
FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED TWENTY-NINE PALMS BAND OF MISSION INDIANS FEE-TO-TRUST AND GAS STATION/CONVENIENCE STORE PROJECT

AGENCY: Bureau of Indian Affairs

ACTIONS: Finding of No Significant Impact

SUMMARY:

The Twenty-Nine Palms Band of Mission Indians (Tribe) submitted a request to the Bureau of Indian Affairs (BIA) to approve the Federal acquisition in trust of seven parcels comprised of approximately 2 acres of tribally owned land in the City of Twentynine Palms (City), San Bernardino County (County), California (project site), for economic development purposes (Proposed Action). The Tribe subsequently proposes to develop five of the seven trust parcels (Assessor's Parcel Number (APN) 0617-201-05 through 0617-201-09) with a gas station and convenience store (Proposed Project). The project site is located in the northeast quarter of Section 33, Township 1 North, Range 9 East, San Bernardino Baseline and Meridian, United States Geological Survey topographic quadrangle and is bordered by Highway 62 to the north, Utah Trail to the east and Cactus Drive to the south.

Based upon the entire administrative record including analysis in the Final Environmental Assessment (EA) and consideration of comments received during the public review period, the BIA makes a finding of no significant impact (FONSI) for the Proposed Action to acquire approximately 2 acres into trust and subsequent development of a gas station and convenience store. This finding constitutes a determination the Proposed Action is not a Federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required. Comment letters received on the Final EA are provided as **Exhibit A**. Responses to each comment letter received are provided as **Exhibit B**.

PURPOSE AND NEED:

The purpose of the proposed project is to take approximately 2 acres of land into Federal trust and develop an economically sustainable development to ensure the continued social and economic independence and well-being of the Tribe's members. The proposed trust acquisition and subsequent development would aid in diversification of tribal revenue, employment and managerial experience for Tribal members, all of which strengthens the Tribe's economic self-sufficiency.

ALTERNATIVES CONSIDERED:

The Proposed Action as described in the EA is Alternative A and the preferred alternative. The No Action Alternative (Alternative B) was also considered. As required under NEPA and 40 CFR 1502.14, the Tribe and BIA have considered other potential alternatives to the Proposed Action and have reached the conclusion that these potential alternatives do not warrant further consideration and have been eliminated from further study. The only feasible alternative that was considered but eliminated from further study was to develop the proposed gas station on the Tribe's Reservation land located approximately 1.15 miles southwest of the project site.

The reason that the alternative was considered but eliminated from further study, was due to the inability to meet the purpose and need of the Proposed Action. The location of the (considered but eliminated) alternative is not adjacent to a major thoroughfare, such as Highway 62 and Utah Trail, as is the case for the Proposed Action. The proposed gas station and convenience store would provide the greatest economic benefit in a location that receives a high volume of vehicle trips. Highway 62 is a California State Route and serves as the connecting corridor between the high desert cities and towns of Yucca Valley, Pioneertown, and Twentynine Palms. Utah Trail is one of the entry roadways to the Joshua Tree National Park. As such, compared to the Proposed Action, the (considered but eliminated) alternative would not be located next to major thoroughfares and would result in a greatly reduced economic benefit when compared to the Proposed Action, and would not adequately meet the objective of strengthening of the Tribe's economic self-sufficiency. Therefore, the alternative was eliminated from further study.

ENVIRONMENTAL IMPACTS:

Potential impacts to land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions and environmental justice, transportation and circulation, land use, public services, noise, hazardous materials, and visual resources were evaluated in the Draft and Final EAs, with the following conclusions:

Land Resources

Project design, implementation of Best Management Practices (BMPs) and mitigation measures would ensure that adverse effects to land resources would be less than significant. See Final EA *Sections 3.1.1, 4.1, and Section A.1 of Appendix A* of the Final EA.

Water Resources

Project design, implementation of BMPs and mitigation measures would ensure that adverse effects to water resources would be less than significant. See Final EA *Sections 3.1.2, 4.2, and Section A.2 of Appendix A* of the Final EA.

Air Quality

Project design and implementation of BMPs per all applicable Mojave Desert Air Quality Management District rules would ensure that adverse effects to air quality would be less than significant. See Final EA *Sections 3.1.3, 4.3, and Section A.3 of Appendix A* of the Final EA.

Biological Resources

Project design and implementation of a mitigation measure would ensure that adverse effects to biological resources would be less than significant. See Final EA *Sections 3.1.4, 4.4, and Section A.4 of Appendix A* of the Final EA.

