



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
PACIFIC REGIONAL OFFICE  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

IN REPLY REFER TO:  
TR-4300-P5 Environmental

Honorable Agustin Garcia  
Chairperson, Elem Indian Colony of Pomo Indians  
of the Sulphur Band Rancheria  
1400 North Dutton Avenue, Suite 7  
Santa Rosa, California 95401

Dear Chairperson Garcia:

The Bureau of Indian Affairs (BIA), Pacific Region, Environmental Section has prepared the Notice of Availability (NOA) and the unsigned Finding of No Significant Impact (FONSI) for the Elem Indian Colony of Pomo Indians of the Sulphur Band Rancheria proposed off-Rancheria (discretionary) Fee-To-Trust (FTT) Acquisition and Travel Center (TC) Project.

In accordance with the National Environmental Policy Act (NEPA), the FONSI documents impacts described and analyzed in the Elem Indian Colony's TC Project Environmental Assessment (EA). Based on the completed analysis, all identified impacts are expected to be less than significant; therefore, an Environmental Impact Statement is not required.

Please post the NOA at the Tribal Office and make the NOA, unsigned FONSI and EA documents available for public review on the Elem Indian Colony's website by January 10, 2022. These documents are also available for public review on the BIA NEPA Tracking System (NTS) website located at <https://bianepatracker2.doi.gov/>. Any interested party may review the NOA, unsigned FONSI and EA by: 1) accessing the NTS website; 2) selecting the NEPA Documents Tab; 3) Searching by Project Name; and 4) selecting TR-4313-P5 J51 632T Elem FTT NOA-FONSI-EA Public Notice.

The 30-day public review period for the EA and unsigned FONSI will expire on February 10, 2022. If you or your staff receive any comments, please email them to Jacilyn Snyder, Regional Environmental Protection Specialist (REPS) at [Jacilyn.Snyder@bia.gov](mailto:Jacilyn.Snyder@bia.gov). If you have any questions regarding the NOA, unsigned FONSI or EA, please contact Jacilyn Snyder, REPS, at (916) 978-6037, or Felix Kitto, Deputy Regional Director, Indian Services, at (916) 978-6147.

Sincerely,

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Regional Director

Enclosures

## NOTICE OF AVAILABILITY

### FEE-TO-TRUST ACQUISITION AND TRAVEL CENTER PROJECT ELEM INDIAN COLONY OF POMO INDIANS OF THE SULPHUR BAND RANCHERIA, LAKE COUNTY, CALIFORNIA ENVIRONMENTAL ASSESSMENT AND FONSI

Notice is hereby given that the Bureau of Indian Affairs (BIA), Pacific Region, Division of Environmental, Cultural Resource Management and Safety (DECRMS) has reviewed an Environmental Assessment (EA) for the Elem Indian Colony's proposed Fee-to-Trust (FTT) Acquisition and Travel Center Project (Project) proposed to occur for the Elem Indian Colony, Lake County, California.

The BIA's approval of the Project would allow the proposed off-Rancheria (discretionary) land acquisition and subsequent development of a commercial travel center to proceed. Environmental Science Associates prepared an EA in support of federal requirements of the National Environmental Policy Act (NEPA), 42 United States Code §4321 *et seq.*) and the BIA NEPA Guidebook 59 IAM 3-H. The EA assesses the environmental effects that may result from the Project.

Based on the analysis and impacts detailed in the EA, the DECRMS prepared a draft Finding of No Significant Impact (FONSI) for public notice. The public review for the EA and draft FONSI will begin on January 10, 2022, and end on February 10, 2022.

The EA and FONSI are available for public review at two (2) virtual location(s):

1. Elem Indian Colony of Pomo Indians Tribal website: <https://www.eleminiancolony.org>
2. BIA NEPA Tracking System website: <https://bianepatracker2.doi.gov>  
(Search: NEPA Tracker ID# 47221)

The FONSI is a finding on environmental effects, not a decision to proceed, therefore it cannot be appealed. 25 CFR 2.7 requires a 30-day appeal period after the decision to proceed with the action is made before the action may be implemented. Appeal information will be made publicly available when the decision to proceed is made.

