ENVIRONMENTAL ASSESSMENT

MOORETOWN RANCHERIA OF MAIDU INDIANS FEE-TO-TRUST AND HOUSING, AG, AND COMMERCIAL PROJECT

DECEMBER 2024

LEAD AGENCY:

U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Region Office
2800 Cottage Way # W2820
Sacramento, CA 95825

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SECTION 1.0
INTRODUCTION

This Environmental Assessment (EA) has been prepared for the U.S. Bureau of Indian Affairs (BIA) to support an application from the Mooretown Rancheria of Maidu Indians (Tribe) for approximately 360.6 acres (Project Site) to be acquired into federal trust (Proposed Action). The Project Site is currently held in fee by the Tribe and is located within unincorporated Butte County, California (**Figures 1** and **2**). The Tribe subsequently proposes to develop the Project Site with 164 housing and apartment units, an event center/tasting room for agricultural products, an amphitheater, a parking structure, an agricultural area that may include a garden, grazing areas, vineyards, and olive orchards, and conversion of an existing building for use by the Tribe's housing department (Alternative A). The proposed development would be built in phases over the next several decades. The Project Site is contiguous to the Tribe's trust land on the eastern side of the Feather Falls Casino (Casino).

This document has been completed in accordance with requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. §4321 et seq.); the Council on Environmental Quality (CEQ) Guidelines for Implementing NEPA (40 Code of Federal Regulations [CFR] § 1500 et seq.); and the BIA NEPA handbook (59 IAM 3-H). This document provides a detailed description of the Proposed Action and alternatives, as well as analyses of potential environmental consequences associated with subsequent development. This document also includes a discussion of impact avoidance and recommended mitigation measures. Consistent with the requirements of NEPA, the BIA will review and analyze the environmental consequences associated with the Proposed Action, and either determine that a Finding of No Significant Impact (FONSI) is appropriate, request additional analyses, or request that an Environmental Impact Statement (EIS) be prepared. After the NEPA process is complete, the BIA may issue a determination on the Tribe's fee-to-trust application.

1.1 TERMINOLOGY

Below is a list of common terms used throughout this EA:

Project Site: Refers to the 360.6 -acre proposed fee-to-trust land.
Proposed Action: Acquisition of the Project Site into trust for the Tribe pursuant to the Secretary of the Interior's authority under the Indian Reorganization Act, 25 USC § 5108.
Alternative A: Refers to the fee-to-trust action and subsequent development of 164 housing and apartment units, an event center/tasting room, an amphitheater, and parking structure, an agricultural area that may include a garden, grazing areas, vineyards, and olive orchards, and conversion of an existing building for use by the Tribe's housing department.
Alternative B: Refers to the no project alternative.

1.2 LOCATION AND SETTING

The Project Site is located east of State Route 70 (SR-70), approximately 6 miles southeast of downtown

Oroville in Butte County, contiguous to the Tribe's existing trust land and adjacent to the Casino.
The Project Site is located within Sections 27, 34, and 35 of Township 19 North, Range 4 East as depicted on the Palermo, CA and Bangor, CA U.S. Geological Survey (USGS) 7.5-minute quadrangle maps. The Project Site consists of six contiguous parcels (**Table 1**). **Figures 1** and **2** show the regional location and vicinity of the Project Site and **Figure 3** shows an aerial view. The Project Site includes approximately 360.6 acres and is largely vacant and undeveloped.

TABLE 1: PARCEL ACREAGE

#	Assessor's Parcel Number	Acreage
1	079-230-002	6.12
2	079-230-003	44.95
3	079-230-004	8.46
4	079-230-005	140.00
5	079-230-006	22.00
6	079-260-001	139.07
	Approximate Total Acreage	**360.6**

Regional access is provided by SR-70, which travels in a general north-south direction and is located approximately 3 miles west of the Project Site. Local access to the Project Site is provided by Lower Wyandotte Road and Alverda Drive. Lower Wyandotte Road is a two-lane paved road that runs in a general north-south direction from Oroville to the unincorporated community of Wyandotte and borders the southern portion of the existing Reservation, giving access to Assessor's Parcel Numbers (APNs) 079-230-005 and 079-230-006. Alverda Drive is a two-lane paved road on the Reservation connecting the tribal amenities and Casino to Lower Wyandotte Road. Alverda Drive would provide access to the event center/tasting room and proposed housing development.

1.3 BACKGROUND

The Mooretown Rancheria of Maidu Indians is a federally recognized Indian Tribe of Concow (or Koncow) and Maidu people that was terminated in 1958. The Tribe was restored in 1983, voted to reorganize in 1987, and opened a tribal office in 1988.

Beginning in 1862, settlers claimed "vacant" Native homelands under a provision of the Homestead Act of 1862. In 1894, non-Indian James T. Grubbs, attempted to homestead eighty (80) acres of land located in Butte County, California, where a Concow village was already established, and numerous Indians resided. Given that the Concow settlement predated Grubbs' claim for homestead, the Justice of the Peace in Oroville ruled in favor of the Indians and the Acting Commissioner of the Office of Indian Affairs recommended that the land "be set apart and reserved for the use and benefit" of the petitioning Indians "and their families now in occupation of same."

As a result of this determination, the 80-acre parcel was withdrawn from public domain and the Tribe's

Rancheria was established near Feather Falls. As the majority of the terrain of the 80-acre parcel was rough and undevelopable, the seven to twelve Indian families had to reside on the eight (8) usable acres in the center of the parcel to establish four (4) small cabins. The families lived there for over fifty (50) years planting fruit trees and cultivating gardens.

In 1916 an additional 80-acre parcel was acquired by the federal government for the benefit of the Tribe following the results of Special Agent John Terrell's field visit to assess land needs of the Mooretown Indians. During his visit in 1915, Special Agent Terrell discovered that Indians, Frank, and Rosie Taylor, were residing on certain land owned by the Central Pacific Railroad located approximately a half a mile away from the 80-acres set aside in 1894. As the Taylors were inclined to reside on the land with other Mooretown Indians, Terrell recommended that the federal government purchase the land from the railroad to establish a permanent home for the Mooretown Indians.

In 1934, the Indian Reorganization Act ("IRA") was passed by Congress which authorized tribes to establish government structures and organize and adopt tribal constitutions subject to a vote by tribal members. On June 12, 1934, the Tribe voted 34 to 0 against reorganizing under the IRA.

In 1958, Congress passed the first "Rancheria Act" which led to the termination of forty-one (41) Rancherias in California. Among those Rancherias that were terminated were Greenville, Middletown, Wilton, and Mooretown Rancheria. In California, 7,600 acres of trust land were terminated along with the Indian status of over 1,300 Native people. Termination revoked the Tribe's federal status, excluded members from receiving further assistance as Indians, and distributed land assignments to eligible members. This placed the former Rancheria land into fee simple status, allowing members to live on, or dispose of the property and be subject to property taxes for the first time. On July 21, 1961, the Secretary of the Interior approved the distribution of the Tribe's assets thus terminating the Tribe's recognition by the federal government.

In 1979, distributees from thirty-four (34) Rancherias that were terminated under the California Rancheria Act brought a class action lawsuit in the Northern District of California against the United States and various government officials. See, Tillie Hardwick, et. al. v. United States, U.S. Dis. Court, Northern Dist. of California, No. C-79-1710-SW. The lawsuit alleged that the Federal Government had violated the Rancheria Act in its effort to terminate federal supervision of the Tribes. In 1983, Judge Spencer Williams entered a Stipulation for Entry of Judgment which restored and confirmed the status of the individual plaintiffs and the seventeen (17) Tribes listed as class members in the lawsuit. The Mooretown Rancheria was included in the Stipulated Judgment and its federally recognized status was restored on December 22, 1983.

In December 1987, the Tribe adopted the Constitution of the Mooretown Rancheria and established its government and elected tribal officers shortly thereafter. The following year, the Tribe entered into another Stipulation for Entry of Judgment with Butte County. Pursuant to the 1988 Stipulation, the original boundaries of the Tribe's Rancheria, prior to its termination under the 1958 Rancheria Act, were restored and all lands within the restored boundaries were declared as "Indian Country" as defined in 18 U.S.C §1151.

With a growing membership, the Tribe pursued additional developable land to establish member housing and enterprises for tribal economic development. In 1991 the Tribe was awarded the U.S. Department of Housing and Urban Development ("HUD") Community Development Block Grant to acquire land and develop tribal housing. Utilizing the HUD funds, the Tribe purchased a 34.76-acre parcel of land approximately fifteen (15) miles from the original Rancheria ("Feather Falls Site") and constructed fifty (50) residences, associated infrastructure, and an office building to house governmental offices, community center, and other tribal programs and services. The Feather Falls Site was acquired into trust by the United States for the Tribe in July 1994. In 1996 the Tribe continued to develop the Feather Falls Site and constructed a modular gaming facility. In 1998 the facility was renovated into a permanent structure and was opened to the public.

The Tribe continues to grow and pursue additional lands for future generations. Beginning with approximately thirty-five (35) acres in 1987, the Mooretown Rancheria has expanded to approximately 670 acres of land in Butte County, California. The land base expansion has allowed the Tribe to establish several economic development enterprises (e.g., Feather Falls Casino & Lodge, Feather Falls Casino Brewing Company, KOA Campground, Feather Falls Mini Mart, Feather Falls Smoke Shop) and government departments (e.g., Social Services, Education, Fire, Security, Fiscal, Day Care/Preschool).

1.4 PURPOSE AND NEED

The Proposed Action is the transfer of the Project Site into trust pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC § 5108. The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development as well as a diversified agricultural land use. The Proposed Action would provide safe and sufficient housing to tribal members facilitate while generating diverse and self-sustaining economic development. The Proposed Action would facilitate tribal economic development by diversifying the Tribe's revenue stream with an additional income source that differs from the Tribe's existing economic ventures. Diversification in economic development would provide the Tribe additional economic stability, thus increasing Tribal self-sufficiency and self-determination. This purpose satisfies the Department of the Interior's (Department's) land acquisition policy articulated in the Department's trust land regulations at 25 CFR, Part 151. The need for the Department to act on the Tribe's application is established by the Department's regulations at 25 C.F.R. §§ 151.10(h) and 151.12.

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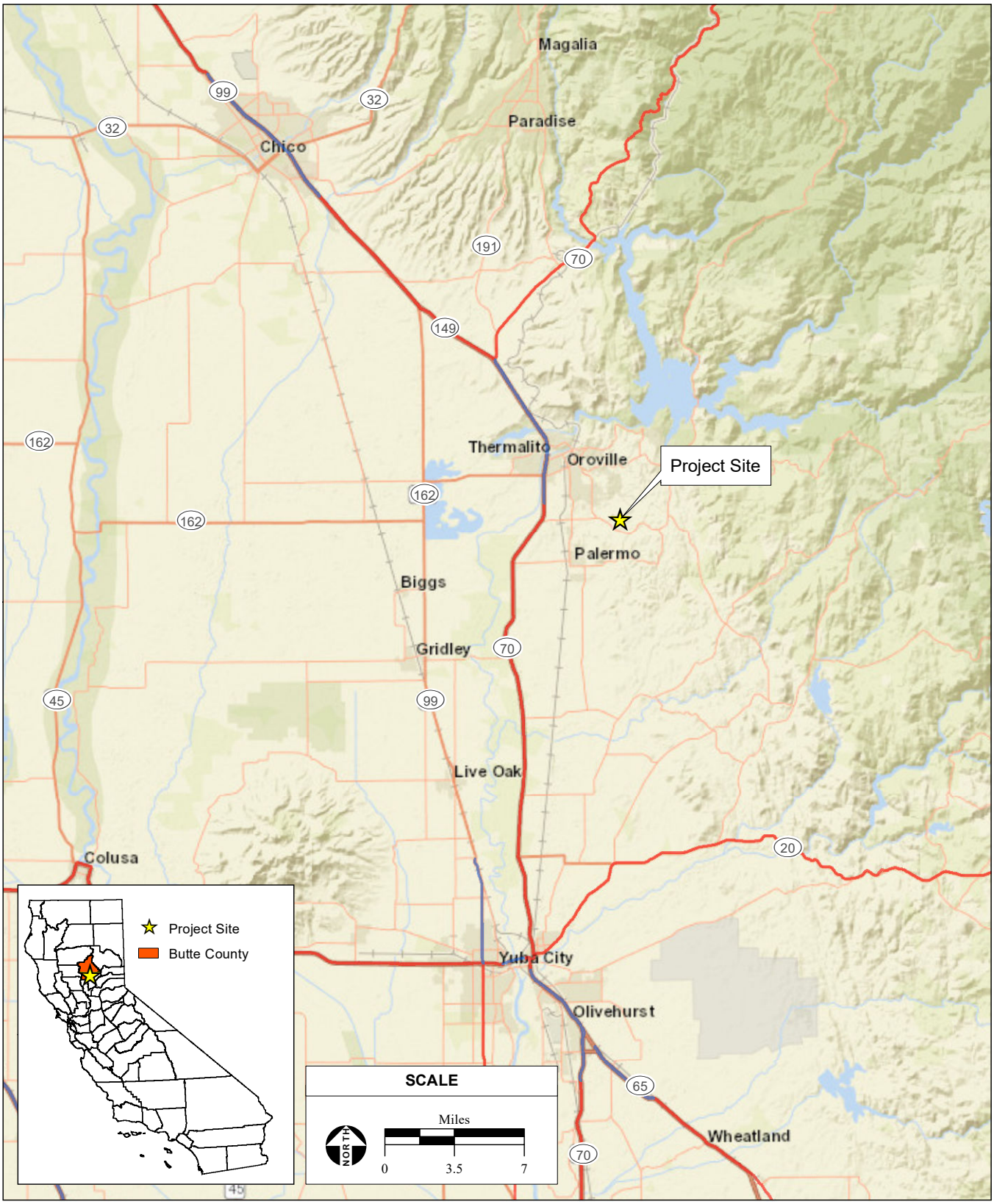
1.5 REGULATORY REQUIREMENTS AND APPROVALS

Alternative A may require federal, State, and local approvals and actions. **Table 2** identifies the responsible agencies and the potential permits or approvals required that may be needed. Approval of Alternative A by the Tribal Council would also be required prior to construction.

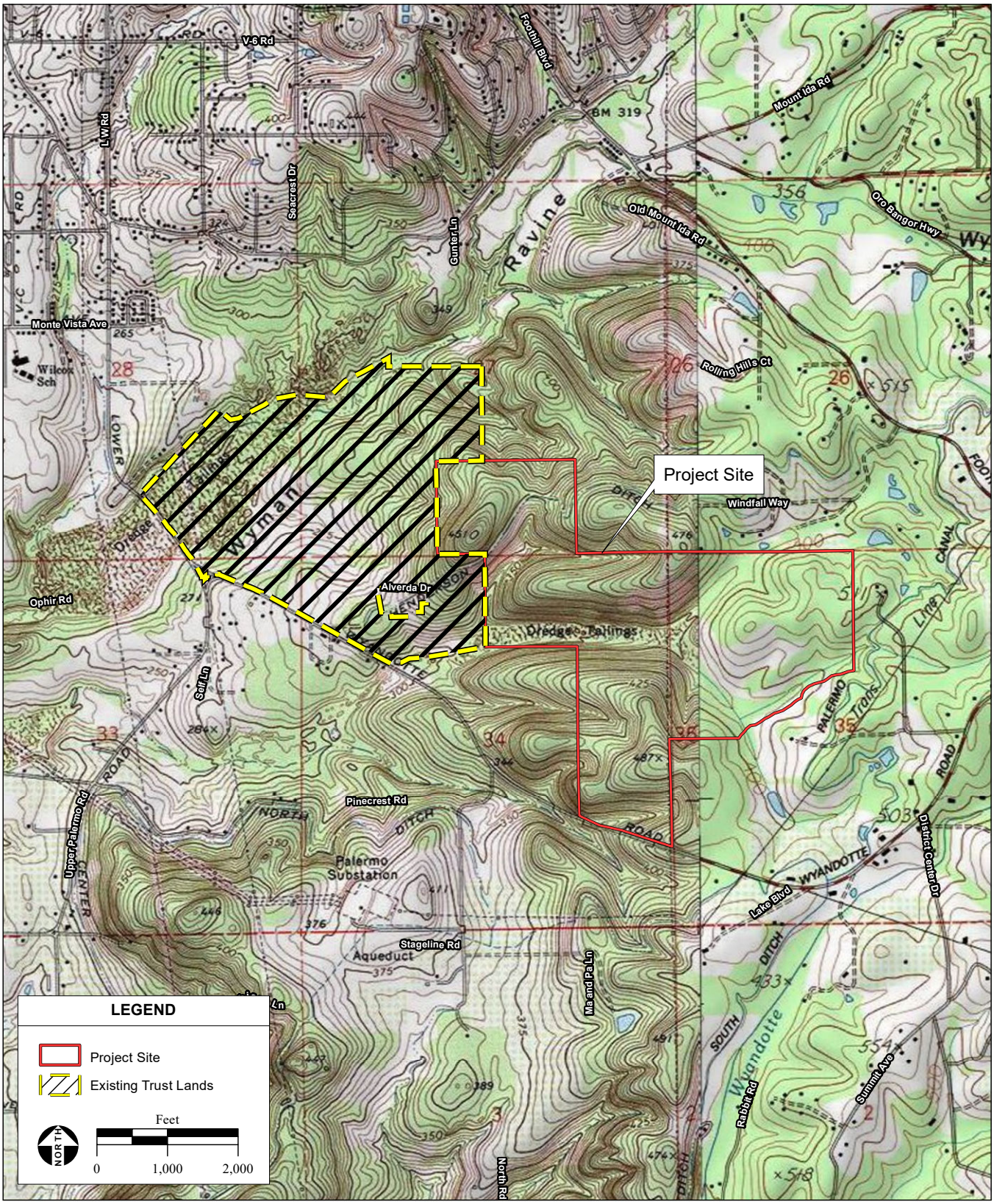
TABLE 2: POTENTIAL REQUIRED PERMITS AND APPROVALS

Agency	Permit or Approval
Federal	
Secretary of the Department of the Interior	Transfer of Project Site into federal trust status for the Tribe
State Historic Preservation Office (SHPO)	Consultation with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act (NHPA)
U.S. Environmental Protection Agency (USEPA)	Verification of project coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Stormwater Discharges from Construction Activities as required by the Clean Water Act
U.S. Fish and Wildlife Service (USFWS)	Consultation with USFWS under Section 7 of the Federal Endangered Species Act if endangered species may be affected by the Proposed Action
U.S. Environmental Protection Agency (USEPA)	Tribal Minor New Source Review (NSR)
Local	
Butte County	Approval of water, wastewater, and/or drainage connections
	Encroachment permits for access improvements



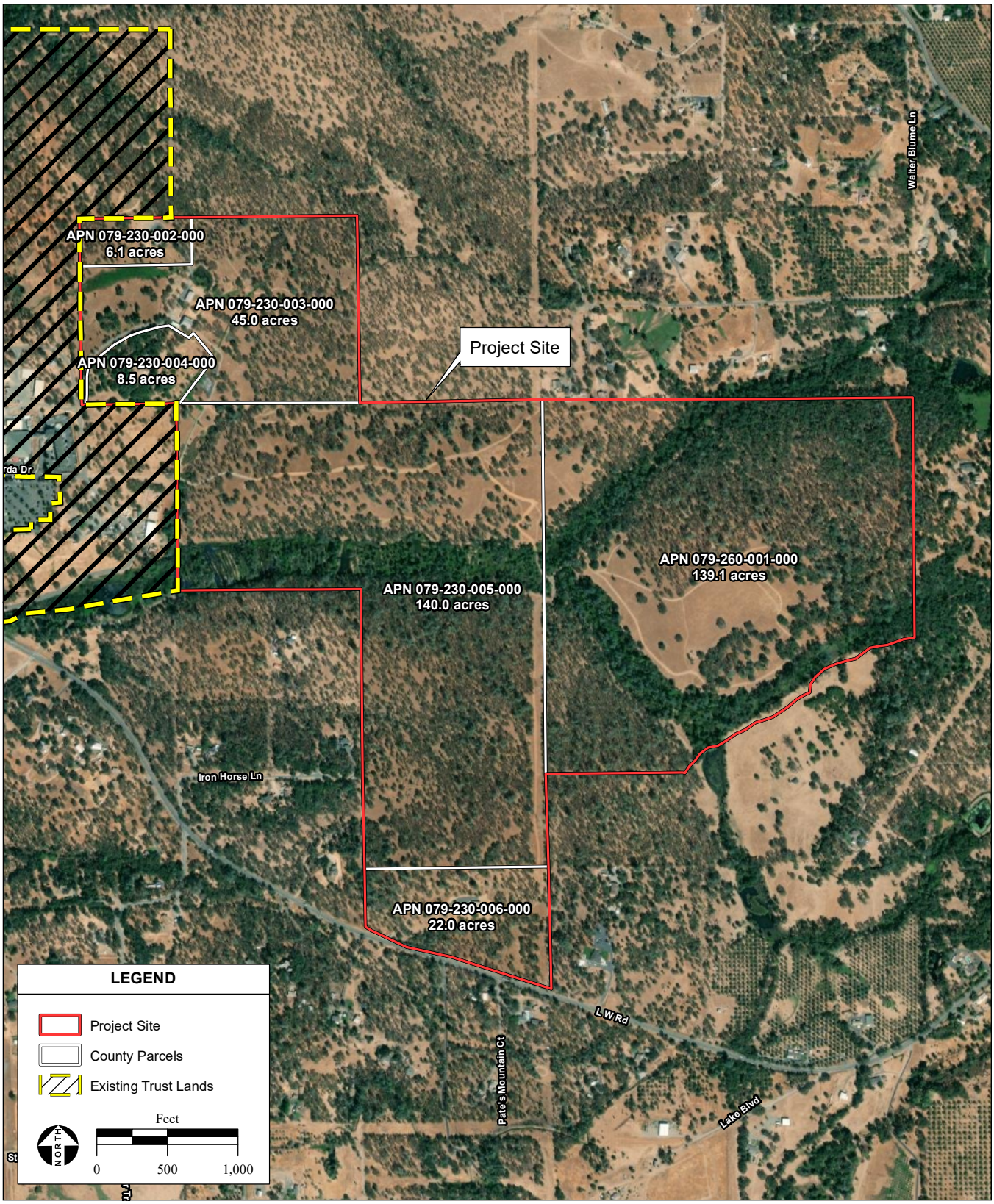
SOURCE: ESRI, 2023; Montrose Environmental, 5/30/2023

Figure 1
Regional Location



SOURCE: "Palermo, CA" & "Bangor, CA" USGS 7.5 Minute Topographic Quadrangles,T19N R4E, Sections 27, 34 & 35, Mt. Diablo Baseline & Meridian; ESRI, 2023; Montrose Environmental, 5/30/2023

Figure 2
Site and Vicinity



SOURCE: Maxar aerial photograph, 9/7/2021; Butte County GIS, 2020; ESRI, 2023; Montrose Environmental, 6/15/2023

Figure 3
Aerial Photograph

SECTION 2.0

PROPOSED ACTION AND ALTERNATIVES

This section describes the alternatives analyzed within this document consistent with CEQ guidelines (40 CFR§ 1502.14). A reasonable range of alternatives is evaluated in this EA based on consideration of the purpose and need of the Proposed Action and opportunities for reducing environmental effects. Alternatives are summarized below.

Alternative A: Trust acquisition of the Project Site and construction of 164 housing and apartment units, an event center/tasting room, an amphitheater, an agricultural area that may include a garden, grazing areas, vineyards, and olive orchards, and conversion of an existing building for use by the Housing Department. The proposed project would be developed over the coming decades in a phased approach.

Alternative B: No additional land acquisition into trust and no construction on the Project Site for the foreseeable future.

2.1 ALTERNATIVE A

Alternative A consists of the following: (1) transfer of the Project Site into federal trust for the benefit of the Tribe; and (2) construction 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 (**Figure 4**). An emergency access route from the eastern end of Phase 1 to Windfall Way may also be constructed. Alternative A would shift civil regulatory jurisdiction of the Project Site to the Tribe and federal government. Development of the Project Site would occur after acquisition into trust over a long period of time in a phased approach.