Cultural Resources

Project design and implementation of mitigation measures would ensure that adverse effects to cultural resources would be less than significant. See Final EA *Sections 3.1.5, 4.5, and Section A.5 of Appendix A* of the Final EA.

Socioeconomic Conditions and Environmental Justice

Project design would ensure that adverse effects to socioeconomic conditions and environmental justice would be less than significant. See Final EA *Sections 3.1.6, 4.6, and Section A.6 of Appendix A* of the Final EA.

Transportation and Circulation

Project design would ensure that adverse effects to transportation and circulation would be less than significant. See Final EA *Sections 3.1.7, 4.7, and Section A.7 of Appendix A* of the Final EA.

Land Use

Project design would ensure that adverse effects to land use would be less than significant. See Final EA *Sections 3.1.8, 4.8, and Section A.8 of Appendix A* of the Final EA.

Public Services

Project design would ensure that adverse effects to public services would be less than significant. See Final EA *Sections 3.1.9, 4.9, and Section A.9 of Appendix A* of the Final EA.

Noise

Project design and implementation of a mitigation measure would ensure that adverse effects associated with noise would be less than significant. See Final EA *Sections 3.1.10, 4.10, and Section A.10 of Appendix A* of the Final EA.

Hazardous Materials

Project design, implementation of BMPs and mitigation measures would ensure that adverse effects associated with hazardous materials would be less than significant. See Final EA *Sections 3.1.11, 4.11, and Section A.11 of Appendix A* of the Final EA.

Visual Resources

Project design would ensure that adverse effects to visual resources would be less than significant. See Final EA *Sections 3.1.12, 4.12, and Section A.12 of Appendix A* of the Final EA.

Summary of EA Mitigation Measures:

The following mitigation measures described below are included to reduce significant adverse effects to a less than significant level, further reduce less than adverse effects, or achieve both. To ensure that mitigation measures, as described in the Final EA, are enforceable, the Tribe shall pass a resolution requiring full compliance with all mitigation measures. All mitigation measures that are necessary to reduce significant adverse effects will be binding on the Tribe because it is subject to a Tribal resolution, intrinsic to the Proposed Project, required by Federal law, and/or required by agreements between the Tribe and local agencies. The construction contract for the Proposed Project will include applicable mitigation measures, and inspectors shall be retained during construction. Additionally, see *Section 2* of the Final EA for descriptions of the protective measures and BMPs incorporated into the Proposed Project.

Land Resources

Implementation of the measures described below will minimize potential effects related to land resources to a less than significant level. These measures are required for the proposed project. These measures are required for Alternative A:

- A detailed design-level grading and drainage plan shall be prepared by a licensed professional engineer prior to construction of the project site.
- Suitability of soils and construction materials shall be cleared by a licensed professional using geological and soils testing standards, adhering to standard engineering practice.
- All phases of construction shall be performed by licensed contractors.
- A Stormwater Pollution Prevention Plan (SWPPP) that would comply with the EPA General Construction National Pollutant Discharge Elimination System (NPDES) Permit shall be implemented in order to mitigate potential water-related erosion effects.
- Prior to final grading, drainage, and development plans, design-level geotechnical specifications shall be developed and should include, but not limited to, the following:
 - Site, building, and facility-specific grading recommendations regarding site preparation, clearing, and grubbing.
 - Building-specific foundation design parameters.
 - Evaluation of soil expansion and corrosion potential.
 - Grading procedures, material suitability, and compaction criteria.
- All construction activities shall adhere to MDAQMD Rule 403.2, Fugitive Dust Control and all related best management practices.
- All final development plans shall adhere to the recommended seismic provisions contained within the *National Earthquake Hazards Reduction Program Recommended Seismic Provisions for New Buildings and Other Structures* (FEMA P-750) and comply with standards equivalent to the CBC.
- EPA health and safety spacing requirements shall be satisfied appropriately

Water Resources

The following mitigation measure shall be implemented to reduce potential adverse effects in relation to operational stormwater runoff. These measures are required for Alternative A:

Prior to the initiation of construction activities on site, a Drainage Management Plan for the project site shall be prepared. The Drainage Management Plan shall consider the entire onsite area of proposed

facility, including new impervious surfaces associated with the proposed building, fueling station canopy, parking and paved driveway surfaces. The Drainage Management Plan shall estimate existing rates of stormwater discharge from the project site and shall provide an analysis through the use of stormwater modeling software to determine anticipated increases in stormwater discharge from the project site following implementation of the proposed project. The drainage management plan shall also provide for the installation of drainage management measures and post construction BMPs, including but not limited to stormwater retention basins, swales, and other BMPs designed to retain stormwater on site. The Drainage Management Plan shall provide for the incorporation of stormwater retention or other stormwater management BMPs on site to the extent warranted to ensure that no net increase in stormwater emissions from the project site would occur, up to the 24-hour, 100-year storm event. Recommendations from the Drainage Management Plan shall be incorporated into design of the proposed facilities on site. The Tribal EPA will provide a review of the Drainage Management Plan.

