



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 13, 2025

Via mail:

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

And via email:

Chad Broussard, Environmental Protection Specialist, chad.broussard@bia.gov

Subject: MOORETOWN RANCHERIA OF MAIDU INDIANS FEE-TO-TRUST AND
HOUSING, AG, AND COMMERCIAL PROJECT
ENVIRONMENTAL ASSESSMENT
SCH No. 2025010010

Dear Amy Dutschke:

The California Department of Fish and Wildlife (CDFW) has received and reviewed the Environmental Assessment (EA) prepared by the Bureau of Indian Affairs (BIA) for the Mooretown Rancheria of Maidu Indians Fee-to-Trust and Housing, Ag, and Commercial Project (Project). The EA has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA 42 United States Code §4321 et seq.), the Council on Environmental Quality Guidelines for Implementing NEPA (40 CFR Parts 1500-1508), and the BIA NEPA guidebook (59 Indian Affairs Manual 3-H).

The EA assesses the environmental impacts that could result from the acquisition by the BIA of a 360.6-acre property (Project Site) into federal trust status for the benefit of the Mooretown Rancheria of Maidu Indians (Tribe) for non-gaming purposes. The EA also assesses the subsequent development by the Tribe of 164 housing and apartment units, an event center/tasting room for agricultural products, a parking structure, an approximately 77-acre agricultural area, and conversion of an existing metal shop building for use by the Tribe's housing department; additionally, an emergency access route from the eastern end of Phase 1 to Windfall Way may also be constructed. The Project Site consists of six parcels (Assessor Parcel Numbers 079-230-002, 079-230-003, 079-230-004, 079-230-005, 079-230-006, 079-260-001) approximately 6 miles southeast of downtown Oroville in Butte County, contiguous to the Tribe's existing trust land and adjacent to the Casino.

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CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.)

CDFW recognizes that placing the Project Site into federal trust status results in transferring legal title to the United States and those projects on 'trust' lands are not subject to State laws. Acknowledging this, our comments are limited to those activities that fall within our area of expertise and jurisdiction and pertain to relevant prudent avoidance and minimization measures that would avoid significant adverse effects to State resources consistent with California laws. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat.

COMMENTS AND RECOMMENDATIONS

Issue: While the EA acknowledges the existence of several state and local laws protecting wildlife and their habitats (on page 35), it fails to include Pub. Resources Code § 21083.4, which addresses conservation of oak woodlands. Although the Project will impact 13.7 acres of the oak savannah on the Project Site, the EA states, "Oak trees are not afforded protection at the federal level" and does not assess potential impacts to oak woodlands or include mitigation alternatives (page 42).

Oak woodlands are extremely valuable wildlife habitat. In California, oak woodlands have the greatest wildlife species richness of any other habitat in the state with over 330 species of amphibians, birds, and mammals relying upon these habitats at some point during their lives (CalPIF 2002). Oak woodlands have experienced ongoing declines due to conversion for agricultural uses, and oak woodlands are also impacted by low recruitment, novel pathogens, competition from invasive species, and fire suppression (Whipple et al. 2011). California has lost approximately 1/3 of its historic oak woodland habitat statewide (CalPIF 2002). Because oaks are slow-growing trees, the substantial habitat and ecosystem value that mature trees provide is difficult to replace. Oak woodlands provide vertical and horizontal structural habitat complexity, food sources for a wide variety of wildlife, and nesting, denning, burrowing, hibernating, and roosting structures. The loss, degradation, and fragmentation of oak woodlands results in a net loss of sensitive habitats and species, loss of habitat connectivity and nursery sites, increased human-wildlife conflicts, increased potential for nutrient and pollutant run-off into adjacent streams, and cumulatively significant urban expansion into natural areas.

Recommendation: While CDFW acknowledges that the Project is not subject to the requirements of Pub. Resources Code § 21083.4, CDFW recommends that the BIA

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perform the same actions that would be required of a California county with regard to this Project. Specifically, Pub. Resources Code § 21083.4 requires a county to “determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more... mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands.” Potential alternatives include: (1) conservation of oak woodlands, (2) plantings, (3) contributions to the Oak Woodlands Conservation Fund, and (4) other mitigation measures developed by the county.

Accordingly, the EA should be revised to include (1) an inventory of the number, species, and size of all oaks and (2) a canopy evaluation of the total acreage of oak woodland on the Project Site. The inventory should inform a quantified analysis of the loss, degradation, and fragmentation of oak woodlands. The analysis should consider cumulative impacts to oak woodland within the region from both development pressure and catastrophic wildfires. The analysis should consider impacts to wildlife food sources; changes in size and configuration of woodland habitat patches and increased edge habitat; a loss of most of the existing habitat features and services; fragmentation and or parcelization of contiguous ownerships; construction of barriers (fences); severing wildlife corridors or habitat linkages thereby impacting wildlife connectivity; and increasing human-wildlife conflicts.

The Project should utilize the inventory and canopy evaluation to inform a Project design that minimizes loss of oak woodland. Where the loss of oak woodland is unavoidable, then the BIA should mitigate for the loss of oak woodlands.

ENVIRONMENTAL DATA

CEQA recommends that environmental data produced as a result of this Project be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

CONCLUSION

CDFW requests written notification of proposed actions and pending decisions regarding the Project. Please submit notifications to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Environmental Assessment for the Mooretown Rancheria of Maidu Indians Fee-to-Trust and Housing, Ag, and Commercial Project to assist the BIA in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources


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and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Ian MacLeod, Senior Environmental Scientist (Specialist) at (916) 907-3782 or ian.macleod@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Jennifer Garcia
Environmental Program Manager

ec: Melissa Stanfield, Senior Environmental Scientist (Supervisory)
Ian MacLeod, Senior Environmental Scientist (Specialist)
Sarah Fonseca, Tribal Liaison, tribal.liaison@wildlife.ca.gov
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

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REFERENCES

CalPIF (California Partners in Flight). 2002. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California. Version 2.0 (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA. <http://www.prbo.org/calpif/plans.html>.

Whipple A.A., Grossinger R.M., and Davis F.W. 2011. Shifting baselines in a California oak savanna: nineteenth century data to inform restoration scenarios. *Restoration Ecology* 19 (101):88-101.