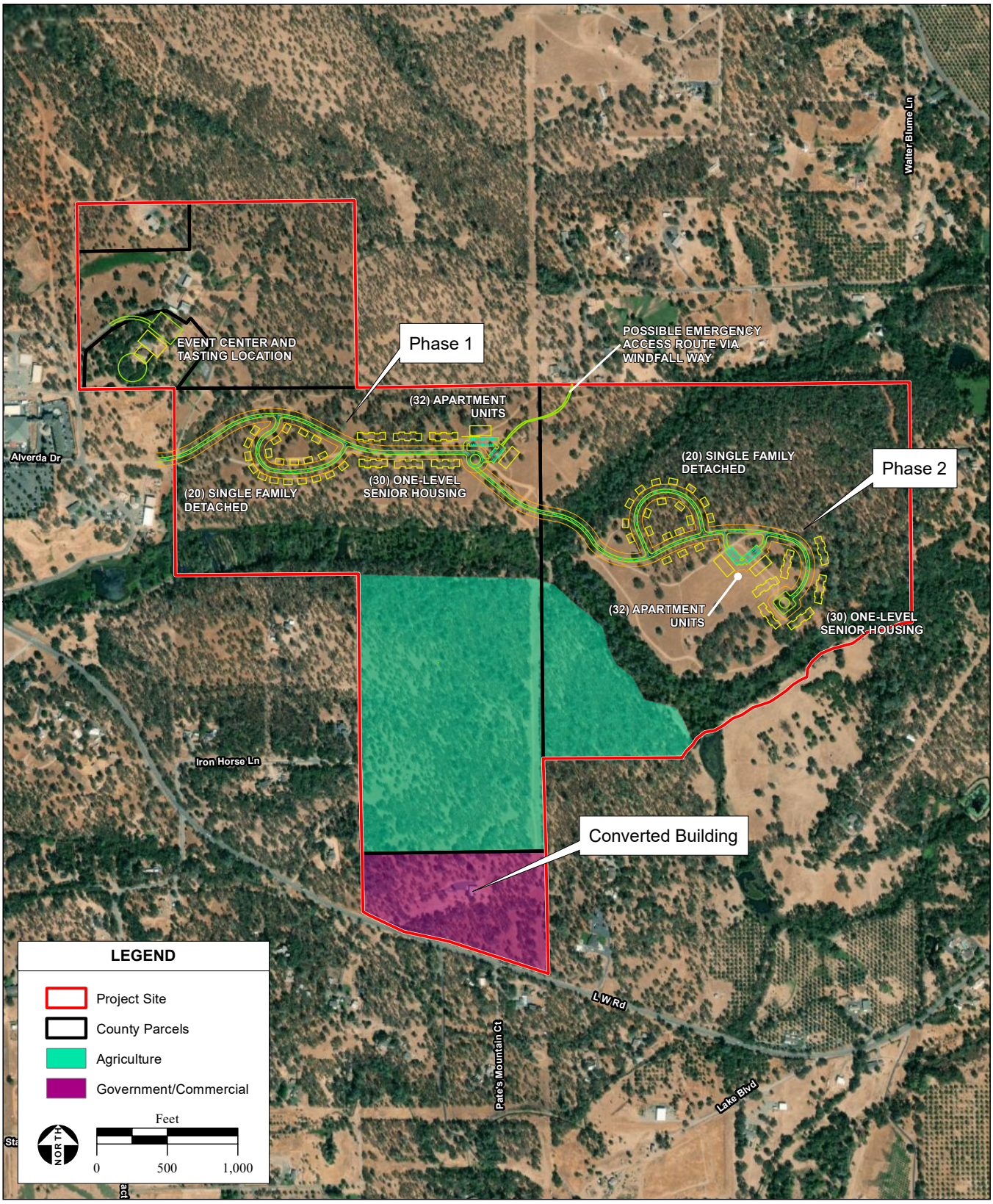
2.1.1 BUILDINGS

HOUSING DEVELOPMENT

Under Alternative A, a 164-unit housing development would be constructed southeast of the proposed event center and amphitheater in two phases. Phase 1 would include 20 single family detached homes, 30 one-story senior residences, and 32 apartment units constructed on APN 079-230-005-000. Phase 1 is likely to be broken down into smaller developments spread over time, based on housing surveys of tribal members. Phase 2, would be located further east, on APN 079-260-001-000, and would require a bridge across or culvert within the northeastern fork of a stream. Residential construction would include an additional 20 single family detached homes, 30 one-story senior residences, and 32 apartment units, also built over time, based on housing surveys of tribal members.

EVENT CENTER/TASTING ROOM AND PARKING STRUCTURE

Alternative A would include a 1,500-person-capacity event center and tasting room totaling approximately 30,000 square feet (sf), a 200-car two-tiered parking deck structure; and a 2,500-seat amphitheater on APN 079-230-004-000. The event center would provide event space that is not widely



SOURCE: Montrose Environmental, 7/21/2022; Maxar aerial photograph, 9/7/2021; Butte County GIS, 2020; ESRI, 2023; Montrose Environmental, 6/5/2023

Figure 4
Site Plan

available in Oroville and would accommodate not only large-scale events such as professional conferences but also small-scale meetings, banquets, parties, receptions, and other community gatherings.
The proposed event center would include approximately 5,500 sf of back-of-house space to provide staging areas for events, storage space for related equipment and furnishings, and remote banquet facilities and kitchenette, which would enable the catering facilities and operations to serve guests at wedding and conference events. An attached or adjacent facility would offer a tasting center for the Tribe's agricultural products.

An outdoor patio near the main entrance would provide space for outdoor seating, a dance floor, and/or a stage area. The outdoor patio would include an extendable canopy to provide protection from the elements year-round. Parking for the event center and tasting center would be provided by the proposed 200-space, two-level parking structure and at the nearby Casino.

AMPHITHEATER

An outdoor 2,500-seat amphitheater would be constructed adjacent to the event center. Construction would take advantage of the naturally sloping topography to create hillside seating; land not conforming to an amphitheater-like configuration would be graded to create a horseshoe-shaped amphitheater. It is anticipated that the amphitheater would serve a complementary function for events hosted at the event center, as well as being a stand-alone venue for musical and theater events.

AGRICULTURE

Approximately 77 acres near the southern and central portions of the Project Site would be designated for agricultural development on APN 079-230-005, including grazing areas, vineyards, olive orchards, a 20,000-sf garden, and other types of agricultural production. The agricultural development would include unpaved maintenance roads for access and worker safety. Agricultural operation and maintenance would include establishing and maintaining specified cover crops; maintaining proper function of permanent erosion control features; pest, disease, and weed control; irrigation; fertilizing; and harvesting activities. Irrigation and storm drain pipelines would be installed. Erosion control measures would be implemented. Additionally, wildlife exclusion fencing may be installed, if necessary.

GOVERNMENT BUILDING

The existing 2,000-sf metal structure on APN 079-230-006 would be remodeled and used by the Tribe's housing department or other tribal department.

2.1.2 INFRASTRUCTURE IMPROVEMENTS AND UTILITIES

Existing infrastructure for water, wastewater, and electricity is located in the vicinity of the Project Site, at the Feather Falls Casino and hotel. Infrastructure improvements would include storm drains, connections to extant water and sewer pipelines, and connections to electrical lines. The Lake Oroville Area Public Utility District currently operates the sewage collection and treatment facilities serving the Casino, as well as the surrounding businesses and residential areas. Water supply for the Casino and associated businesses, as well as the other area businesses and homes, is provided by South Feather

Water and Power Agency (SFPWA). The parcels proposed for the event center/tasting room and two residential phases are within South Feather Power and Water's service area and are adjacent to the Lake Oroville Area Public Utility District (LOAPUD) service area.

WATER SUPPLY

Water supply is provided by SFWPA, an independent special district formed under the Irrigation Code of the State of California, whose water mains are located below Lower Wyandotte Road and would be extended to the Project Site. Water would be supplied through the existing Casino's water line. There would be an estimated 41,520 gallons per day of water usage for the proposed dwellings in Phases 1 and 2 (Montrose, 2023a; **Appendix WATER**). Maximum water demands for the event center and accessory components are estimated to be approximately 25,000 gallons per day of water usage at full capacity during an event, however events would be occasional.

Additionally, water supply for the proposed agricultural development would be supplied via a drip irrigation system. The amount of water used by a drip irrigation system in hot, arid climates can vary depending on several factors, including crop type, soil type, and weather conditions. However, on average, a drip irrigation system can use between 1,000 to 3,000 gallons of water per acre per day in such climates. Therefore, the proposed 77-acre agriculture area planned to be irrigated with a drip irrigation system would conservatively use approximately 462,000 gallons of water per day or 61,760 cubic feet (1.42 acre-feet) per day (**Appendix WATER**). Except for connections from Alternative A to the system serving the existing Casino and beneath Wyandotte Road, no additional water infrastructure is required for Alternative A.

WASTEWATER TREATMENT AND DISPOSAL

Wastewater treatment and disposal would be provided to the Project Site with infrastructure connecting to existing systems. The parcels proposed for the event center/tasting room and two residential phases are within SFWPA's service area and are adjacent to the LOAPUD service area.

Wastewater produced by existing facilities on-Reservation is conveyed to the Mooretown Pump Station, which is operated by the LOAPUD (City of Oroville, 2015). The Mooretown Pump Station was improved and its capacity sized to meet the needs of future projects, including Alternative A. Construction of an event center and amphitheater would result in the need to treat and dispose of a maximum of 25,000 gpd of wastewater, assuming 10 gallons per person during events. However events would be occasional.

For Housing Phase 1, for single family detached and townhouses an assumed quantity of 300 gallons per single family and townhouse dwelling unit x 50 units gives a design flow rate of 15,000 gpd. Apartment units were calculated at 180 gallons per day per unit x 32 units and therefore a design flow rate of 5,760 gallons per day. Therefore, the estimated total flow rate for Phase 1 would be 20,760 gallons per day (**Appendix WATER**).

For Phase 2, single family detached and townhouses and townhouse dwelling units were calculated at 300 gallons per single family x 50 units and a design flow rate of 15,000 gallons per day. Apartment units were

calculated at 180 gallons per day per unit x 32 units and a design flow rate of 5,760 gallons per day. Therefore, the total flow rate for Phase 2 would be an estimated 20,760 gallons per day (**Appendix WATER**).

GRADING AND DRAINAGE

Grading would be required for a new access roadway, possible emergency egress roadway, event center, amphitheater, tasting room, parking, and housing as the Project Site is primarily vacant and undeveloped. Residential and commercial development would be accessed via Alverda Drive. Cut and fill may be balanced on the site, however, structural-grade fill may be imported to meet engineering requirements for roadways and building pads. The buildings would be constructed in a manner consistent with the 2022 California Building Code (CBC, effective January 1, 2023), including seismic design criteria related to the geologic setting of the area.

The Event Center/amphitheater/parking area is currently occupied by a 2,500 square foot single family detached residence accessed via Alverda Drive. The site's topography is largely a plateau encircled by slopes ranging from 10% to 20%. There is less than 10 feet of elevation change across the development area, with the exception of the slopes surrounding the plateau. Given the relatively gentle slopes at the building's proposed location, there will be little significant earthwork needed for the proposed development of the Project Site for the intended use (Montrose, 2023b).

The majority of the Project Site is underlain by Group D soils with a very slow infiltration rate (Montrose 2023b), on varying degree slopes indicating the probable need for 20,352 cubic feet for detention volume for the event center and amphitheater, 155,300 cubic feet of detention volume for Phase I housing, and 155,300 cubic feet of detention volume for Phase II housing. Alternative facilities that can be utilized at the site to control the detention volume that do not rely on infiltration consist of tree planting, stormwater capture and reuse, porous asphalt, pervious concrete, permeable pavers, vegetated swales, and bioretention facilities (Montrose, 2023b).

Roadways would be graded to a 2-5 percent slope for the relatively gentle slopes at the event center/amphitheater/tasting room/parking structure proposed locations, and there would be little significant earthwork needed for the proposed development of the Project Site for the intended use, however it is estimated that up to 22,086 cubic yards of fill may need to be imported. The housing areas are on steeper slopes, and finished floor elevations would vary. The access drive into the Phase I and II areas would be graded at 2% to 10% slopes, keeping the proposed grades as close to the exiting grades as possible. Street slopes in the vicinity of the dwellings would be between 2 and 4 percent. Due to the need for grading, the Phase I housing area would export approximately 7,072 cubic yards of fill and the Phase II housing area would import approximately 5,454 cubic yards of fill.

PROPANE AND ELECTRICITY

Propane fuel would be provided for gas-fired water heaters and kitchen equipment for the Phase I and II housing development. Public facilities would not use propane but would rely on electricity provided by PG&E. Electric lines would be extended to the Project Site from existing lines within the Reservation. The

event center would receive a normal power supply via existing infrastructure and would be able to accommodate all event features, including, but not limited to, the main event room loads, HVAC equipment, back-of-house loads, interior and exterior lighting, restrooms, and all general-purpose power receptacles. Door and exit lighting would be provided with integral 90-minute battery backup at main reception room, public areas, restrooms, and back-of-house. The proposed amphitheater and tasting room would also obtain power supply from existing infrastructure.

2.1.3 DESIGN

The architectural styles of the event center would complement local styles on the Tribe's existing trust land. Additionally, natural materials and a neutral color palette would be used to maintain the existing visual character of the surrounding environment. Water-efficient landscaping would help the building harmonize with the existing environment and provide a natural buffer between the building and the parking lot. A lit pathway from the parking lot to the event center would enhance safety and security. Additionally, a water feature would be installed on the grounds.

2.1.4 CONSTRUCTION

Construction would involve earthwork, placement of concrete foundations, steel and wood structural framing, electrical and mechanical work, building finishing, and paving. Construction would also involve grading and excavation for building pads. Construction may be accomplished with balanced cut and fill on-site, however, structural-grade fill may be imported to meet engineering requirements for roadways and building pads. Structures would be erected in a manner consistent with the California building code standards.

Phases 1 and 2 of the housing development, event center, parking structure, amphitheater, agricultural development, and accompanying components would be constructed over a 12 to 24-month period, with an anticipated completion date in 2026. Agricultural development is anticipated to begin during the first growing season after project approval and may be completed over several growing seasons. Pre-plant and planting-year operations may be conducted over two growing seasons or during the same year.

Construction of the event center would involve minimal earthwork, placement of concrete foundations, steel and wood structural framing, masonry, electrical and mechanical work, building finishings, and paving, among other construction trades. Prior to finalizing grading and development plans for the Project Site, design-level geotechnical specifications addressing the specific grading and development plans.

2.1.5 BEST MANAGEMENT PRACTICES

Best Management Practices (BMPs) discussed below have been incorporated into project design to reduce potential impacts of Alternative A.

TABLE 3: BEST MANAGEMENT PRACTICES

Issue Area	BMP
General BMPs	– Feeding, handling, or intentional harm to wildlife shall be prohibited. Wildlife shall be allowed to move out of work areas on their own accord.

	– Collection of plant material during construction activities shall be prohibited. – Erosion control materials such as straw much and wattles shall be certified weed free to prevent the introduction of invasive weed species. – Equipment used during construction shall be clean and free of dirt or vegetation when brought to site to prevent introduction of invasive weeds. Contractors shall be made aware of this requirement. – Waste receptacles used during construction shall be animal-proof. All trash, including food waste, will be placed in animal-proof waste bins at the end of each day. – Work limits will be kept to the minimum area necessary to complete construction activities and shall be clearly marked in the field using highly visible flagging, fencing, and/or signage to prevent impacts beyond the project footprint. – To avoid entrapment of wildlife, trenches, and excavations greater than two feet in depth shall be covered or have sloped wooden or earthen escape ramps. Covers and/or escape ramps shall be in place by the completion of each workday.
Land and Water Resources	– Site clearing, removal of unsuitable soil, proper moisture conditioning, and other site grading shall be verified during construction to ensure compliance with standard engineering practices. – Structures shall be designed consistent with provisions of the California Building Standards Code (Cal. Code Regs., Title 24) in effect when final design occurs. – Site preparation and earthwork shall be performed by licensed contractors. Suitability of earth and construction materials shall be determined by a licensed professional geotechnical/soils evaluation expert and shall be consistent with standard engineering practices. – Grading plans, subsurface investigations, slope stability, and seismic design calculations, as well as foundation, paving, and building design parameters shall be specified under supervision of appropriate licensed professionals. – Prior to finalizing grading and development plans, design-level geotechnical specifications addressing specific grading and development plans shall be developed, and may include the following: site and building-specific grading recommendations regarding site preparation, clearing and grubbing; select grading procedures, material suitability, and compaction criteria; cut and fill slope stability analyses, recommended slope configurations and inclinations; building-specific foundation design parameters; site-specific seismic design parameters; lateral earth pressure parameters for retaining wall design, if any; and pavement design specifications. – A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and may include the following BMPs: ▪ Straw mulch shall be applied at the manufacture's specifications to stabilize disturbed areas. ▪ Undeveloped areas shall be kept as permeable surfaces to the extent feasible. ▪ Earth-moving activities within 50 feet of aquatic features shall be conducted during the dry season to the extent feasible. ▪ Seed mixes and container plantings used to restore temporarily impacted areas shall incorporate native, pollinator-friendly plant species, including Monarch butterfly nectar plants (i.e., Milkweeds (*Asclepias spp*.)). Container plantings shall be locally-sourced and not have been treated with systemic insecticides.
Air Quality and Climate Change	– Active construction areas shall be watered as needed to reduce dust. – Trucks hauling soil/loose materials shall be covered or maintain at least two feet of freeboard. – Unpaved access driveways, parking areas, and staging areas at construction sites shall receive periodic applications of water or nontoxic soil stabilizers.

	– Dirt, gravel, and debris piles shall be covered as needed to reduce dust and wind-blown debris. – Emissions of volatile organic compounds, nitrogen oxides, sulfur oxides, and carbon monoxide shall be controlled by requiring diesel-powered equipment to be properly maintained and minimizing idling time to five minutes when equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. – Efficient fixtures, such as EnergyStar rate appliances will be used. – Water consumption shall be reduced through low-flow appliances and drought resistant landscaping.
Living Resources	– Aquatic features outside of development areas shall be left undisturbed and protected. – Existing native vegetation shall be retained where possible. – Feeding, handling, or intentional harm to wildlife shall be prohibited. Wildlife shall be allowed to move out of work areas on their own accord. – Collection of plant material during construction activities shall be prohibited. – Erosion control materials such as straw much and wattles shall be certified weed free to prevent the introduction of invasive weed species. – Equipment used during construction shall be clean and free of dirt or vegetation when brought to site to prevent introduction of invasive weeds. Contractors shall be made aware of this requirement. – Waste receptacles used during construction shall be animal-proof. All trash, including food waste, will be placed in animal-proof waste bins at the end of each day. – Work limits will be kept to the minimum area necessary to complete construction activities and shall be clearly marked in the field using highly visible flagging, fencing, and/or signage to prevent impacts beyond the project footprint. – During construction, to avoid entrapment of wildlife, trenches and excavations greater than two feet in depth shall be covered or have sloped wooden or earthen escape ramps. Covers and/or escape ramps shall be in place by the completion of each work day. – To minimize any potential for impacts to herptiles, such as frogs or turtles, domestic pets, aside from those used in any monitoring protocols or service animals under Titles II and III of the Americans with Disabilities Act, are prohibited on site.
Noise	– Construction activities shall be limited to daytime hours (7 am to 7 pm). – Powered equipment shall comply with applicable federal regulations and shall be fitted with adequate mufflers according to manufacturing specifications to minimize construction noise.
Public Services	– Houses shall be equipped with an early detection system associated with fires. – Applicable construction equipment shall be equipped with a spark arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. – During construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.
Hazardous Materials	– Personnel shall follow BMPs for filling and servicing construction equipment and vehicles. BMPs that are designed to reduce the potential for incidents/spills involving the hazardous materials include the following: ▪ Fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to the equipment. ▪ Catch-pans shall be placed under equipment to catch potential spills during servicing. ▪ Vehicle engines shall be shut down during refueling. ▪ No smoking, open flames, or welding shall be allowed in refueling or service areas.

	▪ Refueling shall be conducted away from water bodies to prevent contamination in the event of a leak. ▪ Should a spill occur, contaminated soil shall be contained and disposed of pursuant to applicable regulations.
Aesthetics	– Signage for streets shall be subtly incorporated into the landscape. – Architectural styles of the event center would complement local styles on the existing trust land. – Natural materials and a neutral color palette will be used to maintain the existing visual character of the surrounding environment. – Exterior lighting will be downcast, fully shielded, and high efficiency. – Exterior glass will be glazed to minimize glare and nighttime illumination. – Landscaping will complement the building and parking areas, including setbacks and planting of trees and shrubs. – Construction activities shall be limited to daytime hours to the extent feasible (7 am to 7 pm). If dusk or nighttime activities are necessary at the Project Site, lighting for those activities shall be strictly limited to the minimum locations necessary for safety and security and shall be downcast onto the worksite to prevent offsite lighting and glare. – Water-efficient landscaping shall be used to help the building harmonize with the existing environment and provide a natural buffer between the building and the parking lot. – Pathways between the parking garage, amphitheater and event center shall be lit to enhance safety and security.

2.2 ALTERNATIVE B

Under Alternative B, the Project Site would not be placed in trust and development would not occur. Jurisdiction of the Project Site would remain with the State and/or County. The Project Site could be developed or sold by the Tribe consistent with County zoning and policies. As these scenarios are speculative, it is assumed that development would not occur on the Project Site under Alternative B for the foreseeable future.

2.3 COMPARISON OF ALTERNATIVES

Alternative A includes the acquisition of the Project Site into trust and the subsequent development of 164 housing and apartment units, an event center/tasting room, amphitheater, parking structure, an agricultural area that may include a garden, grazing areas, vineyards, and olive orchards, and conversion of an existing building for use by the Tribe's housing department or other tribal department. Under Alternative B, land would not be taken into trust and development would not occur for the foreseeable future.

Potential construction and operation impacts on environmental resources would be greatest under Alternative A, given that Alternative B is the no action alternative. Alternative A would best meet the Tribe's needs and would provide the greatest benefit to the Tribe by providing housing, commercial, and economic benefits.

Alternatives A and B are generally consistent with Butte County's zoning and land use designations, and therefore would result in minimal land use compatibility issues. Potential impacts to living resources, land

resources, noise, hazardous materials, cultural resources, water resources, air quality and climate change, transportation networks, public services, and/or visual resources would occur under Alternative A.

Under Alternative B, the Project Site would not be placed in trust and housing, commercial, and Tribal administration development would not occur. Jurisdiction of the Project Site would remain with the State and/or County. The Project Site could be developed or sold by the Tribe consistent with County zoning and policies. As these scenarios are speculative, it is assumed that development would not occur on the Project Site under Alternative B for the foreseeable future.

SECTION 3.0

AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

This section describes the existing environment of the Project Site and region as well as potential environmental consequences of the proposed alternatives. Applicable federal, state, and local laws and regulations are listed under each issue area and further discussed in **Appendix REG**. Alternatives A and B would not result in impacts associated with Hunting/Fishing/Gathering, of Timber Harvest, therefore these issue areas are not analyzed further. Resource areas addressed in this section include the following:

- Land Resources
- Water Resources
- Air Quality and Climate Change
- Living Resources
- Cultural Resources
- Socioeconomic Conditions and Environmental Justice
- Transportation and Circulation
- Land Use
- Public Services
- Visual Resources
- Noise
- Hazardous Materials
- Visual Resources
- Indirect and Growth-Inducing Effects

DIRECT AND INDIRECT IMPACTS

Direct impacts are caused by an action and occur at the same time and place, while indirect impacts are caused by the action and occur later in time or further in distance but are still reasonably foreseeable (40 CFR § 1508.8). Indirect and growth-inducing effects of proposed alternatives to each resource area are assessed in **Section 3.3**.

CUMULATIVE ANALYSIS

Cumulative impacts are defined by the CEQ as effects "on the environment which result from the incremental effect of the action when added to other past, present, and reasonably foreseeable future actions" (40 CFR Section 1508.7). No known major development projects are proposed, planned, and/or currently being constructed in the region of the Project Site. Potential future growth considered local land use planning.

3.1 ALTERNATIVE A

3.1.1 LAND RESOURCES

REGULATORY SETTING

The regulatory setting for land resources is summarized in the table below and further discussed in **Appendix A**.

TABLE 4: REGULATORY POLICIES AND PLANS RELATED TO LAND RESOURCES

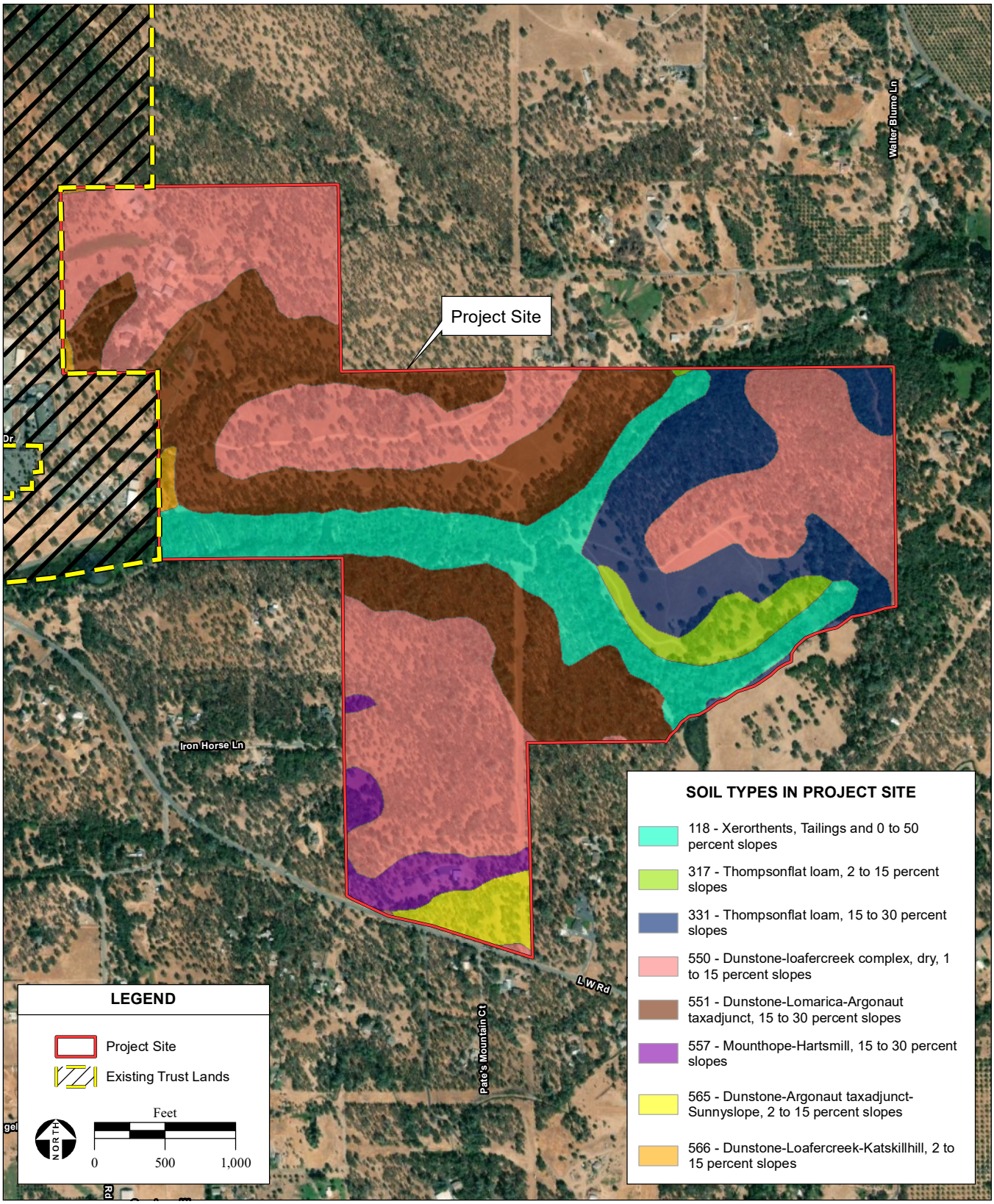
Regulation	Description
Federal	
National Earthquake Hazards Reduction Program	– Established the National Earthquake Hazards Reduction Program to reduce earthquake hazards
State and Local	
Alquist-Priolo Earthquake Fault Zoning Act	– Identifies active and potentially active faults and – Regulates development in these areas
Seismic Hazards Mapping Act	– Identifies areas with seismic hazards – Requires overseeing agencies to consider seismic hazard reductions prior to issuing development permits
Butte County General Plan	– Acknowledges the risk of natural flooding, dam inundation, potential seismic risks from one active fault and one potentially active fault

ENVIRONMENTAL SETTING

Topography and Soils

The Project Site is located within the Sierra Nevada Geomorphic Province, which generally consists of high, rugged granite peak and deep river canyons (CGS, 2002). Topography in the vicinity of the Project Site generally consists of rolling hills within a rural area surrounded by either open space or large parcel residences. Elevations on the Project Site range from approximately 308 to 492 feet above mean sea level and slopes range from 0-30 percent.

