

FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED UNITED AUBURN INDIAN COMMUNITY OF THE AUBURN RANCHERIA 1,100-ACRE RESIDENTIAL DEVELOPMENT PROJECT

AGENCIES: Bureau of Indian Affairs

ACTIONS: Finding of No Significant Impact

SUMMARY:

The United Auburn Indian Community of the Auburn Rancheria (Tribe) submitted a request to the Bureau of Indian Affairs (BIA) to approve the acquisition in trust of 1,100 acres of fee land and develop Tribal housing and associated community facilities on the property. The land proposed for development and trust acquisition is located within Sections 28, 29, 32, and 33 of Township 14 North and Range 6 East of the Camp Far West U.S. Geological Survey 7.5 minute topographic quadrangle. The land is located at the northeastern corner of Karchner Road and Porter Road, south of the Camp Far West Reservoir in unincorporated Placer County, California.

Based upon the analysis documented in the Environmental Assessment (EA), consideration of comments received during the public review period, and implementation of additional mitigation requirements described below, the BIA makes a finding of no significant impact (FONSI). This finding constitutes a determination that the Proposed Action is not a federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required.

BACKGROUND:

As provided in Public Law 103-434 (Auburn Indian Restoration Act, October 31, 1994), the Auburn Rancheria was restored as a Federally recognized Indian Tribe and all rights and privileges of the Tribe that were diminished and/or lost under Public Law 85-671 (August 18, 1958) were reinstated. Public Law 103-434 also includes provisions that provide the Tribe the ability to place land into trust for the benefit of the Tribe.

If the Secretary accepts the site in trust, the site and facilities developed on the site would assist the Tribe in meeting the following objectives:

- provide housing for Tribal members;
- centralize Tribal activities and provide a central meeting place for UAIC Tribal members;
- ensure privacy from adjacent land uses; and
- allow the UAIC Tribal Government to exercise tribal sovereign authority over the land.

DESCRIPTION OF THE PROPOSED ACTION:

The BIA's Proposed Action consists of the transfer of the site into federal trust status for the benefit of the Tribe. The proposed fee-to-trust conveyance is for nine parcels totaling approximately 1,100 acres. A reasonably foreseeable consequence of this action is the subsequent proposed development of the site for Tribal housing and associated community facilities (Proposed Project). The Proposed Project would include 110 single-family homes as well as a Tribal administrative center, community center, school, infirmary, and day care center. Other intended uses of the site include a picnic pavilion, RV area and storage facility, equestrian center, corporation yard and maintenance building, groundwater well(s), water treatment facility and storage tank, wastewater treatment facility, and approximately eight miles of private roads.

ALTERNATIVES CONSIDERED:

The BIA considered several alternatives to the Proposed Action which are described in the EA and summarized below. The Reduced Intensity Alternative and the No Action Alternative were evaluated in full detail in the EA. Several off-site alternatives were considered but ultimately eliminated from further consideration.

- 1) **Reduced Intensity Alternative:** The Reduced Intensity Alternative, like the Proposed Action, consists of the conveyance of the site from private ownership into federal trust status for the benefit of the Tribe, and the subsequent construction of Tribal housing on the site. Under this alternative, 110 single-family homes would be developed, but the areas designated for the administrative center, community center, school, infirmary, day care center, picnic pavilion, RV area, storage facility, and equestrian center would be replaced by open space. The Reduced Intensity Alternative would include the same private roadway system, corporation yard, maintenance building, water supply system, and wastewater treatment facility as the Proposed Project.
- 2) **No Action Alternative:** Under the No Action Alternative, the nine parcels (1,100 acres) would not be placed into federal trust for the benefit of the Tribe, and would not be developed with Tribal housing and associated community facilities. Land use jurisdiction would remain with Placer County, and the Tribe would continue to pay property taxes on the parcels. The current uses of the site (grazing and open space) are assumed to continue.
- 3) **Alternatives Eliminated:** The Tribe evaluated several potential sites throughout the western portion of Placer County. None of the sites evaluated were of sufficient size to meet the Tribe's objectives of providing housing and a central meeting place for Tribal members.

ENVIRONMENTAL IMPACTS:

An EA, documenting and analyzing the potential impacts of the Proposed Action and Alternatives, was completed in May 2006. The EA was distributed for public review from May 12, 2006 to June 12, 2006. The BIA received eight comment letters. As part

of the EA, potential impacts to land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, traffic and circulation, land use, public services, noise, hazardous materials, and visual resources were evaluated, with the following conclusions:

- A. Implementation of mitigation measures will ensure impacts to land resources will be less than significant. See EA Sections 4.1.1, and 5.1.
- B. Project design, Best Management Practices (BMPs) incorporated into the Proposed Project, and mitigation measures will ensure that impacts to water resources are not significant. See EA Sections 4.1.2, and 5.2.
- C. BMPs incorporated into the Proposed Project and mitigation measures will ensure impacts to air quality will be less than significant. See EA Sections 4.1.3, and 5.3.
- D. Project design, BMPs incorporated into the Proposed Project, and mitigation measures will ensure that impacts to biological resources are not significant. See EA Sections 4.1.4, and 5.4.
- E. All known cultural resources have been avoided through project design. There will be no significant impacts to known cultural resources. Mitigation measures will ensure impacts to unknown cultural resources are less than significant. See EA Sections 4.1.5 and 5.5.
- F. Implementation of mitigation measures will ensure that socioeconomic impacts are less than significant. See EA Sections 4.1.6, and 5.6.
- G. Implementation of mitigation measures will ensure that impacts to traffic and circulation are not significant. See EA Sections 4.1.7, and 5.7.
- H. There will be no significant land use impacts. See EA Section 4.1.8.
- I. Implementation of mitigation measures will ensure that impacts to public services are not significant. See EA Sections 4.1.9, and 5.9.
- J. Implementation of mitigation measures will ensure that impacts associated with noise are not significant. See EA Sections 4.1.10, and 5.10.
- K. Implementation of mitigation measures will ensure that hazardous materials impacts are not significant. See EA Sections 4.1.11, and 5.11.
- L. There will be no significant impacts associated with visual resources. See EA Section 4.1.12.
- M. Cumulative impacts to land resources, biological resources, cultural resources, socioeconomic conditions, land use, and hazardous materials would be less than significant. BMPs incorporated into the Proposed Project, and mitigation measures will ensure that cumulative impacts to water resources, air quality, traffic and circulation, public services, and noise are not significant. See EA Sections 4.4, 5.2, 5.3, 5.7, 5.9, and 5.10.

RESPONSE TO EA COMMENTS:

Eight comment letters were received on the EA (see NEPA Package Section 2.0). Responses to comments are contained in Section 3.0 of this NEPA Package.

SUMMARY OF EA BMPS AND MITIGATION MEASURES:

The BMPs and mitigation measures described in the EA are included either to reduce significant impacts to a less than significant level, to further reduce already less than significant impacts, or both. To ensure that the mitigation measures required to reduce significant impacts to a less than significant level are enforceable as applicable, the mitigation measures are either included as an integral part of the project description, required by Federal law, included within an enforceable NEPA document (*Tyler v. Cisneros*, 136 F.3d 604, 608 (9th Cir. 1998); *Tillamook County v. U.S. Army Corps of Engineers*, 288 F.3d 1140, 1144 (9th Cir. 2002)), or enforceable through the UAIC-Placer County MOU (Appendix A of the EA).

Following is a summary of BMPs and mitigation measures contained in the EA (see the EA for a detailed description of all BMPs and mitigation measures):

Land Resources

- Site-specific geotechnical constraints shall be addressed based on the specific location of each development feature proposed for the site.
- Prior to finalization of the grading and development plans for the property, design-level geotechnical investigations addressing the specific grading and development plans shall be performed.
- All site preparation and earthwork construction in the field shall be performed by licensed contractors.
- Suitability of earth and construction materials shall be determined by a licensed professional employing geotechnical/soils laboratory testing standards according to standard engineering practice.
- All grading plans, subsurface investigations, and slope stability and seismic design calculations as well as all foundation, paving, and building design parameters shall be produced under the supervision of appropriate licensed professionals.
- Recent testing has revealed that some of the soils available for earthwork construction are moderately expansive and corrosive. Construction on expansive soil can be mitigated by using specialized grading techniques or designing structural foundations to withstand expansion pressures. Construction on corrosive soil can be mitigated by using cement other than Type II in concrete or protective coatings for buried steel facilities.
- Due to the natural rolling terrain that exists on the property, low impact grading concepts that eliminate lot pads in the construction of the homes shall be utilized.
- Driveways within each residential lot shall be sited at locations along the roadway frontage to minimize grading and avoid impacts to trees and vegetation.
- The school, daycare facility, infirmary, community center, administration building, parking lots, equestrian center, and sports fields shall be oriented parallel with existing contours.
- Alternative watercourse crossings such as bottomless arched culverts shall be utilized to the extent possible.

- Alternative vertical alignments for water course crossings shall be considered to minimize the difference between the flow line in the water course and the finish grade of the roadway.
- Roadway profiles and site specific grading shall be engineered in compliance with design-level geotechnical investigations.
- A design engineer shall adjust finish grades in areas where soil types pose a high degree of excavation difficulties.

Water Resources

- Water conservation measures shall be implemented to the extent feasible, including the use of low flow fixtures throughout the proposed 110 homes and community facilities, where appropriate.
- Reclaimed water shall be used for landscape irrigation to the extent feasible to reduce water supply needs.
- Reclaimed water shall meet the requirements outlined in Title 22, Division 4, Chapter 3 of the California Administrative Code, more commonly referred to as Title 22.
- Two existing on-site monitoring wells (MW-1 and MW-2) shall be used to monitor any variations in the groundwater table.
- To address potential impacts to neighboring wells, one or more of the following mitigation measures shall be implemented:
 - The Tribe shall deposit \$250,000 in an escrow account to be held by Placer County for the purpose of improving neighboring wells that are impacted by the Tribe's groundwater use. Improvements may include deepening and or re-drilling neighboring wells, replacement of existing pumps, or installation of new well screens and casings.
 - A new production well that would serve the 1,100-acre site may be installed on APN 018-031-075-000, which is located directly west of the 1,100-acre site and is owned in fee title by the Tribe. This new well would be constructed in the alluvial sands and gravels associated with the Bear River and would not in any way impact wells on neighboring properties to the south and east.
 - Water from the NID Camp Far West Canal shall be used as described in the water supply alternatives presented in Section 2.0 of the EA.
- Erosion protection shall be utilized to the extent possible at the downstream discharge points of culverts.
- Alternative water course crossings such as bottomless arched culverts shall be utilized to the extent possible.
- Since more than one acre of land will be disturbed during construction, a NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit) shall be obtained from EPA Region 9.
- A SWPPP shall be developed that incorporates the following BMPs to be implemented during construction activities:
 - Staging areas shall be located at least 150 feet from waters of the U.S.
 - Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. tarps, silt fences, straw bales).

