United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
PACIFIC REGIONAL OFFICE
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

MOORETOWN ROBINSON RANCH FEE-TO-TRUST PROJECT/ EA

Approved: Date:

AMY DUTSCHKE Digitally signed by AMY DUTSCHKE Date: 2025.04.29 10:48:41 -07'00'

Regional Director
Bureau of Indian Affairs, Pacific Region

SUMMARY:

The Mooretown Rancheria of Maidu Indians (Tribe) submitted a request to the Bureau of Indian Affairs (BIA) to transfer six parcels (APNs 079-230-002, 079-230-003, 079-230-004, 079-230-005, 079-230-006, and 079-260-001) (project site) into federal trust on behalf of the Tribe to be used for the development of Tribal housing, an event center/tasting room for agricultural products, an amphitheater, a parking structure, Tribal offices, and an agricultural area (Proposed Action). The project site is approximately 360 acres and is located in unincorporated Butte County, east of the Tribe's Feather Falls Casino (See Environmental Assessment (EA) Figures 1, 2, and 3). Based upon the entire administrative record including analysis in a December 2024 EA, comments received on the EA, and mitigation imposed, 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, self-sufficiency, and housing development as well as a diversified economic land uses. Additional details regarding the purpose and need can be found in EA Section 1.4.

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 six parcels of land totaling approximately 360 acres. Under the No Action Alternative, no federal actions would occur, and the Tribe would not construct on the Project Site for the foreseeable future. Additional details regarding the Proposed Action and Alternatives can be found in EA Section 2 and the attached errata.

ENVIRONMENTAL IMPACTS:

Potential impacts to land resources, water resources; air quality; biological resources; cultural resources; 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[1] (see EA Section 4 for detailed analysis and for specific mitigation measures):

Land Resources

Land resources impacts could occur during the construction and operation of the project. No significant land resources impacts would occur.

Water Resources

Impacts to water resources would occur during construction and 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.

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 4.0 and Attachment 1, Errata 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 4.0 would ensure impacts to cultural resources are less than significant. In a letter dated June 13, 2024, the BIA initiated consultation from SHPO on a determination of no historic properties affected. The BIA did not receive a response from SHPO during or after the 30-day review period, which ended on July 13, 2024.

Transportation and Circulation
Impacts to transportation and circulation would occur during construction and operation of the project. Mitigation measures detailed in EA Section 4.0 and Attachment 1, Errata, would ensure transportation and circulation impacts are less than significant.

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. Mitigation measures detailed in EA Section 4.0 would ensure public services impacts are less than significant.

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 resource 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 360 acres of fee land into federal trust for the purpose of developing Tribal housing, an event center/tasting room for agricultural products, an amphitheater, a parking structure, Tribal offices, and an agricultural area 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 December 2024 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).

ATTACHMENT 1

ERRATA

ERRATA SHEET

Note: The following is a list of errata and edits to the Mooretown Fee-To-Trust and Housing, Ag, and Commercial Project Draft Environmental Assessment. These changes have not been made to the text within the Environmental Assessment, but rather are presented here.

<table>
<tr><th>Page</th><th>Item</th><th>Correction</th></tr>
<tr><td>5</td><td>Table 2: Potential Required Permits and Approvals</td><td>
<table>
<tr><th>Agency</th><th>Permit or Approval</th></tr>
<tr><td colspan="2">State</td></tr>
<tr><td>Caltrans</td><td>Encroachment permits for access improvements in State right-of-way</td></tr>
</table>
</td></tr>
<tr><td>14</td><td>Section 2.1.4 Construction</td><td>Construction may require an encroachment permit from the California Department of Transportation (Caltrans). An encroachment permit is required from Caltrans when work is done in the State highway right-of-way.</td></tr>
<tr><td>40</td><td>Section 3.1.4 Living Resources, Environmental Setting, Special-Status Species</td><td>Of the 14 special-status wildlife species known from the region, it was determined that the Project Site is capable of supporting four~~six~~. The remaining 10~~eight~~ wildlife species were ruled out based on lack of suitable habitat; restricted species range; or, for anadromous fish, impediments to migration into the Project Site; and in the case of Monarch butterfly, absence of suitable overwintering site and lack of known larval host plants.</td></tr>
<tr><td>40</td><td>Table 12: Special-Status Species with Potential to Occur on the Project Site</td><td>
<table>
<tr><th>Species</th><th>Status</th><th>Suitable Habitat</th></tr>
<tr><td>Actinemys marmorata
northwestern pond turtle</td><td>FPT/CSC/--</td><td>Suitable habitat occurs within the lower reaches of the riparian corridor and within the pond habitat. Adjacent upland habitat is suitable for nesting and aestivation.</td></tr>
<tr><td>Coccyzus americanus
yellow-billed cuckoo (Western U.S. DPS)</td><td>FT/CE/--</td><td>Suitable nesting and foraging habitat occurs within the riparian corridor.</td></tr>
<tr><td>Desmocerus californicus dimorphus
Valley elderberry longhorn beetle</td><td>FT/--/--</td><td>Riparian habitat in Study Area may provide elderberry host plants for the species.</td></tr>
</table>
</td></tr>
</table>

