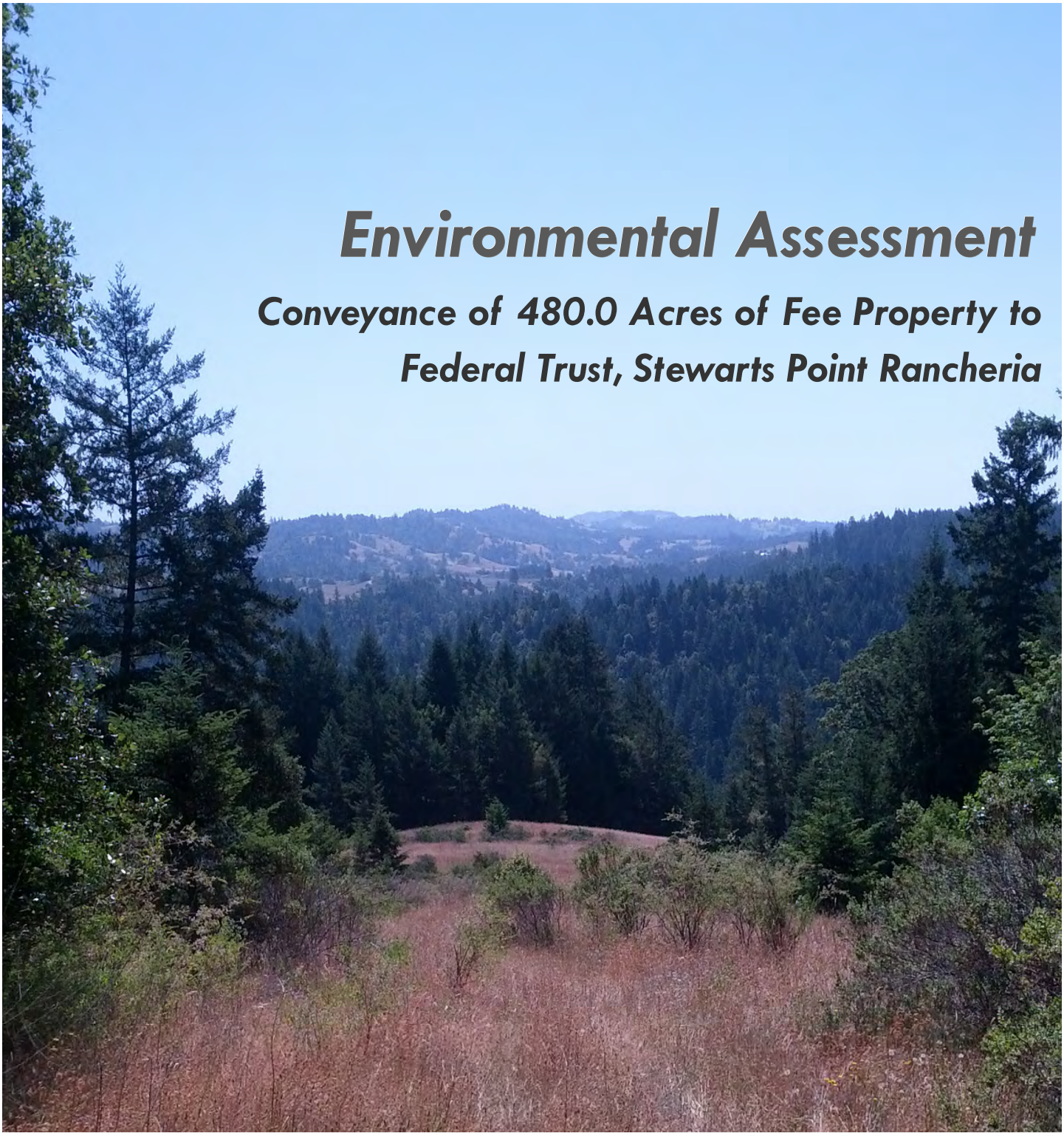

Environmental Assessment

Conveyance of 480.0 Acres of Fee Property to Federal Trust, Stewarts Point Rancheria

LACO

February 25, 2015

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1.0 INTRODUCTION

This Environmental Assessment (EA) has been prepared to comply with the National Environmental Policy Act (NEPA) (40 CFR § 1500-1508). This EA documents the environmental review of the proposed conveyance of 480.0 acres of fee land into Federal trust status for the Kashia Band of Pomo Indians of the Stewart's Point Rancheria (Tribe). The Bureau of Indian Affairs (BIA) is the principal federal agency with jurisdiction over Indian land conveyances and other trust matters. The Tribe is the Applicant and Cooperating Agency for the EA. The BIA as Lead Agency will use this EA to determine if the approval of the conveyance of the 480.0 total acres of property from fee-to-trust land would be free of significant effects upon the human environment, resulting in preparation of a Finding of No Significant Impact, or whether it could result in significant effects to the human environment, requiring preparation of an Environmental Impact Statement.

The purpose of this EA is to satisfy the environmental review process of NEPA as set forth under Indian Affairs NEPA Guidebook, 59 IAM 3-H dated August 2012, and the authorities and guidance for complying with NEPA specified in Section 1 of 59 IAM 3-H, as well as to document the need for the Tribe to acquire new land. It provides a detailed description of the Proposed Action and an analysis of the potential consequences associated with foreseeable future development of the subject property. This document also includes a discussion and analysis of project alternatives, impact avoidance, and mitigation measures. These mitigation measures are incorporated into the Proposed Action.

Converting the subject parcels from fee land to Federal trust status effectively removes the land from state and local tax rolls, and exempts it from local zoning controls and other state or local regulations. The Federal trust status process is designed to help tribes recover some of the land they lost in the late 19th and early 20th centuries, when the government's allotment policy cost tribes two-thirds of their land. The subject land is part of the Tribe's aboriginal territory.

To obtain trust status, a federally recognized Indian tribe or community must petition the U.S. Secretary of the Interior to accept land owned by the tribe into trust. Once accepted in "Trust", the property will be considered "Indian Country." Indian Country means: 1) land within the limits of an Indian Reservation; or 2) land that is either held in trust by the United States for the benefit of the tribe or individual, or held by a tribe or individual subject to restriction by the United States against alienation and over which the tribe exercises governmental power. In this case, the property will be held in trust by the United States for the benefit of the Tribe. Once the subject property is accepted, it acquires "quasi sovereign nation" status, and local/regional jurisdictions no longer have land use authority over it. The legal process of petitioning the U.S. Secretary of the Interior is found in 25 C.F.R. Part 151.

1.1 Proposed Action

Proposed is the conveyance of a parcel of property approximating 480.0 acres from "fee" to "Federal trust" status for the Tribe. This parcel is currently owned by the Tribe in fee. The subject property is located adjacent and contiguous to the 42-acre Stewart's Point Rancheria that has been held in Federal Trust by the BIA for the Kashia Band of Pomo Indians since 1916. The Tribe has no intention of creating a gaming business on this land or using this land or any portion of it for any gaming-related purpose of any kind.

The proposed land uses likely to result from the Proposed Action are resource preservation and restoration as well as open space.

The Stewarts Point Rancheria consists of approximately 42 acres of land that was established by the Secretary of Interior on January 3, 1916, under the authority of the Acts of 1906 and 1908.

The fee lands owned by the Tribe which are the subject of this EA are located in Sonoma County, California, near the village of Stewart's Point. The subject parcel is accessible from Skaggs Springs Road onto Tin Barn Road, approximately 40 miles from the City of Cloverdale and 45 miles from the City of Healdsburg. The property is identified as a portion of APN 123-160-005 and is located within Section 5, Township 9 North, Range 13 West, MDM and a portion of Section 4, Township 9 North, Range 13 West, MDM and a portion of Section 8 Township 9 North, Range 13 West, MDM.

1.2 Background

The official name of the Tribe is the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California as listed by the United States Bureau of Indian Affairs as an Indian Entity Recognized and Eligible To Receive Services (25 U.S.C. 2 and 9 and 209 DM - Federal Register: January 29, 2014 - Vol. 79, No. 19). The Rancheria was established when land was purchased and the deed was recorded by the Secretary of Interior on January 3, 1916, under the authority of the Acts of 1906 and 1908.

The Tribe is organized pursuant to the Constitution and Bylaws for the Kashia Band of Pomo Indians of the Stewarts Point Rancheria as adopted February 8, 1936, and approved February 28, 1936, as amended on January 30, 2011, and approved by the BIA on February 15, 2011. The Tribal Council is comprised of seven members including a Chairman, Vice-Chairman, Secretary, Treasurer and three members at large. The Tribe operates under a General Council form of Government which is composed of all enrolled members of the Tribe, ages 18 and older qualified to vote in Community elections. The General Council delegates powers to the Tribal Council. The General Council elects the seven-member Tribal Council every two years, as is mandated by the Tribal Constitution to carry out the day-to-day operations of the Community.

The Tribe accepted the Indian Re-organization Act (IRA) of June 18, 1934 (48 Stat. 9854) as amended by the Act of June 15, 1935 (49 Stat. 378) and is eligible to acquire lands pursuant to 25 USC Section 465. On June 11, 1935 the Tribal membership voted 51 to 10 to accept the IRA (Haas, 1947). Because the property that is proposed to be conveyed is contiguous to existing trust lands of the Rancheria, the proposed conveyance of the property also falls within the authority of the Indian Land Consolidation Act, 25 USC Section 2201 as amended. The process and procedures for acquiring land is found in 25 CFR. Part 151 – Land Acquisitions.

1.3 Purpose and Need for the Proposed Action

The purpose of this action is to expand the Tribe's land base to satisfy Tribal needs in the areas of Tribal self-determination, natural and cultural resource identification, protection, and management, and the identification and alleviation of any health and safety issues determined to be related to the new land. The 42-acre Stewarts Point Rancheria trust lands established for the Tribe in 1916 by the BIA, has been used by the Tribe for residential and governmental purposes for 98 years. They bear little resemblance to the Tribe's aboriginal homelands and most opportunities for natural and cultural resource identification and preservation on those lands were lost many years ago. The Tribe believes it is in the best interest of its people, both present and future generations, to restore its new lands to their status as vibrant, healthy Pomo territory. The fee-to-trust conversion of the land, and the restoration of tribal sovereignty to that long-lost land, will enable the Tribe to do just that.

25 CFR Part 151 regulations implement the trust land acquisition authority given to the Secretary of Interior by the Indian Reorganization Act of 1934 (IRA), 25 U.S.C. § 465. In 1934, Congress enacted the IRA to encourage tribes to revitalize their self-government, take control of their "business and economic affairs," and assure a solid territorial base by putting a halt to the loss of tribal lands through allotment. Of particular significance of the IRA is Section 5 which authorizes the Secretary of the Interior "in his discretion," to "acquire any interest in lands within or without existing reservations, for the purpose of providing land for Indians." The acquired lands "shall be taken in the name of the United States in trust for the Indian tribe or individual Indian."

Kashia Tribal members have a great need to improve their quality of life through self-governance and restoration of traditional practices and beliefs. The proposed action would improve the quality of life of members of the Tribe by providing opportunities to preserve cultural sites, restore traditional practices pertaining to sustainable management of the land, including management of sources of food and traditional medicinal materials, develop sustainable recreational programs for tribal adults and children, and to sustainably manage timber and other resources. These objectives are so important to Tribal members that the General Council of the Tribe took the very unusual step of voting to forego the personal per capita distribution of funds they had been receiving from the Indian Gaming Revenue Sharing Trust Fund (provided by gaming tribes) in order to use that money to purchase the property.

In addition to the Tribe's desire to acquire the subject property because it is adjacent to the community core of the Rancheria, the conveyance of this property is important for three primary reasons: 1) It represents an opportunity for the Tribe to "reclaim" some of its aboriginal territory and incorporate the land back into its Tribal land holdings; 2) the Tribal Government wishes to preserve and maintain biological and cultural features that exist on the parcel; and 3) trust conveyance of the parcels would prevent the future sale or alienation of the property, maintaining the property in communal ownership for future generations.

The Proposed Action would help address the Tribe's need for cultural and social preservation, expression and identity, and political self-determination by providing and preserving a tribal land base and homeland that:

- Is subject to tribal sovereignty;
- Allows for future income from the harvest of timber resources under a Forest Management Plan that will be completed once the property is conveyed to federal trust status and *after* the present state of the property and all of its natural resources has been documented and steps have been taken to preserve those resources;
- Assures the preservation of a homeland for those Tribal members who live in traditional Kashia territory in and near Santa Rosa, California where a significant population of Tribal members reside;
- Is restricted against future alienation and immune from creditors, and protected from encumbrances; and
- Allows the Tribe to avail itself of Federal laws and funding opportunities that apply to lands held in trust status such as timber stewardship and harvest.

The conveyance of this property into federal trust is an important opportunity for the Tribe to annex an expanded land-base and incorporate the land into its Tribal Trust land holdings. Once the fee-to-trust transfer occurs, the Tribe will be able to utilize the property in perpetuity for cultural purposes, timber management, and wildlife habitat. The fee-to-trust transfer allows the Tribal Government to exert civil jurisdiction, and make all future land use and zoning decisions.

1.4 General Setting

The 480.0-acre subject property is located in the SE 1/4 of NW 1/4 of Section 5, T9N, R13W;SE 1/2 of SW 1/4 of Section 5 T9N, R13W; SE 1/2 of NE 1/4 of Section 5, T9N, R13W, SE1/4 Section 5, T9N, R13W; NE 1/2 of NE 1/4 of Section 8, T9N, R13W; SW 1/2 of SW 1/4 of Section 4, T9N, R13W, MDB&M (See Figure 1). The project site is located 4.4 miles from State Route 1(Pacific Coast Highway), approximately 45 miles east of the City of Healdsburg; approximately 40 miles from the City of Cloverdale and approximately 59 miles from the City of Santa Rosa. The APN for this property is APN 123-160-005. Figure 2 is a map of the subject parcel. The site is undeveloped and has historically been used primarily for open space and timber management. Surrounding land uses include the Stewarts Point Rancheria, basic community facilities, open space, and single-family housing within the Rancheria. The 480.0-acre parcel is contiguous to the Stewarts Point Rancheria.