- Existing vegetation shall be retained where possible.
- To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) shall be employed for disturbed areas.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Disturbed areas shall be revegetated after completion of construction activities.
- The following additional BMPs shall be incorporated into the design and operation of all proposed facilities to minimize impacts to surface water quality:
 - All storm drains shall be equipped with silt traps to remove oils, debris, and other pollutants.
 - Storm drain inlets shall be labeled "No Dumping – Drains to Streams and Rivers."
 - Parking lots shall be designed to allow storm water runoff to be directed toward vegetative filter strips to control sediment.
 - Permanent energy dissipaters shall be installed on drainage outlets.
- Water supply wells shall be located up gradient or greater than 1,000 feet from areas selected for leach fields or landscape irrigation using reclaimed water.
- Two existing on-site monitoring wells (MW-1 and MW-2) shall be utilized to evaluate potential contamination of the groundwater basin from treated wastewater.
- Daily monitoring of leach fields shall be performed and adjustments shall be made, if necessary, to prevent daylighting of treated effluent.
- Leach fields shall not be located in close proximity to waters of the U.S. or the NID Camp Far West Canal.
- Leach fields shall be consistent with EPA's Underground Injection Control (UIC) program.
- Reclaimed water use for irrigation shall be prohibited during storm events to prevent runoff to surface water.

Air Quality

- An on-site Air Quality Construction BMP Manager (AQCMBM) shall be responsible for directing compliance with BMPs.
- Loads shall be covered for all off-site haul vehicles.
- For any earth moving which is more than 100 feet from all property lines, watering shall be conducted as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.
- For all disturbed surface areas (except completed grading areas) dust suppression shall be applied in a sufficient quantity and frequency so as to maintain a stabilized surface; any areas which cannot be stabilized, as evidenced by wind-driven dust, must have an application of water at least twice per day to at least 80 percent of the unstabilized area.
- For all disturbed surface areas that are completed grading areas, one of the following procedures must be implemented:

- Apply chemical stabilizers within 5 working days or after grading completion.
- Apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind-driven fugitive dust, excluding any areas which are inaccessible due to excessive slope or other safety conditions.
- Establish a vegetative ground cover within 21 days after active operations have ceased (ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter).
- For all inactive disturbed surface areas, one of the following procedures must be implemented:
 - Apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind-driven fugitive dust, excluding any areas which are inaccessible due to excessive slope or other safety conditions.
 - Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface.
 - Establish a vegetative ground cover within 21 days after active operations have ceased (ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter); or utilize any combination of these control actions such that, in total, they apply to all inactive disturbed surface areas.
- For all unpaved roads, one of the following procedures must be implemented:
 - Water all roads used for any vehicular traffic at least once every two hours of active operations.
 - Water all roads used for any vehicular traffic once daily and restrict vehicle speed to 15 mph.
 - Apply chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.
- For all open storage piles one of the following procedures must be implemented:
 - Apply chemical stabilizers.
 - Apply water to at least 80 percent of the surface areas of all open storage piles on a daily basis when there is evidence of wind-driven fugitive dust.
 - Install a three-sided enclosure with walls with no more than 50 percent porosity that extends, at a minimum, to the top of the pile.
- To provide track-out control one of the following procedures must be implemented:
 - Pave or apply chemical stabilization at a sufficient concentration and frequency so as to maintain a stabilized surface starting from the point of intersection with the public paved surface, and extending for a centerline distance of at least 100 feet and width of at least 20 feet.
 - Pave from the point of intersection with the public paved road surface, and extending for a centerline distance of at least 25 feet and a width of at least 20 feet, and install a track-out control device immediately adjacent to the

- paved surface such that exiting vehicles do not travel on any unpaved road surface after passing through the track-out control device.
- During high wind conditions, when gusts exceed 25 mph, the following additional BMPs shall be implemented:
 - For all earth moving activities, apply water to soil for not more than 15 minutes prior to moving such soil.
 - For all disturbed surface areas and unpaved roads, apply chemical stabilizers prior to a wind event.
 - For all open storage piles, install temporary coverings.

Biological Resources

- Construction and tree removal (grubbing, vegetation removal) should be timed to take place during late summer months and through winter, ideally from September through February, to avoid impacting nesting birds and other sensitive wildlife species. The nesting season extends approximately February through September with a peak nesting period taking place from March through June. If construction or grubbing activities are to take place between late February and late June, then a pre-construction survey shall be performed by a qualified biologist to identify any active nests or other special status species, at least two weeks prior to the start of construction. If construction is delayed for more than two weeks, a second survey shall be performed. The survey shall be performed to allow for 100 percent coverage of the project site. If no active nests or sensitive wildlife are detected during pre-construction surveys, then no further mitigation is required.
- If active nests are identified within the project site, USFWS shall be consulted on subsequent avoidance measures. No active nests shall be disturbed without authorization from the USFWS. All active nest locations shall be mapped and identified on the project site with orange fencing. A copy of the biologist's report shall be submitted to USFWS for approval if nests are found on site. USFWS shall be consulted to develop measures to avoid "take" of active nests prior to the initiation of any tree removal or project-related activities. Avoidance measures may include the establishment of buffers and biological monitoring and may require, but not be limited to, the following:
 - No disturbance within the prescribed buffer of active nests between April 1 and September 30, or until the young have fledged.
 - Notification to USFWS 15 days prior to any disturbance within the buffer of active nests, and monitoring of the nesting bird to determine if construction activities affect nesting success.
 - If construction activities affect the survival of fledglings, construction activities shall be ceased until fledglings leave the nest.
- If nests found on the project site become active in the future, the project proponent shall consult with USFWS to ensure that maintenance activities do not adversely affect active nests.
- Grassland habitats should be preserved to the extent possible, and ornamental vegetation with spring and summer bloom periods should be planted if removal of this habitat occurs.

