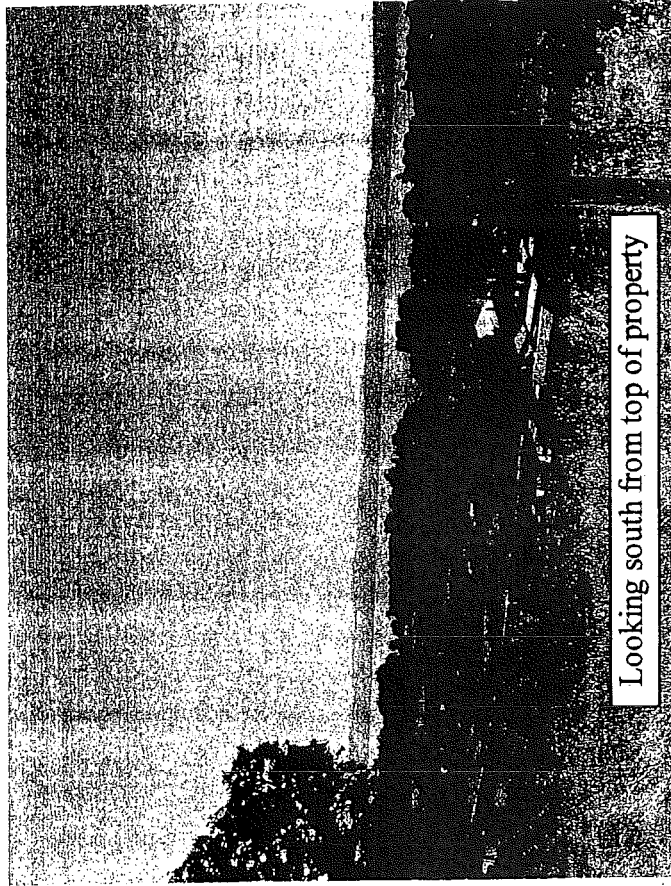
Thank you for using our services. Please contact this office if you have any questions, (707) 664-0880.