As shown in **Figure 5**, soils within the Project Site are comprised of xerorthents soils, thompsonflat loam, dunstone-loafercreek complex, dunstone-lomarica-argonaut taxadjunct, mounthope-hartsmill, dunstone-argonaut taxadjunct-sunnyslope, and dunstone-loaftercreek-katskillhill soils, as described below. As shown in **Appendix SOIL**, soils within the Project Site have a low to moderate linear extensibility rate, which is related to the susceptibility of the soil to expand, and moderate soil erosion rates, which is related to the susceptibility of the soil to erode.



SOURCE: USDA NRCS Soil Survey of Butte County, updated 5/20/2020; Maxar aerial photograph, 9/7/2021; Butte County GIS, 2020; ESRI, 2023; Montrose Environmental, 6/23/2023

Figure 5
Soil Types

Seismicity

The Project Site is not located within an Alquist-Priolo Earthquake Fault Zone, which are well-defined areas located within seismically active zones, typically along active fault zones susceptible to surface fault rupture. As shown in **Figure 6**, several fault lines are located in the vicinity of the Project Site. The nearest potentially active faults include the Foothills fault system approximately 2.5 miles east of the Project Site, which includes quaternary faults, and the Chico Monocline Fault, located approximately 12.5 miles northwest of the Project Site, which has not been active in approximately 1.6 million years (USGS, 2021).

The Modified-Mercalli Intensity (MMI) Scale evaluates the intensity of shaking as a result from an earthquake at a specific location through consideration of its effects on people, objects, and structures. The Project Site is located within a region with a rating of VI on the MMI scale, which indicates potentially strong shaking felt by all citizens, where damage to infrastructure would be slight (USGS, 2023a).

Landslides

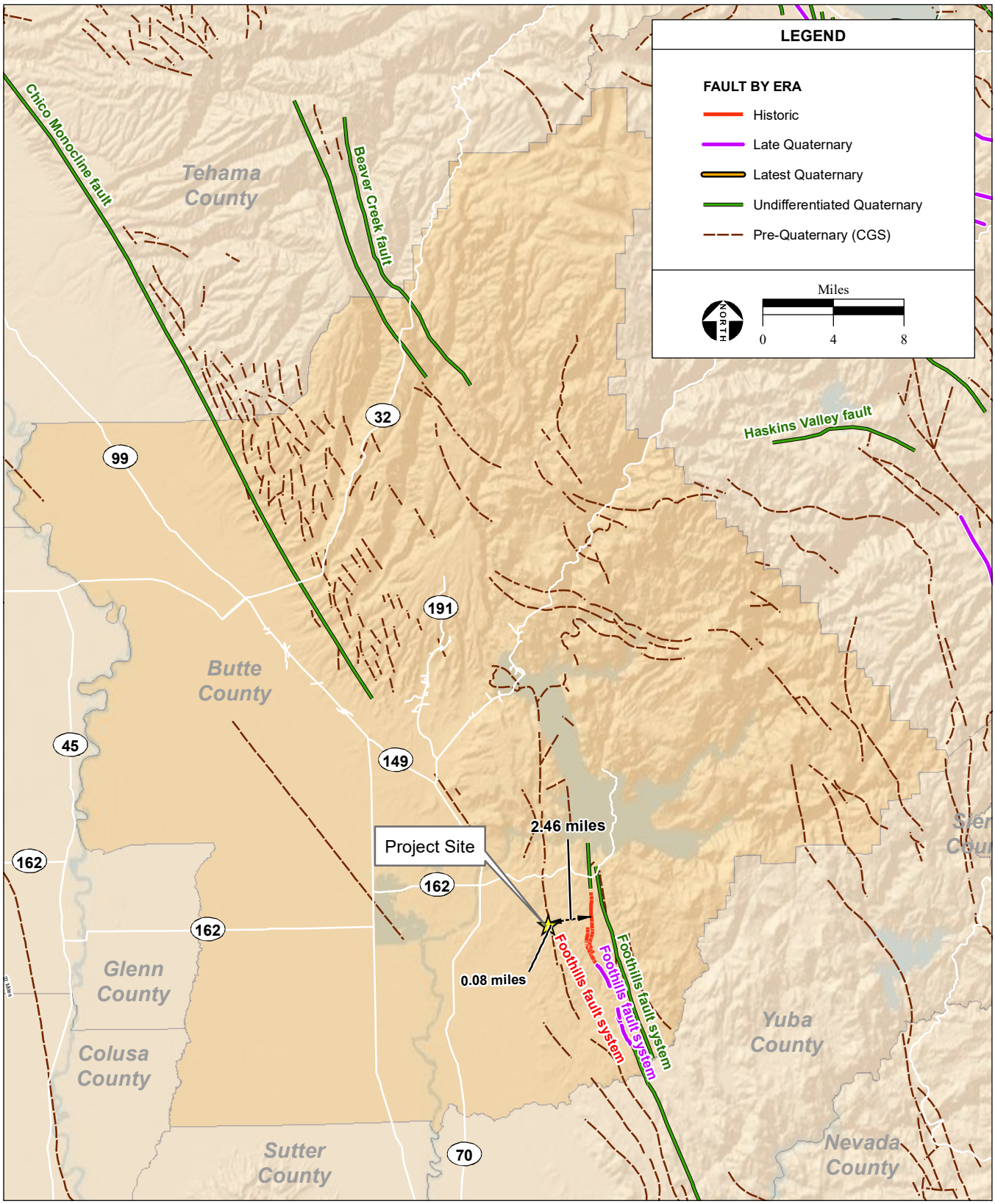
According to the Butte County General Plan, most landslides in Butte County occur on slopes greater than 15 percent or in areas that have experienced previous landslides, however are generally uncommon in the County. The Project Site is located within a low to moderate landslide potential location, and building development is proposed in an area that consists of 0-10 percent slopes (Butte County, 2023). Although the west and southwestern part of Butte County is considered to have a moderate to high potential for liquefaction, the risk of liquefaction is considered generally low at the Project Site and surrounding areas (Butte County, 2019).

Mineral Resources

The County has multiple permitted and active hard rock quarries, including extraction sites that primarily produce sand, gravel, and gold. The majority of extraction activities within the County are located along the Sacramento River and within a band running from north to south down the center of the County. Oroville Quarry, located approximately 6.5 miles southwest of the Project Site, is the closest extraction site (USGS, 2003). There are no mineral resources of importance to the County or State that occur within the Project Site boundaries (Butte County, 2023).

IMPACT ANALYSIS

Alternative A would result in significant effects to land resources if construction or operation caused significant alterations to the site topography, significant soil erosion, or limited access to mineral resources of regional significance. Alternative A would also result in significant effects to land resources if geological/soil hazards limited development.



SOURCE: USGS Quaternary Fault and Fold Database of the U.S., 2018; California Geologic Survey, 2010; Montrose Environmental, 6/23/2023

Figure 6
Regional Fault Locations

Topography and Soils

Alternative A would not result in substantial changes to the topography of the Project Site. The event center, amphitheater, tasting room, and parking garage would be built on a knoll-top requiring relatively little grading. The housing community would require more earth-moving due to steeper terrain, but the individual structures would be comparatively smaller, limiting the effects to topography. The agricultural development in the central Project Site would work within the existing topography (**Figure 4**).

Construction-related excavations would expose underlying soils and increase the susceptibility of such soils to erosion; implementation of BMPs included in **Section 2.1.5** would stabilize exposed soils and reduce the potential for erosion. Excess excavated soil would be used on the Project Site through balanced cut and fill as possible, with disposal within the larger Project Site as appropriate. These activities would create the potential for erosion by exposing stockpiled soils to stormwater, however BMPs in **Section 2.1.5** would minimize potential impacts by requiring a SWPPP and temporary erosion control measures throughout construction and until final site stabilization. The SWPPP would identify a combination of erosion control and sediment control measures to reduce or eliminate sediment discharge to surface water during construction.

Seismicity

The Project Site is not located in an Alquist-Priolo Earthquake Fault Zone or Seismic Hazard Zone and is not located on a known active fault, therefore the risk of fault rupture is low. While the Project site is located near potentially active faults as shown in Figure 6, the buildings would be constructed in a manner consistent with the 2022 CBC, effective January 1, 2023, including seismic design criteria related to the geologic setting of the area. Soils comprised of sands and clay in areas with high groundwater tables or heavy rainfall are at a greater risk of liquefaction during intense seismic shaking events, however these are not the prevailing conditions at the Project Site. Liquefaction is not anticipated to occur as the Project Site is located within an area with a generally low liquefaction potential (City of Oroville, 2015). Construction of Project structures would comply with current building codes; therefore, impacts would be less than significant.

Landslides

Areas susceptible to landslides are comprised of weak soils on sloping terrain. Heavy rains or strong seismic shaking events can induce landslides. There are no known landslide events that have occurred on the Project Site (USGS, 2023b), and Alternative A does not include structures sited in areas where existing slopes exceed 10 percent. The risk of landslides within the impact area of Alternative A is low, and impacts would be less than significant.

Mineral Resources

There are no known mineral resources in the vicinity of the Project Site, therefore mineral resources would not be impacted.

Cumulative Impacts

The principal effects to land resources associated with any future development in the vicinity of the Project Site would include localized topographical changes and soil attrition, but as a result of the limited extent of proposed building development, this effect is minimal. Alternative A and other projects in the area would be required to implement measures consistent with local permitting requirements for construction to address any regional geotechnical, seismic, or mining hazards. Therefore, there are no cumulatively considerable land resources impacts associated with Alternative A.

3.1.2 WATER RESOURCES

REGULATORY SETTING

The water resources regulatory setting is summarized in the table below, and additional information on the regulatory setting is provided in **Appendix A**.

TABLE 5: REGULATORY POLICIES AND PLANS RELATED TO WATER RESOURCES

Regulation	Description
Federal	
Federal Clean Water Act	– Governs water quality – Protects Waters of the U.S.
CWA Anti-degradation Policy	– Requires each state develop an anti-degradation policy
Safe Drinking Water Act	– Establishes minimal drinking water quality standards and groundwater protection
Disaster Relief Act	– Developed the Federal Emergency Management Agency
NPDES Permitting Program	– Regulates discharge into Waters of the U.S.
State and Local	
Porter-Cologne Water Quality Control Act	– Sets water quality objectives and outlined how water quality objectives are to be achieved
RWQCB's Anti-degradation Policy	– Requires development of RWQCB Basin Plans
California Water Code	– Regulates treatment of wastewater and water conservation
Sustainable Groundwater Management Act	– Regulates management of groundwater resources
Butte County General Plan	– Monitors local water quality and sets goals and policies related to water quality

ENVIRONMENTAL SETTING

Surface Water

The Project Site is located within the Lower Feather River watershed (Hydrologic Unit Code (HUC) 18020106) within the Sacramento River Hydrologic Region and Central Valley aquifer (USGS, 2023b). The U.S. Geological Survey (USGS) monitors three locations surrounding Lake Oroville, within the Lower Feather watershed. The Lower Feather Falls River, which flows below Lake Oroville and is located approximately 4 miles west of the Project Site, is listed on the Clean Water Act (CWA) Section 303(d) list

of threatened and impaired waters. The Project Site is within Flood Zone X which is defined by FEMA as being outside the 500-year floodplain (FEMA, 2011). Surface waters on the Project Site include a perennial stream, two ponds, wetlands, ephemeral drainages, and five manmade drainages that over time have developed wetland vegetation and hold standing water.

Drainage

The Project Site has slopes that range from approximately 0-30 percent, however building development will be located on slopes ranging from 0-10 percent. Existing on-site natural drainages consist of a large riparian corridor which occurs in the middle of the Project Site and spans from east to west, as well as ephemeral streams, wetlands, ponds, and manmade ditches, including Henderson Ditch located within the northwestern portion of the Project Site and the Palermo Canal, near the eastern edge of the Project Site.

Groundwater

The Project Site is located immediately west of the Sacramento Valley groundwater basin, which is comprised of 18 subbasins. The East Butte Subbasin has the closest proximity to the Project Site, and is located approximately 2.5 miles to the west. The East Butte Subbasin consists of a surface area of 415 square miles and has an estimated storage capacity to a depth of 200 feet of approximately 3.13 million acre-feet (DWR, 2004). Reserves of groundwater in Butte County are found in the thick sedimentary deposits of the Sacramento Valley and the mountainous areas to the east and north. The major sources of groundwater recharge in Butte County are precipitation, infiltration from streams, subsurface inflow and deep percolation of applied irrigation water in agricultural areas (Butte County, 2023).

IMPACT ANALYSIS

Alternative A would result in significant effects to water resources if construction or operation would result in off-site flooding and/or cause an exceedance of applicable water quality criteria, result in a significant decline in groundwater levels, a significant decline in groundwater recharge rates, and/or cause an exceedance of applicable groundwater quality criteria.

Surface Water

Construction of Alternative A would involve ground-disturbing activities that could lead to erosion and sedimentation. Additionally, during construction of Alternative A, limited quantities of hazardous substances such as fuels, solvents, oils, and paints would be used and stored onsite. BMPs are discussed in **Section 2.1.2** and include measures to prevent erosion or sedimentation. This includes preparation of a SWPPP that would require ongoing construction monitoring to ensure runoff does not exceed water quality thresholds. Construction storage and use of hazardous materials would be in accordance with standard operational procedures and BMPs as outlined in **Section 2.1.2**. Additionally, a small portion of the wetlands, one ephemeral stream, one manmade ditch with wetland vegetation, and the perennial stream would each be subject to a single road crossing. Loss of surface waters could be significant, especially if the loss were to significantly alter drainage patterns. As discussed further in **Section 3.1.4**, Mitigation in **Section 4.0** would require project design avoid impacts as feasible through road crossing

design, and to obtain CWA permitting for unavoidable impacts. Impacts to the perennial stream would be fully avoided. With inclusion of mitigation, construction impacts to surface water resources would be less than significant.

Operation of Alternative A would not result in impacts to on-site surface water resources. However, municipal water serving Alternative A would be sourced from surface water. As discussed in **Section 3.1.10**, the municipal service provider has projected water demand through the year 2047, and existing water sources were determined to be both sufficient and reliable. As existing water resources are projected to be both reliable and sufficient for future demand, Alternative A would not result in a depletion of surface water resources. This would be a less-than-significant impact.

Drainage

The Project Site is outside of the 100 and 500 year floodplains and therefore would not result in impacts related to floodplains. Infrastructure for stormwater would need to be developed on the Project Site due to an increased amount of impervious surfaces. Discharge would be increased compared to pre-project levels. To reduce potential drainage impacts, features designed to filter surface runoff and reduce peak storm flows would be incorporated into project design. Implementation of protective measures and BMPs discussed in **Section 2.1.2** and adherence to NPDES Construction General Permit for Stormwater Discharges would reduce impacts to water resources to a less-than-significant impact. As discussed in the Project description, a preliminary drainage analysis was prepared and determined that facilities to control the detention volume could consist of tree planting, stormwater capture and reuse, porous asphalt, pervious concrete, permeable pavers, vegetated swales, and bioretention facilities and would be suitable for the Project Site (Montrose, 2023b). With consideration of BMPs and project design, impacts related to drainage would be less than significant.

Groundwater

Groundwater resources would not be utilized for Alternative A, and impacts to groundwater would not occur.

Cumulative Impacts

Groundwater resources and floodplains would not be utilized by Alternative A, therefore, cumulative impacts related to groundwater and floodplains would not occur. As discussed in **Section 3.1.9**, there is adequate water supply to serve projects in the region projected out to the year 2047; therefore, there is no cumulative impact associated with water availability and surface water availability. Cumulative impacts to water quality could occur if individual projects degrade water quality as a result of stormwater and point-source discharges. However, similar to Alternative A, projects that may be constructed in the vicinity of Alternative A are required to comply with the CWA as it relates to stormwater and point-source discharges. Therefore, there are no cumulatively considerable water resource impacts associated with Alternative A.

3.1.3 AIR QUALITY AND CLIMATE CHANGE

REGULATORY SETTING

The air quality and climate change regulatory setting is summarized in the table below, and additional information on the regulatory setting can be found in **Appendix REG**.

TABLE 6: REGULATORY POLICIES AND PLANS RELATED TO AIR QUALITY AND CLIMATE CHANGE

Regulation	Description
Federal	
Federal Clean Air Act	– Identifies regulations to protect and enhance air quality
National Ambient Air Quality Standards	– Establishes primary and secondary pollutants of concerns
Federal Attainment Status	– Identifies whether air quality in a region meets air quality standards
Federal General Conformity	– Establishes minimum thresholds for pollutants in non-attainment and maintenance areas
Federal Hazardous Air Pollutant Program	– Regulates levels of hazardous air pollutants
Federal Class I Areas	– Requires that pollutant sources be evaluated to determine if new sources are near certain public parks
Tribal New Source Review	– Requires a new source permit be attained by a tribe prior to pollutant source development if exceeding minor New Source Review levels
National Environmental Policy Act	– Requires that a project be evaluated for the level of impact to air quality and provide mitigation as necessary to minimize impacts
Executive Order (EO) 13990	– Establishes how climate change should be addressed in National Environmental Policy Act documents – Requires the quantification of estimated greenhouse gas social costs
Secretarial Order (SO) 3339	– Establishes use of appropriate tools, methodologies, and resources available to quantify GHG emissions and compare GHG quantities across alternatives.
State and Local	
California Clean Air Act	– Established a state-wide pollution control program
California SIP	– Consists of the compilation of air quality attainment plans for each Air Quality Management District
State Legislation – Climate Change	– Comprised of several Assembly Bills and Executive Orders – Sets long term air quality standards and implements building standards
Butte County Air Quality Management District	– Monitors and regulates air quality within the San Joaquin Valley Air Pollution Control District
Butte County General Plan	– Identifies County goals and policies to reach attainment standards
Butte County Climate Action Plan	– Implementing Plan for unincorporated Butte County addressing County's General Plan goals and policies

ENVIRONMENTAL SETTING

The Project Site is located in the Northern Sacramento Valley Air Basin (NSVAB), which includes Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Solano, Sutter, Tehama, Yolo, and Yuba counties. These counties comprise the northern portion of the Sacramento Valley and are bounded on the north and west by the Coastal Mountain Range and on the east by the southern portion of the Cascade Mountain Range and the northern portion of the Sierra Nevada Mountains. These mountain ranges reach heights in excess of 6,000 feet above mean sea level (amsl), with individual peaks rising much higher. The mountains provide a substantial barrier to both locally created pollution and the pollution that has been transported northward on prevailing winds from the broader Sacramento area. The NSVAB is shaped like an elongated bowl. Temperature inversion layers can act as a lid on the bowl, allowing air pollutants to be trapped (SVAQEEP, 2021).

Emissions within Butte County are estimated and documented through the Butte County Air Quality Management District (BCAQMD) and California Air Resource Board (CARB). Basic components of the Clean Air Act (CAA) and its amendments include National Ambient Air Quality Standards (NAAQS) for major air pollutants and state implementation plans (SIP) to ensure nationwide compliance with the NAAQS.

Pollutants of concern are criteria air pollutants (CAPs) that are present in quantities exceeding the NAAQS in the applicable air basin or region and air pollutants that are not designated as CAPs, such as ozone precursors (nitrogen oxide [NO_x] and reactive organic gas [ROG]), which can be temporarily present in high concentrations in a localized region of the NSVAB. Butte County exceeds the NAAQS for ozone; therefore, ozone precursors nitrogen and ROG are the pollutants of concern. As shown in **Table 7**, Butte County is in attainment or is unclassified for all CAPs under the current NAAQS designation, except for 8-hour ozone standard.

Hazardous Air Pollutants (HAPs) are pollutants of concern, and are a group of airborne chemicals designated by the USEPA. Sources of HAPs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Cars and trucks release at least 40 different HAPs. The most important, in terms of health risk, is diesel particulate matter (DPM), benzene, formaldehyde, 1,3-butadiene, and acetaldehyde.

TABLE 7: BUTTE COUNTY ATTAINMENT STATUS

POLLUTANT	NAAQS
Ozone	Nonattainment (marginal)
Particulate Matter $\leq$ 10 microns	Attainment
Particulate Matter $\leq$ 2.5 microns	Attainment
Carbon Monoxide	Attainment/Unclassified
Nitrogen Oxide	Attainment/Unclassified
Sulfur Oxide	Attainment/Unclassified
Lead	Attainment

POLLUTANT	NAAQS
Source: USEPA, 2023	

Federal Class I Area

The CAA designates all international parks, national wilderness areas, and memorial parks larger than 5,000 acres and national parks larger than 6,000 acres as "Class I areas." Any major source of emissions within 100 kilometers (km; 62.1 miles) from a federal Class I area is required to conduct a pre-construction review of air quality impacts on the area(s). There are no Class I areas within 100 km (62.1 miles) of the Project Site.

Sensitive Receptors

Sensitive receptors are facilities that house or attract children, the elderly, and people with illnesses or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. The Project Site is surrounded by rural residential areas to the south, east and west, with Tribal buildings and the Casino directly to the west. The nearest sensitive receptor is a single-family residence located on-reservation approximately 605 feet north of the Project Site on Alverda Drive. The nearest off-reservation sensitive receptor is a single-family rural residence approximately 630 feet northeast of the Project Site on Windfall Way. Additional rural residential homes are located further east of Lower Wyandotte Road. The nearest school, Golden Hills Elementary School, is located approximately 1.2 miles northwest of the Project Site.

IMPACT ANALYSIS

Methodology

Emissions from equipment, mobile sources, and architectural coating applications were calculated using the California Emissions Estimator Model (CalEEMod) (**Appendix AIR**). CalEEMod is the air quality modeling tool preferred by AQMDs and APCDs statewide. CalEEMod utilizes land use and transportation data from projects to estimate project emissions using local emission factors from sources such as energy and transportation. CalEEMod accounts for increases in fuel efficiency, renewable energy procurement, and energy efficiency mandated by state laws. Published emissions factors from CARB were applied to project-specific estimates of equipment use, number of construction employee and vendor vehicle trips, and application rates of architectural coatings based on square footage of the components of Alternative A.

Construction activities would consist of land clearing, vegetation/tree removal, mass earthwork, fine grading, building of structures and road and asphalt work. A fleet mix of trucks, scrapers, excavators, and graders would be used to complete the construction of Alternative A. ROG, NO_x, SO_2, carbon monoxide (CO), GHG, and DPM) emissions would be emitted from heavy equipment from the combustion of diesel fuel. Effects on air quality during construction were evaluated by estimating the quantity of each CAP emitted over the duration of the construction period. PM_{10} and fine particulate matter 2.5 microns in diameter ($PM_{2.5}$) are the pollutants of concern resulting from earth-moving and fine-grading activities.

Operational emissions were calculated by quantifying operation-related fuel combustion from building energy, stationary engines, and mobile sources using CalEEMod. Emissions were calculated in the buildout year of 2025 by quantifying operation-related fuel combustion from building energy and stationary engines and mobile sources. Mobile-source emissions estimates are based on miles traveled by the new vehicle trips associated with Alternative A and trip characteristics of the residents and employees.

Given the global nature of climate change, individual project impacts are most appropriately addressed in terms of the incremental contribution to a global cumulative impact. Therefore, cumulative impacts related to climate change are discussed below.

Construction Emissions

Construction is anticipated to begin in 2024 and last approximately 12 months. Construction is assumed to occur for eight hours a day, five days a week. The construction emission totals for Alternative A are shown in **Table 8** (see **Appendix AIR** model output files). Project emissions are below the General Conformity *de minimis* levels, and therefore construction of Alternative A would not cause an exceedance of NAAQS or conflict with the implementation of California's SIP. However, construction of Alternative A would produce DPM and fugitive dust (PM_{10}) that may impact the residences immediately adjacent to the Project Site.

TABLE 8: UNMITIGATED CONSTRUCTION EMISSIONS

CONSTRUCTION YEARS	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
	TONS PER YEAR					
2024	2.60	9.88	7.59	0.04	2.54	0.82
De Minimis Levels	100	100	N/A	N/A	N/A	N/A
Exceeds *De Minimis*	No	No	No	No	No	No

De minimis levels for CO, SO_2, PM_{10}, and $PM_{2.5}$ are not applicable because the project area is in attainment for those pollutants.

Source: **Appendix AIR**

Construction of Alternative A would not affect public health and safety (40 CFR § 1508.27 [b][2]) and is compliant with applicable requirements imposed for the protection of the environment (40 CFR § 1508.27 [b][10]). Further, BMPs identified in **Section 2.1.5** would reduce construction-related emissions of CAPs and DPM emissions from construction equipment. Construction emissions would be temporary in nature and would not exceed *de minimis* thresholds. Therefore, construction of Alternative A would have a less-than-significant impact.