- A qualified biologist shall conduct a pre-construction survey for burrowing owls during both the wintering and nesting season (unless the species is detected on the first survey) prior to issuance of a grading permit to establish the status of this species on the project site. If possible, the winter survey shall be conducted between December 1 and January 31 (when wintering owls are most likely to be present) and the nesting season survey should be conducted between April 15 and July 15 (peak breeding seasons). If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. Surveys conducted from two hours before sunset to one hour after, or from one hour before to two hours after sunrise, are preferable. The survey techniques shall be consistent with the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium, 1993) and shall include a 250-foot-wide buffer zone surrounding the Project Site. If no burrowing owls are detected during pre-construction surveys, then no further mitigation is required.
- If active burrowing owl burrows are identified within 500 feet of the project site, project activities shall not disturb the burrow during the nesting season (February 1-August 31) or until a qualified biologist has determined that the young have fledged or the burrow has been abandoned. A no-disturbance buffer zone of 160 feet is required to be established around each burrow with an active nest until the young have fledged the burrow as monitored by a qualified biologist. The USFWS burrowing owl specialist for the area shall be contacted for specific guidance.
- If destruction of the occupied burrow is unavoidable during the non-breeding season, September 1 to January 31, passive relocation of the burrowing owl may be conducted. Passive relocation involves installing a one-way door at the burrow entrance, encouraging owls to move from the occupied burrow. No permit is required to conduct passive relocation; however, this process shall be conducted by a qualified biologist and in accordance with USFWS mitigation measures. To offset the loss of foraging habitat (calculated as a 300 foot foraging radius around the burrow - per pair or unpaired resident bird), additional land shall be preserved on site and permanently protected at a location acceptable to the USFWS.
- If active bat maternity roosts or hibernacula are present, a qualified biologist shall determine the extent of construction free zones around active nurseries, as bat species can abandon young when disturbed.
- Indirect impacts to vernal pools or seasonal wetland features may be subject to the provisions of a Biological Opinion issued by the USFWS. All conservation measures identified by the USFWS must be implemented. Measures may include compensatory mitigation for habitat loss, seasonal restrictions on construction, protective fencing and signs, worker education programs, biological monitoring and reporting, and implementation of BMPs to prevent the accidental release of disturbed soils, fuel, oil, or other materials associated with construction activities into sensitive habitats.
- Fence and flag all areas (of habitat of the valley elderberry longhorn beetle) to be avoided during construction activities.

- Erect signs every 50 feet along the edge of the avoidance area with the following information: “This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. The Endangered Species Act of 1973, as amended, protects this species. Violators are subject to prosecution, fines, and imprisonment.” The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.
- Project design shall avoid construction activities within waterways to the extent feasible. Where avoidance is not feasible, a pre-construction survey conducted by a qualified biologist shall be performed no more than 24 hours prior to initial construction activities (clearing, grading) in major drainage channels and streams. The biologist shall relocate any pond turtles outside of the impact area. The results of the survey shall be submitted for review by the USFWS.
- A qualified biological monitor shall be present when vegetation is removed from the drainage channels and streams during bridge crossing construction. If pond turtles are observed, then relocation measures for the turtles shall take place prior to the continuation of vegetation removal.
- Before grading begins, a qualified biologist shall conduct pre-construction surveys for California red-legged frogs. If no California red-legged frogs are found during pre-construction surveys, no further mitigation is needed.
- If the California red-legged frog is found on site, formal consultation with the USFWS shall determine whether an incidental take permit shall be required and/or whether an appropriate mitigation plan should be developed. Construction activities should be limited to periods when California red-legged frogs are not breeding, approximately November to April. In addition, downstream flows should be maintained at all times to ensure the riparian habitat does not suffer adverse effects.
- Although the Tribe is under no Federal obligation to comply with the tree preservation ordinance set forth in Placer County Code (Article 12.16), the Tribe has agreed to comply with County ordinances for development of the 1,100-acre property as outlined in Section 2 of the UAIC-Placer County MOU (Appendix A of the EA).
- Two trees from the mixed riparian woodland area would need to be removed for the construction of a bridge: 1 red willow (*Salix laevigata*) with a diameter at breast height (dbh) of 10 inches, and 1 fig tree (*Ficus carica*) with a dbh of 6 inches. The preferential method of mitigation is transplanting both trees to locations within the riparian area. However, if this method is not feasible, on-site tree replacement shall include the following standards:
 - Provide a minimum of one 15-gallon cottonwood (*Populus fremontii*), California sycamore (*Platanus racemosa*), or valley oak (*Quercus lobata*) for each tree removed. Replacement trees shall have a combined diameter equivalent to the dbh of the trees to be removed, which is 16 inches. Assuming a 1-inch diameter for each replacement tree, the total number of trees required would be 16.
 - For each tree removed also provide three 1-gallon plants (6 total) of the following species: California wild grape (*Vitis californica*), blue elderberry (*Sambucus mexicana*), toyon (*Heteromeles arbutifolia*),

California coffeeberry (*Rhamnus californica*) and/or California blackberry (*rubus ursinus*).