1.5 Overview of the Environmental Review Process

This EA has been prepared to analyze and document the potential environmental consequences associated with the proposed transfer of the 480.0 acres into Federal Trust status for the Tribe. The BIA will use this document to determine if the proposed fee-to-trust conveyance would result in adverse effects to the environment.

Regulations promulgated by a variety of government agencies at the federal, state, and local level are cited and discussed in different portions of this document. These regulations result in the identification of environmental effects and their mitigation. Compliance with these regulations will be discussed in the Environmental Consequences section as the rationale for determining that any adverse effect would be avoided. All potential environmental impacts that have been identified can be mitigated to less than significant levels with incorporation of the measures that are proposed herein. The laws, statutes, executive orders, and regulations that have been evaluated in this EA are outlined below. In summary, this EA leads to the logical conclusion that issuance of a mitigated Finding of No Significant Impact in connection with the subject fee-to-trust conveyance is fully warranted.

1.5.1 Environmental Protection Agency (EPA)

EPA has taken the position in the Tribal Authority Rule under the Clean Air Act (CAA), based on several provisions of the statute and legislative history, that the CAA constitutes a delegation of Congressional authority to eligible tribes to run air programs over their entire land base, including fee lands. Under that regulation, tribes may also run programs on non-reservation lands over which they can demonstrate jurisdiction. However, EPA's Indian policy states that "Until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs for reservations unless the State has an express grant of jurisdiction from Congress sufficient to support delegation to the State Government." Thus, EPA maintains jurisdiction on the Rancheria Trust lands over air quality until such time that the Tribe chooses to assume jurisdiction. For the Tribe, the National Ambient Air Quality Standards and not the Northern Sonoma County Air Pollution Control District standards, therefore apply.

Other Federal regulations under the jurisdiction of EPA that may apply to the fee-to-trust conveyance include, but are not limited to, the following:

- The Clean Water Act
- The Resource Conservation and Recovery Act

- The Safe Drinking Water Act

1.5.2 Federal Emergency Management Agency (FEMA)

Executive Order 11988 of May 7, 1977, was executed by the President to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. Any development in floodplains and floodways is regulated by the Federal Emergency Management Administration (FEMA). The subject property is a "Mapped Community" and FEMA has jurisdiction on the subject Tribal fee lands. The subject parcel is located outside of the 100-year flood zone (FIRM Panel No. 06097C0275E, January 6, 2011).

1.5.3 Endangered Species Act

A Biological Evaluation (BE) for the proposed action is contained in the Appendices of this document. Additionally, a species list was obtained from the U.S. Fish and Wildlife Service on June 18, 2014. Consultation under the Federal Endangered Species Act with the U.S. Fish and Wildlife Service in respect to the BE will be undertaken.

1.5.4 American Indian Religious Freedom Act

The Tribe, based on personal knowledge of the site, Tribal Historic Preservation Office (THPO) consultation and elder recollections, confirmed that transfer of the property from fee-to-trust status will not impact or interfere with any known sacred, religious, or geographic sites; artifacts; burial grounds; or religious practices, and that it would in fact empower the Tribe to better protect such sites, artifacts, and practices.

1.5.5 National Historic Preservation Act

A cultural resource investigation was conducted at the subject property on five separate days between June 24, 2013 and September 19, 2014, by Katherine M. Dowdall, RPA and a team of volunteers with expertise in archaeology, ethnography, oral history, and ecology, along with the Kashia THPO and interested Kashia tribal members, . The Lead Agency will conduct formal consultation with the State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act regarding the protection of significant cultural resources documented at the site.

1.5.6 State and Local Agencies

The authority to tax the property is under the authority of Sonoma County. Therefore, property taxation and land use is the primary jurisdiction that the County has over the subject property as long as the property is in fee status.

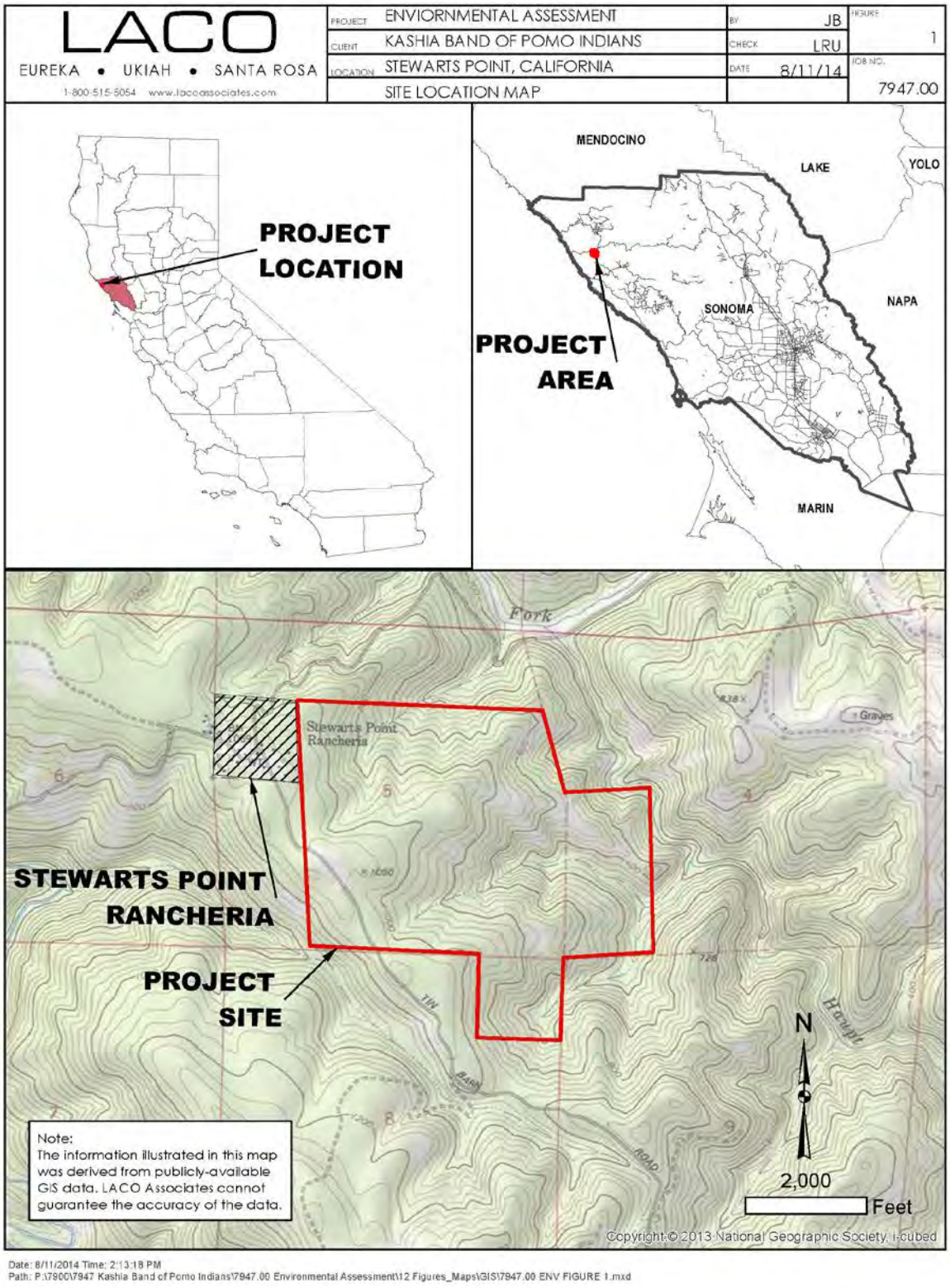
1.5.7 Document Contact Information

The following contact information is provided to all interested agencies, groups and persons:

Lead Agency: United States Department of Interior, Bureau of Indian Affairs, Pacific Region Office, 2800 Cottage Way, Sacramento, CA 95825, (916) 978-6165. Chad Broussard, Environmental Protection Specialist.

Applicant and Cooperating Agency: Kashia Band of Pomo Indians, 1420 Guerneville Road, Suite I, Santa Rosa, CA 95403, (707) 591-0580, Reno Keoni Franklin, Tribal Chairman. Tribal attorney: Anthony Cohen, 3333 Mendocino Avenue, Santa Rosa, CA 95403, (707) 523-1181, acohen@cfk.com.

Document Preparer: LACO Associates Consulting Engineers, 21 W. 4th Street, Eureka, CA 95501 (707) 443-5054. L. Robert Ulibarri, AICP.



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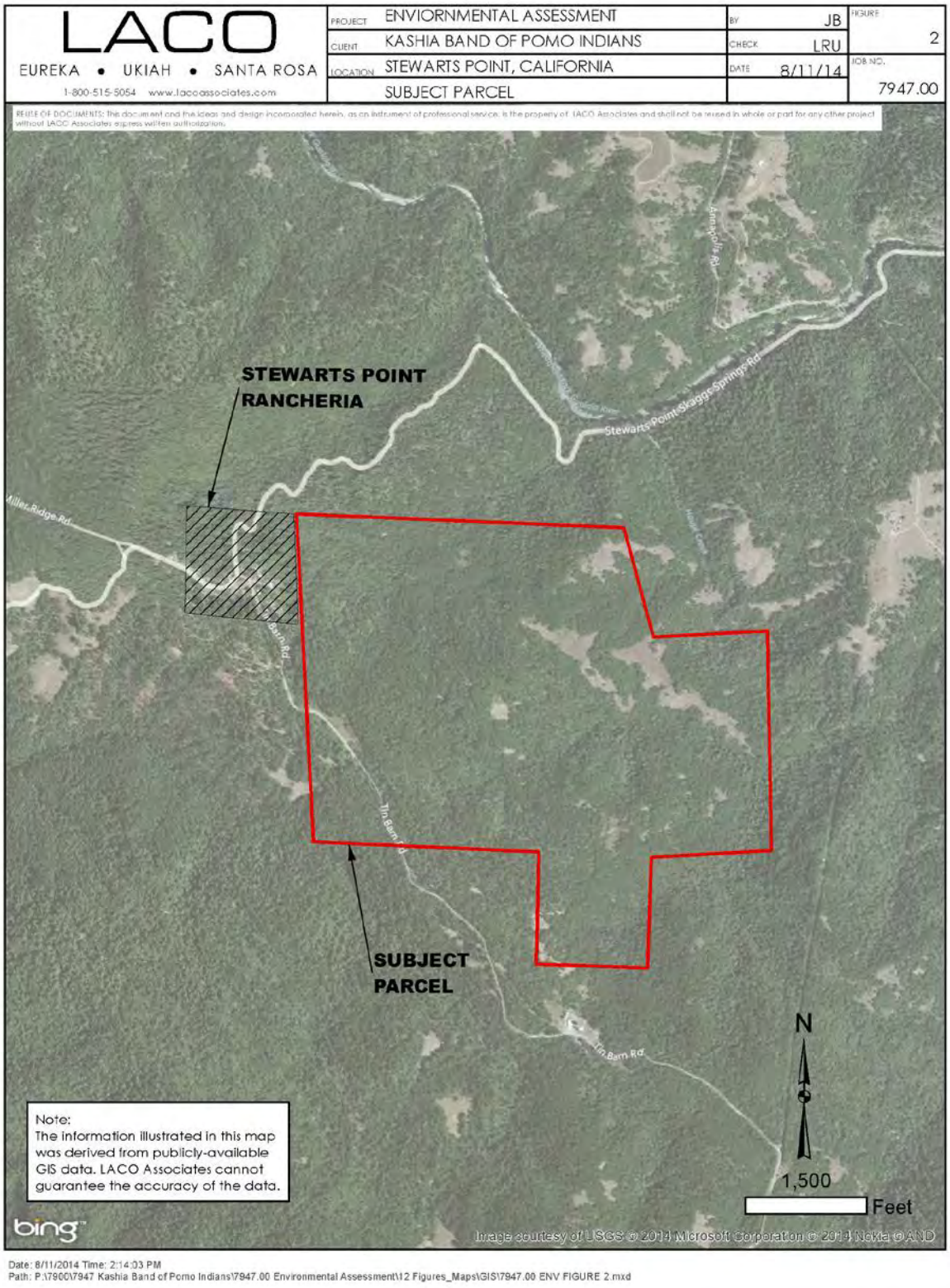
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PROJECT ENVIORNMENTAL ASSESSMENT
CLIENT KASHIA BAND OF POMO INDIANS
LOCATION STEWARTS POINT, CALIFORNIA
SUBJECT PARCEL
BY JB
CHECK LRU
DATE 8/11/14
FIGURE 2
JOB NO. 7947.00
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Stewarts Point-Skaggs Springs Rd
Annapolis Rd
Miller Ridge Rd
Tin Barn Rd
Note:
The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.
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2.0 PROPOSED ACTION AND ALTERNATIVES

The 59 IAM format (August, 2012 Version), as prescribed by the BIA and utilized herein, requires the Lead Agency to consider alternatives to the proposed action. For the proposed action, three alternatives are presented: 1) Proposed Action (Preferred Alternative), 2) Alternative Sites, and 3) the "No Action" alternative. The following issues and concerns are typically identified as criteria to evaluate an alternative action under 59 IAM:

1. Topography, Soil Types, and Geological Setting
2. Water Quality
3. Air Quality
4. Wildlife and Vegetation
5. Historical, Cultural, and Archaeological Resources
6. Community Infrastructure
7. Transportation Networks
8. Land Use Plans
9. Sound and Noise
10. Aesthetic Values
11. Employment and Income
12. Attitudes, Expectations, and Cultural Values

Based on the application of the above, the proposed action and alternative actions are presented below.

2.1 Proposed Action-Land Trust & Secretarial Determination

The proposed action includes the trust conveyance of property that is composed of approximately 480.00 acres of land constituting parcel APN 123-160-005. The subject parcel is accessible from Skaggs Springs Road onto Tin Barn Road, approximately 40 miles from the City of Cloverdale and 45 miles from the City of Healdsburg and 59 miles from the City of Santa Rosa (See Figure 1). The parcel lies within the Annapolis USGS Quadrangle and is adjacent to the Stewarts Point Rancheria (See Figure 2). The parcel is currently undeveloped and is not being actively used by the Tribe. Surrounding land uses include timber production and recreation except for the Stewarts Point Rancheria, which is used for housing and governmental purposes. Electrical power, telephone, water and wastewater services are not available to the parcel but are located on the adjacent Rancheria lands.

