

FINDING OF NO SIGNIFICANT IMPACT FOR THE MIDDLETOWN 62.87-ACRE FEE-TO-TRUST PROJECT

AGENCY: Bureau of Indian Affairs

ACTIONS: Finding of No Significant Impact

SUMMARY:

The Middletown Rancheria of Pomo Indians (Tribe) submitted a request to the Bureau of Indian Affairs (BIA) to transfer three parcels (APNs 014-005-340, 014-160-050, and 014-160-090) (project site) into federal trust on behalf of the Tribe to be used for the development of Tribal housing and a RV-park (Proposed Action). The project site is located in southern Lake County, adjacent to the Middletown Rancheria, near the unincorporated town of Middletown (See Environmental Assessment (EA) Figures 1-1, 1-2, and 1-3). Based upon the entire administrative record including analysis in an August 2023 Environmental Assessment (EA), mitigation imposed, and 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 facilitate Tribal self-determination, help alleviate the Tribe's housing shortage, and to diversify the Tribe's revenue base. Additional details regarding the purpose and need can be found in EA Section 1.3.

ALTERNATIVES CONSIDERED:

Three alternatives are analyzed in the EA: the Proposed Action, the Reduced Residential Alternative, 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 63 acres. The Tribe subsequently proposes to develop the land with approximately 50 houses and a 21-space RV park. The Reduced Residential Alternative would reduce residential construction to 26 houses. Under the No Action Alternative, no federal actions would occur, and the Tribe would not construct any housing or the RV park. 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; 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 Action and Reduced Residential Alternative¹ (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 3.1 would ensure land resources impacts are less than significant.

Water Resources

Impacts to water resources would occur during construction and operation of the project. No significant impacts would occur.

Air Quality

Impacts to air quality would occur during construction and operation of the project. No significant impacts would occur.

Biological Resources

Impacts to biological resources would occur from the development of the project. Mitigation measures detailed in EA Section 3.4 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 3.5 would ensure impacts to cultural resources are less than significant. The SHPO concurred with BIA's finding of no historic properties affected in a letter dated June 28, 2023.

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. No significant transportation or circulation impacts would occur.

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.

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.

Noise

Noise and vibration impacts would occur during construction and operation of the project. No significant impacts would occur.

Hazardous Materials

Hazardous materials impacts could occur during construction and operation of the project. No significant impacts would occur.

Visual Resources

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

PUBLIC AVAILABILITY:

A Notice of Availability for the EA and the unsigned FONSI has been provided to agencies, organizations, and interested parties for a period of 30 days.

DETERMINATION:

It has been determined that the proposed Federal action to take approximately 63 acres of fee land into federal trust for the purpose of developing housing and a RV park 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 August 2023 EA, consultation with the SHPO, 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