- 3 years of annual monitoring with remedial planting if mortality exceeds 20 percent. Any 5 gallon size tree or greater that was replanted or relocated that is dead after 3 years, must be replaced in kind with equal sized healthy replacements. Revegetated areas or areas where trees smaller than five gallon size were replanted must have at least 75 percent of the trees still alive after 3 years.
- All trees used for mitigation shall be purchased from a locally adapted genetic stock obtained within 50 miles and 1,000 feet in elevation of the project site.
- The maintenance and monitoring plan shall include cages for each seedling, identify a weed control schedule, and outline a watering regime for the plantings.
- Throughout each planting site, a grass mix shall be seeded. Mix shall include sedge (*Carex barbarae*), slender wheatgrass (*elymus trchycaulus*), and meadow barley (*Hordeum brachantherum*).
- Approximately 173 blue oaks would be impacted from project development. Total dbh for the impacted trees is 3,104 inches. Transplanting the trees is the preferred method of mitigation. However, if this method is not feasible, the Tribe shall replace trees on-site or purchase approximately 200 acres of nearby oak woodland habitat and deed it to an acceptable land trust. On-site tree replacement shall include the following standards:
 - Provide a minimum of one 15-gallon blue oak (*Quercus douglasii*), valley oak (*Quercus lobata*), or interior live oak (*Quercus wislizeni*) tree for each tree removed. Emphasis should be on purchasing blue oak to the extent possible. Replacement trees shall have a combined diameter equivalent to the dbh of the trees to be removed. Assuming a 1-inch diameter for each replacement tree, the total number of trees required would be 3,104.
 - 3 years of annual monitoring with remedial planting if mortality exceeds 20 percent. Any tree that was replanted or relocated that is dead after 3 years must be replaced in kind with equal sized healthy replacements.
 - All trees planted shall be purchased from a locally adapted genetic stock obtained within 50 miles and 1,000 feet in elevation of the project site.
 - Planting densities shall not exceed 250 trees for each acre planted.
 - The maintenance and monitoring plan shall include cages for each seedling, identify a weed control schedule, and outline a watering regime for the plantings.
 - Throughout each planting site, a grass mix shall be seeded. Mix shall include sedge (*Carex barbarae*), slender wheatgrass (*elymus trchycaulus*), and meadow barley (*Hordeum brachantherum*).
- Preserved oak trees shall be protected using the following measures:
 - A circle with a radius measurement from the trunk of the tree to the tip of the longest limb shall constitute the dripline protection area for each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the

- minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area.
- Any oak trees on the site that require pruning shall be pruned by a certified arborist before the start of construction work. All pruning shall be done in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboricultural (ISA) "Tree Pruning Guidelines."
 - No vehicles, construction equipment, mobile home/office, supplies, materials, or facilities shall be driven, parked, stockpiled or located within the dripline of oak trees.
 - Temporary protective fencing shall be installed at least one foot outside the dripline of the oak trees before initiating construction in order to avoid damage to the tree canopies and root systems.
 - No signs, ropes, cable (except those that may be installed by a certified arborist to provide limb support), or any other items shall be attached to the oak trees. Small metallic numbering tags for preparing tree reports and inventories shall be allowed.
 - No grading (grade cuts or fills) shall be allowed within the dripline of the oak trees to be preserved.
 - Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree.
 - Trenching shall be avoided, to the extent possible, within the dripline of oak trees. If it is necessary to install underground utilities within the dripline of an oak tree, cut roots with a diameter greater than 1 inch shall be cleanly cut back to reduce the potential for infection or disease.
 - A fact sheet prepared by a qualified biologist describing the value and care of native oaks shall be prepared and distributed to groundskeepers.
- If the project utilizes fencing, the lineal feet of fence line should be decreased to the extent possible to limit habitat fragmentation and increase corridors for wildlife species. In addition, the type of fencing used should allow for wildlife movement (i.e., wood post fences with horizontal slats).
 - Prior to the initiation of construction activities, the jurisdictional waters of the U.S. shall be flagged and identified as a construction avoidance zone in which no construction activities will occur within the area. The fencing shall remain in place until all construction activities on the site have been completed.
 - Bottomless arched culverts shall be utilized for crossing waters of the U.S. to avoid impacts. If impacts (discharge of dredged or fill material) to waters of the U.S. cannot be avoided through the use of bottomless arched culverts, a Section 404 permit shall be obtained from the USACE. If a Section 404 permit is required, a Section 401 water quality certification shall be obtained from the EPA.
 - To the extent possible, construction activities in the vicinity of waters of the U.S. shall be conducted during the dry season to minimize erosion.
 - Unavoidable impacts to waters of the U.S. and wetland habitat shall be mitigated by creating or restoring wetland habitats either onsite or at an appropriate off-site location. Compensatory mitigation shall occur at a minimum of 1:1 ratio and

shall be approved by the USACE prior to any discharge into jurisdictional features.