There are currently no plans for development of the subject parcel. The Tribe's intended use of the property is limited to identification and protection of natural and cultural resources. Once the property is conveyed to trust, however, the Tribe will request that the Bureau of Indian Affairs, Division of Natural Resources, assist the Tribe in the development of a Forest Management Plan. Forest Management Plans (FMPs) are required for all Indian forest lands in federal trust status. The National Indian Forest Resources Management Act of 1990 (P.L. 101-630) mandates that all management activities on Indian trust forest lands be consistent with an approved FMP.

All forested reservations, as categorized in 53 IAM 2.8A, in trust or restricted status, shall have a current Forest Management Plan (FMP) which satisfies 25 CFR 163.11 prior to the authorization of activities or expenditure of funds for forest management activities, except as provided for under 53 IAM 2.7. FMPs shall

be covered by an appropriate environmental document in accordance with the National Environmental Policy Act (NEPA).

No commercial developments for the subject property are anticipated.

The process and procedures for acquiring land is found in 25 C.F.R. Part 151 - Land Acquisition. Section C.F.R. 151.10 applies to "On Reservation" fee-to-trust acquisitions. Section 25 C.F.R. 151.10 applies when "evaluating requests for the acquisition of land in trust status when the land is located within or contiguous to an Indian reservation, and the acquisition is not mandated." The subject fee-to-trust application is therefore governed by that section of the Code of Federal Regulations.

2.2 Alternative Actions Considered (But Eliminated from Further Study)

A number of factors are considered by the BIA in determining whether to approve a fee-to-trust acquisition. The proposed site must be clear of any environmental hazards and it must meet rigid standards for access, utility availability, title clearance, and proximity to the Tribal population. Further, in order to qualify for acceptance into trust pursuant to 25 CFR 151.10, the subject property must be contiguous to existing trust land. Several parcels of land were examined by Tribal staff with the assistance of real estate professionals during the Tribe's effort to identify parcels that meet these requirements.

Of several parcels reviewed, given its price, contiguous nature, and cultural and aesthetic values, the subject parcel was the only viable choice. Based on the costs and infrastructure constraints of other sites considered, and because there are no other available properties that are contiguous to the Stewarts Point Rancheria, conveyance of any other available property into trust for the Tribe would be infeasible, and is no longer considered as a viable alternative to the proposed fee-to-trust conveyance.

2.3 No-Action Alternative

The "No Action" alternative would prevent the conveyance of the property into federal trust for the Tribe and would maintain the status quo of the site as "fee land," subject to local tax rolls, County land use regulations, and all state and local civil regulatory laws. The Tribe would be unable to exercise its federally protected sovereignty over the subject lands. As just one example out of many, if the subject lands remain in fee status, rather than being subject to the National Indian Forest Resources Management Act of 1990 (P.L. 101-630), the federal law specifically tailored to the needs of Indian tribes in connection with the management of forested lands within their sovereign lands, any timber harvesting would require the completion and approval of a State of California Timber Harvest Plan (THP). The review of a THP would be done by a multi-agency team that includes CAL FIRE, the California Department of Fish and Wildlife, the California Regional Water Quality Control Board, the California Geological Survey, and other California state agencies, which, unlike the federal government, have no trust relationship with Indian tribes and no authority or motivation to protect or enhance tribal sovereignty.

3.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT

This section discusses the Affected Environment (the existing baseline conditions). The Affected Environment is the existing environment of the area that may be affected by the Proposed Action.

3.1 Land Resources

3.1.1 Topography

The topography of the area is rugged and consists of narrow, steep-sided canyons and flat-topped ridges. Topography in the vicinity is characterized by low, rolling slopes cut by two drainage channels resulting from perennial and seasonal creeks. Elevation on the property ranges from approximately 1,090 to 404 feet (United States Geologic Survey [USGS] topographic map of the area: Annapolis Quadrangle).

North coast coniferous forest is the dominant community, covering the majority of the subject property. Second growth north coast coniferous forest is dominated by stands of Douglas-fir (*Pseudotsuga menziesii* var. *menziesii*) and wide spread growth of tan oak (*Lithocarpus densiflorus* var. *Notholithocarpus densiflorus*). Redwood (*Sequoia sempervirens*), madrone (*Arbutus menziesii*), sugar pine (*Pinus lambertiana*) and California bay (*Umbellularia californica*) trees.

3.1.2 Soil Types and Characteristics

Soils in the area are represented by twelve soil types according to published reports. The hills, slopes, and drainages include areas that are 30 to 75 percent slopes. Approximately 13.5 percent of the parcel have 0 to 9 percent slopes (approximately 70 acres).

The twelve soil types include variants of the Atwell Clay Loam, Empire Loam, Hely Loam, Hugo Very Gravely Loam, Hugo Silt Loam, the Hugo-Atwell Complex, the Hugo-Josephine Complex, Laughlin-Yorkville Complex, Mendocino Sandy Clay Loam, and the Mendocino-Empire Complex. The Mendocino variants are suitable for development while the balances of the soils are best suited for timber management and recreation. Table 1 is representative of the soil types on the parcel. Figure 3 is a map from the Natural Resources Conservation Service (NRCS).

The Hugo Very Gravelly Loam series, which occurs on 50-75 percent slopes and weathered from sedimentary rock, makes up the majority of the soils on the site at 21.4 percent. It is generally found on mountain slopes between 800 and 3,000 feet of elevation in areas where the mean annual precipitation is approximately 60 inches per year, average temperature is approximately 57 degrees Fahrenheit, and there are typically 200-300 frost free days per year (NRCS 2014). This well-drained soil is generally more than 80 inches above the water table, and due to its position on slopes between 30 and 50 percent, it is not subject to flooding or ponding. Hydraulic conductivity for this soil is considered to be moderately high, transmitting water at .2 to .57 inches per hour. A second Hugo Very Gravelly Loam occurs on the site, but it limited to slopes of 30-50 percent, less steep than the first Hugo Very Gravelly Loam described above. All other characteristics of the series are the same as the type that occurs on steeper soils. This soil makes up only 7.5 percent of the soils on the site.

The Hugo-Atwell complex is the next most common soil type on the site, making up approximately 18.5 percent of the soils on site. This naturally well-drained soil also occurs on slopes of 50-75 percent, lies more than 80 inches above the water table, and is found in the many of the same conditions as the Hugo Very Gravelly Loam series. These include elevations between 800-3,000 feet, mean annual precipitation of 60 inches, and mean annual air temperatures between 54 and 57 degrees Fahrenheit with 200-300 frost free days a year. It is also from sedimentary parent material and has a moderately high hydraulic conductivity (.2 -.57 inches per hour).

The Atwell Clay Loam series is found at higher elevations than the Hugo soils, typically on slopes from 50-75 percent at or above 3,000 feet. This is a moderately well drained soil makes up approximately 17 percent of the on-site soil and is generally more than 80 inches above the water table areas where temperatures average 54 degrees Fahrenheit and there are only 225-245 frost free days a year. The soil has a moderately low to moderately high hydraulic conductivity, with its most restrictive layer able to transmit water at rates of .06 to .2 inches per hour. The parent material for this series is both metamorphic and sedimentary.

Mendocino Sandy Clay Loam makes up approximately 11 percent of the soils on site, generally on lower grade slopes of 9 to 3o percent. Typical elevations where the series is encountered are approximately 1,500 feet, while mean annual temperatures are 40-65 degrees Fahrenheit with 285-310 frost free days. Mean annual precipitation is approximately 60 inches. The Mendocino Sandy Clay Loam is well drained, with a moderately high hydraulic conductivity of .2 to .57 inches per hour, and is typically more than 80 inches above the water table.

Empire loam is also found at lower elevations of 1,500 feet on gentler slopes of 9 to 30 percent. The series makes up almost 8.5 percent of the soils on the site. Annual precipitation averages 50 inches a year, with mean annual temperatures at 52 degrees and an average of 350 frost free days per year. Depth to the water table is almost 80 inches. The soil is well drained, with a moderately high hydraulic conductivity of .2 to .57 inches per hour.

The Laughlin-Yorkville complex makes up almost 6 percent of the soils on site, and is found on slopes with a 30 to 75 percent grade. It is usually found at elevations between 50 and 3,500 feet in areas with a mean annual precipitation between 35 and 70 inches, air temperatures between 54 and 57 degrees Fahrenheit, and 175 to 270 frost free days per year. The Laughlin soils are weathered from sedimentary rock and are typically more than 80 inches above the water table. This well-drained soil has a moderately high hydraulic conductivity between .2 and 1.98 inches per hour. The Yorkville makes up only 25 percent of the complex, with the majority of the soil type comprised of the Laughlin series. The Yorkville is also found on slopes between 30 and 75 percent grade and is more than 80 inches above the water table. Unlike the Laughlin, the Yorkville series is weathered igneous and metamorphic rock. It is a moderately well drained soil with very low to moderately low hydraulic conductivity of 0 to .06 inches per hour.

The Hugo-Josephine complex makes up only 3.8 percent of the soils on site. It is found on 50 to 75 percent slopes at elevations between 800 and 5,000 feet where mean annual precipitation is 50 to 60 inches, mean annual air temperatures are between 55 and 75 degrees, and there are anywhere from 125 to 300 frost free days per year. Both the Hugo and the Josephine soil series are weathered from sedimentary rock and have a moderately high hydraulic conductivity of .2 to .57 inches per hour. Both soils are slightly acidic loams, but the Hugo is very gravelly. Both are typically more than 80 inches above the water table.
The Hely silt loam series is on approximately 3.5 percent of the site. This series is found on slopes of 50 to 75 percent at elevations between 800 and 2,000 feet and is developed from weathered sedimentary rock.

Mean annual precipitation for this soil is approximately 40 inches, with a mean annual air temperature of 55 degrees and a frost free period of 240 to 260 days per year. This is a well-drained soil with a moderately high hydraulic conductivity of .2 to .57 inches per hour that is generally 80 inches or more above the water table.

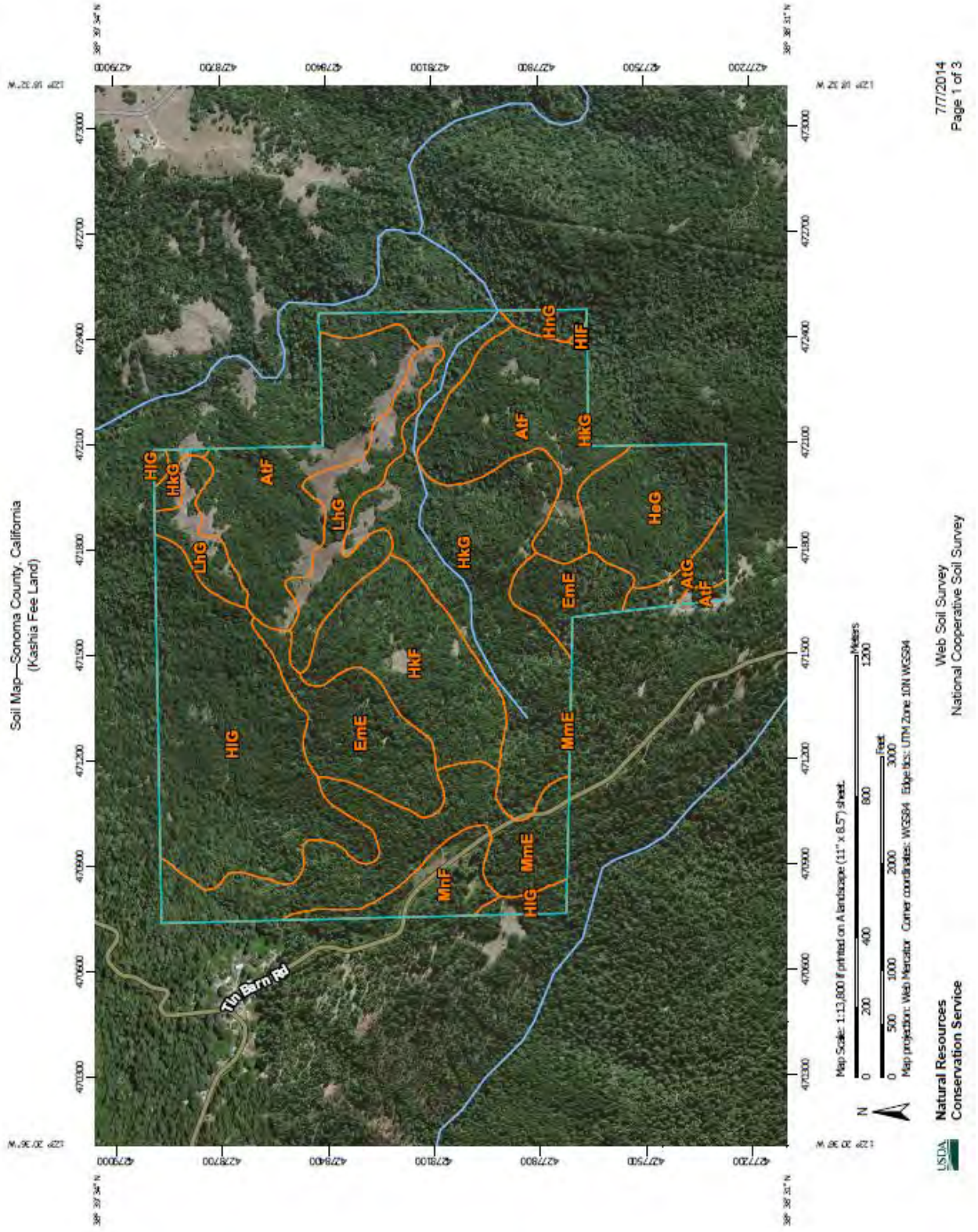
The Mendocino-Empire complex, found on slopes between 0 and 50 percent, is on only 2 percent of the site. The soil complex is found at an elevation of 1,500 feet where mean annual precipitation is 40 to 65 inches, mean annual air temperatures are from 52 to 55 degrees, and there are 285 to 350 frost free days per year. The water table is typically 80 inches below ground surface. The Mendocino series, weathered from sedimentary rock, is a well-drained soil with a moderately high hydraulic conductivity rate of .2 to .57 inches per hour. The Empire soil is also weathered from sedimentary rock. This soil is moderately well drained with a hydraulic conductivity of .2 to 1.98 inches per hour.