Operational Emissions

Operation of Alternative A would result in the generation of mobile emissions from residents, patrons, employees, and delivery vehicles, as well as stationary-source emissions from combustion of natural gas in stoves, heating units, and other equipment. Estimated mobile-source and stationary-source emissions from operation of Alternative A are provided in **Table 9**. Detailed calculations of vehicle and area emissions are included in **Appendix AIR**.

TABLE 9: UNMITIGATED OPERATIONAL EMISSIONS

SOURCES	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
	TONS PER YEAR					
Area	20.21	0.38	24.84	0.04	3.32	3.32
Energy	0.02	0.15	0.08	0.00	0.01	0.01
Mobile	0.82	1.17	6.22	0.01	0.99	0.28
Total Operational Emissions	21.05	1.70	31.13	0.05	4.32	3.60
De Minimis Level	100	100	N/A	N/A	N/A	N/A
Exceeds *De Minimis*	**No**	**No**	**No**	**No**	**No**	**No**

De minimis levels for CO, SO_2, PM_{10}, and $PM_{2.5}$ are not applicable because the project area is in attainment for those pollutants.

SOURCE: **Appendix AIR**

As shown in **Table 9**, Project emissions are below the General Conformity *de minimis* levels and therefore, operation of Alternative A would not cause an exceedance of NAAQS or conflict with the implementation of California's SIP. Operation of Alternative A would not affect public health and safety and would be compliant with federal mandates for operational vehicle and area emissions. In addition, BMPs provided in **Section 2.1.5** would minimize CAP emissions resulting from operation of Alternative A. Operation of Alternative A would have a less-than-significant impact.

CUMULATIVE IMPACTS

Air Quality

Past, present, and future development projects contribute to a region's air quality conditions on a cumulative basis; therefore, by its very nature, air pollution is largely a cumulative impact. If a project's individual emissions contribute toward exceedance of the NAAQS, then the project's cumulative impact on air quality would be significant. Due to statewide increases in energy efficiency and fuel standards, cumulative emissions in 2030 are anticipated to be less than those in the buildout year 2025. Emissions modeled for the year 2030 are in line with Senate Bill (SB) 32's statewide emissions goal for 2030 and are considerably less than *de minimis* levels. Therefore, Alternative A in 2030 would not result in significant changes in Butte County's air quality designations for CAPs.

Climate Change

On February 19, 2021, pursuant to federal EO 13990, CEQ rescinded its 2019 Draft National Environmental Policy Act (NEPA) Guidance on Consideration of Greenhouse Gas Emissions to revise and update the 2016 Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews. EO 13990 directs agencies to consider all available tools and resources in assessing GHG emissions and climate change effects of their proposed actions, including the 2016 GHG Guidance. Consistent with EO 13990, on January 9, 2023, CEQ issued interim NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change to assist Federal agencies in considering the effects of GHG emissions and climate change when evaluating proposed major Federal actions. This guidance explains how agencies should apply NEPA principles and

existing best practices to their climate change analyses.

Under this guidance, agencies should present annual GHG emission increases, reductions, and net emissions over a project's lifetime. GHG emissions and reductions should be quantified for the proposed action and alternatives (including the no-action alternative, which serves as the baseline for considering effects). Agencies should, where relevant, identify the alternative with the lowest net GHG emissions or the greatest net climate benefits. In most circumstances, agencies should use the best available estimates of the social cost of GHGs to monetize the climate change effects of a project's GHG emissions. Agencies should also explain how a proposed action and alternatives would help meet or detract from achieving climate action goals or commitments, including international agreements, federal governmentwide and agency goals and planning documents, and state, regional, and tribal goals. Further, agencies should consider mitigation measures to avoid or reduce GHG emissions, and given the "urgency of the climate crisis," they are encouraged to mitigate GHG emissions to the greatest extent possible.

As shown in **Table 10**, the direct construction and area GHG emissions and annual indirect operation GHG emissions in metric tons of carbon dioxide equivalents for Alternative A and the associated CO2 social cost as required by the 2023 Interim CEQ Guidance. A conservative estimate of $250 per ton of CO2 by 2030 was used to estimate projected social costs (USEPA, 2022). GHG emissions resulting from Alternative A are primarily indirect (indirect mobile emissions from delivery, patron, and employee vehicles).

Table 10: CONSTRUCTION AND OPERATIONAL GHG EMISSIONS

EMISSIONS TYPE	GHG EMISSIONS (MT OF CO_2E/YEAR)
Direct	
Construction	4,105.53
Indirect	
Area	730.92
Energy	359.19
Mobile	1,328.62
Solid Waste	102.66
Water/Wastewater	55.96
Total	
Annual Operation GHG Emissions	2,713.95
Social Cost	
Year 2030 Social Cost per Ton of CO_2e	$250
Social Cost of CO_2e Emissions at Project Buildout	**$678,487**

Source: **Appendix AIR; USEPA, 2022**

Note: CO_2e = carbon dioxide equivalent; GHG = greenhouse gas; MT = metric ton; Construction emissions are averaged over a 30-year period to account for cumulative GHG effects; Social Cost of GHG Emissions was derived from USEPA estimates.

The federal government has enacted measures that would reduce GHG emissions from mobile sources, some of which have been accounted for in the air quality model used to estimate mobile emissions.

Consistent with the 2016 CEQ Guidance, 2023 Interim Guidance, SO 3399, and the CARB 2022 Scoping Plan, BMPs have been provided in **Section 2.1.5 t**o reduce Alternative A related GHG emissions, such as reducing the idling of heavy equipment and, thus, CO2 emissions and social costs. Operational BMPs would reduce indirect GHG emissions from electricity use, water and wastewater transport, and waste transport through the installation of energy-efficient lighting, heating and cooling systems, low-flow appliances, drought-resistant landscaping, and recycling receptacles. Operational BMPs would also reduce indirect mobile GHG emissions by requiring adequate ingress and egress to minimize vehicle idling and preferential parking for vanpools and carpools to reduce trips.

Direct and indirect GHG emissions are not substantial; however, Alternative A-related GHG emissions have been quantified (**Table 10**; **Appendix AIR**) and would be reduced with the implementation of BMPs provided in **Section 2.1.5**. This approach is consistent with the 2016 CEQ Guidance and 2023 Interim Guidance, which directs agencies to quantify direct and indirect emissions of projects and to consider GHG reduction measures that are reasonable and consistent with achieving the purpose and need for a proposed action. Additionally, the implementation of project BMPs, such as using clean fuel vehicles, installing energy-efficient appliances, and promoting waste reduction, is consistent with the intent of SO 3399 and the CARB 2022 Scoping Plan to reduce GHG emissions and contribute to the global effort to reduce climate change impacts on disadvantaged communities.

Alternative A would have less-than-significant cumulative adverse effects associated with climate change.

3.1.4 LIVING RESOURCES

REGULATORY SETTING

The regulatory setting concerning biological resources is summarized in the table below, and additional information on the regulatory setting can be found in **Appendix REG**.

TABLE 11: REGULATORY POLICIES AND PLANS RELATED TO BIOLOGICAL RESOURCES

Regulation	Description
Federal	
Federal Endangered Species Act (ESA)	– Enforced by the U.S. Fish and Wildlife Service (USFWS) for terrestrial species – Protects federally listed wildlife and their habitat from take – Requires consultation under Section 7 of the ESA if take of a listed species is likely to complete an otherwise lawful activity – Defines Critical Habitat as specific geographic areas within a listed species range that contain features considered essential for the conservation of the listed species
Migratory Bird Treaty Act (MBTA)	– Protects migratory birds and requires project-related disturbances to be reduced or eliminated during the nesting season
Bald and Golden Eagle Protection Act	– Prohibits take, possession, and commerce of bald and golden eagles and associated parts, feathers, nests, or eggs with limited exceptions – The bald eagle was federally delisted under the ESA in 2007; however, provisions of the act remain in place for bald eagles

Regulation	Description
Clean Water Act (CWA) Section 404 and 401	– Defines "Waters of the United States" subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) – Regulates filling or dredging of Waters of the U.S. under Section 404 of the CWA – Projects requiring a 404 permit under the CWA also require a Section 401 certification from either USEPA for trust land, or the Regional Water Quality Control Board (RWQCB) for non-trust land
State and Local	
California Endangered Species Act	– Identifies state-protected plants and animals – Prohibits the take of species protected under the California Endangered Species Act
California Department of Fish and Game Code	– Protects birds and their nests – Requires permits for impacts to lakes, streams, and riparian habitat – Protects other special-status species not protected under the California Endangered Species Act
Butte County General Plan	– Identifies County goals and policies to protect natural resources
Butte Regional Conservation Plan	– Draft plan designed to streamline permitting of local projects that may impact sensitive biological resources

ENVIRONMENTAL SETTING

Methodology

A biological survey was completed on the Project Site on January 18-20, 2021 and March 29, 2022. The survey was completed using meandering transects of the Project Site. Vegetation communities were classified using the California Department of Fish and Wildlife (CDFW) Terrestrial Natural Communities of California system, or "Holland type" (Sawyer et al., 2009). A comprehensive list of all plant species found in the Study Area was complied. Potential jurisdictional waters of the U.S. were also mapped. The following were also reviewed in addition to the survey results:

- United States Fish and Wildlife Service (USFWS) list of special-status species from the Information for Planning and Conservation (IPaC) system, dated October 8, 2024 (**Appendix BIO**);
- California Natural Diversity Database (CNDDB) query of special-status species with observed occurrences in the Oroville, Oroville Dam, Forebestown, Palermo, Bangor, Rackerby, Honcut, Loma Rica, and Oregon House U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles (quad), dated October 8, 2024 (**Appendix BIO**);
- California Native Plant Society (CNPS) query, dated October 9, 2024 of special-status plant species known to occur in the Oroville, Oroville Dam, Forebestown, Palermo, Bangor, Rackerby, Honcut, Loma Rica, and Oregon House 7.5-minute topographic quads (**Appendix BIO**);
- USFWS National Wetlands Inventory (USFWS, 2021);
- Natural Resources Conservation Service (NRCS) soils map (**Figure 5**); and
- Aerial photography.

Habitat Types

A total of ten habitat types were documented within the Project Site (**Figure 7**). These habitat types include foothill woodland, oak savanna, annual grassland, developed, wetlands, two ponds, manmade ditches, ephemeral streams, riparian, and perennial stream. The Project Site is largely undeveloped with the exception of two rural residences, two barns, and three sheds in the northern portion of the Project Site and an unoccupied house and metal shop building in disrepair in the southern portion of the Project Site. Evidence of historical mining activities are present in the form of altered land, and man-made canals, and dredge tailings. Habitat types are described below.

Foothill Woodland

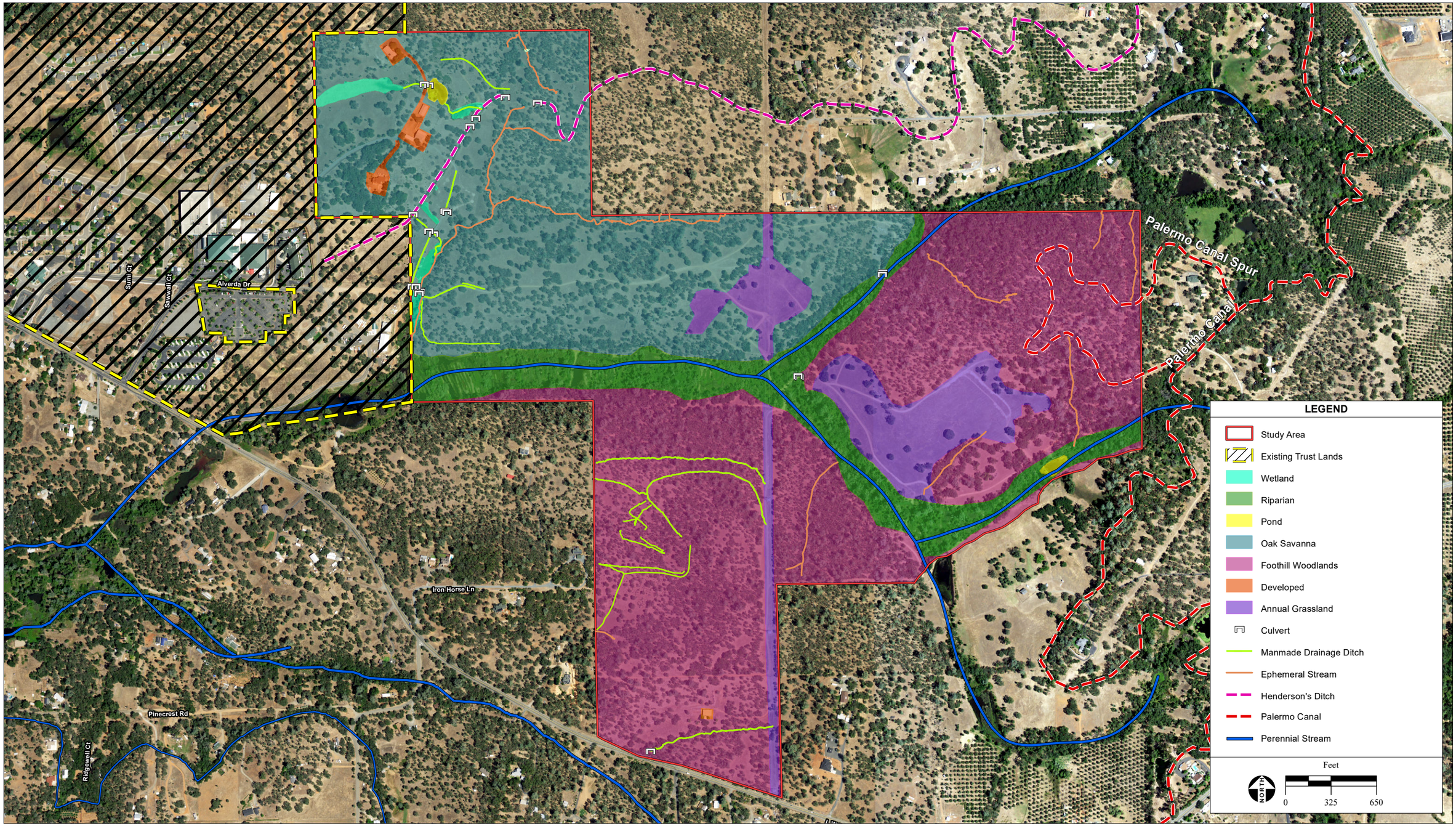
This habitat type occurs within southern portion of the site and consists of approximately 163.5 acres (**Figure 7**). Foothill pines (*Pinus sabiniana*), interior live oaks (*Quercus wislizeni*), and blue oaks (*Quercus douglasii*) are the dominant trees within this habitat type. The understory is dominated by rattlesnake grass (*Briza* sp.), wild oat (*Avena fatua*), medusa head (*Elymus caput*-medusae), Italian thistle (*Carduus pycnocephalus*), and coyote brush (*Baccharis pilularis*). Several ephemeral streams and ditch features occur within this habitat. Dirt access roads also occur throughout this habitat.

Oak Savanna

Oak savanna is a type of oak woodland where tree canopy is less dense. Oak savanna encompasses approximately 112 acres of the Project Site (**Figure 7**). Dominant tree species within this habitat type include blue oaks and interior live oaks. Understory vegetation is dominated by grassland species such as rattlesnake grass, wild oat, medusa head, and soft chess (*Bromus hordeaceus*). Several ephemeral streams and ditches occur within this area. Dirt access roads also occur throughout this habitat.

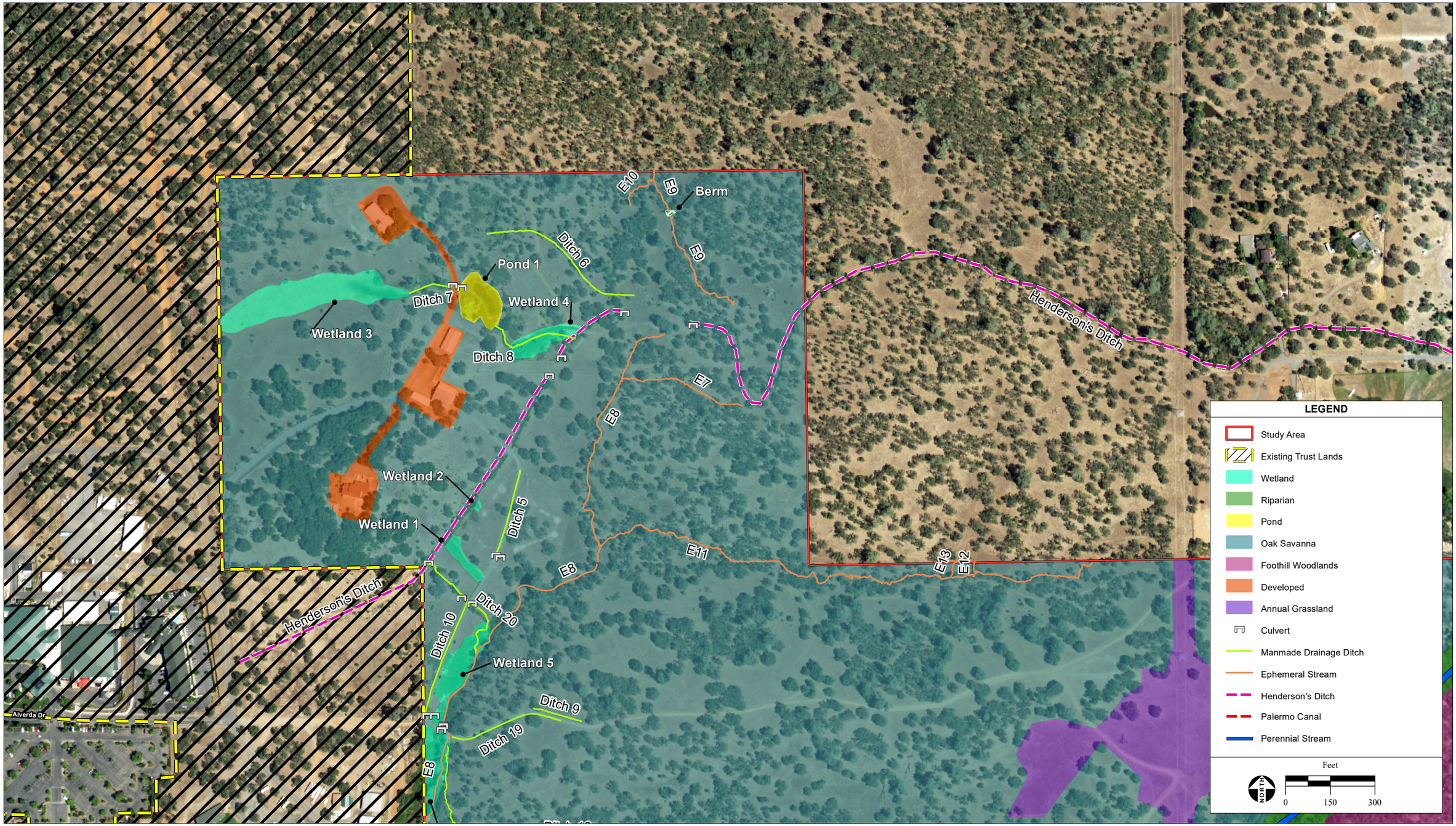
Annual Grassland

This habitat type consists of approximately 30 acres of the Project Site (**Figure 7**). The vegetative composition of this habitat type is similar to the understory of the oak savanna habitat. This habitat type was dominated by non-native grasses consisting of rattlesnake grass, medusa head, wild oat, and soft chess. Dirt access roads occur throughout this habitat. The long linear strip of grassland that runs through the Project Site from north to south is attributed to a cleared electrical transmission powerline corridor.



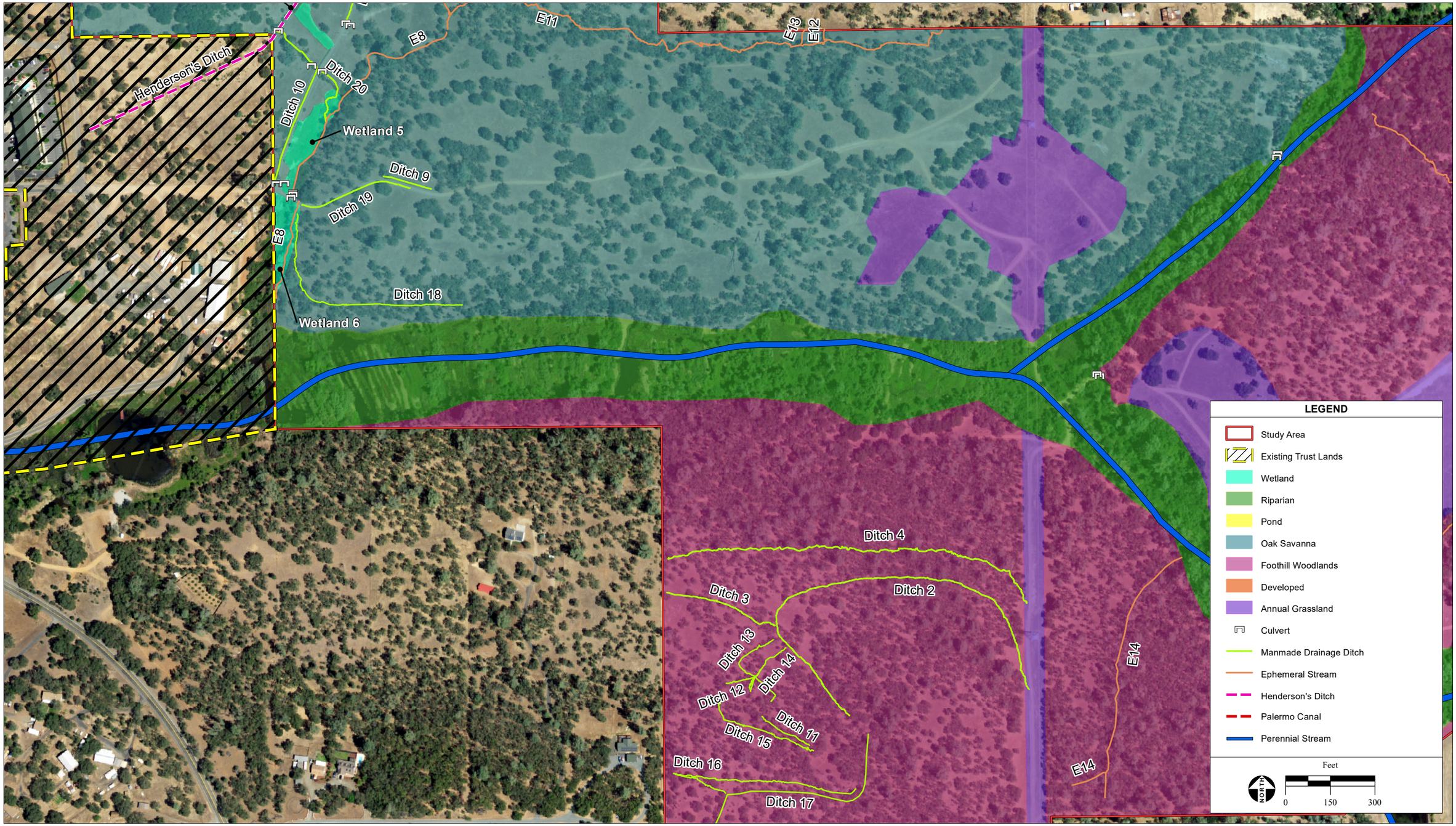
SOURCE: USDA NAIP aerial photography, 7/10/2020; NWI Wetland data, 2023; ESRI, 2023; Montrose Environmental, 6/1/2023

Figure 7
Habitat Types



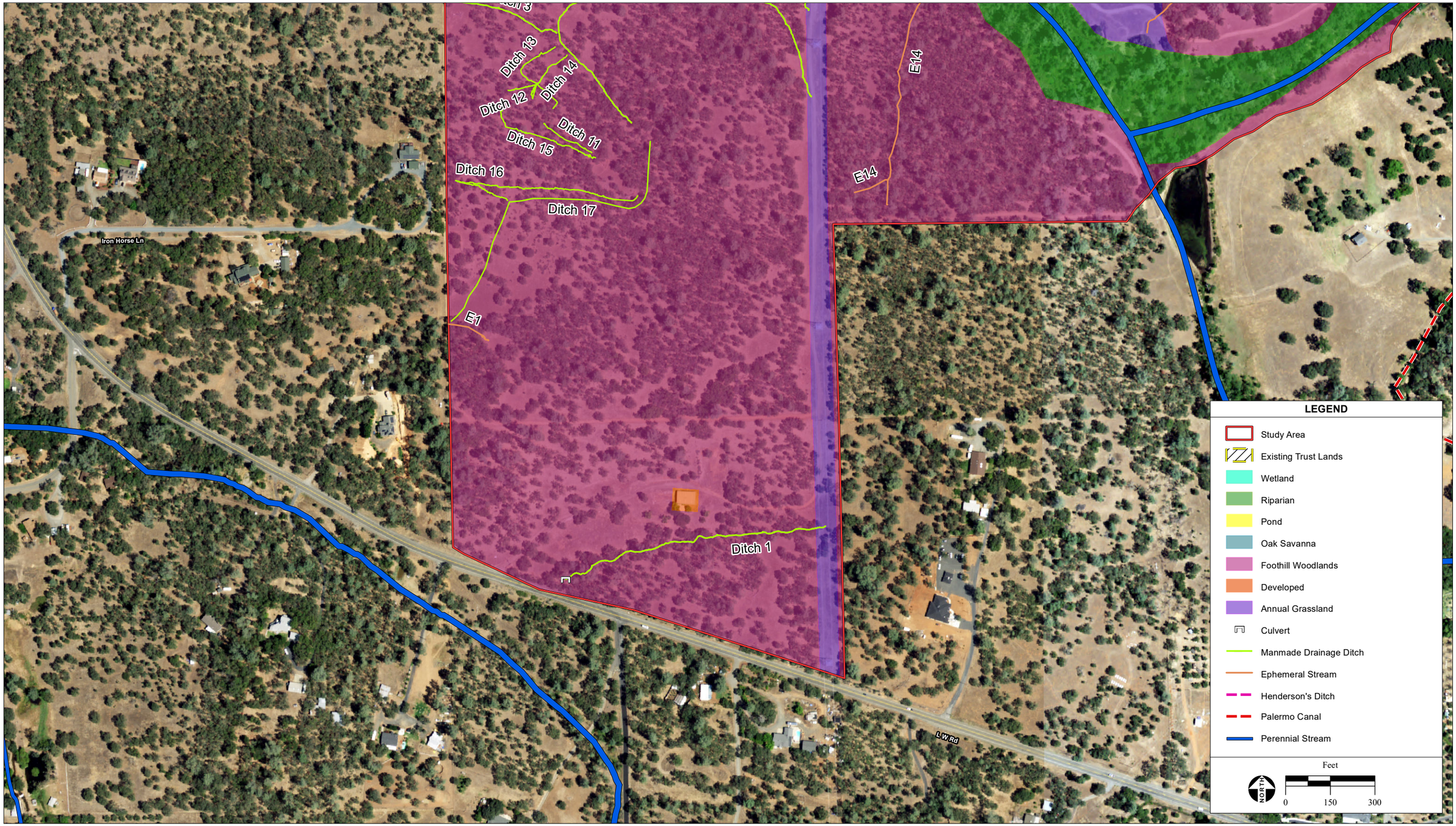
SOURCE: USDA NAIP aerial photography, 7/10/2020; NWI Wetland data, 2023; ESRI, 2023; Montrose Environmental, 6/1/2023