~~*Rana boylii* Foothill yellow-legged frog (North Feather DPS)~~	~~FT/CT/--~~	~~The perennial stream and riparian habitats are suitable to support this species~~
~~*Rana draytonii* California red-legged frog~~	~~FT/CSC/--~~	~~Suitable habitat occurs within the riparian corridor, ponds, and wetland habitats.~~
Spea hammondii Western spadefoot toad	FPT/CSC/--	Suitable aquatic breeding habitat and upland habitat are present. May use seasonal wetlands and pools for breeding and adjacent uplands during non-breeding season.

42	Section 3.1.4 Living Resources, Impact Analysis, Habitats	Oak trees are not afforded protection at the federal level, though oak woodland is generally considered a sensitive habitat by CDFW (CDFW, 2023). <u>The foothill woodland habitat within the Project Site has a tree canopy dominated by mix of foothill pine, interior live oaks, and blue oaks and would fall under the broader category of oak woodland.</u> Oak savanna is a type of oak woodland where individual oaks are more scattered and less dense, with significant areas of open space in the canopy. The understory of this habitat consists of non-sensitive annual grasslands. <u>A total of approximately 112 acres of oak savanna habitat is present in the Project Site, and an estimated 13.7 acres may be impacted by development of the housing and event center components of the Project. Approximately 163.5 acres of foothill woodland is present on the Project site, and an estimated 7.4 acres would be impacted by the housing development and an additional 73.1 acres by future agricultural development, which may include grazing, vineyards, olive orchards, or other types of agricultural production. In total, approximately 94.2 acres of oak woodland may be impacted, with the remaining 181.3 acres left intact.</u> Through project design, ~~87~~65.8 percent of oak ~~savannah~~ <u>woodland</u> on the Project Site would be avoided. Additionally, as discussed in Section 2.1.5, native vegetation will be retained where possible. Although state protections to oak woodland would not apply to the Project Site once taken into trust, ~~the vast majority of~~<u>a substantial portion of</u> this habitat would be ~~preserved~~<u>avoided</u>. <u>Additionally, recognizing that oak woodland is valuable wildlife habitat, including for migratory birds, and that oak woodlands have experienced ongoing declines, mitigation measures in **Section 4.0** would require</u>

		final design of the housing and event center to avoid impacts to oak trees where feasible, protection of oak trees during construction, and replacement of removed oak trees. Mitigation in **Section 4** would also include preservation of approximately 18.3 acres of foothill woodland habitat to mitigate for loss of this habitat type from agricultural development.
43	Section 3.1.4 Living Resources, Impact Analysis, Special-Status Species	Suitable habitat for the following federally-protected species occurs on the Project Site (**Table 12**): – Northwestern pond turtle – Yellow-billed cuckoo – Valley elderberry longhorn beetle – ~~Foothill yellow-legged frog North Feather DPS~~ – ~~California red-legged frog~~ – Western spadefoot Northwestern pond turtle~~, California red-legged frog, and foothill yellow-legged frog~~ may occur within perennial streams and associated riparian habitat on the Project Site. Northwestern pond turtle may also occur at the perennial ponds on the Project Site and may utilize upland habitats in proximity to perennial streams and ponds for nesting, overwintering/aestivation, and dispersal. There is a high potential for northwestern pond turtle to occur due to the presence of suitable habitat, a nearby reported occurrence, and the observation of an unidentified turtle species during a 2021 survey at the site (Montrose Environmental 2025~~4~~).
44	Section 3.1.4 Living Resources, Impact Analysis, Special-Status Species	Additionally, mitigation identified in **Section 4** requires ~~focused assessments for California red-legged frog and foothill yellow-legged frog and consultation with the USFWS if the species are detected,~~ ground-disturbance monitoring for work near Pond 1 and Pond 2, and specifies circumstances requiring additional biological monitoring. With implementation of the mitigation in **Section 4**, there would be a less-than-significant impact to northwestern pond turtle~~, California red-legged frog, foothill yellow-legged frog,~~ and western spadefoot.
45	Section 3.1.4 Living Resources, Impact Analysis, Special-Status Species	Finally, while state-protected ~~frogs~~ aquatic species may occur in the perennial stream and adjacent habitat, the vast majority of these habitats would be preserved as 98.9 percent of riparian habitat falls outside of the impact area and mitigation in **Section 4.0** would require full ~~-~~avoidance of the perennial stream.
45	Section 3.1.4 Living Resources, Impact Analysis,	As discussed above, potential impacts to sensitive habitats and waters of the U.S. would be limited to two road crossings, which have the potential to impact a small portion of an ephemeral stream, a manmade ditch, a wetland, and the perennial stream. Additionally, impacts to oak woodlands would occur during development of the