The last three soil series shown in Table 1 are the Atwell clay loam, the Hugo-Atwell complex found on 30 to 50 percent slopes (gentler slopes than the series described above), and the Laughlin Loam series. These three soil series make up approximately 1% of the soils on the site combined.

Table 1. Soils Present at Subject Parcel

Map Unit Symbol	Map Unit Name	Acres in Parcel	Percent of Parcel
AtF	Atwell clay loam, 30 to 50 percent slopes	96.8	18.9%
AtG	Atwell clay loam, 50 to 75 percent slopes	6.9	1.4%
EmE	Empire loam, 9 to 30 percent slopes	43.2	8.4%
HeG	Hely silt loam, 50 to 75 percent slopes	31.7	6.2%
HkF	Hugo very gravelly loam, 30 to 50 percent slopes	43.4	8.5%
HkG	Hugo very gravelly loam, 50 to 75 percent slopes	90.7	17.7%
HlF	Hugo-Atwell complex, 30 to 50 percent slopes	0.5	0.1%
HlG	Hugo-Atwell complex, 50 to 75 percent slopes	89.7	17.5%
HnG	Hugo-Josephine complex, 50 to 75 percent slopes	3.9	0.8%
LhG	Laughlin-Yorkville complex, 30 to 75 percent	35.6	7.0%
MmE	Mendocino sandy clay loam, 9 to 30 percent	54.4	10.6%
MnF	Mendocino-Empire complex, 0 to 50 percent	14.9	2.9%

Figure 3. Soil Types



Water erosion affects all uses of soils. Runoff erodes land and undercuts roadbanks, landfills, and riverbanks. Eroded materials fill reservoirs, ponds, and drainage ditches and silt up streams and rivers. The erodibility of soils must be considered in prudent planning of proposed land use activities. It is especially important in actions which would remove substantial amounts of protective vegetative cover, disrupt soil structure or integrity, or otherwise mobilize material in the soil column to minimize soil transport or deposition.

Surface runoff and soil erosion create serious problems in engineering and land use activities. The Natural Resource Conservation Service (NRCS) system uses four hydrologic groups for estimating the runoff potential of soils. Group A is the lowest runoff potential of soils and Group D is the highest. Groupings are based on soil properties that influence runoff, such as the water infiltration rate, texture, natural drainage or wetness, and the presence of a restrictive underlying layer of impermeable soil or parent rock material. Group C (moderate run-off) predominates the subject parcels.

According to NRCS reports, the subject parcels include an erodibility rating of slight, which indicates that water erosion is a minor problem, but the soil is suitable for road construction, building sites, or other intensive use if other factors are favorable.

3.1.3 Geologic Setting, Seismic Hazards and Mineral Resources

Geologic Setting

The ridge on which the subject property and the Stewarts Point Rancheria lies is blanketed by flat-lying beds of the Ohlson Ranch Formation of Pliocene age. This formation consists of fossiliferous, fine- to medium-grained marine sandstone, siltstone, and silty clay, with interbedded gravels and some conglomerate. At the Rancheria the formation is compact, weakly consolidated, and deeply weathered. Although elsewhere it reaches a thickness of over l000 feet, at the Rancheria it is only 200 feet thick (Higgins, 1960). Cretaceous greywacke and shale of the "coastal belt" unit of the Franciscan Formation (Bailey and others, 1964) underlies the Ohlson Ranch strata and may be exposed in the forested lower parts of the steep slope on the north side of the Rancheria. The active San Andreas Fault extends along the canyon of the Gualala River 1½ miles west of the Stewarts Point Rancheria.

The Gualala River watershed is transected by the San Andreas Fault and the Tombs Creek Fault zones along northwest-oriented lines. The latter separates highly unstable mélange on the east from relatively more stable terrain on the west. The South and the Little North Forks of the Gualala River flow within a linear valley presumably formed by the San Andreas Fault near the coast.

Over the past 5-20 million years, much of the region was uplifted. As it was raised and tilted, the rivers incised into bedrock in many places. As the bedrock was uplifted, crushed, and redistributed along active faults, the Gualala River system concurrently evolved. The network of watercourses followed paths of least resistance across the landscape as determined by the distribution of hard, durable rock versus soft, easily erodible rock. Many watercourses lengthened along the weakened rock within fault zones. Many of the streams in the Gualala River Watershed and surrounding area are clearly fault controlled. All of the faults, with the exception of the San Andreas Fault, are now considered inactive. The Tombs Creek Fault System was probably active during the Pleistocene (10,000- 1.1 million years ago).

Seismic Hazards

The geologically active San Andreas Fault extends through Plantation and the South Fork of the Gualala River canyon, approximately three miles southwest of the subject property. Earthquakes generated from

this fault or other sources may cause ground shaking on the subject land, but because there are no buildings on the subject land, and because no construction activities are planned on that land, such shaking would have no meaningful effect.

The subject parcel is not located within an Alquist Priolo special study zone as classified in California Division of Mines and Geology (CDMG) Special Publication No. 42. The Alquist-Priolo Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. As noted above, there are no such structures on the land, and none are planned.

Mineral Resources

The mineral potential of the Stewarts Point Rancheria appears to be low. The Dillon and Seefeldt Manganese prospect lies about 2 miles southwest of the Rancheria at an elevation of approximately 900 feet. The deposit is reported to have produced 36 tons of ore in 1918 (Trask, 1950, p. 283). It apparently has not been worked since that time.

3.2 Water Resources

The subject lands are within the Gualala Basin, which drains an area of 298 square miles along the coast of southern Mendocino and northern Sonoma counties. The Gualala River enters the Pacific Ocean near the town of Gualala, approximately 115 miles north of San Francisco and seventeen miles south of Point Arena. The Gualala Basin is about thirty-two miles long on a northwest–southeast orientation, and extends inland about fourteen miles. Elevations vary from sea level to 2,602 feet at Gube Mountain; the most mountainous terrain is in the northern and eastern parts of the watershed. The Gualala River comprises five major sub-basins: North Fork Gualala River, South Fork Gualala River, Rockpile Creek, Buckeye Creek, and Wheatfield Fork and runs 32 miles in a north-south direction along the San Andreas rift zone. The entire basin lies within 20 miles of the Pacific Ocean, and the major sub-basins are largely fault-controlled, flowing through gorge-like valleys with narrow floodplains. The subject property site is within the Wheatfield Fork sub-basin.

Wheatfield Fork is the largest sub-basin in the Gualala River watershed, comprising 112 square miles of mostly privately owned property and 0.3 square miles of public land. Major land uses include timber production, grazing, vineyards, and some rural subdivisions. Wheatfield Fork is bounded to the north by the Buckeye Creek sub-basin and to the west by the South Fork Gualala River sub-basin. The eastern, headwater region of the Wheatfield Fork is composed of mélange of the Central Terrane Franciscan formation, bounding the Tombs Creek Fault to the east.

An unnamed tributary traverses the property from east to west. A developed spring and pump is located on the western portion of the property off of Tin Barn Road.

3.2.1 Domestic Water

The Rancheria provides its own water through a withdrawal on the Wheat Field fork of the Gualala River at the confluence with Haupt Creek. A water storage tank is located on the Rancheria at the junction of Skaggs Springs and Tin Barn Roads.

3.2.2 Floodplains

The subject parcel is located outside of the 100-year flood zone (FIRM Panel No. 06097C0275E, January 6, 2011).

3.2.3 Jurisdictional Wetlands

The subject property was examined for evidence of wetlands using criteria in the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y 87 1 (U.S. Army Corps of Engineers, Environmental Laboratory, January 1987). Based on the field reviews and examination of data from the National Wetland Inventory, the riparian areas of the unnamed streams on the parcel are classified as jurisdictional wetlands.

3.3 Air Quality

The federal Clean Air Act (CAA) governs air quality in the United States, including California. Air quality in the State is also governed by more stringent regulations under the California CAA. At the federal level, the US Environmental Protection Agency (EPA) administers the CAA, while the California CAA is administered by the California Air Resources Board (CARB) at the State level and by the Northern Sonoma County Air Pollution Control District (NSCAPCD) at the regional and local levels.

The EPA is responsible for enforcing the federal CAA, as well as establishing National Ambient Air Quality Standards (NAAQS).

CARB coordinates and oversees both state and federal air pollution control programs in California. As part of this responsibility, CARB monitors existing air quality, establishes state standards, limits allowable emissions from vehicular sources, and is responsible for putting together the State Implementation Plan (SIP). CARB has divided the State into many single- and multi-county air basins. Authority for air quality management within the basins has been given to the North Coast Air Basin which is comprised of three air districts, the North Coast Unified AQMD, the Mendocino County AQMD, and the Northern Sonoma County APCD. The North Coast AQMD included Del Norte, Humboldt, and Trinity Counties; the Mendocino County AQMD consists of Mendocino County; and the Northern Sonoma County APCD comprises the northern portion of Sonoma County.

3.3.1 Criteria Air Pollutants

Efforts to reduce air emissions are required by the Federal CAA and the California CAA. The federal government, primarily through the EPA, sets federal health standards for air emissions. The EPA also oversees state and local actions and implements programs for toxic air pollutants, heavy-duty trucks, locomotives, ships, aircraft, off-road diesel equipment, and other types of industrial equipment. In California, CARB sets state air quality standards and implements programs to improve air quality. In Sonoma County, wood smoke continues to be the most significant source of air pollution, especially in winter. The particles in wood smoke have been linked to respiratory illnesses, heart and lung disease, adverse pregnancy outcomes and developmental problems for children, and even early death.

Table 2. National and California Air Quality Standards

Pollutant	Averaging Time	National[b,c]	State of California[a,c]
Ozone[d]	1 hour	0.12 ppm (235 μg/m^3)	0.09 ppm (180 μg/m^3)
	8 hour	0.08 ppm (160 μg/m^3)	NA
Carbon Monoxide	1 hour	35 ppm (40,000 μg/m^3)	20 ppm (23,000 μg/m^3)
	8 hour	9 ppm (10,000 μg/m^3)	9.0 ppm (10,000 μg/m^3)
Nitrogen Dioxide	1 hour	NA	0.25 ppm (470 μg/m^3)
	Annual	0.053 ppm (100 μg/m^3)	NA
Sulfur Dioxide	1 hour	NA	0.25 ppm (655 μg/m^3)
	3 hour	0.5 ppm (1,300 μg/m^3)	NA
	24 hour	0.14 ppm (365 μg/m^3)	0.04 ppm (105 μg/m^3)
	Annual	0.03 ppm (80 μg/m^3)	NA
Particulate Matter (PM-10)	24 hour	150 μg/m^3	50 μg/m^3
	Annual	50 μg/m^3	30 μg/m^3
Sulfates	24 hour	NA	25 μg/m^3
Lead	30 day	NA	1.5 μg/m^3
	Calendar Quarter	1.5 μg/m^3	NA
Hydrogen Sulfide	1 hour	NA	0.03 ppm (42 μg/m^3)
Vinyl Chloride	24 hour	NA	0.010 ppm (26 μg/m^3)

a California standards for ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, particulate matter (PM-10) are values that are not to be exceeded. All other California standards shown are values not to be equaled or exceeded.

b National standards, other than for ozone and particulate matter and those based on annual averages, are not to be exceeded more than once per year. For the one-hour ozone standard, the ozone standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one. The eight-hour ozone standard is met at a monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.08 ppm.

c ppm = parts per million by volume; μg/m^3 = micrograms per cubic meter.

d New standards effective September 16, 1997 (40 CFR 50.7 and 40 CFR 50.10).

NA Not Applicable.

As a Federal agency, the Bureau of Indian Affairs (Lead Agency) must comply with the General Conformity Rule under the CAA (Section 176(c)(4)) for those actions over which they exert continuing management responsibility and control. It should be noted that pursuant to the CAA as amended, air quality jurisdiction falls with the Tribe if programmatic jurisdiction is delegated by the U.S. EPA. The Tribe is a recipient of a General Assistance Program grant from EPA and operates several environmental programs, but has not

assumed air quality jurisdiction. Therefore, EPA maintains air quality jurisdiction for the Rancheria and not the State. Instead of State standards, the NAAQS apply. This issue is not unique to the Stewarts Point Rancheria as it is the same as most of the 114 Indian Reservations or Rancheria's in California.

The subject property area (but not Stewarts Point Rancheria) falls under the jurisdiction of the NSCAPCD. The entire North Coast Air Basin is currently designated as nonattainment for the State 24-hour PM_{10} standard. The attainment plans, rules and regulations, and criteria pollutant attainment status are different for each of the three air districts in the North Coast Air Basin. Non-attainment means that the County exceeds the National Ambient Air Quality Standards for these pollutants. The standard is based on human health criteria. For regulated pollutants that exist below the standard, the Prevention of Significant Deterioration (PSD) rule is the guiding legislation.

3.4 Living Resources

3.4.1 Wildlife

Common wildlife species found in north coast coniferous forest habitats include: broad-footed mole (*Scapanus latimanus*), dusky-footed woodrat (*Neotoma fuscipes*), western gray squirrel (*Sciurus griseus*), yellow-cheeked chipmunk (*Tamias ochrogenys*), Anna's hummingbird (*Calypte anna*), Western wood-peewee (*Contopus sordidulus*), Pacific-slope flycatcher (*Empidonax difficilis*), hairy woodpecker (*Picoides villosus*), northern flicker (*Colaptes auratus*), Steller's jay (*Cyanocitta stelleri*), common raven (*Corvus corax*), chestnut-backed chickadee (*Poecile rufescens*), band-tailed pigeon (*Columba fasciata*), white-breasted nuthatch (*Sitta carolinensis*), brown creeper (*Certhia americana*), spotted towhee (*Pipilo maculatus*), dark-eyed junco (*Junco hyemalis*), Pacific wren (*Troglodytes troglodytes*), Wilson's warbler (*Wilsonia pusilla*), hermit warbler (*Dendroica occidentalis*), and Hutton's vireo (*Vireo huttoni*). Larger predator mammals including Black Bear (*Ursus americanus*), Coyote (*Canis latrans), feral pigs (Sus scrofa), and Mountain Lion (Puma concolor)* are known in the project area.

