

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Notice of Availability of a Draft Environmental Impact Statement and a Draft Conformity Determination for the Tule River Tribe's Proposed Fee-to-Trust and Eagle Mountain Casino Relocation Project, Tulare County, California

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Tule River Indian Tribe (Tribe), City of Porterville (City), Tulare County (County), United States Environmental Protection Agency (USEPA), and California Department of Transportation (Caltrans) serving as cooperating agencies, intends to file a Draft Environmental Impact Statement (Draft EIS) with the USEPA in connection with the Tule River Tribe's (Tribe) proposed Eagle Mountain Casino Relocation Project in Tulare County, California. This document has been prepared pursuant to the National Environmental Policy Act (NEPA) and the anticipated requirements of the Tribal-State Compact expected requirements of a Class III gaming compact with the State of California. Based on the requirements of other California tribal gaming compacts, it is expected that Section 11 of the Tribal-State Compact will require the Tribe to prepare a Tribal Environmental Impact Report (TEIR) assessing the off-reservation environmental impacts of the Proposed Project. To reduce paperwork and eliminate redundancy, the EIS and the TEIR have been prepared in coordination, resulting in a joint EIS/TEIR, hereinafter referred to as an EIS. This notice announces that the Draft EIS is now available for public review. In addition, in accordance with Section 176 of the Clean Air Act 42 USC 7506, and the USEPA general conformity regulations 40 CFR Part 93, Subpart B, a Draft Conformity Determination (DCD) has been prepared for the proposed project. The DCD is contained within Appendix F of the Draft EIS.

**DATES:** Comments on the Draft EIS or DCD must arrive no later than November 5, 2018, which is 45 days after publication of Notice of Availability by the USEPA in the *Federal Register* on September 21, 2018. The public hearing will be held on October 15, 2018, starting at 6:00 p.m. and will run until the last public comment is received.

**ADDRESSES:** You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "Draft EIS Comments, Tule River Tribe Casino Relocation Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov). If emailing comments, please use "Draft EIS Comments, Tule River Tribe Casino Relocation Project" as the subject of your email. The public hearing will be held at the Porterville Veterans Memorial Building, 1900 W Olive Ave, Porterville, California 93257.

**FOR FURTHER INFORMATION CONTACT:** Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825; telephone: (916) 978-6165; e-mail: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov). Information is also available online at <http://www.tulerivereis.com>.

**SUPPLEMENTARY INFORMATION:** Public review of the Draft EIS is part of the administrative process for the evaluation of the Tribe's application to the BIA for the placement of approximately 40 acres of fee land in trust in Tulare County, California. The Tribe proposes to construct a casino resort on the trust property. A Notice of Intent (NOI) to prepare an EIS was published in the Porterville Recorder and *Federal Register* on December 30, 2016. The BIA held a public scoping meeting for the project on January 23, 2017, at the Veterans Memorial Building, in Porterville, California.

**Background:** The Tribe submitted an application to the Department of the Interior (Department) requesting the placement of approximately 40 acres of fee land in trust by the United States upon which the Tribe would construct a casino resort. The facility would include an approximately 105,000 square foot casino, an approximately 250-room hotel, approximately 36,000 square feet of food and beverage facilities, administrative space, a multi-purpose events center, a conference center, and associated parking and infrastructure. The new

facility would replace the Tribe's existing casino, and the existing casino buildings would be converted to tribal government or service uses. The proposed fee-to-trust property is located within the boundaries of the City of Porterville, in Tulare County, California, adjacent to the Porterville Airport and approximately 15 miles west of the Tule River Tribe Reservation. The proposed trust property includes 17 parcels, bound by West Street on the west, an off-highway vehicle park (OHV) owned by the City of Porterville to the north and east, and a photovoltaic power station (solar farm) to the south. The Assessor's parcel numbers (APNs) for the property are 302-400-001 through 302-400-017. The following alternatives are considered in the Draft EIS:

- Alternative A – Proposed Project on Airpark Site
- Alternative B – Proposed Project with On-Site Water and Wastewater Systems
- Alternative C – Reduced Intensity Hotel and Casino on Airpark Site
- Alternative D – Non-Gaming Hotel and Conference Center on Airpark Site
- Alternative E – Expansion of Existing Eagle Mountain Casino
- Alternative F – No Action Alternative

Environmental issues addressed in the Draft EIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects.

The Clean Air Act requires Federal agencies to ensure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria air pollutants. The BIA has prepared a DCD for the proposed action/project described above. The DCD is included in Appendix F of the Draft EIS.

**Locations where the Draft EIS is Available for Review:** The Draft EIS is available for review during regular business hours at the BIA Pacific Regional Office at the address noted above in the ADDRESSES section of this notice, and the Porterville Public Library at 41 West Thurman Avenue in Porterville, California. The Draft EIS is also available online at <http://www.tulrivereis.com>. To obtain a compact disc copy of the Draft EIS, please provide your name and address in writing or by phone to Chad Broussard, Bureau of Indian Affairs, at the address or phone number above in the FOR FURTHER INFORMATION CONTACT section of this notice. Individual paper copies of the Draft EIS will be provided upon payment of applicable printing expenses by the requestor for the number of copies requested.

**PUBLIC COMMENT AVAILABILITY:** Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. At least a summary of comments will also be included in a Final EIS, which will be made available to the public. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

**AUTHORITY:** This notice is published in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 USC 4321-4345 *et seq.*), and the Department of the Interior National Environmental Policy Act Implementation Policy (43 CFR part 46), and is in the exercise of authority delegated to the Assistant Secretary - Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.