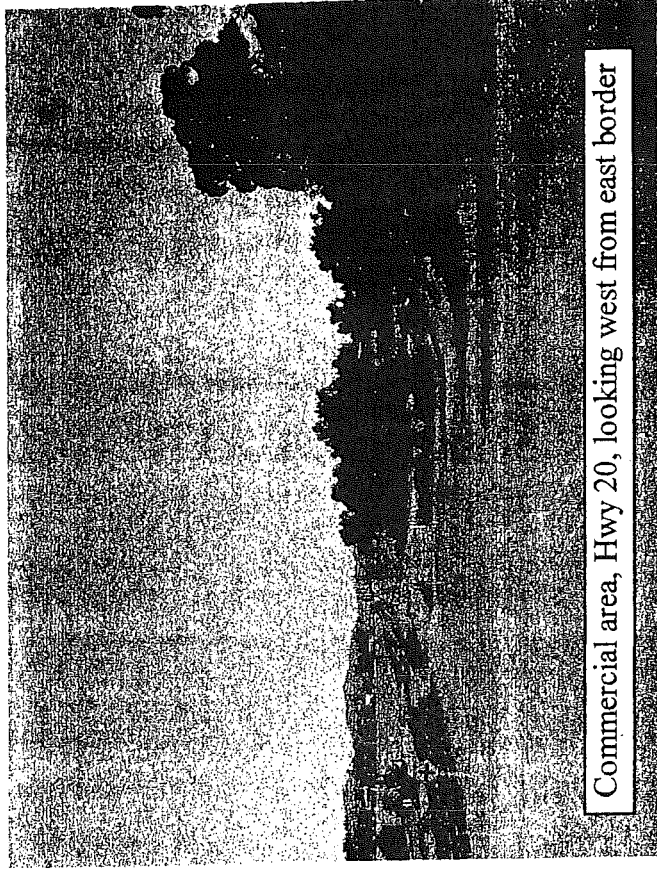
Sincerely,



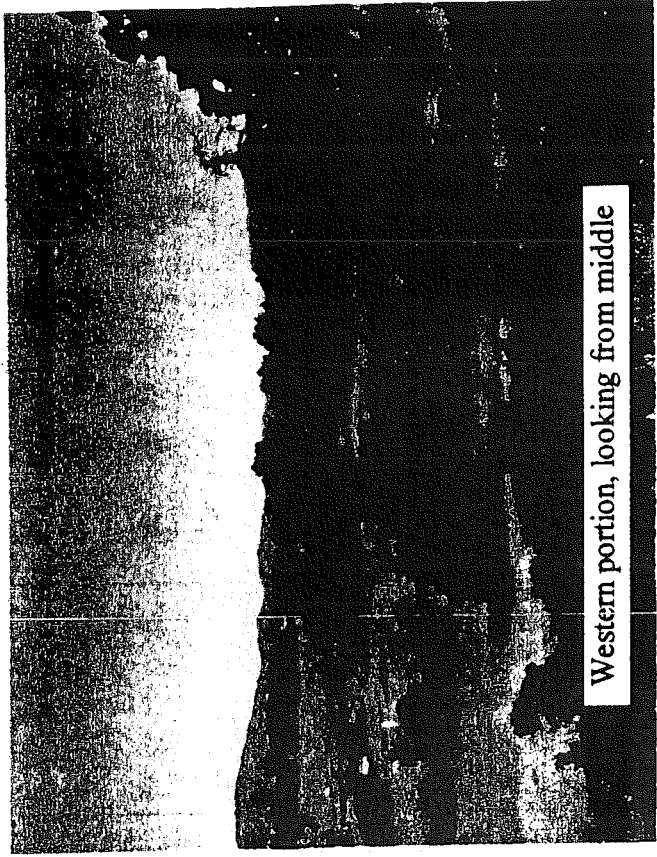
Leigh Jordan
Coordinator

REDWOOD VALLEY RESERVATION - LAND ACQUISITION: NICE, LAKE COUNTY, CALIFORNIA





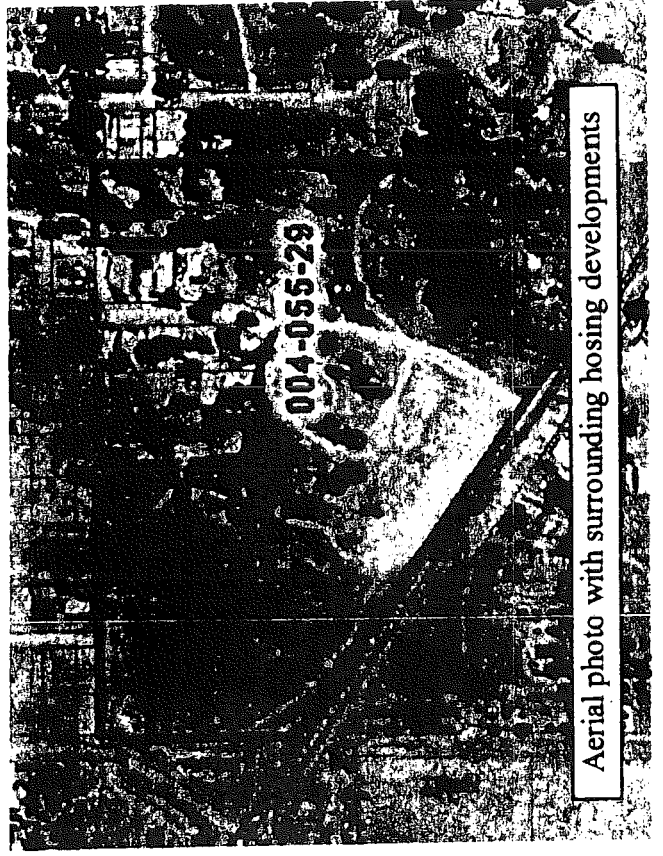
Commercial area, Hwy 20, looking west from east border



Western portion, looking from middle



Water tank on north border, looking north



Aerial photo with surrounding hosing developments

Gregg A. Young, M.A. Agronomy • Environmental Science • Natural Resources
P.O. Box 246 Talmage, CA 95481 707 463 1899 phone & fax youngg@adelphia.net

PROFESSIONAL RESUME'

GREGG A. YOUNG

Certified Professional Agronomist
Environmental Educator
Environmental Scientist

SS# upon request
700 W Clay St
Ukiah, Ca 95482
707 463 1899

Gregg Young, M.A., CPag
P.O. Box 246
Talmage, Ca 95481
fax 707 463 1899

EDUCATION:

A.A. - BIO SCIENCE - Fullerton College - June 12, 1970

B.S. - BIOLOGICAL SCIENCES - Calif. Polytechnic State
University, San Luis Obispo - December 12, 1972

M.A. - EDUCATION - Environmental Curriculum, Sonoma State
University, August 6, 1999

EXPERTISE & EXPERIENCE:

Agricultural – Ca Pest Control Advisor 1973-Present, Certified Pesticide Safety Instructor, Qualified Pesticide Applicator, integrated pest management consultant 1973-Present, Certified Professional Agronomist 1987-Present, alternative pesticides & biological control of pests, advisor: soils, fertilization & plant nutrition, greenhouse production & plant propagation, agricultural education.

