

FINDING OF NO SIGNIFICANT IMPACT FOR THE POTTER VALLEY ER14 FEE-TO-TRUST PROJECT

AGENCY: Bureau of Indian Affairs

ACTIONS: Finding of No Significant Impact

SUMMARY:

The Potter Valley Tribe (Tribe) submitted a request to the Bureau of Indian Affairs (BIA) to transfer three parcels (APNs 171-200-13, 171-200-15, and 171-210-12) (project site) into federal trust on behalf of the Tribe to be used for the future development of a hardware/camp retail store (Proposed Action). The project site is located in unincorporated Mendocino County along Eel River Road, four miles north of the town of Potter Valley and adjacent to the Eel River (see EA Section 1.1). Based upon the entire administrative record including analysis in a February 2022 Environmental Assessment (EA) and recent consultation with the State Historic Preservation Officer (SHPO), the BIA makes a finding of no significant impact (FONSI) for the Proposed Action. This finding constitutes a determination the Proposed Action is not a Federal action significantly affecting the quality of the human environment. Therefore, in accordance with Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C § 4321 et seq., an Environmental Impact Statement (EIS) is not required.

PURPOSE AND NEED:

The purpose of the Proposed Action is to provide increased long-term socioeconomic security and self-determination for the Tribe through land acquisition and economic development. Additional details regarding the purpose and need can be found in EA Section 1.3.

ALTERNATIVES CONSIDERED:

Two alternatives are analyzed in the EA: the Proposed Action and a No Action Alternative. The Proposed Action is summarized above and includes the fee-to-trust transfer of three parcels of land totaling approximately 14.7 acres. The Tribe subsequently proposes to develop the parcel with a hardware/camp retail store. Under the No Action Alternative, no federal actions would occur, and the Tribe would not construct any developments. Additional details regarding the Proposed Action and Alternatives can be found in EA Section 2.

ENVIRONMENTAL IMPACTS:

Potential impacts to land resources, water resources; air quality; biological resources; cultural resources; socioeconomics; environmental justice; transportation; land use and agriculture; public services; noise; hazardous materials; and visual resources were evaluated in the EA,

with the following conclusions for the Proposed Action¹ (see EA Section 3 for detailed analysis and for specific mitigation measures):

Land Resources

Land resources impacts could occur during the construction and operation of the project. Mitigation measures detailed in EA Section 5 would ensure land resources impacts are less than significant.

Water Resources

Impacts to water resources would occur during construction and operation of the project. Mitigation measures detailed in EA Section 5 would ensure water resources impacts are less than significant.

Air Quality

Impacts to air quality would occur during construction and operation of the project. Mitigation measures detailed in EA Section 5 would ensure air quality impacts are less than significant.

Biological Resources

Impacts to biological resources would occur from the development of the project. Mitigation measures detailed in EA Section 5 would ensure impacts to biological resources are less than significant.

Cultural Resources

Impacts to cultural resources could occur from the development of the project. Mitigation measures detailed in EA Section 5 would ensure impacts to cultural resources are less than significant. The SHPO concurred with BIA’s finding of no historic properties adversely affected in a consultation that was completed in August of 2021.

Socioeconomics

Impacts to socioeconomics would occur during the fee-to-trust transfer and during the construction/operation of the project. No significant socioeconomics impacts would occur.

Transportation and Circulation

Impacts to transportation and circulation would occur during construction and operation of the project. Mitigation measures detailed in EA Section 5 would ensure impacts to transportation and circulation are less than significant.

¹ The No Action Alternative would generally not result in detrimental impacts to the environment, therefore the impacts and mitigation measures detailed here are generally not applicable (see EA for more details). As noted in the EA, the No Action Alternative would not meet the purpose and need of the action.

Land Use and Agriculture

Impacts to land use and agriculture would occur during construction and operation of the project. No significant impacts would occur.

Public Services

Impacts to public services would occur from the operation of the project. No significant impacts would occur.

Noise

Noise and vibration impacts would occur during construction and operation of the project. Mitigation measures detailed in EA Section 5 would ensure impacts to noise are less than significant.

Hazardous Materials

Hazardous materials impacts could occur during construction and operation of the project. Mitigation measures detailed in EA Section 5 would ensure hazardous materials impacts are less than significant

Visual Resources

Impacts to visual resource would occur from the development of the project. No significant impact would occur.

PUBLIC AVAILABILITY:

A Notice of Availability for the EA and this FONSI has been provided to agencies, organizations, and interested parties. These documents have been made available for a 30 day review period. BIA will take no administrative action on the Proposed Action prior to expiration of the review period and review of any comments received.

DETERMINATION:

It has been determined that the proposed Federal action to take approximately 14.7 acres of fee land into federal trust for the purpose of developing a hardware/camping store does not constitute a major federal action that would significantly affect the quality of the human environment. Therefore, in accordance with Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C § 4321 et seq., an Environmental Impact Statement is not required. This determination is supported by the findings described in this FONSI and the analysis contained in the entire administrative record, including the February 2022 EA, and the mitigation imposed. This fulfills the requirements of NEPA as set out in the Council on Environmental Quality Regulations for Implementing NEPA (40 C.F.R. 1500–1508), and the BIA NEPA Guidebook (59 IAM 3-H, August, 2012).

Approved:

Date:

Regional Director

Bureau of Indian Affairs, Pacific Region