Cultural Resources

- The BIA will implement all mitigation measures presented to and concurred upon by the State Historic Preservation Officer (SHPO) during the Section 106 consultation process. Mitigation measures being proposed are:
 - Boundaries around NRHP eligible sites CFW1, CFW 2, CFW5, and CFW 9 will be mapped to accurately determine horizontal site boundaries and stratigraphy. The boundaries will be mapped using GPS technology and plotted on topographic base maps and construction drawings. This information will be provided to the project architects and surveyors as the master plan is developed. As indicated in the Supplemental Information Section below and NEPA Package Attachment 7, these four sites were investigated to determine horizontal site boundaries and stratigraphy and testing results at CFW1 and CFW9 established their ineligibility to the NRHP.
 - Under the direction of a qualified professional archaeologist, as defined below, temporary orange construction fencing shall be placed around the newly identified boundaries of sites CFW1, CFW 2, CFW 9, and CFW 5 to provide a buffer zone of at least 50 feet around each site to ensure there are no adverse impacts to the sites during construction and staging.
 - A qualified professional archaeologist will review design and construction plans at 50% and 90% completion to ensure that known NRHP eligible sites will not be impacted by development, including but not limited to, residential lots, roads, utility trenches, etc. If potential impacts are identified, plans will be revised to avoid any such disturbance. In the event of unavoidable impacts, a data recovery plan shall be developed and implemented to mitigate potential adverse effects to historic properties.
 - The circa 1950s ranch complex shall be recorded on California Department of Parks and Recreation 523 series forms (DPR 523) and evaluated for eligibility to the National Register of Historic Places.
 - No ground disturbing activities will be permitted to occur prior to conclusion of the Section 106 process.
 - All ground disturbing activities shall be monitored by an archaeologist that meets the Secretary of the Interiors Standards for Professional Qualifications-Archaeologist and if available, a Tribal representative.
 - All construction workers involved with ground disturbing activities shall receive Worker Environmental Awareness Training (WEAT) from a qualified professional archaeologist before beginning any work on-site. The purpose of the training shall be to inform the workers of the 1) role and authority of the professional archaeologists and archaeological monitors, 2) laws and regulations related to artifact collection, and 3) procedures and notification requirements in the event of inadvertent discoveries.

- In the event of any inadvertent discovery of prehistoric or historic archaeological resources or paleontological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist as appropriate, can assess the significance of the find. If any find is determined to be significant by the archaeologist, or paleontologist, then representatives of the BIA and Tribe shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action, including the development of a Treatment Plan, if necessary. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist as appropriate, according to current professional standards.
- If human remains are discovered during ground-disturbing activities, the County Coroner, Tribal Official, and BIA archaeologist shall be contacted immediately. No further disturbance shall occur until the County Coroner, Tribal Official, and BIA archaeologist have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA archaeologist (or the Native American Heritage Commission if the lands are not yet in trust for the Tribe) shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.
- In the event of accidental discovery of paleontological materials during ground-disturbing activities, a qualified paleontologist shall be contacted to evaluate the significance of the find and collect the materials for curation as appropriate.

Socioeconomic Conditions

- As outlined in Section 12 of the UAIC-Placer County MOU (Appendix A of the EA), the Tribe has agreed to compensate the County on an annual basis for the property tax revenue lost as a result of the 1,100-acre property being taken into Federal trust.
- The mitigation measures related to law enforcement and fire protection listed under Public Services shall be implemented to address potential impacts related to law enforcement and fire protection.

Traffic and Circulation

- The east/west portion of Karchner Road (between Porter Road and Thousand Oaks Drive) shall be widened so that travel lanes are 12 feet wide in each direction, with graded sloped shoulders.
- With concurrence from Caltrans, the SR-65 and G St/Riosa Road intersection shall be signalized. Once the traffic signal is installed, LOS A is expected during

the peak hour conditions. Union Pacific Railroad tracks cross SR-65 approximately 187 feet north of the G Street/Riosa Road intersection. The traffic signal should be coordinated with the railroad preemption so certain movements at the intersection are stopped when the railroad gate is down.

Public Services

- As recommended by the Placer County Sheriff's Department, the concepts of *Crime Prevention through Environmental Design* (Geason and Wilson, 1989) shall be utilized during project development to reduce potential crime problems associated with circulation systems and structures.
- The Tribe shall reimburse the Placer County Sheriff's Department an annual sum of \$95,786.00 under the Proposed Action or \$82,799.00 under the Reduced Intensity Alternative.
- To address potential impacts to CDF for wildland fire protection services, one or both of the following mitigation measures shall be implemented:
 - The Tribe shall place the 1,100-acre site under contract with CDF's Wildland Fire Service and reimburse CDF an annual sum of \$13,200.
 - CDF shall be reimbursed for wildland protection services as specified in the *Cooperative Fire Protection Agreement between the U.S. Department of the Interior Bureau of Indian Affairs and State of California Department of Forestry and Fire Protection* (Appendix L of the EA). This agreement was signed in July 2003 and is active through December 31, 2007.
- To address potential impacts to Placer County for structural fire protection services, the following mitigation measures shall be implemented:
 - The Tribe shall pay a capital fire facilities fee to Placer County and these funds shall be used towards improving the fire facilities and/or equipment near the project site.
 - The Tribe shall pay a yearly fee to Placer County for additional staffing, operation, and maintenance costs.
- All structures shall be constructed in accordance with all Uniform Building Codes, as adopted or supplemented by Placer County.
- All construction equipment shall include spark arresters in good working order.
- Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel.
- To the extent feasible, the contractor shall keep areas around the building site clear of combustible materials.
- Fire sprinklers and extinguishers shall be maintained onsite and inspected on a regular basis.
- A firebreak shall be maintained around the perimeter of the 1,100-acre property.
- An evacuation plan shall be developed for the proposed development in the event of a fire emergency.