3.4.2 Vegetation

North coast coniferous forest is the dominant community, covering the majority of the subject property. Second and third growth north coast coniferous forest is dominated by stands of Redwood (*Sequoia sempervirens*) and wide spread growth of tan oak (*Notholithocarpus densiflorus* var. *densiflorus*). Douglas-fir (*Pseudotsuga menziesii* var. *menziesii*), Pacific madrone (*Arbutus menziesii*), and California bay (*Umbellularia californica*) canopy dominant trees occur commonly on the site as well. As the subject property was formerly harvested, likely between 1940 and 1980, no "old growth" occurs on the subject property.

The understory shrub vegetation is primarily composed of hairy Manzanita (*Arctostaphylos columbiana*), California huckleberry (*Vaccinium ovatum*), and deer brush (*Ceanothus integerrimus*). Herbaceous understory species include yerba de selva (*Whipplea modesta*), bracken fern (*Pteridium aquilinum* var. *pubescens*), western sword fern (*Polystichum munitum*), California milkwort (*Polygala californica*), evergreen violet (*Viola sempervirens*), Douglas' iris (*Iris douglasiana*), redwood sorrel (*Oxalis oregana*), scoliopus (*Scoliopus bigelovii*), western trillium (*Trillium ovatum*), bead lily (*Clintonia andrewsiana*), spotted coralroot (*Corallohriza maculata*), vanilla grass (*Anthoxanthum occidentale*), mountain sweet-cicely (*Osmorhiza berteroi*), and yerba buena (*Clinopodium Micromeria douglasii*).

A rich diversity of grasses occurs in the northern coastal grassland community onsite. Dominant grass species include the native California oatgrass (Danthonia californica), purple needlegrass (Stipa pulchra), blue wildrye (Elymus glaucus) and California fescue (Festuca californica), as well as the non-native quaking grass (Briza maxima). Subdominant grasses found in the coastal grassland include native species such as Hall's bent grass (Agrostis hallii), California brome (Bromus carinatus), and creeping wildrye (Leymus triticoides). Non-native species include slender wild oat (Avena barbata), ripgut grass (Bromus diandrus), soft chess (Bromus hordeaceus), common velvet grass (Holcus lanatus), medusa-head (Taeniatherum caput-medusae), and hedgehog dogtail (Cynosurus echinatus). Other non-grass species commonly found in this plant community include bracken fern, rough cat's-ear (Hypochaeris radicata), Pursh's lotus (Acmispon americanus var. americanus), narrow-leaf mule ears (Wyethia angustifolia), English plantain (Plantago lanceolata), and blue-eyed grass (Sisyrinchium bellum).

A biological survey was conducted on a portion of the Rancheria for the proposed water treatment facility upgrade project in 2004, by North Coast Resource Management (2004). In addition, a contemporary listing of species was obtained from the U.S. Fish and Wildlife Service (USFWS) and from a California Department of Fish and Wildlife (DFW, 2014) database search.

A biological evaluation was completed by LACO on June 22, 2014. The subject property was surveyed on June 10, 2014, by a USFWS qualified biologist/botanist in an attempt to achieve a characterization of the botanical habitat types and potential for sensitive species on-site. The goal of the botanical investigation is threefold:

- To characterize the existing habitats on the subject property;
- To determine the potential for the presence of special status plant species, and the need for a full scale botanical plant survey, and;
- To formulate design criteria to avoid or mitigate impacts on sensitive species and habitats such as wetlands.

A complete observed plant species list is provided in Appendix A.

A list of sensitive plant species recorded from the general vicinity of the subject property site was compiled. For this analysis, sensitive plant species include all of those which are protected by State and/or Federal law, plus those considered rare or endangered by the California Native Plant Society (CNPS). Taxonomic details as well as the general ecology of these species were reviewed prior to the field investigation.

The CNPS published the most recent edition of the Inventory of Rare and Endangered Vascular Plants of California. Plants listed in the Inventory are placed into one of five categories:

1A. Plants that are presumed extinct in California;
1B. Plants that are rare or endangered in California and elsewhere;
2. Plants that are rare or endangered in California but more common elsewhere;
3. Plants for which more information is needed for final listing to be undertaken; and
4. Plants of limited distribution (a watch list) which are uncommon enough that their status needs monitoring.

The California Department of Fish & Wildlife (DFW) has primary responsibility for the protection of sensitive plant species at the State level. The Department acts in an advisory capacity to other state agencies, such

as the California Coastal Commission, in matters relating to sensitive species and sensitive habitats. In this capacity, DFW staff may request avoidance of sensitive species and/or mitigation for impacts on these species. California recognizes the following categories of sensitive plant species:

1. Endangered species;
2. Threatened species;
3. Rare species;
4. Candidate species (those which are under review by the Department for addition to the list of Threatened or Endangered species); and
5. Species of Concern (those listed in the CNPS Inventory which are not included in any of the above categories).

The USFWS functions in a manner similar to that of DFW, but on a Federal level. This agency has primary responsibility for protection of all species falling under the Endangered Species Act (ESA-1973). The following are categories utilized under the ESA:

1. Endangered species;
2. Threatened species;
3. Listed species (those which have been the subject of a proposed and final rule or regulation published in the Federal Register);
4. Proposed species (those species for which a proposed regulation has been published in the Federal Register, but not a final rule);
5. Candidate species (those which FWS is considering for listing as endangered or threatened but which have not been the subject of a proposed rule); and
6. Non-candidate species (those species which have previously been considered candidates, but have been dropped for one or more reasons).

3.4.3 Sensitive Species and Habitats

A general survey for listed and proposed species, which the FWS determined may utilize adjacent sites on the Stewarts Point Rancheria, was conducted on June 10, 2014. Approximately 380 acres were traversed with a special emphasis placed on the proposed acquisition property. This general survey did not indicate the need for a more in-depth analysis of criteria habitat or occurrence of special status species due to the lack of habitat of listed species.

Federal laws have provided the FWS with a mechanism for conserving and protecting the diversity of native plants and animals. A sizable number of native plants and animals have been formally designated as threatened or endangered under federal endangered species legislation. Others have been designated as "candidates" for such listing. Still others have been designated as "species of special concern" by the FWS. The CNPS has developed its own set of lists of native plants considered rare, threatened or endangered (CNPS 2014). Collectively, these plants and animals are referred to as "special status species." The information used in this assessment was compiled from public information research and field reconnaissance. Public sources of information were investigated with respect to the species of concern. These sources include current professional publications, professional communications, natural resource data base inquiries, and current landowner contact.

Table 3. Special Status Species Occurring Within the Project Vicinity
State and Federal Threatened, Endangered, or State Species of Concern

Species	Status[2]	Habitat	Occurrence in the Study Area[1]
Plants			
swamp harebell *(Campanula californica)*	CSC CNPS 1B.2	Bogs and freshwater marshes; coastal habitats (1-405m)	Absent. The wetlands of the study area are not suitable habitat for this species, nor was it observed in the field. There are no known occurrences in the study area.
thin-lobed horkelia *(Horkelia tenuiloba)*	CSC CNPS 1B.2	Coastal scrub, chaparral (45-500m)	Possible. Not observed in the field, but marginal suitable habitat does occur in the area.
white-flowered rein orchid *(Piperia candida)*	CSC CNPS 1B.2	Cismontane woodland, lower montane coniferous forest/ rocky, on serpentine (0-1,200m)	Unlikely. No serpentine observed in the field, therefore unsuitable habitat occurs in the area.
long-beard lichen *(Usnea longissima)*	CSC CNPS 4.2	North Coast coniferous forest / tree epiphyte (0-2,000m)	Possible. Not observed in the field, but suitable habitat does occur in the area.
Invertebrates			
black abalone *(Haliotes cracherodii)*	FE	Sub-tidal rocks	Absent. Suitable habitat for this species does not occur in the study area.
white abalone *(Haliotes sorenseni)*	FE	Sub-tidal rocks	Absent. Suitable habitat for this species does not occur in the study area.
Behren's silverspot butterfly (*Speyeriazerene behrensii*)	FE	Coastal grasslands, larva plant Viola adunca	Absent. Suitable habitat for this species does not occur in the study area.
California freshwater shrimp *(Syncaris pacifica)*	FE/CE	Perennial streams, free of aquatic vertebrate predators	Absent. Suitable habitat for this species does not occur in the study area.
Fish			
tidewater goby *(Eucyclogobius newberryi)*	FE	Estuaries, spawn in brackish water downstream of the mixing zone	Absent. Suitable habitat for this species does not occur in the study area.
Gualala roach *(Lavinia symmetricus parvipinnis)*	CSC	Mainstem of the Gualala River is the only known location for this species	Unlikely. Suitable habitat does not exist.
California coastal chinook salmon *(Oncorhynchus tshawytscha)*	CE, FT	Cool, higher-elevation headwaters of tributaries to the Gualala River are the primary spawning and rearing areas for this species	Unlikely. Suitable habitat does not exist.
coho salmon-central California coast *(Oncorhynchus kisitch)*	CT, FE	Spawns in deeper water and larger gravel sizes than other salmon. Most spawning and rearing activity take place in the main stream channels above the saltwater limit or many miles upstream.	Unlikely. Suitable habitat does not exist.
Steelhead-Northern California ESU *(Oncorhynchus mykiss)*	FT	Gualala River and its tributaries. Spawn in small streams where cool, well-oxygenated water is available year round.	Unlikely. Suitable habitat does not exist.
Reptiles/Amphibians			
California Red-legged Frog *(Rana aurora draytonii)*	FT	Quiet pools, streams, marshes, and occasionally ponds. Prefers shoreline with extensive vegetation. Escapes to water 1m deep or more, at the bottom of pools.	Absent. Suitable habitat for this species does not occur in the study area.
Foothill Yellow-legged Frog *(Rana boylii)*	CSC	Coastal and foothill drainages. Shallow flowing water in small to moderate sized streams with at least	Absent. Suitable habitat for this species does not occur in the study area.

Species	Status[2]	Habitat	Occurrence in the Study Area[1]
		some cobble-sized substrate.	
Birds			
Marbled Murrelet *(Brachyramphus marmoratus)*	FT/CE	North coast coniferous forest (nesting only), dependent on mature stands.	Unlikely. Suitable nesting habitat does not exist in the study area. Known occurrences are from the South Fork of the Gualala River (1.6 miles west) and suitable habitat occurs 3.0 miles east on the Wheatfield Fork of the Gualala River.
Western Snowy Plover *(Charadrius alexandrinus nivosus)*	FT	Nests on beaches, river gravel bars.	Absent. Suitable habitat for this species does not occur in the study area.
Short-tailed Albatross *(Diomedea albatrus)*	FE	Offshore only, transient from western Pacific nesting grounds.	Absent. No suitable habitat occurs in the study area.
Northern Spotted Owl *(Strix occidentalis caurina)*	FT	Multi-layered coniferous forests	Possible. Study area contains suitable habitat for this species, known populations occur on adjacent land (SON0007, 3/8 mile NE, SON0008, 1.1 mile W, SON0019, 7/8 mile SE, CNDDB, 2014).
Mammals			
Sonoma tree vole *(Arborimus pomo)*	CSC	North coast coniferous forests. Depends on Douglas-fir needles for forage and nesting material.	Possible. Suitable foraging and breeding habitat occurs in the study area.
Guadalupe fur seal *(Arctocephalus townsendi)*	FT/CT	Offshore, rocks and islands.	Absent. Study area does not contain suitable habitat for this species.
Sei whale *(Balaenoptera borealis)*	FE	Offshore.	Absent. Study area does not contain suitable habitat for this species.
Blue whale *(Balaenoptera musculus)*	FE	Offshore.	Absent. Study area does not contain suitable habitat for this species.
finback whale *(Balaenoptera physalus)*	FE	Offshore.	Absent. Study area does not contain suitable habitat for this species.
right whale *(Eubalaena glacialis)*	FE	Offshore.	Absent. Study area does not contain suitable habitat for this species.
sperm whale *(Physeter catodon)*	FE	Offshore.	Absent. Study area does not contain suitable habitat for this species.

OCCURRENCE DESIGNATIONS:
Present: Species observed on the study area at time of field surveys or during recent past.
Likely: Species not observed on the study area, but it may be reasonably be expected to occur there on a regular basis.
Possible: Species not observed in the study area, but it could occur there from time to time.
Unlikely: Species not observed in the study area, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed in the study area, and precluded from occurring there because habitat requirements not met.

*STATUS CODES:

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CR	California Rare
FC	Federal Candidate	CSC	California Species of Special Concern
CNPS	California Native Plant Society Listing		

2 Note: The Tribe is not obligated to mitigate for potential impacts to species listed under State or CNPS criteria. These species are listed in this evaluation merely for the Tribe's information and own conservation efforts. Some of these species may have cultural significance to the Tribe.

Of the species known to be in and around the U.S. Quad for the subject property, no candidate, proposed, threatened, or endangered species under the Federal and State Endangered Species Act are known at the site.

The Migratory Bird Treaty Act (MBTA) of 1918 expressly forbids any party, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention...for the protection of migratory birds...or any part, nest, or egg of any such bird" (16 U.S.C. 703). On March 1, 2010, the USFWS revised the MBTA adding additional species to the list. There are now 1007 bird species listed.

3.5 Cultural Resources

As a federal action, the proposed undertaking must comply with NEPA and Section 106 (Codified as 36 CFR Part 800) of the National Historic Preservation Act, and must consider effects to historic properties. An archaeological survey was commissioned by the Tribe. Tasks completed as a part of the archaeological survey included a records search with the California Historic Resources Information System (CHRIS), a pedestrian survey of the entire subject parcel, and a written report. The written report is a confidential document that is protected under the Archaeological Resources Protection Act of 1979 (16 USC Chapter 1b; § 470hh) and is not available to the general public. The report however, has been provided to the Bureau of Indian Affairs Regional Archaeologist who is responsible for consultation with the State Historic Preservation Officer (SHPO) and the Tribal Historic Preservation Officer (THPO).

The subject parcel constitutes the project Area of Potential Effects (APE) for a cultural resources investigation that has been done for the property. The investigation included archival research, pedestrian field survey, and oral history interviews to identify eligible, or potentially eligible, historic properties to the National Register of Historic Places (NRHP) within the project APE. Because the fee-to-trust transfer is an undertaking that involves no effects to the environment, there is no potential for it to affect cultural resources for the purposes of this undertaking.