	Cumulative Impacts	housing and event center and the agricultural area. The perennial streams and associated riparian corridors also serve as movement corridors and provide valuable habitat for nesting birds and aquatic species. The oak woodlands within the Project Site are part of a larger regional network of oak woodlands. Based on an analysis of vegetation classification and mapping studies for the Project Site and surrounding region (CNPS 2012, AIS et al. 2011), approximately 2,022 acres of oak woodland habitat exists within a 1-mile buffer zone (4,348 acre area) surrounding the Project Site. The Project Site is contiguous to oak woodland along much of the northern and southern perimeters, as well as portions of the east and west perimeters. The Project Site would continue to provide connectivity to contiguous oak woodland habitat and would not substantially reduce the amount of available oak woodland in the region. Mitigation measures in **Section 4.0** would require final design of the housing and event center to avoid impacts to oak trees where feasible, protection of oak trees during construction, and replacement of removed oak trees. Mitigation in **Section 4** would also include preservation of approximately 18.3 acres of foothill woodland habitat to mitigate for loss of this habitat type from agricultural development. ~~However, t~~The project design ~~will~~ would not create any barriers to special status species movement or significantly contribute to fragmentation of high quality habitat in the region. Additionally, there are no known major development projects proposed, planned, and/or currently being constructed in the region of the Project Site. Therefore, cumulative impacts to living resources would be less than significant. With inclusion of mitigation identified in **Section 4.0**, significant cumulative impacts to living resources would not occur.
57	3.1.7 Transportation and Circulation, Impact Analysis, Construction	Because Alternative A would require trenching to connect the existing water lines and sewer lines, a temporary lane closure would be required during construction. Therefore, implementation of an Encroachment Permit and a Temporary Traffic Control Plan (TTCP), as required by mitigation described below, would result in minimal effects on traffic circulation during construction.
~~77-78~~	~~Section 4.0 Mitigation Measures, Table 29 Mitigation Measures~~	~~**Site Assessment for California Red-legged Frog**~~ ~~- Prior to conducting any construction activities within 100 feet of perennial streams or associated riparian habitat, a site assessment for California red-legged frog shall be completed according the USFWS 2005 *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog*. Per the Guidance, two procedures are recommended to accurately assess the likelihood of CRF presence in the vicinity of a project site: (1) an assessment of locality records and potential habitat in and around the project area and, (2)~~

		~~focused field surveys of breeding pools and other associated habitat to determine whether California red-legged frogs are likely to be present. As stated in the Guidance, completed site assessments shall be submitted to the appropriate U.S. Fish and Wildlife Service office for review in order to obtain further guidance before conducting surveys. If California red-legged frog is detected on the proposed project property, project activities within 100 feet of perennial streams or riparian habitat may not proceed without prior consultation with the U.S. Fish and Wildlife Service. A copy of the site assessment and focused survey results shall be provided to the Tribe and Pacific Region BIA within 30 days of survey completion.~~ **~~Visual Encounter Surveys for Foothill Yellow-legged Frog~~** ~~- Prior to conducting any construction activities within 100 feet of perennial streams or associated riparian habitat, a Visual Encounter Survey (VES) shall be completed by a qualified biologist. There is no established protocol for foothill yellow-legged frog surveys, therefore the qualified biologist shall determine number and timing of surveys. At a minimum, the survey shall include at least one VES during the spring-summer breeding period. If foothill yellow legged frog is detected during the VES, project activities within 100 feet of perennial streams or riparian habitat may not proceed without prior consultation with the U.S. Fish and Wildlife Service. Results of the VES shall be provided to the Tribe and Pacific Region BIA within 30 days of survey completion.~~
78	Section 4.0 Mitigation Measures, Table 29 Mitigation Measures, Living Resources, Pre-activity Surveys for Northwestern Pond Turtle	4) Northwestern pond turtles shall <u>not be handled and shall</u> be left to move out of the work area on their own accord. ~~If necessary, the biological monitor may relocate the animal out of harm's way.~~ <u>5) If northwestern pond turtle is present in the work area and its presence hinders the ability for construction activities to precede (e.g., does not move from work area, or animals are routinely occurring in the work area) the Tribe shall initiate formal consultation with the U.S. Fish and Wildlife Service. This consultation will guide further actions and measures to ensure the protection of western pond turtle in accordance with regulatory requirements.</u>
79	Section 4.0 Mitigation Measures, Table 29	- ~~To minimize potential impacts to northwestern pond turtle, consultation shall be initiated with the USFWS before any ground-disturbing activities commence. This consultation will guide further~~