Air Quality

Mitigation measures are not required for Alternative A. However, Alternative A shall adhere to all measures and BMPs included in the applicable MDAQMD Rules defined in *Section A.3 of Appendix A* of the Final EA.

Biological Resources

The following mitigation measure shall be implemented for Alternative A to avoid and/or reduce any potential significant adverse effects to any migratory nesting birds occurring within the project site:

- If construction begins during the nesting bird season (generally extends from February 1st through September 15th), a qualified Avian biologist will conduct pre-construction nesting bird surveys prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the qualified biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zone shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

Cultural and Paleontological Resources

While no further cultural resource management was recommended for the Alternative A, existing geological information indicates that the sediments underlying the project site have a low to moderate potential to contain primary archaeological deposits. Additionally, ground-disturbing activities have the potential to inadvertently discover human remains and paleontological resources. For these reasons, the following mitigation measures shall be implemented to reduce the potential adverse construction-related effects to previously unknown cultural or paleontological resources, including archaeological sites, human remains, and/or paleontological resources:

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- Prior to any ground-disturbing activities, the Tribe's Tribal Historic Preservation Officer (THPO) will oversee Shovel Test Pits (STPs) conducted by a qualified archaeologist that meets the Secretary of Interior's standards and who has obtained an Archaeological Resources Protection Act (ARPA) permit issued by the BIA to determine the presence, extent, and structure of subsurface deposits and develop a subsequent monitoring program. Each STP will measure approximately 40 centimeters (cm) in diameter and will be excavated in 10 cm levels until sterile sediment is encountered or the STPs reach approximately 80 to 100 cm below the surface. STP excavations will be conducted in areas with the greatest potential for disturbance. Sediment will be screened through a 1/8-inch hardware mesh, and all cultural materials will be collected, bagged, labeled, and transported for processing. Results will be documented on STP forms, which include provenience location, artifact inventory, information on sediment type and color termination depth, and general observations. All STPs will be backfilled prior to construction. The results of STPs will be used to develop a monitoring plan for the proposed project.

 - Following the results of the STPs, a monitoring plan will be developed by the Tribe and the Tribe's THPO. The monitoring plan will include, but is not limited to the following:
 - Areas of high concern on the project site, as determined by STPs, will be monitored by a Tribal Monitor.
 - If subsurface cultural resources are encountered, all ground-disturbing activities within 100 feet of the find(s) must halt and the provisions under 36 CFR 800.13 must be followed. No further grading is permitted in the area of the discovery until the BIA and Tribe has determined the appropriate measure to protect the resource(s).

 - If a paleontological resource is accidentally discovered during grading or construction activities, the Tribe will be required to notify the BIA immediately and all excavation work within 50 feet of the find shall cease immediately. A qualified paleontologist shall be consulted to determine the significance of the find and acceptable procedures per the proposed guidelines of the Society of Vertebrate Paleontology (2010).

 - In the unlikely event that human remains are discovered during project construction, work should stop immediately within the vicinity of the discovery and the San Bernardino County Coroner shall be notified immediately. Pursuant to 43 CFR § 10.4 of the Native American Graves Protection and Repatriation Act, the Twenty-Nine Palms Band of Mission Indians' representative and BIA archaeologist will be contacted immediately. No further ground disturbance shall occur in the vicinity of the find until the County Coroner, Tribal representative, and BIA archaeologist have examined the find and agreed on an appropriate course of action. If the remains are determined to be of Native American origin, the Tribe shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.

Socioeconomic Conditions and Environmental Justice

No mitigation is required for Alternative A.

Transportation and Circulation

No mitigation is required for Alternative A.

Land Use

No mitigation is required for Alternative A.

Public Services

No mitigation is required for Alternative A. The Tribe is currently under a MOU with the law enforcement and fire protection services of the region. All other public services will require an agreement of service between the Tribe and local providers.