Traditional Kashia (Kashaya) places are interconnected by a network of ancestral Kashaya trails that have been documented through oral histories. Some trails have not been intensively used in years and lack the physical wear and maintenance that accompany their use. Although not considered historic properties for the purposes of this undertaking, five of the historically documented trails cross into the APE and four retain a physical presence by including portions of modern dirt and paved roads.

Finally, the project ecologist identified ethnobotanical resources within different ecosystem components (e.g., edaphic grassland, possible burn-managed grassland, forest) that may be of cultural significance to the Tribe. Although the ethnobotanical resources are not considered historic properties for the purposes of this undertaking, they are cultural resources valued by both modern and ancestral tribal members as food and/or medicine.

3.5.1 Ethnography and History

The subject property is located within the ancestral homeland of the Kashia (Kashaya) Pomo. It is a region that has experienced native occupation over a long period, stretching from approximately 12,000 years

ago until the present. Within this appreciable expanse of time, groups with varying degrees of sociopolitical complexity (e.g., family bands earlier and tribelets later) have lived in the region and adapted their economic systems to a rich environment that includes nearby coastal, riverine, and upland terrestrial resources.

The ethnolinguistic and sociopolitical complexity of the Kashia and their neighbors is evidenced by the collective work of several ethnographers (Barrett 1908; Gifford 1967; Gifford and Kroeber 1937; Kniffen 1939; Kroeber 1925; McLendon and Oswalt 1978; Merriam 1925, 1977; Oswalt 1964; and Stewart 1935; 1943). Including shared boundary zones, the outermost limits of the approximate 370 square miles of ancestral Kashia territory extend from the Gualala River in the north (Barrett 1908; Kniffen 1939; Kroeber 1925; Parrish and Parrish 1980:4; Stewart 1943:28) to Salmon Creek in the south (Barrett 1908; Parrish and Parrish 1980:4), and to Dry Creek in the east (Stewart 1943: Map 1), and once supported an estimated 1,500 people.

Within ancestral Kashaya territory, the archaeological settlement pattern for the last 1000 years bears the markers of tribelet (village community) social complexity consistent with that reported by ethnographers. This settlement pattern includes residential sites occurring inland on the first ridge or beyond and camp sites at varying distances away with many located on the exposed coastal terrace (Dowdall 2003).

For some as yet immeasurable time back into antiquity, the Kashia managed their valued resources in a manner that maintained their flexibility with local food resources at a regional scale, enhanced the productivity of certain ecosystem components, and maintained diversification of many resources spread across diverse habitats (Baye). Embedded within this was an annual cycle of movement from winter villages to summer gathering areas. According to Kniffen (1939:385–388):

> "During winter, the interior villages above the Gualala River were occupied and the coast was nearly deserted. Activities of the late fall led to a movement to the interior. Midwinter heavy rains swelled the local rivers and salmon fishing began. By April, the salmon season was ending, and with it, the drift toward the coast began. In late spring, the coast villages were occupied. Mussel, clam, abalone, and ocean fish were caught. Shell food was baked. As the season advanced there was great activity. Days were spent gathering and drying seaweed or collecting salt. Women gathered roots and clover was eaten in great quantities. By mid-June there was a gradual lessening of activities along the coast."

Today, a version of the seasonal cycle continues, with the Stewarts Point Rancheria, Su?nú?nu šinal (or Huckleberry Heights), serving as a permanent village. Seasonally, modern Kashia use different kinds of places through four food gathering ceremonies: the spring strawberry, the summer foods, the fall acorn, and the winter seafood ceremonies (Dowdall and Parrish 2005).

In 1812, the Kashia experienced their first colonial encounter. Their experience differed from other Pomo-speaking tribes in that their first direct contact with non-Native peoples was not with Spaniards, Mexicans, or Euro Americans, but rather with Russians. The Russian American Company (RAC) at Fort Ross operated from 1812 to 1842 and as a result many Kashia Pomo escaped missionization. The RAC had a policy toward the Kashia of relatively fair treatment and non-hostile relations (Nieze 1974). The RAC settled along the Sonoma coast at outposts that were intended to not only act as staging points for the hunting of sea otter, seal, and sea lion along the California coast, but also to develop agricultural ventures that would help supply the company's Alaskan settlements. The population of the colonial outposts was a mix of Russians and Native Aleuts from Alaska who supplied the seafaring and hunting skills necessary to capture the sought-after sea mammals. The colonies also employed local Kashia men and women, who at times lived

with and married the Fort's inhabitants. Kashia labor included hoeing, plowing, cutting wood and building fort fortifications and was a major factor in the success the Russians had in growing foodstuffs. A large part of the Kashia labor force lived in the village of Mé·ti ʔni which was located near, and associated with, Fort Ross (see Lightfoot 2005; Lightfoot and Parrish 2009). As a significant ancestral village in Kashia history, Mé·tiʔni remains a very valued place.

When the Russians left in1842, Mexican and Euro Americans began to settle the coast and forced changes to the Kashia's traditional way of life. In the twenty or so years to follow a combination of circumstances necessitated the community's moving to the Haupt Rancheria approximately 10 miles inland from Fort Ross. Although under the protection of Benitz at the fort, informants indicated that his cowboys were likely to rape or mistreat women. In 1845, while Benitz was absent, a raiding party of Spanish-Californians took several groups of gentile Indians from nearby Rancherias to use as servants and laborers killing at least three. At Fort Ross they seized captains (chiefs) and raped several Indian women (Kennedy 1955:78-79). After 1867, Dixon, the subsequent owner of the fort was unwilling to employ the Kashia (Kennedy 1955:83). Another contributing factor to the move was the marriage of a Kashia woman named Molly or Cocoon Woman (Tololloya Qhabechashomen Kilaqhamen) to Charles Haupt. Haupt invited his wife's people to re-inhabit their old village of Dukašal (Huffman 1995:45–46).

In the 1870s, Kashia living at Mé·ti ʔni moved to two villages on Charles Haupt's land, Pʰotol and Dukašal (Oswalt 1964:4). Dukašal (Abaloneville) was a residential village with a roundhouse and a spiritual leader or Dreamer. The move to dukašal established the community's center at a new location within their traditional territory. The men of Dukašal worked on the ranch and some of the Kashia women worked in the house. This arrangement took place on other ranches where many had active Kashia villages whose men and women worked as ranching and household labor (Kennedy 1955:89). The spiritual leaders (or Dreamers) at Dukašal mediated between the earthly and spiritual worlds, organized the making of meaning in daily life that had become disrupted by land-holding settlers, and persisted in the making of social order through the seasonal food-gathering calendar (Dowdall and Parrish 2005).

In 1915, with $1,100 provided by the Indian Appropriation Act of 1914, the federal government purchased a 40-acre parcel of land now known as the Stewarts Point Rancheria from the owner, Mrs. Louisa Harmon Nobles, granddaughter of Charles Haupt Sr. The final recording of the sale did not occur until May 6, 1916. After final payment and recording of the deed on June 9, 1916, the Kashia began to move onto the new Stewarts Point Rancheria (Nieze 1974) which was acknowledged and taken into trust by the United States in that year. Also at that time, the Stewarts Point Rancheria (also known as Su?nú?nu šinal) was blessed and sanctified as a residential village by the Kashia spiritual leader, Annie Jarvis (Kennedy 1955:97, 98). The consecration of its Roundhouse re-established the community's center at a new location within their traditional territory. After the move to Su?nú?nu šinal , the seasonal food gathering ceremonies continued to organize the annual cycle of the tribe's movements through their homeland despite their labor obligations to land-holding ranchers and logging operatives (Kennedy 1955).

3.6 Socioeconomic Conditions

3.6.1 Sonoma County

The median household income for Sonoma County in 2010 was $ 63,565. In 2010, 11.5 percent of families were living below the poverty level. According to the 2010 U.S. Census, the population of the County was 483,878 persons. Of the population, 87.7 percent was classified as White, 1.9 percent was classified as Black or African American, 4.1 percent was classified as Asian, 2.2 percent was classified as American Indian or Alaska Native, 3.7 percent was classified as Some Other Race. Of the total population (of any race), 25.9 percent was considered Hispanic or Latino.

3.6.2 Stewarts Point Rancheria

According to a 2013 Report on American Indian Population and Labor Force (Bureau of Indian Affairs), the Rancheria had a total population of 78 with 72 of the 78 residents Native American. According to the 2010 census the per capita income of Rancheria residents was $8,716 as compared to Sonoma County which was $47,116.

3.7 Attitudes, Expectations, Lifestyle, & Cultural Values

As far as Tribal expectations are concerned, Tribal members are very supportive of the fee-to-trust conveyance of the subject property as a method of expanding the autonomous land-holdings of the Tribe. Despite the well-documented poverty of many, Tribal members voted overwhelmingly to sacrifice their personal receipt of per capita payments from the Revenue Sharing Trust Fund specifically to enable the Tribe to purchase the subject land and to convey it to the United States in trust for the Tribe. Since the conveyance of the subject property from fee based land to Federal trust land will result in a more than ten-fold increase in the Tribe's quasi-sovereign territory, restoring to the Tribe lands it occupied since time immemorial, the lifestyle and cultural values of the Tribal community are expected to be preserved and enhanced by federal acceptance of the subject property in trust for the Tribe

3.8 Community Infrastructure

3.8.1 Fire Protection

CAL FIRE provides fire protection services for the Stewarts Point Rancheria and the surrounding vicinity. The CAL FIRE Sea Ranch Fire Station responds to most emergency fire calls on the Rancheria due to its close proximity, and has an estimated response time of thirty minutes. A second CAL FIRE station is located in Point Arena (estimated response time of 60 minutes).

3.8.2 Law Enforcement

Pursuant to Public Law 280, the Sonoma County Sheriff's Department provides law enforcement services to all land holdings of the Stewart's Point Rancheria. The response time to the Rancheria varies between 5 to 60 minutes, depending on the nature of the call and availability and location of patrol officers. The Sonoma County Sheriff's Department has stations in Sea Ranch, Fort Ross and Bodega Bay. The main station is in Guerneville with two main Officer's patrolling the area of the Rancheria, with an additional Officer from Bodega assisting as needed. The Sonoma County Sheriff's Department also has mutual aid agreements with Mendocino County for border areas between counties.

3.8.3 Emergency Medical Services

Ambulance service in the area of the Rancheria and the subject property is provided by the Coast Life Support District (CLSD), available in Sea Ranch and Gualala. CLSD provides ambulance service to a 60 mile section of coastal Mendocino and Sonoma counties (response time of an estimated 31 minutes). Air medical service is available through 2 private companies and occasionally the Sonoma County Sherriff Office air unit. Average response time is 20-45 minutes, although air evacuations have declined due to weather up to 60% of the time (CLSD.ca.gov).

The nearest hospital is Redwood Coast Medical Services at 46900 Ocean Drive, Gualala, CA. Also, a small clinic is available in Point Arena, operated by Redwood Coast Medical Services. Both facilities are open during the week 8am-6pm, with Urgent Care services available on weekends and major holidays from 8am-6pm, beginning July 4, 2014, "After-hours calls to RCMS's Gualala Clinic are transferred to TeamHealth, a call-in medical advice service funded by Coast Life Support District (CLSD).

3.8.4 Schools

The Kashia School is adjacent to the Rancheria and serves children from Kindergarten through 8th grades. The nearest high school is located in Point Arena, an approximate 1.5 hour drive north on Highway 1. The School provides an 8 passenger van to take students to Sea Ranch, where a school bus from Point Arena Joint Union School District provides transportation for the remaining distance. Student travel time from the Rancheria to the Point Arena High School is approximately 2 hours one-way.

3.8.5 Solid Waste Disposal

Solid waste collection for the Stewarts Point Rancheria is provided by Redwood Coast Disposal. Solid waste and recycling is picked up once a week (3, 3-yard bins for solid waste, 2, 3-yard bins for mixed recycling). This service has been provided since 2003, which was the first time any disposal service had been available for the Rancheria.

3.8.6 Gas & Electric Services

Electricity is supplied by Pacific Gas and Electric Company to the Stewarts Point Rancheria through electric power lines along Tin Barn Road. Electrical power would be available for the subject parcel through powerlines along Tin Barn Road. Propane gas service and storage tanks are available under individual contract from Amerigas in Gualala, Cotati and Fort Bragg; Ferrallgas in Guerneville and Fort Bragg; and Kemgas in Fort Bragg and Ukiah.

3.8.7 Communications Service

All basic telecommunications services, including cellular communications, are provided by Verizon. The Kashia community including Kashia School is served by a copper-based T-1 line for connectivity. The Tribal Community Center uses a satellite link for internet connectivity.

3.8.8 Water and Sewer Service

Domestic water service for the Rancheria is provided through withdrawal from the Wheatfield Fork of the Gualala River. Allowable water diversion is 16,220 gallons per day, with a 10hp pump, through 4" ductile iron pipe over an approximate length of 6,645.3 feet to a 66,000 gallon treated water storage tank. The subject lands are not currently served by the Rancheria's water system.

3.9 Resource Use Patterns

The subject lands are currently utilized for gathering under the Tribe's Forest Products Ordinance which allows for the individual, non-commercial harvesting of cultural or spiritual plants, acorns and other food stuff. The proposed fee-to-trust property also includes timber stands, the harvest of which would require a Timber Harvest Plan while the property is in fee status or a Forest Management Plan once the property is conveyed to trust status.

The subject lands are not considered prime, unique, or regionally important agricultural land and are not under a Williamson Act contract. Commercial mining is not a current land use activity within the vicinity of the subject lands.

3.10 Recreation

The Stewarts Point area has exceptional recreational opportunities that are available to residents and tourists. In fact, tourism is the major commercial activity along this segment of California's Pacific Coast. From abalone diving, fishing, and camping to scenic vistas, the area is extremely rich in recreational opportunities.