Noise

- Construction that causes audible noise at the property line shall be limited to the daytime hours between 7 AM and 7 PM, Monday through Friday, and from 9 AM to 6 PM on weekends.
- Noise from construction shall be minimized through the use of exhaust and intake mufflers and engine shrouds, in accordance with manufacturers' specifications.
- Trees will be planted in areas along the western perimeter of the project site to reduce the noise impacts associated with nearby operation of the Patterson Sand and Gravel Mine.

Hazardous Materials

- Any hazardous materials or fuels used on the project site will be properly containerized and stored in hazardous material cabinets.
- As part of the proposed wastewater treatment plant design, sodium hypochlorite and citric acid shall be stored in the chemical room of the operations building. The storage and chemical metering facilities shall be located inside a chemical spill containment area, sized to contain 150 percent of the storage volume in case of an unintentional release. The sodium hypochlorite shall be stored in a 55-gallon drum and the citric acid shall be stored as dry material and then in a 50-gallon mixing tank when needed.
- A hazardous materials storage and disposal plan shall be prepared that contains an inventory of hazardous materials stored and used on site, maintains an emergency response plan for a release and disposal of unused hazardous materials, and provides provisions specifying employee training in safety and emergency response procedures.

SUMMARY OF ADDITIONAL BMPS AND MITIGATION MEASURES:

In addition to the BMPs and mitigation measures detailed in the EA, the following BMPs, mitigation measures, and changes to the project site plan have been added in response to comments on the EA:

- As per the biological opinion issued by the USFWS, the following additional items shall be included in the Storm Water Pollution Prevention Plan that will be developed for the project:
 - Hydroseeding of all constructed slopes adjacent to open space areas will be completed using a native grassland mix and a hydraulic matrix tackifying agent. This hydroseed mix will be applied according to manufacturer's instructions during clear weather so that the matrix will have an opportunity to dry within 24 hours after application.
 - Certified weed-free straw wattles will be installed at the base of all slopes adjacent to open space areas in order to provide sediment and erosion control. The wattles will be installed in concave trenches two to four inches deep, with excavated fill placed on the uphill side of the wattles.

- The straw wattles will be staked in place and maintained until native grassland vegetation is fully established and soils are stabilized.
- All materials excavated during construction will be deposited and stored in such a way that materials cannot be washed into any watercourse, wetland, or vernal pool. Barriers of certified weed-free straw bales and/or sedimentation fencing will be available on-site for this purpose.
 - Staging areas for construction equipment will be located so that any spills of oil, grease, or any other petroleum by-products will not be discharged into any watercourse, wetland complex, or other sensitive habitat. Refueling, storage, maintenance and servicing of construction equipment and vehicles will take place more than 100 feet from the designated open space areas. All machinery and vehicles will be properly maintained and cleaned to prevent leaks and spills. Any hazardous material spills will be reported and cleaned up immediately in accordance with applicable local, state, and/or Federal regulations.
- As recommended by the USFWS biological opinion, temporary orange construction fencing will be installed prior to construction along the boundaries of construction zones to clearly mark these areas and prevent construction vehicles or personnel from entering the open space preserve areas, vernal pool/seasonal wetland complexes, riparian habitat, or other sensitive habitat areas. This fencing shall be maintained throughout the duration of the project.
 - A USFWS-approved biologist shall be onsite during all initial groundbreaking activities associated with the proposed project to ensure that construction equipment does not enter the open space areas, vernal pool/seasonal wetland complexes, or other sensitive habitat. The USFWS shall be given at least 30 calendar days prior to the start of construction activities to review the curriculum vitae of the individual(s) selected for monitoring. Following USFWS approval, the monitor(s) will report directly to the UAIC or their representative, and will be authorized to stop construction activities in the event of environmental non-compliance. The monitor(s) will take actions necessary to prevent damage to open space preserve areas and sensitive habitats, and will submit monitoring reports daily during initial groundbreaking, weekly during the course of ongoing construction activities, or more frequently as needed if problems arise, until the proposed project is completed.
 - All construction personnel shall attend a Worker Environmental Awareness Training Program before beginning work in the proposed project site. This program will provide workers with information on their responsibilities with regard to vernal pool crustaceans, an overview of the life-history of these species, take prohibitions, and information on the protections afforded under the Endangered Species Act of 1973. An explanation of the relevant terms and conditions of the EA and the biological opinion offered by the USFWS will also be provided, and written documentation of the training program will be submitted to the USFWS.
 - The January 2007, *1,000-Acre Residential Development Management Plan* prepared by Analytical Environmental Services (see NEPA Package Attachment