	Mitigation Measures, Living Resources, USFWS Consultation on Northwestern Pond Turtle	~~actions and measures to ensure the protection of western pond turtles and their habitat in accordance with regulatory requirements.~~
79	Section 4.0 Mitigation Measures, Table 29 Mitigation Measures, Living Resources, Monitor Initial Ground Disturbance within 25 Feet of Pond 1 and Pond 2	3) Western spadefoot toads shall not be handled and shall be left to move out of the work area on their own accord.~~Any western spadefoot toads requiring relocation out of harm's way shall only be handled by the qualified biological monitor.~~ ~~4) Biological monitors shall follow The Declining Amphibian Task Force Fieldwork Code of Practice to minimize the spread of disease or parasites among amphibians.~~ 4) If western spadefoot toad is present in the work area and its presence hinders the ability for construction activities to precede (e.g., does not move from work area, or animals are routinely occurring in the work area) the Tribe shall initiate formal consultation with the U.S. Fish and Wildlife Service. This consultation will guide further actions and measures to ensure the protection of western spadefoot toad in accordance with regulatory requirements.
80	Section 4.0 Mitigation Measures, Table 29 Mitigation Measures, Living Resources [additional measures]	**Protection of oak trees** - In order to minimize impacts to oak (*Quercus* spp.) trees, the following measures shall be implemented: 1) During the design phase of the housing development and event center, final siting of project components including buildings, roadways and associated utilities shall consider avoidance of oak trees and their critical root zones (CRZs) where feasible. Prior to initiating construction of the housing development or event center the Tribe shall provide the BIA with an exhibit documenting all existing oak trees 5 inches or greater in diameter at breast height (DBH; 4.5 feet above ground level) within 25 feet of the Project impact area. The exhibit shall indicate which oaks will be preserved and which will be removed. 2) To avoid damage to preserved oaks (including compaction of CRZs) vehicle parking, staging of equipment, and storage of materials will be prohibited within the CRZ of oak trees. The CRZ shall be considered equivalent to drip line. Signage shall be placed by oak trees near impact zones during construction to remind personnel of this restriction. **Mitigate for impacts to oak trees** - Loss of oak trees 5 inches or greater DBH associated with construction of the event center and housing development components of the Project (including associated roadways and

		utilities) shall be mitigated for at a minimum 1:1 (loss to replacement) ratio. Replacement trees shall be of the same species. The Tribe shall prepare an Oak Tree Replacement Plan that describes the proposed planting locations and the methods that will be used to plant, maintain, and monitor the oak trees. The plan shall be provided to the BIA for review prior to the start of construction. **Mitigate for loss of oak woodland habitat** - Loss of oak woodland (foothill woodland) associated with the future agricultural development component of the Project shall be mitigated for at a minimum 1:0.25 (loss to preservation) ratio. Up to 73.1 acres of foothill woodland may be impacted by agricultural development; therefore, an estimated 18.3 acres of foothill woodland shall be preserved. Preservation may occur on the remaining intact oak woodland on the Project property or other adjacent lands owned by the Tribe. The Tribe shall prepare an Oak Woodland Mitigation Plan that describes the amount and location(s) of oak woodland to be preserved and the means by which the Tribe will ensure protection of the areas from future development into perpetuity. The plan shall be provided to the BIA for review prior to the start of construction.
81	Table 29: Mitigation Measures, Traffic and Circulation	– Prior to the start of construction activities, all applicable local and State encroachment permits shall be obtained and the conditions of approval complied with.
83	Section 6.0 Bibliography	Aerial Information Systems (AIS), California Native Plant Society (CNPS), and California Department of Fish and Game (CDFG). 2011. Northern Sierra Nevada Foothills Vegetation Project: Vegetation Mapping Report. Available online at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=31346&inline. Accessed January 17, 2025. California Native Plant Society (CNPS). 2012. Vegetation Alliances and Associations of the Great Valley Ecoregion, California. Available online at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=64011&inline. Accessed January 17, 2025. Montrose Environmental, ~~2024~~2025. Biological Resource Report for Mooretown Rancheria of Maidu Indians Fee-to-Trust and Housing, Ag, and Commercial Project. ~~December~~ March 2024~~5~~.