3.11 Transportation Network

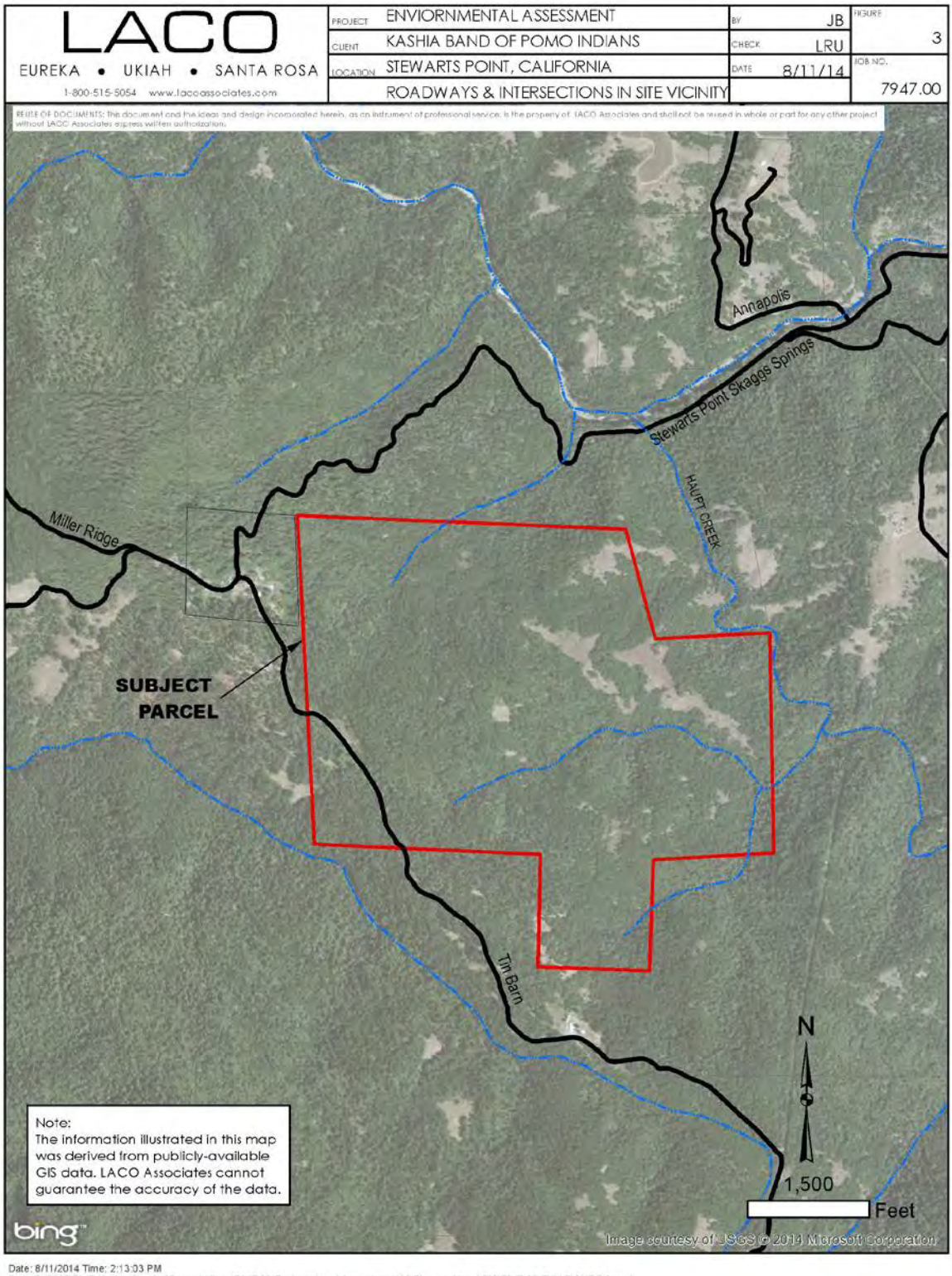
The Pacific Coast Highway (State Highway 1) is the most important arterial within the greater Stewarts Point area. State Highway 1 is a very curvy two lane highway with incredible views and vistas of the Pacific Ocean. Access to the Stewart's Point Rancheria and the subject property from Highway 1 is via Stewarts Point/Skaggs Springs Road. This very narrow road, whose pavement is in poor condition, leads to the Rancheria, which is approximately 4.5 miles from the State Highway 1 intersection. Stewarts Point/Skaggs Springs Road and Tin Barn Road provide access to the subject property. State Highway 1 is classified as a Rural Minor Arterial while Stewarts Point/Skaggs Springs Road is classified as a Rural Local Collector.

The subject property is approximately 45 miles east of the City of Healdsburg and approximately 40 miles from the City of Cloverdale and 59 miles from the City of Santa Rosa using Stewarts Point/Skaggs Springs Road.

According to the California Department of Transportation (CALTRANS), 2012 traffic counts at the intersection of Highway 1 and Stewarts Point/Skaggs Springs Road were 1500 ADT (average daily traffic) northbound and 1550 ADT southbound or a combined ADT of 3,050.

The functioning of a road segment or an intersection is expressed as the Level of Service (LOS). LOS refers to the operational conditions within a traffic stream and motorists' perceptions in terms of delay, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. There are six LOS capacity conditions designated from "A" to "F". LOS "A" represents a free-flow condition and LOS "F" represents a congested forced condition.

CALTRANS is the governmental unit that is directly responsible for State Highway 1. CALTRANS is the agency that must issue an encroachment permit for all work performed within the highway right-of-way, but no such work is planned or proposed by the Tribe. CALTRANS utilizes the "Route Concept Study" as the planning documents to define the need of various roads for which CALTRANS has authority. The Route Concept Study for Highway 1 has established an LOS of "A to B" as the appropriate level.



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Path: P:\7900\7947 Kashia Band of Pomo Indians\7947.00 Environmental Assessment\12 Figures_Maps\GIS\7947.00 ENV FIGURE 3.mxd

3.12 Land Use Plans

The parcel identified in this application comes under the planning jurisdiction of Sonoma County as long as the property is in fee status. The Sonoma County zoning designations for the parcel proposed for trust conveyance is TP B6 240 with the General Plan designation as RR D2 240. (Rural Residential, 2 units per acre with a lot size of 240 acres).

Timber Production (TP): Purpose: to provide for timberland zoning, a yield tax imposed at the time of harvest, and the conservation and protection of land capable of producing timber and forest products. Permitted residential density in the TP zone is one (1) single-family dwelling unit with accessory buildings for every 240 acres.

3.13 Other Values

3.13.1 Wilderness

The proposed trust lands are not located in a natural wilderness area.

3.13.2 Sound and Noise

According to the Sonoma County General Plan 2020, the subject lands are not near any objectionable noise sources. The closest significant noise sources are along Highway 1, a quarry along Annapolis Road, and the airport near Highway 1 and Annapolis Road, which are located more than 5 miles from the subject property.

3.13.3 Public Health and Safety

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-13) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate. A copy of the EDR Report is included in Appendix B.

Based on a combination of field reconnaissance and database research, review of historical aerial photos, and examination of Sanborn Maps, the subject parcel does not exhibit characteristics that indicate the presence of contamination on-site or contamination impacts to properties within one mile of the sites that could impact the parcel.

3.14 Aesthetics

The surrounding terrain is characterized by dense timber and mountainous terrain. The proposed trust lands comprise a very limited portion of the viewshed. Views in the immediate vicinity are limited in scope due to the elevation of the site, topography, and vegetation adjacent to the roadway. There are no vantage points within the vicinity of the subject property that offer clear unobstructed views of the subject parcel except very short range views from locations immediately adjacent to the site and those adjacent sites are located within the Rancheria.

3.15 Greenhouse Gas

The Council on Environmental Quality (CEQ) provided a draft guidance memorandum for public consideration and comment on the ways in which Federal agencies can improve their consideration of the

effects of greenhouse gas (GHG) emissions and climate change in their evaluation of proposals for Federal actions under the National Environmental Policy Act. The CEQ proposed to advise Federal agencies to consider, in scoping their NEPA analyses, whether analysis of the direct and indirect GHG emissions from their proposed actions may provide meaningful information to decision makers and the public.

4.0 ENVIRONMENTAL CONSEQUENCES

This section of the EA analyzes the environmental effects of the proposed conveyance of 480 acres of property from "fee" to "federal trust" status for the Kashia Band of Pomo Indians of the Stewarts Point Rancheria. Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable are included in this analysis. Indirect effects may include growth inducing effects and others related to induced changes in the pattern of land use, population density or growth rate, effects and related effects on air and water and other natural systems, including ecosystems (40 CFR 1508.8). Considered as a cumulative effect, the Indirect Effects are discussed in Section 4.13.

The Bureau of Indian Affairs will, if the land is accepted into "Tribal Trust" status, apply 25 CFR provisions on the subject parcel. 25 CFR, Subchapter A - Procedures; Practice, Section 1.4, State and local regulations of the use of Indian property provides:

> *Except as provided in paragraph (b) of this section, none of the laws ordinances, codes, resolutions, rules or other regulations of any State or political subdivision thereof limiting zoning or otherwise governing, regulations, or controlling the use or development of any real or personal property, including water rights, shall be applicable to any such property leased from or held or used under agreement with and belonging to any Indian or Indian trust by the United States or is subject to a restriction against alienation imposed by the United States.*
>
> *The Secretary of the Interior or his authorized representative may in specific cases or in specific geographic areas adopt or make applicable to Indian lands all or any part of such laws, ordinances, codes, resolutions, rules or other regulations referred to in paragraph (a) of this section as he shall determine to be in the best interest of the Indian owner or owners in achieving the highest and best use of such property. In determining whether, or to what extent, such laws, ordinances, codes, resolutions, rules or other regulations shall be adopted or made applicable, the secretary or his authorized representative may consult with the Indian owner or owners and may consider the use of and restrictions or limitations on the use of other property in the vicinity and such other factors as he shall deem appropriate.*

Sonoma County had a net tax roll of $66.7 billion in 2013-2014. Computing property tax rates for the county's 220,000 property tax parcels and upon review of Comprehensive Annual Financial Report for Sonoma County in 2013 $183,429,000 in property taxes were collected. Property taxes paid by the Tribe for the parcel in 2013 amounted to $3,317.58. Apart from the removal of the property from local tax rolls, the trust conveyance of the property as a direct effect is considered insignificant as the loss of property taxes by the County would be equal to 0.0000392% of the total County assessments collected.

Mitigation of several impacted areas is discussed below along with the No Project Alternative.

The proposed action includes land which has historically been used for timber management and harvest and which may be used for those activities in the foreseeable future. Once accepted into trust, the affected parcel will be inventoried for timber resources and a Forest Management Plan (FMP) will need to be completed by the Tribe/BIA. Actual timber harvest on the subject parcel is foreseeable, however, it is not known when and the amount (if any) of timber that would be harvested from the site. More information

will be known when the site is added into a FMP. Thus, the analysis of potential impacts from forest management activities will be addressed in the NEPA analysis for the FMP approval.

4.1 Land Resources

The indirect effects of the proposed action will have no significant impact to topography, soil types and characteristics, and geologic setting. The direct effect of conveyance of the property would not impact land resources.

Future commercial timber harvest levels under the FMP will be less intensive than previous harvests while in private ownership as the timber on the parcel is second growth. The Tribe's near-term forest management objectives for the property, to be determined and specified pursuant to the FMP, will emphasize activities such as forest improvement, hazardous fuels reduction, cultural uses and redwood protection and enhancement.

The analysis of potential impacts from forest management activities will be addressed in the NEPA analysis for the FMP approval, therefore mitigation measures will be identified at that time.

Under the No Action Alternative, the management of the natural resources of the subject parcel will continue under a Timber Harvest Plan that would need to be developed for the property by the California Department of Forestry and Fire Protection. There would be no integration of a state-approved Timber Harvest Plan and the Tribal-approved FMP. The mission of the Tribe's FMP will be to utilize, promote, and conserve agricultural and natural resources, and to protect cultural, spiritual, and traditional resources of the Tribe, while providing employment, revenue, and recreation.

4.1.1 Soil Types and Characteristics

Any construction on the subject property would remove native vegetation and grasses, and could involve grading and earth moving activities in excess of one acre. This would increase the potential for erosion impacts. However, no construction projects are planned for the subject property. Therefore, implementation of mitigation measures (MM) under the federal Clean Water Act is not an issue for the fee-to-trust acquisition.

The creation of a FMP for the subject parcel will not create any soil disturbance as it is a planning document.

4.1.2 Seismic Hazards

The proposed area would be subject to ground shaking if a seismic event were to occur. Compliance with the Uniform Building Code and standard engineering design techniques would help to reduce potential impacts related to ground shaking. However, because the Tribe does not intend to construct any buildings on the subject property, no seismic issues must be mitigated

4.1.3 Topography

The subject property is comprised of gentle topography, with favorable soil characteristics and proximity to the water and wastewater infrastructure. Because the Tribe does not intend to construct any buildings on the subject property, no significant impact to topography will occur as a result of federal approval of the fee-to-trust conveyance.

No-Action Alternative

Under the No-Action Alternative, the subject property parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.2 Water Resources

Vegetation management activities on the subject property could affect water quality. Aside from potentially creating a federally approved Forest Management Plan, which would be subject to its own NEPA review that would include analysis of the impact of the FMP upon water resources, the Tribe has no plans to engage in vegetation management activities on the subject property.

The Tribe has no plans to engage in the removal of native vegetation, grading, or earth moving activities on the subject property. If at some point in the future the Tribe wishes to engage those activities, it will require an EPA NPDES General Storm Water Discharge Permit for Construction Activities and the issuance of such permits will require EPA compliance with NEPA.

In light of these facts, stormwater impacts from the subject fee-to-trust acquisition would be less than significant.

No-Action Alternative

Under the No-Action Alternative, the parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.3 Air Quality and GHG

The Project site is located within the Sonoma Coast/Gualala Basin Planning Area, which is the geographic area of inquiry for purposes of assessing the Project's impacts to regional air quality. The area is generally free of pollutants due to prevailing winds and topography. The proposed fee-to-trust conveyance with no change in land use will not impact air quality.

No-Action Alternative

Under the No-Action Alternative, the parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.4 Wildlife and Vegetation

A general survey for listed and proposed species was conducted on June 10, 2014, by a USFWS certified biologist. Approximately 380 acres were traversed with a special emphasis placed on the proposed acquisition properties. This general survey did not indicate the need for a more in-depth analysis of criteria habitat or occurrence of special status species due to the lack of habitat of listed species.

The proposed conveyance of the approximately 480-acre study area from tribal "fee" land to "Federal trust" land will involve no change in use and no proposed development of the property. As such, there are no identified direct impacts requiring mitigation. Should the study area be developed at some point, implementation of the mitigation measures identified in separate environmental assessments completed for the FMP would ensure this activity will result in no effect, or a less than significant effect, on regional populations of special status plant and animal species and sensitive biological resources identified on site.