Tribal – Environmental Director, Redwood Valley Reservation 1998 – 2004. Environmental Director, Potter Valley Tribe, 2004 – Present. Consultant for Manchester-Point Arena, Sherwood Valley Rancheria, Indian Health Services

Environmental planning & health – Environmental Assessments (NEPA, HUD, BIA), Calif. Healthy Schools Act & urban pest management, endangered species, building & construction: 8 years experience

Solid Waste – Agricultural & domestic waste management, aerobic decomposition/composting, recycling, community solid waste plans: 25 years experience

Wastewater – Training in WW System design, septage & land application, alternative treatment: 8 years experience

Other – Cultural resource protection, native plant use & propagation, riparian restoration, erosion prevention, FEMA claims, Tribal representation and advocacy: 6 years experience

PUBLICATIONS:

Young, G. (1988). Soil Fertility and Crop Pest/Disease Relations. In Global Perspectives on Agroecology & Sustainable Agricultural Systems, U.C. Santa Cruz.

Young, G. (1999). A Training Manual for Soils and Fertilization in the North Coast of California. M.A. thesis, Sonoma State University. Rohnert Park, Ca.

Young, G. (2001). Quality First in Vineyard & Orchard Production. A manual for the interpretation of soil analysis results for quality fruit production. Ukiah, Ca.

ENVIRONMENTAL ASSESSMENTS:

- 2000 Redwood Valley Reservation Hazardous Fuel Reduction Program (Bureau of Indian Affairs)
- 2000 Redwood Valley Reservation Childcare/Adult Education Building (HUD ICDBG)
- 2001 Environmental Assessment – Redwood Valley Reservation/Rancheria (EPA) Lois Lockart, Redwood Valley Reservation – 485 0361
- 2002 EA: Redwood Valley Reservation ICDBG 4 House Construction (HUD) Darlene Tooley, Northern Circle Indian Housing Authority - 707 468 1336
- 2003 Round Valley Indian Tribes – IHS Phase 2 Sewer Improvements (IHS) Anthony Kathol, Ukiah Field Office, IHS – 707 462 5314
- 2003 Sherwood Valley Rancheria – ICDBG USDA Food Commodities Warehouse - Trina Fitzgerral, Sherwood Valley Rancheria Tribal Administrator – 707 459 9690
- 2004 Potter Valley Tribe – HUD ICDBG Acquisition and minor rehabilitation of non-residential facilities – Category Exclusion per 24 CFR 58.35 Tribal Administrator - 707 462 1213
- 2004 Sherwood Valley Rancheria –ICDBG USDA Food Commodities Warehouse - Category Exclusion per 24 CFR 58.35 Trina Fitzgerral, Tribal Administrator– 707 459 9690
- 2004 Sherwood Valley Rancheria – 75 ac Fee-to-Trust Conversion, BIA Format. Trina Fitzgerral, Tribal Administrator– 707 459 9690
- 2005 Quartz Valley Indian Reservation – ICDBG Health & Wellness Center (HUD). Aaron Peters, Tribal Administrator – 530 468 5907

NOTICE OF FINDING OR NO SIGNIFICANT IMPACT ON THE ENVIRONMENT AND
NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS

Date: July 15, 2005

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS: These notices shall satisfy two separate but related procedural requirements for activities to be under taken by: the Redwood Valley-Little River Band of Pomo Indians – Redwood Valley Reservation

REQUEST FOR RELEASE OF FUNDS

On or about August 1, 2005 at 5 pm the Redwood Valley Reservation will request the U.S Department of Housing and Urban Development (HUD) to release Federal funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), as amended, to be used for the following project:

Land Acquisition for Housing
HUD Project # B-04-SR-06-2978
2320 and 2260 East Highway 20, 1 mile northwest of the town of Nice,
Lake County, California. Assessor's Parcel # 004-055-29 and 004-055-43
Nice, CA 95464

for the purpose of providing future housing for members of the Redwood Valley Reservation, Redwood Valley, Mendocino County, California. The estimated cost of the project is: \$845,936

FINDING OF NO SIGNIFICANT IMPACT

The Redwood Valley Reservation has determined that the project will not constitute an action significantly affecting the quality of the human environment, and accordingly, the above named Indian Tribe has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA), P.L. 91-190. The reasons for such decision not to prepare such Statement are as follows: No significant or irreversible impacts were identified within the scope of an initial Environmental Assessment. Additional project information is contained in the Environmental Review record (ERR) on file at the Tribal environmental office located at the above address, and is available for public examination and copying upon request on weekdays between the hours of 9:00 am and 4:00 pm.

PUBLIC COMMENT

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the address below. All comments received by 5:00 pm on Monday, August 1 will be considered by the Redwood Valley Reservation prior to submission of a request for release of funds. Comments should specify which notice they are addressing.

RELEASE OF FUNDS

The Redwood Valley Reservation certifies to HUD that Elizabeth Hansen, in her official capacity as the Tribal Chairperson, consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process, and that these responsibilities have been satisfied. HUD's acceptance of the certification satisfies its responsibilities under NEPA and allows the Redwood Valley Reservation to use program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and Redwood Valley Reservation's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases (a) the certification was not in fact executed by the certifying officer of the Redwood Valley Reservation (b) the Redwood Valley



