



# CHUKCHANSI INDIANS

## HOUSING AUTHORITY

P. O. Box 269 • 35686 Highway 41 • Coarsegold, CA 93614

(209) 683-6633 • FAX (209) 683-0599

April 14, 1998

Cheryl Schmit  
Stand Up For California  
P.O. Box 355  
Penryn, CA 95663

Re: Notice to the Public of Findings Of No Significant Impact on the Environment and Request for Release of Funds (FONSI/RROF) - Picayune Rancheria Erection of a Modular CIHA Administration Office Building, Madera County, California.

Dear Ms. Schmit:

On behalf of the Picayune Rancheria Tribal Council, I would like to extend our heartfelt appreciation for your comments on the Notice to the Public of Findings Of No Significant Impact on the Environment and Request for Release of Funds (FONSI/RROF).

The proposed project involves funding from the U.S. Department of Housing and Urban Development under the Native American Housing and Self-Determination Act (NAHSDA) for the placement of a pre-manufactured office building of approximately 7,200 square feet on lands restored as "Indian Country" owned communally by the Picayune Rancheria of the Chukchansi Indians.

The proposed offices will house the Chukchansi Indian Housing Authority (CIHA) and various administrative offices of Picayune Tribal Government. The Tribe wishes to make it very clear that it is erecting the modular facility for the expressed purpose of essential Tribal administrative functions related to our NAHSDA contract.

Before we provide additional commentary, an explanation of the use of the document entitled **Proposed Conveyance of Fee property to Federal Trust and Construction and Operation of a Class II Gaming facility, Picayune Rancheria, Madera County, California, July 31, 1996** for the proposed CIHA Administration Office Building is in order. 24 CFR § 58.53 Use of Prior Environmental Impact Statements was misinterpreted by our administrative staff. We were under the assumption that use of the above captioned document could be applied to the CIHA Administration Office Building since the same property was involved. It is now our understanding that some of the environmental data and special studies conducted for the subject property for the above captioned document can

be used to generate a new environmental assessment as source documentation. Tribal staff in collaboration with our environmental consultant have prepared a new environmental assessment that specifically reviews the CIHA Administration Office Building. We sincerely apologize for the error.

Since we were in error as indicated above, we are invoking the provisions of 24 CFR § 58.46 Time Delays for Exceptional Circumstances and will extend the public review and comment period via a new public notice so that commentary can be afforded on the proposed project of the CIHA Administration Office Building.

This letter will set forth findings and or responses to comments received by the Picayune Rancheria of the Chukchansi Indians (Tribe) by your agency. Comments were received in accordance with a Notice to the Public of Findings of No Significant Impact and Request for Release of Funds (Public Notice) published March 19, 1998 in a local County-wide newspaper of general circulation. The public notice indicated the availability of the above captioned document for public inspection and review and set forth the criteria for the submission of written comments to the Picayune Tribal Council.

Only issues which address the findings outlined in the EA which are environmental in nature will be addressed. Objections on the basis of political, social or physical concerns will not be addressed in so far as they are not an element of NEPA and 24 CFR Part 58. Comments on non-environmental issues are not consistent with the focus or purpose of the NEPA process and the requirements outlined in the Public Notice.

**Comment 1** - Concerns that use of the Gaming EA are not project specific and that a new EA should be written.

**Response** - Your concerns are with foundation. As stated above, Tribal staff in collaboration with our environmental consultant have prepared a new environmental assessment that specifically reviews the CIHA Administration Office Building. A new Notice invoked under the provisions of 24 CFR § 58.46 Time Delays for Exceptional Circumstances will extend the public review and comment period so that public comments can be afforded on the proposed project of the CIHA Administration Office Building. A new document entitled Environmental Assessment, HUD Format I, Chukchansi Indian Housing Authority Administration Building Construction, County of Madera, California has been prepared that will be in compliance with 24 CFR § 58.40 and will evaluate the impacts that erection of a modular facility for the purpose of essential Tribal administrative functions will have on the environment. This document will be made available for public inspection and copying.

Since we acknowledge that the document **Proposed Conveyance of Fee property to Federal Trust and Construction and Operation of a Class II Gaming Facility, Picayune Rancheria, Madera County, California, July 31, 1996** did not include the proposed project of erection of a modular facility for administrative purposes, it is not appropriate to respond to your comments regarding a gaming facility since our undertaking is for an administrative complex.



Site grubbing and brush clearing of lands designated as the Picayune Rancheria did occur in January of this year but not in anticipation of the proposed Modular CIHA Administration Office Building project. The grubbing and clearing of our Rancheria lands are for the purposes of a possible gaming operation if and when a Compact with the Governor is deemed necessary. The proposed Modular CIHA Administration Office Building project will be sited in a less than one acre of the 27 acres that are under our ownership and is totally within the boundaries of the Rancheria.

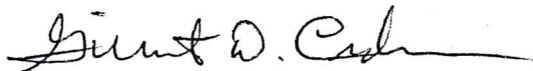
As you may be aware, the original boundaries of the Picayune Rancheria were restored under the Tillie Hardwick vs. United States case jurisdictionally as "Indian Country" within the meaning of 18 U.S.C. § 1152. It should be noted that in 1987, Madera County stipulated to the restoration of the Picayune Rancheria's boundaries and declaration of "Indian Country" as to the lands within those boundaries. Other parties to the stipulation included the California Indian Legal Services (CILS) on behalf of the Tribe and the U.S. Department of Justice.

Since the grubbing and brush clearance of our property was done for the purposes of a possible gaming operation in January, well before the provisions of the unapproved Pala Compact (which requires approval by the State Legislature and the Secretary of Interior before it becomes a valid agreement), it was not subject to the provisions of NEPA since Tribal and not Federal funds were involved.

Finally, it should be stated that the proposed Modular CIHA Administration Office Building project and the proposed gaming project are two separate and un-related developments and should not be construed as being one and the same.

In closing, on behalf of the Tribal Council, we offer the assurance that additional information for the proposed development will be forthcoming. If you desire additional information or clarification, please do not hesitate to contact me.

Sincerely,



Gilbert D. Cordero, Chairperson  
Picayune Rancheria of the Chukchansi Indians