Figure 7a
Habitat Types



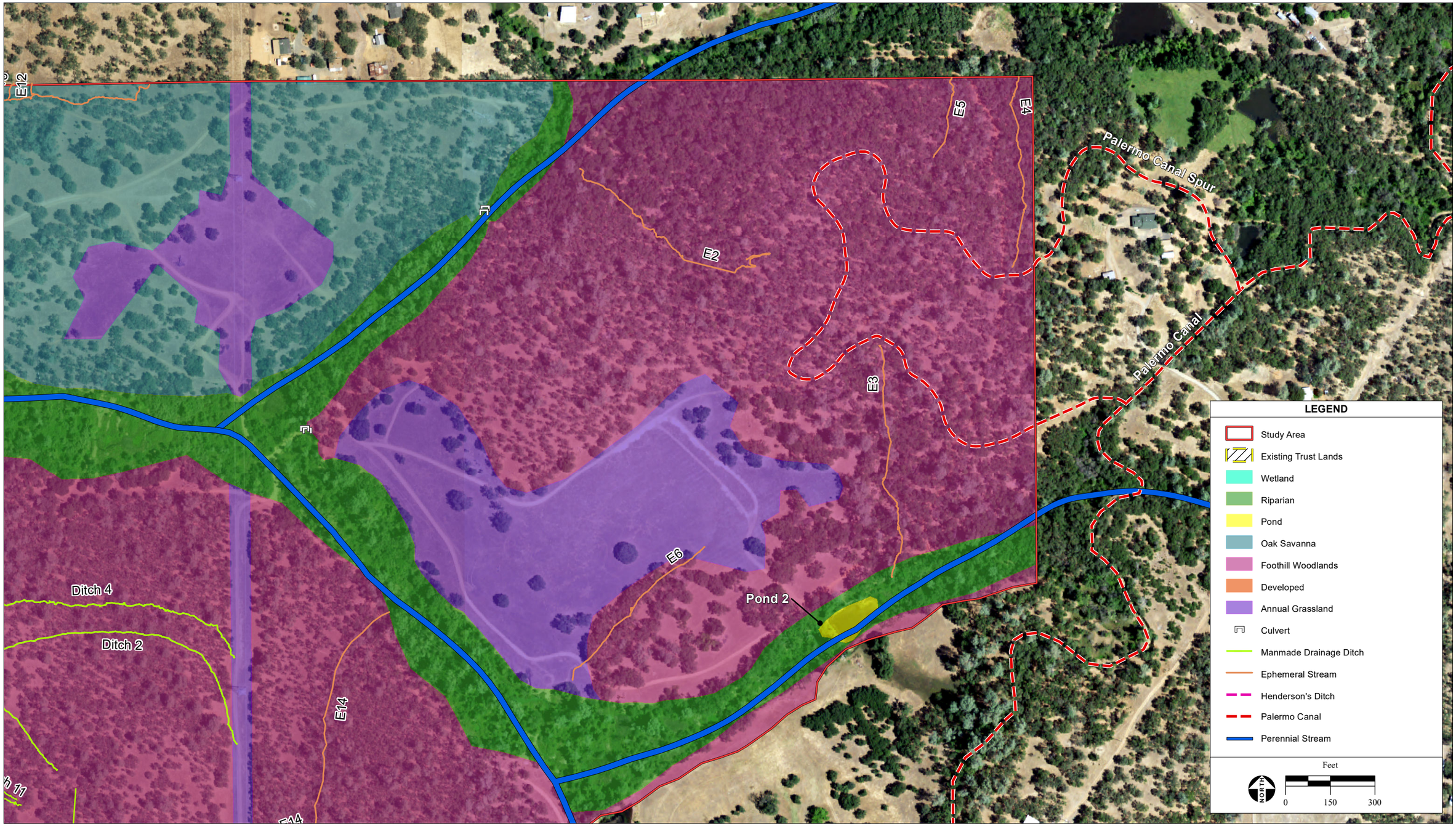
SOURCE: USDA NAIP aerial photography, 7/10/2020; NWI Wetland data, 2023; ESRI, 2023; Montrose Environmental, 6/1/2023

Figure 7b
Habitat Types



SOURCE: USDA NAIP aerial photography, 7/10/2020; NWI Wetland data, 2023; ESRI, 2023; Montrose Environmental, 6/1/2023

Figure 7c
Habitat Types



SOURCE: USDA NAIP aerial photography, 7/10/2020; NWI Wetland data, 2023; ESRI, 2023; Montrose Environmental, 6/1/2023

Figure 7d
Habitat Types

Developed

Developed areas occur within both the northern and southern portions of the Project Site. A residence, access roads, a barn, and associated structures occur within the northwest corner of the Project Site. This developed area is actively being used and maintained. Near the southern boundary of the Project Site, a warehouse and small vacant residence was observed. The small residence appeared to be in disrepair and not actively being used. The areas immediately surrounding these developed areas consisted of ruderal vegetation within the greater foothill woodlands and oak savanna habitats.

Wetland

Six wetlands totaling 2.8 acres have been identified within the Project Site concentrated within the northwest portion of the site. Three wetlands adjacent to Henderson Ditch are formed due to overflow from Henderson Ditch. Two additional wetlands are formed due to the overflow of a pond. The final wetland is a stream-adjacent wetland positioned along an ephemeral stream. Wetlands are dominated by toad rush (*Juncus bufonius*), annual beard grass (*Polypogon monspeliensis*), Himalayan blackberry, and low-growing arroyo willows (*Salix lasiolepis*).

Pond

Two ponds were identified within the Project Site. The first pond is approximately 0.41 acres and is a manmade feature located near the northern boundary of the Project Site. This pond is supplied year-round via a PVC pipe that originates from an offsite source. This pond consists of mostly open water that spans approximately 80 feet by 160 feet with dense cattails (*Typha* sp.) present along the margins. The pond overflows into the adjacent manmade drainage ditches and wetlands.

The second pond is approximately 0.44 acres and is a manmade instream pond located in the southeastern portion of the Project Site. Water is retained in the pond via an earthen dam located at the west end (downstream side) of the pond. The pond consists mostly of open water, with some emergent vegetation present within the shallow water areas. The pond spans approximately 100 feet by 200 feet. Vegetation is concentrated along the margins of the pond and is dominated by cattails, rush (*Juncus* sp.), and willows (*Salix* sp.).

Manmade Ditches

There are a total of 21 manmade ditches made from uplands, including Henderson Ditch and Palermo Canal Spur, present throughout the Project Site. Manmade ditches were classified based on evidence of mechanical manipulation causing unnatural sloping of the ditch sides and bottom of the channel. Many of these ditch features came to an unnatural abrupt end. The majority of the ditches documented within the Project Site, including Palermo Canal Spur, were made from uplands and composed of upland vegetation showing no sign of recent conveyance of water. These ditches appeared to have been created to assist in historic mining operations. Vegetation in these ditches was dominated by little rattlesnake grass (*Briza minor*), wild oat, bedstraw (*gallium aparine*), stork's bill (*Erodium* sp.), wild geranium (*Geranium dissectum*), and Italian thistle. Five ditches, including Henderson Ditch, were observed with water during at least one survey and were composed of wetland-associated vegetation dominated by hyssop loosestrife (*Lythrum hyssopifolia*), slender willow herb (*Epilobium ciliatum*), and fiddle dock. The

remaining ditches did not show signs of water conveyance and did not display wetland vegetation. These ditches are not considered aquatic features, though they may periodically contain water immediately following periods of intense rainfall due to their topography.

Ephemeral Streams

There are a total of 14 ephemeral streams within the Project Site. These features were distinguished from the ditch features based on natural features such as a bed and bank with no apparent mechanical alteration and natural erosional patterns. Dominant vegetation within the ephemeral streams consisted of wild oat, rattlesnake grass, Ajuga hedge nettle (*Stachys ajugoides*), stork's bill, Italian thistle, and wild geranium. One ephemeral stream includes toad rush, annual beard grass, and Himalayan blackberry.

Riparian Corridor

This habitat type occurs approximately in the middle of the Project Site spanning from east to west (**Figure 7**) and consists of approximately 36 acres. The stretch of riparian habitat west of the bifurcation shows evidence of extensive mining activity evident by the presence of meandering dredge tailings. Stands of willows were observed growing on top of some of the dredge spoils. Riparian vegetation was dominated by red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), sandbar willow (*Salix exigua*), Himalayan blackberry (*Rubus armeniacus*), and interior live oak (*Quercus wislizeni*). The open canopy areas within the dredge tailings are dominated by wetland-associated vegetation such as cattails (*Typha* sp.), tule (*Schoenoplectus acutus* var. *occidentalis*), rush (*Juncus* sp.), fiddle dock (*Rumex pulcher*), and pennyroyal (*Mentha pulegium*).

Perennial Streams

This habitat type occurs approximately in the middle of the Project Site spanning from east to west (**Figure 7**). This feature bifurcates near the center of the Project Site, with one branch leading offsite to the northeast and the other branch leading offsite to the southeast. Flowing water was present within this feature at the time of January 2021 surveys, flowing in a westerly direction. The western half of this feature was historically a traditional stream with a bed, bank, and channel but has been highly altered due to past mining activities in the form of dredging, however, still functions as a water conveyance feature.

Waters of the U.S.

The NWI was queried to determine previously mapped wetlands and other waters of the state and U.S. within and adjacent to the Project Site (USFWS, 2021). NWI has identified a palustrine, forested, broad-leaved deciduous, seasonally flooded system that occurs near the middle of the Project Site and second palustrine system was identified as branching off to the northeast. Lastly, a riverine, intermittent, streambed, seasonally flooded system (Henderson Ditch) has been identified by NWI as occurring within the northern portion of the Project Site. Site-specific investigation of these NWI features confirmed that these features do in fact occur within the Project Site. Based on the site survey, there are an additional 14 ephemeral streams, 5 manmade ditches, 2 ponds, and 6 wetlands that are considered wetlands or waters (**Figure 7**). Surface waters on the Project Site have the potential to be considered jurisdictional by USACE.

Special-Status Species

For the purposes of this assessment, "special status" is defined to be species that are of management concern to federal resource agencies. Preliminary data review and special-status species record queries produced a list of four special-status plant species and 14 special-status animal species with the potential to occur in the region of the Study Area. Based on the conditions identified on the Project Site it was determined that none of the four special status plants reviewed from the region have potential to occur due to the lack of appropriate habitats and specific hydrology and substrate requirements of those species. Of the 14 special-status wildlife species known from the region, it was determined that the Project Site is capable of supporting six. The remaining 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. **Table 12** provides a summary of species with the potential to occur on the Project Site. Designated or proposed Critical Habitat is not present on the Project Site (**Appendix BIO**).

TABLE 12: SPECIAL-STATUS SPECIES WITH THE POTENTIAL TO OCCUR ON THE PROJECT SITE

Species	Status	Suitable Habitat
Actinemys marmorata northwestern pond turtle	FPT/CSC/--	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.
Coccyzus americanus yellow-billed cuckoo (Western U.S. DPS)	FT/CE/--	Suitable nesting and foraging habitat occurs within the riparian corridor.
Desmocerus californicus dimorphus Valley elderberry longhorn beetle	FT/--/--	Riparian habitat in Study Area may provide elderberry host plants for the species.
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.

Nesting Migratory Birds

Nesting migratory birds, protected under 50 CFR 10 of the MBTA, have the potential to occur on and in the vicinity of the Project Site. The general nesting season occurs between February 1 and September 15. Active nests were not observed during the surveys.

Nesting Bald and Golden Eagles

Bald and golden eagles are known to occur in the general region on a year-round basis, and large mature trees in the riparian corridor and foothill woodland habitats may provide suitable nest sites for both species. Bald and golden eagles exhibit high nest site fidelity, and nesting territories are often used year after year. No potential eagle nests (e.g., large stick nests) were identified within the Study Area during 2021 and 2022 surveys, and there are no documented occurrences of eagles nesting within or immediately adjacent to the Study Area, therefore there is a low potential for either species to nest in the Study Area.

IMPACT ANALYSIS

Impacts to living resources could be significant if Alternative A:

- Has a substantial adverse effect on species listed under the FESA;
- Has a substantial adverse effect on habitat necessary for the future survival of such species, including areas designated or proposed as Critical Habitat by the USFWS or areas designated as EFH by the National Marine Fisheries Service (NMFS);
- Results in a take of migratory bird species as defined by the Migratory Bird Treaty Act (16 USC §703-712);
- Results in a take of bald or golden eagles as defined under the Bald and Golden Eagle Protection Act; or
- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means.

The evaluation of adverse effects to biological resources is based on survey results, desktop review, and a comprehensive examination of the Project Site and the extent of habitats, potential wetlands, and the potential for the presence of listed species.

Habitats

Table 13 summarizes impacts to habitats that would occur as a result of Alternative A.

TABLE 13: ACREAGE IMPACTS TO HABITATS

Habitat Type	Housing and Events Center	Agriculture	Converted Building	Total
Foothill Woodland	7.4	73.1	18.2	**98.7**
Oak Savanna	13.7	0.0	0.0	**13.7**
Annual Grassland	4.8	3.0	1.3	**9.1**
Developed	0.6	0.0	0.1	**0.7**
Riparian	0.4	0.0	0.0	**0.4**
Wetland	0.1	0.0	0.0	**0.1**
Total	**27.0**	**76.1**	**19.6**	**122.7**

Developed habitat is altered from its natural condition and is not considered a sensitive habitat. Similarly, annual grasslands on the Project Site have been modified through mowing, grazing, and historic mining activities. These areas have a high proportion of non-native vegetative cover and are not considered sensitive. Foothill woodland is not considered a sensitive habitat and is not afforded special protection at the state or federal level. Although wooded areas generally provide a greater value to plants and wildlife, this habitat type is not considered sensitive or of limited distribution.

Oak trees are not afforded protection at the federal level, though oak woodland is generally considered a sensitive habitat by CDFW (CDFW, 2023). 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. Through project design, 87.8 percent of oak savannah 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 this habitat would be preserved.

Riparian habitat is considered a sensitive habitat. Impacts to this habitat would be limited to 0.4 acres where a roadway crosses over the perennial stream. Approximately 98.9 percent of riparian habitat would be preserved, and, as noted in **Section 2.1.5**, native vegetation will be retained where possible. Mitigation in **Section 4.0** would also protect riparian habitat in long-term by prohibiting agricultural development within 50 feet of the habitat and requiring exclusion of cattle from accessing the habitat. This would constitute a less-than-significant impact.

Wetland habitat would be considered sensitive and, due to the connectivity of on-site wetlands with other surface waters, has the potential to be considered a water of the U.S. Impacts to this habitat would be limited to a single road crossing at the Project Site entrance to the housing component of development. The crossing occurs at an existing unimproved dirt road near an existing culvert. The wetland is a narrow feature associated with an adjacent manmade drainage ditch. Mitigation in **Section 4.0** would require that the road crossing design considers use of a free span bridge with footings and abutments located outside of the wetland. Should full avoidance of the wetland be infeasible through roadway crossing design, permitting under the CWA would be obtained prior to impacts, and permit terms and conditions related to compensatory mitigation would be adhered to. With implementation of mitigation in **Section 4.0**, impacts would be avoided as possible, and mitigated through necessary permitting where avoidance is not practical.

In addition to habitat acreage impacts discussed above, Alternative A would result in linear impacts to several manmade ditches, one ephemeral stream, and the perennial stream. The majority of impacts to the manmade drainage ditches would be limited to those features that are earthen depressions made from uplands that do not hold or convey water. These features are not considered sensitive and impacts to these features would not be significant. One manmade ditch observed with ponded water and wetland vegetation and one ephemeral drainage would be impacted at the western access road. A total of 72.2 linear feet of the manmade ditch and 183.8 linear feet of the ephemeral stream lie within a potential impact area. As discussed above, this access follows along an existing unimproved roadway and existing culverts. Mitigation in **Section 4.0** requires that project components be designed to avoid grading or

placement of fill in waterways, and where crossings are unavoidable, they be designed to free span aquatic habitat as possible, and to obtain the necessary permitting under the CWA for unavoidable impacts.

A single stream crossing would occur over the perennial stream. As this habitat is considered sensitive and is a Class I stream capable of supporting fish, and special-status reptiles and amphibians, mitigation in **Section 4.0** would require the crossing design to consider use of a free span bridge with footings and abutments located outside of the stream and riparian habitat. If impacts to the stream are unavoidable, required permits under the CWA will be obtained from the U.S. Army Corps of Engineers. With implementation of mitigation in **Section 4.0**, impacts to sensitive habitats would be less than significant.

Wetlands and Waters of the U.S.

As discussed above, Alternative A has the potential to result in 0.1 acres of impacts to wetlands, 72.2 linear feet of a manmade ditch, and 183.8 linear feet at the Project Site roadway entrance. A single stream crossing would also occur over the perennial stream and will be designed to fully avoid the stream and riparian habitat if possible. These features are potential waters of the U.S. With mitigation in **Section 4.0**, these impacts would be avoided through project design and, if full avoidance is not possible, a CWA Section 404/401 permit would be obtained prior to impacts. Compensatory mitigation required by the CWA permit would be adhered to.

As discussed in **Section 3.1.2**, a SWPPP would be implemented prior to groundbreaking BMPs included in the SWPPP and summarized in **Section 2.1.5**, water quality of potential waters of the U.S. would be maintained throughout construction activities. Adverse impacts to wetlands and waters of the U.S. would not occur.

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 2024). Avoiding impacts to northwest pond turtle can be challenging, as eggs and

hatchlings may be present in underground burrows throughout most of the year and often cannot be located through visual surveys. These burrows may be present in riparian corridors and upland habitat. Mitigation in **Section 4.0** would require pre-activity surveys for northwestern pond turtle, ground-disturbance monitoring for work near Pond 1 and Pond 2, specifies circumstances requiring additional biological monitoring, and also requires consultation with the USFWS prior to any ground disturbance activities to guide further actions and measures to ensure the protection of the species and its habitat.

Western spadefoot may breed in ponds, wetland habitat, or seasonally-filled pools and depressions, and may be present in small mammal burrows in upland habitat surrounding breeding sites. Mitigation identified in **Section 4.0** would require project components to be designed to avoid impacts to aquatic and riparian habitats where possible, and to protect the habitats during construction with protective buffers. Mitigation identified in **Section 4.0** would also protect perennial streams and associated riparian habitat long-term by prohibiting agricultural development within 50 feet of riparian habitat and installing fencing or other exclusion structures prior to initiating livestock grazing to prevent livestock from impacting these areas. 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.

Valley elderberry longhorn beetle requires elderberry shrubs in order to complete its lifecycle. Although elderberry shrubs were not observed on the Project Site, suitable habitat for elderberry shrubs is present within the on-site riparian habitat. Should elderberry shrubs establish on site within an impact area, this could pose a potentially significant impact to valley elderberry longhorn beetle. Mitigation in **Section 4.0** would require a preconstruction survey of all impact areas plus a 25-foot buffer in order to ensure elderberry shrubs, should they occur, are avoided. If elderberry shrubs cannot be avoided a qualified biologist will be required to evaluate the shrub for potential use by Valley elderberry longhorn beetle. If any shrubs show potential use by the species, consultation with the USFWS will be required. Additionally, mitigation in **Section 4.0** specifies that all impacted elderberry shrubs, regardless of Valley elderberry longhorn beetle occupancy, will be mitigated for at a minimum 3 to 1 replacement to impact ratio. This would be a less-than-significant impact.

Yellow-billed cuckoo is a migratory resident that only has the potential to occur on the Project Site during breeding season. Yellow-billed cuckoo may forage within the oak woodland and is most likely to nest within the riparian habitat. As this species only has the potential to occur during breeding season, the potential for Alternative A to impact this species is limited to nesting individuals, should construction commence within the nesting season. Impacts to nesting birds, including yellow-billed cuckoo, are discussed below. As the majority of seasonal nesting and foraging habitat would be preserved and impacts to active nests would be avoided per mitigation discussed below, Alternative A would not have a significant impact on yellow-billed cuckoo.

Although state-protected species are not afforded formal protection on trust land, it is noted that mitigation outlined for nesting birds below would protect state-listed birds, including Swainson's hawk

and tricolored blackbird, should they nest on-site. Additionally, Alternative A would avoid suitable habitat for Ahart's dwarf rush and western pond turtle. While Townsend's big-eared bat may roost within structures on site and may forage over the site, no structures are being demolished as part of Alternative A, and Alternative A would not preclude overhead foraging above the Project Site. Finally, while state-protected frogs 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.

Migratory Birds

Nesting migratory birds, including yellow-billed cuckoo, could be affected by vegetation removal, ground disturbance, or loud noise-producing activities associated with construction, should these activities commence during the general nesting season (February 1 through September 15). As outlined in mitigation contained within **Section 4.0**, a pre-construction survey would be conducted to identify active nests should construction commence during the general nesting season. If active nests are identified, a disturbance-free buffer would be established by a qualified biologist until the qualified biologist determines that the nest is no longer active. With mitigation in **Section 4.0** there would be a less-than-significant impact to nesting birds.

Nesting Bald and Golden Eagles

Bald and golden eagles are highly sensitive to human disturbance during the breeding. If present in the vicinity of the proposed Project, nesting eagles could be affected by loud noise-producing activities associated with construction, and by visual disturbance from new human activity within line of sight of a nest. No potential eagle nests were identified within the Project Site during 2021 and 2022 surveys, and there are no documented occurrences of eagles nesting within or immediately adjacent to the Project Site. However, both species are known to occur in the general region on a year-round basis and large mature trees in the riparian corridor and foothill woodland habitats may provide suitable nest sites for both species. With mitigation in **Section 4.0** there would be a less-than-significant impact to nesting bald and golden eagles.

Cumulative Impacts

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. The perennial streams and associated riparian corridors also serve as movement corridors and provide valuable habitat for nesting birds and aquatic species. However, the project design will not create any barriers to special status species movement or significantly contribute to fragmentation of high quality habitat. 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.

As described in **Section 3.3.1** some indirect effects to living resources may occur, such as introduction of noxious weeds into the area, or increased lighting from the proposed development; however, Best

Management Practices in **Section 2.1.5** and mitigation in **Section 4.0** would avoid or minimize potential indirect impacts.

3.1.5 CULTURAL RESOURCES

REGULATORY SETTING

The cultural resources regulatory setting information is summarized in the table below, and more detailed information can be found in **Appendix REG**.

TABLE 14: REGULATORY POLICIES AND PLANS RELATED TO CULTURAL RESOURCES

Regulation	Description
Federal	
Section 106 of the National Historic Preservation Act	– Federal agencies must identify cultural resources that may be affected by actions involving federal lands, funds, or permitting actions and provide the Advisory Council on Historic Preservation a reasonable opportunity to comment before making decisions. – Significance of the resources must be evaluated for National Register of Historic Places (NRHP) eligibility. – If an NRHP-eligible resource will be adversely affected, measures to avoid or reduce adverse effects must be taken.
Archaeological Resources Protection Act	– Archaeological resources and sites on public and Indian lands are protected resources.
Native American Graves Protection and Repatriation Act	– Includes provisions governing the repatriation of Native American remains and cultural items under the control of federal agencies and institutions that receive federal funding ("museums"), as well as the ownership or control of cultural items and human remains discovered on federal or tribal lands.
Paleontological Resources Preservation Act	– Paleontological resources on federal lands are protected resources.
State and Local	
PRC Section 21083.2	– Requires consideration of significant impacts on historical or unique archaeological resources.
CEQA Guidelines Section 15064.5	– Criteria for the California Register of Historical Resources
CA Health and Safety Code Section 7050.5	– Procedures following the discovery of human remains
Assembly Bill 52	– Tribal consultation
Butte County General Plan	– The Conservation and Open Space Element is intended to identify, evaluate and protect sites and structures of architectural, historical, archaeological, or cultural significance.

ENVIRONMENTAL SETTING

The Area of Potential Effects (APE) includes the entire 360.6 acres included in the Project Site. It is assumed that the vertical component of the APE will not exceed 4 feet below surface to allow for building construction, underground utilities, and deep plowing and ripping for agricultural plantings (**Appendix CULTURAL**).

A record search was conducted at the Northeast Information Center (NEIC) of the California Historical Resources Information System on December 7, 2020 (I.C. File # D20-248). Sources reviewed included: the National Register of Historic Places; the California Register of Historical Resources; California Points of Historical Interest; California Inventory of Historic Resources; California Historical Landmarks; Directory of Properties in the Historic Property Data Files; and Archaeological Determinations of Eligibility. The NEIC indicated that the APE had not been surveyed for cultural resources and that there were no recorded cultural resources within the APE. However, the NEIC identified eight previously recorded cultural resources within the 0.5-mile buffer and 16 archaeological surveys that have been completed within 0.5 miles.