- 4) will be implemented on the project site to guide future management of undeveloped areas, including vernal pool and seasonal wetland complexes.
- If the project utilizes fencing, the linear feet of fence line should be decreased to the extent possible to limit habitat fragmentation and increase corridors for wildlife species. In addition, the type of fencing used should allow for wildlife movement (i.e. wood post fences with horizontal slats).
 - Covenants, conditions and restrictions (CC&Rs) will be developed to ensure the protection of vernal pools and wetlands within the 1,100-acre property. CC&Rs will reflect the directives of the management plan and will be developed in conjunction with Tribal environmental staff. The CC&Rs will prohibit activities that would cause hydrological changes, soil disturbances, and direct impacts to wetlands on the project site. Prohibited activities will include off-road vehicle use, application of herbicides and pesticides, and horseback riding off of established trails. The equestrian center will be responsible for clearly marking these trails and displaying signs forbidding off-trail riding, as well as distributing educational materials to raise awareness of the importance and fragility of vernal pools and seasonal wetlands. A draft copy of the CC&Rs will be provided to the USFWS for review and approval, and a final copy will be provided to the USFWS prior to the issuance of Certificates of Occupancy. Each Tribal member will receive a copy of the CC&Rs, which will be enforced by the Tribal Council.
 - The pre-construction surveys for California red-legged frogs will be performed for all construction areas within 300 feet of riparian and pond habitats. In addition, a USFWS-approved biological monitor will be on site during installation of culverts over watercourses on the project site, including during the clearing of any vegetation for culvert installation.
 - As per USFWS recommendations, the existing entrance road to the project site will be eliminated and restored to natural conditions, in order to provide protection for nearby sensitive habitats and establish a larger, unfragmented open space in the southern part of the project area. In addition, 15 development envelopes for houses were realigned to increase the distance from vernal pools and other wetland features. The revised site plan is included as Figure 4 and Appendix D of the management plan provided in Attachment 4 of the NEPA Package.
 - In regards to the vernal pool monitoring program outlined in the management plan, the USFWS recommends that the vernal pool complex immediately to the east of the proposed administrative buildings will be used as an indicator to determine the conditions of other vernal pools onsite. This complex will be monitored semi-annually during wet and dry seasons and will be evaluated against baseline data gathered prior to construction.
 - A grazing plan for the open space areas on the proposed project site will be developed and submitted to the USFWS for approval prior to groundbreaking on the 1,100-acre project site. The grazing plan will include information on grazing history, animal selection, and stocking rates as detailed in the management plan.
 - Any abandoned/unused wells and septic systems located on site will be properly abandoned.

- For the widening of Karchner Road or any other work done within Placer County right-of-way, all Improvement Plans, specifications, and cost estimates will be submitted to the County's Engineering & Surveying Department for review and approval.
- If Caltrans does not approve the construction of the signal at the intersection of SR-65 and Riosa Road, the Tribe will pay a fair share to Placer County for substitution mitigation.
- The Tribe will pay a fee of \$4,100 per dwelling unit to Placer County to mitigate the Proposed Project's cumulative impact on the transportation system.
- Quiet hours will be enforced between the hours of 10:00 PM and 7:00 AM by the Tribal Council at the proposed RV area.
- Final design of the athletic fields and RV area will include shielding for lighting facilities to screen lighting glare on adjacent residential areas. Lighting for athletic fields and RV area will be turned off after 10:00 PM

SUPPLEMENTAL INFORMATION:

Although no comments were received on the EA in regard to hazardous materials or cultural resources, the following supplemental information has been included in addition to the BMPs and mitigation measures described above. Since the Phase I Environmental Site Assessment (ESA) included in the EA was dated October 2004, an updated Phase I ESA has been prepared. No hazardous materials were identified on the site that would affect the proposed project or surrounding environment. In addition, no hazardous materials were identified within two miles of the site. The updated Phase I ESA (AES, 2006) is provided in Attachment 6 of the NEPA Package.

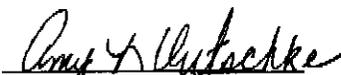
Section 5.5 of the EA states that boundaries around NRHP eligible sites CFW 1, CFW 2, CFW 5, and CFW 9 would be investigated to accurately determine horizontal site boundaries and stratigraphy. This investigation was completed and results are presented in the Archaeological Testing Program document (AES, 2006) included in Attachment 7 of the NEPA Package. As stated in the document, the boundaries of all four cultural sites were established and have been avoided in the proposed project site plan. Archaeological testing results at CFW1 and CFW9 determined their ineligibility to the NRHP. The State Historic Preservation Office (SHPO) concurred with this eligibility determination as well as the determination of No Adverse Effect for sites CFW2, CFW3, CFW4, and CFW5. The SHPO concurrence letter is located in Attachment 8 of the NEPA Package and additional correspondence with SHPO is included in Attachment 7.

DETERMINATION:

After review and independent evaluation, the BIA has determined that the proposed federal action, to approve the United Auburn Indian Community of the Auburn Rancheria's request to acquire the proposed 1,100-acre site into trust for the purpose of developing Tribal housing and associated community facilities, does not constitute a major federal action that would significantly affect the quality of the human environment

within the meaning of NEPA. This conclusion is based on the analysis contained in the EA, public comments made on the EA, the response to those comments, and the mitigation imposed. Therefore, an Environmental Impact Statement is not required and the BIA is issuing this mitigated FONSI.

Issued in Sacramento, California this _____ day of ^{OCT 02 2007} 2007.


Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs

PUBLIC AVAILABILITY:

This FONSI will be distributed to all persons and agencies known to be interested in the Proposed Action as indicated by their comments on the EA. Additionally, all persons and agencies on the initial EA mailing list will receive a copy.