Noise

Per Section 19.74.060 of the City of Twentynine Palms Development Code, an 8-foot solid masonry wall shall be required as mitigation for Alternative A between any parcel zoned for commercial land uses and an abutting parcel zoned for residential or public uses.

Hazardous Materials

The following mitigation measures listed below are required for Alternative A in order to comply with 40 CFR Part 280 and other Federal regulations to reduce potential adverse effects associated with construction and operation of proposed project.

- The gas station shall be designed and constructed in accordance with all Federal regulations governing gasoline operations. Specific design, construction, and operation practices shall include the following to prevent spills, overfills, and corrosion:
 - Overfill protection, such as automatic shutoff devices, overfill alarms, or float valves, shall be installed on all storage tanks.
 - The gas station shall be equipped with catchment basins of adequate size to contain small spills. The installed catchment basin, at minimum, shall contain the capacity to contain what may spill when the delivery hose is coupled from the fill pipe. All spilled fuel shall be removed and disposed of immediately.
 - Underground gasoline tanks shall be periodically inspected to ensure that the tank is structurally sound and free of corrosion or holes. Frequency of inspections shall be consistent with Federal requirements.
 - Leak detection systems shall be installed with the underground gasoline tanks to provide early detection of leaks from the tanks and dispensing equipment.

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- Construction of underground gasoline storage tanks shall meet Federal corrosion performance standards.

Visual Resources

No mitigation is required for Alternative A.

RESPONSE TO FINAL EA COMMENTS:

A total of one (1) comment letter was received regarding the Draft EA. The comment letter is provided as **Exhibit A**. Responses to the comment letter are provided in **Exhibit B**.

PUBLIC AVAILABILITY:

This FONSI will be distributed to all persons and agencies known to be interested in the Proposed Action as indicated by their comments on the Draft EA. Additionally, all persons and agencies on the Draft EA mailing list will receive a copy.

DETERMINATION:

Based on the attached Final EA, it has been determined that the proposed Federal action, to approve the Twenty-Nine Palms Band of Missions Indians' request to acquire the proposed 2 acres into the trust for the purpose of developing a gas station and convenience store, does not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not required. This determination is supported by the aforementioned findings described in this FONSI, the analysis contained in the entire administrative record, including the Final EA, public comments made on the Draft EA, the responses to those comments, and the mitigation imposed.

Issued in Sacramento, California this 9th day of August, 2019.



Acting Regional Director

Bureau of Indian Affairs, Pacific Region

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January 17, 2019

Ms. Amy Dutschke
U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Region Office

RE: Twentynine Palms Gas Station/Convenience Store

Dear Ms. Dutschke,

The City of Twentynine Palms is in receipt of the Environmental Assessment for the above referenced project. Please find below our comments on the proposed gas station/convenience store planned for the southwest corner of State Rt. 62 and Utah Trail.

Site Plan

1. A scale was not identified on the site plan.
2. The site plan is missing street centerlines, travel lanes, edge of pavement, topography, and conditions on the opposite side of the road to allow for a proper assessment of transportation impacts.

1-1
1-2

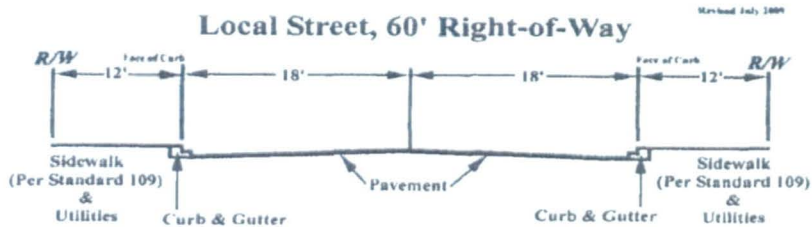
Land Use

1. Three of the parcels involved in the project are designated Tourist Commercial (CT) which permit a gas station with a Conditional Use Permit. Two parcels involved in the project (0617-201-05-0000 and 0617-201-06-0000) are designated Single Family Residential (RS-4), and would need to be rezoned for the proposed use.
2. The site plan shows development in a public alley owned by the City. Developments can span public alleys but access to the alley must remain open. The entrance off of Utah Trail could be

1-3
1-4

7. Cactus Drive is a local road and contains the following section in the General Plan.

1-12



Signage

8. Pylon signs are not permitted in the City for this use. Two monument style signs (on Rt. 62 and Utah Trail) would be permitted with a maximum height of 8 feet. Additional restrictions apply to signage. *(City of Twentynine Palms Development Code Chapter 19.82)*