The geologic map of California shows that generalized rock types in the vicinity of Alternative A are Mesozoic metavolcanics; andesite and rhyolite flow rocks, greenstone, volcanic breccia and other pyroclastic rocks. This includes volcanic rocks of Franciscan Complex such as basaltic pillow lava, diabase, greenstone, and minor pyroclastic rocks. These igneous formations are not conducive to fossil preservation.

An archaeological survey of the APE was completed from December 7 through December 9, 2020, except for APN 079-230-004, which was surveyed on March 29, 2022. Overall conditions were good; weeds and grasses were fairly sparse and low due to the time of year and cattle grazing, allowing for transects spaced 100 feet (30 meters) apart. While ground surface visibility was limited to an average of less than 5 percent, there was little undergrowth, allowing long sight-lines. Named ditches, the Henderson Ditch and Palermo Canal, were both found where they cross the APE. Other finds included approximately 60 mining prospect pits, at least 15 shallow water conveyance ditches, dredge tailings, two placer-mined drainages, a rock wall segment, a possible barrel privy, remnants of an orchard, a wooden shack, isolated tailings piles, and one prehistoric artifact, a basaltic cobble chopper. In some cases, as near a placer-mined drainage, there was a clear association between the ditches and specific mining areas. Others were distributed across the landscape but had no clear links with each other (**Appendix CULTURAL**).

At the time of Euroamerican settlement, the APE was within territory controlled by the Northwestern Maidu. The Maidu were hunter-gathers who lived in relatively rich environments with large carrying capacities that allowed for dense populations with complex social structures. Trade and exchange between the Maidu and neighboring Wintu and Nisenan groups of the Sacramento Valley was extensive, and usually involved foodstuffs, ornamental objects, basketry and raw materials used in the production of various tools and other items.

Historic contact between Euroamericans and the Maidu began sometime after the early to mid-1800s as

explorers, trappers, settlers, and miners made their way through the area. As elsewhere in California, the impact of Euroamerican intrusion on local populations was devastating; the population of the entire Maidu was about 8,000 individuals in 1846, but by 1910 had been reduced to approximately 900 persons.

The first settlers in the Oroville area were miners who came to the site on the Feather River in 1849, and in 1850 the Ophir City mining camp was established there (Hoover et al., 2002). By 1856 the town had been renamed Oroville, and its importance had increased so much that it became the county seat, formerly located in Bidwell's Bar. Oroville soon became a trading center for mining operations throughout the foothills. During this time period there were six daily stages running between Oroville, Marysville, Spanishtown, Shasta, Bangor, and Bidwell, transporting people and supplies to the mines and nearby settlements.

Beginning in the late 1850s and continuing through the 1880s, hydraulic mining was the chief industrial activity in Oroville and evidence of hydraulic operations can still be seen throughout the area in the form of ditches, canals, old flumes, and deeply scarred hills. The decline of hydraulic mining in the late 1870s was followed by the development of the gold dredging industry, which originated at Oroville and from there spread around the world. Oroville today benefits from the rich agricultural region nearby and by tourism and vacation activities generated by the Lake Oroville Recreation Area. When Oroville Dam was built in 1967, approximately 15 miles east of the Project Site, much of the material for its construction came from the tailings left by the gold dredges in the Oroville area.

Potential for Fossil Discovery and Buried Archaeological Deposits

The geologic unit underlying the APE consists of Mesozoic Eugeosynclinal deposits, formed in former marine margins. However, the University of California Museum of Paleontology online database reports that only 406 fossils have been mapped in Butte County, indicating that the potential for fossil discoveries during construction is low (University of California Museum of Paleontology, 2023). However, the potential for discovery or buried archaeological resources or human remains is somewhat elevated as the presence of drainages on either side of the APE as well as the presence of wetlands indicates increased potential for natural resources that could have been exploited prehistorically.

Tribal Consultation

It is presumed that the BIA, as Federal Lead Agency, will conduct any necessary consultation.

IMPACT ANALYSIS

For historic properties, i.e., resources eligible for listing on the NRHP, impacts could be significant if the alternative resulted in one of the following effects to cultural resources that are listed, or eligible for listing, on the NRHP:

- Physical destruction of or damage to all or part of the resource
- Alteration of a resource
- Removal of the resource from its historic location
- Change of the character of the resource's use or of physical features within the resource's setting that contribute to its historic significance

- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the resource's significant historic features
- Neglect of a resource that causes its deterioration
- Transfer, lease, or sale of the property

Paleontological resources are considered important for their scientific and educational value. Invertebrate fossils are considered significant if they function as index fossils. Index fossils are those that appear in the fossil record for a relatively short and known period of time. This allows geologists to interpret the age range of the geological formations in which they are found.

Cultural and Paleontological Resources

The archaeological finds noted during the surveys were almost exclusively related to gold mining, but appear to post-date the primary California Gold Rush era (circa 1848-1855). Examination of mining resources nearby demonstrates that the mining features found within the APE are commonplace remnants likely from the first quarter of the 20th century and do not appear to rise to a significant level; therefore, the mining features located in the APE do not appear to be eligible for listing on the NRHP under Criterion A. Likewise, there is no link to an individual important in history (Criterion B), and there are no artistic or architectural values represented (Criterion C). The features and their uses are obvious and do not appear to include additional significant data values beyond the location information already recorded, and therefore the mining features do not appear to be eligible for listing on the NRHP under Criterion D. Other finds, a former orchard location, rock wall, wooden shack, and isolated prehistoric artifact do not appear to contain values which would make them eligible for listing on the NRHP. As a result, a finding of *No Historic Properties Affected* is recommended for Alternative A (**Appendix CULTURAL**).

There is always the potential for discovery of buried cultural resources during earthmoving activities. If resources are discovered during project construction, evaluation of each resource for eligibility to the NRHP and mitigation of adverse effects to eligible resources would be required. With implementation of mitigation measures in **Section 4.0**, adverse effects to cultural resources would be reduced to less-than-significant by requiring a halt to work and proper handling by qualified professionals.

Paleontological resources may occur within the APE, however the potential is low as the underlying geology is volcanic and not conducive to paleontological specimen preservation. With implementation of mitigation in **Section 4.0**, adverse effects to paleontological resources would be reduced to less-than-significant by requiring a halt to work and proper handling by qualified professionals in the event of an unanticipated discovery.

CUMULATIVE IMPACTS

The resources identified during the archaeological survey do not appear to contain values which would make them eligible for listing on the NRHP, and therefore alteration of these finds would not represent an adverse effect or cumulative impact created by Alternative A. New archaeological finds or

paleontological resources uncovered during construction would be evaluated under Section 106 of the NHPA and the Paleontological Resources Preservation Act, and treatment would be appropriate to the significance of the find. Mitigation measures for impacts to cultural and paleontological resources have been included in **Section 4.0**, and similar measures would be applied to other development in the area affecting these resources. Therefore, there are no cumulatively considerable cultural or paleontological resources impacts associated with Alternative A.

3.1.6 SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE

REGULATORY SETTING

The regulatory setting for socioeconomic conditions and environmental justice is summarized in the table below and further discussed in **Appendix REG**.

TABLE 15: REGULATORY POLICIES AND PLANS RELATED TO SOCIOECONOMIC CONDITIONS

Regulation	Description
Federal	
Executive Order 12898	– Directs federal agencies to identify and address disproportionately high impacts of federal projects on the health or environment of minority, low-income, and Native American populations
State and Local	
Regional Housing Allocation Plan	– Established the Regional Housing Needs Allocation Plan
Butte County General Plan	– Includes a Housing Element to guide housing development, maintenance, and ongoing maintenance

ENVIRONMENTAL SETTING

Property Taxes

Property taxes for individual parcels on the Project Site for the 2022-2023 fiscal year are listed in **Table 16**. For the 2022-2023 tax year, property taxes on the Project Site totaled $31,233.86. Total property taxes to be collected within the County per the adopted 2022-2023 budget is totaled at $73,623,440 (Butte County, 2023b).

TABLE 16: FISCAL YEAR 2022-23 PROPERTY TAX

Assessor's Parcel Number (APN)	Acreage	Assessed Value	Property Taxes
079-230-002	6.12	$375,269	$4,015.86
079-230-003	44.95	$332,382	$3,533.88
079-230-004	8.46	$480,000	$5,127.76
079-230-005	140.00	$729,097	$7,746.54
079-230-006	22.00	$251,965	$2,687.44
079-260-001	139.07	$750,540	$8,122.38
Total	**360.60**	**$2,919,253**	**$31,233.86**

Assessor's Parcel Number (APN)	Acreage	Assessed Value	Property Taxes
Source: Butte County Treasurer, 2023			

Income and Employment

The estimated median household income in the County was $59,863 in 2021 while the City of Oroville has a median estimated household income of $38,801, approximately 35 percent lower than the County (US Census Bureau, 2021a). The communities of Palermo and Oroville East surrounding the Project Site have a large income disparity between the two. Census Tract 33, where the Project Site resides, has a median household income roughly the same as the county with a lower poverty level, as seen in in **Table 20**.

According the State of California Employment Development Department (EDD) the 2022 unemployment rate in Butte County was 4.5 percent, as shown in **Table 17**, only 0.3 percent higher than State levels. The City of Oroville and the communities of Palermo and South Oroville have unemployment rates higher than both the County and State the Neighboring South Oroville has an unemployment rate less than half the level of both the State and County.

TABLE 17: 2022 UNEMPLOYMENT RATE

Location	Labor Force	Unemployment Rate
State of California	19,221,000	4.2%
Butte County	92,000	4.5%
City of Oroville	6,700	5.5%
Oroville East	2,800	5.1%
South Oroville	1,200	1.8%
Palermo	1,900	4.7%
Source: EDD, 2023a; EDD, 2023b.		

Population

As of 2021, Oroville had an estimated population of 20,041 (U.S. Census Bureau, 2021a), and Butte County had an estimated population of 207,303. The City's population increased approximately 28.9 percent from the 2010 Census, while Butte County saw a population decrease of 5.8 percent. (**Table 18**). The Project Site sits on the border of Oroville East and Palermo, approximately 1 mile east of the South Oroville border. South Oroville and Oroville East have seen population decreases in the last decade, while Palermo has seen an increase.

Table 18: REGIONAL POPULATION

Location	Population		Percent Change
	2010	2021	2010-2021
California	36,637,290	39,455,353	7.7%
Butte County	218,635	217,884	-0.3%
City of Oroville	15,369	20,409	32.8%

Oroville East	8,599	7,701	-10.4%
South Oroville	6,688	2,668	-60.1%
Palermo	4,545	5,387	18.5%
Source: U.S. Census Bureau, 2010a; U.S. Census Bureau 2021b			

HOUSING

As shown in **Table 19** based on the U.S. Census Bureau American Community Survey (ACS) 5-Year Estimates, Butte County has 95,047 total housing units with a 10.3 percent vacancy rate. The City of Oroville has 8,192 units and also has a 10.3 percent vacancy rate (US Census, 2021b). The City of Oroville has had a 32.2 percent growth of housing units, approximately 1,993 new housing units, up from 6,199 (US Census, 2010b). Palermo has also seen an increase in housing stock. Oroville East, the community immediately north of the Project Site, has seen a drop in available housing units, with 3,341 current units and 3,627 housing units available in 2010, a loss of 286 units. South Oroville, directly West of the Project Site, has seen the largest drop in available housing units, from 1,987 in 2010 to 1,234, a drop of 37.9 percent in available housing units. A significant amount of housing stock loss in the County can be attributed to natural disaster.

TABLE 19: REGIONAL HOUSING STOCK

Location	Total Units		Vacant Units 2021	Vacancy Rate
	2010	2021		
Butte County	95,139	95,047	9,755	10.3%
City of Oroville	6,199	8,192	840	10.3%
Oroville East	3,627	3,341	285	8.5%
South Oroville	1,987	1,234	263	8.7%
Palermo	1,888	2,264	193	8.5%
Source: U.S. Census 2010b, U.S. Census, 2021c.				

ENVIRONMENTAL JUSTICE FOR MINORITY AND LOW-INCOME POPULATIONS

Under USEPA and EO 14096 guidelines, 38 percent of Butte County is low income as well as 56 percent of Oroville, 50 percent of Palermo, and 21 percent of Oroville East. A total of 28 percent of Census Tract 33 falls under this threshold. Income, poverty and low-income statistics are found in **Table 20** below.

TABLE 20: INCOME AND POVERTY DATA

Geographic Area	Median Household Income	Percentage Below Poverty Level	Percentage Low Income Households
State of California	$84,097	12.3%	29%
Butte County	$59,863	17.7%	38%
City of Oroville	$38,801	21.2%	56%
Oroville East	$78,016	8.8%	21%
South Oroville	$57,013	21.7%	53%
Palermo	$42,135	21.2%	50%

Census Tract 33 (Project Site)	$59,096	13.3%	28%
Source: US Census Bureau 2021a, U.S. Census Bureau 2021d, USEPA 2023a.			

TABLE 21: MINORITY DEMOGRAPHICS

Area	*Total Population	White	Black	American Indian or Alaskan Native	Asian	Native Hawaiian or Pacific Islander	Hispanic or Latino	Percent Minority
State of California	39,455,353	14,109,297	2,128,184	124,341	5,802,086	134,692	15,593,787	64.2%
Butte County	217,844	153,153	3,897	1,451	10,617	517	37,982	29.7%
City of Oroville	20,409	12,422	997	294	2,630	57	3,031	39.1%
Oroville East	7,701	5,676	12	158	448	6	885	26.3%
South Oroville	2,668	1,556	12	35	225	10	519	41.7%
Palermo	5,387	3,290	234	250	175	0	1,109	38.9%

Source: U.S. Census Bureau 2021b

*Note rows may sum to a value exceeding total population due to double-counting in certain categories, such as "two or more races"

IMPACT ANALYSIS

Property Taxes

In the absence of the Project Site being taken into trust, property taxes would still be paid to the County. If not taken into trust, it is possible that future development on the Project Site could provide additional revenues to the County in the form of development fees and sales taxes. The Project Site would not be subject to local taxes once taken into trust. Accordingly, total local taxes would be less under Alternative A than if the parcels were developed via a standard County approval process. However, the timing and extent of development of these parcels absent Alternative A is uncertain. Consequently, future County tax revenue under the "No Action" alternative is speculative. If the Project Site is taken into trust, the loss of property tax would total approximately 0.04 percent of the County's total income from property taxes, not including other sources of County revenue. This would not pose a significant impact.

Income and Employment

Short term employment opportunities during the construction phase of Alternative A would create temporary beneficial impacts in the area. Construction costs associated with Alternative A would not significantly differ from development projects in the region. It is anticipated that portions of the construction workforce would reside locally while some would commute in from surrounding regions. The increase in employment and need for goods and services would provide a positive effect on the economy

in the region. Operation of Alternative A would provide important socioeconomic benefits to the Tribe, including an augmented revenue source, new jobs, and additional amenities within its Reservation. This would constitute a less-than-significant but beneficial impact.

Population

As shown in **Table 18** and **Table 19,** the last decade has had negative population growth and decrease in housing stock in Butte County. Though the 10-year population change in the City of Oroville shows growth, since 2020 the City has had a decline of over 4,000 individuals (US Census Bureau, 2023). Employment opportunities generated by Alternative A include one-time construction opportunities and operational opportunities associated with project components such as the event center and amphitheater. Although the region can support minor population growth based on the housing vacancy rate and decline in population compared to project growth rate, it is anticipated that the housing will be provided for tribal members residing in the region already. There would not be population growth in the area as a result of Alternative A, and significant impacts related to population growth would not occur.

Housing

As discussed above, the County as a whole has seen a decline in both population and housing stock. Alternative A would introduce a minimal amount of new housing stock in the area that would support tribal members already residing in the region. Alternative A would generate new one-time employment opportunities during construction, and a minimal number of permanent employment opportunities during operation. Given a local unemployment level of around 4-5 percent, it is anticipated that employment positions would be filled by the local labor force, and that employment opportunities generated by Alternative A would not necessitate the construction of additional housing. Therefore, Alternative A would not generate a significant impact as it relates to housing.

Environmental Justice

As discussed above, a significant proportion of low-income households occur within the County, and minority populations comprise approximately 30-40 percent of the community. Effects to minority populations would include beneficial impacts to the local economy, including the creation of temporary construction jobs and an increased land and housing base for strengthening the Tribe's housing situation.

Alternative A would add housing units and would not displace residential populations in the vicinity of the Project Site. Additionally, Alternative A does not include characteristics that would generate localized impacts such as industrial waste production or smokestack air pollutants that would disproportionately impact low-income or minority groups. Therefore, Alternative A would not result in disproportionately high and adverse environmental effects to minority or low-income communities, including the Tribe. There would be a beneficial impact due to the creation of construction jobs and related economic activity. There would be a less-than-significant and beneficial impact.

CUMULATIVE IMPACTS

Alternative A, when considered cumulatively with other growth in the City and County, could potentially result in minor cumulative effects to the local labor market, housing availability. However, these impacts are anticipated to be beneficial through the generation of local employment opportunities throughout

construction and establishment of permanent on-Reservation Tribal housing for Tribal members. Therefore, Alternative A would not contribute to a significant cumulative impact to socioeconomic conditions or environmental justice.

3.1.7 TRANSPORTATION AND CIRCULATION

REGULATORY SETTING

The regulatory setting for transportation and circulation is summarized in the table below and further discussed in **Appendix REG**.

TABLE 22: REGULATORY POLICIES AND PLANS RELATED TO TRANSPORTATION NETWORKS

Regulation	Description
Federal	
Federal Transportation Improvement Program	– Identifies a plan to allocate funding for long-term capital improvement projects
State and Local	
California Department of Transportation	– Establishes Caltrans as the managing agency over permitting and regulation of state roadways
Butte County Association of Governments	– Tasked to prepare all state and federally required transportation plans and programs that are necessary for securing transportation funding
Butte County General Plan	– Identifies acceptable Level of Service – Identifies local goals and policies regarding traffic and circulation

ENVIRONMENTAL SETTING

Automobiles are the primary mode of travel for most trips in the vicinity of the Project Site. This section describes the existing transportation system; traffic volumes; site circulation; traffic signal warrant analyses; and transit, bicycle, and pedestrian systems in the project area. This section summarizes information from the Traffic Impact Study (TIS) (**Appendix TIS**).

Existing roadways in the vicinity of the Project Site are described below:

State Route 70 – State Route 70 is a four-lane expressway in the project area that generally runs in a north-south direction. It extends north from State Route 99 to the north of Sacramento to terminate at U.S. Route 395 near Beckwourth Pass. The posted speed limit on State Route 70 near the study area is 65 miles per hour (mph).

Ophir Drive - Ophir Drive is a two-lane east-west minor arterial that extends east from State Route 70 to terminate at Upper Palermo Road, where it becomes Lower Wyandotte Road. The posted speed limit is 55 mph to the west of Lincoln Boulevard and 45 mph to the east.

Lincoln Boulevard – Lincoln Boulevard is a north-south major arterial that extends south from Lincoln Street to terminate at South Villa Road in Palermo. The posted speed limit is 40 mph.

Lower Wyandotte Road – Lower Wyandotte Road is a north-south minor arterial that extends south

from Olive Highway and then becomes east-west near the Project Site and terminates to the east at Foothill Boulevard.

Alverda Drive – Alverda Drive is a two-lane roadway that extends north from Lower Wyandotte Road through the Mooretown Rancheria. The posted speed limit is 25 mph.

Feather Falls Boulevard – Feather Falls Boulevard is a two-lane roadway that serves as the main entrance to the Feather Falls Casino and Lodge and provides access to the Feather Falls KOA Campground. Feather Falls Boulevard extends north from Lower Wyandotte Road to terminate at Alverda Drive within the Mooretown Rancheria. The posted speed limit is 25 mph.

Bicycle and Pedestrian Facilities

Bicycle and pedestrian facilities in the area are currently very limited, with no bicycle lanes or sidewalks near the Project Site, except on Alverda Drive.

Transit Service

Bus transit service in the vicinity is provided by Butte Regional Transit (B-Line). B-Line operates local bus route 30 within the City of Oroville and near the Project Site. The routes operate on approximately one-hour headways Monday through Friday from about 7:30 AM to 6:30 PM. The routes provide connections to regional transit via the Oroville Transit Center. The nearest bus stop to the Project Site is located on Alverda Drive, adjacent to the Feather Falls Casino.

Level of Service Standards

Traffic operations were analyzed using the 6th Edition of the *Highway Capacity Manual* (*HCM*) Level of Service (LOS) methodology with Synchro software. The LOS scale describes traffic flow with six ratings ranging from A to F, with "A" indicating relatively free flow of traffic and "F" indicating stop-and-go traffic characterized by traffic jams. LOS in the vicinity of the Project Site ranges from B to C.

Existing Traffic Volumes

Existing weekday traffic volumes were collected in May 2022 and March 2023. Table 3 of **Appendix TIS** summarizes the associated LOS computation results for the existing weekday a.m. and p.m. peak hour conditions. The peak hours are generally between 7:30 a.m. and 8:30 a.m. and 4:00 p.m. and 5:00 p.m., based on the intersection turning movement counts collected. These volumes represent the conditions on a typical weekday (Tuesday through Thursday). The project study intersections currently have acceptable LOS during all conditions. Existing Friday evening traffic volumes (4 p.m. to 8 p.m.) were also collected in March 2023 for weekend event analysis but were not included in **Appendix TIS** and are therefore summarized herein.

IMPACT ANALYSIS

Traffic analyses were completed to evaluate the operational conditions of the following five study intersections:

- State Route 70 & Ophir Road
- Lincoln Boulevard & Ophir Road
- Upper Palermo Road & Lower Wyandotte Road & Ophir Road
- Alverda Drive & Lower Wyandotte Road
- Feather Falls Boulevard & Lower Wyandotte Road

The 2025 design period was selected as the estimated full build-out year of the development, and the 2040 design period was selected as a future horizon year. The background traffic was determined for 2025 with a 10 percent growth in background traffic, representing approved projects and a partial return to pre-covid conditions. The 2040 design year volumes were based on planned and approved projects and the Butte County Association of Governments (BCAG) Traffic Model. These scenarios represent average weekday conditions that assume no event is being held at the amphitheater.

Construction

Approximately 30 truck trips per day are estimated throughout the demolition and construction of Alternative A. Contractors and vendors may require an additional 40 to 50 spots daily, while construction employees may require up to 100 vehicle parking spaces during the peak construction period. However, construction vehicles can be staged so that employee parking demand is met by on-site parking.

While heavy equipment transport to and from the site could cause traffic impacts in the vicinity of the Project Site during construction, it would be temporary in nature and unexpected to generate substantial increases in traffic congestion. Therefore, construction-related employee traffic and parking impacts are considered less than significant.

Operation

The analysis conducted under the 2025 scenario concluded that all of the project study intersections would continue to have acceptable conditions of LOS C or better during the weekday a.m. and p.m. peak hours as a result of Alternative A. Similarly, the analysis concluded that traffic conditions in 2040 would continue to have acceptable conditions during the weekday peak hours. All project study intersections during the Friday p.m. peak hours would continue to have acceptable operations of LOS C or better, except for the State Route & Orphier Road intersection, which would operate at LOS D. However, because this intersection is within the City of Oroville's sphere of influence, the City's acceptable service standard of LOS D threshold applies. While LOS levels would be acceptable, vehicle queues would also increase as traffic volumes increase at most intersections. Alternative A traffic would contribute to the average vehicle queues (based on the 95th percentile vehicle queue) potentially extending beyond the available storage for certain movements.

During weekend events at the amphitheater, all study intersections would continue to have acceptable conditions during the peak hours, except for Ophir Road/Lower Wyandotte Road at Upper Palermo Road and Lower Wyandotte Road at Feather Falls Boulevard, which would drop to LOS D and E, respectively. However, implementing mitigation measures as discussed in **Section 4.0**, would require the lanes at these

intersections to be widened to improve right and left-turn lane storage capacities before start of construction of the amphitheater, implement manual traffic control for special events, , improving LOS conditions to LOS C or better. Therefore, with the implementation of mitigation, the Alternative A operational LOS impacts would be less-than-significant under all LOS scenarios.

Pedestrian and Bicycle Facilities

The County does not have a LOS standard for pedestrian or bicycle facilities. Nevertheless, given the rural nature of the Project Site and the incremental increase in the local population that Alternative A would produce, it is not expected that the increase in use of existing pedestrian and bicycle facilities attributed to Alternative A would not be expected to overcrowd those facilities or decrease their performance or safety. Alternative A would add some pedestrians and bicyclists in the area, but the volumes added would not be expected to impact any existing facilities substantially. Therefore, impacts related to pedestrian and bicycle facilities would be less than significant.

Site Access and Circulation

Alternative A would not result in degradation of the LOS (or a significant increase in delay) on any roadway segments currently being utilized by bus transit in the area with the implementation of mitigation (**Section 4.0**), which would widen lanes, implement manual traffic control for special events, and improve right and left-turn lane storage capacities for select intersections. As such, no significant impacts to bus transit are expected. In contrast, Alternative A could potentially help support existing bus services with additional transit ridership patronage and would not conflict with any transit plans or goals of the County or B-Line Transit. Although Alternative A does have the potential to increase patronage on bus lines in the area, no significant effects on transit capacity are anticipated, given that the additional ridership would be added primarily in the non-peak directions. As a result, Alternative A would not result in any significant impacts on bus transit service in the area.

Based on the analysis in **Appendix TIS**, an event at the amphitheater may cause excessive on-site queuing without improvements to the intersection of Lower Wyandotte Road and Feather Falls Boulevard. The remaining intersections that would provide access to Alternative A are forecasted to have acceptable operations. As outlined in **Section 4.0**, mitigation would require manual traffic control for special events at the event center and the amphitheater. No other site circulation or access issues that would cause a traffic safety problem or any unusual traffic congestion or delay have been identified. Therefore, with the implementation of mitigation, Feather Falls Boulevard would be widened before start of construction of the amphitheater to provide separate right and left turn lanes with approximately 150 feet of storage, reducing on-site traffic issues. With the implementation of mitigation (**Section 4.0**)**,** less than significant impacts would occur.

