

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

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August 30, 2005

Penelope Shibley
Senior Planner
Community Development Department
Planning Division
255 N. Forbes Street
Lakeport, CA 95453

Dear Ms. Shibley:

IS 05-31 Review for Development on Rattlesnake Island, Lake County

Thank you for submitting the above document and attachments for review. After careful review of the submitted documents and maps, we would like to offer the following comments for your consideration.

The Office of Historic Preservation (OHP) would recommend that an Environmental Impact Report (EIR) be prepared for the above project for the following reasons:

The existence of historical resources on the island has been acknowledged by the county, by the Native American Heritage Commission and by the Northwest Information Center. In addition, the OHP is in receipt of a National Register of Historic Places nomination for Rattlesnake Island as an archaeological district. A preliminary review by OHP staff of the pending National Register nomination, - the nomination has not been placed on the agenda of the Historic Resources Commission – has revealed that the cultural and historic resources on the island may be of national significance. It is the professional judgment of the OHP staff conducting their review of the nomination that this property and the historical resources on it appear to be of a level of significance that would qualify the island as a National Historic Landmark.

We believe the preparation of an EIR for this project that could have a significant impact on the environment is considered necessary; it is also the professional judgment of the OHP staff reviewing the nomination that almost any project development on the island has the potential to be a significant adverse impact that could not be well mitigated. Further, it is the opinion of the OHP that negotiations with the Elem Indian Colony be facilitated in the development of the EIR and the proposed project to address some of the concerns expressed by the Pomo.

In addition, the current project description still has not been defined clearly enough to determine the "whole of the action" according to CEQA, thus clearly delineating the project

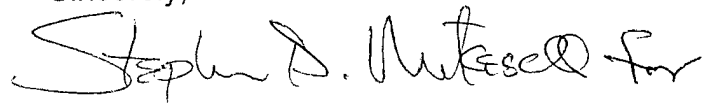
and any future phases and their impacts on the historical and cultural resources of Rattlesnake Island.

Again, thank you for the opportunity to comment on the above Initial Study prepared for this proposed project. Please understand that our comments herein are specifically related to the environmental review process and adequacy of documents prepared for the environmental review purposes. We do not take positions in support of or against projects, but rather focus on the environmental review process itself. Please review the following disclaimer language:

The information provided in this letter is intended to merely illustrate the process outlined in CEQA statute and guidelines relative to historical and cultural resources. This information on CEQA and other laws are offered by the OHP for information purposes only. This information does not have the force of law or regulation and should not be cited in legal briefs as the authority for any proposition. In the cases of discrepancies between the information provided in this letter and the CEQA statute or guidelines, the language of the CEQA statute and guidelines (PRC Section 21000 et seq. and 14 CCR Section 15000 et seq.) is controlling. Information contained in this letter does not offer nor constitute legal advice. You should contact an attorney for technical guidance on current legal requirements.

If you have any further questions, please don't hesitate to contact Michelle C. Messinger, CEQA Coordinator Local Government Unit at (916) 653-5099 or at mmessinger@parks.ca.gov.

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Cc: John Nady, Nady Systems, Inc.
John Parker, Parker & Associates
Leigh Jordan, Coordinator Northwest Information Center
Larry Myers, Native American Heritage Commission
Jim Brown III, Elem Tribal Administrator