1-13

Landscaping

9. For newly created parking lots or parking areas adjacent to a public right-of-way in the commercial districts, a minimum 6-foot-wide landscaped area separating parking areas from the street or public sidewalk is required. *(City of Twentynine Palms Development Code Chapter 19.82.070.J)*

1-14

Other Site Development Standards

10. On-site water quality and storm water detention is required for the project.

1-15

11. Commercial driveways must be a minimum of 30' wide for two-way traffic.

1-16

12. Onsite parking is required for new development. Ten parking spaces are required, nine regular 9' x 19' parking stalls and one 14' x 19' ADA accessible stall. RV spaces shall be a minimum of 12' x 36', and a truck loading space that is 12' x 70' with 14' overhead clearance are required. *(City of Twentynine Palms Development Code Chapter 19.82)*

1-17

13. A parcel merger is required when development spans multiple lots. *(Development Code Chapter 19.162)*

1-18

14. All on-site utilities are to be underground.

1-19

15. Utility easements may exist in the alley, lines and poles are present at this location.

1-20

RESPONSES TO WRITTEN COMMENT LETTERS REGARDING THE DRAFT EA

The following responses are provided to address the comments received on the Draft Environmental Assessment (EA) for the Proposed Twenty-Nine Palms Band of Mission Indians Fee-to-Trust and Gas Station/Convenience Store Project.

Letter 1 – City of Twentynine Palms

Response to Comment 1-1 and Comment 1-2

The commenter remarks that the site plan for the Proposed Action is missing certain site specifications such as, a scale, travel lanes, edge of pavement, and street centerlines. The Site Plan utilized in the EA is a preliminary site plan for purposes of the prepared EA. A Final Site Plan that includes such specifications will be developed during Final Design of the project and prior to construction. The Tribe will coordinate with the City of Twentynine Palms (City) regarding the Final Site Plan when it is prepared.

Response to Comment 1-3

The commenter remarks that two of the five parcels (APN 0617-201-05-0000 and 0617-201-06-0000) would require a Change of Zone for the proposed use of the Proposed Action. The Tribe and BIA thank the City for their comment. This comment is not directly related to the environmental findings presented within the EA and should be directed to the Fee-to-Trust Process for Discretionary Acquisitions with the Tribe and BIA.

Response to Comment 1-4

The commenter remarks that the existing public alley that bisects the six (6) northern parcels and the one (1) southern parcels of the Proposed Action must remain open. The Tribe and BIA thank the City for their comment. This comment is not directly related to the environmental findings presented within the EA and should be directed to the Fee-to-Trust Process for Discretionary Acquisitions with the Tribe and BIA.

Response to Comment 1-5

The commenter remarks that whenever a parking lot for commercial development abuts or is adjacent to the side or rear property line of a residential zone, the parking lot shall be screened by a solid masonry wall not less than six (6) feet in height. The Final EA, *Section 3.1.10 – Noise* and *Section 4.10 Mitigation Measures – Noise*, both state that an eight-foot high solid masonry

wall will be erected between any commercial development and abutting parcel(s) zoned for residential uses.

Response to Comment 1-6

The commenter noted that encroachment permits for construction along Route 62 would be needed from Caltrans. The Final EA, *Section 1.6 – Regulatory Requirements and Approvals*, specifically identifies the requirement for encroachment permits with Caltrans.

Response to Comment 1-7

The commenter remarks that the preliminary project site plan does not align with preliminary designs for a full traffic signal at Route 62 and Utah Trail. The Tribe will coordinate with the appropriate Caltrans representatives during final design of the gas station and convenience store to ensure that the project design is consistent with traffic signal/intersection improvements proposed by Caltrans.

Response to Comment 1-8

The commenter remarks that the eastern entrance on Route 62 conflicts with the left turn lane on Route 62. This comment is not directly related to the EA. As such, the Tribe will conduct on-going communication with the City and Caltrans to address any circulation-related comments.

Response to Comment 1-9

The commenter remarks that right-of-way dedication may be required for the ultimate road sections. This comment is not directly related to the EA. As such, the Tribe shall participate in on-going communication with the City and Caltrans to address any circulation-related comments.

Response to Comment 1-10

The commenter remarks that Route 62 is an arterial roadway that is delineated by a street cross-section from the City's General Plan and advised checking with Caltrans on deviations from the cross-section. This comment is not directly related to the EA. As such, the Tribe shall participate in on-going communication with the City and coordinate with Caltrans on any circulation-related comments.