CUMULATIVE IMPACTS

As described in **Appendix TIS**, with the addition of traffic generation by Alternative A under the cumulative year of 2040, intersections would operate at LOS C or better during weekday and non-amphitheater events. However, cumulative Friday evening traffic would contribute to the average vehicle queues (based on the 95th percentile vehicle queue), potentially extending beyond the available storage for certain

movements. Further, the addition of traffic from Alternative A (plus a full-capacity event at the theater) would cause the LOS to be exceeded at the Ophir Road/Lower Wyandotte Road at Upper Palermo Road and Lower Wyandotte Road at Feather Falls Boulevard intersections. However, the implementation of mitigation, as outlined in **Section 4.0**, would require the lanes operating at unacceptable LOS conditions to be widened, implement manual traffic control for special events, and improve right and left-turn lane storage capacities, thus improving LOS to acceptable conditions and reducing cumulative traffic-related impacts to less than significant.

3.1.8 LAND USE

REGULATORY SETTING

The regulatory setting for land use is summarized in **Table 23** below and further discussed in **Appendix REG**.

TABLE 23: REGULATORY POLICIES AND PLANS RELATED TO LAND USE

Regulation	Description
Federal	
Farmland Protection Policy Act	– Intended to minimize the impacts that federal programs have on the conversion of farmland. – The NRCS identifies significant farmland for preservation.
Williamson Act	– Allows private landowners to enter into contract with local governments to preserve agricultural and open spaces in exchange for lower taxes
State and Local	
Butte County General Plan 2040	– Establishes land use designations within unincorporated areas of the County
Butte County Zoning Ordinance	– Establishes lot zoning and allowable land uses

ENVIRONMENTAL SETTING

The Project Site is mainly characterized by undeveloped land, with the exception of two rural residences, two barns, and three sheds in the northern portion of the Project Site and a dilapidated house and metal shop building in the southern portion of the Project Site. Existing surrounding land uses vary, with commercial developments (Casino) to the west, and undeveloped and rural residential properties on the north, east, and south. Lower Wyandotte Road is to the south/southwest. The closest airport to the Project Site is located approximately 5.5 miles to the west, and the Project Site is not within an Airport Overlay Zone (Butte County, 2023). In addition, while the Project Site lies within the jurisdiction of Butte County, according to the City of Oroville 2030 General Plan, the Project Site is outside their Sphere of Influence but within their Planning Area (City of Oroville, 2015). This Planning Area is intended to be used by the City to communicate to neighboring authorities that development in this area will impact the City, despite not having regulatory authority over the area (City of Oroville, 2015).

The Butte County General Plan dictates the land use designation (Butte County, 2023), while the Butte

County Zoning Ordinance is used to implement the policies of the General Plan, and to regulate the permitted uses for particular parcels (Butte County, 2023a). APNs 079-230-005, 079-230-006, and 079-260-001 have both a land use designation and a zoning designation of Rural Residential (Butte County, 2015; 2023). Additionally, APNs 079-230-002, 079-230-003, and 079-230-004 have both a land use and zoning designation of Medium Density Residential (Butte County, 2015; 2023). The zoning and land use classifications of surrounding parcels are primarily Low and Medium Density Residential, and Rural Residential (Butte County, 2015).

The Project Site is not used for agricultural operations and is not currently zoned for agriculture, however part of the site is located under a "Unique Agriculture Overlay" the purpose of which is to support small-scale/historic agriculture in the County already ongoing in the County (Butte County, 2023). The Project Site is not under an active Williamson Act Contract (Butte County, 2023), and both Butte County and the California Department of Conservation do not identify important farmland on the Project Site (Butte County, 2023; DOC, 2023). However, "317- Thompsonflat loam, 2 to 15 percent slopes", compromises approximately 2.8 percent of the Project Site, and is considered to be farmland of statewide importance (**Figure 5; Appendix SOILS**). Therefore, the Project Site is potentially subject to Farmland Protection Policy Act (FPPA) requirements.

IMPACT ANALYSIS

Impacts to land use could be significant if Alternative A resulted in development incompatible with existing land uses in the region; or conversion of prime or unique farmland in such a manner that would impede planned or existing agricultural land uses. The only potentially affected land uses in the Project area would involve the Oroville Municipal Airport and designated farmland.

Airport Compatibility

The closest airport to the Project Site is the Oroville Municipal Airport, approximately 5.5 miles to the west of the Project Site. The Butte County General Plan (2023) and the Butte County Zoning Map (2015) both show the Project Site is not within an Airport Overlay. Therefore, no impacts related to airport compatibility would occur.

Agriculture

Projects are subject to the Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland to nonagricultural use. Most of the Project Site is not classified as prime farmland. However, one soil type found on the Project Site, "317- Thompsonflat loam 2 to 15 percent slopes", is considered to be farmland of statewide importance (**Figure 5; Appendix SOILS**). Due to the location, Alternative A would result in construction and development on this soil type. In total, there is approximately 10.04 acres of this soil type on-site, and Alternative A would impact approximately 0.63 ac (approximately 6.27% of the total). However, per CFR Title 7 §658.2, the definition of farmland does not include land currently in or committed to urban development. Although no specific definition is provided in the legislation, per the NRCS, residential land cover/use designations are considered urban and built-up areas (NRCS, 2020). As discussed above, the Project Site is composed of residential zoning and land use designations, and the site is not currently used for agriculture. Finally, Alternative A also proposes

developing agricultural land to the south of the Project Site, which is currently undeveloped. Therefore, Alternative A would represent an overall increase in agricultural land in the area.

CUMULATIVE IMPACTS

Once acquired into trust, the Project Site would not be subject to local jurisdictions regarding land use. However, as discussed above, Alternative A is largely compatible with the residential zoning and agricultural overlays on the Project Site. There is no airport overlay which impacts the Project Site, therefore cumulative impacts related to conflicts with airport land uses would not occur. Future off-site cumulative project developments would be required to be compliant with zoning and land use designations. Therefore, there would be no cumulatively considerable adverse land use impacts associated with Alternative A.

The Project Site is not under a Williamson Act Contract, nor is the site currently used for agricultural purposes. While development of Alternative A would result in the development of land classified as farmland of statewide importance, such development is consistent with the development anticipated in the area by Butte County. Furthermore, as Alternative A proposes converting undeveloped land to agricultural farmland, Alternative A represents an increase of agricultural land in the vicinity. Therefore, there are no cumulatively considerable agricultural impacts associated with Alternative A.

3.1.9 PUBLIC SERVICES

REGULATORY SETTING

The regulatory setting for public services is summarized in the table below and further discussed in **Appendix REG**.

TABLE 24: REGULATORY POLICIES AND PLANS RELATED TO PUBLIC SERVICES

Regulation	Description
Federal	
Safe Drinking Water Act	– Establishes minimal drinking water quality standards and groundwater protection
State and Local	
California Integrated Waste Management Act	– Requires that 50 percent of solid waste be diverted from landfills
Butte County General Plan	– Identifies County plans and goals related to public utilities

ENVIRONMENTAL SETTING

Water Supply

Water is supplied to the adjacent Casino from a water main operated by the SFWPA, which extends below Lower Wyandotte Road and could supply the Project Site through an extension of the existing Casino water line. The SFWPA has water rights for 291,312 acre-feet per year (AFY). The average annual watershed production is 254,015 AFY or 81,968 million gallons a year (MGY). SFWPA only has the ability to store 165,016 AFY (53,779 MGY), which is roughly 65 percent of the South Fork Feather River's annual

run-off. The watershed receives its surface water from the South Fork Feather River, Lost Creek, and Slate Creek, tributaries of the North Fork of the Yuba River (SFWPA, 2021). SFWPA's primary water treatment plant is located at the Miners Ranch Reservoir and has the capacity to treat 21 million gallons per day (MGD) or 7,665 MGY. SFWPA serves customers in unincorporated Butte County as well as within the City of Oroville limits, and connections to Tribal enterprises.

SFWPA has an existing demand of 2,944 MGY, and by 2045 additional growth is projected to increase demand to approximately 3,664 MGY, which is still within the available water supply of SFWPA. Furthermore, SFWPA recently conducted a water supply reliability analysis and confirmed that its sources of developed water supply will continue to more than adequately meet the current and the foreseeable demand through 2045 (SFWPA, 2021).

Wastewater Service

As described in **Section 2.1**, wastewater currently produced by the adjacent Casino is conveyed to the Mooretown Pump Station operated by the LOAPUD. LOAPUD has approximately 75 miles of sanitary sewer line and six pump stations. LOAPUD's collection system discharges into the Sewerage Commission – Oroville Region's (SCOR's) Regional Wastewater Treatment Plant (City of Oroville, 2015). Access to LOAPUD infrastructure would be negotiated with the City and extended to accommodate Alternative A improvements.

Solid Waste

Recology Butte Colusa Counties (Recology, formerly Norcal Waste Systems of Butte County, Inc.) provides solid waste disposal services to the Reservation and associated properties and is located approximately 3.5 miles northwest of the Project Site in Oroville, California. Waste is collected and processed at the Oroville Transfer Station, which receives an average of 200 tons of material per day. The transfer station has a permitted capacity of over 975 tons per day (tpd). Once processed, waste that cannot be recycled is transported to the Ostrom Road Landfill, located in Wheatland, California (City of Oroville, 2015). The Ostrom Road Landfill receives approximately 26,000 tons of waste annually and its expected capacity of 43.5 million cubic yards is expected to be reached in 2066 (City of Oroville, 2015; CalRecycle, 2023).

Electricity, Natural Gas, and Telecommunications

Pacific Gas and Electric (PG&E) supplies electricity to the Project Site, including the adjacent Casino (PG&E, 2021). American Telephone and Telegraph (AT&T) provides landline telephone service to the Project Site. Internet and cable TV is available to the Project Site from various providers.

Schools

The Greater Oroville Region has five school districts for elementary and high schools. The Project Site is split between the Oroville City Elementary School District (OCESD) and Palermo Union School District (PUSD) for elementary schools, and the Oroville Union High School District serves the Project Site for high school. According to the City of Oroville 2030 General Plan (2015) school district zoning maps, students on the western half of the Project Site would attend PUSD Elementary schools, and students on the east would attend schools in OCESD. All schools that service the Project Site for the three districts are within

four miles. As of 2015, some of these school districts have experienced declining enrollment. Only a few schools in the region were noted as overcapacity, including Helen M Wilcox Elementary, located in PUSD approximately 1.2 miles from the Project Site (City of Oroville, 2015).

Law Enforcement

The Butte County Sheriff's Department provides law enforcement services throughout the County, including criminal investigations and crime prevention. The Sheriff's Office is also responsible for administering the County Jail. The County Sheriff's Department provides primary law enforcement, while the California Highway Patrol (CHP) provides traffic and supplemental law enforcement services to the Project Site (Butte County, 2023). The Butte County Sheriff's Office has its main office in Oroville, with sub-stations in Chico and Magalia. Additional security personnel is provided for the adjacent trust land by Mooretown Rancheria's Feather Falls Casino.

Fire Protection and Emergency Medical

The Mooretown Rancheria's Fire Department and Butte County's Fire Department provides fire suppression services in the vicinity of the Project Site. Additionally, the Butte County's Fire Department (Palermo Fire Station #72) provides emergency medical services to the communities of Palermo, South Oroville, and Honcut, including the Rancheria and Project Site. Palermo Fire Station #72 is located at 2290 Palermo Road in Palermo, California, approximately 3.5 miles southwest of the Project Site. The station houses one Type-2 engine and one Type-2 reserve engine. Typically, the Palermo Fire Station #72 responds to approximately 1,500 calls per year (Butte County, 2013).

The Mooretown Rancheria's Fire Department and Butte County's Fire Department (Palermo Fire Station #72) also have mutual aid agreements with the California Department of Forestry and Fire Protection (CalFire). The Project Site is located in high fire hazard area within a State Responsibility Area, as mapped by CalFire (CalFire, 2022), where CalFire does have responsibility to provide wildland fire protection services. The Butte County Fire Department has 42 fire stations, 64 fire engines, one ladder truck, two heavy rescues, 16 water tenders, and two bulldozers. In addition, the Department also has a range of other apparatuses including air tankers, a fire suppression plane, rescue squads, breathing support units and hazardous materials units, and is supported by 150 volunteer firefighters (City of Oroville, 2015; Butte County, 2020).

Emergency medical services are overseen and authorized by the Butte County's Fire Department. The nearest hospital emergency room is Oroville Hospital located at 2767 Olive Highway in Oroville, California. Ambulance and emergency medical services are dispatched through 911. Emergency calls are routed through the Sheriff's Office and CHP to the respective fire departments.

IMPACT ANALYSIS

Water Supply

Alternative A would obtain water through extending existing connections from the Casino supplied by the SFWPA as described in **Section 2.1**. The maximum water demand for Alternative A would be 66,520

gallons per day (Montrose Environmental, 2023a). SFWPA has the ability to treat 21 MGD and has a demand of 8.01 MGD. The additional demand associated with Alternative A would be negligible. Additionally, BMPs outlined in **Section 2.1.5** would further reduce water demand through use of EnergyStar or low-flow appliances. Accordingly, the City has the capacity to meet Alternative A's water demands.

Wastewater Service

As discussed in **Section 2.1**, Alternative A would utilize wastewater treatment services provided by LOAPUD. LOAPUD's service area extends over 3,000 acres and approximately 4,500 customers (LOAPUD, 2021). In 2019, Provost & Pritchard prepared a monthly charge analysis to determine appropriate service charges based on anticipated necessary improvements to LOAPUD's infrastructure from 2019 through 2027. A need to expand WWTP capacity was not identified, however anticipated rate changes were deemed necessary for treatment improvement projects to maintain compliance with NPDES permitting (Provost & Pritchard, 2019). The Tribe would negotiate a service agreement with LOAPUD in order to provide wastewater treatment services for Alternative A. As LOAPUD has determined that the existing WWTP has capacity to meet projected demands and that customer payments would be utilized to fund future improvement projects, addition of Alternative A would not exceed capacity of the WWTP or trigger the need to construct additional treatment facilities. There would be a less-than-significant impact.

Solid Waste

Potential solid waste streams from construction would include paper, wood, glass, aluminum, plastics from packing material, waste lumber, insulation, empty non-hazardous chemical containers, concrete, metal, and electrical wiring. Construction waste would be temporarily produced and would not generate significant amounts of solid waste. Solid waste and recycling from construction and operation of Alternative A would be collected by Recology Butte Colusa Counties and would be transferred to the Oroville Transfer Station and Ostrom Road Landfill. Utilizing the most conservative daily solid waste generation rate published by CalRecycle (CalRecycle, 2019) commercial buildings typically produce 13.0 pounds per 1,000 square feet per day, and individual households generate 12.2 pounds per day, resulting in approximately 1.19 tons per day (tpd) of solid waste. Based on the maximum capacity of 975 tpd at the Ostrom Road Landfill, this small addition of solid waste would not impact solid waste services or facilities. This would be a less-than-significant impact.

Electricity, Natural Gas, and Telecommunications

Alternative A would hook into the existing electrical and telephone infrastructure used by the Casino and available to the Project Site. Natural gas may also be utilized by Alternative A and would utilize PG&E for such services. The Tribe would be responsible for negotiating service agreements for electrical and natural gas services. Off-reservation work is not anticipated, however, the Tribe would be responsible for the extension of services within the Project Site.

Schools

Alternative A would, in part, create on-reservation housing for Tribal members already living in the region. A portion of the proposed housing would be dedicated to senior dwellings and would not house school-

aged children. As the housing units are anticipated to support existing Tribal members living locally and already relying on local public services, such as schools, significant increases in demands for these services would not occur. Additionally, as discussed in **Section 3.1.8**, Alternative A is consistent with the envisioned land use as described in the County's zoning and General Plan, and would therefore be consistent with anticipated growth utilized in local planning for public services, including schools. While some new residents with student-aged children may move to the proposed developments, except Helen M Wilcox, schools within PUSD and OCESD would have the capacity for additional students (City of Oroville, 2015). Therefore, Alternative A could be served by existing nearby schools, would not induce a significant increase in demand on local schools, and would not exceed planned demands on public services. This would be a less-than-significant impact.

Law Enforcement

In accordance with Public Law (PL) 280, 18 USC §1162, the State of California and other local law enforcement agencies have criminal enforcement authority on tribal lands. The County Sheriff's Department would continue to provide law enforcement services to the Project Site. The incremental increase in residents and visitors to the Project Site may result in a proportionate increase in crime, potentially requiring response by off-Reservation law enforcement agencies. However due to the relatively small size of the proposed development, calls for service would not be disproportionate to the current number of calls for service within the overall service area. Additionally, as discussed in **Section 3.1.8**, Alternative A is consistent with the envisioned land use as described in the County's zoning and General Plan, and would therefore be consistent with anticipated growth utilized in local planning for public services. Construction of additional law enforcement facilities to serve Alternative A would not be necessary. There would be a less-than-significant impact.

Fire Protection and Emergency Medical Services

Construction-related impacts include potential fire threats associated with equipment and vehicles coming into contact with wildland areas. Construction vehicles and equipment such as welders, torches, and grinders may accidentally spark and ignite vegetation or building materials. The increased risk of fire during the construction of the proposed facilities would be similar to that found at other construction sites. Implementation of mitigation (**Section 4.0**), which includes standard construction practices to prevent an accidental fire, would reduce risks associated with fire during construction. Operation of Alternative A would not generate a significant risk of accidental fire and would not generate a significant impact to existing fire protection services.

Construction and operation of Alternative A has the potential to result in increased emergency medical service demands compared to existing conditions. Increased emergency calls to 911 as a result of Alternative A would be similar to other residential and commercial developments within the existing service area and would not result in significant delays to response times or the need for construction of new service provider facilities. Additionally, as discussed in **Section 3.1.8**, Alternative A is consistent with the envisioned land use as described in the County's zoning and General Plan, and would therefore be consistent with anticipated growth utilized in local planning for public services. Construction of additional fire protection and emergency medical facilities to serve Alternative A would not be necessary. There

would be a less-than-significant impact.

Cumulative Impacts

As discussed above, SFWPA has an existing demand of 2,944 MGY, and by 2045 additional growth is projected to increase demand to approximately 3,664 MGY, which is still within the available water supply of SFWPA. SFWPA recently conducted a water supply reliability analysis and confirmed that its sources of developed water supply will continue to more than adequately meet the current and the foreseeable demand through 2045 (SFWPA, 2021). Alternative A is compatible with planned development identified by the Project Site's zoning and land use Designation (**Section 3.1.8**) and would be within projected water demands. Therefore, given the cumulative horizon year stability of water supply, Alternative A would not generate a significant cumulative impact.

Similarly, LOAPUD's projected cumulative demand analysis through 2027 determined adequate WWTP capacity and determined that anticipated infrastructure improvements would be feasible through customer funding via service charges (Provost & Pritchard, 2019).

PG&E provides services within all or portions of over 35 counties across California. Alternative A would constitute a negligibly small addition to the existing service area. Additionally, the Tribe would enter into a service agreement with PG&E in order to pay for services received, and the Tribe would additionally be responsible for expanding utility connections on-site in order to serve Alternative A.

Additionally, Alternative A is within the expected growth of the County and does not include components that would generate significant public services demands, including those on local schools, law enforcement, fire protection, or emergency medical services. Potential demands would be minimal and limited to common services provided for nearby residential housing and commercial developments. Therefore, there are no cumulatively considerable public services impacts associated with Alternative A.

3.1.10 NOISE

REGULATORY SETTING

The regulatory setting for noise is summarized in the table below and further discussed in **Appendix REG**.

TABLE 25: REGULATORY POLICIES AND PLANS RELATED TO NOISE

Regulation	Description
Federal	
The U.S. Department of Housing and Urban Development	– Provides noise standards to encourage the control of noise at its source
The Federal Interagency Committee on Noise	– Provides guidance on quantifying significant noise increases from a baseline level
State and Local	
California Noise Insulation Standards	– Establishes noise limits for vehicles licensed to operate on public roads
Butte County General Plan	– Identifies County goals and policies relating to allowable noise levels and noise-producing land uses

ENVIRONMENTAL SETTING

The Project Site is surrounded by rural residential areas to the southwest, with Tribal buildings and the Casino located directly west. The nearest sensitive noise receptor is a single-family rural residence located on trust land approximately 605 feet north of the Project Site on Alverda Drive. The nearest off-reservation sensitive receptor is a single-family rural residence on Windfall Way, approximately 630 feet northeast of the Project Site. The nearest school, Helen M Wilcox Elementary School, is located approximately 1.2 miles northwest of the Project Site.

The noise environment surrounding the Project Site is influenced primarily by noise from vehicles and casino patrons. Noise levels are increased during popular tourist months.

IMPACT ANALYSIS

The assessment of project effects is based on the Federal Highway Administration (FHWA) construction noise level thresholds in its 2006 Construction Noise Handbook, as well as the Federal NAC standards used by FHWA. The assessment of vibration noise is based on the FTA standards of 0.5 PPV for structures and 0.1 PPV for annoyance of people (FHWA, 2006). Adverse noise-related effects would occur during construction and operation if the following occurs:

- Project construction results in an increase in the ambient noise environment of greater than 78 dBA Leq, or a 5-dBA increase in the ambient noise level above the existing noise level.
- Project operation results in an increase in the ambient noise environment of greater than 67 dBA Leq, or would result in an audible increase in ambient noise level at sensitive receptor locations including residential housing adjacent to the Project Site.
- Construction or operation of Alternative A exceeds the FTA vibration standards of 0.5 PPV for structures and 0.1 PPV for annoyance of people (FHWA, 2006).

Construction Noise

Site preparation and grading associated with Alternative A would temporarily generate noise above

background noise levels. The closest sensitive receptor that would be exposed to noise during project construction is a single-family rural residence approximately 605 feet north of the Project Site. Impacts to the residence are not considered in this analysis because it is on trust land and the Tribe would handle the noise issues internally. The nearest non-Tribal sensitive receptor is a residence located approximately 630 feet northeast of the Project Site. Construction noise levels at and near the Project Site would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment. Construction-related material haul trips would raise ambient noise levels along truck routes, depending on the number of haul trips made and types of vehicles used. **Table 26** shows typical noise levels produced by various phases of construction.

TABLE 26: TYPICAL NOISE LEVELS

Construction Phases	Noise LeveL (DBA, L_{EQ} at 50 Feet)
Ground Clearing	84
Excavation	89
Foundation Work	78
Structure Erection	85
Final Site Work	89
Source: FHWA, 2017	

Sources of construction noise attenuate (lessen) at a rate of 6 dBA to 9 dBA per doubling of distance from the source, depending upon environmental conditions (i.e. atmospheric conditions and noise barriers, either vegetative or manufactured, etc.) (FHWA, 2006). An attenuation factor of 8.0 dBA per doubling of distance is appropriate given the undulating topography and obstructing vegetation in the vicinity of the Project Site. Based on **Table 26**, the maximum projected construction noise level on the Project Site would be approximately 89 dBA. This is a conservative maximum noise level based on the assumption that louder equipment (pavers) could potentially be used daily. However, not all equipment would be used simultaneously, and not all equipment would be used on a daily basis. Thus, the actual noise level would be lower than calculated.

Using an attenuation factor of 8.0 dBA Leq per doubling of distance, maximum average sound levels at nearby sensitive receptors (approximately 630 feet northeast of construction activity) would be approximately 48.5 dBA Leq, which is less than the FHWA threshold of 78 DBA Leq. This level is also lower than the County threshold of 50 dBA Leq for commercial land use noise (Butte County, 2023).

In addition, noise BMPs outlined in **Section 2.1.5** would limit construction hours and further reduce noise generated by construction equipment. Thus, there would not be a significant adverse impact due to construction noise under Alternative A.

Construction Vibration

Generally, physical damage is only an issue if construction requires the use of equipment that is operated near sensitive receptors (within 25 - 100 feet) or if the equipment creates high vibration levels (e.g., compactors, large dozers). Due to the distance of the nearest sensitive receptors (approximately 630 feet

northeast from the Project Site) and because the project would not require the use of equipment that creates high vibration levels, there would not be a significant adverse impact due to vibration under Alternative A.

Operational Noise and Vibrations

Alternative A would increase on-site operational noise and vibrations, primarily from increased traffic and events at the amphitheater. Other proposed land uses, such as residential housing, event space, and other commercial uses, would produce mostly internal acoustics that would not propagate far outside the proposed structures and would not generate detectable levels of vibrations outside of the Project Site. On-site agricultural practices would generate noises and vibrations mostly from farm machinery. However, these noises and vibrations would be infrequent and spread over a large area, thus unlikely to create unacceptable levels of either. Additionally, as further discussed in **Section 3.1.8**, agricultural uses on site are anticipated in local land use designations and zoning, therefore agricultural noise is anticipated in the area and surround land uses have been designed accordingly for compatibility.

Events at the amphitheater may emit noises that could affect nearby residences. However, the amphitheater would be utilized semi-infrequently and is positioned over 600 feet away from the nearest sensitive receptor. Concerts would be the loudest event potentially hosted by the amphitheater and could reach noise levels of around 100 dBA Leq. At a distance of over 600 feet, noise from a concert at the amphitheater would not exceed 50 dBA Leq at an outside source and therefore would not generate noises that would be unacceptable to nearby receptors.

The level of traffic noise depends on three things: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of the traffic. As operational trips would less than double traffic on nearby roadways (**Appendix TIS**), the increase in ambient noise levels would be less than 1.0 dBA, and FICON thresholds for ambient noise increase would not be exceeded (FHWA, 2018). Further, the level of vibrations produced by the increase in roadway use would be nearly imperceptible compared to existing conditions.

Therefore, Alternative A would not result in significant adverse effects associated with operational noises or vibrations.

CUMULATIVE IMPACTS

Generally, noise increases as areas are developed. Using the growth rate of approximately 1.5 percent per year, traffic volumes on Lower Wyandotte Road would be approximately 1,675 vehicles per day. Therefore, in the cumulative 2040 year, the ambient noise level would increase by approximately 0.21 dBA, Leq. With the addition of cumulative traffic volume, the ambient noise level would be approximately 65.21 dBA, Leq, which is less than the federal noise abatement criterion of 67 dBA Leq. Therefore, Alternative A would not result in a cumulatively significant adverse impact associated with traffic noise levels for sensitive receptors located in the vicinity of Lower Wyandotte Road.