For more information, please contact Jacilyn Snyder, Regional Environmental Protection Specialist, BIA, Pacific Region, DECRMS, 2800 Cottage Way, Room W-2820, Sacramento, CA 95825, phone: 916-978-6037, or email: [Jacilyn.Snyder@bia.gov](mailto:Jacilyn.Snyder@bia.gov). Written comments should be mailed to the BIA, Pacific Region, Regional Director at this same address.

## **FINDING OF NO SIGNIFICANT IMPACT**

### **ELEM INDIAN COLONY FEE-TO-TRUST ACQUISITION AND TRAVEL CENTER PROJECT ELEM INDIAN COLONY OF POMO INDIANS OF THE SULPHUR BAND RANCHERIA, LAKE COUNTY, CALIFORNIA ENVIRONMENTAL ASSESSMENT AND FONSI**

The Bureau of Indian Affairs (BIA) Pacific Region, Division of Environmental, Cultural Resource Management and Safety (DECRMS) considered the potential effects of the Elem Indian Colony's proposed Fee-to-Trust Acquisition and Travel Center Project (Project) on the environment within the exterior boundaries of the Elem Indian Colony's Sulphur Band Rancheria in Lake County, California. Environmental Science Associates prepared an Environmental Assessment (EA) for the Project and transmitted it for DECRMS review and recommendation. The BIA's approval of the Project would allow the off-Rancheria (discretionary) land acquisition and subsequent development of a commercial travel center to proceed.

The DECRMS reviewed the EA and determined that no significant impacts to the environment will result from the Project. Based on the analysis and recommendations in the EA, I have determined that federal actions associated with the Project will have no significant impact on the quality of the human environment. Therefore, in accordance with Section 102(2)(A) of the National Environmental Policy Act of 1969, as amended, an Environmental Impact Statement is not required.

This determination is supported by the following findings:

1. The Proposed Action is analyzed in the Elem Indian Colony's Fee-to-Trust Acquisition and Travel Center Project EA, jointly prepared by Environmental Science Associates, Tribal and DECRMS staff.
2. The EA discloses the environmental consequences of the Proposed Action and the No Action Alternative.
3. The Proposed Action Alternative includes environmental protective measures, such as Best Management Practices, ensuring all effects would be reduced to less than significant.
4. A reconnaissance-level field survey was conducted by ESA biologist on October 16, 2020. The biologists analyzed potential effects to federally listed threatened and endangered species and found that impacts would be less than significant. The Acting Regional Biologist determined the Project will have no effect to federal listed species or critical habitat.
5. The ESA archeological consultant and BIA's Regional Archeologist determined there will be no effect to historic properties.

6. The cumulative effects on soil, water, air, noise, vegetation, cultural resources, and fisheries and wildlife resources (species and habitat) were considered and determined to be less than significant.
7. The DECRMS reviewed the Project with respect to potential impacts to minority and low-income populations and communities with Executive Order 12898 on Environmental Justice and determined they were less than significant.

### **Public Availability**

A Notice of Availability (NOA) for the EA and this unsigned FONSI are posted at the Elem Indian Colony of Pomo Indians' Tribal Office, as well as on the Elem Indian Colony's website and the BIA's NEPA Tracking System website. The EA and FONSI for this Project are available for a 30-day public review period.

The EA and this FONSI are available for public review at two (2) virtual location(s):

1. Elem Indian Colony of Pomo Indians Tribal website: <https://www.elemindiancolony.org>
2. BIA NEPA Tracking System website: <https://bianepatracker2.doi.gov>  
(Search: NEPA Tracker ID# 47221)

The BIA will take no administrative action on the Proposed Action prior to expiration of the review period and will consider any comments received in a timely manner.

### **Determination**

I have determined that the Elem Indian Colony Fee-to-Trust Acquisition and Travel Center Project does not constitute a major federal action that would significantly affect the quality of the human environment. Therefore, in accordance with Section 102(2)(A) of the National Environmental Policy Act, 42 U.S.C § 4321 *et seq.*, an Environmental Impact Statement is not required.

This determination is supported by the findings and the analysis contained in the entire administrative record, including the EA, and the protective measures to be imposed. This fulfills the requirements of NEPA as set out in the Council on Environmental Quality Regulations for Implementing NEPA (40 C.F.R. 1500–1508), and the BIA NEPA Guidebook (59 IAM 3-H, August 2012).

DRAFT – FOR REVIEW ONLY