

FINDING OF NO SIGNIFICANT IMPACT FOR THE TRIBAL COMMUNITY CENTER FEE-TO-TRUST PROJECT

AGENCY: Bureau of Indian Affairs (BIA)

ACTION: Finding of No Significant Impact (FONSI)

SUMMARY

The Tejon Indian Tribe (Tribe) submitted a request to the BIA to approve the acquisition in trust of 10.3 acres (Kern County Assessor's Parcel Number [APN] 446-073-01) of fee land for a tribal community center (Proposed Action). The land proposed for trust acquisition and development, which includes the rehabilitation of existing infrastructure formerly used as an elementary school, is located at 4941 David Road in unincorporated Kern County, California (subject property), approximately 13.5 miles southeast from the southern limits of the city of Bakersfield, and is bordered by David Road to the north and Wheeler Ridge Road to the east. The subject property is located in Sections 28 and 29 of the Mettler, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle within Township 12 North, Range 19 West, San Bernardino Meridian.

Based on the analysis and mitigation in the Environmental Assessment (EA), dated December 2018, and the entire administrative record for the Proposed Action, the BIA has determined that the Proposed Action is not a major federal action significantly affecting the quality of human environment within the meaning of the National Environmental Policy Act (NEPA). Therefore, preparation of an Environmental Impact Statement is not required.

BACKGROUND

The proposed fee-to-trust parcel encompasses approximately 10.3 acres in unincorporated central Kern County. If approved by the BIA, the Tribe would continue rehabilitation of the existing infrastructure of the former Meridian School, previously used as an elementary school, at the currently vacant property owned by the Tribe. The site would be rehabilitated and used as Tribal offices and a Tribal community center. Although there would not be a change to the existing developed footprint of the subject property, the Tribe would use the existing buildings and associated infrastructure for programs and activities for youth and elders, office space, and community events, which constitutes a change in land use compared to the current vacant condition of the subject property. Based on a comparison to baseline conditions, an EA was prepared to analyze potential environmental impacts.

DESCRIPTION OF THE PROPOSED ACTION

The BIA's Proposed Action consists of the transfer of the project site into federal trust status for the benefit of the Tribe. The proposed fee-to-trust conveyance is for one parcel totaling approximately 10.3 acres. A reasonable, foreseeable consequence of this action is development of the proposed Tribal community center project.

ALTERNATIVES CONSIDERED

The BIA considered one alternative to the Proposed Action, which is described in the EA and summarized below.

Alternative A: No Action Alternative: Under the No Action Alternative, the land would not be taken into trust. Tribal investment to rehabilitate the property would likely be less than under the Proposed Action considering the subject property would not be considered a permanent homeland for the Tribe. The No Action Alternative would not allow the Tribe to provide a permanent communal gathering space for tribal events or the permanent space they need for tribal offices and would therefore not achieve the identified purpose and need of the Proposed Action.

ENVIRONMENTAL IMPACTS

An EA documenting and analyzing the potential impacts of the Proposed Action and the No Action Alternative was completed in December 2018. As part of the EA, potential impact to land resources, water resources, air resources, biological resources, cultural resources, socioeconomic conditions, transportation and circulation, land use and agriculture, public services/utilities, noise, hazardous materials, and visual resources were evaluated, with the following conclusions:

1. There will be no significant impacts associated land resources. See EA Section 4.1.
2. There will be no significant impacts associated with water resources. See EA Section 4.2.
3. There will be no significant impacts associated with air resources. See EA Section 4.3.
4. Mitigation measures will ensure that impacts to biological resources are less than significant. No federally listed species or critical habitat were identified on or near the site. Based on this, the BIA has made a finding of no effect under Section 7 of the Endangered Species Act. See EA Section 4.4 and 5.1.
5. No potentially significant cultural, historic, or paleontological resources were identified within the project site, and the Meridian School lacks the level of significance needed to be included on the National Register of Historic Places. There will be no significant impacts to known cultural, historic, or paleontological resources. See EA Section 4.5.
6. There will be no significant impacts associated with socioeconomic conditions. See EA Section 4.6.
7. Mitigation measures will ensure any impacts to transportation and circulation are less than significant. See EA Section 4.7, 4.13, and 5.2.
8. There will be no significant impacts associated with land use and agriculture. See EA Section 4.8.
9. There will be no significant impacts associated with public services/utilities. See EA Section 4.9.
10. There will be no significant impacts associated with noise. See EA Section 4.10.
11. There will be no significant impacts associated with hazardous materials. See EA Section 4.11.
12. There will be no significant impacts associated with visual resources. See EA Section 4.12.
13. Cumulative impacts to land resources, water resources, air resources, biological resources, cultural resources, socioeconomic conditions, land use and agriculture, public services/utilities, noise, hazardous materials, and visual resources will be less than significant. Implementation of mitigation measures will ensure that cumulative impacts to transportation and circulation are less than significant. See EA Section 4.13 and 5.2.