Mitigation Measures

No mitigation measures are required.

No-Action Alternative

Under the No Action Alternative, the proposed property would remain in fee status. Existing environmental conditions on the site would remain unchanged.

4.5 Historical, Cultural, & Archaeological Resources

Based on the findings of the archaeological evaluation, and the criteria established in 36 Code of Federal Regulations 60.4, the subject property (which constitutes the project APE) contains nine cultural resources that are assumed eligible to the National Register of Historic Places (NRHP) for the purposes of this undertaking. The cultural resources report also recommended that any future development of the subject property be designed to avoid adverse impact to the nine cultural resources identified within the subject property.

Mitigation Measures

In the event of any inadvertent discovery of cultural resources during any ground disturbing activities related to implementation of timber harvesting or road building, all such finds shall be subject to the implementing regulations under Section 106 of the National Historic Preservation Act (NHPA - 36 CFR Part 800.13) and the Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. 470 aa-mm) and its implementing regulations on Indian Trust lands (25 CFR 262). If any undetected (e.g., buried) cultural resources are encountered during future ground disturbing activities, all work should be stopped in the immediate area and a qualified archaeologist should be consulted to evaluate the find. The State Historic Preservation Officer will be consulted by the Lead Agency pursuant to 36 CFR Part 800.

No-Action Alternative

Under the No Action Alternative, the proposed property would remain in fee status. Existing environmental conditions on the site would remain unchanged. The No-Action Alternative would not offer any more protection of possible cultural sites.

4.6 Community Infrastructure

4.6.1 Fire Protection

As no development activities are proposed as part of this fee-to-trust conveyance, there will be no significant impacts to the Rancheria or nearby fire protection resources. The later inclusion of the subject property into the FMP will incorporate wildfire protection measures to reduce occurrence of and impacts from unplanned wildland fires. There will be a net reduction in impacts to tribal and non-tribal fire protection resources, and therefore a beneficial impact.

4.6.2 Law Enforcement

The FMP would include a goal to preserve and protect wildlife and fisheries populations and their habitats for the subject property. Additionally, Ordinance 10, Forest Products Harvest of the Kashia Band of Pomo Indians, which was promulgated on March 2004 provides for the enforcement of timber trespass activities within "lands of the Rancheria."

4.6.3 Emergency Medical Services

Emergency health care in the area of the subject property is provided by Redwood Coast Medical Services and Coast Life Support District. The proposed fee-to-trust conveyance will have no effect upon the adequacy of such services.

4.6.4 Schools

If the 480 acre parcel is conveyed to federal trust status, local school districts will be eligible for Indian Impact Aid from the U.S. Department of Education. The Impact Aid law (now Title VIII of the Elementary and Secondary Education Act of 1965 [ESEA]) provides financial assistance to local school districts with concentrations of children residing on Indian lands, military bases, low-rent housing properties, or other Federal properties. Payments for Federal Property assist local school districts that have lost a portion of their local tax base because of Federal ownership of the property. Therefore, no significant impact to schools would likely occur as a result of the fee-to-trust conveyance.

4.6.5 Solid Waste Disposal

During the site visit, no illegal solid waste dumps were noted and the Environmental Data Resources report did not disclose any solid waste disposal sites within ½ mile of the property. As the Proposed Action will not entail any changes to land use no significant impacts to solid waste facilities would likely occur as a result of the subject fee-to-trust conveyance.

4.6.6 Electric Services

Electricity is supplied by Pacific Gas and Electric Company to the area of the subject property. An electric line along Tin Barn Road provides electrical service to the Rancheria from a 12 kV line along Stewarts Point/Skaggs Springs Road. Once conveyed to trust the necessary utility easements and rights-of-way access pursuant to 25 U.S.C. §81 may need to be granted in order for the utility to extend service to the parcel.

No significant impacts to electrical services would likely occur as a result of the indirect elements of the fee-to-trust conveyance.

4.6.7 Communications Service

All basic telecommunications services, including cellular communications, are provided by Verizon. Verizon provides telecommunication services to the Rancheria's existing residences and has telephone lines near the subject property. No significant impacts to communications services would likely occur as a result of the indirect elements of the fee-to-trust conveyance.

4.6.8 Water Service

Domestic water service for the Rancheria is provided through withdrawal from the Wheatfield Fork of the Gualala River. The subject property does not have access to the Rancheria's water system. No significant impacts to Rancheria water services would likely occur as a result of the fee-to-trust conveyance.

4.6.9 Sanitary Sewer Services

The Rancheria is on a closed loop system with 3-5,000 gallon tanks and a leach field. There is a lift station on Tin Barn Road, which is being proposed for re-vamping this summer including the installation of new septic tanks and three Orenco Pod systems. The subject property does not have access to the Rancheria's

sanitary sewer system and no significant impacts to sanitary sewer services would occur as a result of the fee-to-trust conveyance.

No-Action Alternative
Under the No-Action Alternative, the parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.7 Transportation Networks

Since conveyance of the subject property will not involve development activities, no significant impacts on the transportation network would occur as a result of the Proposed Action.

According to CALTRANS 2012 traffic counts at the intersection of Highway 1 and Stewarts Point/Skagg Springs Road were 1500 ADT northbound and 1550 ADT southbound or a combined ADT of 3,050.

The functioning of a road segment or an intersection is expressed as the Level of Service (LOS). LOS refers to the operational conditions within a traffic stream and motorists' perceptions in terms of delay, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. There are six LOS capacity conditions designated from "A" to "F". LOS "A" represents a free-flow condition and LOS "F" represents a congested forced condition.

CALTRANS is the governmental unit that is directly responsible for State Highway 1. CALTRANS is the agency that must issue an encroachment permit for all work performed within the highway right-of-way, but the Tribe plans no such work in connection with the subject property.

According to the 2014 Indian Reservation Road inventory, Stewarts Point/Skagg Springs Road at the intersection with Tin Barn Road has an ADT of 149 and Pinola Way an ADT of 50. The ADT for these local roads are likely below the normal ADT for minor rural roads due to the isolation of the Rancheria. Implementation of the project will not significantly impact the transportation network.

Mitigation Measures
No mitigation measures are required because the fee-to-trust conveyance will have no effect upon transportation in the area.

No-Action Alternative
Under the No-Action Alternative, the parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.8 Sound and Noise

Resource preservation and management activities typically do not alter the nature of sound and noise on the environment. Since no future construction or development is proposed for the subject parcel, no new or existing sensitive receptors would be created or impacted

Mitigation Measures
No mitigation measures are required.

No-Action Alternative
Under the No-Action Alternative, the parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.9 Aesthetic Value

The surrounding terrain is mountainous. Views in the immediate vicinity are limited in scope due to elevation of the site, topography, and vegetation adjacent to the roadway. There are no vantage points within the vicinity of the subject parcel that offer clear unobstructed views of the area of indirect effect except very short range views from locations immediately adjacent to the site and those adjacent sites are located totally within the Rancheria. The future development of a Forest Management Plan and accompanying environmental assessment will address any future aesthetic values. Thus for the Proposed Action, no significant impacts would result.

Mitigation Measures
No mitigation measures are required.

No-Action Alternative
Under the No-Action Alternative, the parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.10 Attitudes, Expectations, and Cultural Values

In so far as Tribal expectations are concerned, Tribal Members are very supportive of the method of expanding the autonomous land-holdings of the Tribe. The General Council of the Tribe voted to forego any personal per capita distribution of funds from the Indian Gaming Revenue Sharing Trust Fund paid by gaming tribes in order to purchase the property. This very unusual commitment and personal sacrifice by the members demonstrates the supportive nature of the members of the Tribe.

Mitigation Measures
No mitigation measures are required.

No-Action Alternative
Under the No-Action Alternative, the parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.11 Environmental Justice

Environmental Justice issues encompass a broad range of impacts covered by NEPA, including impacts on the natural and physical environment and related social, cultural, and economic effects. Environmental Justice concerns may arise from impacts to such things as human health on minority populations, low-income populations, and Indian Tribes. Executive Order 12898 (Environmental Justice, 59 Fed. Reg. 7629 [1994]) requires each federal agency to achieve environmental justice by addressing "disproportionately high and adverse human health and environmental effects on minority and low-income populations."

The question of whether a proposed federal action raises environmental justice issues is highly sensitive to the history or circumstances of a particular community or population, the particular type of environmental or human health impact, and the nature of the proposed action itself. There is no standardized methodology for identification or analysis of Environmental Justice issues.

The demographics of the potentially affected area have been examined to determine whether minority populations, low-income populations, or Indian tribes are present in the area impacted by the proposed project. Based on the demographics of the area, a determination was made that the trust conveyance of the subject property will not cause a disproportionately high or adverse impact on human health or environmental effects on minority populations, low-income populations, or the Tribe. There is no indication that the conveyance of the property would impact a higher minority population component or low-income population component than the general population of the surrounding area.

There are some positive effects to the Tribe in respect to Environmental Justice. Currently, gathering areas for food and cultural materials such as basketry supplies and traditional medicines are very limited. Conveyance of the property will result in the ability of the Tribe's members to collect and use acorns, basketry materials and medicinal plants which are not otherwise available to them.

No-Action Alternative

Under the No-Action Alternative, the parcels would remain in fee status. Existing environmental conditions on the parcels would remain unchanged.

4.12 Cumulative Impacts

NEPA guidance documents require the evaluation of environmental consequences including cumulative impacts. Cumulative impacts are broadly defined as those that "result from the incremental impacts of an action when added to other past and reasonably foreseeable future actions" (40 CFR 1508.7). Cumulative impacts by their nature can be difficult to identify and quantify. This section accounts for past actions by the Tribe, and factors in the foreseeable future as well as the direct consequences of the proposed action.

53 BIAM Supplement 5 outlines the basic forest development program guidelines for the development of the Tribe's FMP. From a cumulative standpoint timber harvest activities, stand improvements, reforestation, prescribed burns and other forest management activities will have a cumulative impact on several resource categories. All such potential impacts will be analyzed in compliance with NEPA in conjunction with creation of any future Forest Management Plan.

Additionally, NEPA cumulative analysis should include projects proposed in and around the subject area. Based on review of Sonoma County building permits and/or land use entitlement applications, there are not any proposed projects within a five-radius. The most recent development occurred near Annapolis for the Fairfax Conversion Project in 2011. That project included the development of a vineyard on 324 acres on former grazing lands. There is no indication that the vineyard will be expanded according to the CEQA adoption of the Fairfax Project.

The following cumulative impacts and the associated mitigation measures are projected to occur because of the proposed undertaking and those in the immediate vicinity.

4.12.1 Air Resources

Prescribed burns and wildfires have the potential to impact air quality. However, the fuels management policies of the FMP are designed to reduce the scope and intensity of wildfires. Prescribed burns are designed to minimize impacts. All such potential impacts will be analyzed in compliance with NEPA in conjunction with creation of any future Forest Management Plan. Because the fee-to-trust conveyance would have no conceivable impact upon Air Resources, there would be no cumulative impacts.

4.12.2 Biological Resources

Impacts to the biological environment occur incrementally through destruction of habitat. Since the region is either developed or at least disturbed from previous agricultural uses, the potential for major impacts is limited.

Impacts to the biological environment occur incrementally through alterations of habitat from timber harvest activities, construction, fuels reduction and grazing. Therefore, some cumulative impacts to biological resources may occur but these activities must be in compliance with the Endangered Species Act, will be subject to further NEPA review in the context of approval of the FMP, and will therefore not be significant in scope.

4.12.3 Water Resources

The proposed actions will not result in a cumulative noncompliance of floodplain or water quality regulations.

The management of water resources through the FMP will be subject to NEPA review, and in any event will not result in a cumulative noncompliance of floodplain or water quality regulations. No significant cumulative impacts to hydrology and water quality are anticipated.

4.12.4 Geology and Soil

The subject fee-to-trust conveyance will not result in significant impacts to Geology and Soil.

4.12.5 Noise

Timber harvest activities pursuant to an FMP will generate noise. There will be some noise increase, but probably not measurable. The subject fee-to-trust conveyance will result in no noise. Any future timber harvest or management activities will be subject to further NEPA review in the context of approval of the FMP.

4.12.6 Cultural Resources

The proposed fee-to-trust conveyance will not impact eligible or listed historic properties, thus cumulative impacts are not anticipated.

The implementation of the FMP after full NEPA compliance in that context will not impact eligible or listed historic properties, thus cumulative impacts are not anticipated. Future development activities managed by the FMP are designed to protect and preserve cultural resources. Therefore cumulative impacts would be less than significant.

4.12.7 Socioeconomic Conditions

The future implementation of the FMP will result in a net benefit to the Rancheria through opportunities for training and employment in forest management, wildlife/fisheries management, and wildland fire management. A FMP emphasizes training and employment of tribal members rather than hiring of non-tribal professionals, where possible. This will contribute to the socioeconomic condition of the Tribe by avoiding emigration of skilled tribal members to other locations due to lack of professional opportunities in the Rancheria. A net benefit cumulative impact will occur.

4.12.8 Land Use and Growth Inducing Impacts

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 included the construction of a new residential development, which the Tribe does not contemplate in connection with the subject fee-to-trust conveyance. Indirect growth inducement could result if a project established substantial new permanent employment opportunities (e.g., new commercial, industrial, or governmental enterprises) or if it removed obstacles to population growth (e.g., expansion of a wastewater treatment plant to increase the service availability).

No permanent jobs would be created by the fee-to-trust conveyance. Once an FMP is approved, some jobs may be created and these jobs would likely be filled by trained Tribal members. Therefore, it is not expected that non-Tribal members would move to the region seeking employment. That issue will be fully addressed in the context of NEPA review of the FMP

4.12.9 Public Services

The subject fee-to-trust conveyance will not affect the need for police protection, fire suppression, and emergency medical services. It also will not impact the overall ability to provide continued levels of services at the current condition; therefore no significant cumulative impact will occur to local public services.

4.12.10 Utilities

The fee-to-trust conveyance will cause no significant cumulative impacts to local utilities.

4.12.11 Public Health and Safety

The fee-to-trust conveyance will cause no cumulative impact on health and safety.

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