Similarly, Alternative A operational land uses at buildout and in the cumulative 2040 year would generate

mostly internal acoustics that would mostly be imperceptible to nearby receptors. While the amphitheater could produce noises exceeding noise threshold levels, it would be used semi-infrequently and situated away from sensitive receptors. Therefore, noise levels from traffic and operational uses would not generate a cumulatively significant noise level. Therefore, there are no cumulatively considerable noise impacts associated with Alternative A.

3.1.11 HAZARDOUS MATERIALS

REGULATORY SETTING

The regulatory setting for hazardous materials is summarized in the table below and further discussed in **Appendix REG**.

TABLE 27: REGULATORY POLICIES AND PLANS RELATED TO HAZARDOUS MATERIALS

Regulation	Description
Federal	
Resource Conservation and Recovery Act	– Dictates the management of hazardous solid waste from creation to disposal
Toxic Substances Control Act	– Requires reporting, recordkeeping, testing requirements, and restrictions related to hazardous materials
Comprehensive Environmental Response, Compensation, and Liability Act	– Provides funds to clean up uncontrolled, closed, or abandoned hazardous waste sites
State and Local	
California Environmental Protection Agency	– Develops, implements, and enforces environmental laws that regulate air, water and soil quality, pesticide use, and waste recycling and reduction
California Code of Regulations, Title 22, Division 4.5	– Addresses off-Reservation environmental and public health standards for the management of hazardous waste
California Health and Safety Code, Division 20, Chapter 6.95	– Requires businesses to plan and prepare for a chemical emergency through preparation of a Hazardous Materials Inventory and Business Plan
Butte County General Plan	– Risk reduction guidelines

ENVIRONMENTAL SETTING

A report of hazardous material incident databases by Environmental Data Resources (EDR), Inc. indicated that the Project Site is not listed in any of the databases searched by the EDR. No mapped sites were found in EDR's search of available government records either on the Project Site or within the search radius around the Project Site (**Appendix HAZMAT**). The surrounding properties listed in the EDR report do not constitute Recognized Environmental Conditions (RECs) and are unlikely to pose a threat to the environmental integrity of the Project Site. The EDR report did list one site located within the Project Site. This listing was on the U.S. Clandestine Drug Lab database. The lab was seized on May 13, 2008 but no additional information was provided in regards to the lab. On-site investigations did not display any signs

of hazardous materials release in this area. As a result, this site is not considered a REC and would not likely pose a risk to the environmental quality of the Project Site.

The State Water Resources Control Board (SWRCB) and the Department of Toxic Substances Control (DTSC) each maintain websites (GeoTracker and EnviroStor) that provide information on hazardous materials incidents in California. Neither one indicates sites with hazardous materials incidents that would affect use of the Project Site (DWR, 2023; SWRCB, 2023; DTSC, 2023).

Field inspections of the proposed trust parcels were completed on January 18, 2021 and March 29, 2022. The surveys found that the abandoned residence on APN 079-230-006 was un-occupied and appeared to be in a state of disrepair; insulation was observed falling from the ceiling, and porch decking had been removed. Aerial photographs indicate that the residence was built sometime between 1973 and 1977, and therefore there is the potential for lead-based paint on the walls. The metal workshop was locked at the time of the survey and could not be entered. Other finds in the Project Site included tires, and debris, four empty 55-gallon drums, wood piles, and a port-a-pot. There were trailers, a recreational vehicle, and farm equipment stored in a metal shed in the northwestern corner of the Project Site, a wooden shed located on APN 079-230-003 included multiple 2-gallon cans scattered on the floor, one of which was marked as Roundup herbicide, and another of which had a Union 76 logo. The shed was on a concrete pad, no stains were observed, and therefore the contents of the shed do not appear to constitute a REC. A second small wooden shed covered a well and above-ground water storage tank. Two small dirt mounds in the northwestern corner appear to be associated with farm operations. None of the finds appears to be a REC that would affect future use of the Project Site.

Based on the site conditions observed, County and owner interviews and questionnaires regarding existing site conditions, and information in the EDR Report and other databases, no RECs were identified and no additional subsurface hazardous materials investigations appear to be warranted.

IMPACT ANALYSIS

Incidents associated with hazardous materials that may occur during construction may include the incidental release of fuels, oil, and grease associated with operation of construction equipment, as well as accidental releases associated with handling and transferring hazardous material-containing substances. Typical construction management practices limit the incidence of such accidental releases. In addition, the Clean Water Act requires that stormwater management BMPs be implemented during construction in accordance with a SWPPP, further discussed under BMPs in **Section 2.1.5**. The SWPPP would further ensure that incidental releases of hazardous materials would not flow offsite during a storm event.

The possibility exists that undiscovered contaminated soil and/or groundwater is present within the Project Site due to the migration of hazardous materials from off-site properties or unknown hazardous materials dumping. Additionally, small quantities of solvents, fuels, and paints may be stored and used during construction. These materials are common to most construction operations and do not pose unusual or substantial threat to public health and safety because of the relatively small quantities involved.

Operation of Alternative A may include the use of organic-certified chemicals for agricultural maintenance in the event other non-chemical methods were previously exhausted and found insufficient. There would be no permanent storage of fertilization and pesticide materials on-site. Agriculture-related employees would be trained annually in the proper use of pesticides and emergency maps and plans would be provided on site. Additionally, implementation of mitigation measures in **Section 4.0** would further reduce risks associated with the routine transport, use, or disposal of hazardous materials.

No environmental concerns were identified on or in the immediate vicinity of the Project Site that would likely pose an adverse effect to the environmental integrity of the Project Site. Development of Alternative A would not result in exposing employees or the public to existing hazardous materials conditions. There would be a less-than-significant impact.

CUMULATIVE IMPACTS

Any new development in the area would be required to adhere to State and municipal regulations in the delivery, handling, and storage of hazardous materials, thereby reducing the risk of accidental exposure to the public's health and welfare. The Tribal Council is responsible for ensuring development does not result in the release of hazardous materials and would be required to follow all associated Federal and Tribal requirements for use, storage, and handling. Potential use of hazardous materials associated with Alternative A would be limited in quantity, limited to common household and small scale agricultural uses, and would be constrained to the Project Site. Therefore, there are no cumulatively considerable hazardous materials impacts associated with Alternative A.

3.1.12 VISUAL RESOURCES

REGULATORY SETTING

The regulatory setting for visual resources is summarized in **Table 28** below and further discussed in **Appendix REG**.

TABLE 28: REGULATORY POLICIES AND PLANS RELATED TO VISUAL RESOURCES

Regulation	Description
Federal	
National Scenic Byway Program	– Identifies scenic byways and acceptable development within associated viewsheds
State and Local	
State Scenic Highways	– Regulates development near highways designated as scenic
Butte County General Plan	– Identifies the County's plans and goals related to the County's aesthetic resources

ENVIRONMENTAL SETTING

The Project Site is located east of the existing Casino. Visual characteristics of the Project Site are typical of rural forested and grassland areas in the County and mainly features oak trees and ruderal vegetation. Additionally, two rural residences, two barns, and three sheds occur in the northern portion of the Project

Site and a dilapidated house and metal shop building occur in the southern portion of the Project Site.

The majority of Alternative A development is proposed to take place to the north of the Project Site, with development to the south being composed of agricultural development, and remodeling of an existing building for tribal government purposes. The north of the Project Site is not visible from Lower Wyandotte Road due to the tall forest lining the highway, with the possible exception of approximately 0.3 miles south of the Project Site. The north of the Project Site is likely also visible from Alverda Drive to the west, and Windfall Way to the North. In contrast, the south of the Project Site would only be briefly visible from Lower Wyandotte Road, and possibly from an unnamed side road of Lower Wyandotte Road to the east of the Project Site. Furthermore, the nearest scenic highway zone is located approximately 4 miles northeast of the Project Site and the nearest County scenic highway is located approximately 12 miles north of the Project Site (Butte County, 2023). Neither the scenic highway zone or scenic highway offer views of the Project Site.

IMPACT ANALYSIS

Impacts related to visual resources would be considered significant if Alternative A were to substantially alter or interrupt important scenic vistas, introduce visual elements that would conflict with Butte County's rural atmosphere, or create sources of inappropriate or excessive glare or nighttime illumination.

Visiting patrons of the existing Casino, travelers along portions of Lower Wyandotte Road, and neighboring residences have the potential to have views of Alternative A. However, due to the hilly nature of the Project Site and existing on-site vegetation, views of development would be limited. Alternative A would incorporate features to soften visual impacts and allow development to blend into the existing environment. These include using design elements such as neutral colors, natural materials, landscaping, and complimentary architectural styles. These design features, included as BMPs in **Section 2.1.5**, would minimize impacts to visual resources. Therefore, effects to visual resources would be less than significant.

Lighting from Alternative A would become a source of nighttime lighting in the area. Lighting will be in parking areas and along pathways, and located in and around buildings, including lighting at the event center, amphitheater, and tasting room. However, external lighting would consist primarily of downcast, shielded lamps and will be designed for public safety and security purposes, and exterior glass on commercial buildings would be glazed to minimize glare. Outside lighting on residences would provide minimal light pollution as it would be localized to the individual buildings. Given the relatively small area proposed for development, the additional facilities would fill a small portion of the viewshed when compared to the expansive scenic resources in all directions. Additionally, slopes and existing vegetation on the Project Site would shield most light from reaching surrounding areas. Implementation of BMPs in **Section 2.1.5** would minimize impacts through the installation of lighting sources designed to minimize glare, and prevent light spilling offsite. Furthermore, during construction, lighting would be limited to times appropriate to meet safety and security concerns. Therefore, potential impacts due to lighting and glare from operation of Alternative A would be less than significant.

Cumulative Impacts

Cumulative development that takes place would be consistent with local land use regulations, including associated design guidelines. Cumulative effects would include a shift from undeveloped lots to views of developed areas, as well as an increase in the density of urban uses within the City. However, the development of Alternative A would be generally consistent with the visual goals of County and City land use regulations, would not generate significant nighttime lighting or glare, and would confine lighting so as not to overspill the Project Site. Substantial development is located directly to the west of the Project Site, and Alternative A would be visually consistent with that development. Therefore, there are no cumulatively considerable visual resources impacts associated with Alternative A.

3.2 ALTERNATIVE B

Environmental impacts under Alternative B would not occur. Under Alternative B, the Project Site would remain in its current condition. The Project Site would not be taken into federal trust and development would not take place on the Project Site in the near term. Jurisdiction of the Project Site would remain with the state and local jurisdictions. It is possible that the Project Site could eventually be developed in accordance with federal, state, and local requirements. However, it would be speculative to forecast the exact timing and nature of potential development. Therefore, Alternative B only considers ongoing existing use of the Project Site, which is limited to vacant land. As no action would occur under Alternative B, Alternative B would not result in impacts to the environment.

3.3 INDIRECT AND GROWTH-INDUCING EFFECTS

Under NEPA, indirect and growth-inducing effects of Alternative A must be analyzed [40 CFR 1508.8(b)]. The CEQ Regulations define indirect effects as effects that are caused by the Proposed Action and are later in time or further removed in distance, but still reasonably foreseeable. Growth-inducing effects are defined as effects that foster economic or population growth, either directly or indirectly. Direct growth inducement could result, for example, if a project includes the construction of a new residential development. Indirect growth inducement could result if a project establishes substantial new permanent employment opportunities (e.g. new commercial, industrial, or governmental enterprises) or if it removes obstacles to population growth (e.g. expansion of a wastewater treatment plant to increase the service availability). This section focuses on the indirect and growth-inducing effects of Alternative A. With no change compared to existing conditions, Alternative B would not result in indirect or growth-inducing effects and is therefore not discussed further.

3.3.1 INDIRECT EFFECTS

No significant, unmitigable impacts to resources have been identified that would result from the implementation of Alternative A. Utility upgrades would occur on infrastructure already located on Tribal lands, and would be limited to modifications of the WWTP. The remaining utilities are already located on site and local utility providers have existing capacity to serve the Project Site. A significant number of new employees would not move to the community from out of the area; as such, no new housing, schools, or other facilities would be constructed as a result of development on the Project Site. There would be no change in off-site land use and no significant change in population density in the vicinity of the Project

Site. The potential for indirect impacts was not identified for any of the resource areas, with the exception of living resources. There is potential for indirect effects to living resources, such as such as introduction of noxious weeds into the area during construction, increased lighting from the proposed development, noise disturbance during construction, or sedimentation into aquatic habitat from construction; however, these impacts would be less than significant through implementation of the BMPs described in **Section 2.1.5** and mitigation described in **Section 4.0**. No significant adverse indirect effects relevant to any environmental issue area would occur.

3.3.2 GROWTH-INDUCING EFFECTS

Growth inducement may constitute a significant effect if the increased growth is not consistent with or accommodated by the land use and growth management plans and policies for the area affected. Local land use plans provide for development patterns and growth policies allow for orderly development supported by adequate public services and utilities such as water supply, roadway infrastructure, sewer services, and solid waste disposal services. A project that would induce "disorderly" growth (i.e. would conflict with local land use plans) could indirectly cause adverse environmental or public service impacts.

Alternative A is would employ a nominal number of individuals compared to the existing labor force in the region. Although it is anticipated that the majority of the permanent employees would already reside locally, there is room for accommodation if relocation must occur. Therefore, Alternative A would not directly induce substantial population growth in the region of the Project Site.

Analysis of the adequacy of local infrastructure and services are included in the discussion of environmental consequences for Alternative A. Utility work would be limited to expansion of services within existing trust land and would be sized to serve Alternative A. Alternative A therefore does not include features that would induce growth. Therefore, growth-inducing impacts would be less than significant for Alternative A.

SECTION 4.0
MITIGATION MEASURES

Mitigation consists of "avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; [or] compensating for the impact by replacing or providing substitute resources or environments…" (40 CFR 1508.20). Mitigation measures for each alternative are discussed below. Mitigation is enforceable because it is inherent to the project design, required by federal law, or required by a binding agreement. Mitigation measures shown in **Table 29** are recommended to reduce potential impacts of Alternative A.

TABLE 29: MITIGATION MEASURES

Resource Area	Mitigation Measure
Living Resources	**Protection of wetlands, waterways, and riparian habitat** – The following measures shall be implemented to protect aquatic habitats and associated wildlife species: 1. Project components, including roadways, utilities, and structures shall be designed to avoid grading or placement of fill in wetlands, waterways, or riparian habitat. 2. Where wetland or waterway crossings are unavoidable, crossing design shall consider use of a free span bridge with footings and abutments located outside of the wetland or channel to avoid direct impacts to aquatic habitats. 3. No construction activities shall occur within any potentially jurisdiction waterway without prior consultation with the U.S. Army Corps of Engineers. If impacts to potentially jurisdictional aquatic features are unavoidable, required permits shall be obtained from the U.S. Army Corps of Engineers. 4. Prior to the start of construction, wetlands and waterways, including Pond 1; Pond 2; Wetlands 1 through 16; Henderson Ditch; Ditches 7, 8, 10, and 20; Palermo Canal Spur; ephemeral and perennial streams on the property; and riparian habitat along streams shall be designated as Environmentally Sensitive Areas (ESAs). These areas, with the exception of any permitted work locations, shall be protected by minimum 25-foot no-entry buffers, measured from the ordinary high-water mark or edge of riparian habitat. ESAs and protective buffers shall be shown on all grading and construction plan sets. Buffers shall be marked in the field with highly visible flagging and/or fencing prior to the start of any ground or vegetation disturbance activities. Signage shall be placed around the ESA that states "Sensitive Resource Area – NO ENTRY." This measure does not apply to Ditches 1 through 6, 9, or 11 or 19, which exhibit upland characteristics. 5. Agricultural development shall be prohibited within 50 feet of the outer edge of riparian habitat along perennial waterways. 6. Livestock shall be prevented from accessing perennial waterways and associated riparian habitat. Fencing, cattle guards, or other appropriate exclusion structures shall be in place prior to initiating livestock grazing. These structures shall be routinely inspected and maintained for the duration of all livestock grazing activities.

	Mitigate for Impacts to Jurisdictional Wetlands and Waterways – If the project is deemed to impact jurisdictional wetlands and/or waterways mitigation shall be conducted at a minimum 1:1 ratio. A mitigation plan shall be developed by a qualified biologist or restoration specialist and shall describe the project impact amount (square feet and linear feet), type (permanent or temporary), mitigation approach, methods, monitoring methodology, and reporting requirements. – **Pre-construction Surveys for Nesting Migratory Birds**If construction activities (e.g., building, grading, ground disturbance, removal of vegetation) are scheduled to occur during the general nesting season (February 1 - September 15), a preconstruction nesting bird survey shall be conducted by a qualified biologist throughout accessible areas of suitable habitat within 500 feet of proposed construction activity. The survey shall occur no more than 7 days prior to the scheduled onset of construction. If construction is delayed or halted for more than 7 days, another preconstruction survey for nesting bird species shall be conducted. If no nesting birds are detected during the preconstruction survey, no additional surveys or mitigation measures are required. – If nesting bird species are observed within 500 feet of construction areas during the survey, appropriate "no entry" buffers shall be established. The size and scale of nesting bird buffers shall be determined by a qualified biologist and shall be dependent upon the species observed and the location of the nest. The nesting bird buffers shall be avoided during construction activities. The buffers may be removed when the qualified biologist confirms that the nest(s) is/are no longer occupied, and all birds have fledged. A copy of the survey report(s) shall be provided to the Tribe and Pacific Region BIA within 30 days of survey completion. – **Pre-construction surveys for nesting bald and golden eagles** – If construction activities (e.g., building, grading, ground disturbance, removal of vegetation) are scheduled to begin during the bald or golden eagle nesting season (January 1 – August 30), a preconstruction survey for nesting eagles shall be conducted by a qualified biologist. The survey shall cover the complete project footprint, as well as a 500-foot buffer. The qualified biologist shall have experience surveying for nesting eagles. If no eagle nests or eagles displaying courtship behavior are observed, no further action is required. If an eagle nest or eagle courtship behavior is detected, the project proponent shall contact the U.S. Fish and Wildlife Service (USFWS) for guidance. Nest buffers shall follow USFWS recommendations in *Recommended Buffer Zones for Human Activities around Nesting Sites of Bald Eagles in California and Nevada* and *Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada* and may only be reduced in consultation with the USFWS. A copy of the survey report(s) shall be provided to the Tribe and Pacific Region BIA within 30 days of survey completion. **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

Resource Area	Mitigation Measure
	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. **Pre-activity Surveys for Northwestern Pond Turtle** – Pre-activity surveys for northwestern pond turtle shall be completed by a qualified biologist within 24 hours prior to initial ground or vegetation disturbance activities located within 100 feet of perennial streams and associated riparian habitat and within 100 feet of Pond 1 and Pond 2. Surveys may be staggered to coincide with project phasing. If northwestern pond turtle is not detected, work may proceed. If northwestern pond turtle is detected, the following additional measures shall be implemented: 1) A biological monitor shall conduct daily pre-activity surveys in all active work areas within 100 feet of any perennial stream, associated riparian habitat, or pond where northwestern pond turtle has been detected. Work may not begin in a given area until the area has been cleared by the biologist. 2) A biological monitor shall be present during all work within 25 feet of any perennial stream, riparian habitat, or pond where northwestern pond turtle has been detected. 3) The biological monitor(s) shall have stop work authority in the event that a northwestern pond turtle is discovered during work activities. 4) Northwestern pond turtles shall 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.

Resource Area	Mitigation Measure
	– Results of the pre-activity survey(s) shall be provided to the Tribe and Pacific Region BIA within 7 days of survey completion. **USFWS Consultation on Northwestern Pond Turtle** – 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 actions and measures to ensure the protection of western pond turtles and their habitat in accordance with regulatory requirements. **Monitor Initial Ground Disturbance within 25 Feet of Pond 1 and Pond 2** – Western spadefoot may potentially be present in small mammal burrows surrounding Pond 1 and Pond 2. If ground disturbance activities will occur within 25 feet of Pond 1 or Pond 2 a biological monitor shall be present during initial disturbance activities to inspect for western spadefoot. If no western spadefoots are detected during initial ground disturbance, work may proceed. If western spadefoot is detected, the USFWS will be notified and the following additional measures shall be implemented: 1) A biological monitor shall be present during all work within 25 feet of Pond 1 or Pond 2. 2) The biological monitor shall have stop work authority in the event that a western spadefoot is discovered during work activities. 3) 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. **Avoid Impacts to Elderberry Shrubs** – Prior to the start of construction, all proposed impact areas plus a 25-foot surrounding buffer shall be surveyed for elderberry (Sambucus spp.) shrubs. If no elderberry shrubs are present, no further action is required. If elderberry shrubs are located within the survey area, they shall be designated as Environmentally Sensitive Areas (ESAs) and shall be protected by minimum 25-foot no-entry buffers, or as recommended by the qualified biologist. The ESAs and protective buffers shall be shown on all grading and construction plan sets. Buffers shall be marked in the field with highly visible flagging and/or fencing prior to the start of any ground or vegetation disturbance activities. Signage shall be placed around the ESA that states "Sensitive Resource Area – NO ENTRY. Results of the survey for elderberry shrubs shall be provided to the Tribe and Pacific Region BIA within 30 days of completion. – If elderberry shrubs cannot be avoided (including removal or trimming) the shrubs shall be evaluated by a qualified biologist according to the *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (Desmocerus californicus dimorphus) (USFWS May 2017). The evaluation shall include whether or not the shrub shows evidence of past or

Resource Area	Mitigation Measure
	current use by Valley longhorn beetle (VELB). If the shrub is found to be occupied or potentially occupied by VELB the project proponent shall consult with the U.S. Fish and Wildlife Service prior to any trimming or removal of the shrub. - Impacted elderberry shrubs, regardless of VELB occupancy, shall be mitigated for at a minimum 3 to 1 replacement to impact ratio. Proposed locations for mitigation plantings shall be selected in coordination with a qualified biologist and shall be shown on restoration and/or landscape plan sets. A copy of the plan sets shall be provided to Tribe and Pacific Region BIA within 60 days of the initiation of construction. **Worker Environmental Training** - During the construction phase of the Project all personnel working on site shall receive an environmental training by a qualified biologist. Workers shall receive the training prior to beginning any work at the site. The training shall include information on protected habitats and special-status species that may occur in the site, including identification, legal status, and project-specific protective measures. Copies of training sign-in sheets shall be provided to the Pacific Region BIA and other agencies as needed on a monthly basis during construction.
Cultural Resources	- If archaeological or paleontological materials are uncovered during construction, all ground-disturbing work shall halt work within 50 feet of the find; the Tribe shall retain a qualified archaeologist or paleontologist (as appropriate) to assess significance. If the find is determined to be significant, the archaeologist/paleontologist shall develop and implement the appropriate treatment measures in consultation with the Tribe. Archaeological resources shall be repatriated to the Tribe, paleontological resources shall be collected and placed in the appropriate repository, and all actions shall be documented in a report according to current professional standards. - If human remains are discovered, all ground-disturbing work shall halt work within 50 feet of the find and the County Coroner, BIA and Tribe shall be notified immediately. If the coroner determines that the remains are Native American, compliance with the provisions of NAGPRA shall be required.
Transportation and Circulation	- Ophir Road/Lower Wyandotte Road at Upper Palermo Road: o Prior to construction of the amphitheater, one of the following options shall be implemented: Option #1: Revise the lane markings on the southbound approach to provide a dual left turn movement with a shared through-right lane. Widen the southbound Lower Wyandotte Road approach to the intersection to provide approximately 150 feet of left turn storage. This may require modifications to the traffic signal. OR Option #2: Widen the southbound Lower Wyandotte Road approach to the intersection to provide approximately 300 feet of left turn storage. - Implement manual traffic control for special events/conference center and the amphitheater.

Resource Area	Mitigation Measure
	– Lower Wyandotte Road at Feather Falls Boulevard: Prior to construction of the amphitheater, widen the southbound Feather Falls Boulevard approach to the intersection to allow for separate right and left turn lanes with approximately 150 feet of storage. – Prior to construction of the amphitheater, the Tribe will establish an escrow account or similar agreement to fund their fair share of the road improvements.
Public Services	– Any construction equipment that normally includes a spark arrester would be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. – Structural fire protection shall be provided through compliance with Uniform Fire Code requirements for residences and commercial structures similar in size to the proposed development. – Alternative A shall comply with California Fire Code and National Fire Alarm Code requirements for commercial structures similar in size to the proposed development.

SECTION 5.0

CONSULTATION AND LIST OF PREPARERS

Lead Agency

Bureau of Indian Affairs (BIA)

Tribes Consulted

Mooretown Rancheria of Maidu Indians

TABLE 30: AGENCIES CONSULTED

Agency	Details
Mooretown Rancheria Historic Preservation Officer	The results of the study were sent to the Mooretown Rancheria Tribal Historic Preservation Officer who recommended a finding of *No Historic Properties Affected*.
California State Historic Preservation Officer	The Mooretown Rancheria Tribal Historic Preservation Officer forwarded the study findings and the California State Historic Preservation Officer concurred with the finding of *No Historic Properties Affected*.
U.S. Department of Agriculture Natural Resources Conservation Service	A custom Soil Resource Report of soil types on the project area was obtained. A copy of the search results is included in **Appendix SOILS.**
U.S. Fish & Wildlife Service, Sacramento Office	The USFWS was consulted to obtain a list of federally listed species with the potential to occur in the project area. Additionally, the USFWS National Wetlands Inventory was consulted to identify potential wetlands and waters in the project area. A copy of the search results is included in **Appendix BIO**.
California Department of Fish and Wildlife	The California Department of Fish and Wildlife California Natural Diversity Database was consulted to obtain a list of listed endangered, threatened, or candidate endangered species recognized throughout the state. A copy of the search results is included in **Appendix BIO**.

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