SUMMARY OF EA MITIGATION MEASURES

No potentially significant adverse effects or mitigation measures are identified for land resources, water resources, air resources, cultural resources, socioeconomic conditions, land use and agriculture, public services/utilities, noise, hazardous materials, or visual resources.

Biological Resources

Implementation of the following mitigation measure would ensure potential adverse effects related to biological resources associated with the Proposed Action would be less than significant.

- (a) Nesting Birds. If feasible, removal of trees or vegetation shall be scheduled to occur in the fall and winter (between September 1 and February 15), after fledging and before the initiation of the nesting season. If trees or vegetation must be removed from February 16 to August 31, a qualified biologist shall be retained to conduct a preconstruction survey for Migratory Bird Treaty Act-protected nesting bird species within the subject property. If active nests are observed, the contractor shall either: (1) wait for such nesting birds to fledge and leave the subject property; (2) establish 100-foot exclusion zones around active nests, where construction will not be allowed in these exclusion zones until young have fledged; or (3) consult with the appropriate resource agencies for guidance prior to site disturbance.

Transportation and Circulation

Existing transportation infrastructure is expected to be adequate to accommodate the proposed regular operational increase in trips; however, the following mitigation measure is proposed to reduce potential adverse transportation and circulation effects related to the Tribe's proposed special events, which could generate 100 to 200 new trips traveling to and from the site once or twice per year.

- (a) The Tribe shall prepare and implement a Travel Demand Management (TDM) Plan to ensure operational traffic associated with the recurring special events does not create a safety hazard related to traffic congestion or ingress and egress at the site, particularly during the peak hour of David Road and Wheeler Ridge Road. The TDM Plan shall be prepared prior to, and implemented during, the commencement of special events at the site. The TDM plan may include, but is not limited to, the following measures:
 - Implement shuttle/transit service from nearby cities and/or towns during special events. Likely pickup locations include the city of Bakersfield and the communities of Lamont and Arvin.
 - Inform event participants and attendees of shuttle service availability, parking, and other aspects of the TDM plan.
 - Schedule arrivals/departures for vendors and attendees with large vehicles and trailers to occur well before the event starts/ends and outside of the peak hour of David Road and Wheeler Ridge Road to spread the event trips over a longer period of time and minimize the impacts of vehicles with trailers.
 - Implement manual traffic control along David Road and Wheeler Ridge Road and the adjacent intersection and signage directing attendees and participants to the appropriate parking and staging areas.
 - Monitor and adjust the TDM Plan following the initial events to effectively manage the transportation demand.

PUBLIC AVAILABILITY

A notice of the availability of the EA and this FONSI will be distributed to the persons and agencies known to be interested in the Proposed Action. Copies of the EA and FONSI are available for public review at the Tribe's website (www.tejonindiantribe.com), at the BIA Pacific Regional Office (2800 Cottage Way, Sacramento, CA 95825), and at the Tribal Office (1731 Hasti Acres Drive, #108, Bakersfield, CA 93309).

DETERMINATION

After review and independent evaluation of the EA, the BIA has determined that the proposed federal action, to approved the Tejon Indian Tribe's request to acquire the proposed 10.3-acre site into trust, for the purpose of rehabilitating the existing infrastructure into government offices and a tribal community center, does not constitute a major federal action that would significantly affect the quality of the human environment within the meaning of NEPA. Therefore, an EIS is not required and the BIA is issuing this FONSI.

This FONSI is a finding on environmental effects, not a decision to proceed with an action, therefore it cannot be appealed. Regulations in 25 CFR Part 2.7 requires a 30-day appeal period after the decision to proceed with the action is made before the action may be implemented. Appeal information will be made available to the public when the decision to proceed is made.

Regional Director, Pacific Region

Date