Response to Comment 1-11

The commenter remarks that Utah Trail is a secondary arterial roadway that is delineated by a street cross-section from the City's General Plan. This comment is not directly related to the

environmental findings presented in the EA. As such, the Tribe shall participate in on-going communication with the City and coordinate with Caltrans on any circulation-related comments.

Response to Comment 1-12

The commenter remarks that Cactus Drive is a local road that is delineated by a street cross-section from the City's General Plan. This comment is not directly related to the environmental findings presented in the EA. As such, the Tribe shall participate in on-going communication with the City and coordinate with Caltrans on any circulation-related comments.

Response to Comment 1-13

The commenter remarks that pylon signs are not permitted in the City for the proposed use. This comment is not directly related to the environmental findings presented within the EA and should be directed to the Fee-to-Trust Process for Discretionary Acquisitions with the Tribe and BIA.

Response to Comment 1-14

The commenter remarks that newly created parking lots or parking areas adjacent to a public right-of-way in the commercial districts require a minimum 6-foot wide landscaped area separating parking areas from the street or public sidewalk is required. This comment is not directly related to the environmental findings presented within the EA and should be directed to the Fee-to-Trust Process for Discretionary Acquisitions with the Tribe and BIA.

Response to Comment 1-15

The commenter remarks that on-site water quality and storm water detention is required for the project. *Section 2.1.5 – Stormwater Plan* of the EA states that prior to construction, a design-level grading and drainage plan will be developed and approved by a registered engineer. Additionally, the project would include a Stormwater Pollution Prevention Plan (SWPPP) with a series of Best Management Practices (BMPs) that would be designed to avoid or minimize potential degradation of water quality. Furthermore, *Section 2.1.5* describes how stormwater collection swales will be included to capture and convey stormwater drainage from the project site to holding tanks(s), and ultimately connect with the existing sewer system.

Response to Comment 1-16

The commenter remarks that commercial driveways must be a minimum of 30 feet wide for two-way traffic. This comment is not directly related to the environmental findings presented within the EA. As such, no response is warranted.

Response to Comment 1-17

The commenter remarks that ten parking spaces and RV spaces are required. This comment is not directly related to the environmental findings presented within the EA and should be directed to the Fee-to-Trust Process for Discretionary Acquisitions with the Tribe and BIA.

Response to Comment 1-18

The commenter remarks that a parcel merger is required for the project. This comment is not directly related to the environmental findings presented within the EA and should be directed to the Fee-to-Trust Process for Discretionary Acquisitions with the Tribe and BIA.

Response to Comment 1-19

The commenter remarks that all onsite utilities are to be underground. This comment is not directly related to the environmental findings presented in the EA and should be directed to the Fee-to-Trust Process for Discretionary Acquisitions with the Tribe and BIA.

Response to Comment 1-20

The commenter remarks that utility easements may exist in the alley as lines and poles are present at this location. This comment is not directly related to the environmental findings presented within the EA. As such, the Tribe will participate in on-going communication with the City regarding project site specifications.

Response to Comment 1-21

The commenter remarks that a truck loading space of specific dimensions is required for tractor-trailer trucks. This comment is not directly related to the environmental findings presented within the EA. As such, the Tribe will participate in on-going communication with the City regarding project site specifications.

Response to Comment 1-22

The commenter remarks that project lighting shall be designed to comply with the City's lighting standards. Per *Section 3.1.12* of the Final EA, the Proposed Action would comply with the City's Night Sky Ordinance (adopted 2005) to require outdoor lighting to be fully shielded so that light rays are not directed upward or onto adjacent properties.

Response to Comment 1-23

The commenter remarks that the project site is located in a FEMA designated 100-year floodplain and all structures must be elevated above the base flood elevation. Per *Section 3.1.2 – Water Resources, Flooding* of the Final EA, the proposed gas station and convenience store building with fueling station pads, as recommended through review and approval by the Tribal Geotechnical Engineer/Soils Engineer, would be engineered and constructed with compacted infill dirt in order to elevate the project pad site as to be elevated out of the 100-year floodplain.

Response to Comment 1-24

The commenter remarks that the City requires business license, sales tax, and gas tax remittance. This comment is not directly related to the environmental findings presented within the EA and should be directed to the Fee-to-Trust Process for Discretionary Acquisitions with the Tribe and BIA.